

# ANNUAL REPORT AND ACCOUNTS 2011/12



SELECTING ON MERIT –  
IMPROVING SPEED,  
COST AND DIVERSITY



# JUDICIAL APPOINTMENTS COMMISSION ANNUAL REPORT AND ACCOUNTS 2011/12

Report presented to Parliament pursuant to paragraph 31(7) of Schedule 12 of the Constitutional Reform Act 2005 and Accounts presented to Parliament pursuant to paragraph 32(4) of Schedule 12 of the Constitutional Reform Act 2005

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# PART 1: ANNUAL REPORT

# CHAIRMAN'S FOREWORD



2011/12 has been a year of strong progress for the Judicial Appointments Commission (JAC). As detailed later in the report, we have made around 750 recommendations for judicial appointment to the Lord Chancellor, more than in any previous year. I have been delighted with both the quality of the applications we have received and the recommendations we have subsequently made.

Eleven new Commissioners have joined, our cadre of selection panel members has been refreshed, and I am delighted that Nigel Reeder has been confirmed as Chief Executive.

The JAC has welcomed and engaged with reviews by both the House of Lords Constitution Committee and the Ministry of Justice (MoJ). The Constitution Committee's report on *Judicial Appointments* emphasised that high-quality appointments are key to upholding the principle of an independent judiciary. The Committee concluded that a broad consensus appears to have been reached that the current model is the right one, while making a series of recommendations regarding the detail of how the model works. I was particularly encouraged by the Lord Chancellor's endorsement of the Committee's recognition of the role and work of the JAC. This is a very different situation from the one we faced a little over a year ago.

The MoJ has conducted its own consultation on *Appointments and Diversity*, and the resulting proposals include measures aimed at fully implementing the recommendations of the Advisory Panel on Judicial Diversity. Alongside this, I am pleased to report that the JAC has continued to make steady progress in attracting applications from a diverse range of candidates. Women candidates continue to perform well across the board, although they are not yet applying for senior roles in sufficient numbers. Black, Asian and Minority Ethnic (BAME) candidates are performing well in exercises for fee-paid roles, but I would like to see similar progress in relation to salaried roles. There has been little change in the number of solicitors applying, which is why I am working closely with the Law Society and the Lord Chief Justice among others, to identify what more can be done to tap into this diverse pool of talent.

As well as renewing our efforts to increase diversity, the year ahead will see the JAC taking forward an exciting new change programme. This will draw on the rich experience of our Commissioners, as well as the views of our stakeholders through wide consultation. Through this work we will identify longer-term improvements we can make to achieve a more candidate-focussed, streamlined selection process, which ensures we continue to recommend the very best candidates for appointment.

I would like to thank the pioneering group of outgoing Commissioners who joined for the birth of the JAC, and were instrumental in establishing it as a respected, independent body. Lord Justice Toulson, the former JAC Vice Chairman, merits special mention – not least for the support he gave me as I began to grasp the challenges of the role. I warmly welcome Lady Justice Black as his worthy successor.

A handwritten signature in black ink, appearing to read "Chris Stephens".

**Christopher Stephens**

Chairman, Judicial Appointments Commission

# CHIEF EXECUTIVE'S INTRODUCTION

'Productive' is the word I would most closely associate with 2011/12 – we have received our highest ever level of applications and made more selections than ever before, while shortening the length of the selection process and delivering all of this on a much reduced budget.

Reviews of our processes (see page 14) and the resulting changes have included piloting the operation of running qualifying tests online, where the evaluation shows high levels of candidate satisfaction in the trials to date; and developing a new IT system – which will enable other parts of the process to go online, such as completing application forms and booking selection days. These are two of more than 20 projects in our change programme, which can be seen in **Appendix C**.

These changes have impacted on the length of the selection process. Our data shows that this year the JAC selection element took 19 weeks on average. And we have worked hard with our partners to reduce the overall, or 'end to end' period from application to availability of appointed candidates to sit in office. The whole process now takes an average of 10 months, compared to the previous estimate of up to 18 months. This is testament to the strong working relationships which have been developed with the MoJ, Her Majesty's Courts and Tribunals Service (HMCTS) and Judicial Office, and the improvements we have all been making. While preserving the independence of JAC selection decisions, closer working with our partners has resulted in more mutual flexibility, including many changes in the selection exercise programme to meet the ever changing needs of the justice system.

We recruited new independent members to sit on selection panels with judges, and their initial and ongoing training includes equality and diversity guidance. We have also reached out to a wide range of candidates through events, webinars and use of social media.

We started the year with a 20 per cent reduction in budget from the previous year. After delivering all the exercises and continuing to modernise by taking forward the change programme, we were able to find a further nine per cent of efficiency savings against this already reduced budget. This sound financial management enabled us to play a full part in helping the MoJ to make savings and the National Audit Office has certified our accounts as unqualified.

None of this year's progress would be possible without the JAC staff, who have risen to the challenge of delivering more for less and I should like to thank them for all their hard work. Our staff survey this year showed that engagement levels have dropped slightly, but remain high at 63 per cent and actions have been drawn up for the year ahead. There have been a number of development opportunities throughout 2011/12, including the chance to learn skills from Commissioners at a series of workshops. The Staff Forum also continues to provide a voice for staff as a whole and insight for managers on where improvements can be made.

Overall, 2011/12 has been a very productive and successful year and I look forward to another year of improvement ahead.



**Nigel Reeder**  
Chief Executive

# KEY FACTS

## JAC Background

The JAC started operating in April 2006. It is an executive non-departmental public body, sponsored by the MoJ.

## JAC role

The JAC is independent and selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals whose jurisdiction extends across the UK.

The Commission may be required to select a candidate for immediate appointment or to identify candidates for vacancies which will arise in the future.

The JAC selects one candidate for each vacancy and recommends that candidate to the Lord Chancellor who can accept or reject a JAC recommendation, or ask the Commission to reconsider it.

## 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 persons available for selection.

## Activity in 2011/12

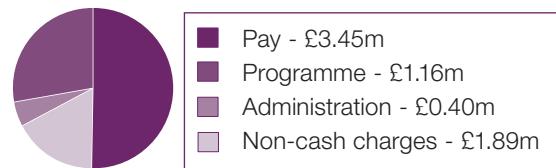
Exercises completed	Applications received	Recommendations made
25	5,490	746

## Budget

The JAC's funding in 2011/12 was £5.52m (£6.86m in 2010/11). It spent £5.01m (£6.13m in 2010/11).

In addition to funding received, the JAC incurred £1.89m (£2.12m in 2010/11) of non-cash charges such as rent and IT support, giving a total expenditure of £6.90m (£8.25m in 2010/11).

## Total expenditure in 2011/12



## Staff

As at 31 March 2012 – 73 staff (77 in 2010/11). The average number of staff in the year 2011/12 was 73 (89 in 2010/11).

## The Commission

The JAC is the organisation as a whole and the Commission is its board.

The Commission consists of a lay Chairman and 14 Commissioners.

All are recruited and appointed through open competition led by the MoJ, with the exception of three judicial members who are selected by the Judges' Council. Membership of the Commission is drawn from the judiciary, the legal profession, the magistracy and the public.

## Strategic objectives

The JAC's strategic objectives in 2011/12 were to:

- Select high quality candidates based on the selection exercise programme agreed with the MoJ
- Maintain fair, open and effective selection processes consistent with our values (page 20)
- Encourage a diverse range of eligible applicants
- Ensure that the JAC operates effectively providing value for money.

## Key JAC data from 2007/8 to 2011/12

	2007/08	2008/09	2009/10	2010/11	2011/12
Exercises reporting to the Lord Chancellor in year	27	24	25	21	25
Total number of applications for those exercises	2,535	3,518	3,084	4,684	5,490
Total number of recommendations for those exercises	458	449	446	684	746
JAC staff numbers (average FTE over the year)	101	107	105	89	73

	2007/08	2008/09	2009/10	2010/11	2011/12
	£m	£m	£m	£m	£m
<b>Total funding allocation</b>	<b>7.13</b>	<b>8.15</b>	<b>7.61</b>	<b>6.86</b>	<b>5.52</b>
Expenditure on pay (Staff and Commissioner pay)	5.30	5.54	5.01	4.46	3.45
Expenditure on the programme	0.70	1.81	1.76	1.37	1.16
Expenditure on administration <sup>1</sup> (including shared services)	0.98	0.79	0.76	0.30	0.40
<b>Total funded expenditure</b>	<b>6.98</b>	<b>8.14</b>	<b>7.53</b>	<b>6.13</b>	<b>5.01</b>
Soft charges (including accommodation costs)	1.96	2.40	2.23	2.12	1.89
Total expenditure	8.94	10.54	9.76	8.25	6.90

1 Includes utilisation of the provision

# SELECTION EXERCISE ACTIVITY

## The selection exercise programme

The JAC is responsible for selections to judicial offices listed in Schedule 14 of the Constitutional Reform Act (CRA) 2005, as well as to the offices of the Lord Chief Justice, Master of the Rolls, President of the Queen's Bench Division, President of the Family Division, Chancellor of the High Court, Lords Justices of Appeal and High Court Judges. One JAC Commissioner is also part of the selection commission for Supreme Court appointments.

The selection exercise programme is developed jointly with the MoJ and Judicial Office and is published on the JAC website. It is made up of selection exercises needed to fill the majority of judicial vacancies forecast by HMCTS and a small number of judicial vacancies for tribunals outside of the unified tribunal structure.

In consultation with the MoJ and HMCTS, the JAC also publishes a longer-term programme of the main forthcoming selection exercises.

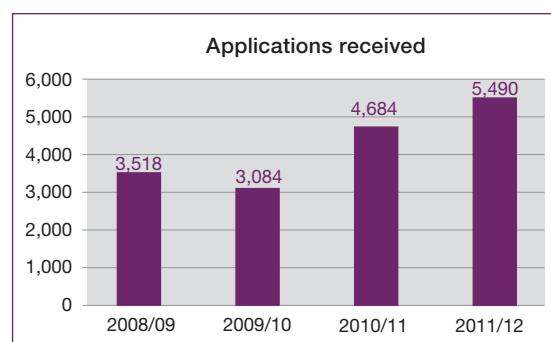
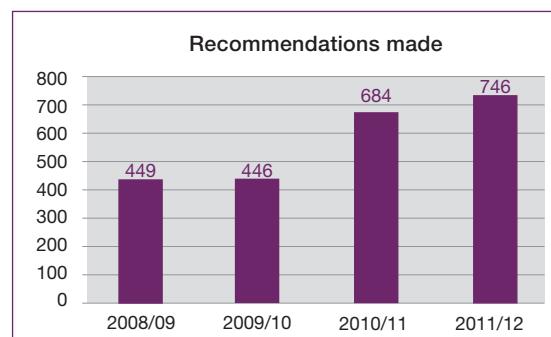
*"I was booked to sit the test for Recorder (North) but could not attend because of unexpected court commitments that day. I had a settled hopeless expectation that I would have to drop out of the competition. I was glad when this was revived and by the flexibility, good humour and initiative shown."*

**Candidate from the Recorder exercise**

The JAC works closely with the MoJ and HMCTS to respond to their emerging requirements, recognising that some changes during the year are inevitable. During 2011/12 the JAC met all requests for change to the selection exercise programme.

The average length of selection exercises will always vary year on year, depending on what exercises make up the overall programme. In 2011/12 the average length of a selection exercise was 19 weeks.

In 2011/12 the JAC handled more applications and made more recommendations than in previous years and continued to encourage applicants to ensure they are ready before they apply (page 16).



	2008/09	2009/10	2010/11	2011/12
Exercises reporting to the Lord Chancellor in year	24	25	21	25
Total number of applications for those exercises	3,518	3,084	4,684	5,490
Total number of recommendations for those exercises	449	446	684	746

During the year the Lord Chancellor rejected two recommendations for fee-paid medical members, where the number and range of applicants was limited. The Lord Chancellor considered the candidates did not have the required experience for the particular function of the office.

The JAC selection process for vacancies up to and including High Court is outlined in the **Appendix A**.

### Senior appointments

The CRA lays out the membership of the panels for selection for judicial offices above High Court level.

For Court of Appeal appointments, these panels are committees of the Commission. In these instances, when a vacancy arises, the Lord Chancellor must consult the Lord Chief Justice before making a request to the Commission to convene a panel to make a selection. These panels, chaired by the Lord Chief Justice, determine the process they will follow, make a selection, and report to the Lord Chancellor, who can then accept the selection, reject it or require the panel to reconsider. The JAC Chairman or his/her nominee is a member of the panel. In 2011/12 there were five Court of Appeal appointments: Lady Justice Rafferty; and Lords Justices McFarlane, Davis, Lewison and Kitchin.

For Heads of Division, the same selection process is used, except the panel is chaired by the President of the Supreme Court, and if practicable, the panel must consult the current holder of the office on the process used. In 2011/12 one Head of Division was appointed – Sir John Thomas became President of the Queen's Bench Division.

Justices of the Supreme Court are selected through a Selection Commission, defined by

the Act and convened by the Lord Chancellor, which includes one JAC Commissioner. The Selection Commission is chaired by the President of the Supreme Court, determines for itself the selection process to be applied and makes a selection after consultation as set out in the Act. The Selection Commission then reports its recommendations to the Lord Chancellor, who has the same options as outlined for the Court of Appeal appointments. In 2011/12 there were four Supreme Court appointments: Lords Wilson; Sumption; Reed and Carnwath.

### Deputy High Court Judge Authorisations

In addition to its responsibility for making selections for judicial appointments, the JAC's concurrence is also required for nominations for the authorisation of Circuit Judges and Recorders to sit in the High Court. The Lord Chief Justice, or a judicial office holder nominated by him, may make such a request to the Commission only after consulting the Lord Chancellor. In 2011/12 the Commission concurred with the authorisation of 10 individuals: one in the Queen's Bench Division and nine in the Family Division.

*"I want to thank you for the way in which the recent competition was handled. From the start there was a very obvious determination to ensure that all candidates would be treated fairly and that decisions would be based on evidence and not assertion."*

**A serving Principal Judge of the Upper Tribunal, Administrative Appeals Chamber and Transport Tribunal**

■ Selection exercise activity

**Selection exercises in 2011/12**

**Exercises in progress on 1 April 2011 and completed in year**

**Fee-paid**

Legal (requires legal qualifications)/ Non-legal	Position	Courts/Tribunals	Recommendations made
Legal	Recorder	Courts	108
Legal	Judge of the First-tier Tribunal Immigration and Asylum Chamber	First-tier Tribunal	36
Legal	Judge of the First-tier Tribunal, Social Entitlement Chamber	First-tier Tribunal	142
<b>Total</b>			<b>286</b>

**Salaried**

Legal/Non-legal	Position	Courts/Tribunals	Recommendations made
Legal	District Judge (Magistrates' Court)	Courts	30
Legal	Senior Circuit Judge (Crime)	Courts	9
Legal	Regional Judge, First-tier Tribunal, Social Entitlement Chamber, Social Security and Child Support (SSCS)	First-tier Tribunal	3
Legal	Designated Judge of the First-tier Tribunal, Immigration and Asylum Chamber	First-tier Tribunal	10
Legal	Judge of the First-tier Tribunal, Social Entitlement Chamber	First-tier Tribunal	37
Legal	Regional Employment Judge of the Employment Tribunals	Employment Tribunal	2
<b>Total</b>			<b>91</b>

**Salaried and Fee-paid**

Legal/Non-legal	Position	Courts/Tribunals	Recommendations made
Non-legal	Medical Member of the First-tier Tribunal Social Entitlement Chamber, (SSCS)	First-tier Tribunal	118
<b>Total</b>			<b>118</b>

## Exercises which started and completed in 2011/12

### Fee-paid

Legal/Non-legal	Position	Courts/Tribunals	Recommendations made
Legal	Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber	Upper Tribunal	10
Legal	President of the Transport Tribunal	First-tier Tribunal	1
Legal	Restricted Patient Panel Judges for the Health, Education and Social Care Chamber, HESC (Mental Health) and Mental Health Review Tribunal (MHRT) Wales	First-tier Tribunal and MHRT Wales	21
Non-legal	Medical Members of the First-tier Tribunal, HESC and MHRT Wales	First-tier Tribunal and MHRT Wales	49
Non-legal	Specialist Lay Member of the First-tier Tribunal, HESC (Mental Health) and of the MHRT Wales	First-tier Tribunal and MHRT Wales	55
Non-legal	Fee-paid Specialist Member General Regulatory Chamber (Environment)	First-tier Tribunal	7
Non-legal	Dental Practitioner of the First-tier Tribunal, HESC	First-tier Tribunal	5
Non-legal	Specialist Transport Member of the Upper Tribunal, Administrative Appeals Chamber and Transport Tribunal	Upper Tribunal	3
<b>Total</b>			<b>151</b>

“The support and advice provided by the JAC in the recent Residential Property Tribunal Service competition was invaluable. Responsibility for the practicalities was shouldered by JAC staff, allowing judicial input to focus on the needs of the Tribunal. The excellent standard of successful candidates was the clear result of constructive teamwork.”

Siobhan McGrath, Senior President Residential Property Tribunal Service and Acting President for the Property Chamber Designate

■ Selection exercise activity

**Salaried**

Legal/Non-legal	Position	Courts/Tribunals	Recommendations made
Legal	High Court (Chancery Division)	Courts	5
Legal	Circuit Judge	Courts	25
Legal	Registrar in Bankruptcy of the High Court and Master, Chancery Division	Courts	2
Legal	District Judge (Civil)	Courts	56
Legal	Judge of the Upper Tribunal, Tax and Chancery Chamber	Upper Tribunal	3
Legal	Judge of the First-tier Tribunal, Tax Chamber	First-tier Tribunal	3
Legal	Judge of the First-tier Tribunal, HESC (Mental Health)	First-tier Tribunal	4
Legal	Regional Employment Judge of the Employment Tribunals	Employment Tribunal	2
<b>Total</b>			<b>100</b>

“As we have come to expect from the JAC, every aspect of the process was well thought through, professionally executed and dispatched with rigorous fairness, courtesy, patience and care. I have little doubt that the outcome for us will be the appointment of ten strong and accomplished Deputy Upper Tribunal Judges who together will make a significant contribution to the achievement of our ambitions for 2012.”

