



JUDICIAL  
APPOINTMENTS  
COMMISSION

# ANNUAL REPORT 2006|07

COMMITTED TO  
SELECTION ON MERIT



# ANNUAL REPORT AND ACCOUNTS 2006|07

COMMITTED TO  
SELECTION ON MERIT

Presented to Parliament pursuant to paragraph 32 (4), and in respect of the financial statements on behalf of the Comptroller and Auditor General under paragraph 31 (7) of Schedule 12 of the Constitutional Reform Act 2005.

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# Foreword



The Constitutional Reform Act 2005 marked a historic step forward in the administration of the rule of law in England and Wales. It provides for a new relationship between the executive, the legislature and the judiciary. The Lord Chancellor now has a mandate to protect the independence of the judiciary. The Lord Chief Justice, as the head of the judiciary, has the responsibility for the deployment and training of judges. The Judicial Appointments Commission (JAC), launched on 3 April 2006, has the responsibility for selecting judges for appointment.

Under the Act, we have three statutory duties: to select candidates on merit; to select only people of good character; and to have regard to the need to encourage diversity in the range of persons available for selection for appointment. In this, our first annual report, we provide a detailed account of our progress in achieving these objectives and of the selection exercises completed during the course of the year.

We have made a good start, particularly in our extensive work on outreach; in our new, streamlined selection processes; and in the policies and procedures we are putting in place to ensure that the best judges are appointed fairly and openly.

When we began our work, we set ourselves three priorities. The first was to define merit – that is, what makes a good judge. The second was to review selection processes which we inherited from the Department for Constitutional Affairs (DCA) – which has since been replaced by the Ministry of Justice (MoJ) – and to introduce our own more streamlined processes for assessing candidates for selection. The third was to devise ways to reach and encourage a wide range of applicants. We completed this work and adopted our new merit criteria and new processes at the end of October 2006.

The changes embodied in the 2005 Act are nothing short of a quiet revolution and, unsurprisingly, there have been challenges during our first year. While the intentions of the Act are clear, its implementation has not been straightforward. Setting up a new organisation as a non-departmental public body has had its own challenges. Furthermore, much of our work for the first six months was overshadowed by uncertainty.

Before the launch of the JAC, there was no shadow running. This meant that there was no scope to design our new processes or to set up managerial and governance arrangements ahead of the launch. Under the transitional arrangements, we inherited selection exercises that were already underway or about to start. These followed selection processes previously used by the DCA and most of the staff were seconded to us from that Department. Furthermore, before the JAC was established, a decision had been taken by the DCA to relocate us outside London by 2008. We were pleased when the Lord Chancellor agreed in October 2006 that, if relocation is to occur, it will not be before 2011. This enabled us to begin our operations in earnest and to plan for the recruitment of our own staff.

Inevitably, there have been other teething problems. The Act precludes us from starting a selection exercise until we have received a formal request to do so from Her Majesty's Courts Service, the Tribunals Service or other relevant body, all of which work with the judiciary to identify judicial requirements. Problems in both the timing and accuracy of these vacancy requests have caused delays in some selection exercises. Work is in hand to resolve these issues.

These challenges are not surprising, given the scale and the importance of the task we face. New arrangements and new ways of working will take time to bed down before they begin to yield results, but we believe we have laid the foundations on which we will build in the future. Working in partnership with the key interested parties is essential if we are to make a success of this work. The cultural change that is essential will demand perseverance, patience and a commitment to change from all of us involved in this vitally important task.

Setting the right strategy for the future would not have been possible without the help, support, expertise and wisdom of my fellow Commissioners, who are not only independent minded but deeply committed. The staff have worked hard to manage the transition to new ways of working. They deserve our thanks and appreciation.

The trilateral partnership between the Lord Chancellor, the Lord Chief Justice and the JAC – coupled with an understanding of the need for both independence and inter-dependence – is crucial for the success of the 2005 legal reforms. I would like to take this opportunity to thank both the Lord Chancellor and the Lord Chief Justice for their support and co-operation.

