

Judicial Appointments Commission Annual report and accounts 2023-24

For the period 1 April 2023 to
31 March 2024

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to 31 March 2024

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Performance report

Overview

Foreword by Helen Pitcher OBE



The recruitment of high-calibre judges to serve in the courts and tribunals across England and Wales is a vital part of improving the delivery of the UK justice system. Our role, as an independent statutory body, is to attract a diverse range of candidates for judicial roles, assess them fairly and rigorously against the criteria and to recommend talented individuals of good character, on merit, with the skills and abilities required to become a judge. The number and volume of exercises the JAC has been asked to carry out this year has remained high, with the commission delivering 35 this year and over 6,964 candidates applied via our online platform.

The commission wants to help build a judiciary that is more representative of society. A major part of our work is how we can support and encourage talented people from a wider range of backgrounds to apply and be successful in judicial appointments.

This is an issue I personally care about very deeply.

To do this, we need to work extensively with our partners in the Judicial Diversity Forum (JDF), which I chair, to tackle barriers to appointment and drive increased judicial diversity. The forum is now a year into delivering a revised action plan. The plan sets out the full range of work we are doing together to challenge barriers and support the progress of underrepresented candidates using the best available data and evidence. This includes an expansion of the JAC's successful Targeted Outreach programme which is providing candidates from currently underrepresented groups with tailored advice, guidance and access to wider support and is making a tangible difference.

Of course, the types of judicial recruitment exercises carried out by the JAC differ each year, but I was pleased to note positive trends in the most recent joint diversity statistics, including 55% of new entrants to the judiciary in 2022-23 being women and 18% being ethnic minorities.

We saw less progress in some exercises for more senior roles this year and recognise that further engagement with our partners will be required to address the specific shared challenges here.

As well as delivering this stretching programme of work, it has been a year of substantial change within the JAC. In parallel, there have been wider changes in the sector including the appointment of a new Lord Chancellor and the Lady Chief Justice, who as members of the JDF have helped to further strengthen commitment to its strategic aims to improve judicial diversity.

Two of our senior and long-standing leaders, Richard Jarvis and Ian Thomson, moved on this year. Richard served as Chief Executive from 2017 to 2023 and has retired after a long career in the Civil Service. Ian was Head of Corporate Services at the Commission for 13 years. They were excellent colleagues and the epitome of public service. I would like to thank them both for their conscientious work at the commission and wish them both well for the future. We are fortunate to have excellent appointments in Alex McMurtrie who took over as Chief Executive in June, Jessica Prandle who was promoted to Deputy Chief Executive in August 2023 and Kimberley Barling who has been leading Corporate Services since July 2023.

We have also said farewell to six commissioners, Jane Furniss, Emir Feisal, Andrew Kennon, Simon Wessely, Mathu Asokan and Christa Christensen who completed their terms. I would like to pay tribute to them for sharing their extensive expertise and wisdom on our board and for their personal commitment to open, fair and merit-based recruitment. We welcomed seven

new commissioners, Lord Justice Mark Warby (Vice Chair and Senior Judicial Commissioner), Professor Christopher Bones (lay commissioner), Professor Anthony Harnden (lay commissioner), Professor Clare McGlynn (lay commissioner), Tan Ikram (judicial commissioner), Noel Arnold (judicial commissioner) and Uchechi Igbokwe (non-legally qualified judicial commissioner) who bring fresh experience and perspectives to the work of the commission. We will have further changes in the board coming next year, with several new appointments currently awaiting approval as I write this.

Looking ahead, we will be embarking on a new strategy for 2024 to 2027, focusing on our priorities to uphold the highest standards in judicial appointments processes and working with others to build a judiciary that better reflects the diversity of the society it serves. I am confident that with the dedication of our staff and the support of our partners, we will continue to make excellent progress.



Helen Pitcher OBE

Chairman of the Judicial Appointments Commission

Chief Executive's statement



I took over as Chief Executive of the JAC in June 2023, after an open competition. Having served as Deputy Chief Executive since November 2021 however, I am well known to the commissioners, panel members, judges and our staff who help us deliver the JAC's work of attracting, assessing, and recommending talented candidates for judicial appointment in England and Wales.

This year the JAC continued to deliver a stretching programme of recruitment exercises throughout this period of transition to a new Chairman and senior executive team. We also welcomed seven new commissioners who joined our board throughout the year.

With our refreshed team now in place, we have been looking ahead at our strategic priorities for the next three years and will be publishing a new business plan for 2024 to 2027 in the coming months.

Working with our partners

A major part of that plan will be building on important new and existing relationships with a wide range of stakeholders. The success of our work in helping to build a judiciary that is more representative of our society relies heavily on working closely with others in the professions, legal networks and the judiciary who each play an important part in helping talented candidates take the step towards judicial appointment.

This year's combined judicial diversity statistics showed some positive trends, particularly in the progress of ethnic minority candidates which, across all legal exercises in 2022-23, accounted for 16% of the eligible pool and 16% of recommendations. Progress for some salaried exercises was lower than expected. We will be looking at what more we can do with our partners to address this shared challenge.

As well as extensive work through the JDF, our Targeted Outreach programme is now in its second year, following the successful pilot programme. It is currently supporting 449 candidates, 70% of whom are women, 60% come from minority ethnic backgrounds, 18% have declared a disability and 69% are solicitors. The impact of this tailored support is demonstrable, with 31% of participants recommended to a judicial role since joining the programme.

Continuous improvement

As an organisation, we try to continuously improve what we do, using feedback and evidence. In this reporting period, our Board of Commissioners considered an evaluation of the JAC business model following the introduction of remote selection days across fee-paid exercises. The board agreed that this model continues to make the best use of our resources to select the record number of appointments required for the justice system. The board also considered changes to our online qualifying test (QT), following statistical analysis of the first stage QT research project which was independently reviewed by Work Psychology Group. The board agreed to refine our guidance to candidates to include online practice test questions and an altered weighting to better reflect the competencies being tested.

We also strengthened our guidance for candidates, emphasising the requirement for evidence-based examples in self-assessment submissions, and we further expanded our Advisory Group to ensure the materials we use are reviewed by as wide a range of members of the judiciary, legal professions and people who will use them.

Delivering a high volume of judicial recruitment

The JAC completed 35 different selection exercises in this reporting period, with a further 18 exercises continuing into 2024. In addition, the commission was asked by the Lord Chancellor to convene a panel to recommend candidates for four vacancies on the Court of Appeal, and to invite applications from suitably qualified persons for the post of UK Judge to the European Court of Human Rights. In 2023 the JAC Chairman chaired the independent selection panel – which included two JAC commissioners – that made the recommendation for the appointment of the new Lady Chief Justice.

The vacancy requests for several exercises to recruit judges to the Immigration and Asylum Chamber was increased during the course of planning for those exercises to meet the predicted increase in demand from the Illegal Migration Act 2023. The JAC worked with our partners to address the challenges that arose from these increases to ensure these exercises could be delivered effectively and efficiently, recognising this governmental priority and the potential impact on the judicial workload.

Looking ahead

We anticipate that the volume of judicial recruitment will remain at similar levels to recent years. I am confident that the JAC is well placed to continue to recruit talented and diverse candidates with the skills required for the full range of roles across the country.

The Judicial Office-led review of the Judicial Skills and Abilities Framework is due to report next year. The JAC welcomed and has been engaged with this review. The framework is important to our work; it underpins our own competency and Skills and Abilities Frameworks so any changes suggested by this review will need to be reflected in our processes in the future.

Finally, I would like to say thank you to our staff, commissioners, lay panel members, our partners and the judiciary for their diligent work and commitment to fair, open and merit based judicial recruitment.

A. McMurtrie

Alex McMurtrie

Chief Executive of the Judicial Appointments Commission
from 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 Chairman 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.

Total expenditure:

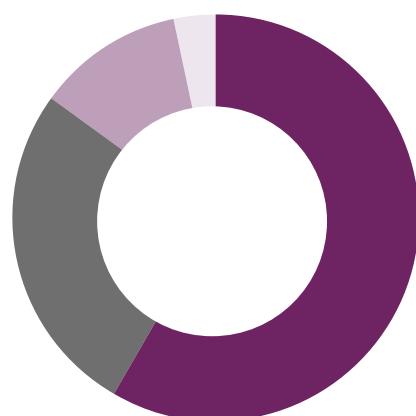
- Pay: £6.02m
- Programme: £2.77m
- Non-cash charges: £1.18m
- Administration: £0.34m

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 2023-24 was £9.38 million (£9.07 million in 2022-23). It spent £9.32 million (£8.77 million in 2022-23). In addition to funding it received, the JAC incurred £0.99 million (£0.68 million in 2022-23) of overhead recharges from the Ministry of Justice (MOJ), giving a total expenditure of £10.31 million (£9.46 million in 2022-23).



The JAC's aims

The JAC Strategy 2020-24 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 MOJ'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 2023-24 are in the performance report on pages 36 to 50.

We reported on 35 selection exercises in 2023-24 (36 in 2022-23) 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 2023-24 we ran a similar number of selection exercises compared with 2022-23, and the expenditure reflects this. The statement of comprehensive net expenditure shows that net expenditure for the year was £10.31 million compared with £9.46 million the previous year. Excluding recharges from the MOJ, net expenditure increased from £8.77 million to £9.32 million, a 6.3% increase.

Overall, there was:

- an increase of £0.55 million (8%) in pay costs
- an increase of £0.02 million (1%) in other operating costs
- an increase of £0.31 million (45%) in MOJ recharges

We underspent against the budget allocation by £0.06 million (1%), which was originally £8.92 million,

and subsequently increased to £9.38 million, spending £9.32 million of our net allocation.

Pay costs for the year increased following a slight increase in the JAC's permanent headcount. This also included a one-off cost of living payment of £1,500 to all staff (excluding senior civil servants) and an average 5% pay award increase from August 2023. Other operating costs remained similar to the previous year and included an 18% decrease in legal costs following the resolution of a number of claims made against the JAC. Judgments received in 2023-24 in respect of claims made against the JAC were:

- Mr A Ghosh v Judicial Appointments Commission and Others: 2203773/2022 – Judgment issued on 16 February 2024 – dismissed
- Mr A Mason v Judicial Appointments Commission: 2205857/2019 – Judgment issued on 15 September 2023 – dismissed

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. In 2023-24, the MOJ digital recharge increased from £0.24 million to £0.66 million due to an increase in their staff costs which are apportioned to JAC. Further details of the soft charges can be found in Note 5 to the financial statements.

Selection exercise programme

Selection exercises reported in 2023-24

Exercises reported	Applications received	Selections made ¹
35	6,964	867



1. This is the number of selections made against the vacancy request that has been received. Please note that numbers here may differ from the numbers presented in JAC diversity statistics, where a headcount of individuals successfully recommended in each exercise is used. Most notably, when the same individual is recommended for two roles in the same exercise, this is counted as two selections here, but one in the diversity statistics.

