



JUDICIAL APPOINTMENTS COMMISSION

ANNUAL REPORT AND ACCOUNTS 1 April 2019 to 31 March 2020

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COMMISSION

ANNUAL REPORT AND
ACCOUNTS

1 April 2019 to 31 March 2020

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PERFORMANCE REPORT

OVERVIEW

CHAIRMAN'S STATEMENT



The Judicial Appointments Commission has delivered remarkable work this year, both before and especially during the outbreak of COVID-19. The number of judicial appointments, at 979, continued the record volume of the previous year. These two years have seen the highest numbers of appointments since the organisation was established.

The Commission is meeting the year-on-year increase in demand for appointments, while remaining clear that only candidates who reach the required standard can be recommended for judicial office, in line with our statutory duty to select solely on merit.

We are continuing to work extensively with partners to encourage and support a wider, more diverse range of people to apply for judicial roles. We have further strengthened our recognised best practice processes.

In June, the Commission extended its use of equal merit provisions to cover all shortlisting stages as well as the

final decision-making stage of every exercise, making full use of available statutory provisions to ensure the widest possible pool of candidates go through to the next stage.

The Judicial Diversity Forum, which I chair, has been reformed and refocussed and now includes the Lord Chief Justice and the Lord Chancellor along with the Chairs of the Bar Council and Legal Services Board, and the Presidents of the Law Society and CILEx. In this new format, the Forum brings together those leaders who have the power to accelerate our progress toward a more diverse judiciary, from entry and progression in the legal professions and movement into and through the judiciary itself.

In September the Forum will publish for the first time a statistical report describing diversity in the legal professions, among those applying and being recommended for judicial appointments, and in the existing judiciary at all levels. The data will provide an evidence base for targeting future work to improve judicial diversity.

Important progress has been made on the four strategic priorities set out last year.

Our **people** survey results have improved significantly, reflecting better morale among JAC staff, against an increased workload. Our **digital** project included the successful launch of a new platform and good progress on the development of our new website.

Strengthening our **selection tools** has included developing a new process for non-legal tribunal members, and piloting the use of video role play for exercises. We also introduced new, combined qualifying tests for large selection exercises for fee-paid judges.

These changes and others are already having a positive impact on the **experience of candidates**, and have also proved to be invaluable investments in terms of the JAC's ability to adapt its operations during the COVID-19 crisis.

I am particularly pleased at the way in which the Commission and its staff have responded to the new requirements created by COVID-19. The Commission moved at pace to ensure all candidates continue to be treated fairly and flexibly. We have taken care to ensure no new barriers are created by moving to remote

working, enabling the JAC to continue its important work even in challenging times.

I would like to thank all those members of the judiciary who have assisted us in our work this past year and for their flexibility and support, alongside the Ministry of Justice, as we have responded to COVID-19

Finally, I would like to thank my fellow Commissioners for all their commitment and hard work, and farewell and thanks to Mrs Justice Phillipa Whipple, Judge Fiona Monk and Dame Valerie Strachan who stood down as Commissioners during the year. I also wish to pay tribute to the contribution of lay Commissioner Professor Noel Lloyd CBE, who sadly passed away in June 2019 and had served as a Commissioner since 2012.

I have been delighted to welcome Mrs Justice Sarah Falk and Sue Hoyle as new High Court and Lay Commissioners respectively.



Professor Lord Ajay Kakkar
Chairman, Judicial Appointments
Commission

CHIEF EXECUTIVE'S STATEMENT



The Annual Report and Accounts sets out what the Commission has achieved over the past year with the money allocated by the Ministry of Justice, and provides an overview of how we are organised and governed.

I would like to thank all the staff, Commissioners and panel members for helping the JAC, by the end of this year, to deliver another large annual programme of recruitment and for their response to ensuring business continuity as COVID-19 restrictions were put in place.

This is the third year of a significant increase in recruitment volume. This will continue into 2020-21, the second year of the two-year forward plan agreed with HMCTS, Judicial Office and the Ministry of Justice, alongside the five-year rolling programme of regular exercises. A more than three-fold increase in annual recruitment volumes has been achieved with less than doubling of the resource allocation provided to the JAC by the Ministry of Justice.

The ability of the JAC to respond to these challenges has been underpinned by increasing our staff and panel member capacity, and a focus on improving our digital infrastructure, selection processes and staff engagement. This year has seen the fruits of this strategic focus, with the introduction of our new digital platform, increased staff engagement and the roll-out of more streamlined candidate application processes and selection tools.

Taken together, this has provided a firm basis for the JAC's strategy for 2020-23, which has been developed by the Board. Publication of the new strategy was delayed by the COVID-19 situation, as emergency business plans for the first part of 2020-21 were developed and agreed in order to use remote technology to ensure the delivery of the agreed recruitment programme. The key elements are set out under "Plans for Future" on page 45 in this Report.

Central to our strategy continues to be ensuring only the very best candidates from a diverse field are recommended for appointment, and delivering strong consistency and quality across every exercise, no matter how large.

This year has seen the reformed and refocussed Judicial Diversity Forum under the JAC's leadership agree to an inaugural comprehensive diversity data publication due in September, and to a joint approach to evaluation of diversity initiatives. Together these should provide the basis for better, more targeted initiatives at all stages of legal and judicial careers, to continue to improve judicial diversity alongside appointment on merit. The JAC will continue to play its full part in this work, and will use our new digital platform to introduce a greater range of dynamic outreach tools to better help candidates prepare for judicial office.

A handwritten signature in grey ink, appearing to read 'R Jarvis'.

Richard Jarvis
Chief Executive, Judicial
Appointments Commission

PURPOSE AND ACTIVITIES

The JAC was established on 3 April 2006 under the Constitutional Reform Act 2005. It is an executive non-departmental public body, sponsored by the Ministry of Justice.

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 JAC selects one candidate for each vacancy and recommends that candidate to the Appropriate Authority (the Lord Chancellor, Lord Chief Justice or Senior President of Tribunals), who can accept or reject the recommendation or ask the Commission to reconsider it.

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

The Commission's role and structure

In this report the JAC refers to the organisation as a whole, and the Commission refers to its governing Board. The Commission consists of a lay Chairman and 14 other Commissioners.

The Commission includes five lay Commissioners, who are drawn from a variety of professional fields. Membership of the Commission is also drawn from the courts and tribunals judiciary, the legal profession, and the lay magistracy or non-legal tribunal members.

Commissioners are recruited through open competition, with the exception of three senior judicial members: two of these members are selected by the Judges' Council and the third is selected by the Tribunal Judges' Council.

The JAC's key statutory duties

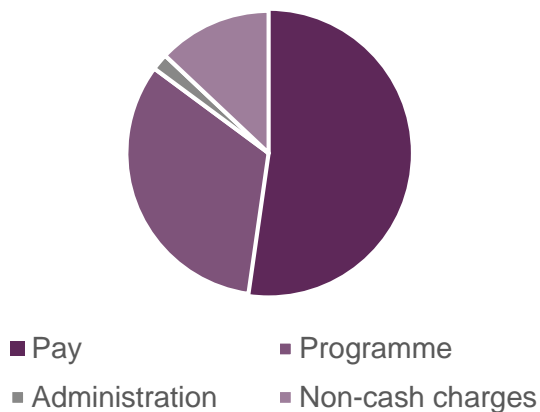
- to select candidates solely on merit
- to select only people of good character
- to have regard to the need to encourage diversity in the range of people available for selection.

Budget

The JAC's allocated resource budget in 2019–20 was £7.48m (£6.94m in 2018–19). It spent £7m (£6.68m in 2018–19).

In addition to funding it received, the JAC incurred £1m (£1.24m in 2018–19) of overhead recharges from the Ministry of Justice, giving a total expenditure of £7.98m (£8.23m in 2018–19).

Total expenditure in 2019–20



Pay:	£4.14m
Programme:	£2.60m
Non-cash charges:	£1.10m
Administration:	£0.15m

The JAC's aims

The JAC's aims were set out in the Business Plan 2019–2020. In this report, they are addressed in the following order:

- to flexibly support the evolving business need
- to increase confidence in the selection process and selections
- to promote and encourage diversity throughout the selection process
- to continually improve the candidate experience
- to make the JAC a centre of excellence in selection
- to be digital by default.

Working to support a world-class judiciary that reflects the society it serves is at the heart of what we do at the JAC, and we are committed to continual review and improvement of our selection tools and processes.

A new statistical report: "Diversity of the judiciary 2020: legal professions, new appointments and current post-holders" is due to be published in September. It will show diversity at different stages of the judicial appointment process and of judges in the courts and tribunals, incorporating information from the legal professions where available.

Performance summary

What we spend our money on

Further details of the progress made by the JAC against the aims in the Business Plan 2019–20, are in the Performance Report, pages 7 to 25.

The JAC reported on 35 selection exercises in 2019–20 (23 in 2018–19), and launched a further 21 exercises continuing into 2020–21. The number of selections made and applications received during the year is dependent on the mix of vacancies the JAC is asked to fill by the Lord Chancellor.

In 2019–20 the JAC made a similar number of selections compared with 2018–19, and the expenditure reflects this. The Statement of Comprehensive Net Expenditure shows that net expenditure for the year was £7,977k compared with £8,228k the previous year. Excluding recharges from the Ministry of Justice (MoJ), net expenditure decreased from £6,988k to £6,981k, a 0.1% decrease.

Overall, there was:

- an increase of £411k (9%) in pay costs
- a decrease of £641k (19%) in other operating costs
- a decrease of £244k (20%) in MoJ recharges

The JAC underspent against its budget allocation by £497k (7%), spending £6,981k of its net allocation.

The JAC continues to make extensive use of shared services for central functions, such as the provision of accommodation, some HR, IT and finance by the MoJ, to benefit from economies of scale. These costs are generally 'soft' charged, with no funds exchanged. Further details of the soft charges can be found in Note 5 to the financial statements.

SELECTION EXERCISE PROGRAMME

Selection exercises reported in 2019–20

Exercises reported	Applications received	Selections made
35	8,148	979



Note: Judicial roles are classified as either legal (requiring legal qualifications) or non-legal. Some are salaried positions, undertaken on a full or part-time basis, and others are fee-paid where judicial officeholders sit for a certain number of days a year while doing other work.

Tribunals selection exercises

Fee-paid roles

Legal/non-legal	Exercise title	Reference	Selections made
Non-legal	Fee-paid Service Member, First-tier Tribunal, War Pensions and Armed Forces Compensation Chamber	131	14
Legal	Road User Charging Adjudicators	111	23
Non-legal	Fee-paid Valuer Chairs and Fee-paid Valuer Members of the First-tier Tribunal Property Chamber (Residential Property)	132	16
Legal	Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	134	4
Legal	Senior Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	135	1
Non-legal	Fee-paid Professional Members of the First-tier Tribunal (Property Chamber) Residential Property	136	11
Legal	Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber	138	17
Non-legal	Fee-Paid (Specialist Information Rights) Member of the Upper Tribunal assigned to the Administrative Appeals Chamber and First-tier Tribunal General Regulatory Chamber (Information Rights) jurisdiction	140	10
Legal	Fee-paid Judge of the First-tier Tribunal and Employment Tribunal	114	219

Salaried roles

Legal/non-legal	Exercise title	Reference	Selections made
Legal	Judge of the First-tier Tribunal	109	112
Non-legal	Salaried Surveyor Member of the Upper Tribunal, Lands Chamber	130	2
Non-legal	Deputy Regional Valuer of the First-tier Tribunal, Property Chamber, Residential Property	141	1
Legal	Resident Judge of the First-tier Tribunal Immigration and Asylum Chamber, and Regional Judge of the First-tier Tribunal Social Entitlement Chamber	129	5
Legal	Regional Employment Judge	139	4
Legal	President of the Employment Tribunal (England and Wales)	146	1
Legal	Chamber President of the First-tier Tribunal, Health, Education and Social Care Chamber	183	1
Legal	Principal Judge, First-tier Tribunal, (Property Chamber) Land Registration	180	1

Courts selection exercises

Fee-paid roles

Legal/non-legal	Exercise title	Reference	Selections made
Legal	Deputy High Court Judge s9(4)	112	20
Legal	Deputy Queen's Bench Master	153	3
Legal	Deputy District Judge	116	151
Legal	Recorder	101	160
Legal	Deputy District Judge (Magistrates' Courts)	104	30
Legal	s9(1) Authorisation to act as a High Court Judge	108	37

Salaried roles

Legal/non-legal	Exercise title	Reference	Selections made
Legal	Senior Circuit Judge, Resident Judge	175	1
Legal	Senior Circuit Judge, Designated Civil Judge	177	0
Legal	Senior Circuit Judge, Resident Judge	176	2
Legal	Senior Circuit Judge, Designated Family Judge	172	2
Legal	Senior Circuit Judge of the Employment Tribunal	184	1
Legal	District Judge (Magistrates' Courts)	115	17
Legal	Senior Circuit Judge, Designated Civil Judge	128	1
Legal	Circuit Judge	113	43
Legal	Queen's Bench Master	124	4

Legal	High Court	107	17
Legal	District Judge	106	47
Legal	Specialist Civil Circuit Judge – Judge in charge of the London Circuit Commercial Court	125	1

Selection exercises for senior roles

Exercise title	Selections made
Court of Appeal	5

Under the Constitutional Reform Act 2005, the Lord Chancellor can request the JAC to convene a panel to select candidates for senior judicial posts such as Lord Chief Justice, Heads of Division, Senior President of Tribunals and Lord Justices of Appeal.