We have one of the most highly respected judiciaries in the world. Our task is to help maintain and enhance that reputation by ensuring that we select high-quality candidates for appointment from a much wider pool than hitherto. We will achieve this objective and look forward to the continuing cooperation of the profession, the judiciary and the Ministry of Justice.



**Baroness Prashar**

Chairman

Judicial Appointments Commission

# Part 1: Introduction



## Who we are

The Commission comprises 15 Commissioners including the Chairman. The Commission has corporate responsibility for ensuring that the JAC fulfils its role under the Constitutional Reform Act 2005, for achieving its aims and objectives agreed with the Lord Chancellor and for promoting the efficient and effective use of staff and other resources available to the JAC.

The composition of the Commission is set by the Act, which specifies that it should comprise a lay Chairman and 14 other Commissioners. Those 14 must be:

- five judicial members;
- one barrister;
- one solicitor;
- five lay members;
- one member, deputy chairman or chairman of a tribunal;
- one lay justice.

The Commission therefore includes senior representatives from across the judiciary and the legal profession and five lay people who are all highly distinguished in their fields.

Each Commissioner has been appointed in his or her own right, not as a delegate or representative of a particular profession. Twelve, including the Chairman, were selected through open competition and three by the Judges' Council. The Commission's diverse make-up enables each member to bring knowledge, expertise and – above all – independence of mind. This gives real breadth to the Commission as a whole.

## The Commissioners



### **Baroness Prashar CBE, Chairman**

Usha Prashar was born in Kenya and educated at Wakefield Girls' High School and the Universities of Leeds and Glasgow. She has sat in the House of Lords since 1999 as a crossbencher. The Baroness has a distinguished record of public service. She was the First Civil Service Commissioner 2000-2005 and Executive Chairman of the Parole Board for England and Wales 1997-2000. Other positions have included Director of the National Council for Voluntary Organisations; Director of the Runnymede Trust; member of the Royal Commission on Criminal Justice; and member of the Lord Chancellor's Advisory Committee on Legal Education and Conduct.



### **Lord Justice Auld, Vice-Chairman (judicial)**

Robin Auld is a Lord Justice of Appeal. He was called to the Bar in 1959 and became a QC in 1975. He was a recorder of the Crown Court 1977-1987; a judge of the High Court of Justice, Queen's Bench Division 1987-1995; a member of the Judicial Studies Board 1989-1991; and a Presiding Judge of the Western Circuit 1991-1994. Following his appointment to the Court of Appeal in 1995, he was the Senior Presiding Judge for England and Wales until 1998. In 1999-2001 he conducted the Review of the Criminal Courts of England and Wales.



### **Dame Lorna Boreland-Kelly DBE JP FRSA (magistrate)**

Lorna Boreland-Kelly has been a presiding magistrate at the City of Westminster Magistrates' Court since 1991. She is Chair of Governors at Lambeth College. Since March 2000 she has been employed by the London Borough of Croydon as Group Manager (Children and Families) at Mayday NHS Healthcare Trust.



### **Professor Dame Hazel Genn DBE (lay)**

Hazel Genn is Professor of Socio-Legal Studies at University College London and a member of the Committee on Standards in Public Life. She is also Chair of the Public Legal Education Task Force.



**Mr Justice Goldring (judicial)**

John Goldring was called to the Bar in 1969 and appointed a QC in 1987. He has been a recorder, a deputy senior judge of the Sovereign Base Areas of Cyprus and a deputy High Court judge. He was formerly Presiding Judge of the Midland Circuit and has also been a judge of the Courts of Appeal of Jersey and Guernsey.



**Lady Justice Hallett DBE (judicial)**

Heather Hallett has been a Lord Justice of Appeal since 2005. She was called to the Bar at Inner Temple in 1972 and began sitting as a part-time judge in 1985. She was Chairman of the General Council of the Bar in 1998 and has been a High Court judge and Presiding Judge on the Western Circuit.