Paul Southern, Principal Resident Judge, Upper Tribunal (Immigration & Asylum Chamber)

## Exercises which started in 2011/12 and will complete in 2012/13

### Fee-paid

Legal/Non-legal	Position	Courts/Tribunals	Forecast vacancies
Legal	Deputy District Judge (Magistrates' Court)	Courts	30
Legal	Judge of the First-tier tribunal, Social Entitlement Chamber	First-tier Tribunal	145
Non-legal	Specialist Member of the First-tier Tribunal, Social Entitlement Chamber, Criminal Injuries Compensation	First-tier Tribunal	10
Non-legal	Service Members of the First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber)	First-tier Tribunal	10
Non-legal	Medical Member of the First-tier Tribunal, Social Entitlement Chamber	First-tier Tribunal	213
<b>Total</b>			<b>408</b>

### Salaried

Legal/Non-legal	Position	Courts/Tribunals	Forecast vacancies
Legal	Specialist Circuit Judge (Mercantile)	Courts	1
Legal	Senior Circuit Judge – Resident Judge	Courts	3
Legal	Regional Tribunal Judge, Social Entitlement Chamber	First-tier Tribunal	1
Legal	Chamber President of the War Pensions and Armed Forces Compensation Chamber of the First-tier Tribunal	First-tier Tribunal	1
<b>Total</b>			<b>6</b>

### Salaried and Fee-paid

Legal/Non-legal	Position	Courts/Tribunals	Forecast vacancies
Legal	Judges of the Upper Tribunal Administrative Appeals	Upper Tribunal	5
<b>Total</b>			<b>5</b>

# KEY ISSUES

## New Commissioners and panel members

During 2011/12 the MoJ selected 11 new Commissioners to fill vacancies which were either already existing on the Commission, or would occur when terms of office for Commissioners came to an end in January 2012.

The JAC recruited a new cadre of panel members. Alongside a judicial panel member, JAC panel members sit on and chair selection panels. They also shortlist candidates where this takes place by paper sift. A cadre of 60 panel members were recruited who will operate on a fee-paid basis. The recruitment process included an aptitude test, a paper sift to produce a shortlist of candidates and a selection assessment day, including a practical written exercise and an interview.

All Commissioners and panel members have received training, including guidance on equality and diversity, and panel members will receive additional training on equality and diversity prior to the start of each selection exercise.

## The Corporate Change Programme

During 2011/12 the JAC continued its People, Processes and Performance (PPP) Programme and a new Corporate Change Programme (CCP) was launched at the end of the year, embracing the residual PPP programme. The CCP focuses on the options for longer-term change, delivered over the next two to three years, such as the increasing use of IT and improvements to the selection processes.

## Online Testing

Since the autumn, the JAC has held three pilots, with a fourth due, to run the JAC qualifying tests online. Candidates take the test at a time and place of their choosing, within a set window. The legal professional bodies and candidates have said they support online testing because it enhances candidate confidentiality and removes the need for candidates to travel and take time off work to sit a qualifying test at a test centre.

The online testing arrangements were provided by a commercial testing organisation, Kenexa, under the terms of a JAC contract, following a competitive tender process using the approved government supplier list. All the tests have been produced in the same format as those used previously and were drafted, marked and moderated by judges.

The three initial pilots of online testing ran largely successfully and were generally received positively by candidates. There were some technical problems and we have since worked with the supplier to resolve these. The fourth pilot will commence in the late spring. An evaluation of all the pilots will take place after this has been completed.

## Developments in the selection process

During 2011/12, the JAC continued to publish feedback reports on qualifying tests. To help candidates further understand what characterised a successful qualifying test, the JAC now also publishes the relevant marking schedule on its website. In addition, it has commenced publishing feedback reports for those exercises where shortlisting was conducted via a paper sift. These are also designed to provide guidance to candidates on what information is sought by the JAC via a candidate's self assessment and references.

For the 2011 District Judge exercise, the Association of Her Majesty's District Judges (ADJ) worked with the JAC to develop a process of using appraisal information of Deputy District Judges in the reference process. The JAC supports the wider introduction of judicial appraisals and welcomed this approach, which will be adapted for the next District Judge exercise. Deputy District Judges are currently the only Courts judges subject to an appraisal regime. Tribunals judges have a well-developed appraisal system and draw on appraisal material where available when providing references.

The information pack for candidates has been revised to provide clearer information to candidates, in a new and more professional style.

The JAC has also made much greater use of email to communicate with candidates in the past year, which has led to speedier and more efficient processes.

## IT developments

The capital funding for the JAC's major IT upgrade was reinstated by the MoJ in June 2011 after being suspended in 2010. Preparatory work took place in the second half of 2011 to identify suitable options to replace the JAC's existing systems. The new system will deliver four main products:

- online applications
- moving from paper to electronic files and automating processes
- online booking for selection days
- online candidate testing

A supplier is expected to be identified during 2012 and the project implemented in partnership with the MoJ.

## Parliamentary affairs

### Constitution Committee

During 2011/12 the House of Lords Constitution Committee conducted an inquiry into the judicial appointments process. The JAC submitted written evidence to the inquiry and the JAC Chairman, together with commissioners Lord Justice Toulson and Professor Dame Hazel Genn appeared as witnesses.<sup>1</sup>

The Committee published its report at the end of March 2012<sup>2</sup> which was welcomed by the JAC. The Lord Chancellor endorsed the Committee's recognition of the role and work of the JAC.

*"The JAC has succeeded in establishing a reputation for operating an open, transparent and accountable selection processes."<sup>3</sup>*

Law Society – evidence to the Constitution Committee

### Ministry of Justice consultation

The MoJ conducted a consultation on proposals relating to judicial appointments and diversity between November 2011 and February 2012. The JAC submitted a response which is available on the JAC website.<sup>4</sup> The response highlighted the importance of an independent selection system to maintain the independence of, and public confidence in, the judiciary. It particularly welcomed the proposals to extend salaried part time working to the High Court and above and for the JAC to have more involvement in the selection of deputy judges of the High Court.

1 JAC written evidence and a transcript of the oral session – <http://www.parliament.uk/documents/lords-committees/constitution/JAP/JAPCompiledEvidence28032012.pdf>

2 <http://www.publications.parliament.uk/pa/ld201012/ldselect/ldconst/272/272.pdf>

3 <http://www.parliament.uk/documents/lords-committees/constitution/JAP/JAPCompiledEvidence28032012.pdf>

4 [http://www.judicialappointments.gov.uk/static/documents/JAC\\_response\\_to\\_MoJ\\_con\\_doc\\_02.12\\_\(2\).pdf](http://www.judicialappointments.gov.uk/static/documents/JAC_response_to_MoJ_con_doc_02.12_(2).pdf)

# PROMOTING DIVERSITY AND ENSURING FAIRNESS

## Outreach

The JAC focuses its outreach activity on explaining and clarifying the selection process and attracting high quality candidates from under-represented groups. With application numbers for judicial posts increasing each year, the JAC also encourages applicants to ensure they are ready and have the necessary experience for the judicial appointment they seek.

### Outreach events

The JAC held 25 outreach events across the country in 2011/12 (36 in 2010/11). Events were run with partners including CILEx, the Law Society, the General Council of the Bar, Black Solicitors Network and the InterLaw Diversity Forum. In addition, a short film of an outreach event, developed in partnership with the Law Society, is now available on the JAC website and a webinar was held with CILEx. The JAC is working towards reducing face-to-face events and replacing them with digital channels, in line with the Government's strategy of digital by default. The webinar

had 118 live viewings and we anticipate there will be more than 400 viewings on demand, compared to face-to-face events which can attract between 20 and 90 people.

### Online activity and social media

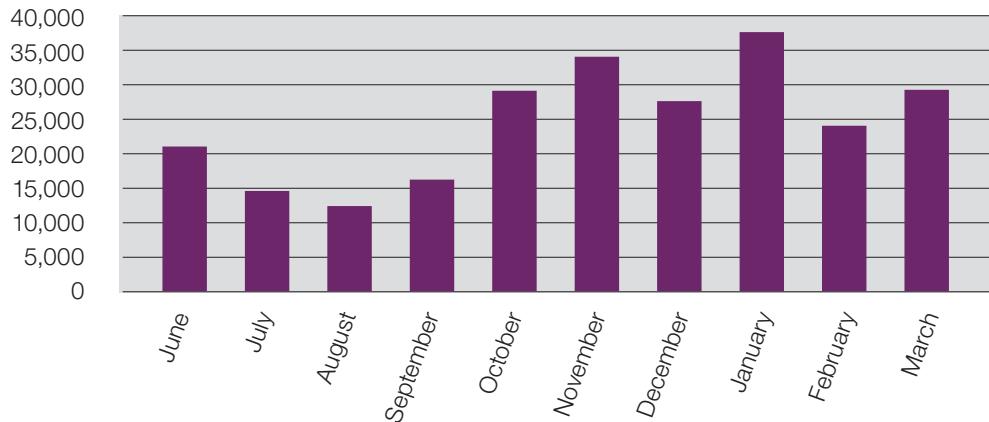
The JAC website is the first point of contact for potential candidates. During 2011/12 a number of steps were taken to enhance the user experience. These included:

- More video content, including a film of a mock interview
- The addition of a new section called 'Am I ready' to assist potential applicants
- Many new case studies of successful judicial applicants

From May 2011 to March 2012 the site received 122,941 unique visits.<sup>5</sup>

A trial of social media has worked well for the JAC, with Twitter and LinkedIn proving to be popular. We will be looking for opportunities to develop these channels in 2012/13.

**Website visits in 2011/12**  
Using Google Analytics, introduced in June 2011



<sup>5</sup> In May 2011 the JAC moved to website analysis system, Google Analytics. The April 2011 data, and previous data, is not comparable and is therefore not included.

Vacancy alerts continue to be an effective way to inform potential candidates of forthcoming judicial vacancies that interest them. In 2011/12, 11,647 (9,642 in 2010/11) people signed up to receive jobs alerts for exercises. These alerts direct candidates to the JAC website and the rate of those clicking through to the website from the email is well above the industry standard. Our monthly e-newsletter 'Judging Your Future', which includes details of all selection exercises, has grown in readership by 37 per cent over the last year, from 4,207 in March 2011 to 5,780 in March 2012.

## Advertising and media

The JAC was again granted an exemption from the government-wide advertising freeze in recognition of the importance of ensuring the widest range of candidates apply for judicial appointment.

The JAC spent 36 per cent less on advertising in 2011/12 than in the previous year. This was achieved by advertising in key legal publications only at the busiest times in the selection exercise programme. Adverts were used to dispel myths around judicial appointments and to encourage potential candidates to visit the JAC website for more information on vacancies. For non-legal vacancies, such as medically qualified members of tribunals, relevant targeted print and online publications were used depending on who was eligible to apply.

The JAC also makes use of free and low cost channels to ensure messages reach the widest possible audiences. The JAC has developed a wide network of partner organisations that circulate information about judicial opportunities, advertisements and vacancy alerts to their members at no cost to the JAC, and their continued support is appreciated. The JAC has continued to boost awareness and understanding of current and forthcoming judicial vacancies and the selection process through, for example, articles in relevant media outlets which help dispel myths that exist around the selection process and/or particular judicial roles.

## Fair treatment in selections

The JAC conducts equality assessments, which consider all nine protected characteristics as detailed in the Equality Act 2010 (disability, race, gender, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity) plus professional background, of all new and amended internal policies, as well as processes and practices related to the selection exercise programme. This ensures that fairness and equality are considered and embedded at each stage of a selection exercise.

Equality assessments are also carried out on the selection exercise materials, such as the qualifying tests and role plays. Representatives of the legal professions independently quality assure these materials. In 2011/12, formal equality-proofing sessions were carried out for all exercises.

*"The JAC has made great strides forward in the past year for lesbian, gay, bisexual and transgender equality and diversity in the judiciary, highlighted by its implementation of monitoring of sexual orientation for judicial applicants. The InterLaw Diversity Forum looks forward to continuing to work with the JAC to promote diversity and inclusion in the judiciary."*

Daniel Winterfeldt, Founder, The InterLaw Diversity Forum for LGBT Networks and Head of International Capital Markets at CMS Cameron McKenna

The JAC monitors the progression of its four target groups agreed by the Commission (women; black, asian and minority ethnic candidates; solicitors; and disabled candidates) at the application, shortlisting and recommendation stages of each selection exercise, to detect any evidence of unfairness and anomalies. During 2011/12 the JAC began to collect data on the sexual orientation and religion and belief of candidates. Once sufficient data has been collected to allow reliable comparisons to be drawn, the JAC will also start to track the progression rates of these groups of candidates to ensure there is no unintended bias in the selection process.

The JAC's reasonable adjustments policy seeks to make the selection process as accessible as possible to candidates with a disability and to meet the requirements of relevant legislation. In 2011/12, reasonable adjustments were made on 60 occasions.

## Working with others to break down barriers

### Diversity Forum

The JAC launched the Judicial Appointments Diversity Forum in 2007, with other members who can influence the diversity agenda by co-ordinating activity and by identifying new opportunities for action. Membership of the forum includes; the MoJ, legal professions, Legal Services Board, Judicial College and the Attorney General's Office.

During 2011/12, the chairmanship of the forum was rotated and hosted by members, to give all partners ownership of the forum and its objectives. The forum was consulted on the work the JAC was undertaking to fulfil recommendations in the report of the Advisory Panel on Judicial Diversity (more detail below). In 2012/13 the chairmanship will return to the JAC at the request of forum members.

### Advisory Panel on Judicial Diversity

In February 2010 the Advisory Panel on Judicial Diversity, chaired by Baroness Neuberger, published its report making 53

recommendations, 15 of which referred directly to the JAC. The JAC accepted these recommendations, joined the Judicial Diversity Taskforce and began the work of putting the recommendations in place. The Taskforce published its first progress report in May 2011.<sup>6</sup>

The JAC remains committed both to working on the recommendations allocated to it specifically, and supporting partners as they implement their recommendations.

During 2011/12 the JAC made progress on all recommendations and a full update will be published in the Taskforce's second progress report.

Notable progress includes:

- Following consultation, the JAC's merit criterion, "an ability to understand and deal fairly", was amended to include an explicit reference to understanding diversity (recommendation 20) and this was welcomed by Baroness Neuberger in evidence to the Constitution Committee
- During 2011/12 the JAC ran pilots to allow qualifying tests to be taken online (recommendation 25) – this will be evaluated once the pilot exercises have completed

*"There is one thing that we would all want to commend which does have a constitutional relevance... which is that the Judicial Appointments Commission has taken one of our recommendations and gone further on the merit criterion."<sup>7</sup>*

**Baroness Neuberger – evidence to the Constitution Committee**

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<sup>6</sup> <http://www.justice.gov.uk/publications/policy/moj/judicial-diversity-report.htm>

<sup>7</sup> <http://www.parliament.uk/documents/lords-committees/constitution/JAP/JAPCompiledEvidence28032012.pdf>

## Equality Objectives

In line with the JAC's commitment to equality and diversity and our duty under the Equality Act, we have developed a challenging set of equality objectives which outline the steps the JAC will take to further equality and diversity.<sup>8</sup> These were considered and developed with the input of JAC partners and stakeholders.

The JAC objectives for 2012/2016 are split into four distinct areas: outreach; fair and open processes; monitoring; and promoting diversity in the workplace.

## Official statistics

The JAC has continued to produce official statistics bulletins twice a year in December and June, showing the diversity profile of recommendations and how under-represented groups progressed from application to selection. These bulletins are approved by the Chief Statistician in the MoJ. The latest JAC official statistics bulletin was published in December 2011, covering six exercises and 110 vacancies.

Overall, women performed strongly which is an encouraging, consistent trend.

For example, in the Circuit Judge and District Judge (Magistrates' Court) competitions, where women made up only 20 and 19 per cent of those eligible to apply, they formed 37 and 47 per cent of the final selections made respectively.

These results mirror the findings in the joint JAC and MoJ 10-year trends research published on our website last year, which shows that women are progressing well under the JAC at both fee-paid and salaried levels.

BAME candidates did particularly well in the one part-time, fee-paid selection exercise. This is also in line with the findings of our 10-year trends analysis, which shows BAME candidates performing strongly in entry-level competitions under the JAC. BAME candidates were less successful in the salaried roles, however, applicants were either required to have substantial immigration and asylum or previous judicial experience.

<sup>8</sup> <http://jac.judiciary.gov.uk/about-jac/1693.htm>

# THE ORGANISATION

## JAC values

<b>Fairness</b>	We are objective in promoting equality of opportunity and we treat people with respect.
<b>Professionalism</b>	We are committed to achieving excellence by working in accordance with the highest possible standards.
<b>Clarity and openness</b>	We communicate in a clear and direct way.
<b>Learning</b>	We strive for continuous improvement and welcome and encourage feedback.
<b>Sensitivity</b>	We are considerate and responsive in dealing with people.

## Commissioners

Each Commissioner is appointed in their own right, not as a delegate or representative of their profession. Twelve Commissioners, including the Chairman, were selected through open competition, and three by the Judges' Council.

## The Commissioners as at 31 March 2012



### Christopher Stephens, Chairman

Christopher Stephens is a non-executive director of WSP, a global engineering consultancy. He was non-executive director of Holidaybreak plc until October 2011; Chairman of the DHL (UK) Foundation (a charity committed to community development and education projects both in the UK and worldwide) until May 2011 and Chairman of Traidcraft plc until March 2011. Christopher was a member of the Senior Salaries Review Body and a Civil Service Commissioner. Until 2004, he was Group Human Resources Director of Exel (now DHL).



### Lord Justice Toulson (judicial), Vice Chairman

Roger Toulson was appointed a Lord Justice of Appeal in January 2007. He was Chairman of the Law Commission from 2002 to 2006.

Roger stepped down from the Commission in March 2012.



### Mr Justice Bean (judicial)

David Bean was appointed a Justice of the High Court, assigned to the Queen's Bench Division, in 2004. He has been Chairman of the Bar Council (2002), and is a former member of the Civil Justice Council. He was a Presiding Judge of the South Eastern Circuit from 2007 to 2010.



### District Judge Birchall (judicial)

Malcolm Birchall has been a District Judge since 1995. He is based in Norwich, takes civil and family cases, and is a nominated care judge. He obtained a Master's degree in Family Justice Studies at the University of East Anglia. He has acted as an appraisal judge for eleven years, including six years as Circuit Appraisal Judge for the South Eastern (north) circuit. He is also an associate lecturer/tutor with the Open University in the Law Faculty and a former Course Director at the Judicial College.



### Lady Justice Black DBE (judicial)

Jill Black was appointed a Justice of the High Court, assigned to the Family Division, in 1999. She served as Family Division Liaison Judge for the Northern Circuit from 2000 to 2004. She was Chairman of the Family Committee of the Judicial Studies Board from 2004 until she joined the JAC in 2008. In 2010 Jill Black was appointed to the Court of Appeal and the Privy Council. Jill is now the JAC's Vice Chairman.



### **Martin Forde QC (professional – barrister)**

Martin Forde QC took Silk in 2006 and became a Recorder in 2009. His early career on the Midland Circuit included crime, personal injuries, matrimonial and a variety of civil and criminal work, though latterly he has focused on medical negligence and regulatory work. He is the South Eastern Circuit Diversity Mentor and Chair of the South Eastern Circuit Minorities Committee. He is also the Chair of the Bar Council's Equality and Diversity Sub Group: Access to Appointments and Progression.