Note: A new statistical report: “Diversity of the judiciary 2020: legal professions, new appointments and current post-holders” is due to be published in September 2020. It will show diversity at different stages of the judicial appointment process and of judges in the courts and tribunals, incorporating information from the legal professions where available.

KEY ISSUES AND RISKS

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

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

- three risks rated low
- six risks rated medium
- one risk rated high

1. Failure of the Digital Service

Risk: That the Judicial Appointments Recruitment System (JARS), the new Digital Platform and the JAC website are not available to candidates, independent assessors or staff.

Rating at end of 2018–19: High

Where we started: Following the findings of the external review of JARS, a new digital strategy was implemented to design a replacement digital platform using the Government Digital Service's (GDS) agile process.

What we've done: Phase one of the project to build a replacement digital solution was completed in January 2020, with the first recruitment exercises being launched on the new platform successfully. A road map for phase two, which involves full platform development, has been agreed. The Digital Board also signed off on a plan to retire JARS.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21:

We are conducting further user research to enable us to complete the design and development of full functionality of the new platform, we have enlarged our development team for phase two and recruited a technical architect to document our digital structure and advise on the final digital structure. A service assessment by the Ministry of Justice digital team in July 2020 will review all research, design and development of the digital platform so far. An audit review of the design and operation of the new digital platform will be conducted by the Government Internal Audit Agency in Autumn 2020. Phase two will prioritise completing full functionality of the digital platform, integrating Qualifying Tests on to the new platform and the launch of a new website by December 2020.

2. Diversity of applicants and progression

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

Rating at end of 2018–19: High

Where we started: The 2019 Official Statistics were published at the start of the year, containing more detailed reporting of candidates' professional background. Steady progress on diversity could be seen across all categories of applicants and recommendations.

What we've done: The JAC has delivered a wide range of new and ongoing diversity initiatives this year, as set out in our six-monthly "Diversity Update" publication. The 'equal merit' approach has been extended to all stages of the selection process, and the Commission agreed to make all shortlisting tools name-blind. The Judicial Diversity Forum (JDF) has been reformed to strengthen the aims and membership. The Forum met for the first time in its new format in December 2019 and agreed new terms of reference and priority areas of focus.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21: 2019/20 headline data shows that we are continuing to make steady progress in attracting applications from target groups largely in line with their numbers in the eligible pool. Data will continue to be added to the 'deep dive' statistical analysis in order to identify possible reasons for differential progression. Through the JDF and supporting Officials' Group, we will also progress the production of a combined statistical report and the development of a common monitoring and evaluation framework for diversity initiatives.

3. Staff engagement and morale

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

Rating at end of 2018–19: Medium

Where we started: The JAC senior leadership team published an action plan focusing on seven key areas:

- Introducing Dignity at Work advisers
- Engage with staff to understand and articulate our values, what it means to live them and staff concerns about behaviours
- Workshop for senior leaders on Dignity at Work
- 360° feedback for senior leaders
- Strengthen our HR function
- Greater training and development opportunities
- Continue to develop opportunities for cross-JAC working, socialising, and engaging with Commissioners

What we've done: A pulse survey was undertaken in May 2019 with a response rate of 92%. Responses indicated that the organisation was moving in the right direction. We also published a learning and development strategic plan following the completion of a training needs analysis of all staff. Results of the annual People Survey in October 2019 showed an increase in positive responses across most indicators, including staff engagement.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21: We're taking forward a refreshed JAC People Plan, which incorporates new actions identified as a result of the 2019 People Survey. Additionally we have identified further staff welfare measures wellbeing due to COVID-19.

4. Loss of corporate knowledge

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

Rating at end of 2018–19: Low

Where we started: At the beginning of the year, the Commission Board was up to a full complement of Commissioners. Staff headcount at the start of the year was 72.

What we've done: The JAC maintained a similar headcount throughout the year, finishing with a final headcount of 74, which reflects the continuing high demand on the judicial recruitment programme.

Rating at end of 2019–20: Low

What we're going to do in 2020–21: The JAC will continue to monitor staffing levels to ensure it is properly resourced to deliver its programme of work. The senior leadership team will continue to meet regularly to cover key issues during COVID-19, with nominated deputies, to ensure sufficient knowledge in case of absences.

5. Confidence in the selection process

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

Rating at end of 2018–19: Medium

Where we started: In 2018 we commissioned an independent review of the effectiveness of our shortlisting tools undertaken by Work Psychology Group (WPG). In their report, WPG concluded that the JAC was broadly following a best-practice approach in the development of shortlisting materials and made recommendations for further improvement.

What we've done: Following the findings of the report produced by WPG last year, an update on implementation of the recommendations was presented to the Commission Board in November 2019. The Board endorsed the progress made and approved next steps for the second twelve months of this two-year programme. Four new members were also appointed to the Advisory Group with the aims of increasing diversity and increasing confidence in the scrutiny of the JAC's selection materials.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21: We are taking forward a planned two-year programme of work in response to the WPG review that includes, developing a bank of SJT questions, a second pilot of an alternative to live role play, and developing a bank of situational questions in leadership exercises.

6. Confidence in the effective delivery of selection exercises

Risk: That stakeholders do not have sufficient confidence that the JAC can deliver the selection exercise programme in an efficient and effective manner.

Rating at end of 2018–19: Medium

Where we started: At the beginning of the year, the JAC rolled out additional management training to senior staff in the selection exercise teams.

What we've done: The JAC recruited additional staff to enhance quality assurance across all exercises. An end-to-end review of support provided to JAC panel members was also carried out, and several improvements have already been implemented as a result. The arrangements in place to support the oversight role of Commissioners assigned to each exercise were endorsed in a review by the Government Internal Audit Agency (GIAA) at the end of the year.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21: The JAC will continue to carry out policy pilots to improve the delivery of its recruitment exercises. Agreement has been sought from the Ministry of Justice, HM Courts & Tribunals Service and Judicial Office on the forward programme of recruitment for 2021-22 and a revised five-year rolling programme of key exercises.

7. Financial resources

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

Rating at end of 2018–19: Low

Where we started: The JAC had secured sufficient budget for the year, which factored in an additional impact of a potential EU exit.

What we've done: The JAC ended the financial year within its allocated budget. This included an additional capital allocation which was used to support the delivery of a replacement digital recruitment system.

Rating at end of 2019–20: Low

What we're going to do in 2020–21: In anticipation of a continued level of demand for judicial recruitment the JAC has agreed a similar budget allocation for 2020–21 with the Ministry of Justice. It will also closely monitor the financial impact of COVID-19.

8. Information security

Risk: That data will be lost or presumed to be lost, or obtained by unauthorised persons, including through activities of third parties.

Rating at end of 2018–19: Medium

Where we started: The JAC commissioned the Government Internal Audit Agency (GIAA) to review its Information Assurance arrangements on the framework of governance, risk management and controls to ensure compliance with the GDPR.

What we've done: The Government Internal Audit Agency delivered their findings on the GDPR review, which included a number of recommendations for the JAC to take forward.

Rating at end of 2019–20: Medium

What we're going to do in 2020–21: The JAC will continue to remain vigilant of the ongoing threats to information security and cyber-attacks, particularly in light of increased remote working arrangements caused by COVID-19.

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

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

Rating at end of 2018–19: Low

Where we started: The JAC continued to adopt the cross-government shared services system (SOP) to manage its finance, procurement and HR services.

What we've done: The JAC joined an MoJ-led partnership group to discuss shared service performance with other Arm's Length Bodies. This has resulted in a better understanding of the problems experienced across the department and allows for a quicker resolution of common issues.

Rating at end of 2019–20: Low

What we're going to do in 2020–21: We will continue to monitor the efficiency of the shared services system and assist in making improvements where necessary.

10. Business Continuity Arrangements – COVID-19

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

Rating at end of 2018–19: New risk recognised in March 2020.

Where we started: Following the outbreak of COVID-19, the JAC quickly put into place a number of initiatives to mitigate the impacts, with a primary focus on protecting the well-being of our staff, Commissioners, panel members, candidates and other key stakeholders. We have already been able to ensure continued delivery of business objectives to a significant extent.

What we've done: A business continuity plan was implemented to ensure all staff could work remotely from home. This included an immediate suspension of all face-to-face selection activity, informing panel members, candidates and stakeholders. The JAC also acted quickly to agree what selection activity would be delivered remotely in consultation with the Ministry of Justice and HMCTS.

Rating at end of 2019–20: High

What we're going to do in 2020–21: The JAC has developed an emergency business plan taking into account revised business priorities initially up to Summer 2020. This includes the development of streamlined approaches to selection activity, as a contingency and to deliver those exercises which have been paused. We will continue to take stock as outcomes of COVID-19 are known.

Going concern

The Statement of Comprehensive Net Expenditure shows a deficit in 2019–20. Due to timing of the draw-down of grant-in-aid funding, the Statement of Financial Position at 31 March 2020 shows an excess of assets over liabilities of £752k. The closing bank balance relates to grant-in-aid drawn down by the JAC in readiness to pay its liabilities.

We know of no intention to suspend the JAC's activities. It has therefore been considered appropriate to adopt a 'going concern' basis for the preparation of the financial statements in this report. Grant-in-aid for 2020–21, taking into account the amounts required to meet the JAC's liabilities, has already been included in the departmental estimate.

PERFORMANCE ANALYSIS

How the JAC measures performance

The JAC's objectives for the past financial year were set out in our business plan for 2019–20. These were:

- select high-calibre candidates on merit, to meet the requirements identified by our business partners
- develop and deliver new digital services and tools that support delivery of selection exercises, and continuous evaluation and improvement of JAC processes
- ensure selection tools and materials used across all exercises fully assess the potential of candidates from diverse backgrounds, and are developed with efficient and sustainable use of expertise
- work actively with our partners to develop a diverse, high-calibre candidate pool, including through improving the candidate experience
- support our people to deliver the Commission's aims in line with our values

Every month the detailed objectives behind these measures are reviewed by JAC senior leaders, with a full review every quarter. Information on progress is detailed in the JAC's internal Management Information Pack. This pack is provided to the Commissioners at every Board meeting for consideration and review. It is then sent to the MoJ to inform its sponsorship discussions with the JAC.

Analysis and explanation of the performance of the JAC

Other measures on performance are also in the Management Information Pack, including sections on selection exercise activity, finance, staffing and outreach activity, as well as a summary risk analysis. This allows the Commission Board a complete overview of performance and to gain an understanding of the overall position of the JAC.

The budget allocation provided by the MoJ will increase from £7,479k in 2019–20 to £7,795k in 2020–21 (a 4% increase). This increase is made up of a 2% inflation to the 2019-20 fiscal budget, and a non-cash budget increase of £172k.

As part of the five-year forward programme for judicial recruitment, a detailed two-year resourcing plan has been developed in consultation with MoJ, HMCTS and Judicial Office. The JAC will continue to deliver the selection exercises needed to fill vacancies as required by the Lord Chancellor, and respond flexibly to changes requested.

ACHIEVEMENT AGAINST OUR AIMS

1. Flexibly support the evolving business need

Measure: We deliver the selection programme as agreed with our business partners, showing flexibility in absorbing agreed changes

The JAC recommends candidates for appointment as judges of the High Court and to all judicial offices listed in Schedule 14 of the Constitutional Reform Act 2005 (CRA). It also provides support for selections to fill senior judicial posts that lie outside Schedule 14. Under section 98 of the Act, the Lord Chancellor may also request the JAC's assistance in respect of other appointments for which they or another Minister of the Crown is responsible, for instance in Wales.

The selection programme for the year is developed with the MoJ, HMCTS and Judicial Office. The programme is based on current and forthcoming requirements forecast by HMCTS and a small number of judicial vacancies for tribunals not overseen by the Ministry. The programme provides some flexibility for the JAC to respond to changing business priorities.

The JAC selects one candidate for each vacancy and recommends that candidate to the Appropriate Authority (the Lord Chancellor, Lord Chief Justice or Senior President of Tribunals), who can accept or reject the recommendation, or ask the Commission to reconsider it.

During 2019-20

There were 35 exercises, attracting 8,148 applications and resulting in 979 selections.

While the number of selections was slightly lower than last year (979 compared to 1,031), the number of applications received increased by two-thirds (66%, 4,917 rising to 8,148), and the ratio of applications to selections by almost three quarters (73%, 4.8 in 2018-19, rising to 8.3 in 2019–20). This is explained by the high volume of applications received for a number of hotly-contested vacancies.

	2016–17	2017–18	2018–19	2019-20
Number of exercises	26	28	23	35
Number of applications	2,199	5,125	4,917	8,148
Total selections	290	749	1,031	979
Average selections per exercise	11	27	45	28
Exercises with nought to nine selections	18	20	13	18
Exercises with 10 to 49 selections	7	3	2	13
Exercises with 50 to 99 selections	1	2	2	0
Exercises with 100+ selections	0	3	4	4

There were 10 selection exercises where the JAC was unable to recommend sufficient candidates to fill all of the requested vacancies - which includes both immediate appointments and to a future list - as follows:

Selection exercise	Number of vacancies	Number of selections for immediate appointment and to a future list
Circuit Judge	50	43
Deputy District Judge	200	151
Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber	25	17
District Judge	110	47
District Judge (Magistrates' Courts)	25	17
Fee-paid Valuer Chairs and Fee-paid Valuer Members of the First-tier Tribunal Property Chamber (Residential Property)	28	16
High Court	25	17
Resident Judge of the First-tier Tribunal Immigration and Asylum Chamber, and Regional Judge of the First-tier Tribunal Social Entitlement Chamber	6	5
Senior Circuit Judge, Resident Judge	2	1
Senior Circuit Judge, Designated Civil Judge	2	0

Measure: The length of the end-to-end appointment process takes an average of 20 weeks

This is measured as the time an exercise is launched to the point at which offer letters are sent to successful candidates.