**Sir Geoffrey Inkin OBE (lay)**

Geoffrey Inkin was Chairman of the Cardiff Bay Development Corporation 1987-2000 and Chairman of the Land Authority for Wales 1986-1998. He is a former member of Gwent County Council and of Gwent Police Authority. Previously he was a farmer and soldier.



**Judge Frances Kirkham (judicial)**

Frances Kirkham became a solicitor in 1978. She is a chartered arbitrator. In 2000, she became a senior circuit judge and is the designated Technology and Construction Court judge in Birmingham. She founded the West Midlands Association of Women Solicitors and is a founder member of the UK Association of Women Judges.



**Mr Edward Nally (professional)**

Edward Nally was President of the Law Society 2004-2005 and is a partner in Fieldings Porter Solicitors of Bolton. He is a Governor of the College of Law and Chair of Governors at Pendleton Sixth Form College, Salford.



**Ms Sara Nathan (lay)**

Sara Nathan is a board member of Ofcom; a member of the Regulatory Decision Committee of the Financial Services Authority; and Chair of the Animal Procedures Committee at the Home Office. She was a member of the Human Fertilisation and Embryology Authority and of the Professional Conduct Committee of the Bar Council. Previously she was Editor of the morning programme on BBC Radio Five Live and then Editor of Channel 4 News.



#### **District Judge Charles Newman (judicial)**

Charles Newman was admitted as a solicitor in 1972 and appointed registrar of the County Court in 1987. He has served as Chair of the District Judges IT Working Group and is currently a member of the Judicial Advisory Group for IT. Until January 2006 he was a member of the Deputy District Judge Selection Panel and Chair of the Quality Review Group for the Panel.



#### **Judge David Pearl (tribunal)**

David Pearl was called to the Bar in 1968 and lectured in law at Cambridge and the University of East Anglia. He became the Chief Adjudicator, Immigration Appeals in 1994 and President of the Immigration Appeal Tribunal in 1997. He was Director of Studies at the Judicial Studies Board 1999-2002 and has been President of the Care Standards Tribunal since 2002.



#### **Mr Francis Plowden (lay)**

Francis Plowden is Chairman of the Greenwich Foundation for the Old Royal Naval College and Chairman of the National Council for Palliative Care. He was a partner until 2001 at PricewaterhouseCoopers, where he was responsible for public policy and management work worldwide. He previously held board positions in the public, private and voluntary sectors.



#### **Ms Harriet Spicer (lay)**

Harriet Spicer was a member and Chair of the National Lottery Commission and has been Chair of The Friendly Almshouses, Brixton. She was a founder member and Chief Executive of Virago Press.



#### **Mr Jonathan Sumption OBE QC (professional)**

Jonathan Sumption is joint head of Brick Court Chambers. He is a judge of the Courts of Appeal of Jersey and Guernsey and a deputy High Court judge. He is also a governor of the Royal Academy of Music.

# What we do

Merit is not the enemy of diversity. For us, diversity means the search for merit, wherever it can be found.

Baroness Prashar,  
JAC Chairman,  
Middle Temple Guest  
Lecture, 2006

## Introduction

The new, independent Judicial Appointments Commission was launched on 3 April 2006. Our creation was one of the major changes brought about by the Constitutional Reform Act 2005, which also reformed the office of Lord Chancellor and established the Lord Chief Justice as head of the judiciary of England and Wales.

The JAC's primary task, which we have taken over from the Lord Chancellor, is to select judicial office-holders in England and Wales. We do so solely on merit. At the same time, our aim is to have regard to the need to encourage diversity in the range of persons available for selection for appointments.

We are responsible for recommending candidates to all judicial offices listed in Schedule 14 to the Constitutional Reform Act 2005, as well as to the offices of the Lord Chief Justice, Heads of Divisions, Lords Justices of Appeal and High Court Judges. We may be required to select a candidate for immediate appointment under section 87 of the Act, or to identify candidates for future vacancy requests under section 94. There is provision in the Act for the JAC to select magistrates, but the timetable has not yet been agreed for bringing that provision into force.