Tribunal selection exercises

Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Non-legal	Fee-paid Specialist Building Safety Expert for the First-tier Tribunal, Property Chamber	00122	5
Non-legal	Fee-paid Economist Member of the Upper Tribunal, Tax and Chancery Chamber	00147	4
Non-legal	Fee-paid Medical Member of the First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health)	00114	51
Legal	Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunal (England and Wales)	00117	229 ²
Legal	Fee-paid Chairman of the Police Appeals Tribunal	00022	10
Non-legal	Fee-paid Professional Member of the First-tier Tribunal assigned to the Health, Education and Social Care Chamber (Primary Health Lists)	00160	7
Non-legal	Chairman of the Valuation Tribunal for England ³	00130	46 ⁴
Non-legal	Vice President of the Valuation Tribunal for England	00163	2
Non-legal	Fee-paid Farmer Lay Member and Landowner Lay Member of the First-tier Tribunal, Property Chamber, Agricultural Land and Drainage and Landowner Lay Member and Farmer Lay Member of the Agricultural Land Tribunal (Wales)	00166	9
Non-legal	Fee-paid Specialist Traffic member of the Upper Tribunal, Administrative Appeals Chamber	00167	4
Legal	Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber	00169	71
Legal	Fee-paid Chairman of the Competition Appeals Tribunal	00178	5

2. Includes one selection deferred until 2024-25 pending further information.

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

4. Includes one selection deferred until 2024-25 pending further information.

Salaried roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Salaried Judge of the Mental Health Review Tribunal for Wales (MHRTW)	00149	2
Legal	Judge of the First-tier Tribunal	00129	47
Legal	Regional Judge of the First-tier Tribunal, Property Chamber, Residential Property	00135	1
Legal	Regional Employment Judge of the Employment Tribunal (England and Wales)	00142	2
Legal	Judge of the Upper Tribunal, Administrative Appeals Chamber	00124	5
Legal	Judge of the Employment Tribunal (England & Wales)	00132	20
Legal	Judge of the Upper Tribunal, Tax and Chancery Chamber, and Judge of the First-tier Tribunal Tax Chamber	00123	6
Non-legal	Regional Surveyor of the First-tier Tribunal, Property Chamber, Residential Property	00161	3
Non-legal	Regional Medical Member of the First-tier Tribunal, Social Entitlement Chamber	00164	2 ⁵
Legal	Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber	00173	3 ⁶
Legal	Judge of the Upper Tribunal, Immigration Asylum Chamber	00186	20 ⁷

Courts selection exercises

Fee-paid roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Deputy District Judge	00120	116

5. Two candidates were recommended for this single vacancy on a 50/50 job share basis.
6. The vacancy request was for two. Following the acceptance of the recommendations, one candidate declined the offer of appointment. Subsequently, the JAC was asked to select a further candidate to fill the vacant post.
7. Includes five selections deferred until 2024-25 pending further information.

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	s9(4) Deputy High Court Judge	00131	29 ^g
Legal	Deputy District Judge (Magistrates' Courts)	00133	15
Legal	Deputy Insolvency and Companies Court Judge	00175	2

Salaried roles

Legal/ Non-legal	Judicial role	Reference	Selections made
Legal	Circuit Judge	00110	92
Legal	District Judge	00115	49
Legal	High Court Judge	00125	2
Legal	Assistant Judge Advocate General	00136	2
Legal	Senior Circuit Judge, Resident Judge (Southwark)	00134	1
Legal	Senior King's Bench Master	00152	1
Legal	Senior Circuit Judge, Designated Family Judge	00165	3
Legal	Senior Circuit Judge, Designated Civil Judge (West London and Leeds)	00174	2

Other judicial selection activity

Selection exercise for senior roles

Exercise title	Selections made
Lord/Lady Chief Justice	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/Lady Chief Justice, Heads of Division, Senior President of Tribunals and Lord and Lady Justices of Appeal.

8. 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 two 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."

Concurrence required from the JAC

Exercise title	Selections made
Circuit Judges to sit in the Court of Appeal Criminal Division 2023-24	6

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 2023-24, the JAC provided concurrence for three Designated Civil Judges and three Designated Family Judges.

Exercises run by JAC under s83 of the Government of Wales Act 2006

Exercise title	Selections made
President of the Adjudication Panel for Wales	1
President and Deputy President of the Adjudication Panel for Wales	2

Under section 83 of the Government of Wales Act 2006, Welsh Ministers can enter into agency arrangements with any relevant authority for any of their functions to be exercised by that relevant authority. The JAC is a relevant authority for the purposes of section 83. Under these provisions, we run selection exercises and make recommendations to the First Minister of Wales, who is responsible for the appointments.

Exercises launched, but not completed, in 2023-24

A further 19 selection exercises were in progress as of 31 March 2024, which are due to report in 2024-25. These exercises have a combined total of 861 vacancies and collectively attracted more than 5,800 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	Exercises meeting indicator within each category
Leadership	Both	Small (up to 2 vacancies)	14-22	7	2 exercises 00135, 00142, 00134, 00152, 00174 Due to judicial availability 00165: Senior Circuit Judge, Designated Family Judge – 29 weeks Due to judicial availability	00173: Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber – 26 weeks Due to judicial availability

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	Exercises meeting indicator within each category
Legal	Salaried	Small (up to 5 vacancies)	18-24	4	2 exercises 00136: Assistant Judge Advocate General – 29 weeks Due to judicial availability	00149, 00124
					00125: High Court Judge – 27 weeks Due to complexity of the High Court competition and panel availability	
		Medium (6 to 30 vacancies)	28-38	2	0	00123, 00186
		Large (31+ vacancies)	40-50	4	0	00129, 00132, 00110, 00115
	Fee-paid	Small (up to 5 vacancies)	18-22	2	0	00178, 00175
		Medium (6 to 30 vacancies)	30-38	3	0	00022, 00131, 00133
		Large (31+ vacancies)	42-50	3	0	00117, 00169, 00120

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	Exercises meeting indicator within each category
Non-legal	Both	Small (up to 10 vacancies)	16-22	7	2 exercises 00160: Fee-paid Professional Member of the First-tier Tribunal – Health, Education and Social Care Chamber (Primary Health Lists) – 24 weeks. Selection decisions delayed pending a revised vacancy request, increasing requirements from 5, as advertised, to 7.	00122, 00147, 00163, 00161, 00164
					00167: Fee-Paid Upper Tribunal Non-Legal Members AAC – 26 weeks. Indicator was exceeded as due to an administrative error the AA letter was not issued immediately after the SCC. Had this been issued on time it would have met the indicator.	00130, 00166
					Medium (11 to 30 vacancies)	2
					Large (31+ vacancies)	1
						00114

Key issues and risks

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

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

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

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 2022-23: Medium

Where we started: We finished the previous financial year, having appointed a new external independent member to the JAC Digital Board in January 2023 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 was broadly very positive. 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 QT platform was also deployed to allow for more frequent code releases and fixes, improving the overall operation of the platform.

What we've done: During the year we have recruited to a number of posts, including a new Product Owner, Junior Product Owner and Business Analyst, meaning that our internal digital team is fully staffed for the first time in recent years. We continued to implement numerous fixes to the platform to improve both the customer experience and the back-office functionality, particularly around the production of reports, where possible removing manual processing to reduce error. The Government Internal Audit Agency audited the operation of the JAC Digital Board, looking at its governance, risk management and operational effectiveness, with it receiving the highest possible assurance rating and only one recommendation around developing and improving the terms of reference.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: We will continue to explore and develop the platform to improve performance and reduce manual tasks. We will look at bringing merit lists on to the platform, improve how information is stored and managed and look to improve our internal testing systems. We will also ensure our technical stack is reviewed to understand the longevity of the platform.

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 2022-23: Medium

Where we started: At the end of the previous financial year, a JDF working group had been convened to take forward the second qualitative phase of the QT research project. The group worked with the Work Psychology Group to design and launch a survey to 4,000 candidates from target groups. The JDF Officials Group agreed next steps for the development of the JDF strategic approach and the important changes for the 2023 combined statistical report. The JAC Chairman took part in an interview for Radio 4's 'Law in Action' where she spoke about the JAC's diversity priorities and latest activities. A training session on neurodiversity and reasonable adjustments in assessment was also delivered at the annual JAC panel member event.

What we've done: In July 2023, the JDF published the fourth annual judicial diversity combined statistical report, which contained an enhanced section on intersectionality. The JAC published a joint JDF narrative statement detailing key findings from the report.

The JAC also published the latest version of its six-monthly 'Diversity Update' report, setting out the steps to deliver our diversity strategy and a summary of insights from the 2023 diversity of the judiciary statistical report. The JAC continued to support the Legal Services Board (LSB) led working group of JDF members to further develop the forum's strategic approach. Throughout the year, this group focused on developing a more up-to-date model of seniority for the legal professions. As a result, a new statistical analysis was commissioned to examine predictors of success and the nature of the legal pipeline.

We continued to enhance candidate resources on our website which included a new selection day guidance pack and example role play video. Following its relaunch in April 2023, the JAC Targeted Outreach programme continued to support candidates with positive impacts being observed. A 12-month progress update was presented to the board in March 2024. Commissioners also inputted into the first phase of the judiciary-led review of their Skills and Abilities Framework (JSAT), with a particular focus on diversity and inclusion. The annual panel member training session in March 2024 included a session from the Tribunals Diversity Taskforce about assessing transferable evidence.

Following the completion of the JDF QT research project, a summary of the research and a joint JDF work programme was published in March. A new JAC blog was also launched on the JAC website with the JAC Chairman writing the first piece about the QT research to emphasise our commitment to diversity and increase confidence in our selection process from underrepresented candidate groups. We proactively shared the research findings with stakeholders and journalists.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: The JAC will launch a new team of Targeted Outreach former commissioners in April 2024. We are also working with MOJ to understand whether the work of JAC panel members could be incorporated into the Public Duties Act to support increased diversity. The JAC will assist with the next phase of the judiciary's review of its Skills and Abilities Framework. The first JDF meeting of 2024 is set to include the first of a series of thematic discussions led by an expert speaker on disability declarations. The JAC will also carry out further development of its website, including improved navigation and ongoing creation of new digital candidate support tools and resources. The JAC will make changes to the materials and process for qualifying tests, in line with the actions committed to after completion of the JDF research project, to address differential outcomes for ethnic minority and non-barrister candidates at this stage of the selection process.

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 2022-23: Medium

Where we started: The outcomes of the 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 were due to be developed further in 2023 via staff presentations and engagement sessions. The JAC also issued a revised version of its People Plan to cover the period 2020 to 2024.