The end-to-end appointment process is based on exercises launching in-year, not reporting. The calculations for 2019-20 are therefore indicative. The end-to-end target of 20 weeks, and 18 weeks for the parts of the process managed by the JAC, was set during a period when the JAC was making around 600 recommendations a year. The increase to 1,000 recommendations annually has created more very large and complex exercises, which take longer to complete.

The scale and complexity of the selection exercise programme not only adds to the length of the JAC's processes, but also to the time it takes for the Appropriate Authority to consider recommendations, and for the judiciary to make deployment decisions.

Along with our partners, the JAC is in the process of reviewing the end-to-end target to ensure it remains relevant given the unprecedented growth in demand.

	2016–17	2017–18	2018–19	2019-20	Target
End-to-end	20 weeks	24 weeks	33 weeks	31 weeks	20
JAC	17 weeks	20 weeks	27 weeks	26 weeks	18

Other JAC judicial selection activity

The JAC fulfilled its statutory responsibility for selections to fill senior judicial posts, with the JAC Chairman and two lay Commissioners sitting on panels to select five Lady and Lord Justices of Appeal. The JAC also provided secretariat support.

Under section 9 of the Senior Courts Act 1981, the JAC recommended seven candidates for authorisation to act as judges of the High Court. This followed selection exercises, initiated and run by the judiciary, to identify Circuit Judges for deployment to the post of Designated Civil Judge (in the case of one recommendation), or Designated Family Judge (in the case of six recommendations).

Under section 83 of the Government of Wales Act 2006 the Welsh Ministers can enter into arrangements with any relevant authority, for any of their functions to be exercised by that authority. The JAC is a relevant authority for the purposes of section 83, and under these provisions the JAC completed three selection exercises for the Welsh Government. These were:

- President of the Welsh Language Tribunal
- Legal Member of the Welsh Language Tribunal
- Fee-paid Education Panel Members for the Special Educational Needs Tribunal for Wales

2. Increase confidence in the selection process and selections

Measure: We recommend a majority of candidates assessed overall as strong or outstanding

It's important for the quality, independence and impartiality of our judges that we always appoint the most talented candidates on merit, and that this bar isn't lowered. All candidates assessed as selectable were considered to have fully demonstrated all the necessary skills and abilities for immediate appointment as a judge, both by the assessment panel and the Commission.

In order to promote the objective assessment of candidates, the JAC assesses candidates in bandings as follows: Outstanding, Strong, Selectable and Not Presently Selectable.

These bandings are assigned by JAC selection panels, which usually consist of a lay panel chair, a judicial member and another lay member. Commissioners, sitting as the Selection and Character Committee, make the final decision on bandings when deciding which candidates are the most meritorious for each role.

It is important to note that bandings are an internal assessment of a candidate's performance in a particular selection exercise and against the specific criteria for the role at that time. They do not indicate performance upon appointment. Across all exercises overall in 2019-20, a higher percentage and total number of strong or outstanding candidates were recruited than in the previous year.

	2017–18	2018–19	2019–20
Strong or outstanding candidates selected: Total	558 of 749 (75%)	578 of 1,031 (56%)	688 of 1,026 (67%)
Strong or outstanding candidates selected: Court posts	323 of 396 (82%)	255 of 447 (57%)	383 of 555 (69%)
Strong or outstanding candidates selected: Tribunal posts	235 of 350 (67%)	323 of 584 (55%)	305 of 471 (65%)
Strong or outstanding candidates selected: Salaried posts	233 of 328 (71%)	109 of 167 (65%)	153 of 263 (58%)
Strong or outstanding candidates selected: Fee-paid posts	324 of 418 (78%) 181 of 187 legal (97%) 143 of 231 non-legal (62%)	469 of 864 (54%) 341 of 637 legal (54%) 128 of 227 non-legal (56%)	535 of 763 (70%) 459 of 656 legal (70%) 76 of 107 non-legal (71%)

Ensuring the JAC selects the very best on merit, whatever their background

The JAC continued to make sure our selection exercises are open and accessible to candidates from a wide range of professional backgrounds. The JAC Advisory Group, chaired by lay Commissioner Jane Furniss and assisted by lay magistrate Commissioner Emir Feisal, comprises judges and practitioners from a range of backgrounds, and reviews all JAC test and selection materials before they are used. The materials are then test-run with volunteer candidates from a range of backgrounds.

The Commission Board agreed to expand the membership of the Group in 2019-20 to reflect the increased selection exercise programme and to draw from a greater diversity of input. The current membership of the Group is published on the [JAC website](#).

We are grateful for the Advisory Group's input, and believe that it adds to the quality and effectiveness of the JAC selection tools.

Welsh Matters Committee

The Welsh Matters Committee – previously chaired by Professor Noel Lloyd CBE - is a sub-committee of the JAC Commission Board which monitors selection exercises involving judicial roles in Wales, which require either Welsh language proficiency, or an understanding of the administration of justice in Wales. The Committee also monitors the impact of devolution in Wales on the work of the JAC and has oversight of the JAC Welsh Language Scheme.

The JAC launched its Welsh Language Scheme in May 2016. In December 2019, the JAC submitted its annual monitoring report covering 2018-19 to the Welsh Language Commissioner. The report sets out how the Welsh Language Scheme was applied to selection exercises with posts in Wales, and reported that the JAC had successfully upheld the scheme's provisions.

The report is published on the [JAC website](#).

Upholding the highest standards of good character

The JAC's Good Character Guidance sets out how the Commission meets its statutory requirement to recommend only candidates of [good character](#).

The next scheduled review is due to take place in autumn 2020. However, in response to candidate feedback in February 2020 a clarification was made in respect of confidentiality agreements and what candidates should disclose as part of their application.

Continual review and improvement of JAC selection processes

In 2018, the JAC commissioned the Work Psychology Group (WPG) to undertake an independent review of the effectiveness of the JAC's shortlisting tools. The WPG concluded that the JAC is broadly following a best-practice approach in the development and use of shortlisting materials. A summary of this review is on the JAC [website](#).

The WPG provided additional recommendations for further improvement. In response the JAC has been implementing a two-year programme of work that will support our future approach to the design of selection tools. Due to be completed in November 2020, this aims to further promote diversity, improve the candidate experience and make the most efficient use of judicial time and expertise. This work will also result in a sustainable model for the future.

Particular work that has been successfully delivered in the reporting year has included:

- a combined first-stage qualifying test to shortlist for First-tier fee paid Tribunal Judges and Employment Tribunal Judges, and Deputy District Judges
- in line with the recommendations from WPG, we have also developed a different model for the Situational Judgement Test element of our qualifying test and have moved away from a binary correct/incorrect scoring system to identifying both the most appropriate and the least appropriate options. The advice from WPG was that this could help identify potential by benefiting those candidates who may have less specific role-relevant experience
- successfully trialing an alternative role play format involving a pre-recorded scenario at the selection day in the exercise for Road User Charging Adjudicators.

Also in the year we have evaluated the adoption of a simplified and more flexible application process for the High Court, which included an extended application window and application by CV and a statement of suitability against a concise set of Skills and Abilities. These changes were made in response to candidate and stakeholder feedback.

This approach was evaluated as successful, and a streamlined process and statement of suitability against a set of Skills and Abilities has also been adopted for exercises to identify candidates for authorisation to act as judges of the High Court, to recruit Deputy High Court Judges, and rolled out to a range of leadership exercises.

We have also streamlined and simplified the selection process for non-legal tribunal member roles. This includes a streamlined application process and selection day, and use of a generic qualifying test that tests skills required for all tribunal members if a certain level of applications are received.

In line with our commitment to support the aim of improving judicial diversity, the JAC has extended name-blind shortlisting to the sifting process. Manual name redaction has been in use for exercises with forecasted applications of up to 20, since April 2019. Full implementation of name-blind sifting in all exercises on the new digital platform began in June 2020.

Quality assurance process of selection exercise material

This flowchart demonstrates the assurance process the JAC completes before using any selection exercise materials. The JAC also seeks feedback from candidates following each exercise.

Lord Chancellor issues vacancy request to the JAC

On behalf of the Lord Chancellor, HMCTS provides the JAC with the vacancy request detailing the number and type of roles required by the business area

The JAC plans the selection process

The JAC decides on the selection tools to be used to assess candidates based on the type of role and anticipated volume of applicants. The JAC considers any lessons learnt from the previous exercise to be incorporated into the design of the upcoming exercise

The JAC commissions judges to write material for use in the selection

Nominated judges draft a range of selection materials for the JAC depending on the exercise and may include online tests, situational questions, role plays and scenarios

Material is quality assured and equality-proofed by the JAC

All material is reviewed by the Selection Policy team and Diversity and Engagement team to ensure that it is testing all the required competencies, and does not disadvantage particular groups

The JAC operates an Advisory Group, chaired by a lay Commissioner, comprising a range of judges and practitioners who examine all selection material to assess its accessibility to all candidates, as well as its factual accuracy

Material is tested by JAC staff, recent appointees to the role and volunteer candidates

Comments are sent back to the drafting judges to review and action

Drafting judges review the comments made by the JAC and the Advisory Group and action them accordingly before returning the material to the JAC

The JAC uses the selection material in the exercise

3. Promote and encourage diversity throughout the selection process

Measure: Candidates from under-represented groups progress through selection exercises, and overall are recommended in the same or higher proportions as their level in the eligible pool

Working in partnership with the legal professions, judiciary and government was a central theme of our work to promote and encourage diversity in 2019-20. Joint work focused on outreach and developing candidate support programmes to encourage a diverse range of candidates.

In January 2020 we published our latest diversity update. The update details the ongoing work to attract and better prepare potential candidates from under-represented groups, and ensure selection processes are fair and non-discriminatory. Diversity updates are published every six months and the most recent can be found on the [JAC website](#).

Statutory diversity and equality duties

Under the Constitutional Reform Act 2005, the JAC must select candidates solely on merit, while also encouraging diversity in the range of people available for selection.

The Equality Act 2010 applies a general equality duty to all public authorities to have due regard to the:

- elimination of discrimination
- advancement of equality of opportunity
- fostering of good relations between diverse groups

There are three aspects to the JAC's diversity strategy:

- targeted advertising and outreach
- fair and non-discriminatory selection processes
- working with others to break down barriers

Targeted advertising and outreach

The JAC carries out targeted advertising and outreach to attract a diverse range of candidates to apply when they are ready. Activities in 2019-20 included:

- working with partners in the legal profession and judiciary to support outreach events across the UK targeted at lawyers from under-represented groups. These included events in London, Newcastle, Liverpool, Cardiff, Birmingham and Preston.

- supporting events for prospective candidates organised by associations and societies within the legal professions, including the Crown Prosecution Service, the Chancery Bar Association, the Solicitor Association of Higher Court Advocates, the Employed Bar Association, the Employment Lawyers Association and the Society of Legal Scholars
- participating in workshops for potential candidates in conjunction with partners in the legal professions and the Judicial Office to raise awareness of what to expect during the selection process
- advertising all judicial vacancies via the JAC website, monthly newsletter and social media channels
- publishing articles in specialist legal media to encourage potential candidates to consider judicial careers, and to inform them about the selection process and forthcoming selection exercises
- providing relevant pen portraits and profiles of successful candidates to the JAC website and social media channels

Fair and non-discriminatory selection processes

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

- in 2018 the Work Psychology Group reviewed the JAC shortlisting tools and concluded that the JAC approach is in line with good practice. No explanation was found within the process for different progression rates between particular groups. WPG made a number of recommendations for further improvement, which are being taken forward as part of a two-year programme of work
- training JAC panel members on fair selection and unconscious bias, and refreshing this training in the panel briefing session before every selection exercise
- targeted outreach and broad person specifications to recruit a diverse cohort of panel members
- ensuring that the content and tone of selection exercise materials do not propagate stereotypes, colloquialisms or language that may be off-putting to different groups, and that role play and scenarios feature characters from diverse backgrounds
- seeking feedback from candidates after each stage of the selection process
- testing all materials with volunteer candidates and analysing the results, making any necessary adjustments to the content, timing, preparation materials or other aspects of selection materials
- making reasonable adjustments as requested for candidates who need them

The JAC publishes a reasonable adjustments policy on its [website](#). The policy sets out the process for requesting adjustments, and an indicative list of adjustments that have been provided previously.

We monitor progression of target groups at key points in the selection process and investigate reasons for significant drops in target groups. We also observe live interviews, telephone assessments and role plays to ensure consistency. Equality impact assessments are completed for any significant changes to the selection process, and we also assign a Commissioner to each exercise to oversee quality assurance and fair selection.

Following the evaluation of two recent pilots, we introduced two new policy approaches aimed at promoting diversity. Name-blind sifting of applications is being rolled out across all exercises and enhanced feedback is being provided to near-miss candidates to encourage and assist future applications.

Working with others to promote diversity

The JAC continued to work with its partners and the legal professional bodies to break down barriers. We have worked with these partners individually and through the Judicial Diversity Forum (JDF), which is chaired by the JAC Chairman.

In 2019 the aims and membership of the JDF were strengthened to help provide an enhanced level of priority and focus. The leaders of all the partner organisations meet as the Forum twice-yearly and are supported by an Officials' Group comprising senior representatives from each organisation.

The JDF is preparing a combined statistical report for release in September 2020, which will show the flow of underrepresented groups from the legal professions through JAC exercises and into the judiciary.