The JAC selects judicial office-holders in England and Wales and for some tribunals which also have jurisdiction in Scotland or Northern Ireland where the Lord Chancellor is responsible for the appointment of members. Scottish appointments are primarily made by the Judicial Appointments Board for Scotland and those in Northern Ireland by the Northern Ireland Judicial Appointments Commission.

## Our role and objectives

Under the Act, we have very specific duties in the selection of judges and tribunal members, both legal and non-legal. Our statutory responsibilities are:

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

Our role is to select and recommend candidates, not to appoint them. For each vacancy, Commissioners select one candidate to recommend to the Lord Chancellor for appointment. The Lord Chancellor can reject that recommendation, but he is required to provide his reasons in writing to the Commission. He cannot select an alternative candidate.

The JAC is a non-departmental public body sponsored by the Ministry of Justice (previously the Department for Constitutional Affairs). We are required to set and agree our aims and objectives with the Lord Chancellor.

In 2006/07 our objectives were:

**Objective 1** to select high-quality candidates for appointments based on the Selection Exercise Programme agreed with our business partners;

**Objective 2** to create and implement fair, open and streamlined selection processes for judicial appointments on merit in accordance with the Act;

**Objective 3** to encourage a wider range of eligible applicants from which selections can be made;

**Objective 4** to develop a highly effective and efficient organisation with a robust framework of policies and processes, and constructive working relationships with our partners.

A report of our performance against these objectives in 2006/07 is included on page 62.

## JAC values

The following values underpin all of the JAC's work:

### **Fairness**

We are objective in promoting equality of opportunity and we treat people with respect.

### **Professionalism**

We are committed to achieving excellence by working in accordance with the highest possible standards.

### **Clarity and openness**

We communicate in a clear and direct way.

### **Learning**

We strive for continuous improvement and welcome and encourage feedback.

### **Sensitivity**

We are considerate and responsive in dealing with people.

## Judicial appointments

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The JAC selects judicial office-holders across the justice system, for both courts and tribunals and for fee-paid and salaried appointments.

### Fee-paid appointments

Initial appointments are usually to a fee-paid post. Fee-paid judicial office-holders sit in the courts or in tribunals on a part-time basis, usually for a minimum of 15 days a year. For the rest of the time, they pursue their career. A fee-paid appointment gives them an opportunity to decide whether they want to pursue salaried office and whether they have a preference for a particular jurisdiction. It also allows them to build up the necessary practical experience. The main categories of fee-paid appointment are:

- Tribunal appointments (including many non-legal appointments)
- Recorders
- Deputy District Judges
- Deputy District Judges (Magistrates' Courts)
- Deputy Masters and Registrars

### Salaried appointments

The salaried judiciary hold permanent, usually full-time positions until retirement. The main categories of salaried appointment are:

- Lord Chief Justice
- Heads of Division
- Court of Appeal Judge
- High Court Judge
- High Court Masters and Registrars
- Circuit Judge
- Tribunal President (there are also some who are fee-paid)
- Tribunal Chairman and Tribunal Judges (there are also some who are fee-paid)
- District Judge
- District Judge (Magistrates' Court)

A full list of judicial posts for which the JAC selects candidates is given in Schedule 14 to the Constitutional Reform Act 2005.

Part 2:  
Review of activity  
2006|07



# Introduction: our first year



From the outset we set ourselves three priorities. The first was to define merit – in other words, to define what makes a good judge. Once defined, merit had to be identified. So our next priority was to develop fair and effective ways of assessing candidates. The third priority was to devise ways to reach and encourage a wide range of applicants.

This section of our annual report describes our progress towards achieving these goals. It also reports on the management and nature of the selection exercises we have undertaken during our first year and on our own organisational development.