What we've done: Following the results of the last 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. Following the results of the 2023 Civil Service People Survey which were issued in December 2023, we maintained our 70% engagement score for the second year in a row. This was above the MOJ benchmark of 64%, and the overall MOJ engagement score of 61%. This engagement score is calculated on the basis of how our staff responded to questions about how proud they are to be part of the JAC, including whether they would recommend it as a good place to work. We also saw increases in our results in the themes of organisational objectives and purpose, resources and workload, learning and development and the overall performance of managers.

The overall response rate of the People Survey increased from 67% to 82% which gave us real confidence that our results captured the views of the majority of colleagues across the organisation.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: Following the completion of the internal audit on wellbeing which received the highest possible assurance rating from the Government Internal Audit Agency, the JAC will take forward the recommendations that came out of the report. The JAC will also conduct a series of People Plan sessions asking staff for their views in the shaping the aims of the plan for the next three years. The organisation will also conduct its annual pulse survey in May 2024 with the Civil Service People Survey expected to launch in October 2024.

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 2022-23: Medium

Where we started: At the beginning of the year, the JAC was carrying a staff headcount of 104, made up of 98 permanent staff and six temporary agency staff. Following the appointment of a new JAC Chairman in January 2023, preparations were also underway to manage the recruitment of a new Chief Executive from June 2023.

What we've done: Following an open competition a successful internal promotion to the role of the JAC Chief Executive allowed the organisation to mitigate a key risk in the loss of corporate knowledge. The JAC also appointed seven new commissioners during the year, including a new Vice-Chairman, Lord Justice Mark Warby. All new staff and commissioners have continued to receive full inductions overseen by our dedicated training team. Across the programme of internal audits conducted by the Government Internal Audit Agency during the year, a number of recommendations involving updates to guidance and policies were actioned. As a result, this has given us additional assurance that future turnover can be managed effectively. Staff numbers at the end of the year reflect a permanent headcount of 103 permanent staff and only two posts occupied by temporary agency staff.

Rating at end of 2023-24: Low

What we're going to do in 2024-25: The JAC will continue to ensure it is properly resourced to deliver the agreed programme of judicial recruitment. Recruitment is also underway for three more commissioners, whose terms ended in June 2024.

5. Confidence in the selection process

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

Rating at end of 2022-23: Medium

Where we started: We continue to develop and refine our processes on an iterative basis, including evaluation in every piece of work that we undertake to ensure any changes are based in evidence. The introduction of the revised approach to statutory consultation was launched in September 2022 and we have started collecting evidence to use in our evaluation after a full two-year cycle.

What we've done: We have made changes to our first-stage QT in response to the JDF-led research project. We have updated our guidance to candidates to better assist them in understanding what is expected from them from the test. And have also altered the weighting of the two elements to better reflect the competencies being tested across the two elements: situational judgement tests and critical analysis tests. We have also further developed and strengthened our guidance to candidates on drafting their self-assessments. This includes providing examples of both outstanding and inadequate responses to ensure candidates have a good understanding of the criteria they are expected to meet across all exercises. We emphasised the need for evidence-based assessments across the candidates' own self-assessment but also from their nominated independent assessors and the importance of evidence over assertion.

We are also engaged in the Judicial Office-led review of the Judicial Skills and Abilities Framework and have developed a new service level agreement with HMRC on conducting financial checks to better assist both organisational objectives and resources.

We continued to support and observe our panels to ensure that they were able to effectively deliver their role in judicial recruitment. This year we focused on reviewing how we provide feedback and improving our lay panel member HR processes (application process, contract renewal, performance management) as well as developing more training on fair selection, bias, and assessing transferable evidence. We also worked with the Judicial Office on producing new JAC briefing materials for judges, delivered a lay panel member event in partnership with the Senior President of Tribunal's Diversity Taskforce and saw more lay panel members observing hearings – this had stopped during the COVID-19 pandemic – in both courts and tribunals ahead of sitting on a selection panel.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: 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 2022-23: Medium

Where we started: We continued to deliver the judicial recruitment programme using our hybrid working model, which has been received well by our stakeholders and candidates.

What we've done: We have continued to deliver exercises to high standards despite continuing high volumes of recruitment, with positive feedback being received in relation to candidates' customer service. Where possible we have looked to provide teams with extra resource to manage high volumes and have also streamlined some internal processes to better focus on delivery. We have improved our internal training and induction processes to provide clearer information on process changes. As part of our commitment to continuous improvement we have reviewed and revised operational processes, procedures and guidance to enhance our approaches and create efficiencies. We have also established a new role, Head of Panel Member Engagement, to oversee the relationship between the JAC and panel members (both lay and judicial), to focus on feedback, and training. We have worked effectively with key stakeholders to deliver programme requirements and identify areas for improvement in the provision of information.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: We will continue to implement work around lay and judicial panel members to strengthen our relationship with both. We will also continue to improve our processes and strengthen our guidance around operational process to reflect improvements to our Digital Platform. We will also look to develop our use of mock candidates to better test selection material ahead of its use.

7. Financial resources

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

Rating at end of 2022-23: Low

Where we started: The JAC secured a fiscal budget of £8.74 million for the year to deliver the agreed programme of selection exercises for 2023-24. The JAC had flagged an unfunded pressure of £300,000 in respect of ongoing legal costs that were expected to continue into 2023-24. However, that funding was not provided for in the JAC's initial budget allocation from MOJ.

What we've done: The JAC faced a number of additional pressures impacting its budget during the year. This included additional judicial recruitment pressures arising from the Illegal Migration Act, ongoing legal advice costs and an unplanned cost of living payment to all staff in June 2023. In order to address the forecasted overspend against our budget, the JAC requested additional funding in the amount of £0.46 million. This additional allocation was approved by MOJ in January 2024 and the JAC finished the year within 1% of its total budget allocation.

Rating at end of 2023-24: Low

What we're going to do in 2024-25: 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. The total budget allocation provided by MOJ will increase from £9.38 million in 2023-24 to £10.7 million in 2024-25.

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 2022-23: Medium

Where we started: The JAC continued to operate a hybrid working model where staff, commissioners and panel members worked remotely, in the JAC office and other off-site venues. Regular communication to staff on keeping information secure was issued and all staff were required to complete their mandatory information assurance training via the Civil Service Learning Platform.

What we've done: Throughout the year we have seen a rise in suspicious or spam emails which were flagged to staff in each instance along with guidance on how to report these to MOJ's IT Helpdesk. Despite the rise in incidents, the IT helpdesk confirmed this increase was being experienced across the department. The JAC maintains an effective working relationship with the MOJ security team, who advise us on a regular basis of any vulnerabilities that have been identified which could result in potential cyber-attacks. During the year, there have been two warnings which were promptly passed to our digital team to ensure that the JAC digital recruitment platform was secure. The digital strategy is overseen by the JAC Digital Board and is under regular review by the MOJ digital team to ensure that we are following Government Digital Service guidelines. Of the 15 security incidents reported within the JAC during the year, none required further escalation to the Information Commissioner's Office.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: The JAC will be conducting a review of its security policy. It will also look more broadly at information risk, security and business continuity to ensure we are taking all appropriate steps to manage and safeguard customer data and our business operations. We will do this by conforming to best practice and government guidelines, internal and independent assessments, and through use of the most up-to-date solutions to protect against malicious threats and cyber risks.

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

Risk: That the shared services system, known as the Single Operating Platform, (SOP), does not meet the JAC's needs.

Rating at end of 2022-23: 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. The JAC was also made aware of plans to stop all payments that do not have a valid purchase order.

What we've done: From October 2023, the JAC has adopted MOJ's purchase ordering system and managed the transition in collaboration with MOJ's 'Purchase to Pay' support teams. User experience of SOP has been satisfactory throughout the year and the JAC is now fully onboarded to the purchase ordering system. Shared Services Connect Limited continued to operate an acceptable service overall with a minimal number of errors affecting JAC staff.

Rating at end of 2023-24: Low

What we're going to do in 2024-25: The JAC will continue to monitor the use and performance of the SOP system and services of Shared Services Connect Limited. We will also evaluate to move to using purchase orders and the impact this has on our business and staff.

10. Business continuity arrangements

Risk: That the JAC is unable to deliver its business objectives due to the impact of COVID-19, industrial action, or other critical events.

Rating at end of 2022-23: Medium

Where we started: The scope of this risk has been broadened to include potential industrial action and other critical events that could impact on the delivery of our business. This risk was first introduced in March 2020 following the impacts of COVID-19.

What we've done: A self-assessment of our business continuity plan was completed in September 2023 to identify any new or emerging areas of focus. This included random testing of our communication plans to determine whether staff understood their responsibilities and were able to act accordingly. A deep dive paper into the business continuity risk was also considered by the Audit and Risk Committee in January 2024. We are working with the MOJ Business Continuity Resilience Team, including attending regular meetings which are used to help share information and best practice.

Rating at end of 2023-24: Medium

What we're going to do in 2024-25: A spotlight session will be undertaken by the JAC senior leadership team who will consider the implementation of random testing of our plan. This will allow us to evaluate our hierarchy of communication and understand whether staff and managers are fully aware of their responsibilities and act accordingly. We will also continue to explore best practice in this area via the central MOJ Business Continuity network.

Going concern

The Statement of Comprehensive Net Expenditure shows a deficit in 2023-24. Due to timing of the draw-down of grant-in-aid funding, the Statement of Financial Position at 31 March 2024 shows an excess of liabilities over assets of £0.05 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 2024-25, taking into account the amounts required to meet the JAC's liabilities, has already been agreed with MOJ. The budget allocation provided by MOJ will increase from £9.38 million in 2023-24 to £10.7 million in 2024-25 (a 14% increase).

Performance analysis

How the JAC measures performance

The JAC's aims set out in the JAC Strategy 2020-24 which were incorporated into the 2023-24 business plan.

The aims were 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 2023-24	Performance 2022-23
Proportion of candidates rating the selection process as 'good' or 'excellent'	84.5% of candidates rated the selection process as either good or excellent. (This figure is based on 369 candidate responses to surveys post-selection day and in relation to 18 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 613,000 views from 205,000 users between 1 April 2023 and 31 March 2024.	Approximately 570,000 page views from 187,000 users between 1 April 2022 and 31 March 2023.	
Proportion of recommendations accepted by the appropriate authority	Of the responses received from the appropriate authority, 100% of recommendations have been accepted. (six responses are outstanding).	Of the responses received from the appropriate authority, 100% of recommendations have been accepted.	
Complaints upheld by the Judicial Appointments and Conduct 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 2023-24	Performance 2022-23
Annual JAC People Survey indicators comparison with other MOJ arm's length bodies – benchmarks in brackets	Response rate: 82% (74%) Engagement index: 70% (66%) My work: 82% (78%) Organisational objectives: 95% (87%) My manager: 85% (78%) My team: 88% (81%) Learning and development: 60% (53%) Inclusion and fair treatment: 88% (79%) Resources and workload: 83% (77%) Pay and benefits: 26% (28%) Leadership and managing change: 72% (58%)	Response rate: 67% (75%) Engagement index: 70% (68%) My work: 86% (80%) Organisational objectives: 94% (89%) My manager: 79% (79%) My team: 87% (82%) Learning and development: 53% (54%) Inclusion and fair treatment: 87% (82%) Resources and workload: 78% (78%) Pay and benefits: 28% (30%) Leadership and managing change: 74% (63%)
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 2024.	Legal exercises Women: 50% of applicants, 51% of recommendations (eligible pool 51%) Ethnic minorities: 27% of applicants, 16% of recommendations (eligible pool 16%) Solicitors: 59% of applicants, 44% of recommendations (eligible pool N/A) Declared disability: 9% of applicants, 9% of recommendations (eligible pool not available) Non-legal exercises Women: 66% of applicants, 69% of recommendations Ethnic minorities: 29% of applicants, 19% of recommendations Declared disability: 11% of applicants, 6% of recommendations.