The JAC took part in a number of events, hosted by its partners, to better understand barriers to application and progression for groups such as solicitors and Black, Asian and ethnic minority (BAME) lawyers. Through events, roundtable discussions and other stakeholder meetings, the JAC actively seeks feedback on its processes and uses the information gathered to inform the development of its selection tools.

The JAC has been working with the MoJ and HMCTS on the availability of flexible working for judicial vacancies. The JAC's position is that it should be available by default, unless there are good and specific reasons why it is not practicable. New guidance has been developed to help ensure correct and consistent application of the new judicial salaried part-time working policy.

The JAC contributed to the MoJ update on tackling racial disparity, a review of the Lammy report into the treatment of and outcomes for BAME individuals in the criminal justice system. The JAC provided information about the progress it has made since the one-year review which supports the report's wider recommendations on race equality. These have included changes to our selection processes and working in partnership with others to encourage and support more talented candidates, to achieve greater judicial diversity.

Pre-Application Judicial Education

The Pre-Application Judicial Education (PAJE) programme launched in April 2019. PAJE is a joint initiative of the JDF and supports potential candidates from under-represented groups in developing their understanding of the role and skills required of a judge. An expert group comprising current judges and JAC Commissioners was formed to prepare the online materials and workshop elements of the programme.

The PAJE programme offers an online learning platform, which is open to all, containing short videos and podcasts covering five modules:

- judgecraft
- job framework
- judicial ethics
- resilience
- equality and diversity

PAJE also offers courses of judge-facilitated discussion groups at locations across the country with priority being given to lawyers from under-represented groups. The first round of interactive courses took place in late 2019 with 77 lawyers from underrepresented groups taking part.

The JAC will continue to work with the MoJ, the Lord Chief Justice and other partners to consider all practical actions that could be taken either individually or in partnership to improve diversity, assess the impact of existing activity and to measure progress.

Monitoring diversity

The JAC continued to monitor the diversity of applicants and those selected for judicial posts. The improved questions on professional background on the diversity monitoring form enabled the JAC to record candidates' professional background more fully and accurately and to report on those who had 'ever' been a solicitor in the annual official diversity statistics.

In 2019–20 the JAC continued to work with its statisticians to identify and explore the reasons for difference in performance for different groups. The JAC added new datasets to its long-term piece of statistical analysis to better understand the progression of target groups through selection exercises. Once a larger and more stable dataset is available, the findings from this work will be used alongside other evidence to inform the review and development of our selection tools.

Further steps to increase diversity

Following the evaluation of two recent pilots, we introduced two new policy approaches aimed at promoting diversity. Name-blind sifting of applications is being rolled out across all exercises and enhanced feedback is being provided to near-miss candidates to encourage and assist future applications.

A project to provide additional support to JAC panels in making decisions according to fair selection principles was evaluated. The findings of the project were used to inform a new JAC approach to quality assurance through the use of Quality Assurance Managers (QAMs). QAMs take a lead on embedding diversity considerations within selection exercise teams and help to ensure selection days are fair to candidates from all backgrounds, and that the negative effects of unconscious bias are being removed as much as possible.

Equal merit policy

The JAC continues to apply its policy on equal merit during selection exercises. The approach enables the Commission to select a candidate for the purpose of increasing judicial diversity where two or more candidates are considered to be of equal merit.

The equal merit approach was already being used at the final decision-making stage of the selection process, and in 2019 the approach was extended to also cover the shortlisting stages of every exercise. This change ensures that the JAC continues to take all measures possible, consistent with the statutory framework, to support the aim of increasing diversity.

In 2019–20, 16 selections were made following application of the equal merit approach, in four exercises. The extension of the approach to include shortlisting in July 2019 resulted in it being applied to two exercises, which enabled 19 candidates to be shortlisted in those exercises.

4. Continually improve the candidate experience

Candidate feedback

Measure: A large majority of candidates rate the selection process as good or excellent

We welcome candidate feedback. This can highlight issues or questions about processes that can then be addressed. Formal candidate feedback is gathered through an online survey circulated to every candidate at key stages of each exercise.

For 2019-20, post-application stage data collected from 19 exercises indicated that 91% of candidates who responded to the survey, rated the customer service received as good or excellent.

Post-selection day data from 15 exercises showed that 88% of candidates who responded to the survey, rated the customer service received as good or excellent.

Feedback from 19 exercises post-application stage showed that 85% of candidates rated the information provided about their exercises as good or excellent.

Similarly, feedback from 15 exercises post-selection day showed that 69% of candidates who responded to the survey rated the selection process as good or excellent.

A minority of candidates shared negative experiences of the selection process, such as struggling to prepare and answer the situational questions asked at selection day in the time available. All comments are considered carefully as part of the evaluation of each exercise, and where appropriate feed into the continual improvement of selection processes.

Feedback from previous years can be found in the table below:

	2017–18 ¹	2018–19	2019–20
Customer service rated good or excellent: Post-application	172 of 204 responses (84%)	641 of 842 responses (76%)	360 of 393 responses (91%)
Customer service rated good or excellent: Selection day	218 of 263 responses (83%)	251 of 280 responses (89%)	340 of 385 responses (88%)
Information provided rated good or excellent: Post-application	405 of 549 responses (74%)	1,920 of 2,468 responses (78%)	886 of 1,043 responses (85%)
Selection processes rated good or excellent: Selection day	168 of 263 responses (64%)	223 of 280 responses (79%)	227 of 328 responses (69%)

1. Figures for 2017–18 do not include responses from the Recorder selection exercise.

Formal complaints

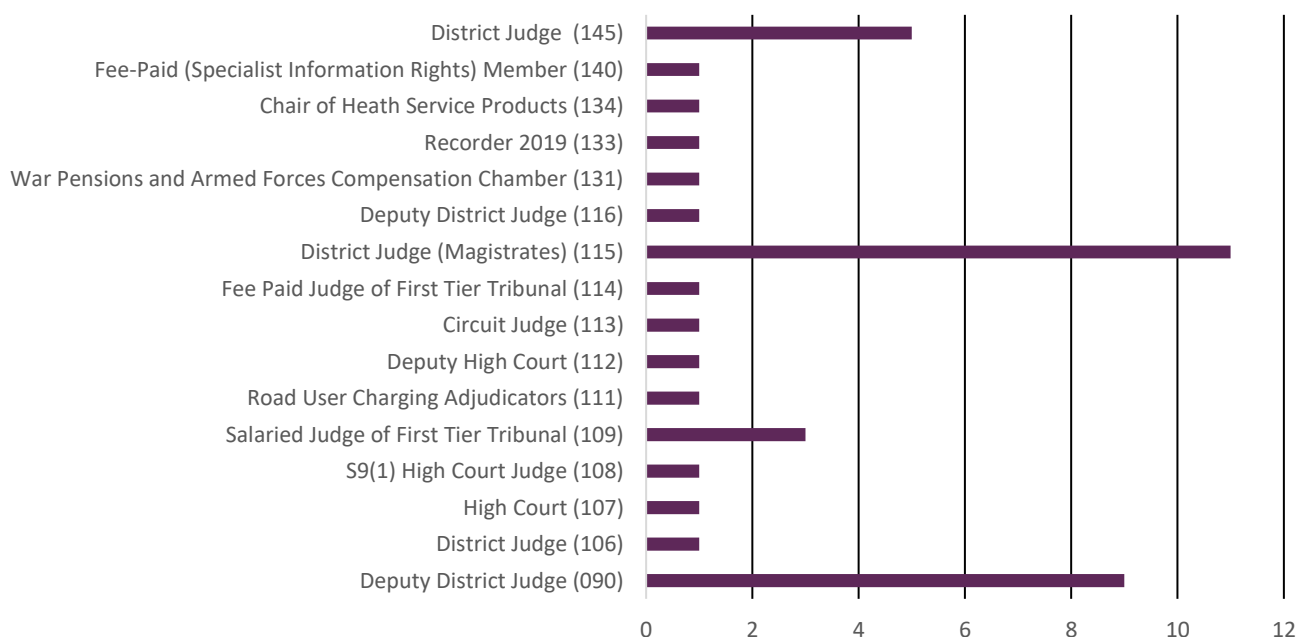
Measure: That no more than one percent of applicants make a complaint about the JAC's processes

The Constitutional Reform Act 2005 provides for any candidate “who claims to have been adversely affected as an applicant for selection” to make a formal complaint to the JAC. All formal complaints are investigated by a member of JAC staff who is independent of the selection exercise process, in line with the published complaints policy.

The JAC complaints policy is set out on our [website](#). The aim is to make the process clear and easy for candidates.

For the year 2019–20 we received 30 complaints. As a percentage against the number of applications (0.4%), it is below the one percent key performance measure used for formal complaints and is reduced also from the previous year (0.77%).

Breakdown by selection exercise (and exercise number)



All complaints have been internally investigated. None have been upheld. This includes those complaints arising from the Recorder scenario qualifying test, where the complaints team confirmed that candidates had received sufficient information about the need to self-time in the exercise instructions.

Complaints were categorised as follows:

- 43% related to the administration of qualifying tests
- 17% concerned an aspect of the sift, largely candidates not understanding why they did not progress in the exercise
- 13% related to alleged bias or discrimination, where candidates attributed an outcome to non-merit based reasons
- 7% about the timeliness or quality of the feedback provided
- 7% about panel assessments, largely candidates not understanding why they were not selected, particularly in relation to their experience
- 10% concerned eligibility including the time taken to make such decisions during the selection process
- one case (representing 3% of all cases) involved a candidate who felt JAC Front of House staff had not been clear with pre-assessment instructions.

During 2019–20, six complaints were referred to Judicial Appointments Commission Ombudsman (JACO), with one complainant referring twice over two separate applications. None of the complaints were upheld by the Ombudsman.

5. Make the JAC a centre of excellence in selection

In 2019–20 the JAC was involved in various senior appointments in the judiciary. These included:

- the selection of five Lord and Lady Justices for the Court of Appeal
- the selection of 17 High Court Judges for deployment across the Chancery, Family and Queen's Bench Divisions

The City of London requested the JAC's assistance in appointing the next Recorder of London by the end of April, and the Lord Chancellor asked the JAC to convene a panel to select the next Master of the Rolls and Senior President of Tribunals before summer 2020.

International engagement

The JAC continued to receive interest from overseas bodies in its appointments model and processes during 2019–20. The JAC also continues to work closely with the bodies responsible for judicial appointments in Scotland and Northern Ireland. We hosted the first annual UK judicial appointments meeting to facilitate the sharing of knowledge and the discussion of areas of mutual interest amongst the three bodies.

Throughout the year the JAC hosted visits from international judicial and official delegations in support of the UK's efforts to promote the rule of law. While the focus of these visits varied, topics of discussion included the role of Commissioners, diversity and outreach work, developing selection tools, merit-based selection, statistical analysis of diversity data and good character assessment. International connections of note included:

Country	Nature of visit	Host
South Korea	JAC senior officials met with two South Korean leadership judges, as part of a wider visit, to explore good practice in judicial appointments policy and approaches to diversity and fair selection.	Judicial Office
Peru	JAC senior officials met with the President of the Peruvian Supreme Court, his senior adviser and a Peruvian anti-corruption judge. The visit focussed on the different elements of the JAC's selection process, and the approach taken to ensure only candidates of good character are recommended.	JAC

Seychelles	JAC senior officials met with a delegation of judges and officials from the Seychelles Constitutional Appointments Authority as part of a visit to learn more about the administration of justice in the UK. A particular focus of the visit was judicial appointments, including managing the selection processes to ensure fair selection, promoting judicial diversity and merit-based appointments.	Judicial Office
Ethiopia	JAC senior officials met with the Chief Justice (President of the Supreme Court) of Ethiopia as part of a wider visit about judicial appointments, judicial training and UK court procedure rules.	Judicial Office

6. Be digital by default

Measure: The JAC will deliver services that are well-designed and easy to use

Judicial Appointments Recruitment System (JARS)

The JAC's online recruitment system, JARS, remained the main business application for the JAC in 2019–20. It enabled candidates to make online applications and for the JAC to undertake selection exercise activity.

In 2019–20:

- 3,994 candidate applications were registered on JARS
- 3,337 independent assessment requests were sent

In response to feedback from our candidates we have stopped using JARS for qualifying tests. While we have continued to use JARS this past year it is clear the system is not robust or flexible enough for such volumes of recruitment in the longer term. The software in which JARS is written will no longer be supported from autumn 2021, so the Commission Board decided in October 2019 to commission development of a new digital services platform.

New digital services platform

We are mid-way through a high-volume two-year programme of recruitment exercises. We launched our new digital platform for applying for exercises in January 2020, following extensive user testing, aiming to simplify and expedite the candidate application process.

This year 5,488 candidates took qualifying tests on the new digital services platform.

We are also using new software to project-plan our recruitment exercises, issue notifications to candidates and to help our panel members by sharing documents via a secure space online. Our software development is based on careful user research, including online survey feedback, feedback from our website home page and face-to-face interviews by a user researcher with past and present applicants. We welcome suggestions as to how we might further improve our digital service, please contact us via our [website feedback tool](#).

Digital Board

The Digital Board meets every two months. Membership includes two Commissioners - Andrew Kennon and Sue Hoyle.

PLANS FOR THE FUTURE

The coming year will see the level of judicial recruitment remain at a high level in historical terms, subject to any impact from COVID-19.