‘Creating the new selection system’ on page 15 describes how we have developed our new selection processes and defined the qualities and abilities required for judicial appointment.

‘Widening the range of applicants’ on page 25 outlines the outreach and marketing work we have done to encourage applicants of diverse backgrounds to consider applying for judicial appointment.

In ‘The 2006/07 selection programme’ on page 31 we discuss the management of our selection exercise programme and report on the selection exercises we have completed during 2006/07.

Finally, ‘Building our organisation’ on page 50 looks at our staffing strategy; customer service and complaints; governance arrangements and partnership working.

## The Commission

The Commissioners are actively involved in the running of the organisation, through both their participation in working groups and forums and their close involvement in individual selection exercises.

Twelve full board meetings were held during the year. In addition, the Commission’s Selection and Character Committee, which approves candidates suitable for recommendation to the Lord Chancellor, has met eight times and the Audit and Risk Committee has met quarterly. Other groups of Commissioners and staff have looked at issues including our new appointments processes, governance, outreach and marketing, and quality assurance.

## Collaboration and partnership

During our first year, and particularly in developing our new appointment processes, we have benefited from the advice and co-operation of a number of people and organisations from the judiciary, government, legal profession and elsewhere. We are grateful to the many groups and individuals who have given us their comments and support in this way.

# Creating the new selection system

## The new selection process

Since our launch on 3 April 2006, we have systematically reviewed the entire process for judicial appointments, from the advertising of posts to the final recommendation to the Lord Chancellor. We have drawn on research and recommendations and have received helpful feedback on our proposals from a range of organisations.

Our new selection processes were published on 31 October 2006, the date of the launch of the High Court selection exercise. The six months April-October 2006 were a transitional period in which we followed, broadly, the selection process we inherited from the then DCA.

Our goal from the outset has been to make our processes clear and objective.

- We have developed a simplified definition of merit based on a straightforward list of the qualities and abilities needed for judicial office. See 'What makes a good judge?' on page 21.
- We have implemented a new system for filling High Court vacancies. See 'High Court selection exercise' on page 19.
- We have published new guidance on how we will determine good character.
- We have revised the application form, making it easier and quicker to complete and less off-putting.
- We are introducing qualifying tests as an alternative assessment method to the previous system of paper-based 'sifts'.
- We are adopting a more targeted approach to references.
- We are extending the use of role-plays.

A step-by-step guide to the selection process is shown in the box on page 16.

No one element of the process is viewed in isolation. The information on the application forms, results of assessment tests, references and performance at interview and role-plays all contribute towards our decision-making.

A new, more open,  
process for  
appointing judges...  
is a welcome  
improvement  
to justice.

'In praise of the  
Judicial Appointments  
Commission'  
*The Guardian*,  
1 November 2006

## The judicial selection process: a step-by-step guide

JAC's role in the judicial appointments process begins when we receive a request from Her Majesty's Courts Service (HMCS), the Tribunals Service or on behalf of a tribunal outside the Tribunals Service.

The guidelines below give a broad overview of the different stages in the JAC's appointment process. A list of the qualities and abilities we assess during the application process is on page 22.

### Stage 1: Application and eligibility

#### Advertising and outreach

Most positions are advertised widely in the national press, legal publications, the professional press and online. The JAC runs roadshows and other outreach events designed to explain the selection system to potential applicants and to encourage them to consider a judicial career.

We also work with a range of key interested parties to disseminate information about specific appointments and about the judicial appointments process in general.

#### Application form and information pack

Our application form is now much shorter and focuses only on information directly required for selection decisions. Alongside the form, an information pack includes details of the eligibility criteria and guidance on the application process. Both documents can be downloaded from our website, or are sent to candidates on request.

#### Eligibility checks and character decisions

Once the JAC has received a completed application form, we check each candidate's eligibility for the post against the criteria laid down in the vacancy request. As required by the Constitutional Reform Act 2005, we also make an assessment of the good character of each candidate.