### **Ms Alexandra Marks (professional – solicitor)**

Alexandra Marks has had a career as a partner at Linklaters, practising in commercial property. She became a Recorder in 2002, is a Deputy High Court Judge, an Adjudicator for the Solicitors Regulation Authority, and Chair of the Architects Registration Board's Professional Conduct Committee. She is also a past President of the City of London Law Society and a Board member of JUSTICE.



### **Professor Noel Lloyd CBE (lay)**

Noel Lloyd was Vice Chancellor of Aberystwyth University. He is a member of the Devolution Commission (the Silk Commission), Chair of High Performance Computing Wales and also Chair of Fair Trade Wales. An academic mathematician, he has worked in Aberystwyth since 1974, after an early career in Cambridge, becoming Pro Vice-Chancellor in 1997. He has also been Chair of Higher Education Wales, Vice President of Universities UK and board member of the Quality Assurance Agency for Higher Education.



### **Judge Alison McKenna (Tribunal)**

Alison McKenna was a Fee-paid Judge of the Mental Health Review Tribunal. In 2008 she was appointed to the salaried position of President of the Charity Tribunal, and was transferred to the reformed tribunal system as a Principal Judge in 2009. She is a member of the Tribunals Judiciary Executive Board and various sub-groups including Diversity. She originally trained as a barrister, worked within the Government Legal Service, and then converted to being a solicitor, specialising in charity law.



### **Mrs Stella Pantelides (lay)**

Stella Pantelides runs her own consulting business specialising in the integration of business and people strategy. She is a non-executive director on the Service Personnel Board at the Ministry of Defence and a member of the School Teachers Review Body. She has just come to the end of a five year term as a Civil Service Commissioner. She had previously held senior HR posts in professional services firms and City institutions, including Global Director, HR at Linklaters.



### **Lieutenant General Sir Andrew Ridgway KBE CB (lay)**

Andrew Ridgway served a five-year term as Lieutenant-Governor of Jersey and has been Chief of Defence Intelligence and previously Director General, Defence Training and Education. He had operational deployments with NATO and UN in Kosovo, Kuwait, and Central Bosnia, and served as the first Director of Operational Capability at the Ministry of Defence. He is the Chair of British Bobsleigh and has been involved in a number of voluntary bodies adjacent to his military career such as the Tank Museum and various benevolent funds.



### **Ranjit Sondhi CBE (lay)**

Ranjit Sondhi is a member of the Equality and Diversity Committee of the Bar Standards Board. He was Chair of the Heart of Birmingham NHS Teaching Primary Care Trust and has been involved with voluntary and community organisations including the Asian Resource Centre in Birmingham, the Joint Council for the Welfare of Immigrants, the Commission for Racial Equality, the Ethnic Minorities Advisory Committee of the Judicial Studies Board and the Lord Chancellor's Advisory Committee on Legal Education and Conduct. He has been a trustee of the National Gallery, a BBC Governor and a Civil Service Commissioner.



### **Dame Valerie Strachan DCB (lay)**

Valerie Strachan is a former senior civil servant, who is currently Chair of the Council of the University of Southampton. She retired as Chair of HM Customs and Excise in 2000. She served as a Lay Assessor on the Leggatt enquiry in 2001-02 (which recommended the creation of the Tribunals Service). For the past six years she has been a panel member of the Rosemary Nelson Inquiry and been Vice Chair of the Big Lottery Fund and Chair of James Alleyn's Girls School.



### **Her Honour Judge Taylor (judicial)**

Deborah Taylor has a background in both civil and criminal law. Having been a civil practitioner, she began as a Circuit Judge at Basildon Crown Court, presiding over criminal cases before moving to Inner London Crown Court, Blackfriars Crown Court and for the last four years, Southwark Crown Court. She also sits at the Mayor's and City of London County Court and covers a range of civil and criminal cases.



### **John Thornhill Esq JP FRSA (magistrate)**

John Thornhill is a Liverpool based magistrate, who has been on the bench since 1982, and holds court chairman status for adult, youth and family courts. He was Chair of the National Magistrates' Association from 2008 - 2011 and has been very active with the National Council since 1994. He was called to the Bar in 2002 and is currently a Member of the European Network for Councils of Judiciary, as an appointed representative of UK judges. He is also Chairman of the European Network of Lay Judges.

## Commissioners who left in 2011/12

Dame Lorna Boreland-Kelly DBE JP FRSA (magistrate)  
Professor Dame Hazel Genn DBE (lay)  
Sir Geoffrey Inkin OBE (lay)  
Ms Sara Nathan OBE (lay)  
District Judge Charles Newman (judicial)  
Judge David Pearl (tribunal)  
Mr Francis Plowden (lay)  
Ms Harriet Spicer (lay)  
Mr Jonathan Sumption OBE QC (professional – barrister)

## Staff

Further efficiencies, both in the total number of staff and in their deployment, have been made. During 2011/12, the JAC restructured from three into two directorates – one focusing on the delivery of selection exercises, the other on corporate functions which support delivery and assist with the overall governance of the organisation.

At the end of March 2012 the JAC had 73 staff, a reduction of 6 per cent from March 2011.<sup>9</sup>

Temporary staff, who are not part of the headcount, are deployed to support at peak periods and to allow flexibility in the operation of the organisation.

A staff survey took place at the end of 2011 which received a 91 per cent response rate, an increase from an 83 per cent response rate in the previous year. The overall engagement score fell to 63 per cent from 70 per cent. Although this remains above the Civil Service benchmark, the JAC recognises the need to listen to staff feedback and will be working closely with the JAC staff forum to develop action plans to address areas of concern.

JAC staff continue to choose to be involved in charitable activities, such as sponsored runs, at no cost to the public. A charity is selected by staff each year to benefit from the proceeds. In 2011, the charity was the Stillbirth and Neonatal Death charity (SANDS)

and almost £3,000 was raised. The staff have chosen The Passage, a charity which supports the homeless in Westminster, for 2012. The JAC Social and Charity committee has also organised a number of after-work events, while the Staff Forum is available to provide an avenue for staff to express views. 'Green Champions' are supported to promote initiatives which have improved the environmental sustainability of the JAC.

Staff sickness absence levels have remained relatively low in comparison to other Civil Service organisations. For 2011/12 on average 5.29 days for each member of staff was lost. This was a slight increase on the previous year, mainly due to long term absence. The JAC continues to monitor absence levels, and encourages a healthy lifestyle, for example through flexible working.

The JAC remains committed to equal opportunities and to ensuring that everyone who works for or with the JAC is treated fairly. From issues arising from the 2010 staff survey, the Harassment and Bullying policy was reviewed and this was supplemented by workshops delivered to all staff.

Despite the financial restraints, the JAC continues to invest in improving the skills of staff so that they have the relevant skills to deliver the core business, while also developing personally. Staff are encouraged to spend at least five days per year on learning and development.

<sup>9</sup> This includes two members of staff currently on loan to other government departments

## The Leadership Team

The JAC is managed by its leadership team, which consists of a Chief Executive, who was permanently appointed this financial year, and two Directors.



### **Nigel Reeder – Chief Executive**

Nigel was appointed Chief Executive of the JAC in December 2011 following a Civil Service wide recruitment campaign. He joined the JAC as Director of Strategy and Outreach in March 2008 from the MoJ, where he had developed the Government's policy on legal services reform and led the subsequent Bill team. Previously he worked for the Ministry of Defence. Nigel acted as Interim Chief Executive at the JAC between October 2010 and December 2011.



### **Sarah Gane – Director of Selection Exercise Directorate**

Sarah joined the JAC in March 2009 following 18 years working in Courts and Tribunals. Her last role with MoJ was as head of the Tribunals Services Administrative Support Centres in Leicestershire, which included heading up the Mental Health Tribunal. The Selection Exercise Directorate is responsible for the management of the selection exercises relating to appointments for HMCTS and other non-MoJ Tribunals.



### **John Rodley – Director of Operational Services**

John joined the JAC in February 2009. His first career was in the Royal Navy. He left in 2001 to become the Justices' Chief Executive and then the Court Service Area Director in Suffolk. He is also the Chairman of Concordia, a charity placing young people with volunteer projects. The Directorate provides corporate support services such as HR and IT and leads on policy matters, including the Corporate Change Programme.

# CASE STUDIES

## Clement Goldstone



**Clement Goldstone is the Resident Senior Circuit Judge in Liverpool, appointed in October 2011. Previously he was a Circuit Judge, part-time Mental Health Review Tribunal Chairman, Recorder, and QC.**

**Circuit judges are appointed to one of seven regions of England and Wales and sit in the Crown and County Courts within their particular region. Senior Circuit Judges take on additional responsibilities, for example the running of the largest court centres, and/or hearing particularly demanding or specialist cases.<sup>10</sup>**

"You have to be really hungry for the role. You are not simply being a Circuit Judge with a difference and paid a few extra thousand pounds per year. There is a lot more to it than that. The administrative side of the role is challenging but interesting. I suspect if you have not got a real enthusiasm and skill for management and administration, you are going to be found wanting.

Between major cases, I obviously help out with the more run-of-the-mill work, and I like to conduct lists of Plea and Case Management

Hearings in order to get to know the younger members of the local Bar and Higher Court Advocates who might not appear in the more serious cases.

I applied to be the Resident Senior Circuit Judge in Manchester in 2007 and was not selected. In some respects I think it was useful to have this previous application experience, but I also felt that, having been unsuccessful once, the pressure was all the greater this time. Despite this, I would advise any future applicants not to be daunted if they have been rejected before. The length of the process is often subject to criticism but it is easier to handle if you are already a serving judge. Those who are applying for an appointment from within their branch of the profession may find it more difficult to remain patient while awaiting the outcome of any interview which they have attended.

I also feel future applicants for the role of Senior and Resident Circuit Judge should know about the court centre to which they are applying and use that information in their application form and interview. You need to know something about the way the court works. However you go about it, you must be fully prepared for interview, but not over-prepared to the extent that your individual personality does not come across. The people selected for all levels of the judiciary need to be the best people for the job, whether male or female, and whatever their ethnic origin.

I am enjoying the challenge of my new role. At 62, you do not think that there will necessarily be any new areas open to you. My friends outside the law find it difficult to believe that at a time when they are contemplating retirement, or having it thrust upon them, I have just been appointed to a new position which will remain open until I am 70."

<sup>10</sup> <http://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/judicial+roles/judges/circuit-judge.htm>

## Olufemi Oluleye



**Olufemi Oluleye became a Fee-paid Judge of the First-tier Tribunal, Social Entitlement Chamber (SSCS) in July 2011 and sits in the South East.**

**She is a former disability member of the tribunal and is a solicitor, currently working as the chief executive of a Citizens Advice Bureau and previously as a commercial lawyer in Nigeria.**

**The First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support) is an independent tribunal dealing with appeals against decisions made by the Department for Work and Pensions as well as other government departments and local authorities. The main types of appeal deal with decisions about: Income Support; Jobseeker's Allowance; Incapacity Benefit; Employment Support Allowance, Disability Living Allowance; Attendance Allowance and retirement pensions.<sup>11</sup>**

"To be honest, I did not see myself becoming a judge in Britain – I felt it would have been easier in Nigeria. You need to be bold, but now the system is on merit it is obvious you should go for it.

I started planning my move to become a judge three years ago. I shadowed a District Judge for three days and he really encouraged

me and got me involved in his cases. A Law Society/JAC candidate seminar gave me some more background knowledge and then I attempted the selection process for a Deputy District Judge (Magistrates' Court) position. I did not pass the qualifying test, but it gave me valuable experience of the selection process and a realisation of the preparation required.

As my job focussed on social welfare law, I decided to do some more shadowing, this time in the Social Entitlement Chamber. Then the opportunity came up to be a disability panel member in the chamber. I decided to go for it to build up my confidence, experience and knowledge. I was successful and six months into this role, the selection process started for fee-paid judges in the tribunal. I heard a rumour that if you are from a black or minority ethnic background (BME) you have to take a test several times to pass, but I am proof that this is not true.

When I started sitting I was shocked about how few BME people have judicial roles and have mixed feelings about this. At first some people did not expect me to be on the judging panel and instead thought I was the appellant or at most a 'rep'. Most people coming before the courts and tribunals are BME, but the judicial bench is not representative.

More lawyers from BME backgrounds should go for judicial roles when they are ready. You should apply to become a judge because you like the role, not because it is a job, and ask yourself if it really is for you. And because you like it, take it seriously and be prepared. Take up the opportunity of shadowing. The judges I met were very positive and enjoy what they do. You can see it is not just a job for them, it is a passion."

<sup>11</sup> <http://www.justice.gov.uk/tribunals/sscs>

## Rabinder Singh



**Rabinder Singh was appointed to the High Court (Queen's Bench Division) in 2011. Previously he was a Deputy High Court Judge (Administrative Court), Recorder (Crown Court), and a barrister (QC), who specialised in public and human rights law. He was an academic and is also an author.**

**High Court judges assigned to the Queen's Bench Division usually sit in London, but they also travel to major court centres around the country. They try serious criminal cases, important civil cases and sit in the Court of Appeal (Criminal Division). The Queen's Bench Division deals with general common law claims, including contract and tort, and libel, and includes specialist courts: the Commercial Court; the Admiralty Court and the Administrative Court, in which Mr Justice Singh sits.<sup>12</sup>**

"The variety of the work was one of the attractions of being appointed to the Queen's Bench Division. In this type of work you need to have an interest in the law as sometimes you will be dealing with difficult points of law. You also need to be interested in the variety of work and the practical issues that can arise in trials. There are sometimes urgent and interim applications. You have to be prepared to do out of hours work and to think quickly in a practical way.

I considered becoming a judge only after I had taken silk. I started to become interested in the idea of becoming a Recorder as I liked the idea of doing both criminal and civil work. At that time, under the system before the JAC was set up, I received a letter from the Lord Chancellor's Office asking me to sit as a Deputy High Court Judge. I then also applied to become a Recorder and was successful in a competition which was run at that time by the Lord Chancellor's Department.

If you decide to apply for a judicial post you need to give very careful thought to your application form. There is not a lot of space in which to demonstrate evidence of how you satisfy the criteria for appointment. You need to support your application with specific and real examples from your experience of the law and of life more generally. You also need to think carefully about your referees. I decided to nominate people who could evidence the variety of my work – a number of judges, a solicitor and a senior barrister. I also gave a lot of thought and preparation to the presentation I was asked to do as part of the interview, reading widely and thinking about current issues in the legal world.

The process was fairly quick as far as the JAC was concerned – it was advertised in March 2010 and I was informed that my name had gone forward to the Ministry of Justice in July.

There has been an increase in the number of black and minority ethnic judges appointed to the High Court under the JAC. I do not think there are any quick fixes. The most important thing is that appointment must be on merit only. I believe there are some very talented people out there in the professions from many different backgrounds who will be appointed if they are given the opportunity to show their skills and abilities. There needs to be more of what is currently going on – outreach events and encouragement. I hope this will enable a critical mass to develop over time. Every applicant helps. As people see numbers increase, they become more confident that the system is working and it is fair and this will generate more applications in the future."

<sup>12</sup> <http://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/judicial+roles/judges/high-court-judges#headingAnchor3>

## Dr Vanessa Rogers



**Dr Vanessa Rogers was appointed as a Salaried Medical Member of the First-tier Tribunal, Social Entitlement Chamber (SSCS) in November 2011.**

**For a description of the Tribunal, see page 27.**

"After working as a GP and Dermatology Clinical Assistant, as well as a Fee-paid Medical Member for 16 years, in November 2011 I started work as one of six new Salaried Medical Members for the Tribunal. I decided to apply for the role because I had always enjoyed my Tribunal work and, with my children growing up, I was ready for a fresh challenge.

I sit four days a week, across the North East, hearing up to six Disability Living Allowance (DLA) or eight Employment and Support Allowance (ESA) appeals in a day. For ESA cases, the judicial panel comprises just myself and a judge, while for DLA cases a member with expertise in disability is also on the panel. All members of the panel contribute to the decision as to whether to award the benefit, while as the medical member I have an additional responsibility to interpret and explain medical terms and diagnoses to the other members. The judge has a similar role in applying the law and explaining legal issues, while the disability qualified member does the same for disability matters. Mental health issues such as anxiety and depression, as well as joint problems, and chronic fatigue syndrome are some of the most common conditions brought to the Tribunal, but I also see very rare conditions occasionally.

I spend one day a week on administrative duties. My role also involves delivering appraisal and training to Fee-paid Medical Members in my area.

Taking on unfamiliar tasks such as appraisal and training has been stimulating and I have continued to find Tribunal work very rewarding. These decisions can make a huge difference to people's lives.

I found the JAC selection process quite demanding. It was very different to applying for medical posts. The process entailed completing a fairly long application form followed by an interview in London. The approach needed for the application was unfamiliar to me, with the emphasis on presenting examples of your past performance which demonstrated the specific qualities they were looking for. The advice on the form and the JAC website was very helpful in this regard. The interview was held in London at the MoJ which I found slightly intimidating, but the interview panel – comprising a Salaried Medical Member, a judge and a JAC member – put me at my ease. I was given 30 minutes prior to the interview to read some scenarios and associated questions, and then questioned about these in the interview. Again, the aim was to allow me to demonstrate the qualities they were looking for.

I would advise future applicants not to be put off by the unfamiliarity of the selection process. It is designed to be fair and to allow you to demonstrate your suitability for the role. There is a lot of advice and information available via the JAC website and it is worth spending some time there seeing what is available."

## Rachael Vasmer



**Rachael Vasmer is a Salaried Judge of the First-tier Tribunal, Social Entitlement Chamber. She was appointed in November 2011 and sits in Shrewsbury. She was a Fee-paid Social Entitlement Judge from 2002 (pre JAC) and a solicitor, and has been a partner in three firms.**

**For a description of the Tribunal, see page 27.**

“Joining the judiciary has been a very positive experience and I would encourage anyone with a disability to consider it.

I have found there is much more help, in terms of equipment and adjustments, than there was in private practice.

In 2008, one of my legs was amputated above the knee. I also have a spinal fusion and therefore have problems sitting, standing and walking. I use two crutches and have ongoing difficulties with pain and associated fatigue.

This is much easier to deal with, working a judicial sitting pattern, due to the flexibility they offer. We start sitting at 10am, and I tend to get up really early and work from home. If I also want to work from home in the evenings and/or weekends, I have the flexibility to do that. You have to be at the tribunal to do your sittings, but there is usually flexibility to do paperwork out of the office unless I need to be at my venue for some other reason.

I also found the JAC extremely helpful at making sure I was not disadvantaged during the selection process. They made arrangements for me to sit the test on my own so I could get up as I needed to.