The JAC will work to further enhance the candidate experience and resources available to those considering a judicial career, and at the same time continue to build on the Commission's recognised good practice approach to selection on merit and supporting greater judicial diversity. The Commission has agreed four strategic objectives for 2020-23:

- ensure the JAC operates as a centre of excellence in selection, applying and tailoring best practice approaches to identify talented, diverse candidates with the skills and abilities needed for the full range of judicial roles
- attract well-evidenced applications from the widest range of high calibre candidates, helping to support greater judicial diversity
- ensure the JAC is widely recognised as the trusted expert body on independent, merit-based appointment to the judiciary
- support our people to deliver Commission aims in line with our values, including through delivery of a new digital platform and tools

In April 2020 the Commission agreed an emergency (COVID-19) business plan, available on the JAC website. This sets out the action required to ensure business continuity and recovery, supporting the overriding priority to select high calibre candidates on merit. This includes using remote approaches to selection activity where possible, and developing streamlined approaches as a contingency and to enable delivery of those selection exercises which have been paused.

We will learn from the new ways of working we are developing, and take these forward as appropriate in our future plans.



Richard Jarvis
Accounting Officer
Judicial Appointments Commission
14 July 2020



ACCOUNTABILITY REPORT

CORPORATE GOVERNANCE REPORT

DIRECTORS' REPORT

For the purposes of this report, Directors are defined as those who influence the decisions of the JAC as a whole, including Commissioners and those in the Senior Civil Service. Commissioners and the Chief Executive who served during 2019–20 are set out in the Remuneration and Staff Report on pages 62 to 77.

In accordance with the Code of Conduct for the Judicial Appointments Commissioners, a register of financial and other interests was maintained and updated throughout the year by the Commissioners' Secretariat. It is published [online](#). The Secretariat can be contacted at 5th floor, Clive House, 70 Petty France, London SW1H 9EX.

There were no losses of personal data during the year – as set out in the Governance Statement (nil in 2018–19).

The Commission (as at 31 March 2020)

The members of the Commission are drawn from the lay public, the legal profession, courts and tribunals judiciary, and lay magistracy or non-legal tribunal members.

Twelve Commissioners, including the Chairman, are appointed through open competition. The other three are selected by the Judges' Council (two senior members of the courts judiciary) and the Tribunal Judges' Council (one senior member of the tribunals judiciary).

The Chairman of the Commission must always be a lay member. Of the 14 other Commissioners:

- five must be lay members
- six must be judicial members (including two tribunal judges)
- two must be professional members (each of which must hold a qualification listed below but must not hold the same qualification as each other*)
- one must be a non-legally qualified judicial member

*The legal qualifications are:

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

The Commissioners are appointed in their own right and are not representatives of the professions that they may come from. Commissioners during 2019–20 were:

- Professor Lord Ajay Kakkar, Chairman
- Lady Justice Anne Rafferty DBE (judicial), Vice chairman
- District Judge Mathangi Asokan (judicial)
- Her Honour Judge Anuja Dhira (judicial)
- Mrs Justice Sarah Falk (judicial), from 1 October 2019
- Emir Feisal JP (lay magistrate)
- Jane Furniss CBE (lay)
- Susan Hoyle (lay), from 1 August 2019
- Andrew Kennon (lay)
- Sarah Lee (professional: solicitor)
- Professor Noel Lloyd CBE (lay), until 5 June 2019
- Judge Fiona Monk (judicial), until 23 September 2019
- Brie Stevens-Hoare QC (professional: barrister)
- Dame Valerie Strachan DBE (lay), until 31 July 2019
- His Honour Judge Phillip Sycamore (judicial: tribunal)
- Professor Sir Simon Wessely (lay)
- Mrs Justice Philippa Whipple DBE (judicial) until 30 September 2019

Commission Board, Selection and Character, and Audit and Risk Committee attendance 1 April 2019 to 31 March 2020

Commissioners	Meetings attended by members out of those eligible to attend		
	Board	SCC ¹	ARC
Number of meetings: 01/04/2019 to 31/03/2020	10	19	5
Professor Lord Ajay Kakkar (Chairman)	10 of 10	16 of 19	-
Lady Justice Anne Rafferty (Vice chairman)	8 of 10	12 of 19	-
District Judge Mathangi Asokan	8 of 10	16 of 19	-
Her Honour Judge Anuja Dhir	9 of 10	17 of 19	1 of 1
Mrs Justice Sarah Falk (from 1 October 2019)	5 of 5	8 of 9	-
Emir Feisal JP	7 of 10	13 of 19	0 of 1
Jane Furniss CBE	9 of 10	16 of 19	5 of 5
Susan Hoyle (from 1 August 2019)	6 of 6	10 of 11	-
Andrew Kennon	9 of 10	17 of 19	-
Sarah Lee	8 of 10	16 of 19	-
Professor Noel Lloyd CBE (until 5 June 2019)	2 of 2	3 of 4	-
Judge Fiona Monk (until 23 September 2019)	5 of 5	8 of 9	2 of 2
Brie Stevens-Hoare	9 of 10	17 of 19	-
Dame Valerie Strachan DBE (until 31 July 2019)	4 of 4	8 of 8	-
His Honour Judge Phillip Sycamore	7 of 10	14 of 19	-
Professor Sir Simon Wessely	7 of 10	16 of 19	-
Mrs Justice Philippa Whipple (until 30 September 2019)	4 of 5	7 of 10	-

¹ Commissioners are allocated to attend around 11 Selection and Character Committee meetings a year. It is open to them to attend further meetings at their own discretion, or when additional meetings are scheduled to deal with urgent business

STATEMENT OF 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, Statement of Financial Position and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- confirm that, as far as he is aware, there is no relevant audit information of which the entity's auditors are unaware
- confirm that he has taken all steps that he ought to have taken to make himself aware of any relevant audit information and to establish that the entity's auditors are aware of that information
- confirm that the annual report and accounts as a whole is fair, balanced and understandable
- confirm that he takes personal responsibility for the annual report and accounts and judgements required for determining that it is fair, balanced and understandable

- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgements and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the accounts
- prepare the accounts on a going concern basis

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

Auditors

Under paragraph 31(7) Schedule 12 of the Constitutional Reform Act 2005, the Commission's external auditor is the Comptroller and Auditor General. The cost of the audit is disclosed in Note 4 to the financial statements, and relates solely to statutory audit work.

The JAC Framework Document requires that internal audit arrangements should be maintained in accordance with the Public Sector Internal Audit Standards. Internal audit

services are provided by the Government Internal Audit Agency (GIAA), which provides an independent and objective opinion to the Accounting Officer on the adequacy and effectiveness of the organisation's risk management, control and governance arrangements through a dedicated internal audit service to the JAC. Internal Audit attends the JAC Audit and Risk Committee, which provides oversight on governance and risk management.

GOVERNANCE STATEMENT

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

I have responsibility for maintaining a sound system of internal control that supports the achievement of the JAC’s policies, aims and objectives, while safeguarding public funds and JAC assets for which I am responsible, in accordance with the responsibilities assigned to me in Managing Public Money.

Committee structure

In order to achieve these aims the JAC has in place the following committee structure, which is supported by a Senior Leadership team who in turn are supported by a dedicated JAC staff. The Chairman and other Commissioners are served by a Secretariat.

- The Commission (comprising 15 Commissioners including the Chairman as set out in the Constitutional Reform Act 2005 (CRA) as amended, and the Judicial Appointments Regulations 2013) – meets monthly (except in January and August). Members of the Commission come from a range of backgrounds and are drawn from the lay public, academia, governance, the legal profession and the judiciary, both Courts and Tribunals.
- The Commission has overall responsibility for the JAC’s strategic direction, within the provisions of the CRA as amended, and as set out in the Framework Document agreed between the MoJ and the Chairman of the JAC.
- Selection and Character Committee (SCC) – generally meets twice a month (with some variation depending on business need). Membership is the same as the Commission, and the Committee is chaired by the JAC Chairman. The SCC identifies candidates suitable for recommendation to the Appropriate Authority for appointment to all judicial offices under Schedule 14 to the CRA, as amended by the CCA, and to other offices as required by the Lord Chancellor under Section 98 of the CRA.
- Audit and Risk Committee (ARC) – comprises the Chair (a Commissioner), an independent (non-JAC) member and two other Commissioners. The Committee meets four times a year, with an additional meeting to consider the annual accounts, and advises me on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The Committee assesses the internal and external audit activity plans and the results of such activity.

Working with partners

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

Judicial Diversity Forum

The Judicial Diversity Forum (JDF) brings together organisations from across the legal sector to identify ways of improving judicial diversity. The Forum provides strategic direction in the areas of: challenging structural barriers to appointment, analysing and addressing the reasons behind differential progression, the gathering and use of data and evidence, resolving issues of common concern and the coordination of agreed activities aimed at encouraging greater judicial diversity.

The Forum meets twice-yearly and is supported by an Officials' Group comprising senior representatives from each of the member organisations.

The members of the JDF are the:

- Chair of the Judicial Appointments Commission (also Chair of the Forum)
- Lord Chancellor
- Lord Chief Justice

- Chair of The Bar Council
- President of The Law Society
- President of the Chartered Institute of Legal Executives
- Chair of the Legal Services Board

The format of the Forum was reviewed in 2019 to strengthen the aims and membership. At their first meeting under the new format in December 2019, new Terms of Reference were agreed for the Forum.

JAC Advisory Group

The JAC Advisory Group meets every one or two months as required. The Group comprises the Chair and Deputy Chair (both are JAC Commissioners) and members of the judiciary and legal professions. The Advisory Group considers the suitability of materials to be used in selection processes for specific exercises.

Trilateral Group

A meeting between the JAC Chairman, the Lord Chancellor and Lord Chief Justice which takes place three times a year to discuss judicial strategy, resourcing and policy matters. Judicial diversity is a standing agenda item.

Board and committee performance

Board papers

Board papers follow a standard template to ensure they are comprehensive, taking account of all dependencies such as finance, risk, digital requirements, presentation and handling, General Data Protection Regulation (GDPR) and diversity and equality implications. This enables Board members to make sound decisions.

Board discussions

I am content with the wide range of issues covered over the year, including:

- reviewing the terms of reference for the Commission Board and Selection and Character Committee
- reviewing panel member support
- reviewing quality assurance processes for selection exercise materials
- reviewing proposed changes to the moderation process
- reviewing the approach to equal merit provisions and proposed extension to shortlisting
- evaluating the pre-recorded role play pilot
- developing the Commission Board Strategy 2020-2023
- reviewing the work programme implementing the Work Psychology Group Review
- evaluating the Recorder equal merit provision second interview process and proposal to pilot an alternative tie-break tool

- reviewing options for a combined Qualifying Test 2020-21
- reviewing the Digital Programme strategy
- updating and reviewing conflicts of interest guidance
- reviewing Complaints and Feedback Report 2018-19
- evaluating remote moderation pilots
- reviewing the good character guidance – compromise agreements
- reviewing reasonable length of service
- COVID-19 business continuity arrangements

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

- High Court exercise 2018-19: Evaluation of revised approach
- feedback on High Court Judge exercise 2018–19
- s9(4) Deputy High Court Judge 2020
- Senior Circuit Judge, Employment Appeal Tribunal Judge – closure of s94 List
- Salaried Judge of First-tier Tribunal 2019
- District Judge 2019
- Authorisations for s9(1) authorisation: Leadership Roles

- Authorisations for: s9(1) authorisation; s9(4) Deputy High Court Judge and renewal
- Circuit Judge 2020
- Deputy District Judge, Fee- paid Judge of the First-tier Tribunal and Fee-paid Employment Judge

The Chairs of the Audit and Risk Committee, Advisory Group, Welsh Matters Committee and Digital Programme Board briefed the Board on the highlights of their respective meetings.

Guests may be invited to attend Board meetings to exchange views in addition to discussing priorities and other pertinent issues. Guests attend a portion of a Board meeting and are not present when the Board considers and makes decisions regarding Commission business.

In 2019-2020 Dr Helen Philips of the Legal Services Board attended as a guest of the Commission.

Commissioners participated in strategic and business planning review events on 9 October 2019 and 11 March 2020. Discussions covered a range of issues, including the JAC's approach to diversity and the strategic objectives for 2020-2023.

Changes to the Commission

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

- one Commissioner was appointed on 1 August 2019: Susan Hoyle
- one Commissioner was appointed on 1 October 2019: Mrs Justice Sarah Falk
- one Commissioner's term came to an end on 31 July 2019: Valerie Strachan

- one Commissioner stood down on 23 September 2019: Fiona Monk
- one Commissioner stood down on 30 September 2019: Mrs Justice Philippa Whipple
- Commissioner Noel Lloyd passed away on 5 June 2019

All new Commissioners received an induction upon their appointment covering the selection process, their roles as Board and SCC members as well as when assigned to an exercise, equality and diversity, exercise programme, regularity and propriety, information assurance, security and general administrative issues.

Board performance evaluation

Exceptionally the Board did not assess its performance this year. This was due to a high turnover of Commissioners in 2019-2020 with six changes in the Board's membership during the year. The Board last assessed its performance in January 2019, and will assess its performance again in 2020-2021.

Audit and Risk Committee performance

The Audit and Risk Committee did not assess its performance in this reporting year due to significant changes in Commissioner membership. The Committee last assessed its performance in March 2018. The Committee will endeavour to conduct a self-assessment in 2020-21 once the current membership is able to reflect on a full year of Committee matters.

Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance is on page 49.

Corporate governance

Guidance followed

The JAC follows HM Treasury/Cabinet Office guidance in Corporate Governance in Central Government Departments: Code of Good Practice 2011, as far as possible in its capacity as a small arm's length body. As such it does not comply with the code provisions relating to a Minister, nor have a separate professionally qualified finance director sitting on the Board given its independent status. The JAC is under a finance service model where support is provided through a Finance Business Partner based in MoJ Corporate Finance. The Board membership is also governed by the requirements of the CRA, as amended.