### Stage 2: Assessment

#### References

Candidates are asked on their application form to nominate up to three referees normally, or in some cases six. The Commission will also seek references from a list of JAC-nominated referees, which is published for each selection exercise.

The time at which references are sought will depend on the assessment method used for shortlisting:

- If a qualifying test is used, references are taken up after the qualifying test and before interviews take place.
- If a paper sift is used, references are taken up before the sift and used to help make the shortlisting decisions.

In all cases, references will form part of the information that the JAC uses to make final selection recommendations to the Lord Chancellor.

### **Shortlisting**

Shortlisting may be done on the basis of qualifying tests or paper sift, using the application form and references. For senior appointments, shortlisting will normally be done on information supplied by the candidate and from references.

### **Interviews and selection days**

The next stage of the assessment will vary, depending on the nature of the post to be filled. Candidates might be asked to attend a selection day, which may entail a combination of role-plays and an interview. For some specialist and the most senior appointments, there might be only a panel interview.

### **Panel reports**

Panel members assess all the information about each candidate, prepare reports on their findings and agree which candidates best meet the required qualities.

### **Statutory consultation**

As required under sections 88(3) and 94(3) of the Act, the panel reports on candidates likely to be considered by the Commission are sent to the Lord Chief Justice and another person who has held the post, or has relevant experience.

## **Stage 3: Selection and recommendation**

### **Recommendation to the Lord Chancellor**

The Commissioners consider all the information gathered on the candidates and select candidates to be recommended to the Lord Chancellor for appointment.

### **Final checks**

For existing judicial office-holders, we check with the Office for Judicial Complaints that there are no complaints outstanding against them. For all other candidates recommended for appointment, a series of good character checks are done with the police, HM Revenue & Customs and relevant professional bodies.

The Lord Chancellor may also require candidates to undergo a medical assessment before their appointment is confirmed.



## **Qualifying tests and role-plays**

We now use qualifying tests to make shortlisting decisions for some selection exercises. We may also use them on selection days to assist in making final assessments of candidates.

The JAC will tailor assessment methods to the needs of each selection exercise. The nature of the test will vary from appointment to appointment. Some will be technical papers, designed to assess the candidate's general legal aptitude. Others will use written exercises, such as case studies, designed to test both general skills and the ability to work quickly and exercise sound judgement. Sample tests will normally be made available to candidates.

Role-plays using trained actors are sometimes used on selection days to test how a candidate might react to likely court or tribunal scenarios. Other approaches are also being considered.

## **Referees**

Our new approach to seeking references focuses on those who are best placed to comment on candidates' suitability. It should mean that we are approaching fewer people and doing so less often.

We no longer approach a long list of 'automatic consultees' to comment on all candidates. This system had been criticised as being onerous. It also led to perceptions that an applicant had to be known to the senior judiciary to be appointed. Instead, the JAC now publishes a list of JAC-nominated referees for each selection exercise. The list will include, in addition to senior judges, close senior colleagues such as managing partners, heads of chambers or line managers. We have also shortened the referee form to make the reference process less burdensome on referees.

As well as the JAC-nominated referees, candidates are asked to identify three referees of their own, or six for the most senior appointments.

## **The outcome of a selection exercise**

Selection exercises may be run to fill an immediate vacancy, under section 87 of the Act, or to identify candidates for future vacancy requests under section 94. The outcome of a selection exercise might therefore be either a list of candidates from which recommendations may be made when vacancies have been identified, or a recommendation for immediate appointment to a particular vacancy.

When we are recommending candidates for immediate appointment, we give the Lord Chancellor only one recommendation for each vacancy. He can reject the recommendation or request reconsideration, but he is required to give the Commission his reasons for doing so. He cannot select another candidate.

## High Court selection exercise

The High Court of England and Wales deals with the most high-profile and important cases and has a supervisory jurisdiction over all subordinate courts and tribunals. It is based at the Royal Courts of Justice in The Strand, in central London. High Court Judges also sit on circuit throughout England and Wales. The court is split into three main divisions: the Queen's Bench Division, the Chancery Division and the Family Division.