I applied to be a Salaried Social Entitlement Judge before, in 2009, and was also going through a DJ (Civil) exercise when I heard I got my current role. So in total, I have sat a qualifying test three times and been interviewed twice.

I found it invaluable to have been through the process before and I would recommend doing one of the dry-runs the JAC advertises. The test can be a shock for some. It is designed to be high pressure – you have a lot to do in a short period of time. Look at the tests on the website beforehand and the feedback reports. You need to prepare properly as you will not have time for lots of flicking through statutes once you get into the test. I also found it very helpful to have been through the interview before. You have got to be able to give examples to demonstrate how specifically you have met the criteria and that was my downfall in my first attempt.

I am very pleased to have got away from some aspects of private practice – the focus on profits and targets – although I miss my colleagues and clinical negligence work. Holidays are easier too and I am certainly working more regular hours than before – my family say there has been a massive improvement. I enjoy the variety of work, the legal challenge and being much more in control of what work I do and when.”

## Richard Powell



**Richard Powell is a Recorder (family) on the Western Circuit. He is also a family law barrister, a fee-paid immigration and asylum judge since 2001, and an author.**

**Recorders may sit in both Crown and County Courts. Their jurisdiction is broadly similar to that of a circuit judge, but they will generally handle less complex or serious matters coming before the court. Recorders are expected to sit for at least 15 days a year but not normally for more than 30 days a year.<sup>13</sup>**

“The role of a Recorder is about providing practical solutions to problems.

I went to a comprehensive school, did not go to Oxbridge. I do not consider myself as academically gifted as some. However, I believe working hard and showing an interest in what you do can be enough to become a judge.

I am comfortable in my abilities and made the most of a number of opportunities which came my way during my early career as a magistrates' clerk. This gave me the knowledge and transferable skill set you need to have for a decision-making role. As a judge you need academic abilities, but most importantly, you need to be able to analyse information and law, problem solve and then summarise the information for your judgment.

I had applied for a District Judge (Magistrates' Courts) role in the past and the role play took me completely by surprise. I expected the role play to follow what I was used to seeing in court. It did not. As a result, I was not successful and would say that watching the video of a role play on the JAC website and/or being a mock role play candidate is almost essential.

The qualifying test for the Magistrates' Courts positions had traditional questions on relevant law. The Recorder test was about putting together a judgment and I preferred this as it was more about what you were going to be doing in the role.

The interview felt very formulaic – set questions based on the competences. This was very different to when I was interviewed to be an immigration judge, before the JAC existed. Then the questions were more open and you had a discussion, so you could show your personality. However, I feel the approach now is better because it is more objective and focuses your mind on the competences and how your own experience demonstrates them.

I was 35 when I became an immigration judge and was aware most people were 10-20 years older than me, with a great deal more experience. I started sitting, realised I could do the job and any concern went out the window.

I don't think people should expect to be appointed on their first application, but you must have belief in yourself. Attend the JAC events and look carefully at the information available on the website – that is the best way to prepare. Try not to second guess what is wanted and just be true to yourself.”

<sup>13</sup> <http://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/judicial+roles/judges/recorder>

## Swami Raghavan



**Swami Raghavan is a Salaried Judge of the First-tier Tribunal, Tax Chamber. He was appointed in December 2011 and sits mainly in London. He spent the majority of his career as a solicitor in tax and financial services, including working in-house at Her Majesty's Revenue and Customs (HMRC), and the Financial Services Authority where he headed up a legal team.**

**The First-tier Tribunal Tax Chamber's jurisdiction extends to all taxes, duties and levies within the management of HMRC. It also includes appeals against HMRC's decisions on National Insurance contributions liability; decisions pursuant to Money Laundering Regulations; decisions of the Serious Organised Crime Agency relating to the recovery of alleged proceeds of crime and decisions of the Independent Parliamentary Standards Authority relating to MPs' expenses.<sup>14</sup>**

"Once I was selected to become a judge I took time to think through the consequences. There is a sacrifice as, for example, the financial rewards are not the same as in practice. It is though a uniquely satisfying opportunity to be at the heart of putting the law into action.

The role is really quite varied. At the complex end a case might be about the legal effectiveness of complicated tax arrangements designed to minimise a company's tax

liability, or evidence-heavy cases involving VAT carousel fraud. Shorter cases might, for example, deal with penalties for incorrect tax returns. Cases can involve multi-nationals represented by leading counsel at one end of the spectrum through to individuals representing themselves at the other.

Earlier on in my career I had experience of litigating in the tribunals and had in my mind back then that a judicial role would be interesting. I also took part in the judicial shadowing scheme. That was incredibly useful in giving me valuable insights into the reality of the role.

I was very pleased to be appointed when I was and while I am at the younger end of the age range of the salaried judges in the tribunal, the age gap between my colleagues and me is not significant.

There is some catching up to do in terms of minority groups in the professions and judiciary, especially at the senior levels. The judicial appointments process is designed to be meritocratic which is very reassuring. I do not think anyone from a minority background should be put off from following a judicial career. The nature of what judges do means that they must be alive to issues of prejudice and that encourages an environment which welcomes diversity. It does not itself create diversity – that needs diverse applicants to put themselves forward.

For many solicitors, particularly those whose practice is non-contentious, a judicial appointment is not on the map. That is a shame, as solicitors have a lot to contribute in terms of their expertise, problem-solving, active listening and decision-making experience. They may not have the procedural rules at their finger-tips, but the steeper learning curve in tackling any such gaps is certainly not insurmountable."

<sup>14</sup> [http://jac.judiciary.gov.uk/static/documents/info\\_pack\\_ftt\\_tax\\_chamber\\_2011.PDF](http://jac.judiciary.gov.uk/static/documents/info_pack_ftt_tax_chamber_2011.PDF)

## Paula Tyler



**Paula Tyler is a Circuit Judge on the North Eastern Circuit. She was admitted as a solicitor in 1989, transferred to the bar in 1997 and became a Recorder in 2005.**

**Circuit Judges undertake a wide range of activities in the Crown and County Courts. Those sitting in family work are often concerned with welfare issues in respect of children. In crime, Circuit Judges have a pivotal role presiding over the trial process, keeping the jury informed and giving them legal directions, and ensuring a fair trial process for defendants and complainants.<sup>15</sup>**

“Having been at the Bar for a number of years, it seemed that there were two directions in which one could think of progressing a legal career – applying for silk or the bench and I was definitely not interested in the former. I had been a Recorder for some time and decided to apply for a Circuit Judge appointment and see how it went. I did not pass the initial test the first time I sat it, and this part of the process seemed a little arbitrary to me (and still does).

I sat the test for a second time in 2010. This time around I did get through and was asked to attend an interview. I found the interview process fine: It was as I expected it to be – focussed on the contents of the application form – and the balance of lay and judicial members on the panel worked well. I was initially told that I had been unsuccessful in my

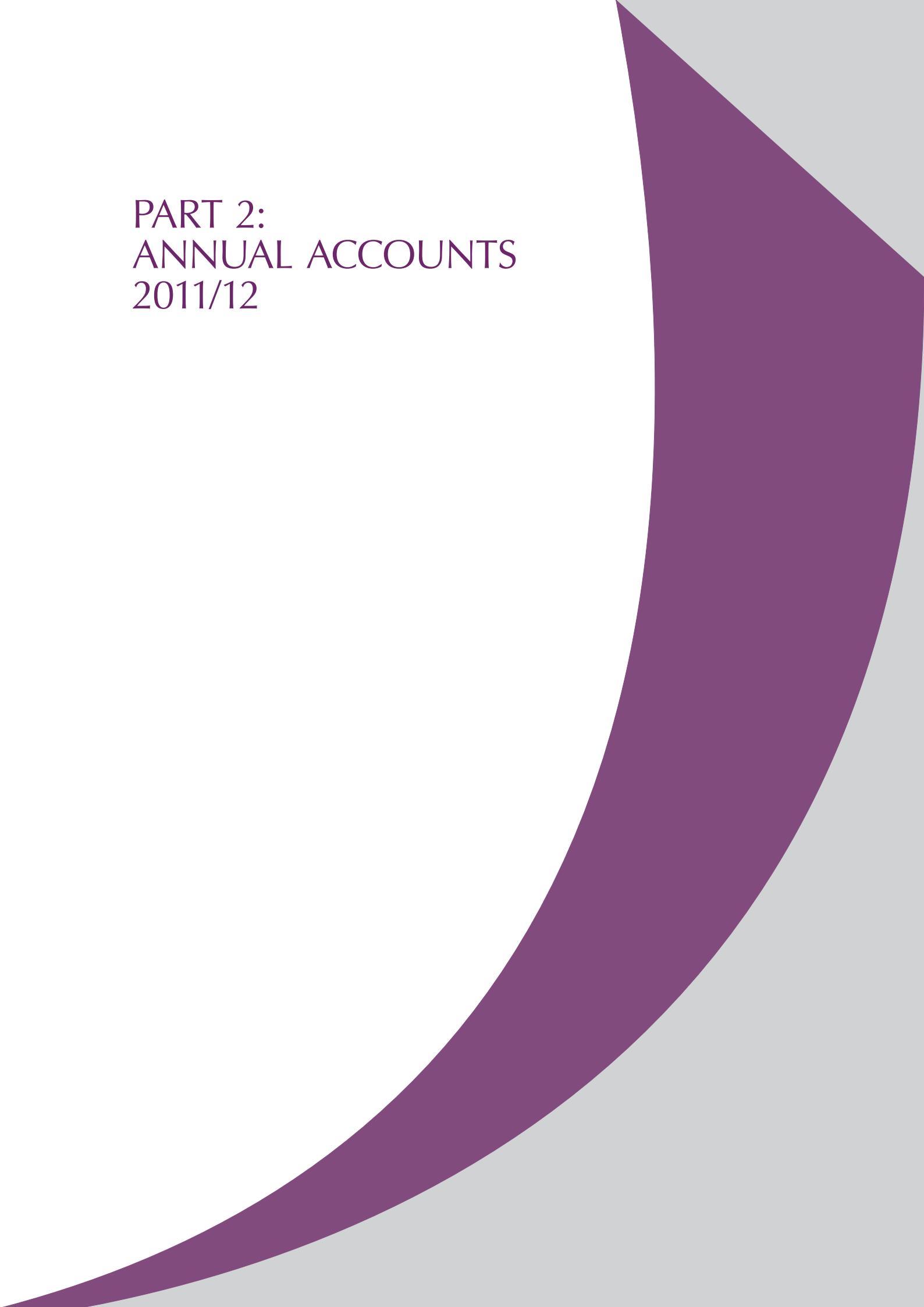
application, although the feedback I received was very positive. The MoJ then, many months later, indicated a need for several more Circuit Judges and I was asked, as an ‘appointable’ candidate, whether I wished to be considered. This caused me some turmoil as I had already resigned myself to having been unsuccessful.

In the run up to the selection exercise I did more part-time sitting in order to prepare for it. I also did a lot of reading around the relevant subject areas (in particular crime, as it is not my area of practice), and, before the interview, thought of more examples from my work in order to expand on the responses I had given in my application form. I also talked to people already on the bench in order to get an idea of whether the change in life was going to be for me.

My female partner is also a Circuit Judge. In my experience, during of the past 25 years, I have found the bar and the judiciary to be extremely accepting of each of us. I don’t know whether we have been particularly lucky in this, but I am optimistic about the way in which both society in general, and the legal professions in particular, have begun to embrace diversity. My advice is to be yourself – as a member of a minority group one often has a broader perspective which is a positive benefit, and with the emphasis on diversity, hopefully a perspective that is being looked for.”

<sup>15</sup> <http://www.judiciary.gov.uk/about-the-judiciary/judges-magistrates-and-tribunal-judges/a-day-in-the-life/circuit-judge>





## PART 2: ANNUAL ACCOUNTS 2011/12

# DIRECTORS' REPORT

## Introduction

The Judicial Appointments Commission (JAC) commenced operation on 3 April 2006, as part of the changes brought about by the *Constitutional Reform Act 2005*. For the purposes of this report, directors are defined as those who influence the decisions of the JAC as a whole, including Commissioners and the Leadership Team. Commissioners and members of the Leadership Team who served during 2011/12 are set out in the Remuneration Report, page 40.

## Statement of the accounts

The financial statements for the period 1 April 2011 to 31 March 2012 have been prepared in a form directed by the Lord Chancellor with the approval of the Treasury in accordance with paragraph 31(2) of Schedule 12 to the Act.

## Equal opportunities and diversity

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. The JAC meets all its responsibilities under the Equality Act 2010, and the JAC's equality objectives for 2012-2016 can be viewed on the JAC website. The consideration and implementation of reasonable adjustments is fully integrated into the work of the JAC in relation to our dealings with both judicial candidates and our own staff.

## Employee involvement and wellbeing

The JAC works directly with staff through regular team meetings between directors and team leaders, and between team leaders and staff. Each directorate holds a meeting at least monthly for all their staff, where information from Commission meetings and Leadership Team meetings is discussed. In addition our Chief Executive holds face-to-face meetings with all staff where significant information, or changes that apply to all, are discussed. All staff are encouraged to ask about organisational issues and how these relate to themselves and their work.

We continue to review the JAC's internal intranet to ensure that it contains relevant information in a format that is easier to communicate more readily with staff, and allows information to be retained for future reference.

Our Health and Safety Policy and responsibilities as set out in the *Statement of Intent*, signed by the Chief Executive in February 2011, are published on our intranet for staff.

We communicate other health and safety information to staff through the intranet and by notices. All senior managers have been appropriately trained. A JAC Assistant Director has been trained as the Fire and Incident Control Officer for the building. A number of staff attended manual handling training. The JAC has sufficient trained first aiders and fire wardens in place. Each Directorate has trained health and safety co-ordinators who meet regularly with the 'Competent Person' as a working group, to identify issues and review progress. The JAC Assistant Director, Business Services, chairs the Health and Safety Building Committee, as well as attending the MoJ Corporate Health and Safety Committee meeting. There were no reportable health and safety incidents.

In November 2008 the JAC set up a Staff Forum comprising eight staff representatives from all parts of the organisation. The Forum's aim is to make use of the diverse experience and expertise of JAC staff to improve our performance and working life. This includes establishing and managing a staff suggestion scheme, providing advice on staff opinion surveys and promoting good practice and successes. The Forum reviewed its membership during the year and meets at least monthly, including regular meetings with the Leadership team to discuss relevant issues.

The JAC continually works closely with its staff to support its business priorities. At the beginning of the year, we held a full staff consultation on proposals to alter the organisational structure in order to ensure that resources were allocated to the main priority of selection exercises. Staff responded frankly with many of their proposals being taken forward. Our Chief Executive followed this up with regular face-to-face meetings with all staff, keeping them informed of developments.

As mentioned on page 24, the JAC surveys the opinions of staff annually and undertakes exit interviews/questionnaires on all staff who leave. The outcomes indicate an engagement index score of 63 per cent. While slightly lower than the previous year, it is still well above the average for most Government Departments. Nevertheless we are not complacent and are always considering new ways in order to communicate with staff, which allows them to gather the information they require in order for them to undertake their work.

## Timeliness in paying bills

The JAC aims to pay all properly authorised and undisputed invoices in accordance with contractual

conditions or, where no such conditions exist, as soon as possible, but certainly within 30 days of the presentation of a valid invoice. During the financial year 2011/12 the JAC also monitored its payment performance against the five-day target, in accordance with the Prime Ministerial commitment of May 2010 that Government Departments should pay suppliers within five days of receipt of a valid invoice at the correct billing address (target of 80%). It also monitored its performance against a 10 day target (of 90%).

As the JAC has one weekly payment run, these targets are often difficult to achieve, while also ensuring that proper checks are made to ensure invoices are valid.

The following sets out the JAC performance:

	2011/12 %	2010/11 %	Target %
Payment within 5 days	35.2	31.9	80
Payment within 10 days	85.8	71.9	90
Payment within 30 days	99.7	99.4	100

## Pension liabilities

Details regarding the treatment of pension liabilities are set out in notes 1e and 2 to the financial statements.

The Accounting Officer has taken all steps that he ought to have taken to make himself aware of any relevant audit information, and to establish that the JAC's auditors are aware of that information.

## Significant outside interests

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, who can be contacted at the offices of the JAC, Steel House, 11 Tothill Street, London SW1H 9LH.

The JAC Framework Document requires that internal audit arrangements should be maintained in accordance with the Treasury's Government Internal Audit Standards. The MoJ Internal Audit (IA) service 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 JAC. IA attends the JAC Audit and Risk Committee, which provides oversight on governance and risk management.

## 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 3 to the financial statements, and relates solely to statutory audit work.

So far as the Accounting Officer is aware, there is no relevant audit information of which the external auditors are unaware.

## Events after the reporting period

Events after the reporting period, of which there are none, are set out in note 14 to the financial statements.

## Likely future business developments

Likely future developments and how they will affect our business are set out in the management commentary, below.

# MANAGEMENT COMMENTARY

## Financial review

### Accounting standards

The financial statements for the JAC are prepared in accordance with the Treasury's Financial Reporting Manual and applicable accounting standards.

### Commentary on the accounts

In 2011/12 the JAC made an increased number of selections compared to 2010/11 and this was achieved with a reduced financial allocation. The Net Expenditure Account shows that net expenditure for the year was £6,874k compared with £8,220k the previous year, a 16 per cent decrease. This was due to a reduction in employment costs of £1,121k (22%), due to organisational changes following staff departures, and £232k (11%) of non-cash charges relating to services provided by the MoJ.

In response to the reductions in budgets, as a result of the Spending Review in 2011/12 and beyond, the JAC continues to look at its staffing and organisational structure whenever a member of staff leaves, to see whether efficiencies can be made. This has led to a gradual reduction in staff during the year. We have also looked at new ways of working, and have reduced costs associated with our qualifying tests, by undertaking three pilots to provide qualifying tests online, rather than candidates sitting them in external venues. The result of these measures mean that the JAC underspent on its grant-in-aid allocation of £5,520k by £507k (9%), spending just £5,013k of its allocation, which also takes account of the utilisation of the provision established in 2009/10 to fund the early retirement. We therefore did not draw down our full grant-in-aid allocation. For the purposes of the summary financial data on page 7 panel chairs and lay panel members' costs are treated as programme costs.

The JAC continues to make extensive use of shared services for central functions, such as the provision of accommodation, HR and IT by the MoJ, to benefit from economies of scale. These costs are generally 'soft' charged, with no funds exchanged, although some are 'hard' charged. Further details of the 'soft' charges can be found in note 4 to the financial statements.

The closing bank balance relates to grant-in-aid drawn down by the JAC in readiness to pay its liabilities.