There is no formal Nominations and Governance Committee in place identifying leadership potential. Compliance with Corporate Governance guidance was outlined in much greater depth in the Triennial Review report, issued in January 2015

Responsibility

The JAC Board and its other Committees provide the necessary leadership, effectiveness, accountability and sustainability to ensure the JAC delivers its objectives, whilst maintaining an open and transparent dialogue with the MoJ and other key interested parties. As Accounting Officer, I also take seriously my responsibilities on the use of public funds that have been provided to the JAC, to ensure the most effective and efficient use of those funds.

The JAC has a balanced Board in place, which consists of the Chairman and the Commissioners, who all have equal decision-making rights. As Chief Executive I attend Board meetings, in a non-voting capacity. Of utmost importance is that all Board members uphold the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Assurance

Assurance process

Each member of the senior leadership team reports on exceptions that occurred in their areas of responsibility where processes have not operated as intended. These are scrutinised through the Audit and Risk Committee, and so I am confident that all assurance matters have been brought to my attention, and that assurance is well managed. Significant control exceptions identified this year included:

Significant control exception	Summary of remedial action
A contractor was brought in at risk ahead of completing the normal onboarding process through Public Sector Resourcing (PSR). After discovering that the contractor was unable to complete this process, the JAC was required to pay the contractor for the work already been carried out.	<p>After seeking advice from colleagues in the Ministry of Justice's Finance and Tax Teams, the contractor was set up as a sessional worker on the JAC's payroll, which ensured that payment of the outstanding fees could be paid and taxed accordingly.</p> <p>In response to this, JAC are working with MoJ colleagues to arrange a mandatory financial governance training session for all staff with budget holder responsibilities.</p>

Internal audit

The JAC uses the Government Internal Audit and Assurance service, which is accountable to me as Accounting Officer. The service operates to Public Sector Internal Audit Standards and submits regular reports, which include the Head of Internal Audit's annual independent opinion on the adequacy and effectiveness of the arrangements for risk management, and control and governance, together with recommendations for improvement.

The Annual Report from the Head of Internal Audit reflects well on the organisation and they provided an annual opinion of Moderate on the adequacy and effectiveness of the framework of governance, risk management and control. This gives me additional assurance that the organisation is managed well.

External audit

The Comptroller and Auditor General through the National Audit Office provides the external audit function for the JAC, and provided an unqualified opinion on our financial statements. In addition, they identified no significant internal control weaknesses, no issues concerning the regularity of expenditure, nor any material misstatements.

Sponsor department (MoJ)

I have regular meetings with the Lord Chancellor's officials to discuss progress in meeting the JAC's strategic objectives as set out in our Business Plan. These meetings are very constructive and demonstrate that there is a great deal of co-operation between us.

Data quality

Data considered by the Board

At each Board meeting, Commissioners consider the Management Information Pack. The pack contains progress against business plan objectives, statistical data relating to selection exercises, finance, human resources, Freedom of Information Act requests, outreach activity and a summary of the corporate risks. The pack is updated each month, and reviewed by the senior leadership team prior to Board meetings.

Immediately prior to the release of annual official statistics, including diversity data, the reports are circulated to all Commissioners for information, in addition to key partners, in line with the Code of Practice for Official Statistics. Data produced as a result of selection processes are regularly checked to ensure they are up-to-date and that figures are correct and consistent.

Data considered by the Selection and Character Committee

At its meetings, the Selection and Character Committee (SCC) considers proposal papers when agreeing its recommendations to the Appropriate Authority. The Committee looks at the progress of candidates of different backgrounds through selection processes. To help the Committee do this, it is provided with the diversity statistics for each exercise.

If the equal merit provisions (EMP) are applied, the JAC will rely on the diversity data provided in the candidate's application form. The information provided on diversity does not, under any other circumstances, play a part in the selection process.

It is recognised that this data may come under greater scrutiny as the JAC continues to implement the equal merit provisions, whereby consideration is given to increasing diversity when considering candidates of equal merit.

Data considered by the Audit and Risk Committee

As stated above, the Audit and Risk Committee (ARC) is provided with a copy of the latest Management Information Pack when it meets. In addition, the Committee considers data presented in other documents, including a summary of the JAC's quarterly accounts that are consolidated with MoJ.

Risk

Risk is managed in the JAC through the embedded risk registers throughout the organisation, underpinned by a supporting Risk Management Policy and Framework and Risk Improvement Manager. This provides guidance and assistance as required, whether through the handling of individual queries, attendance at various meetings, or to support my role as Accounting Officer.

Audit and Risk Committee

The Committee monitors the key risks to achieving our strategic objectives through the Corporate Risk Register, which is updated by the Senior Leadership Team. Commissioners have delegated to the Committee responsibility for advising on the adequacy and effectiveness of risk management and internal control, including the risk management process.

Risk Management Policy and Framework

The JAC's Risk Management Policy and Framework outlines the key principles underpinning the JAC's approach to risk management and explains the risk management processes and the roles and responsibilities of staff. The JAC has a low to medium risk appetite, which means that the JAC is prepared to accept, tolerate or be exposed to a low to medium level of risk at any one point in time. The Framework is reviewed annually by the Audit and Risk Committee (ARC). We maintain risk at a tolerable level rather than try to eliminate all risk of failure to achieve policies, aims and objectives. We can therefore only provide reasonable and not absolute assurance of

effectiveness. I am satisfied that this is a proportionate approach.

Risk management and training

All staff have been informed of their responsibility for managing risk and new staff receive a summary on managing risk in their induction packs. Many staff members are involved actively in the management of risk through reporting at individual project boards and other forums.

Risk registers

The JAC regularly reviews risks to its objectives and monitors controls to mitigate these risks through the effective use of risk registers. We follow the guidance in HM Treasury's *The Orange Book* (2004), by evaluating risks in terms of their impact on corporate objectives and likelihood of occurrence.

There is a hierarchy of risk registers, starting with the organisation-wide Corporate Risk Register at the top (the key risks in the Corporate Risk Register are set out in the Overview section of the Performance report (*Page 8*)). Feeding into this are detailed registers on: health and safety; information security; and operational and policy risks as identified and discussed at regular Selection Exercise checkpoints which escalate risks, as appropriate, to the senior leadership team. I consider this to be appropriate for the JAC. The JAC jointly owns and manages the Joint Delivery Group risk register with HM Courts and Tribunal Service, Judicial Office and the Ministry of Justice. This register is reviewed quarterly at the group's regular meetings.

Information security, Fraud and Whistleblowing

Senior Information Risk Owner (SIRO)

The SIRO is responsible for managing information risk on behalf of myself, as Accounting Officer, and the Board, and for providing the necessary assurance.

Any data recorded on JARS and the JAC's replacement Digital Platform, which is currently under development, is subject to specific legislative provisions set out in the CRA, the Data Protection Act (DPA) 2018 and Freedom of Information Act (FoIA) 2000. User access is strictly-controlled and trail logs are kept for security checks and audit purposes. Requests for information are handled in full compliance with both the DPA and FoIA.

Any operational requirements to deviate from the JAC Security Policy regarding data security require SIRO agreement.

Nine security incidents were reported during 2019–20, the same number as in the previous year. Of the incidents reported most were minor in nature and were due to individual mistakes with the use of email. One of our highest risks is the management of paper records when off-site and under the custody of an assigned individual. To manage these records, we have robust policies and procedures in place that have proven effective over many years.

In response to the new Government Functional Standard for Counter Fraud, Bribery and Corruption (GovS 013), the JAC have implemented a new Counter Fraud Strategy in line with Cabinet Office guidance. I am content that the measures we have in place are effective for the JAC to enable staff to report any concerns that they may have and that we are well placed to deal with such concerns should they arise.

General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) came into effect in the UK from 25 May 2018, together with the Data Protection Act 2018 (DPA). The JAC has undertaken the work required to adjust policies and procedures to ensure the JAC is compliant with GDPR.

A Data Protection Officer was appointed and Commissioners, staff and panel members were provided with information about their responsibilities under GDPR with training provided where necessary.

To ensure that activities relating to the holding and processing of personally identifiable information are compliant with the GDPR, JAC commissioned the Government Internal Audit Agency (GIAA) to conduct an audit of its processes. From this audit, GIAA produced a report in February 2020 which identified a number of recommendations for the JAC to take forward into 2020-21.

COVID-19

On 11 March 2020 the JAC instituted its Business Continuity (BC) Plan in response to the emerging COVID-19 situation with the formation of the “Gold” senior leadership incident team, and immediate BC plans were reviewed and endorsed by the Board on 12 March. Following HMG advice against non-essential travel issued on 16 March the JAC instigated full remote working for all staff from 17 March. All planned face-to-face selection exercise activity was suspended and, wherever possible, replaced by remote arrangements utilising digital technology.

Summary

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the Senior Leadership Team within the JAC who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports.

I have been advised on the implications of the result of my review by the Board and the Audit and Risk Committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.

I am therefore able to confirm that there have been no known significant governance issues that could undermine the integrity or reputation of the JAC up to 31 March 2020 and up to the date of this report.

REMUNERATION AND STAFF REPORT

Remuneration policy

Chief Executive

The Chief Executive (a senior civil servant) is a permanent member of the JAC. Details of his contract are set out below. The terms and conditions of his appointment, including termination payments, are governed by his contract.

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Senior Salaries Review Board (SSRB). The SSRB also advises the Prime Minister from time to time on the pay and pensions of Members of Parliament

and their allowances; on peers' allowances; and on the pay and pensions and allowances of ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975.

Further information about the work of the SSRB is on the Office of Manpower Economics [website](#).

The Chief Executive served during the year, and details of his appointment are set out below:

	Date of appointment	Date of leaving	Contract
Chief Executive Richard Jarvis	15/02/2017	n/a	Permanent member of staff (3 month notice period)

Service contracts

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition. 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 Chief Executive covered by this report holds his appointment which is governed by his contract. 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 [here](#).

Panel members

The JAC has appointed panel members who are used, when required, to assess candidates for selection. Panel members may be required to chair the panel or participate as another member alongside the chair. The panel chairs provide a summary report for Commissioners on candidates' suitability for selection. These panel chairs and members are paid a fee for each day worked and are entitled to reimbursement for travel and subsistence. The taxation on such expenses is borne by the JAC. They do not have any pension entitlements.

Commissioners

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

Commissioners, excluding the Chairman and those who are members of the judiciary, are paid a fee by the JAC. The fee is neither performance-related nor pensionable. Any increase in the level of fees is at the discretion of the Lord Chancellor. Commissioners who are in salaried state employment, including judges, receive no additional pay for their work for the JAC.

Commissioners do not receive any pension benefits.

Commissioners who are entitled to a fee are paid an annual amount of £9,473 in respect of 28 days service a year. In exceptional circumstances they may be paid for additional days' work at £338.33 per day. In 2019-20, in recognition of the increased demand on the judicial recruitment programme, an additional 10 days service was paid to all Commissioners who were entitled to a fee. The remuneration of the Chairman is included in the Chief Executive's remuneration table on page 66.

The members of the Commission during 2019–20 and details of their appointments are set out below.

Commissioner	Date of original appointment	End of term
Chairman: Professor Lord Ajay Kakkar	03/10/2016	02/10/2022
Vice chairman: Lady Justice Anne Rafferty DBE	14/11/2017	26/07/2020
District Judge Mathangi Asokan	01/09/2017	31/08/2020
Her Honour Judge Anuja Dhira	08/06/2018	07/06/2021
Emir Feisal JP	01/09/2017	31/08/2020
Jane Furniss CBE	01/09/2017	31/08/2020
Andrew Kennon	01/09/2017	31/08/2020

Sarah Lee	09/04/2018	08/04/2021
Professor Noel Lloyd CBE	01/02/2012	31/07/2019
Judge Fiona Monk	01/09/2017	31/08/2020
Brie Stevens-Hoare QC	09/04/2018	08/04/2021
Dame Valerie Strachan DCB	01/02/2012	31/07/2019
His Honour Judge Phillip Sycamore	09/06/2014	08/06/2020
Professor Sir Simon Wessely	01/09/2017	31/08/2020
Mrs Justice Philippa Whipple DBE	22/12/2016	21/12/2019
Sue Hoyle OBE	01/08/2019	31/07/2022
Mrs Justice Sarah Falk	01/10/2019	30/09/2022

TOTAL FIGURE OF REMUNERATION

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

The following sections provide details of the remuneration and pension interests of the Chairman and Chief Executive of the JAC, (audited), which were as follows:

Single total figure of remuneration:

Officials	Salary £000		Bonus payments £000		Benefits in kind (to nearest £100)		Pension benefits ¹ (to nearest £1000)		Total £000	
	2019-20	2018-19	2019-20	2018-19	2019-20	2018-19	2019-20	2018-19	2019-20	2018-19
Professor Lord Ajay Kakkar	55-60 ²	55-60 ²	-	-	-	-	-	-	55-60	55-60
Richard Jarvis	90-95	90-95	5-10	5-10	-	-	32,000	25,000	130-135	125-130

Notes:

- 1 The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increase excludes increases due to inflation or any increase or decrease due to a transfer of pension rights.
- 2 The figure is the rate based on a 0.4 FTE, full-year equivalent rate being £135-140k.

Benefits in kind

The Chairman and Chief Executive have no entitlement to benefits in kind and did not receive any (nil 2018–19). In 2019–20 no Director received any benefits in kind.