Key area	Performance 2023-24	Performance 2022-23
Complaints upheld by the Judicial Appointments and Complaint Ombudsman (JACO)	<p>The Constitutional Reform Act 2005 provides for any candidate “who claims to have been adversely affected as an applicant for selection” to formally make a complaint to the JAC.</p> <p>Where a candidate remains dissatisfied after having their complete investigated by the JAC Complaints Manager, they may refer their complaint to the Judicial Appointments and Conduct Ombudsman (JACO).</p> <p>We are aware that six cases have been taken to JACO, none of which were upheld.</p>	For 2022-23 we were aware that two cases were taken to JACO, none of which were upheld.

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 JAC's initial 2023-24 budget allocation was £8.92 million, which subsequently increased to £9.38 million as a result of an in-year funding pressure.

Achievement against our aims (2020-24 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

Implementing improvements to selection tools

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

- The board considered an evaluation of its hybrid approach to assessment. It was agreed that the hybrid model was an effective use of the organisations' resources to meet the large recruitment programme asked of the commission.
- The board considered changes to our online QT following the first statistical analysis phase of our QT research project. This was independently reviewed by organisational psychology experts, the Work Psychology Group. The board agreed to enhance our guidance to candidates including the online practice test questions. They also agreed to an altered scoring weighting to better reflect the competencies being tested across

the test elements. The second stage of the QT research programme was published in March 2024 which included an action plan that the JAC and its partners will look to implement over the next financial year.

- The Welsh Matters Committee considered the evaluation of the non-live video interview pilot for asking additional questions for candidates applying for posts in Wales. The questions assess their knowledge of the administration of justice in Wales. The evaluation found that the pilot provided a better candidate experience and consistency of assessment, and therefore the approach would be adopted again in future exercises.

- The board considered a thematic review of post-selection day candidate feedback survey results. This resulted in changes being made to the guidance provided to candidates on what to expect at selection days, technical guidance for those selection days held remotely and enhancing our quality assurance processes further.

Strengthening guidance to candidates on self-assessment submissions

We have strengthened and expanded our guidance provided to candidates to assist them in drafting their self-assessments. We have focused on the need for candidates to provide evidence-based examples in their material, not assertion-based commentary. Alongside this we have shared illustrative examples of 'outstanding' and 'insufficient' evidence to better assist candidates in evidencing their suitability for judicial office. We have also expanded the guidance for nominated independent assessors, further highlighting the need for the independent assessments to be objective and rooted in evidence.

Expanding and strengthening the Advisory Group

We have expanded the membership of our Advisory Group this year to include two JAC selection panel members who regularly chair selection exercise panels and have wider involvement and engagement in senior recruitment exercises. This is to help ensure that draft JAC test materials are reviewed by as wide a range of people as possible, including members of the judiciary, legal professions and those who will be involved in utilising the material as part of the selection process.

Judicial Office-led review of the Judicial Skills and Abilities Framework

We are actively engaged, through commissioner membership of the steering group, in the judiciary-led review of the Judicial Skills and Abilities Framework (JSAT). We are a key user of the JSAT as it underpins our competency frameworks and own skills and abilities frameworks for selection exercises. The outcome of the review will likely be known in the next financial year, and we plan to review our selection approaches in light of it.

2

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

Commitment to diversity

During 2023-24 diversity continued to sit at the heart of the JAC's work. We believe the judiciary should better reflect the diversity in society and we aim to attract strong, suitably qualified applicants from a wide field.

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 delivering judicial appointment support programmes to encourage and prepare a diverse range of candidates, further work to enhance the monitoring and evaluation of judicial diversity initiatives, and undertaking research to better understand differential outcomes in JAC selection processes and taking steps to reduce barriers for underrepresented groups.

Diversity considerations remained important as we continued to operate a hybrid approach to assessment. An evaluation of this approach, conducted in 2023, found that the hybrid approach was effectively delivering the JAC's recruitment programme through robust and fair assessments, with the increased flexibility being welcomed by candidates.

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. The JAC contributed to government publications such as the Inclusive Britain report, a one-year update following the government response to the Commission on Race and Ethnic Disparities, and the 2024 'Tackling racial disparities in the criminal justice system' report, an update on government's progress tackling disparities, including progress in response to the independent 2017 Lammy Review.

In January 2024 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. For the second year, this update included insights drawn from the JDF annual combined statistical report, providing useful additional context around the legal candidate pools and the progression of underrepresented 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. Activities in 2023-24 included the following:

- 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 Cambridge Law Society, the Cheshire and Merseyside Judicial Diversity working group, and a number of university law schools across the country

- 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 Circuit Judge competition. As part of our efforts to improve our approach to monitoring and evaluation, we track the percentage of candidates applying to key JAC selection exercises who have attended an outreach event in advance. 44% of applicants to the District Judge competition declared that they had attended an outreach event, and 50% of applicants to the Circuit Judge competition attended the outreach event for the exercise. 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. Attendance at outreach events remained high across the year, particularly at those events with the option to join remotely
- Advertising all judicial vacancies via the JAC website,

- monthly newsletter and social media channels
- Continuing to promote stories from underrepresented and non-traditional candidate groups, including case studies highlighting diverse pathways into and within the judiciary, with the aim of encouraging candidates from different professional backgrounds and underrepresented groups to pursue a role in the judiciary. We are continuing to work with the Judicial Office on expanding the network of judicial office holders who can share their career stories
- 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

The Targeted Outreach programme was established in September 2020 to focus on the progression and recommendation of four target groups (women, ethnic minority candidates, disabled candidates, and solicitor candidates) across five, senior salaried court and tribunal roles (High Court, Deputy High Court Judge, Recorder, Circuit Judge and Upper Tribunals) and their main fee-paid pipelines. The JAC's small team, separate from selection exercise assessments and decisions, engages with candidates from these under-represented groups. Support includes consultations

with a former JAC commissioner, further discussions with a judicial guide, who is familiar with the JAC selection exercise process, as well as signposting to supporting schemes from JDF partners. Following a detailed evaluation of the two-year pilot period, the programme was adopted as a permanent initiative with a three-year strategy implemented from April 2023. The programme was expanded to include all legal roles, with streamlined ways of working to support a wider pool of candidates. The team have varied the routes of support for candidates and 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.

The Judicial Guide Scheme, which launched in January 2021 to provide additional support to candidates, has also expanded. The scheme has 171 accredited volunteer judicial guides, with over 200 candidates benefiting from support to date. The Judicial Guide Scheme is endorsed by the Lady Chief Justice, the Senior Presiding Judge, and the Senior President of Tribunals, who have allocated limited protected time per year for judges supporting the scheme. The support of the judiciary and the volunteer judicial guides, alongside our former commissioners in guiding and advising applicants will play a crucial part in increasing the impact of the programme.

As of March 2024, the programme has received 889 applications, of which, following sifts by former JAC commissioners, 449 candidates are taking part in the programme and receiving support from a Targeted Outreach team commissioner, and/or a judicial guide. Of the programme participants, 70% are women, 60% ethnic minority, 18% declared a disability and 65% are solicitors. Overall, 31% of Targeted Outreach participants who have been on the programme for at least 12 months and made at least one application have been successfully recommended to a judicial role since joining the programme.

Since the programme's inception in September 2020, female ethnic minority solicitors on the Targeted Outreach programme (3 of 4 of our target groups) have been appointed at rates approximately two times higher than the comparator group of candidates with those characteristics over the last three years. Candidates from a black ethnic minority background on the Targeted Outreach programme were also appointed at rates almost two times higher than the comparator group of candidates with those characteristics over the last three years.

The Targeted Outreach team has increased the level of stakeholder engagement, working closely with the senior judiciary, to increase the number of stakeholder referrals to the Targeted Outreach programme. The team also undertakes outreach

events with key stakeholder partners, including CILEX and The Law Society, to encourage people from diverse backgrounds to make a judicial application and provide information on how they can access support.

Fair and non-discriminatory selection processes

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

- 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.
- Tailored outreach 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 from an equality and diversity perspective; this helps ensure that materials do not unfairly advantage or disadvantage candidates from a particular practice area or jurisdiction.

- Ensuring that the content and tone of selection exercise materials do not contain inappropriate stereotypes, colloquialisms or language that may be off-putting to different groups, and that role plays and scenarios feature characters from diverse backgrounds.
- Seeking feedback from candidates after each stage of the selection process.
- Testing all materials with volunteer candidates and analysing the results, making any necessary adjustments to the content, timing, preparation materials or other aspects of selection materials.
- Observing live interviews and role plays to ensure consistency.
- Completing equality impact assessments for any significant changes to the selection process.
- Assigning a commissioner to all exercises to oversee quality assurance and fair selection.
- Making reasonable adjustments as requested for candidates who need them.

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

Working with others to promote diversity

We continued to work with our partners in the Judicial Office, the judiciary, 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 Chairman. 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.

The JDF is continuing work to strengthen the evaluation and impact of their diversity and inclusion initiatives. In 2022 JDF partners identified four outcomes around which to align the forum's work to achieve a more diverse and inclusive judiciary, which was reflected in the 2023 action plan. The JDF's priorities and actions for 2024, published in January 2024, provide an update to this approach and outline clear aims for its programme of targeted and collaborative action.

Work is underway to better measure and evaluate the impact of forum partners' initiatives and identify gaps in current approaches where further action may be required. In 2023 a JDF working group commissioned statistical analysis to improve our understanding of how different characteristics can act as a predictor of success throughout the talent pipeline. In doing so we can better

track diversity across the different stages towards the judiciary and target interventions accordingly. This project complements the ongoing work to develop a more nuanced model of seniority in the legal professions, which aims to better understand the range of senior roles and track progress towards diversity and inclusion at senior levels.

Work is also underway to improve understanding of the barriers faced by those from professional backgrounds which are currently underrepresented in the judiciary, such as legal academics and government lawyers, and options to reduce these barriers, with the aim of increasing diversity in the judiciary. The JAC engaged with MOJ consultation to expand eligibility for CILEX members for a wider range of judicial roles. This consultation originated as a JDF proposal to increase equality of opportunity for lawyers seeking a judicial career and resulted in Parliament approving the Judicial Appointments (Amendment) Order 2023 to expand the eligibility of CILEX lawyers to the office of Recorder and Judge/Deputy Judge of the Upper Tribunal.