## Development and performance

### Overview of the year

As described in Part 1, the JAC completed 25 selection exercises in 2011/12, and began a further 10 continuing into 2012/13. The number of recommendations made, and applications received during the year, is dependent upon the mix of exercises. The JAC made 746 recommendations in 2011/12 (684 in 2010/11), and received 5,490 applications for these positions (4,684 in 2010/11).

The JAC has continued to look for more efficient and effective ways to carry out its operations. We have launched more exercises, handled more allocations and selected more candidates than last year. During the same period we have reduced our spending by some 16% on the previous year. We trialled the operation of qualifying tests "online", outsourcing the work to an external provider. As well as providing greater confidentiality for candidates this also contributed to our spending reductions.

We have also continued to operate fair and non-discriminatory selection processes and we have worked with others to encourage applications from a wider range of people. We have played a key role in the Judicial Diversity Taskforce, which was set up in March 2010 by the Lord Chancellor following the report of the Advisory Panel on Judicial Diversity (Neuberger Report). Progress against the recommendations of the report was published in May 2011. We have also continued to work with partners through the JAC Diversity Forum to encourage a collective approach to identifying and breaking down the barriers to application.

The JAC key relationships are with the Lord Chancellor and his officials, the Lord Chief Justice and the judiciary, Her Majesty's Courts and Tribunals Service and the legal professional bodies.

Members of the judiciary participate in each element of the selection exercise process, setting and marking qualifying tests for selection exercises and participating as interview panel members. As disclosed in the Remuneration Report, the services of judicial Commission members, as well as the cost of the judicial input to the selection process, are provided without charge.

There were no losses of personal data during the year (Nil in 2010/11).

### Progress in relation to corporate objectives

For further details of the progress made by the JAC against the strategic objectives set out in the 2011/12 Business Plan, see **Appendix B: Performance in 2011/12**.

### Forward look and future developments

The grant-in-aid allocation provided by MoJ will decrease from £5,520k in 2011/12 to £5,120k in 2012/13 (a 7.2% reduction). The Business Plan 2012/13 gives further details of the JAC's objectives for the year ahead and how these will be achieved. These include reviewing our selection processes, re-taking the Chairmanship of the Diversity Forum and introducing IT systems which will support the efficient delivery of the selection exercise programme.

The JAC will closely monitor the progress of legislation relating to judicial appointments. We will work closely with the MoJ and the Judicial Office to develop any new policies and processes that may be required in response to this.

### Principal risks

The principal risks for the JAC are set out in the Corporate Risk Register, with the main ones being: Delays in delivering our Corporate Change Programme; loss of corporate knowledge, due to the recent changes in Commissioners and panel members; and the replacement of our existing IT system not being completed effectively or in a timely fashion.

The Leadership Team constantly monitors these corporate risks (via the Corporate Risk Register), takes action to ensure that the risks are, to the extent possible, mitigated and reports to the Commission. The Audit and Risk Committee monitors and discusses the Corporate Risk Register and the actions taken with the Leadership Team each quarter. The Governance Statement also provides a description of the key elements of the risk and control framework.

### Going concern

The Statement of Comprehensive Net Expenditure Account shows a deficit in 2011/12. Due to grant-in-aid funding the Statement of Financial Position at 31 March 2012 shows an excess of assets over liabilities of £624k.

We know of no intention to suspend the JAC's activities. As outlined in the review of judicial appointments process the conclusion was that the JAC should be retained. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial

statements. Grant-in-aid for 2012/13, taking into account the amounts required to meet the JAC's liabilities, has already been included in the departmental estimate.

### Environmental, social and community matters

Staff sickness absence levels remain below the average across public sector organisations at 5.29 days per year (3.5 days in 2010/11) for each member of staff, with the increase due to long-term absence. Though this is an increase from the previous year, we continually monitor sickness absence trends both across the organisation and at individual level, conduct regular return to work meetings and where necessary, seek the support of our Occupational Health Service. We encourage staff to look at their working patterns to reduce the stresses of long daily travelling into London.

JAC staff are encouraged to be conscious of sustainability and energy-saving issues. The JAC has a Green Champion who works with the MoJ Sustainability team and promotes good practice directly and via the intranet. For example, desk-side bins have been removed to encourage recycling of paper, plastics, cans and food waste, etc. Printers are set up to default to double-sided printing and PCs and monitors are checked to ensure they are switched off when not in use.

The JAC is exempt from sustainability reporting. However, its offices are part of the MoJ estate, and therefore information on this can be found in the MoJ's consolidated resource accounts.

# REMUNERATION REPORT

This Remuneration Report has been prepared in accordance with Chapter 6 of the Companies Act 2006 as interpreted for the public sector context. It summarises JAC policy on remuneration as it relates to Commissioners and members of the Leadership Team.

The two principal features of this report are:

- a summary and explanation of the JAC's remuneration and employment policies and the methods used to assess performance; and
- details of salaries, benefits in kind and accrued pension entitlement (details of remuneration and benefits are set out in the tables within this report and have been subject to audit by the Comptroller and Auditor General under the Constitutional Reform Act 2005).

## Appointment policy

The Lord Chancellor, under the provisions of the Constitutional Reform Act 2005, approves the appointment of the Chief Executive of the JAC and the terms and conditions for staff and Commissioners. Independent panels select the Chairman and 11 Commissioners following full and open competitions. The Judges' Council selects three Commissioners, all of whom are either a judge of the Court of Appeal or a High Court judge, and at least one of each.

## Leadership Team

The existing members of the Leadership Team (who are senior civil servant equivalents) are permanent members of the JAC, or public servants on fixed term contracts. A previous member of the team, who left during the year was a civil servant seconded to the JAC from Her Majesty's Revenue & Customs. The terms and conditions of their appointments, including termination payments, are governed by their contracts. The Leadership Team during 2011/12 and details of their contracts are set out on page 43.

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Review Body on Senior Salaries. The Review Body 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. In reaching its recommendations, the Review Body is to have regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities;
- regional/local variations in labour markets and their effects on the recruitment and retention of staff;
- government policies for improving public services, including the requirement on departments to meet the output targets for the delivery of departmental services; and
- the Government's inflation target.

The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations. Further information about the work of the Review Body can be found at [www.ome.uk.com](http://www.ome.uk.com).

## 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. JAC staff are employed as Public Servants, rather than Civil Servants, but the principles of this Act still apply. The Recruitment Principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Unless otherwise stated below, the Leadership Team members covered by this report hold appointments which are governed by their contracts. Early termination, other than for misconduct, results in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

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

## Panel Chairs and Panellists

The JAC has appointed panel chairs and independent panellists who are used, when required, to assess candidates for selection. The panel chairs provide a summary report for Commissioners on candidates' suitability for selection. These panel chairs and panellists 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, as agreed by HM Revenue and Customs. They do not have any pension entitlements. We recruited a new cadre of panel members towards the end of the financial year and they will be used in 2012/13.

## Commissioners

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

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 appointed in January and February 2012, 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.

For those Commissioners entitled to a fee, who were in post up to the end of January 2011, were paid an annual fee of £12,180 (£12,180 in 2010/11) in respect of 36 days service per year. If these Commissioners worked additional days, they were paid at £406 per day (£406 in 2010/11). The remuneration of the Chairman is included in the Leadership remuneration table on page 43.

The members of the Commission during 2011/12 and details of their appointments are set out below.

	Date of original appointment	Date of re-appointment	Length of current term
<b>Chairman</b> Christopher Stephens	07/02/2011		3 years
<b>Commissioners</b>			
Mr Justice Bean	01/09/2010		5 years
Lady Justice Black DBE	01/10/2008		5 years
Professor Dame Hazel Genn DBE (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Mr Jonathan Sumption OBE QC (left 30/09/2011)	01/02/2006	01/02/2011	1 year
Dame Lorna Boreland-Kelly DBE JP FRSA (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Sir Geoffrey Inkin OBE (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Ms Sara Nathan OBE (left 31/01/2012)	01/02/2006	01/02/2011	1 year
District Judge Charles Newman (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Judge David Pearl (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Mr Francis Plowden (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Ms Harriet Spicer (left 31/01/2012)	01/02/2006	01/02/2011	1 year
Lord Justice Toulson (left 31/03/2012)	01/10/2007		5 years
District Judge Birchall	01/02/2012		2 years
Martin Forde QC	05/01/2012		3 years
Ms Alexandra Marks	05/01/2012		3 years
Professor Noel Lloyd CBE	01/02/2012		2 years
Judge Alison McKenna	01/02/2012		2 years
Mrs Stella Pantelides	01/02/2012		3 years
Lieutenant General Sir Andrew Ridgway KBE CB	01/02/2012		2 years
Ranjit Sondhi CBE	01/02/2012		2 years
Dame Valerie Strachan DCB	01/02/2012		3 years
Her Honour Judge Deborah Taylor	05/01/2012		3 years
John Thornhill Esq JP FRSA	01/02/2012		2 years

**Commissioners' remuneration**

The Commissioners' remuneration (audited) for the year is as shown below, including payments to Commissioners for acting as panellists in selection exercises.

		2011/12	2010/11
	Remuneration	Benefits in kind (to nearest £100)	Total
	£000	£000	£000
Mr Justice Bean	-	-	-
Lady Justice Black DBE	-	-	-
<b>Left during the year</b>			
Professor Dame Hazel Genn DBE	5	-	5
Mr Jonathan Sumption OBE QC	5	-	5
Dame Lorna Boreland-Kelly DBE JP FRSA	17 <sup>1</sup>	3,300	20
Sir Geoffrey Inkin OBE	13	5,900	19
Ms Sara Nathan OBE	18 <sup>2</sup>	-	18
District Judge Charles Newman	-	-	-
Judge David Pearl	-	-	-
Mr Francis Plowden	13 <sup>1</sup>	-	13
Ms Harriet Spicer	18 <sup>1</sup>	-	18
Lord Justice Toulson	-	-	-
<b>Joined during the year</b>			
District Judge Birchall	-	-	-
Martin Forde QC	2	-	2
Ms Alexandra Marks	2	-	2
Professor Noel Lloyd CBE	2	1,000	3
Judge Alison McKenna	-	-	-
Mrs Stella Pantelides	2	-	2
Lieutenant General Sir Andrew Ridgway KBE CB	2	500	2
Ranjit Sondhi CBE	2	-	2
Dame Valerie Strachan DCB	2	-	2
Her Honour Judge Deborah Taylor	-	-	-
John Thornhill Esq JP FRSA	2	800	3
<b>Total</b>	<b>105</b>	<b>11,500</b>	<b>116</b>
			<b>87</b>

Notes:

- 1 Includes remuneration for acting as a panellist for the recruitment of the new cadre of panellists
- 2 Includes remuneration for acting as a panellist on the High Court exercise

**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 incur 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. The taxation on such expenses is borne by the JAC. There are no other benefits in kind.

## Staff

For a breakdown of average staff numbers see note 2 to the accounts.

### Appointments

The members of the Leadership Team during 2011/12 and details of their appointments are set out below:

		Date of appointment	Contract	Leaving date
<b>Chief Executive</b>	Nigel Reeder	20/12/2011	Permanent member of staff	
<b>Directors:</b>				
Selection Exercises	Sarah Gane	30/03/2009	Fixed Term Contract: 4 years	
Operational Services	John Rodley	04/02/2009	Fixed Term Contract: 4 years	
Courts Appointments	Jane Andrews	17/09/2007	Secondment: 4 years	10/08/2011

Nigel Reeder was appointed the Strategy and Outreach Director on 31/03/2008. He was appointed Interim Chief Executive on 18/10/2010 (in succession to Clare Pelham), and then made permanent Chief Executive on 20/12/2011.

### Remuneration of Leadership Team, including the Chairman

The salaries of the Leadership Team at the JAC (audited), including the Chairman, were as follows:

	2011/12			2010/11		
	Salary	Bonus Payments	Benefits in kind (to nearest)	Salary	Bonus Payments	Benefits in kind (to nearest)
	£000	£000	£000	£000	£000	£000
Christopher Stephens	50-55 <sup>1</sup>	-	-	5-10 <sup>3</sup>	-	-
Baroness Prashar	-	-	-	45-50 <sup>4</sup>	-	-
Nigel Reeder	80-85	-	-	70-75 <sup>5</sup>	0-5	-
Sarah Gane	65-70	-	-	65-70	-	-
John Rodley	75-80	-	-	75-80	-	-
Clare Pelham	-	-	-	60-65 <sup>6</sup>	5-10	-
Jane Andrews	25-30 <sup>2</sup>	-	-	80-85	5-10	-

	2011/12	2010/11
Band of Highest Paid Director's Total (£000)	80-85	105-110
Median Total Remuneration £	29,764	30,842
Ratio	2.8	3.5

Notes:

- 1 This figure represents the charge to the JAC. He was also paid a further amount in the range £0-5K, but this was paid for by the MoJ. This figure is the rate based on a 0.6 FTE
- 2 The figure quoted is for 1 April 2011 to 10 August 2011. The full-year equivalent is in the range £80-85k
- 3 The figure quoted is for 7 February 2011 to 31 March 2011. The full-year equivalent is in the range £50-55k
- 4 The figure quoted is for 1 April 2010 to 30 September 2010. The full-year equivalent is in the range £95-100k
- 5 The figure represents the actual salary paid in the year, but was in the range £60-65k for 1 April 2010 to 17 October 2010, and £80-85k for 18 October 2010 to 31 March 2011
- 6 The figure quoted is for 1 April 2010 to 31 October 2010. The full year equivalent is in the range £105-110k

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

The banded remuneration of the highest-paid director in the JAC in the financial year 2011/12 was £80-85k (2010/11, £105-110k). This was 2.8 times (2010/11 3.5 times) the median remuneration of the workforce, which was £29,764 (2010/11, £30,842). The ratio reduced, due to the highest paid Director leaving the JAC part-way through 2010/11, and her replacement earned a lower salary.

In 2011/12, Nil (2010/11, Nil) employees received remuneration in excess of the highest-paid director.

Salary includes gross salary; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation. It also includes, non-consolidated performance-related pay,

benefits-in-kind as well as severance payments. It does not include employer pension contributions and the cash equivalent transfer value of pensions.

This presentation is based on the cash payments made in the year by the JAC.

### Benefits in kind

Leadership Team members have no entitlement to benefits in kind. In 2011/12 no member of the Leadership Team received any benefits in kind.

## Pension entitlements

The following sections provide details of the pension interests of the Leadership Team and Chairman of the JAC.

### Pension Benefits

The pension entitlements (audited) of the Leadership Team, including the Chairman were as follows:

	Total accrued pension at pension age as at 31/03/2012 and related lump sum £000	Real increase in pension and related lump sum at pension age £000	CETV at 31/03/12 £000	CETV at 31/03/11 £000	Real increase in CETV £000	Employer Contribution to partnership pension account £000
Christopher Stephens <sup>1</sup>	-	-	-	-	-	-
Nigel Reeder	35-40 plus Lump sum 110-115	2.5-5 plus Lump sum 12.5-15	760	618	90	-
Sarah Gane	15-20 plus Lump sum 50-55	0-2.5 plus Lump sum 0-2.5	263	242	(1)	-
John Rodley	5-10 plus Lump sum 0-5	0-2.5 plus Lump sum 0-2.5	99	67	24	-
Jane Andrews	30-35 plus Lump sum 95-100	(2.5)-0 plus Lump sum (2.5)-0	572 <sup>2</sup>	549	(5)	-

1 Is not entitled to pension benefits

2 Relates to CETV at leaving date

The actuarial factors used to calculate CETVs were changed in 2011/12. The CETVs at 31/03/11 and 31/03/12 have both been calculated using new factors, for consistency. The CETV at 31/03/11 therefore differs from the corresponding figure in last year's report which was calculated using the previous factors.

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

### Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil and public servants may be in one of four defined benefit schemes: either a final salary scheme (**classic, premium or classic plus**) or a whole career scheme (**nuvos**). 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** and **nuvos** are increased annually in line with Pensions Increase legislation. Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for **classic** and 3.5% for **premium, classic plus** and **nuvos**. Increases to employee contributions will apply from 1 April 2012. Benefits in **classic** accrue at the rate of 1/80th 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 1/60th 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 the Pensions Increase legislation. 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 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of three 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 0.8% 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** and 65 for members of **nuvos**.

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

### Cash equivalent transfer values

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

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

### Real increase in CETV

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

**Compensation for loss of office**

Five members of staff left under voluntary exit terms on March 2011. They received compensation payments totalling £133k. Details are provided in Note 2 to these accounts.

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure.

**Signed on behalf of the Judicial Appointments Commission**



**Nigel Reeder**  
Chief Executive  
Judicial Appointments Commission  
15 June 2012

# STATEMENT OF THE COMMISSION'S AND ACCOUNTING OFFICER'S RESPONSIBILITIES

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

- 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; and
- prepare the accounts on a going concern basis.

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

# GOVERNANCE STATEMENT

## The Governance Framework

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

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 the public funds and JAC assets for which I am responsible, in accordance with the responsibilities assigned to me in *Managing Public Money*.

In order to achieve these governance aims the JAC has in place the following committee structure:

- The Commission (comprising 15 Commissioners including the Chairman as set out in the *Constitutional Reform Act*, although during the year there were up to two vacancies) meets monthly (except in 2011/12 April and August). The members of the Commission come from a wide background and are drawn from the lay public, the legal professions, tribunals, the magistracy and the judiciary. The specific make up of the Commission means that it has a breadth of knowledge, expertise and independence. In addition, the Chief Executive and Leadership Team (two Directors) attend the Commission meetings. It is responsible for: the overall strategic direction of the JAC, within the provisions of the *Constitutional Reform Act 2005* and supporting *Framework Document* agreed between the Lord Chancellor and the Chairman of the JAC; ensuring that any statutory or administrative requirements for the use of public funds are complied with; reviewing financial information concerning the management of the JAC; and demonstrating high standards of corporate governance at all times

- Selection and Character Committee (SCC) – generally meets twice a month (with some variation depending on business needs). The members are the same as the Commission, and the Committee is chaired by the JAC Chairman, Vice-Chairman or a nominated Commissioner. It identifies candidates suitable for recommendation to the Lord Chancellor for appointment to all judicial offices under schedule 14 of the Constitutional Reform Act
- Audit and Risk Committee (ARC) – the Committee comprises the Chair (a Commissioner), an independent member and three other Commissioners, although one left office at the end of 2010/11. The Committee meets four times a year, with an additional meeting to consider the annual accounts, and advises me on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The Committee also assesses the internal and external audit activity plans and the results of that activity

Attendance at the Board and Committee meetings during the year was as follows:

Details	Board	SCC	ARC
<b>Number of meetings: 01/04/2011 to 31/01/2012</b>	<b>8</b>	<b>18</b>	<b>5</b>
<b>Number of meetings: 01/02/2012 to 31/03/2012</b>	<b>2</b>	<b>3</b>	<b>-</b>
<b>Total Meetings in the Year</b>	<b>10</b>	<b>21</b>	<b>5</b>
Christopher Stephens	9	19	1
Mr Justice Bean	8	16	-
Lady Justice Black DBE	7	12	-
Lord Justice Toulson (left 31/03/2012)	9	16	-
<b>Left during the year</b>			
Mr Jonathan Sumption OBE QC (left 30/09/2011)	4	8	-
Dame Lorna Boreland-Kelly DBE JP FRSA (left 31/01/2012)	5	15	-
Professor Dame Hazel Genn DBE (left 31/01/2012) *	1	2	-
Sir Geoffrey Inkin OBE (left 31/01/2012)	7	13	-
Ms Sara Nathan OBE (left 31/01/2012)	8	18	-
District Judge Charles Newman (left 31/01/2012)	7	14	-
Judge David Pearl (left 31/01/2012)	6	13	4
Mr Francis Plowden (left 31/01/2012)	8	14	5
Ms Harriet Spicer (left 31/01/2012)	6	13	5
<b>Joined during the year (from 01/02/12 unless otherwise stated)</b>			
District Judge Birchall	2	3	-
Martin Forde QC (joined 05/01/2012)	1	2	-
Ms Alexandra Marks (joined 05/01/2012)	3	3	-
Professor Noel Lloyd CBE	2	3	-
Judge Alison McKenna	2	3	-
Mrs Stella Pantelides	2	2	-
Lieutenant General Sir Andrew Ridgway KBE CB	2	2	-
Ranjit Sondhi CBE	2	3	-
Dame Valerie Strachan DCB	2	2	-
Her Honour Judge Deborah Taylor (joined 05/01/2012)	3	2	-
John Thornhill Esq JP FRSA	2	3	-

\* Remained a JAC Commissioner but it was accepted that Professor Genn only needed to attend Board and SCC meetings by exception, due to other pressures on her time.