Commissioners' remuneration

The Commissioners' remuneration (audited) for the year is as shown below (for joining or leaving dates see the Governance Statement), including payments to Commissioners for acting as panellists in selection exercises: 01.04.19 to 31.03.20

	2019–20			2018–19		
	Remuneration £000	Benefits in kind ² (to nearest £100) £000	Total £000	Remuneration £000	Benefits in kind ² (to nearest £100) £000	Total £000
Her Honour Judge Anuja Dhir	-	-	-	-	-	-
Professor Noel Lloyd CBE	1.5		1.5	17 ¹	4	21
Sue Hoyle OBE	9		9			
Mrs Justice Sarah Falk						
Dame Valerie Strachan DCB	3		3	14 ¹	-	14
Mrs Justice Philippa Whipple DBE ³				-	-	-
His Honour Judge Phillip Sycamore ³				-	-	-
Lady Justice Anne Rafferty ³				-	-	-
District Judge Mathangi Asokan ³				-	-	-
Sarah Lee	13		13	9	-	9
Brie Stevens-Hoare	13		13	9	-	9
Emir Feisal JP	13	0.2	13	9	-	9
Jane Furniss CBE	13.5			19 ¹	0.4	20
Andrew Kennon	22	11	33	16 ¹	7.0	23
Judge Fiona Monk ³				-	-	-
Professor Sir Simon Wessely	13		13	9	-	9

1. Remuneration in excess of the £9k payable for their role as a commissioner is due to additional days worked as a panellist on selection exercises.
2. Commissioners' benefits in kind are reimbursed in cash for expense claims relating to their travel and subsistence costs in relation to JAC business.
3. Nil balances are disclosed for Judicial Commissioners as they are not directly paid by the JAC.

All remuneration is based on the time each Commissioner was in office, so does not necessarily represent a full year's service – see dates for original appointments on page 64.

Benefits in kind

Commissioners may be reimbursed for their travel and subsistence costs in attending Commission business if the cost of their journey is greater than what they would otherwise have incurred with their other employment. Since non-judicial Commissioners are deemed to be employees of the JAC, the amounts of these reimbursements are treated as benefits in kind and are disclosed in the table above and incorporated into the benefits in kind amounts. The taxation on such expenses is borne by the JAC. There are no other benefits in kind.

Judicial Commissioners are not deemed to be employees of the JAC, and therefore their travel and subsistence costs are not treated as benefits in kind. There were no claims made by Judicial Commissioners.

Pension entitlements

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

	Total accrued pension at pension age as at 31/03/2020 and related lump sum £000	Real increase in pension and related lump sum at pension age £000	CETV at 31/03/20 £000	CETV at 31/03/19 £000	Real increase in CETV £000
Professor Lord Ajay Kakkar ¹	-	-	-	-	-
Richard Jarvis	35 - 40 plus a lump sum of 75 - 80	0 - 2.5 plus a lump sum of 0	680	630	17

¹ Is not entitled to pension benefits

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 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has 4 sections: 3e providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS

and **alpha** the figure quoted is the combined value of their benefits in the 2 schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to 3 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 his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by

the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the 2 schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found [here](#).

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.

Pay multiples (as at 31 March 2020)

	2019-20	2018-19
Band of highest paid director's total remuneration (£000)	100-105	100-105
Median total remuneration (£)	32,039	32,132
Ratio	3.2:1	3.2:1

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 (audited).

The median remuneration of the workforce was £32,039 (2018-19, £32,132).

The remuneration ranged from £15-20,000 to £100-105,000 (£20-25,000 to £100-105,000 in 2018-19). The banded remuneration of the highest-paid director in the JAC in 2019-20 was £100-105,000 (2018-19, £100-105,000). This was 3.2 times (2018-19, 3.2 times) the median remuneration of the workforce.

In 2019-20, nil (2 in 2018-19) employees received remuneration in excess of the highest-paid director. Total remuneration includes salary, non-consolidated performance-related pay and benefits in kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions. This presentation is based on the cash payments made in the year by the JAC.

The calculations exclude the pay to the Chairman and Commissioners as their employment terms and conditions, including pay rates, are determined by the Ministry of Justice, and the JAC is unable to influence those rates. Details of their pay is provided above. The calculations also exclude the pay made to our panel chairs and panellists, who are employed on a fee-paid basis, as to include them would lead to misleading information.

STAFF REPORT

Staff composition

The split of staff as at 31 March 2020 is as follows. These correspond to the total of permanent, fixed-term contracts and seconded staff as set out below:

These correspond to the total of permanent, fixed-term contracts and seconded staff as set out below.

	Male	Female	Total
Director (senior civil servant)	1	-	1
Senior leaders		2	2
Other staff	32	35	67
Total	33	37	70

Staff costs comprise								
2019-20								2018-19
	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	120	949	2,620	100	-	393	4,182	3,917
Social security costs	10	150	290	-	-	-	450	447
Other pension costs	-	-	630	-	-	-	630	463
Total	130	1,099	3,540	100	-	393	5,262	4,827

During the year, £500k of staff costs were capitalised in relation to the production of the new digital services platform (nil in 2018–19).

In 2019–20 the JAC employed its own staff (permanent staff, on loan and those on fixed-term contracts). Other contracted staff are supplied by agencies. All irrecoverable Value Added Tax (VAT) is included within wages and salaries. No VAT is included in social security or other pension costs.

The JAC has a cost associated with staff who were relevant trade union officials during 2019–20, as disclosed on page 75.

The PCSPS and the Civil Servants and Others Pension Scheme (CSOPS) – known as ‘alpha’, are unfunded multi-employer defined benefit schemes where the JAC is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary valued the scheme as at 31 March 2018. Details can be found in the [Civil Superannuation annual accounts 2017 to 2018](#).

For 2019–20, employers’ contributions of £630k were payable to the PCSPS (2018–19: £463k) at 1 of 4 rates that ranged from 26.6% to 30.3% (2018–19: 20.0% to 24.5%) 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 2019-20 to be paid when the member retires and not the period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers’ contributions to partnership pension accounts in 2019-20 were £0 (2018–19: £4,600). Employer contributions, which are age-related, ranged from 8.00% to 14.75% (2018–19: 8.00% to 14.75%) of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay.

In addition, employer pension contributions equivalent to 0.5% (2018–19: 0.5%) of pensionable pay were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of employees in the PCSPS.

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

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total
2019–20	2	15	65	2	1	11	96
2018–19	2	12	54	3	4	8	83

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

Civil Service and other compensation schemes: exit packages

There were no departures, voluntary or otherwise, in 2019–20 (2018–19: nil departures).

Spend on consultancy

During 2019–20, the JAC spent £28k on consultancy (2018–19: £25k). This related to media support for the Commission.

Off-payroll engagements

During the financial year 2019/20, the JAC has reviewed off-payroll engagements where we are required to consider intermediaries, (IR35), legislation using HMRC's guidance and online status indicator. We have advised our contracting body of the outcome of the status determinations so that, where appropriate, tax deductions are made at source from payments made in respect of the engagement with the JAC. Further details of off-payroll engagements in the JAC can be found in the MoJ departmental resource accounts.

Sickness absence data

Staff sickness absence levels have risen this year, though remains below the average compared with other Civil Service organisations. For 2019–20 an average figure of 4.24 days for each member of staff was lost due to absences (compared to a figure of 1.20 days in 2018–19). Of this figure 3.17 days relate to long term absence and 2.16 days short-term absence for each member of staff.

Staff turnover

In 2019-20, staff turnover was 19% (2018-19: 20%). This includes transfers of staff within the civil service. The JAC continues to monitor turnover rates and support initiatives to maintain a healthy level of turnover. The annual Civil Service People Survey, coupled with other research, helps us to understand our people's experience of working in the JAC and take appropriate action to improve effectiveness, including where turnover becomes problematic.

Staff policies

The JAC works directly with staff through team meetings and communications. All staff are encouraged to ask about organisational issues and how these relate to themselves and their work.

We continue to monitor the JAC's intranet to ensure that it contains relevant information in a format that is easy to understand, and staff bulletins are issued fortnightly.

The JAC health and safety policy was revised in May 2018 and published on the intranet for staff, along with a health and safety action plan. The JAC communicates other health and safety information to staff through the intranet and by notices. The JAC has sufficient trained first aiders and fire wardens in place. There were no reportable health and safety incidents in 2019–20. The policy is due a revision in 2020, which will take into account to move to increased flexible and remote working.

The annual People Survey in 2019 showed a response rate of 83% (97% in 2019), with an overall engagement score of 59% (53% in 2019). In keeping with the aims of the JAC People Plan, senior leaders agreed further actions to be taken forward in 2020 to address the main issues arising from the survey and additional matters following the need to move to remote working.

The JAC fully considers human rights issues in relation to its staff and candidates.

The JAC works to ensure that disability is not regarded as a barrier to recruitment, learning and development or promotion. We are committed to ensuring that staff with a disability have access to the same opportunities when they first join the JAC and at all stages in their career. This includes making sure that they have the right workplace adjustments to be fully effective in their roles, irrespective of whether their condition is pre-existing or acquired while employed by the JAC. Additionally, we provide internal support to staff with disabilities through the Ministry of Justice (MoJ) disability network. We also link into a range of other MoJ networks where staff with disabilities can obtain peer support and advice.

The JAC operates a Guaranteed Interview Scheme, which guarantees an interview to anyone with a disability whose application meets the minimum criteria for the post.

The JAC meets its responsibilities under the Equality Act 2010 and uses name-blind recruitment for all staff appointments.

The JAC continues to promote equality of opportunity, both in the selection of candidates for judicial office and in the recruitment, training and promotion of staff.

Trade Union facility time data

The Trade Union (Facility Time Publication Requirements) Regulations 2017 require certain public-sector employers to publish information on facility time used by Trade Union representatives. The information below sets out the relevant Trade Union facility time data for the Judicial Appointments Commission covering the period 1 April 2019 to 31 March 2020 (audited).

The following table shows the total number of employees who were Trade Union representatives during the period 1 April 2019 to 31 March 2020:

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
1	1

This table shows - of the employees who were Trade Union representatives employed during the period 1 April 2019 to 31 March 2020 - the percentage of their working hours spent on facility time:

Percentage of time	Number of employees
0%	0
1-50%	1
51%-99%	0
100%	0

This table shows the percentage of the total pay bill spent on Trade Union facility time, during the period 1 April 2019 to 31 March 2020:

Total cost of facility time	£3k ¹
Total pay bill	£4,150k
Percentage of the total pay bill spent on facility time	0.1%

This table shows - as a percentage of total paid facility time hours - the number of hours spent by employees who were Trade Union representatives during the period 1 April 2019 to 31 March 2020, on paid trade union activities.

Time spent on paid trade union activities as a percentage of total paid facility time hours	Nil
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NB. Total cost of facility time has been calculated using the median salary for individual's pay band.

PARLIAMENTARY ACCOUNTABILITY AND AUDIT REPORT

Regularity of expenditure

There were no losses and one special payment made during the year (nil in 2018–19) and no irregular spend (audited). The special payment totalled £706, made up of a £500 ex-gratia payment and £206 compensation payment.

Remote contingent liabilities

In addition to contingent liabilities reported within the meaning of IAS 37, the JAC discloses for parliamentary reporting and accountability purposes certain statutory and non-statutory contingent liabilities where the likelihood of a transfer of economic benefit is remote, but which have been reported to Parliament in accordance with the requirements of Managing Public Money. Where the time value of money is material, contingent liabilities which are required to be disclosed under IAS 37 are stated at discounted amounts and the amount reported to Parliament separately noted. Contingent liabilities that are not required to be disclosed by IAS 37 are stated at the amounts reported to Parliament. There were none this year (audited) and none in 2018-19.



Richard Jarvis
Accounting Officer
Judicial Appointments Commission
14 July 2020

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

Opinion on financial statements

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2020 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, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that is described in that report as having been audited.

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 2020 and of the Judicial Appointments Commission's net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Constitutional Reform Act 2005 and the Lord Chancellor's directions issued thereunder.

Opinion on regularity

In my opinion, in all material respects the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate. Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016. I am independent of the Judicial Appointments Commission in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

I have nothing to report in respect of the following matters in relation to which the ISAs (UK) require me to report to you where:

- the Judicial Appointments Commission's use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Judicial Appointments Commission has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the Judicial Appointments Commission's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

Responsibilities of the Commission and Accounting Officer for the financial statements

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.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Constitutional Reform Act 2005.

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. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Judicial Appointments Commission's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures

made by management.

- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude on the appropriateness of the Judicial Appointments Commission's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Judicial Appointments Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Judicial Appointments Commission to cease to continue as a going concern.
- I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
- In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the

authorities which govern them.

Other information

The Commission and the Accounting Officer are responsible for the other information. The other information comprises information included in the annual report, but does not include the parts of the Accountability Report described in that report as having been audited, the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Opinion on other matters

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance with the Lord Chancellor's directions made under the Constitutional Reform Act 2005;
- in the light of the knowledge and understanding of the Judicial Appointments Commission and its environment obtained in the course of the audit, I have not identified any material misstatements in the Performance Report or the Accountability Report; and
- the information given in Performance Report and Accountability Report 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 returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Accountability 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.