In July 2023 the JDF published a fourth 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 2023 report represented the third year in which detailed chapters on ethnicity and intersectionality were included in the publication, allowing for more detailed analysis in these areas.

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 2023-24, three rounds of judge-led discussion group courses were run and

205 lawyers from underrepresented groups participated. Judge-led discussion group courses are being held remotely and continue to be oversubscribed. In summer and winter 2023 we trialled one in-person workshop per programme round and, due to positive feedback from participants, this hybrid approach will be adopted for PAJE workshops in 2024.

The 2023 PAJE evaluation found that, in 2022-23, 99% of PAJE participants had at least one characteristic underrepresented in the judiciary. 79% of PAJE participants were women, 48% were from an ethnic minority background and 15% were disabled. Participants' socio-economic data is also collected and monitored. For the 608 participants who completed PAJE at least a year ago, 414 (68% up from 64% in 2022) have since applied for a judicial role. 20% of those have been appointed.

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 2023 we completed our research into the outcomes of the QT stage of shortlisting. This research builds on 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 acted 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. Following phase one of the research project, the JAC worked with the Work Psychology Group, and a JDF working group on the qualitative second phase, to explore in greater detail backgrounds and experiences of candidates taking the QT, by a combination of survey and structured interviews to build a deeper understanding of the differences in profile between successful and unsuccessful candidates at the QT. This project has provided evidence that will assist all JDF partners in further tailoring and targeting outreach and support activities and will support the JAC in its continual review and improvement of its selection tools. JDF partners published a joint work programme of actions the forum can collectively take to address the findings of the research undertaken in 2023. These aim to increase candidate confidence in the judicial selection process and underline the JDF's commitment to work

together to remove barriers for target group candidates.

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 judicial members and commissioner panel members) across each selection exercise. To support this aim, throughout 2023-24 we have provided ethnic minority panel members with tailored training and mentoring. In parallel, the Judicial Office has 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:

Panel diversity of selection exercises taking recommendations (concluding) between 1 April 2023 and 31 March 2024

Grouping	All exercises	Legal exercises	Non-legal exercises
Exercise count	35	26	10
Total panel members	375	321	54
Declaration rate (ethnicity – all declarations)	86% (322)	86% (276)	85% (46)
Ethnic minority panel members (as a percentage of those declared)	16% (52)	17% (48)	9% (4)
Exercises with over 17% ethnic minority panel representation ⁹	15	12	2

Over half of all exercises evaluated (22) 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. 7 of the 14 exercises with more than four panel members (50%) met the 17% target.

9. 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 continue to broaden the range of free resources available on our website to help candidates from all backgrounds prepare for application and apply when they are ready, including the publication on our website of an interactive example selection day role play video, and guidance on how to prepare for selection days. The website will continue to be developed and updated in response to feedback and user research.

We continue to monitor feedback from candidates and assess lessons learnt from each exercise to inform future exercises. We have also worked with the Tribunals Diversity Taskforce to consider how we can work collaboratively to ensure JAC panel members have a good understanding of the work of tribunals and the associated transferable skills.

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 2023-24, the equal merit provision was applied at the shortlisting stage in six exercises, resulting in 94 candidates proceeding to the next stage. The equal merit provision was applied at the selection stage in six exercises, resulting in 17 recommendations.

3

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

We have continued to engage with our delivery partners and wider stakeholders to foster strong and productive relationships and ensure we remain a trusted expert body on merit based judicial appointments, both domestically and internationally.

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 international jurisdiction.

Notably, this year we shared knowledge and best practice with officials from the New Zealand Judiciary, the Australian Judicial Officers Association, the Supreme Court of Australia, the Chief Justice of the Republic of Korea, and the Judicial Commission of Indonesia, and the Minister of Justice of Kosovo. We have also responded to requests for information regarding our approach to judicial appointments from the British Embassy in Kyiv. We continued to work alongside the Judicial Office and the Foreign, Commonwealth and Development Office (FCDO) to support and engage with judicial appointments bodies and judicial office holders from other jurisdictions.

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

The JAC has worked 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 Annual Tripartite meeting took place in October between the JAC, the Judicial Appointments Board for Scotland and the Northern Ireland Judicial Appointments Commission. The JAC will be hosting the 2024 Tripartite conference in London. We continue to engage with the Association of District Judges and host an annual bilateral meeting to share information and best practice and work together to address common concerns.

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

Across the year 2023-24, we continued to engage with and provide support to our colleagues to ensure that we can deliver our aims in line with the JAC values of fairness, respect, professionalism, learning and clarity and openness. We continue to prioritise the wellbeing of our staff, panel members, commissioners and candidates and, when making any decisions about our ways of working we consider this as a crucial influencing factor.

We continue to support hybrid working at our premises which we have received positive feedback on throughout the course of the year. During March 2024, the senior leadership conducted a review of our post-pandemic business model, fulfilling a commitment to our Commission Board. Our review highlighted that the JAC's approach to hybrid working has been operating effectively. We have continued delivering salaried selection activity face-to-face, while moving to remote opportunities for our fee-paid posts. We have adopted a successful hybrid approach in respect of meetings (board, working groups, committees, all staff meetings).

Working in a hybrid way continues to be an effective approach for the JAC and has contributed to the successful delivery of our business objectives to date. We are committed to continuing to support hybrid working and our staff work in a mixture of locations – in the office, off-site and from home, where necessary. Wherever we can, we utilise our office space for a range of in-person collaboration purposes, including for section exercises in the operational elements of our role and for JAC staff coming together to work in the office.

We have seen a successful blended approach to our wellbeing and engagement activities with events such as an all staff away day in December 2023 and recent world mental health day among many activities offering both in person and remote opportunities for staff to participate. We also achieved positive feedback in our approach to hybrid working in the most recent people survey.

There are certain meetings we continue to encourage are conducted face-to-face, in order to help teams and colleagues increase collaboration, engagement and to help build and maintain relationships.

When our staff are working from home, we have continued to ensure their health, safety and wellbeing are being looked after by providing them with equipment they need to work safely and efficiently and display screen equipment assessments have been completed providing recommendations for additional equipment and support as necessary.

Our Chief Executive continues to hold a weekly all-staff online meeting which is an opportunity for staff to hear about current activity and ongoing priorities. We also facilitate 'spotlight' sessions in these meetings where members of the JAC senior leadership team, staff, commissioners and other special guests present on certain topics, such as wellbeing and inclusion sessions.

To ensure that we maintain effective delivery of our programme and as well as being mindful of our staff workloads, we continue to provide efficient recruitment into roles where staff have left the JAC. At the end of March 2024, we had 101 permanent staff and two agency staff. All new starters joining the JAC receive a bespoke induction programme tailored to the role they will be undertaking to ensure they are equipped with the knowledge and skills they need to settle into their role, this is provided by our Learning and Development (L&D) team. Our L&D team have also introduced a L&D site this year which helps promote relevant and useful learning to existing staff. We have seen several internal promotions

across the organisation, including in to our two most senior roles.

Our staff networks continue to provide invaluable support and hosting of events for our staff. Our race champions have continued to actively organise events which have been well attended. As referred to above, our change agents helped to plan and facilitate an all staff in person event which allowed all staff to come together for the first time since the pandemic. This allowed for interactive discussions, input and ideas which will be fed into the development of our new business strategy, but also was beneficial for team building. Our mental health allies network has been strengthened with new members who have received training and support sessions and events for staff have been hosted. Our dignity at work advisors have completed refresher training to support them in their roles making sure they are able to help any staff who have concerns about bullying or harassment issues in the workplace.

Developing our new digital tools

We have continued to enhance our digital platform, which launched in January 2020 following extensive user research. New features to existing functionality have been added during the year 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.

Changes include a simplified application form, improvements to the candidate profile area, a redesigned vacancy listings webpage, and enhancements to the design of online QTs. 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 (multiple choice or scenario tests). Combined, these tests were undertaken by more than 5,500 participants. 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.

Refreshing the People Plan

The annual People Survey took place in October 2023, with which we saw excellent engagement with the majority of our staff submitting responses. We have maintained our engagement index scoring of 70%; this index is designed to show how much employees are committed to the organisation's goals and values and are motivated to contribute to its success. We have seen positive increases in key themes across the survey which

serve as good indicators to feed into action planning and upcoming development of our new People Plan for 2024-2027.

Supporting panel members and increasing diversity

We continue to provide support to our panel members who are key components in our selection process. We communicate with them via newsletters at key points in the year to highlight priorities and provide updates on relevant and pertinent issues.

We are reviewing the panel member terms and conditions and the lay panel member handbook to further improve and professionalise the panel member recruitment, induction, appraisal and contract renewal and/or expiry processes. We are reviewing the training we offer to panel members to include specific training for panel chairs alongside hosting an annual lay panel member event and providing monthly judicial member training sessions.

We have strengthened and increased the diversity of our cadre of panel members with 17 (20%) from an ethnic minority as of January 2024.

Going forward

We will continue to engage with staff to ensure we are listening to what is working well but also to hear about where improvements are needed so that we can continue to support colleagues in their delivery of our business objectives.

Plans for the future

We anticipate that the volume of judicial recruitment will remain at the high levels we have seen in recent years. The JAC will continue to respond to these demands, efficiently and effectively, using its hybrid approach of remote and face-to-face candidate assessment.