The JAC was asked to provide a list of 25 names suitable for appointment to vacancies in all three divisions, until at least April 2008. This selection exercise, launched on 31 October 2006, was the first to use our new selection processes.

The vacancies were advertised more widely than ever before: in *The Times*, the Law Society's *Gazette*, *Counsel Magazine*, *Western Mail*, *Legal Week*, *The Lawyer* and *Solicitors Journal*, as well as on the JAC's website and in its newsletter. We received 144 applications.

Applicants were asked to nominate up to six referees. In addition, the JAC itself nominated up to three people from a published list. These, we believed, were people who could provide information on the applicants' track records and how they met the qualities and abilities required for the High Court Bench. The JAC-nominated referees included senior judges, line managers and academics. We also sought the views of the Heads of Division. In all, we received almost 1,000 substantive references.

Shortlisting was undertaken in January 2007 by a selection panel made up of Usha Prashar (Chairman), Robin Auld (judicial member) and Sara Nathan (lay member). It was based on the information supplied by the applicants and referees.

Shortlisted candidates were invited to meet the panel to discuss their applications more fully between 12 February and 15 March 2007. This was the first time that applicants for appointment to the High Court Bench had met a selection panel, as previous competitions run by the then DCA were dealt with by paper assessment only.

We made our recommendations to the Lord Chancellor in April 2007. The High Court selection exercise will be reported fully in our 2007/08 annual report.

All of the candidates we spoke to were very positive about the selection process, including one who had been put off applying in the past by the length of the application form.

Sara Nathan,  
panel member,  
High Court selection  
exercise

The feedback we received from women was that many were interested in the judiciary as an alternative career path, but had often been put off by the process. I am therefore delighted that is being addressed through a more open and transparent procedure.

Vanessa Williams,  
Chair of the Woman  
Lawyer Forum

## Written explanations to candidates

Under our new processes, we are working to improve how we explain the outcomes of applications to candidates. We believe it is important for them to understand the reasons for the Commission's decisions.

When an application cannot be taken forward for reasons of eligibility or character, we write to the candidate setting out the information and criteria on which these assessments have been made.

If an applicant is unsuccessful after shortlisting or after the final selection, we offer a formal written explanation, on request from the candidate. This will clearly explain the basis of the decision. We aim to provide this within four weeks of the request, but this can be a challenge in the case of large exercises.

If a candidate is still unhappy with the outcome of their application after receiving feedback, they may make a complaint to us. See 'Complaints process', page 53.

## Panellists

Selection panels are central to the JAC's judicial appointments process. Panels usually comprise three members: a chair, an independent member and a judicial member (a fourth member is employed for some non-legal tribunal appointments where specialist knowledge is required). They are responsible for the careful and proper evaluation of the activity undertaken – interview or role-play – for each candidate. The JAC draws on a diverse pool of independent and judicial panellists. They provide a complementary mix of leadership, selection and judicial expertise.

### Panel chairs

The role of a panel chair is to lead the panel, taking responsibility for ensuring that it conducts its business efficiently, fairly and to a very high standard. During 2007/08 the JAC will be running an open competition to appoint new panel chairs in order to refresh the current pool.

### Independent panellists

Our independent panellists were recruited in September 2004. They have varied backgrounds and experience. In recruiting independent panellists, the criteria used included a human-resource qualification and experience in assessing people for senior and/or high-profile appointments.

### Judicial panellists

The judicial member of the panel provides the necessary technical expertise and legal knowledge. He or she is generally drawn from the jurisdiction to which the appointment relates.

For senior appointments, Commissioners will often take part in the selection exercise as panellists.

It is important to maintain the skills and knowledge of panel members through providing them with training and guidance materials. JAC panellists, including Commissioners, receive both generic training in JAC selection processes and training and information tailored to the particular selection exercise in which they are participating.