Gareth Davies
16 July 2020
Comptroller and Auditor General

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

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FINANCIAL STATEMENTS

STATEMENT OF COMPREHENSIVE NET EXPENDITURE

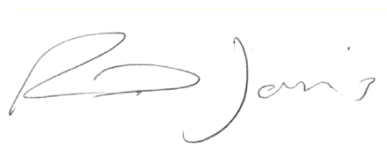
for the year ended 31 March 2020

	Notes	2019/20	2018/19
		£'000	£'000
Income	2	(21)	-
Expenditure			
Staff costs	3	5,238	4,827
Other operating costs	4	1,764	2,161
Services and facilities provided by sponsoring department	5	996	1,240
Net expenditure for the year		7,977	8,228
Other Comprehensive Net Expenditure			
Net (gain)/loss on revaluation of:			
Intangible assets	6	(3)	39
Comprehensive net expenditure for the year		7,974	8,267

STATEMENT OF FINANCIAL POSITION

as at 31 March 2020

	Notes	2019/20	2018/19
		£'000	£'000
Non-Current Assets			
Intangible assets	6	604	191
Total non-current assets		604	191
Current Assets			
Trade and other receivables	7	87	68
Cash at bank	8	698	244
Total current assets		785	312
Total assets		1,389	503
Current Liabilities			
Trade & other payables	9	(74)	(80)
Other liabilities	9	(562)	(771)
Total current liabilities		(636)	(851)
Total assets less total liabilities		753	(348)
Taxpayers' Equity:			
Revaluation Reserve		3	-
General reserve		750	(348)
Total taxpayers' equity		753	(348)



Richard Jarvis

Accounting Officer
Judicial Appointments Commission
14 July 2020

STATEMENT OF CASH FLOWS

for the year ended 31 March 2020

	Notes	2019/20	2018/19
		£'000	£'000
Cash flows from operating activities			
Net expenditure for the year		(7,977)	(8,228)
Adjustments for non-cash transactions:			
- MoJ overhead recharges	5	996	1,240
- Amortisation	4	90	93
- Impairment of Intangible Assets	4	-	312
(Increase)/Decrease in trade and other receivables	7	(19)	75
Increase/(Decrease) in trade and other payables	9	(215)	22
Net cash outflow from operating activities		(7,125)	(6,486)
Cash flows from investing activities			
Purchase of intangible assets	6	(500)	-
Net cash outflow from investing activities		(500)	-
Cash flows from financing activities			
Grant-in-aid received from Ministry of Justice		8,079	6,500
Net financing		8,079	6,500
Net increase/(decrease) in cash and cash equivalents in the year		454	14
Cash and cash equivalents at the beginning of the year		244	230
Cash and cash equivalents at the end of the period	8	698	244

STATEMENT OF CHANGES IN TAXPAYERS' EQUITY
for the year ended 31 March 2020

	General Reserve	Revaluation reserve	Total
	£'000	£'000	£'000
Balance at 31 March 2018	138	41	179
Changes in taxpayers' equity – 2018/19			
Net expenditure for year ended 31 March 2019	(8,228)	-	(8,228)
Grant-in-aid towards expenditure	6,500	-	6,500
Grant-in-aid received, being costs settled by MOJ	1,240	-	1,240
Revaluation of intangible assets	-	(39)	(39)
Transfers between reserves	2	(2)	-
Balance at 31 March 2019	(348)	-	(348)
Changes in taxpayers' equity – 2019/20			
Net expenditure for the period ended 31 March 2020	(7,977)	-	(7,977)
Grant-in-aid towards expenditure	8,079	-	8,079
Grant-in-aid received, being costs settled by MOJ	996	-	996
Revaluation of intangible assets	-	3	3
Transfers between reserves	-	-	-
Balance at 31 March 2020	750	3	753

NOTES TO THE ACCOUNTS

for the year ended 31 March 2020

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 2019-20 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context.

Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the circumstances of the JAC for the purpose of giving a true and fair view has been selected.

The policies adopted by the JAC are described below. They have been applied consistently in dealing with items that are considered material to the accounts, and are in a form as directed by the Lord Chancellor with the approval of HM Treasury.

a) Accounting convention

The accounts are prepared under the historical cost convention modified to account for the revaluation of intangible assets, in accordance with Treasury guidance.

b) Changes in accounting policy and disclosures

There have been no changes in accounting policy in the year.

IFRS 16 is the new accounting standard for lease accounting that will become effective in April 2021 for public sector reporting. The current distinction between operating and finance leases will be removed and replaced with a single lease accounting model. Previously, an organisation had to decide, depending on the transfer of risk, whether a leased asset should be on or off the statement of financial position.

The objective of the new standard is to ensure that lessees reflect the right-of-use of an asset (measured at the amount of the lease liability plus any initial direct costs incurred by the lessee). The statement of financial position will reflect the costs of the right-of-use of all leases, unless very short or very low value. The introduction of the new standard will not have a significant impact on the JAC unless new leases are entered into.

c) Funding

JAC receives funding as Grant in Aid, this Government grant-in-aid received is accounted for as funding through the general fund.

d) Accounting for value added tax

The JAC is not permitted to recover any VAT on expenditure incurred. All VAT is therefore non-recoverable and charged to the relevant expenditure category.

e) Accounting estimates and judgements

The JAC's valuation of its intangible assets based on estimates and assumptions of what the valuation will be. The valuation is based on historical cost, experience and

other factors, including expectations of future events that are believed to be reasonable under the circumstances. There are presently no estimates or assumptions that have a significant risk of causing a material adjustment to the carrying amounts of intangible assets.

f) Intangible Assets

The Intangible Asset associated with the development of the new digital platform, which will replace the existing Judicial Appointments Recruitment System (JARS) comprises internally developed software for internal use and software developed by third parties. Development costs that are directly attributable to the design and testing of this identifiable and unique software product controlled by JAC are capitalised when they meet the criteria specified in the FReM, which has been adapted from IAS 38 'Intangible Assets'. Other development expenditures that do not meet these criteria are recognised as an expense as incurred. Development costs previously recognised as an expense are not recognised as an asset in a subsequent period.

Subsequent to initial recognition, intangible assets are recognised at fair value. As no active market exists for the JAC's Intangible Asset, fair value is assessed as replacement cost less any accumulated amortisation and impairment losses. This is known as depreciated replacement cost (DRC).

The capitalisation threshold for software projects and for subsequent additions that enhance the economic benefit of the asset is £5,000. Intangible Assets are revalued at each reporting date using the Producer Price Index (PPI) produced by the Office for National Statistics (ONS). The accumulated amortisation is eliminated against the gross carrying amount of the asset. The policy is to revalue at the year-end through indexation unless any other information is available which gives a better indication of fair value, in which case this takes precedence.

There is an ongoing requirement to review the useful life of all assets. During 2018-19 there was a further revision of the useful economic life of JARS, the useful life was revised down to 6 years and 8 months as the software platform on which the current system sits (Drupal 7) will become unsupported after November 2021. The new digital platform went live on 21 January 2020 with the initial useful economic life of the asset set at 5 years.

g) 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.

h) Employee benefits

In compliance with IAS19 Employee Benefits, an accrual is made for holiday pay in respect of leave which has not been taken at the year end and this is included within payables.

i) Services and facilities provided by sponsoring department

In accordance with the Framework Document, the JAC does not meet the costs of certain services as these are provided by the MoJ, and are non-cash charges. These services are agreed and managed through memoranda of understanding between the JAC and MoJ, and provide: communications; information operations; finance training; accommodation; HR services; provision of IT equipment; internet/intranet facilities; shared services; and commercial and contract management advice. An analysis of these charges can be found in note 4.

Note 2. Income	2019/20	2018/19
	£'000	£'000
Recovery of Selection Exercise Costs from Welsh Government	(21)	-
	(21)	-

Note 3: Staff and member costs

	Commissioners	Panel Chairs & Lay Panel members	Permanent Staff	Seconded Staff	Other Contracted Staff	Total
	£000	£000	£000	£000	£000	£000
2019/20						
Wages and salaries	120	949	2,620	100	369	4,158
Social security costs	10	150	290	-	-	450
Pension contributions	-	-	630	-	-	630
Total	130	1,099	3,540	100	369	5,238

2018/19						
Wages and salaries	92	1,125	2,297	60	343	3,917
Social security costs	9	170	268	-	-	447
Pension contributions	-	-	463	-	-	463
Total	101	1,295	3,028	60	343	4,827

Note 4. Other Operating Costs	2019/20	2018/19
	£'000	£'000
Selection Exercise Programme		
Panel Members' Travel & Subsistence	285	395
Staff & Commissioners Travel & Subsistence	12	3
Actors' Costs	264	320
Advertising	30	48
Direct Selection Process Costs	24	31
	615	797
Other Programme costs		
Outsourced Accommodation Costs	526	114
Commissioners' Travel & Subsistence	13	10
Consultancy	28	25
Judicial Appointments Recruitment System	341	672*
	908	821
Administration Costs		
Staff Training	34	40
Office Expenses	26	29*
Legal Services	17	6
External Audit	33	33
Internal Audit	38	28
Bank Charges	3	2
	151	138
Non-cash Items		
Amortisation	90	93
JARS Impairment Amortisation	-	312
Services and facilities provided by sponsoring department	996	1,240
	1,086	1,645
Total Other Operating Costs	2,760	3,401

* There was a reclassification of cost for 2018/19 of £173k transferred from Office expenses to Judicial Appointments Recruitment System expenses.

Note 5. Services and Facilities Provided by the Sponsoring Department		
	2019/20	2018/19
	£'000	£'000
Communications	2	2
Information Operations	27	21
Estates	613	813
HR	11	29

ICT	277	296
Shared Services	65	78
CCM	1	1
Total Corporate overhead charge	996	1,240

Note 6. Intangible Assets

Movements in 2019/20	Information Technology	Total
	£'000	£'000
Cost or valuation		
At 1 April 2019	191	191
Additions	500	500
Revaluations	4	4
At 31 March 2020	695	695
Amortisation		
At 1 April 2019	-	-
Charged in year	90	90
Revaluations	1	1
At 31 March 2020	91	91
Carrying value at 31 March 2020	604	604
Carrying value at 31 March 2019	191	191

Movements in 2018/19	Information Technology	Total
	£'000	£'000
Cost or valuation		
At 1 April 2018	880	880
Additions	-	-
Disposals	-	-
Revaluations	(689)	(689)
At 31st March 2019	191	191
Amortisation		
At 1 April 2018	245	245
Charged in year	93	93
Revaluations	(338)	(338)
At 31 March 2019	-	-
Carrying value at 31 March 2019	191	191
Carrying value at 31 March 2018	635	635

The Judicial Appointments Recruitment System (JARS) and its replacement platform are the JAC's only non-current assets (see note 1). In March 2019 the full useful economic life (UEL) of JARS was revised down from 10 years to 6 years and 8 months, with the remaining UEL reducing from 6 years to 2 years 8 months. The purpose of the exercise was to make JARS' useful economic life to end in November 2021, when the software platform (Drupal 7), on which it sits, will no longer be supported. There will be no recoverable amount at the end of this period.

The table below shows the change in net book value of JARS based on the former and revised valuation and estimate of UEL of JARS.

Financial Year	NBV at year end - Current Treatment	NBV at year end - with new UEL and revaluation
	£000s	£000s
2017/18	635	635
2018/19	542	191
2019/20	448	120
2020/21	355	48
2021/22	262	-
2022/23	168	-
2023/24	75	-

During 2019/20, work on the replacement of JARS started. The development costs directly attributed to the JARS replacement was £500k of capital and £12k resource expenditure. The new software is currently being used but there will be further enhancements to the functionality of the system in future years. The net book value of JARS and its replacement is currently £604k.

Note 7. Trade and Other Receivables	2019/20	2018/19
Amounts falling due within one year	£'000	£'000
Deposits and Advances	75	62
Other Receivables	12	6
Total	87	68

Note 8. Cash at Bank	2019/20	2018/19
	£'000	£'000
Balance at 1 April	244	230
Net change in cash and cash equivalent balances	454	14
Balance at 31 March	698	244
Total cash held at Government Banking Service	698	244

Note 9. Trade and Other Payables		
Amounts falling due within one year	2019/20	2018/19
	£'000	£'000
Trade payables	30	18
Other Payables	44	62
	74	80
Tax and social security	105	150
Accruals	353	530
Accrued holiday pay	104	91
	562	771
Total	636	851

10. 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.

11. Contingent Liabilities

A change in legislation from April 2017 placed the responsibility for assessment of employment status of contingent workers on to the end client where the engaging client is a public sector body. As the end client, the MoJ group is responsible for deciding whether engagements are inside of the off-payroll working rules or not, and passing on status determinations to the fee-paying agency, so that appropriate tax and NI deductions are made. The public sector engager may be liable for any tax unpaid as a result of an incorrect determination passed to the fee-paying agency.

In 2019, HMRC challenged the MoJ group to revisit employment status determinations for all off-payroll workers engaged as at and since April 2017, where we had previously concluded workers are operating outside of the off-payroll working rules on the basis the individual worker could be substituted by another worker at the choice of the worker without consultation with the Department and without the Department having any right of veto.

IR35 legislation states that if the client has taken reasonable care and fulfilled its other duties, in reaching its conclusion in assessing whether a worker is outside of scope, the responsibility for deducting tax and NICs and paying these to HMRC will not rest with it. The Department applied the off-payroll rules with diligence and care, taking a considered assessment of the status of each contingent worker in the first instance, using HMRC's online status determination tool. The JAC may be liable for any tax unpaid as a result of an incorrect determination passed to the fee-paying agency. The JAC discloses an unquantified contingent liability in respect of tax and NI that would have been paid to HMRC had the engagements been considered inside scope of IR35.

12. Related Party Transactions

The JAC is a non-departmental public body sponsored by the MoJ. The MoJ is regarded as a related party with which the JAC has had various material transactions during the year. In addition, the JAC has had material transactions with HM Revenue and Customs.

13. 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.

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