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 JAC People Plan, to be concentrated around areas for particular focus and improvement including workloads, wellbeing and embedding hybrid ways of working effectively
- reviewing the terms and conditions for panel members to ensure we are providing the best possible offer and are strengthening our commitment to their continuous professional development – we will do this in order to attract and retain high quality, diverse individuals who are motivated to sit regularly on JAC panels
- continuing to work closely with partners to meet the shared challenges of recruitment to certain salaried judicial roles
- evaluating the changes to the operation of statutory consultation after a two-year cycle of exercises is complete – these changes followed an independent review which was published in 2022
- input into the judiciary-led review of the Judicial Skills and Abilities Framework (JSAF) via commissioner membership of the steering group. The review aims to produce an updated JSAF which can be used for the recruitment, training and appraisal of all judges
- reviewing our communications and outreach approaches, with the development of a new communications and engagement strategy
- continuing to collaborate with the JDF to implement the forum's 2024 action plan, including the new work programme arising from the JDF's qualifying test research into differential progression of target groups. We will place a particular focus on broadening our reach to new candidate pools of black lawyers, those from underrepresented professional backgrounds – including chartered legal executives – and those from lower socio-economic backgrounds
- raising the prominence of diverse voices from across the appointments process

This will form a key part in achieving the aims of the commission's four strategic objectives for 2024 to 2027:

- ensure we are a centre of excellence in selection, applying best practice to fairly select talented individuals with the necessary skills and abilities across the entirety of judicial roles
- work with partners to attract well-evidenced applications from the widest range of high-calibre candidates, supporting the achievement of greater judicial diversity
- ensure the JAC is widely recognised as the trusted expert body on independent, merit-based and inclusive appointment to the judiciary
- develop people and tools to support the delivery of the commission's aims

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 video 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 8% this year and by 38% over the past two years, 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 in 2022-23, the JAC is now in scope. As a result, sustainability data is unavailable prior to the start of the 2021-22 financial year. The JAC will continue to build on its 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. The JAC adopts the MOJ's approach of using calendar year data due to the timing of producing annual reports. This data is then re-stated the following year with full financial year data. The below data factors in seasonal variation in consumption and provides a meaningful comparison. 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	FY 2022-23 (Restated)	Jan-Dec 2023
Non-financial indicators (tonnes CO ₂ e)	Total Gross Scope 1 (direct) GHG emissions	9.47	14.22	18.17
	Total Gross Scope 2 (energy indirect) emissions	39.68	19.03	18.60
	Total Gross Scope 3 (official business travel) emissions	-	-	-
Total emissions		49.15	33.25	36.77
Non-financial indicators (kWh)	Electricity	186,884.85	98,428.16	92,813.51
	Electricity: renewable	-	-	-
	Gas	51,707.96	77,883.55	99,499.07
	Other energy sources	-	-	-
Total energy consumption		238,592.81	176,311.71	192,312.58
Air travel		FY 2021-22	FY 2022-23 (Restated)	Jan-Dec 2023
Domestic flights km		-	-	2,058
Domestic flights emissions tCO ₂		-	-	0.33
International flights km		-	-	-
International flights emissions tCO ₂		-	-	-

Water consumption	FY 2021-22	FY 2022-23 (Restated)	Jan-Dec 2023
Non-financial Total water consumption indicators (m ³ 000)	479.65	243.83	373.16
Waste production	FY 2021-22	FY 2022-23 (Restated)	Jan-Dec 2023
Non-financial Landfill indicators (tonnes)	-	0.05	0.48
Recycled/reused	1.01	1.04	1.32
Composted/food waste from 2022	0.88	0.14	0.49
Incinerated with energy recovery	0.32	0.34	0.55
Incinerated without energy recovery	-	0.16	0.02
Total waste	2.21	1.73	2.86

A. McMurtie

Alex McMurtie

Accounting Officer
Judicial Appointments Commission
12 July 2024

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 2023-24 are set out in the remuneration and staff report on pages 73 to 88.

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/2024/05/registerofinterest-commissioners-2023-24.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 2022-23).

The commission (as at 31 March 2024)

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 Chairman, 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 Chairman of the commission must always be a lay member. Of the 14 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 other¹⁰)
- 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 2023-24 were:

- Helen Pitcher OBE, Chairman
- Lord Justice Mark Warby, Vice Chairman (from 29 June 2023)

10. The legal qualifications are:

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

- Mr Justice Adam Johnson (judicial), Interim Vice Chairman (from 2 February 2023 until 29 June 2023)
- Judge Noel Arnold (judicial: tribunal) (from 1 January 2024)
- District Judge Mathangi Asokan (judicial) (until 31 July 2023)
- Professor Christopher Bones (lay) (from 1 January 2024)
- Judge Christa Christensen (judicial: tribunal) (until 5 July 2023)
- Her Honour Judge Anuja Dhir KC (judicial)
- Emir Feisal JP (lay magistrate) (until 31 December 2023)
- Jane Furniss CBE (lay) (until 31 December 2023)
- Professor Anthony Harnden (lay) (From 1 January 2024)
- Sue Hoyle OBE (lay)
- Uchechi Igbokwe (judicial: non-legally qualified) (from 1 January 2024)
- District Judge Tanweer Ikram (judicial) (from 14 December 2023)
- Andrew Kennon (lay) (until 31 December 2023)
- Sarah Lee (professional: solicitor)
- Professor Clare McGlynn (lay) (from 1 January 2024)

- Rt. Rev. Dr Barry Morgan (lay)
- Judge Greg Sinfield (judicial: tribunal)
- Brie Stevens-Hoare KC (professional: barrister)
- Professor Sir Simon Wessely (lay) (until 31 December 2023)

Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance

Commissioners	Board	SCC	ARC
Number of meetings: 1 April 2023 to 31 March 2024	10	21	5
Helen Pitcher OBE (Chairman)	10 of 10	21 of 21	-
Mr Justice Adam Johnson (Interim Vice Chairman to 28 June 2023)	10 of 10	20 of 21	-
Lord Justice Warby (Vice Chairman from 29 June 2023)	7 of 7	13 of 15	-
Judge Noel Arnold	2 of 2	6 of 6	-
District Judge Mathangi Asokan	3 of 4	7 of 8	-
Professor Christopher Bones	2 of 2	5 of 6	-
Judge Christa Christensen	2 of 3	5 of 6	-
Her Honour Judge Anuja Dhir KC	9 of 10	21 of 21	3 of 5
Emir Feisal JP	5 of 8	9 of 15	-
Jane Furniss CBE	8 of 8	12 of 15	3 of 4
Professor Anthony Harnden	1 of 2	5 of 6	-
Sue Hoyle OBE	10 of 10	19 of 21	-
Uchechi Igboekwe	2 of 2	5 of 6	-
District Judge Tanweer Ikram	0 of 3	3 of 7	-
Andrew Kennon	8 of 8	10 of 15	-
Sarah Lee	10 of 10	20 of 21	5 of 5
Rt. Rev. Dr Barry Morgan	10 of 10	20 of 21	-
Professor Clare McGlynn	2 of 2	5 of 6	-
Judge Greg Sinfield	9 of 10	17 of 21	-
Brie Stevens-Hoare KC	6 of 10	16 of 21	-
Professor Sir Simon Wessely	6 of 8	10 of 15	-

Statement of 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 Chairman and other commissioners are served by a secretariat.

- The commission (made up of 15 commissioners including the Chairman 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 Chairman 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 Chairman. The committee identifies candidates suitable for recommendation to the appropriate authority for appointment to all judicial offices under Schedule 14 to the Constitutional Reform Act, as amended by the Crime and Courts Act, and to other offices as required by the Lord Chancellor under Section 98 of the Constitutional Reform Act.

- The Audit and Risk Committee is made up of the chair (a commissioner), an independent (non-JAC) member and two other commissioners. The committee meets four times a year, with an additional meeting to consider the annual accounts, and advises the Chief Executive on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The committee assesses the internal and external audit activity plans and the results of such activity.

Working with partners

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

JDF

The JDF brings together organisations from across the legal sector to identify ways of improving judicial diversity. The forum provides strategic direction in the areas of challenging structural barriers to appointment, analysing and addressing the reasons behind differential progression, the gathering and use of data and evidence, resolving issues of common concern and the co-ordination of agreed activities aimed at encouraging greater judicial diversity. The forum meets twice-yearly and is supported by an officials' group comprising senior representatives from each of the member organisations.

The members of the JDF are:

- Chairman of the Judicial Appointments Commission (also chair of the forum)
- Lord Chancellor
- Lady 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 generally meets every six weeks with some variation for business need. The group comprises the Chair and Deputy Chair (both are JAC commissioners), members of the judiciary and legal professions, and two JAC panel members. The Advisory Group considers the suitability of materials to be used in selection processes for specific exercises.

Lord Chancellor and Lady Chief Justice

Bi-lateral meetings between the JAC Chairman and the Lord Chancellor and the JAC Chairman and the Lady 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:

- evaluation of the first 12 months of the hybrid approach to selection day and assessment
- review of the Critical Analysis Test conducted by Working Psychology Group
- review of model for character checks undertaken by HMRC
- review of indicators for exercise length
- JAC Strategy 2020-23 and the Business Plan 2023-24
- Complaints and Feedback Report 2022-23
- Board Effectiveness Review 2022-23
- review of the use of statutory consultation for exercises in line with published policy
- review of the panel member engagement role
- Annual Report and Accounts 2022-23
- membership and revised terms of reference for the Advisory Group
- qualitative research into the commission's QT
- evaluation of the Targeted Outreach programme
- JAC Strategy 2024-27
- insights from the 2023 Diversity of the Judiciary Report
- candidate feedback from selection days
- Board Effectiveness Review 2023-24
- review of panel member engagement – 12-month update
- Targeted Outreach programme annual evaluation

The board also discussed high-level arrangements for a number of exercises run by the JAC, where these were either large, high profile, or involved a change to the selection processes applied previously:

- Recorder
- Police Appeals Tribunal
- Circuit Judge
- High Court
- District Judge
- UK Judge of the European Court of Human Rights
- S9(1) Authorisation of Judges of the High Court
- District Judge (Magistrates' Court)
- Deputy District Judge

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:

- one commissioner's term came to an end on 5 July 2023: Judge Christa Christensen
- one commissioner's term came to an end on 31 July 2023: District Judge Mathangi Asokan

- four commissioners' terms came to an end on 31 December 2023: Jane Furniss CBE, Emir Feisal JP, Andrew Kennon and Professor Sir Simon Wessely
- one commissioner was appointed on 29 June 2023: Lord Justice Mark Warby (Vice-Chairman)
- one commissioner was appointed on 14 December 2023: District Judge Tanweer Ikram
- five commissioners were appointed on 1 January 2024: Judge Noel Arnold, Professor Christopher Bones, Professor Anthony Harnden, Uchechi Igobokwe and Professor Clare McGlynn

Board performance evaluation

The board assessed its performance in January 2024 in line with the latest Cabinet Office guidance: 'Arm's length body board: guidance on review and appraisals'. In addition to the board, questions were also issued to the JAC senior leadership team, the Audit and Risk Committee and key delivery partners. The board reviewed the results at the March 2024 board meeting. The responses were very positive with the majority agreeing or strongly agreeing with the statements on the areas covered. A working group of commissioners will develop an action plan to address comments raised in the review during 2024-25 ahead of the next annual review.

Audit and Risk Committee performance

The committee last conducted a self-assessment in December 2022 with the results of the self-assessment questionnaires being 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. In 2023-24, the JAC produced a new skills matrix that captures the current membership of the committee and developed a new Assurance Framework in partnership with the Government Internal Audit Agency. Following the successful completion of this work, the committee did not reassess its performance this year as all actions that came out of the last review had been addressed. The work of Audit and Risk Committee was reflected upon as part of the wider Board performance evaluation carried out in December 2023.

Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance is on page 60.

Business continuity

The JAC continued to deliver its judicial recruitment programme in line with the commission's decision that all salaried judicial recruitment should be conducted via face-to-face selection processes. Recruitment to fee-paid roles 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', 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 has 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 greater depth in the framework document between the MOJ and JAC as signed by the JAC in December 2022.