## Board Performance – Transitional arrangements

Due to the unusual situation during the year, which saw the appointment of 11 new Commissioners in January and February 2012 (with four remaining in place), it was not considered appropriate to assess the Board's performance. There would have been no material benefit in assessing a Board the majority of whose members changed significantly during the year. Further, it was too early to assess the performance of the Board with the new members, by the end of the financial year. It was agreed by the Audit and Risk Committee that this would better be focussed on the effectiveness of the transitional arrangements.

This potential loss of knowledge was identified in the Corporate Risk Register, and in order to mitigate this risk the JAC put in place a number of initiatives to ensure a thorough handover process, as follows:

- An Induction Manual for Commissioners was produced covering: the background and history of the JAC; statutory duties; JAC's values; strategic objectives; the Lord Chancellors' review of the judicial appointments process; the Constitution Committee - review of Judicial Appointments; the MoJ consultation document "Appointment and Diversity"; the JAC's improvement and change agenda; our diversity duty; and the candidate selection process
- Full discussion of the Commissioner Handover Plan took place at the December 2011 Board meeting
- An Exercise Management Plan was designed to provide the specific detail of exercises being handed over and was used by all selection exercise teams. It has been the task of the Selection Exercise Manager to provide exercise specific induction for the new Commissioners on those specific exercises that they are assigned to
- As part of the selection process for new Commissioners, the Chairman sought to identify suitable candidates who may be reasonably allocated to Working Groups or take lead responsibility for particular functions
- On the 26 January 2012 there was a joint Board meeting, where the outgoing and incoming Commissioners attended. Those starting formally from 1 February attended in an observational capacity
- Of the 11 new Commissioners, eight attended a formal Induction on 9 February 2012, which covered: the selection process;

exercise programme; regularity and propriety; information assurance and security; and administrative issues. A full Board meeting was also held on this date. The other three Commissioners were inducted formally over two further dates in February 2012

- All Commissioners attended an event on 27-28 March 2012 to induct and train the new cadre of JAC selection and Panel members. This provided them with an opportunity to get to know each other and new panel members and understand some more detail of our selection process

The handover of Audit and Risk Committee matters was facilitated by a separate induction process for the new members through the outgoing Chairman and JAC officials. These meetings took place on 21 February 2012 (for the new Chair) and 11 April 2012 (for the remaining members).

The Selection and Character Committee handover has been achieved by the induction training, briefing from selection exercise managers, the JAC Chairman and existing Commissioners and face-to-face meetings with the assigned Commissioner for individual exercises.

## Highlights

There have been no issues during the course of the year from Board meetings or reports that suggest that the organisation has been vulnerable in relation to its performance or stewardship of its resources. This can be confirmed through the performance against our Business Plan objectives, while keeping within our budget allocation from the MoJ. Other assurance mechanisms are through the work and reports from both the Internal and External Audit functions.

The Board has considered a wide and diverse range of issues over the year, including: the Change Programme; the possibility of having a quorate for making selection decisions; analysis of complaints; the Equality Act; character check arrangements; legislative change options; panellist recruitment; diversity issues; online testing; Commissioners' hand-over plan; response to the MoJ's consultation document; Business Plan 2012/13; and regular reports from working groups and Directors, which incorporated progress on selection exercises, performance, finances and risk.

The JAC uses the MoJ's Internal Audit and Assurance service, which is accountable to me as Accounting Officer. The service operates to Government 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, control and governance, together with recommendations for improvement. The Annual Report from the Head of Internal Audit reflects well on the organisation and the view of Internal Audit is that the JAC is a well controlled and risk aware organisation.

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 misstatements.

My responsibilities also include our requirement to meet the Business Plan objectives agreed with the MoJ. I therefore have regular meetings with the Lord Chancellor's officials to discuss progress in meeting our strategic objectives. They also help formulate our future business direction and highlight the inherent risks and opportunities in implementing our policies.

The Chair of the Audit and Risk Committee briefs the Board on the highlights of each quarterly meeting.

## Corporate Governance

JAC follows the HM Treasury/Cabinet Office guidance *Corporate governance in central government departments – Code of good practice 2011*, as far as possible in its capacity as a small arms length body. As such it does not comply with the code provisions relating to a Minister, nor have a separate professionally qualified finance director sitting on the Board. The Board membership is also governed by the requirements of the Constitutional Reform Act. There has not been a formal evaluation of the Board recently, due to the transition that has recently taken place, but such a review is planned for later in 2012/13. There is no formal Nominations and Governance committee in place identifying leadership potential. Risk management is supported fully through the Audit & Risk Committee, which reports back to the Board.

Otherwise, in accordance with this code, the JAC Board and its other Committees provide the necessary leadership, effectiveness, accountability and sustainability to ensure that the JAC delivers on 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, in accordance with the Constitutional Reform Act, which consists of the Chairman and the Commissioners, who all have equal decision-making rights. As Chief Executive I attend Board meetings, together with JAC Directors, 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.

To assist with this process, Directors are required to sign assurance statements at the start of each year or on appointment, where they sign up to their responsibilities for risk management and internal control. These are followed by mid and end year assurance statements. Directors are required to involve their teams in this process so that a full picture emerges across the organisation. Directors are required to:

- state the actions that have been taken to manage risk; and
- identify control exceptions i.e. where controls have not operated as intended or have not been followed, and state the remedial action that has been taken or is proposed to prevent recurrence of those exceptions.

In addition, the Operational Services Director is responsible for systems which support operational delivery and is required to complete a statement and make assurances relating to the central support given for areas such as financial management and Human Resources. These assurance statements, which are challenged through the Audit and Risk Committee, help determine whether there are any material departures from governance arrangements that need to be reported in this statement.

## Risk Assessment

The Accounting Officer and Board of Commissioners are supported by the Audit and Risk Committee in monitoring the key risks to achieving our strategic objectives through regular updates of the Corporate Risk Register from the Leadership team. Commissioners have delegated to the Audit and Risk Committee responsibility for advising on the adequacy and effectiveness of risk management and internal control, including the risk management process.

The Audit and Risk Committee reviews the Corporate Risk Register and progress on risk management at each of their quarterly meetings. They challenge staff on risk matters where appropriate. Once the Audit and Risk Committee has commented on the Corporate Risk Register, it is sent to the MoJ.

The system is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable and not absolute assurance of effectiveness. It evaluates the likelihood of those risks being realised and the impact should they be realised, and to manage the risks efficiently, effectively and economically.

All staff have been informed of their responsibility for managing risk and new staff receive a summary on managing risk in their induction pack. Most members of staff (at all grades) have attended a Risk Identification Workshop and the aim is for all staff to attend this workshop. The workshops were facilitated by the Risk Improvement Manager (RIM), with the aim to further embed risk management at all levels within the organisation, not just the more senior grades.

Where appropriate, teams have subsequently produced their own risk registers or have specific risks identified for them in their directorate risk register. Separate selection exercise risk registers are also produced for each selection exercise undertaken. These registers are being used and regularly updated. The RIM attends Leadership meetings to discuss risk, and provide guidance and assistance when necessary.

The hierarchy of risk registers, which are reviewed regularly, from the team and selection exercise risk registers up to the Directorate and Corporate Risk Registers, ensures that new or emerging risks are identified throughout the year. There are also detailed risk registers in place to oversee the management of the corporate risks of health and safety and information assurance. We follow the guidance in HM Treasury's *The Orange Book*, with risks evaluated in terms of their impact on corporate objectives and likelihood of occurrence. The most appropriate response to that risk is then identified. Risks that have high impact and high likelihood are given the highest priority.

The JAC's *Risk Management Policy and Framework* defines what is meant by risk and risk management, 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 Framework aims to achieve best value for money in delivering services, by balancing the costs and benefits of either reducing or accepting those risks that have been highlighted. Key to this is the identification of those strategic risks that threaten to impact on the successful delivery of the JAC's corporate objectives. These may be risks to the JAC's reputation, business operations, programmes or activity associated with business innovation or development. The JAC has a low to medium risk appetite, that is, the JAC is prepared to accept, tolerate or be exposed to a low to medium level of risk at any point in time.

A new risk on the Corporate Risk Register is the replacement of that part of the JAC's IT system that deals directly with our selection exercises. A scoping study was completed in January 2012, and presented to the Board. The main risks are securing funding, finding the right solution and rolling the project on time, cost and quality.

The Senior Information Risk Owner (SIRO) is responsible for managing information risk on behalf of myself as Accounting Officer and the Board, and providing the necessary assurance. Any operational requirement to deviate from the JAC security policy regarding data security needs SIRO agreement. The Senior Information Risk Owner reported that there were no known incidents of personal data loss for the period covered by this Governance Statement.

## Summary

The JAC has put effective control structures and processes in place, and as a result has been able to identify the appropriate action to manage the challenges that it has faced, to ensure that it has continued to perform well. 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 2012 and up to the date of this report.

### Signed on behalf of the Judicial Appointments Commission



**Nigel Reeder**  
Chief Executive  
Judicial Appointments Commission  
15 June 2012

# THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSES OF PARLIAMENT

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2012 under the Constitutional Reform Act 2005. The financial statements comprise: the Statements of Comprehensive Net Expenditure; Financial Position; Cash Flows; Changes in Taxpayers' Equity; and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

## Respective responsibilities of the Accounting Officer and auditor

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Commission and the Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. My responsibility is to audit, certify and report on the financial statements in accordance with the Constitutional Reform Act 2005. I conducted my audit in accordance with International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

## Scope of the Audit of the Financial Statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Judicial Appointments Commission's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Judicial Appointments Commission; and the overall presentation of the financial statements. In addition I read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my certificate.

I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income reported 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.

## Opinion on Regularity

In my opinion, in all material respects the expenditure and income 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.

## Opinion on financial statements

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 2012 and of the net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Constitutional Reform Act 2005 and directions issued thereunder by the Lord Chancellor with the consent of HM Treasury.

## Opinion on other matters

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with the directions made under the Constitutional Reform Act 2005 by the Lord Chancellor with the consent of HM Treasury; and
- the information given in the sections of the Annual Report entitled 'Key facts', 'Key Operational Issues', and 'The organisation'; the 'Directors' Report'; and the 'Management Commentary' for the financial year for which the financial statements are prepared is consistent with the financial statements.

**Matters on which I report by exception**

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; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

**Report**

I have no observations to make on these financial statements.

**Amyas CE Morse**

*Comptroller and Auditor General*

National Audit Office  
157-197 Buckingham Palace Road  
Victoria  
London SW1W 9SP  
20 June 2012

## Statement of Comprehensive Net Expenditure

for the year ended 31 March 2012

		2011/12	2010/11
	Note	£000	£000
<b>Expenditure</b>			
Staff costs	2	3,911	5,032
Other expenditure	3	1,078	1,071
Services and facilities provided by sponsoring department	4	1,885	2,117
<b>Net expenditure</b>		<b>6,874</b>	<b>8,220</b>

The notes on pages 59 to 66 form part of these accounts. No other comprehensive expenditure was incurred during the year.

## Statement of Financial Position

as at 31 March 2012

		31 March 2012	31 March 2011
	Note	£000	£000
<b>Current Assets:</b>			
Trade and other receivables	5	48	44
Cash and cash equivalents	6	1,208	1,179
<b>Total current assets</b>		<b>1,256</b>	<b>1,223</b>
<b>Total assets</b>		<b>1,256</b>	<b>1,223</b>
<b>Current liabilities:</b>			
Trade and other payables	7	(78)	(60)
Other liabilities	7	(490)	(632)
<b>Total current liabilities</b>		<b>(568)</b>	<b>(692)</b>
<b>Non-current assets plus net current assets</b>		<b>688</b>	<b>531</b>
<b>Non-current liabilities</b>			
Provisions	8	(64)	(88)
<b>Total non-current liabilities</b>		<b>(64)</b>	<b>(88)</b>
<b>Assets less liabilities</b>		<b>624</b>	<b>443</b>
<b>Taxpayers' Equity</b>			
General reserve		624	443
		<b>624</b>	<b>443</b>

Signed on behalf of the Judicial Appointments Commission



**Nigel Reeder**  
Chief Executive  
Judicial Appointments Commission  
15 June 2012

The notes on pages 59 to 66 form part of these accounts.

## Statement of Cash Flows

for the year ended 31 March 2012

		2011/12	2010/11
	Note	£000	£000
<b>Cash flows from operating activities</b>			
Net expenditure		(6,874)	(8,220)
Adjustments for non-cash transactions			
Services and facilities provided by sponsoring department	4	1,885	2,117
Increase in provisions		4	-
(Increase) in trade receivables and other current assets	5	(4)	(12)
(Decrease) in trade payables and other current liabilities	7	(124)	(549)
Use of provision	8	(28)	(27)
<b>Net cash (outflow) from operating activities</b>		(5,141)	(6,691)
<b>Cash flows from financing activities</b>			
Grant from MoJ		5,170	6,460
<b>Net financing</b>		<b>5,170</b>	<b>6,460</b>
Net increase/(decrease) in cash and cash equivalents in the period	6	29	(231)
Cash and cash equivalents at the beginning of the period	6	1,179	1,410
Cash and cash equivalents at the end of the period	6	1,208	1,179

The notes on pages 59 to 66 form part of these accounts.

## Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2012

		Revaluation Reserve	I&E Reserve	Total Reserves
	Note	£000	£000	£000
<b>Balance at 31 March 2010</b>			86	86
<b>Changes in taxpayers' equity in 2010/11</b>				
Grant from MoJ		-	6,460	6,460
Non-cash charges – services provided by sponsoring department	4	-	2,117	2,117
Comprehensive expenditure for the year		-	(8,220)	(8,220)
<b>Balance at 31 March 2011</b>		-	443	443
<b>Changes in taxpayers' equity in 2011/12</b>				
Grant from MoJ		-	5,170	5,170
Non-cash charges – services provided by sponsoring department	4	-	1,885	1,885
Comprehensive expenditure for the year		-	(6,874)	(6,874)
<b>Balance at 31 March 2012</b>		-	624	624

The notes on pages 59 to 66 form part of these accounts.

## Notes to the financial statements

for the year ended 31 March 2012

### 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 2011/12 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 particular circumstances of the JAC for the purpose of giving a true and fair view has been selected. The particular policies adopted by the JAC are described below. They have been applied consistently in dealing with items that are considered material to the accounts, and are in a form as directed by the Lord Chancellor with the approval of the Treasury.

#### a) Accounting convention

The accounts are prepared under the historical cost convention modified to account for the revaluation of property, plant and equipment, in accordance with Treasury guidance.

#### b) Income

Government grant-in-aid received for revenue expenditure is accounted for as funding through the general reserve.

#### c) Accounting for value added tax

JAC is not permitted to recover any VAT on expenditure incurred. All VAT is therefore charged to the relevant expenditure category.

#### d) Property, plant and equipment

The JAC does not recognise any property, plant and equipment as such assets are held by the MoJ, which we utilise through the services and facilities provided by the sponsoring department. Assets costing more than the prescribed capitalisation level of £5,000 are treated as capital assets. Where an item costs less than the prescribed limit but forms part of an asset or grouped asset whose total value is greater than £50,000, the items are treated as a capital asset.

#### e) Pensions policy

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

#### f) 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, which are non-cash charges. These services are agreed and managed through memoranda of understanding between the JAC and MoJ, and provide: legal services; finance training; accommodation; HR services; provision of IT equipment; and internet/intranet facilities. An analysis of these charges can be found in note 4.

#### g) Receivables

Receivables represent amounts that have been paid by the JAC, for which no service has been received, and therefore the balance represents amounts due back to the JAC at the year-end. There is no income, apart from the government grant-in-aid received, classed as funding.

#### h) Trade payables

Trade payables are recognised in the accounts when the invoices are approved for payment, but until this point they are recognised as accruals.

#### i) Provisions, Contingent Liabilities and Assets

In accordance with IAS 37, Provisions, Contingent Liabilities and Contingent Assets, the JAC provides for its obligations arising from past events where a reliable estimate of the obligation can be made and it is probable that the obligation will be required to be settled. Where material, the future costs are discounted using a rate directed by HM Treasury.

The JAC is required to pay the additional cost of benefits beyond the normal PCSPS benefits in respect of employees who retire early. The total cost has been provided in full when the early retirement was approved as the liability then became binding on the JAC. An adjustment to this provision has been made to reflect the most recent estimate of these additional costs.

A contingent liability is disclosed unless the possibility of an outflow of resources embodying economic benefits is remote.

A contingent asset is disclosed where an inflow of economic benefits is probable.

**j) Operating leases**

All payments under operating leases are charged to the Statement of Comprehensive Net Expenditure as they are incurred. Operating lease incentives are accounted for on a straight line basis over the length of the lease. The determination of a lease is based upon the substance of that arrangement – whether the arrangement is dependent upon the use of a specific asset and conveys the right to use that asset.

The JAC has entered into an arrangement with an outsourced supplier, through the MoJ, to provide the use of assets, specifically the accounting system, in return for payments made. The payments made specifically for these assets have been accounted for as operating leases.