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 Chairman 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

At the mid-year and end-year stages, assurance was provided through the newly developed Assurance Framework. 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 Chairman and Vice-Chairman 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 20). Feeding into this are detailed registers on: health and safety, digital, information security, and operational and policy risks as identified and discussed at regular selection exercise checkpoints which escalate risks, as appropriate, to the senior leadership team. I consider this to be appropriate for the JAC.

Information security, fraud and whistleblowing

Senior Information Risk Owner

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

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

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

Fifteen security incidents were reported during 2023-24, two more than in the previous year. Of the incidents reported, none required escalation 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 JAC senior leadership team 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 2024 and up to the date of this report.

Remuneration and staff report

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

Two Chief Executives served during the year, and details of their tenures 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)
Chief Executive: Alex McMurtrie	01/06/2023	n/a	Permanent member of staff (three-month notice period)

Service contracts

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

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

Further information about the work 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) 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 Chairman 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 2023-24, 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 Chairman is included in the Chief Executive's remuneration table on page 76.

The members of the commission during 2023-24 and details of their appointments are set out below.

Commissioner	Date of original appointment	End of term
Chairman: Helen Pitcher OBE	01/01/2023	31/12/2025
Vice Chairman: Lord Justice Warby	29/06/2023	29/06/2026
Judge Noel Arnold	01/01/2024	31/12/2026
District Judge Mathangi Asokan	01/09/2017	31/08/2023
Professor Christopher Bones	01/01/2024	31/12/2026
Christa Christensen	06/07/2020	05/07/2023
Her Honour Judge Anuja Dhir KC	09/06/2018	08/06/2024
Emir Feisal JP	01/09/2017	31/12/2023
Jane Furniss CBE	01/09/2017	31/12/2023
Mr Justice Adam Johnson	01/10/2022	30/09/2025
Professor Anthony Harnden	01/01/2024	31/12/2026
Sue Hoyle OBE	01/08/2019	31/07/2025
Uchechi Igboekwe	01/01/2024	31/12/2026
District Judge Tanweer Ikram	14/12/2023	13/12/2026
Andrew Kennon	01/09/2017	31/12/2023
Sarah Lee	09/04/2018	30/06/2024
Rt. Rev. Dr Barry Morgan	06/07/2020	05/07/2025
Professor Clare McGlynn	01/01/2024	31/12/2026
Judge Greg Sinfield	09/06/2020	08/06/2026
Brie Stevens-Hoare KC	09/04/2018	30/06/2024
Professor Sir Simon Wessely	01/09/2017	31/12/2023

Total figure of remuneration

Remuneration (including salary) and pension entitlements (including the Chairman)

The following sections provide details of the remuneration and pension interests of the Chairman 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 £000)		Pension benefits ¹ £000		Total £000	
	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23	2023-24 ⁵	2022-23	2023-24	2022-23
Richard Jarvis (until 30/06/2023)	25-30 (FYE 100- 105)	95- 100	-	5-10	-	-	-	(9) ⁴	25-30	95- 100
Alex McMurtrie (from 01/06/2023)	70-75 (FYE 85-90)	-	-	-	-	-	-	-	70-75	-
Helen Pitcher OBE ²	55-60 ³	10-15	-	-	0.1	-	-	-	55-60	10-15
Professor Lord Ajay Kakkar ²	-	40-45	-	-	-	-	-	-	-	40-45

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. An additional 6.5 days payment was paid to Helen Pitcher in 2023-24.
4. The figure is a negative amount and so is deducted from the stated total for the individual.
5. Accrued pension benefits for directors are not included in this table for 2023-24 due an exceptional delay in the calculation of these figures following the application of the public service pension remedy.¹¹

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 Chairman and Chief Executive have no entitlement to benefits in kind and did not receive any (nil 2022-23). In 2023-24 no director received benefits in kind.

Total travel and subsistence claims over the reporting period for Directors were as follows: Helen Pitcher £102.

11. [www.gov.uk/government/collections/
how-the-public-service-pension-remedy-affects-your-pension](http://www.gov.uk/government/collections/how-the-public-service-pension-remedy-affects-your-pension)

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 panelists in selection exercises: 1 April 2023 to 31 March 2024.

	2023-24	2022-23			
	Remuneration ¹ £000	Benefits in kind ² (to nearest £100) £000	Remuneration ¹ £000	Benefits in kind ² (to nearest £100) £000	Total £000
Lord Justice Mark Warby ³	-	-	-	-	-
District Judge Mathangi Asokam ³	-	-	-	-	-
Christa Christensen ³	-	-	-	-	-
Her Honour Judge Anuja Dhir KC ³	-	-	-	-	-
Judge Noel Arnold ³	-	-	-	-	-
District Judge Tanveer Ikram ³					
Mr Justice Adam Johnson ³	-	-	-	-	-
Greg Sinfield ³	-	-	-	-	-
Jane Furniss CBE	9.5	-	9.5	18	18
Sue Hoyle OBE	15	-	15	18	18
Andrew Kenyon	14	4.0	18	19	2.9
Sarah Lee	14	-	14	13	-
Rt. Rev. Dr Barry Morgan	13.5	2.5	16	13.5	2.3
					16

	2023-24			2022-23		
	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
Emir Feisal JP	9.5	-	9.5	13	-	13
Brie Stevens Hoare KC	13	-	13	13	-	13
Professor Sir Simon Wessely	9.5	-	9.5	17	-	17
Professor Christopher Bones	3	1.5	4.5	-	-	-
Professor Anthony Harnden	3	-	3	-	-	-
Uchechi Igobokwe	3	-	3	-	-	-
Professor Clare McGlynn	3	2.3	5	-	-	-

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 75.

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. There were no claims made by judicial commissioners.

Pension entitlements

The pension entitlements of the Chairman and Chief Executive (audited) were as follows:

	Total accrued pension at pension age as at 31/03/2024 and related lump sum ³ £000	Real increase in pension and related lump sum at pension age ³ £000	CETV at 31/03/24 ³ £000	CETV at 31/03/23 £000	Real increase in CETV ³ £000
Helen Pitcher OBE ¹	-	-	-	-	-
Richard Jarvis	-	-	-	848	-
Alex McMurtrie	-	-	-	-	-

1. Is not entitled to pension benefits.
2. Richard Jarvis left the JAC on 30/06/2023.
3. Accrued pension benefits for directors are not included in this table for 2023-24 due an exceptional delay in the calculation of these figures following the application of the public service pension remedy.¹²

12. www.gov.uk/government/collections/how-the-public-service-pension-remedy-affects-your-pension

Civil Service pensions

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

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 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

	2023-24		2022-23	
	Total salary	Bonus payments	Total salary	Bonus payments
Staff average	3.49%	-41.30%	10.37%	-58.81%
Highest paid director	-17.59%	-100.00%	2.28%	0.00%

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
	2023-24	2022-23		
2023-24	2.70:1	3.49:1	2.30:1	1.90:1
2022-23			3.00:1	2.45:1

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

	Lower quartile		Median		Upper quartile	
	2023-24	2022-23	2023-24	2022-23	2023-24	2022-23
Basic salary	31,200	29,664	37,238	35,405	45,908	43,647
Total pay and benefits	32,205	30,838	37,388	35,791	46,058	43,822

The banded remuneration of the highest-paid director, who we have deemed to be the Chief Executive in the JAC in 2023-24 was £85,000-£90,000 (2022-23, £105,000-£110,000). This was 2.3 times (2022-23: 3.0) the median remuneration of the workforce, which was £37,388 (2022-23, £35,791).

In 2023-24, nil (2022-23, nil) employees received remuneration in excess of the highest-paid director. Remuneration ranged from £25,000-£30,000 to £85,000-£90,000 in 2023-24 (2022-23: £25,000-£30,000 to £105,000-£110,000).

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 the 2023-24 pay remit year is the second of a three-year spending settlement for departments which runs from August to July, this has been approved by the Cabinet Office and HM Treasury. This year the JAC was able to make an average pay award of up to 4.5% and have the flexibility to make awards up to additional 0.5% targeted at the lower pay bands.

For more information, please refer to www.gov.uk/government/publications/civil-service-pay-remit-guidance-2023-to-2024/civil-service-pay-remit-guidance-2023-to-2024

The implementation of the pay award in 2023-24 and the one-off cost of living payment in July 2023 increased average staff remuneration and reduced the ratio between the highest paid directors' remuneration and the staff lower, median and upper quartile ratio.

Staff report

Staff composition

The split of the staff as at 31 March 2024 is as follows:

	Male	Female	Total
Director (senior civil servant)	1	-	1
Senior leaders	1	1	2
Other staff	36	63	99
Total	38	64	102

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

	Staff costs comprise							
					2023-24		2022-23	
	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	122	1,282	4,109	74	-	236	5,823	5,432
Social security costs	16	159	471	-	-	-	646	589
Other pension costs	-	-	987	-	-	-	987	885
Total	138	1,441	5,567	74	-	236	7,456	6,906

During the year, no staff costs were capitalised (£0 in 2022-23).

In 2023-24 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 2023-24.

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 2020. Details can be found in the Civil Superannuation annual accounts 2022-23 at: www.gov.uk/government/publications/civil-superannuation-annual-account-2022-to-2023/civil-superannuation-annual-report-and-account-2022-23-html

For 2023-24, employers’ contributions of £987,000 were payable to the PCSPS (2022-23: £885,000) at one of four rates that ranged from 26.6% to 30.3% (2022-23: 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 2023-24 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 2023-24 were £14,465 (2022-23: £6,335). Employer contributions, which are age-related, ranged from 8% to 14.75% (2022-23: 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% (2022-23: 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
2023-24	2	17	100	1	-	4	124
2022-23	2	17	92	1	-	10	122

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

There were no departures, voluntary or otherwise (audited), in 2023-24 (2022-23: nil departures).

Spend on consultancy

During 2023-24, the JAC spent £65,000 on consultancy (2022-23: £106,000). This related to media support for the commission and the conclusion of the qualifying test research project.

Off-payroll engagements

During the financial year 2023-24, 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 2023-24 an average figure of 1.59 days were lost against our staff numbers in post due to absences (compared to a figure of 4.32 days in 2022-23).

Staff turnover

In 2023-24, staff turnover was 11.87% (2022-23: 15.69%). 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

Other staff policies (not already covered in the report)

We continue to operate a successful and efficient hybrid working model which is reflected and regularly reviewed within our other policies we have in place such as health and safety.

The annual People Survey in 2023 showed a response rate of 82% (67% in 2022), with an overall engagement score of 70% (70% in 2022). The results from this year's survey have been used to inform the development of the JAC's 2024-2027 People Plan, including specific actions to address the themes of pay and benefits and learning and development.