**k) Impending Application of newly issued accounting standards not yet effective**

The JAC provides disclosure where it has not yet applied a new accounting standard, and discloses known or reasonably estimable information relevant to assessing the possible impact that initial application of the new standard will have on the JAC's financial statements.

IFRS 9 Financial Instruments was implemented in November 2009 and applied to financial assets. Additional requirements relating to the classification and measurement of financial liabilities are due for implementation in January 2013. The JAC will apply the new standards for the accounting period ending 31 March 2013 and for comparative periods. The amendments made to IFRS 9 are unlikely to impact upon the JAC as it is exposed to little credit, liquidity or market risk.

**l) Financial Instruments**

As the cash requirements of the JAC are met through Grant-in-Aid provided by the MoJ, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. 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 2 Staff costs and numbers**

Staff costs comprise:							2011/12	2010/11
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	160	378	2,321	46	203	-	3,108	3,887
Social Security Costs	20	80	190	4	19	-	313	407
Other Pension Costs	-	-	437	12	41	-	490	605
	<b>180</b>	<b>458</b>	<b>2,948</b>	<b>62</b>	<b>263</b>	<b>-</b>	<b>3,911</b>	<b>4,899</b>
Early Departure	-	-	-	-	-	-	-	133
	<b>180</b>	<b>458</b>	<b>2,948</b>	<b>62</b>	<b>263</b>	<b>-</b>	<b>3,911</b>	<b>5,032</b>

In 2011/12, JAC employed its own staff (permanent staff and those on fixed term contracts) and had staff seconded from other government departments. Other contracted staff are supplied by agencies. All irrecoverable value added tax is included within wages and salaries. No VAT is included in social security or other pension costs.

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme, but the JAC is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. Details can be found in the Resource Accounts of the Cabinet Office: Civil Superannuation at [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk).

Employers' contributions for staff seconded from other government departments, payable to the PCSPS, are made from the sponsor department. The JAC is recharged the full cost of employing staff on secondment, including other pension costs. For 2011/12, pension costs, for staff employed by the JAC and seconded staff, of £490k were payable to the PCSPS (2010/11: £605k), at one of four rates in the range 16.7% to 24.3% (2010/11: 16.7% to 24.3%) 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 2011/12 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

JAC and government department employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. These are handled through the MoJ (who provide the pension service for JAC staff) or the employee's sponsor department and are paid to one or more of a panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. There were no such contributions for 2011/12 (2010/11: Nil).

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

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed Term Contracts	Other contracted staff	Total
<b>2010/11</b>	2	6	80	2	7	-	<b>97</b>
<b>2011/12</b>	3	6	67	1	5	-	<b>82</b>

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

The costs disclosed in the Remuneration Report are included within this staff costs note.

There were no compulsory or voluntary departures in the year. The previous year had the following departures:

Reporting of Civil Service and other compensation schemes – exit packages				
Exit package cost band	Number of compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band	
<£10,000	-	3	3	
£10,000 - £25,000	-	1	1	
£25,000 - £50,000	-	-	-	
£50,000 - £100,000	-	1	1	
Total number of exit packages by type	-	5	5	
<b>Total cost £000</b>	-	133	133	

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the JAC has agreed early departures, the additional costs are met by the JAC.

**Note 3 Other Expenditure**

	2011/12	2010/11
	£000	£000
<b>Selection exercise programme</b>		
Panel members' travel and subsistence	244	254
Advertising	70	108
Catering	12	17
Criminal records check	14	3
Equality proofing and translation services	2	12
Outsourced accommodation and IT	221	202
Actors' costs	56	104
Couriers	20	29
Staff travel and subsistence	6	15
Commissioners' travel and subsistence	7	9
Additional data inputters	17	11
Dry run fees	8	31
Design and print	21	7
	<b>698</b>	<b>802</b>
<b>Administration costs</b>		
Building improvements	(1)	21
Staff travel and subsistence	5	4
Commissioners' travel and subsistence	8	8
Commissioners' events	-	1
Staff training and events	10	10
Research	74	8
Panellist training	89	3
Couriers	2	3
Office expenses	-	4
Telecoms	2	3
Recruitment	4	2
Legal services	2	14
External audit	30	32
	<b>225</b>	<b>113</b>
<b>Marketing and Publications</b>		
Media Subscriptions and Licences	9	13
Outreach	12	10
Website Infrastructure	1	-
Publications	-	3
Translation and Equality proofing	-	1
	<b>22</b>	<b>27</b>
<b>Non-cash items</b>		
Approved early retirement	4	-
	<b>4</b>	<b>-</b>
<b>Shared Services</b>		
Internal audit	34	36
E-delivery/IT services	12	3
Financial services	83	90
	<b>129</b>	<b>129</b>
<b>Total</b>	<b>1,078</b>	<b>1,071</b>

The auditors received no remuneration for non-audit work.

Most of the overall reduction in expenditure has been due to reductions in staffing levels, otherwise, the spending restrictions imposed by the Cabinet Office and HM Treasury across Whitehall, introduced during 2010/11 have remained in force. The reasons for the significant changes are as follows:

- Actors' costs: In 2011/12 there were fewer selection exercises that required the use of actors for role-plays, and those that had role-plays were smaller exercises than the previous year
- Couriers: A much cheaper alternative to the Government Car Service was sourced during the year
- Dry Run fees: The JAC stopped funding dry run candidates taking qualifying tests from the start of 2011/12.
- Design and Print Services: The MoJ started charging for the use of their print room services during the course of 2010/11, and there was a general increase in using the service
- Building Improvements: The improvements made during 2010/11 (when the JAC moved from 3 to 2 floors) were not repeated during 2011/12
- Research: Work was undertaken during the year in relation to the IT project, which was expensed in the year
- Panellist Training: A new cadre of panellists were recruited during 2011/12, and took part in a training event during the year. The cost in 2011/12 includes their recruitment and selection
- Some of the 2010/11 expenditure for Equality proofing and Translation, as well as Marketing and Publications has been reclassified to more fairly reflect the expense

**Note 4 Services and facilities provided by sponsoring department (non-cash)**

	2011/12 £000	2010/11 £000
Legal and Judicial Services Group	73	71
Finance Directorate	-	15
Commercial Group	1,438	1,587
Human Resources Directorate	11	49
E-Delivery Group	328	390
Information operations	26	-
Communications	9	5
	<b>1,885</b>	<b>2,117</b>

The recharge information from MoJ does not provide for the legal advice received through the Legal and Judicial Services Group. The charge of £73k for 2011/12 (£71k in 2010/11) is estimated based on approximately one member of staff.

■ The Certificate and report of the Comptroller and Auditor General to the Houses of Parliament

**Note 5 Trade receivables and other current assets**

	31 March 2012 £000	31 March 2011 £000
<b>Amounts falling due within one year</b>		
Deposits and advances	12	11
Other receivables	30	29
Prepayments	6	4
	<b>48</b>	<b>44</b>
<b>Analysis of balances</b>		
Balances with government bodies	26	13
Balances with bodies external to government	22	31
	<b>48</b>	<b>44</b>

**Note 6 Cash and cash equivalents**

	31 March 2012 £000	31 March 2011 £000
Balance at 1 April	1,179	1,410
Movement	29	(231)
Balance at 31 March	<b>1,208</b>	<b>1,179</b>
The following balances at 31 March were held at Government Banking Service	1,208	1,179
Commercial banks and cash in hand	-	-
Balance at 31 March	<b>1,208</b>	<b>1,179</b>

**Note 7 Trade payables and other current liabilities**

	31 March 2012 £000	31 March 2011 £000
<b>Amounts falling due within one year</b>		
Trade payables	-	-
Other payables	78	60
	<b>78</b>	<b>60</b>
Other taxation and social security	112	117
Accruals	378	515
	<b>490</b>	<b>632</b>
	<b>568</b>	<b>692</b>
<b>Analysis of balances</b>		
Balances with government bodies	356	503
Balances with bodies external to government	212	189
	<b>568</b>	<b>692</b>

**Note 8 Provisions for liabilities and charges**

	Approved Early Retirement £000	Total £000
<b>Balance at 1 April 2011</b>	88	88
Provided in the year	4	4
Provisions utilised in the year	(28)	(28)
<b>Balance at 31 March 2012</b>	<b>64</b>	<b>64</b>

The provisions utilised in the year relate to the amount of the provision payable in relation to 2011/12, and was paid during the year. An amount of £28k is due to be released from the provision in the next 12 months, with a total of £36k in 2-3 years.

**Note 9 Capital commitments**

There are no commitments for capital expenditure at 31 March 2012 (Nil 2011).

**Note 10 Commitments under leases**

	2011/12 £000	2010/11 £000
<b>Operating leases</b>		
Total future minimum lease payments under operating leases are given in the table below for each of the following periods		
<b>Obligations under operating leases comprise:</b>		
Not later than one year	10	13
Later than one year and not later than five years	-	9
Later than five years	-	-
	<b>10</b>	<b>22</b>

The operating lease commitments relate to the amount payable to our financial services provider for use of the hardware associated with the accounting system.

**Note 11 Contingent Liabilities**

There are no contingent liabilities at 31 March 2012 (Nil 2011).

**Note 12 Related party transactions**

The JAC is a Non-Departmental Public Body sponsored by the MoJ. The MoJ is regarded as a related party. During the period, the JAC had various material transactions with the MoJ. In addition the JAC has had material transactions with HM Revenue and Customs.

No board member, key manager or other related parties has undertaken any material transactions with the JAC during the year.

**Note 13 Losses and special payments**

There were no losses or special payments in the year ended 31 March 2012 (Nil 2011).

**Note 14 Events after the reporting period**

There were no significant events after the reporting period.

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

- The Certificate and report of the Comptroller and Auditor General to the Houses of Parliament

**Note 15 Financial Instruments**

As the cash requirements of the JAC are met through Grant-in-Aid provided by the MoJ, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. 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.

## PART 3: APPENDICES

# APPENDIX A: OVERVIEW OF THE SELECTION PROCESS

## What is the process for selecting candidates?

### Initial stages

A selection exercise starts when the JAC receives a vacancy request from the Lord Chancellor. The vacancy request contains the following information:

- Number and location of posts
- Minimum eligibility requirements for appointment to the post laid down in statute as well as any additional criteria applied by the Lord Chancellor
- Whether part-time working is available

The JAC then prepares a bespoke application form and accompanying information pack providing all the details required by a candidate. The JAC promotes the selection exercise through the JAC website, selected media and through representative bodies and other organisations. It is then launched on the JAC website, inviting applications. Once an application is received, it is checked to see whether the candidate meets the eligibility requirements.

### Shortlisting

Shortlisting of candidates can take three forms:

- Qualifying test – this consists of a written paper, designed to test a selection of the qualities and abilities required for judicial office. Shortlisting is a competitive process, so the tests are designed to be challenging and include an element of time pressure. Qualifying tests do not have a pass mark; rather they identify those people with the highest scores to be invited to the selection day. Experienced judges generally prepare, mark and moderate qualifying tests to ensure appropriateness and consistency. Tests are anonymously marked

- Paper-based sift – a panel, typically consisting of a panel chair, judicial member and independent member assesses the self assessment supplied by the candidate and their references. The information is assessed against the qualities and abilities framework, and the candidates who best demonstrate these are invited to the selection day
- No shortlisting – in very limited circumstances and for very small exercises, particularly singleton posts, it may not be necessary to shortlist. It may be appropriate to simply invite all eligible candidates to the selection day

The JAC normally invites candidates to the selection day in a ratio of between two and three candidates per vacancy. The JAC uses qualifying tests for most selection exercises below the level of Senior Circuit Judge. However, processes are tailored to each post, so a paper-based sift may be used if the number of vacancies is small, or in other limited circumstances.

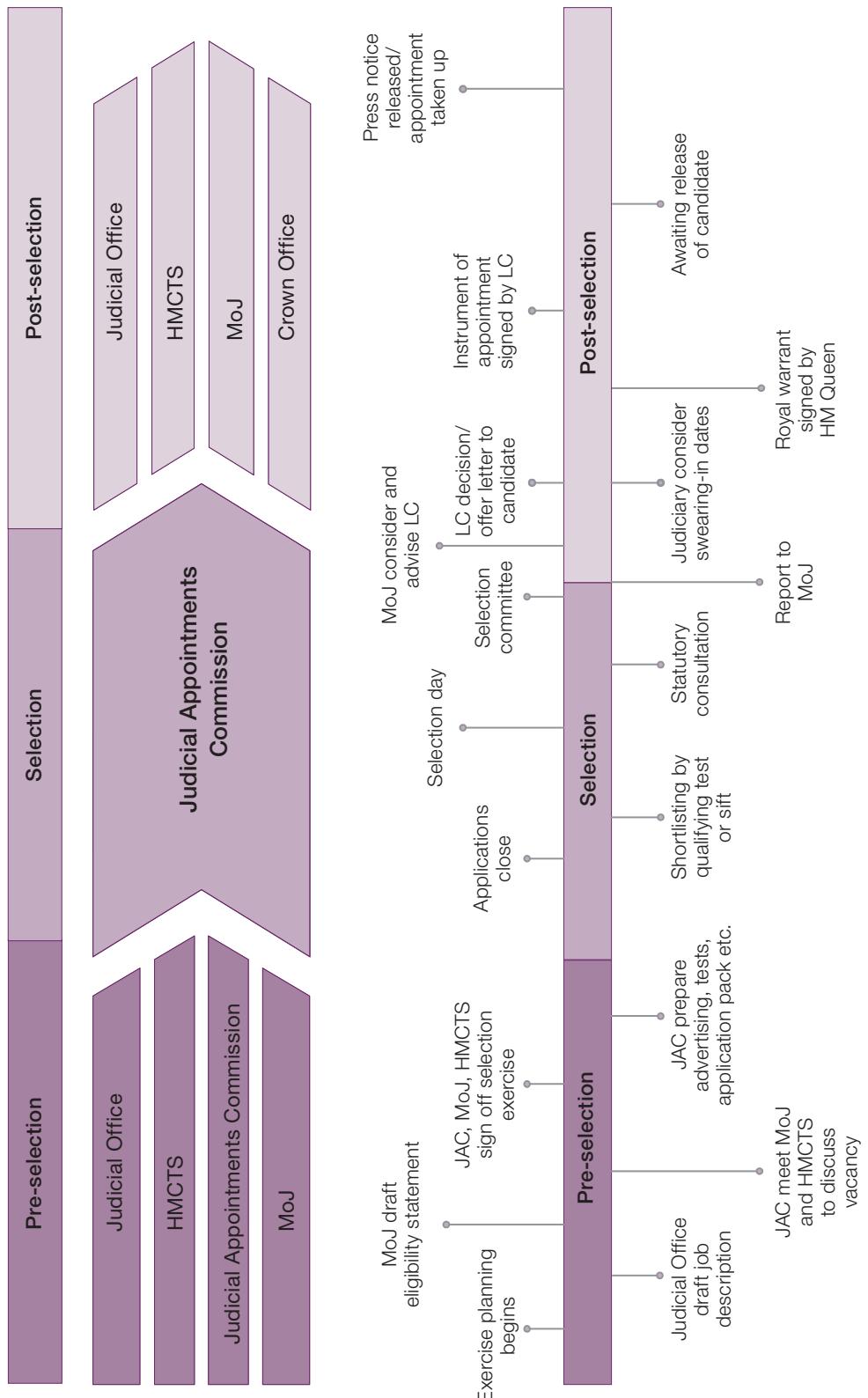
### References

References are used by the JAC to gain a view of a candidate's past performance, experience, track record and suitability for appointment.

The JAC uses two types of reference:

- Judicial/Professional – these referees are tailored for each exercise and are listed within the information pack for that exercise
- Personal – these referees are chosen by the candidate and are expected to have direct knowledge of either the professional or voluntary work of the candidate

## The Judicial Appointments Process



### **Selection day**

Shortlisted candidates are invited to a selection day, which will comprise only an interview, or an interview with either:

- situational questioning
- a role play
- a presentation

The selection day is conducted and assessed by a panel, which usually consists of a panel chair, judicial member and independent member.

The panel members will consider all the information about each candidate (their performance at the selection day, the candidate's self assessment and references) and assess them against the qualities and abilities. The panel chair then completes a summary report, providing an overall panel assessment. This report forms part of the information presented to Commissioners when they make their recommendations.

### **Statutory consultation**

All candidates likely to be considered for recommendation are subject to statutory consultation. Consequently, the panel chair's summary report is sent to the Lord Chief Justice and to one other person, who has held the post or has relevant experience.

When they consider candidates to recommend for appointment, Commissioners take into account the responses from statutory consultees with all the other information about a candidate. They may decide not to follow the views expressed by the consultees but if this happens, the Commission must give its reasons, when making recommendations to the Lord Chancellor.

### **Selection**

Commissioners make the final decision on which candidate to recommend to the Lord Chancellor for appointment. In doing so, they consider those candidates that the selection panels have assessed as best meeting the requirements of the role, having been provided with information gathered on those individuals during the whole process.

### **Character checks**

In accordance with the JAC's statutory duty, the good character of the candidates is also assessed. These checks can include financial, criminal and professional background checks.

### **Quality assurance**

Quality assurance measures are applied throughout the selection process to ensure the proper procedures are applied and the highest standards are maintained. The quality checks include:

- Assigning a Commissioner to each exercise, who works closely with the JAC selection exercise team to ensure standards are met
- Reviewing the progression of candidates through each stage of the process for any possible unfairness
- Observing interviews to share good practice across panels
- Overseeing moderation in the marking of tests and the results of panel assessments to ensure consistency (because of the number of candidates, many exercises will use a number of test markers and more than one panel)

## Feedback on the selection process

Candidate feedback is taken at two stages in the process, post shortlisting and post selection day. Candidate feedback is now undertaken online. This process ensures that the JAC obtains the most comprehensive and complete analysis of candidate feedback which is used to inform policy initiatives.

From analysing candidate feedback during 2011/12, the following key themes are outlined below:

- 88 per cent felt the interview was fair and 97 per cent felt the interview was challenging
- 88 per cent rated the role play either as good, very good or excellent
- 91 per cent of candidates rated the situational questioning as good, very good or excellent
- 99 per cent of candidates felt that front of house staff were helpful and 98 per cent felt that front of house staff were knowledgeable about the selection process
- Candidates also highlighted areas they felt could be improved. The main themes were that interviews could be better tailored to candidates and role plays could be more realistic and also more accessible to those without court or tribunal experience. These points will be considered as part of the Corporate Change Programme

In addition, the JAC receives feedback from stakeholders and special interest groups. This feedback can highlight areas of JAC processes with which stakeholders have concerns. The JAC takes all feedback seriously. Where it is practical and judged to be of benefit to all candidates, the JAC will adapt its processes in response to this feedback, for example through the publication of qualifying test feedback reports. However, the views put forward by all stakeholders and groups are balanced against the need to maintain selection processes which are independent and fair to all candidates, regardless of background.