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 is signed up to the Disability Confident Scheme (formerly known as the Guaranteed Interview Scheme) which pertains to recruitment processes for hiring internal employees to the JAC. This does not apply to the process of judicial appointments. For judicial appointments, our statutory duties mean that we must select candidates solely on merit and therefore we cannot offer any guaranteed interview schemes for candidates from underrepresented groups. We support and encourage applications for candidates from underrepresented groups, including disabled candidates, and we offer reasonable adjustments to ensure 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 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 include:

- 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

Corporate and professional functions are provided to the JAC by MOJ and include: analytical services, commercial, communications, counter fraud, debt, digital, finance, grants, people, project delivery, property and security.

The overall maturity of MOJ functions (including progress embedding functional standards) is assessed twice a year via a continuous improvement report and a deep dive meeting with the MOJ Chief Operating Officer. Progress is also checked by annual or bi-annual self-assessments using continuous improvement assessment frameworks issued by the Cabinet Office. The maturity scale ranges from 'good', indicating compliance with the mandatory elements of the functional standard, to 'better' and 'best'.

Throughout 2023-2024, the MOJ 'departmental functions' understanding of the requirements of their functional standards has matured and their understanding of the operation of control frameworks to achieve increased compliance is improving.

Regularity of expenditure

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

Losses statement

There were no losses in 2023-24 (£4,156 in 2022-23).

Special payments

There was one special payment of £4,250 2023-2024 (£10,250 in 2022-23), which was paid as a result of a legal settlement.

Remote contingent liabilities

In addition to the contingent liabilities reported in accordance with International Accounting Standard (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 2024, the JAC had no remote contingent liabilities.

A. McMurtrie

Alex McMurtrie

Accounting Officer
Judicial Appointments Commission
12 July 2024

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 2024 under the Constitutional Reform Act 2005.

The financial statements comprise the Judicial Appointments Commission's

- Statement of Financial Position as at 31 March 2024;
- 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 2024 and its net expenditure for the year then ended; and
- have been properly prepared in accordance with the Constitutional Reform Act 2005 and 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 thereon. 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 Lord Chancellor directions 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 Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is 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;
- preparing financial statements which give a true and fair view in accordance with Lord Chancellor directions under the Constitutional Reform Act 2005;
- preparing the annual report, which includes the Remuneration and Staff Report, in accordance with directions issued by the Lord Chancellor directions issued 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 audit, 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, I:

- 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 are 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 including IT specialists 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
- I addressed the risk of fraud through management override of controls, by testing 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 sufficient appropriate audit evidence 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
17 July 2024

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 2024

		2023-24	2022-23
	Notes	£000	£000
Income	2	(20)	-
Expenditure			
Staff costs	3	7,456	6,906
Other operating costs	4	1,884	1,867
Services and facilities provided by sponsoring department	5	991	684
Net expenditure for the period		10,311	9,457
Net (gain)/loss on revaluation of:			
Intangible assets	(6)	(18)	
Comprehensive net expenditure for the period		10,305	9,439

The notes on pages 104 to 112 form part of these accounts.

Statement of financial position

as at 31 March 2024

	Notes	31 March 2024	31 March 2023
		£000	£000
Non-current assets			
Intangible assets	6	511	686
Total non-current assets		511	686
Current assets			
Trade and other receivables	7	88	103
Cash at bank	8	105	458
Total current assets		193	561
Total assets		704	1,247
Current liabilities			
Trade and other payables	9	(101)	(106)
Other liabilities	9	(648)	(608)
Provisions	10	-	(6)
Total current liabilities		(749)	(720)
Total assets less total liabilities		(45)	527
Taxpayers' equity:			
Revaluation reserve		26	28
General reserve		(71)	499
Total taxpayers' equity		(45)	527

The notes on pages 104 to 112 form part of these accounts.

A. McMurtrie

Alex McMurtrie

Accounting Officer
Judicial Appointments Commission
12 July 2024

Statement of cash flows

for the period year ended 31 March 2024

		2023-24	2022-23
	Notes	£000	£000
Cash flows from operating activities			
Net expenditure for the year		(10,311)	(9,457)
Adjustments for non-cash transactions:			
- MoJ overhead recharges	5	991	684
- Intangible asset value adjustment	6	-	(7)
- Amortisation	6	181	177
- Revaluation of intangible asset	6	-	(1)
- Provisions provided in year	10	(2)	6
(Increase)/decrease in trade and other receivables	7	15	(31)
Increase/(decrease) in trade and other payables	9	35	28
Utilisation of provisions	10	(4)	(10)
Net cash outflow from operating activities		(9,095)	(8,611)
Cash flows from investing activities			
Purchase of intangible assets	6	-	-
Net cash outflow from investing activities		-	-
Cash flows from financing activities			
Grant-in-aid received from MoJ		8,742	8,523
Net financing		8,742	8,523
Net increase/(decrease) in cash and cash equivalents in the year		(353)	(88)
Cash and cash equivalents at the beginning of the year		458	546
Cash and cash equivalents at the end of the period	8	105	458

The notes on pages 104 to 112 form part of these accounts.

Statement of changes in taxpayers' equity

for the year ended 31 March 2024

	General reserve	Revaluation reserve	Total
	£000	£000	£000
Balance at 1 April 2022	744	15	759
Changes in taxpayers' equity – 2022-23			
Net expenditure for year 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
Changes in taxpayers' equity – 2023-24			
Net expenditure for the year ended 31 March 2024	(10,311)	-	(10,311)
Grant-in-aid towards expenditure	8,742	-	8,742
Grant-in-aid received, being costs settled by MOJ	991	-	991
Revaluation of intangible assets	-	6	6
Transfers between reserves	8	(8)	-
Balance at 31 March 2024	(71)	26	(45)

The notes on pages 104 to 112 form part of these accounts.

Notes to the accounts

for the period ended 31 March 2024

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 2023-24 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 2023.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2023 and not early adopted.

IFRS 17 Insurance Contracts requires a discounted cash flow approach to accounting for insurance contracts. It will come into effect for accounting periods commencing on, 1 April 2025 and will be included in the 2025-26 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 grant-in-aid funding from MOJ, which is accounted for 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) Critical judgements and key sources of estimation uncertainty

There are no items that meet the definitions of critical judgements or key sources of estimation uncertainty.

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'. Development expenditure that does not meet these criteria is 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 (DRC).

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 (PPI) produced by the Office for National Statistics (ONS). 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 7 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 are stated at discounted amounts. See note 11 for further information.

h) Pensions policy

Past and present employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS). The PCSPS is an unfunded defined benefit scheme although, in accordance with the FReM paragraph 8.2 adaptation of IAS 19, the JAC accounts for it as a defined contribution scheme and recognises contributions it pays as an expense in the year in which they are incurred. The legal or constructive obligation is limited to the amount that it agrees to contribute to the fund.

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 the MOJ and are non-cash charges. These services are agreed between the JAC and MOJ, and include communications, finance support, estates management, human resources, the provision of IT equipment and internet/intranet facilities, shared services, and commercial and contract management advice.

Note 2. Income

	2023-24	2022-23
	£000	£000
Recovery of selection exercise costs	(20)	-
	(20)	-

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
2023-24						
Wages and salaries	122	1,282	4,109	74	236	5,823
Social security costs	16	159	471	-	-	646
Pension contributions	-	-	987	-	-	987
Total	138	1,441	5,567	74	236	7,456
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

Note 4. Other operating costs

	2023-24	2022-23
	£000	£000
Selection exercise programme		
Panel members' travel & subsistence	38	36
Judicial recharge costs	22	-
Selection day costs	444	376
Advertising	35	18
Direct selection process costs	26	28
	565	458
Other programme costs		
Communications	9	11
Commissioners' travel & subsistence	11	5
Consultancy	65	106
Digital support costs	701	707
Write offs	-	4
	786	833
Administration costs		
Staff training	8	13
Office expenses	4	9
Legal services	246	298
External audit	43	39
Internal audit	41	40
Bank charges	2	2
	344	401
Non-cash items		
Amortisation	181	177
Increase in provision for legal claims net of release	(2)	6
Increase/(decrease) in bad debt provision	10	-
Revaluation	-	(1)
Intangible asset reclassification	-	(7)
	189	175
Total other operating costs	1,884	1,867

Note 5. Services and facilities provided by sponsoring department

	2023-24	2022-23
	£000	£000
Information operations ¹	16	-
Communications	7	6
Finance	93	156
Estates	147	211
HR	18	14
Digital	655	244
Shared services	55	53
Total corporate overhead charge	991	684

1. In 2022-23, information operations were part of the digital recharge.

Note 6. Intangible assets

	Information Technology	Total
Movements in 2023-24	£000	£000
Cost or valuation		
At 1 April 2023	1,156	1,156
Additions	-	-
Disposals	-	-
Revaluations	13	13
At 31 March 2024	1,169	1,169
Amortisation		
At 1 April 2023	470	470
Charged in year	181	181
Disposals	-	-
Revaluations	7	7
At 31 March 2024	658	658
Carrying value at 31 March 2024	511	511
Carrying value at 31 March 2023	686	686

	Information Technology	Total
Movements in 2022-23	£000	£000
Cost or valuation		
At 1 April 2022	985	985
Additions	-	-
Disposals	7	7
Revaluations	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
Disposals	-	-
Revaluations	13	13
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

Note 7. Trade and other receivables

	31 March 2024	31 March 2023
Amounts falling due within one year	£000	£000
Trade Receivables		
Trade Receivables	9	-
Deposits and Advances	41	61
Impairment for bad and doubtful debt	(10)	-
Other receivables	2	6
Prepayments	46	36
Total	88	103

Note 8. Cash at bank

	31 March 2024	31 March 2023
	£000	£000
Balance at 1 April	458	546
Net change in cash and cash equivalent balances	(353)	(88)
Balance at 31 March	105	458
Total cash held at Government Banking Service	105	458

Note 9. Trade and other payables

	31 March 2024	31 March 2023
	£000	£000
Amounts falling due within one year		
Trade payables	1	7
Other payables	100	99
	101	106
Tax and social security	171	136
Accruals	372	332
Accrued holiday pay	105	140
	648	608
Total	749	714

Note 10. Provisions for liabilities and charges

	2023-24	2022-23
	£000	£000
Balance at 1 April	6	10
Provided in the year	-	6
Provisions utilised in the year	(4)	(10)
Provisions released in the year	(2)	-
Balance at 31 March	-	6

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 the MOJ. The majority of financial instruments relate to contracts to buy non-financial items in line with the JAC's expected purchase and usage requirements and the JAC is therefore exposed to little credit, liquidity or market risk.

Note 13. Related party transactions

The JAC is a non-departmental public body sponsored by the MOJ. The MOJ is regarded as a related party with which the JAC has had various material transactions during the year. No board members or senior executives of the JAC engaged in activities that gave rise to related party transactions during the 2023-24 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 IAS 10 Events After the reporting period, accounting adjustments and disclosures are considered up to the point where the financial statements are 'authorised for issue'. In the context of the JAC, this is interpreted as the date on the Comptroller and Auditor General's audit certificate.

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