## APPENDIX B: PERFORMANCE IN 2011/12

The following milestones were agreed with the MoJ to measure performance in 2011/12 against our strategic objectives. A green (met), amber (partially met) and red (not met) rating is used to indicate the status of the milestone. Performance against the milestones is set out below.

### **Strategic Objective 1.**

**Select high quality candidates based on the selection exercise programme agreed with the MoJ.**

<b>Milestones</b>	<b>Status</b>	<b>Commentary and achievements</b>
Work with MoJ to enhance further flexibility in the selection exercise programme to respond to urgent appointment requirements and to improve the experience of candidates.	Green	<ul style="list-style-type: none"><li>• The concept of jointly constructing the exercise programme was proven. All requests from MoJ for changes to the 2011/12 programme were met.</li></ul>
Work with MoJ to create and embed a joint programming team and methods.	Green	<ul style="list-style-type: none"><li>• The Joint Programming Group met regularly, including all partners.</li></ul>
Work with partners to support implementation of judicial appraisal systems and its use, where appropriate, in the selection process.	Green	<ul style="list-style-type: none"><li>• See comment on page 15.</li></ul>
Keep selection criteria under review, taking account of partner feedback.	Green	<ul style="list-style-type: none"><li>• See comment on page 18.</li></ul>

## Strategic Objective 2.

Maintain independent, fair, open and effective selection processes consistent with our values.

Milestones	Status	Commentary and achievements
Continue People, Process and Performance (PPP) programme, making the selection process more efficient and implementing closer and more flexible working with our external partners.	Green	<ul style="list-style-type: none"> <li>One of the most significant elements of this work has been the piloting of the use of online facilities for qualifying tests – see comment on page 14.</li> </ul>
Building on JAC expertise, work with stakeholders and candidate groups on revisions to the selection processes, assessing: <ul style="list-style-type: none"> <li>- methods of shortlisting;</li> <li>- components of selection days; and</li> <li>- selection processes used for different exercises.</li> </ul>	Green	<ul style="list-style-type: none"> <li>Revisions to shortlisting and selection processes will continue to be an area of focus for the JAC and these projects will be part of the JAC's change programme into 2012/13.</li> </ul>
Implement the conclusions of the PPP programme and optimise use of judicial time, continuing regular meetings and updates with MoJ, HMCTS, the Judicial College and Judicial Office.	Green	<ul style="list-style-type: none"> <li>Key areas of progress have included the successful recruitment of a new cadre of panel members – see page 14.</li> <li>The PPP programme was closed at the end of 2011/12, with outstanding elements folded into the Corporate Change Programme for further action.</li> </ul>
Review the process for carrying out character and financial checks on candidates and develop recommendations for implementation.	Green	<ul style="list-style-type: none"> <li>The Commission reviewed these checks and agreed a matrix for use, which is now implemented.</li> <li>We have trialled a reduced timescale for the return of character checks and this will be evaluated in 2012/13.</li> </ul>
Support MoJ in reducing the length of the end-to-end selection process.	Amber/ Green	<ul style="list-style-type: none"> <li>A High Level Steering Group was established to bring together senior representatives from MoJ, HMCTS, JAC and Judicial Office. The JAC will take a leading role in driving this work towards completion in 2012/13.</li> </ul>

**Strategic Objective 3.**

Encourage a diverse range of eligible applicants.

Milestones	Status	Commentary and achievements
Working with Judicial Diversity Taskforce and Steering Group, continue appropriate implementation of recommendations of the report of the Lord Chancellor's panel on judicial diversity (Neuberger Report) and implement all recommendations relating to the JAC.	Green	<ul style="list-style-type: none"> <li>• We have implemented the recommendations of the report which relate directly to the JAC and we continue to engage with our partners to support the implementation of the other recommendations through the Diversity Forum and internal contacts, examples being the use of webinars and online testing. Following a demanding recruitment campaign, the JAC's commitment has been stressed in the induction of new Commissioners and Panellists.</li> </ul>
Review and evaluate effectiveness of actions already taken to implement recommendations and refine as appropriate to promote continual improvement.	Green	<ul style="list-style-type: none"> <li>• Published Equality Objectives, providing focus for the JAC's equality and diversity work.</li> </ul>
Identify innovative and effective methods of ensuring the widest range of eligible applicants apply. Assessing and reporting on targeting and messaging of current candidate seminars.	Green	<ul style="list-style-type: none"> <li>• Surveys have been conducted with attendees of candidate seminars. These have confirmed the effectiveness of messaging and have demonstrated that the seminars continue to be welcomed by candidates and representative bodies. First live webinar (online seminar) also received very positive feedback.</li> </ul>
Develop proposals for greater use of social and digital media	Green	<ul style="list-style-type: none"> <li>• Trialled the use of Twitter, Linked-in and Facebook. They were evaluated in Quarter 3 and Twitter and Linked-in have proven to be successful. Use of these sites will continue.</li> </ul>
Work with Judicial Office, HMCTS and legal representative bodies to best co-ordinate and maximise the impact of outreach activity.	Green	<ul style="list-style-type: none"> <li>• Continued to work closely with professional and representative bodies, including the Law Society and CILEx on joint candidate seminars through the year and, latterly, webinars. A new approach to delivering outreach is being developed through the change programme.</li> </ul>

**Strategic Objective 4.****Ensure the JAC operates effectively, providing value for money**

Milestones	Status	Commentary and achievements
Deliver the 2011/12 selection exercise programme within or below a funding allocation reduced by 20 per cent.	Green	<ul style="list-style-type: none"> <li>Organisational structure revised to ensure resources were allocated to support the primary business of selection exercises.</li> </ul>
Review structure of JAC teams with a move to reducing senior staff and incorporating flexible employment patterns, to allow a more effective response to fluctuations in workload.	Green	<ul style="list-style-type: none"> <li>Reducing from three to two Directorates and a 25 per cent reduction of our SCS staff.</li> </ul>
Focus staff resourcing on selection activity and reduce the amount of resource invested in other corporate functions.	Green	<ul style="list-style-type: none"> <li>The proportion of staff now working in selection exercises is 69 per cent of the total workforce, as opposed to 53 per cent at the end of 2010/11.</li> </ul>
Investigate the use of external providers to carry out functions, such as administration, transactional finance and organisation of test and selection days, where it would provide value for money.	Green	<ul style="list-style-type: none"> <li>Worked with MoJ on the development of the shared services programme.</li> <li>Tendered and agreed a contract with an external supplier to run a pilot of using online facilities for qualifying tests.</li> </ul>
Develop IT solutions that will enhance working practices and make the end-to-end process, including applications, more straightforward.	Amber/ Green	<ul style="list-style-type: none"> <li>See comments on page 15.</li> </ul>
Compress accommodation space to reduce soft charges incurred.	Green	<ul style="list-style-type: none"> <li>Reduced office space to two floors, reducing accommodation soft charges by at least £150k.</li> </ul>
Implement development plans ensuring staff have the necessary skills and knowledge to undertake the JAC's core business.	Green	<ul style="list-style-type: none"> <li>All staff had a development objective included in their 2011/12 annual staff performance records.</li> </ul>
All staff to have a least one personal development objective included in their 2011/12 performance report which will enable them to enhance their competencies and skills.	Green	<ul style="list-style-type: none"> <li>In the Staff Survey there was an increase of 11 per cent (now 66 per cent) in the number of staff stating that they are able to access the right learning and development opportunities when they need to.</li> </ul>
Review the JAC learning and development programme every six months to ensure that it meets the needs of the business.	Green	<ul style="list-style-type: none"> <li>Additional training programmes added on people and performance. Training methods also updated to reflect the changes with the MoJ Justice Academy and Civil Service Learning portfolios.</li> </ul>

## Complaints

The JAC's complaints procedure is set out in full on its website. The information explains to candidates how they can make a complaint, the timescales and how to proceed if they wish to take matters further.

The JAC responds to all complaints within 20 working days.

All complaints are investigated by a member of staff who was not involved in the matter. Decisions are based on all the available evidence with the reasoning behind the decision clearly explained in the response.

Since the JAC began operation, around one per cent of applications received for selection exercises have led to a complaint being made to the JAC. During 2011/12 the JAC dealt with 52 complaints. Two complaints were upheld by the JAC; one candidate was reinstated in a selection exercise having previously been incorrectly assessed as ineligible, while the other received an apology for a misleading feedback letter. Three complaints were partially upheld by the JAC and apologies were issued.

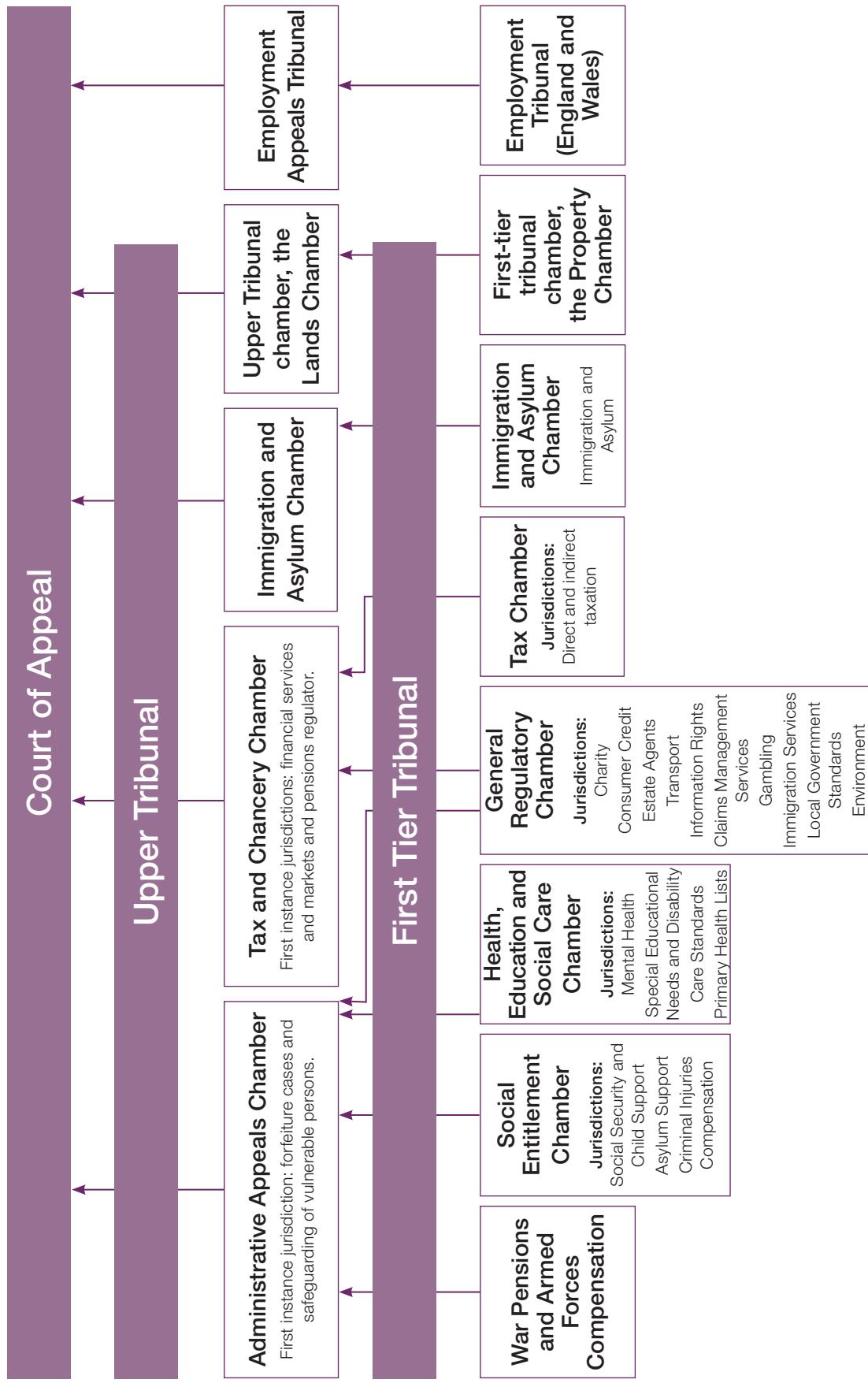
Anyone who remains dissatisfied following the investigation of their complaint by the JAC may ask the Judicial Appointments and Conduct Ombudsman, Sir John Brigstocke, to investigate further.

In 2011/12, seven candidates pursued their complaint with the Ombudsman. A further two complaints were carried forward from the previous year. The Ombudsman has formally reported on five of these complaints with one complaint being upheld in part relating to lack of clarity in documentation about the jurisdiction in which a qualifying test was set. As a result, the JAC now aims to provide the reading material relating to the test in advance wherever possible, which should ensure candidates undertake appropriate preparation for the test. However, the Ombudsman did not consider that this had had any bearing on the outcome of the test and did not recommend any redress. The JAC has responded to draft reports on three of the remaining four complaints, none of which is to be upheld.

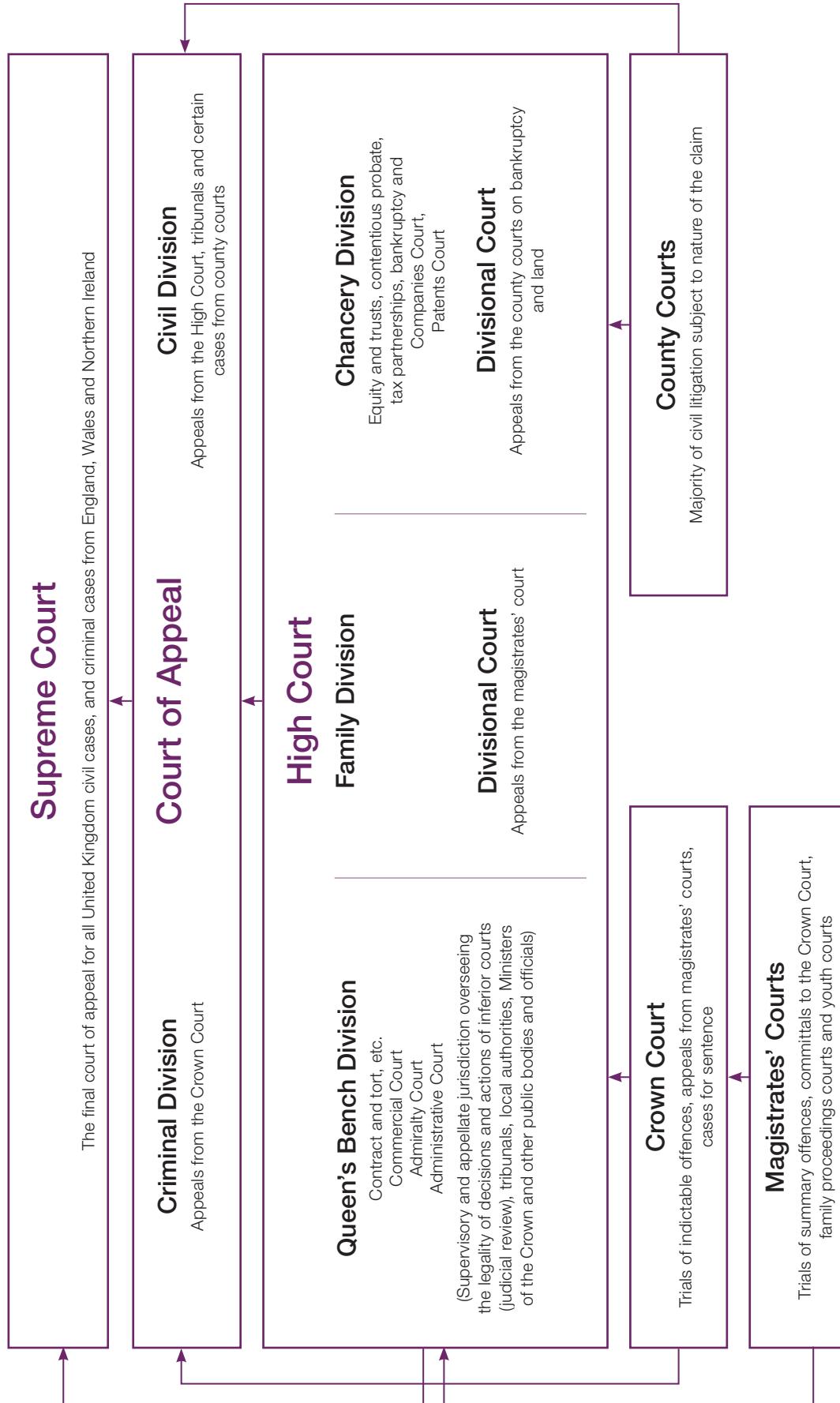
# APPENDIX C: Corporate Change Programme (CCP) – Alignment with the JAC Business Plan 2012/16

JAC Purpose			
The JAC makes independent selections for judicial appointments based on merit, from the widest possible range of eligible applicants			
JAC Priorities			
1	2	3	4
Recommend high quality candidates to the Lord Chancellor for the selection exercises in the programme agreed with the MoJ	Encourage a diverse range of eligible applicants	Maintain fair, open, candidate focused and effective selection processes consistent with our values	Maintain, and adapt where necessary, an effective operating model for the JAC which provides value for money
CCP – Major Projects			
Undertake a review of current shortlisting methods and future options	Implement new outreach strategy	Undertake a review of tools and approach used at selection days	Implementation of a new IT system to replace the existing applications
CCP Supporting Projects			
Pilot study on four selection exercises for online testing of candidates “Missing gems” – review of whether excellent candidates are not being identified for shortlisting Review the quality of recommendations made Develop a system for more effective succession planning	Review of statistics and management information Commission a further research study on the “Barriers to entry” research carried out in 2008 Deliver proposals for enhancement of JAC website Review the most suitable way to gather feedback from stakeholders at the end of the selection process	Review all SCC documentation including standard product and IT support Review non-statutory criteria Review of the current approach for post selection moderation days and statutory consultation Review of existing accommodation requirements and future options Develop improved process consistency and consider options for external accreditation for JAC as a centre of excellence Review of potential to utilise judicial appraisal as part of the selection process	Undertake a review of the staffing structure to ensure it is aligned with the Chairman’s vision for the JAC Develop JAC as a centre of excellence in selection
CCP Projects completed			
Review current process used by panels for collection and recording of evidence	Delivery of training and induction for new commissioners	Proposals for the JAC to contribute to legislative process	Recruitment of panel members Delivery of training and induction for new panel members

## APPENDIX D: The structure of Her Majesty's Courts and Tribunals Service – Tribunals



## APPENDIX E: The structure of Her Majesty's Courts and Tribunals Service – Courts







**Copies of this publication can be made available in alternative formats on request.**

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