## What makes a good judge?

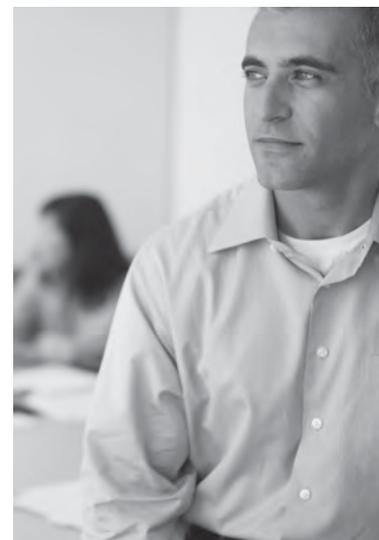
A major criticism of the appointments system we inherited was that the criteria against which applicants were judged were too complicated. There were nine ‘competencies’ and up to 50 ‘supporting behaviours’ – and candidates were expected to demonstrate all of them in their applications.

Research commissioned by the then DCA in 2006 found that the application procedure discouraged some eligible candidates. In particular, the form – for which lengthy guidance notes were produced – was considered time-consuming and daunting. Assessors and referees also found the system complex and burdensome.

We concluded that a simpler and more streamlined definition of merit would be easier to understand and less burdensome on candidates. It would also enable assessors to take a more considered view of a candidate’s overall suitability for judicial office and would help referees to provide better, more pertinent observations.

With this in mind, the Commission agreed a draft set of qualities and abilities in July 2006. These were sent for comment to a range of key interested parties including the Lord Chancellor, the Lord Chief Justice, Lord Justice Carnwath, Senior President (Designate) of Tribunals, the JAC Liaison Working Group (chaired by Lord Justice Leveson), the Law Society and the Bar Council. Commissioners also worked with judicial office-holders and staff in the Tribunals Service to look at how the general qualities and abilities should be adapted to meet the particular needs and requirements of tribunal appointments. The overwhelming majority of those consulted supported the Commission’s approach in scaling back the long list of existing competencies.

We published our new, generic list of qualities and abilities on 31 October 2006. The list is designed to be adapted slightly, depending on the role for which we are recruiting. For example, in the case of members of a tribunal – where the requirement for legal knowledge might differ – there is one model for legal members and a separate one for non-legal members. High Court appointments require another slightly different version.



The Association is glad to see that the competency framework has been simplified. Many candidates have struggled with the demanding nature of it, and the simplified framework is likely to produce more intuitive responses without recourse to detailed guidance.

Judge Estella Hindley  
UK Association of  
Women Judges

## Generic qualities and abilities

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The JAC has developed the following five core qualities and abilities which are required for judicial office.

### 1. Intellectual capacity

- High level of expertise in your chosen area or profession
- Ability quickly to absorb and analyse information
- Appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary

### 2. Personal qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Ability and willingness to learn and develop professionally

### 3. An ability to understand and deal fairly

- Ability to treat everyone with respect and sensitivity whatever their background
- Willingness to listen with patience and courtesy

### 4. Authority and communication skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged

### 5. Efficiency

- Ability to work at speed and under pressure
- Ability to organise time effectively and produce clear reasoned judgments expeditiously
- Ability to work constructively with others (including leadership and managerial skills where appropriate)

## Good character

In addition to selecting candidates on merit, the JAC has a statutory duty to select only people of good character.

In November 2006, we published our good character guidance on our website. This sets out the principles we shall adopt in determining good character and the considerations we shall take into account. Applicants are asked to consider whether there is anything in their past conduct, or present circumstances (for example, business connections), that might affect their application for judicial appointment and to declare any relevant information in their application form.

Our good character guidance is based on the approach used in the then DCA for some years, though it had not previously been published in detail. We believe that making our policy publicly available ensures greater transparency in our processes.

## Quality assurance

A key element of our work has been developing effective systems to make sure our new processes are fair and transparent and to minimise the risk of errors.

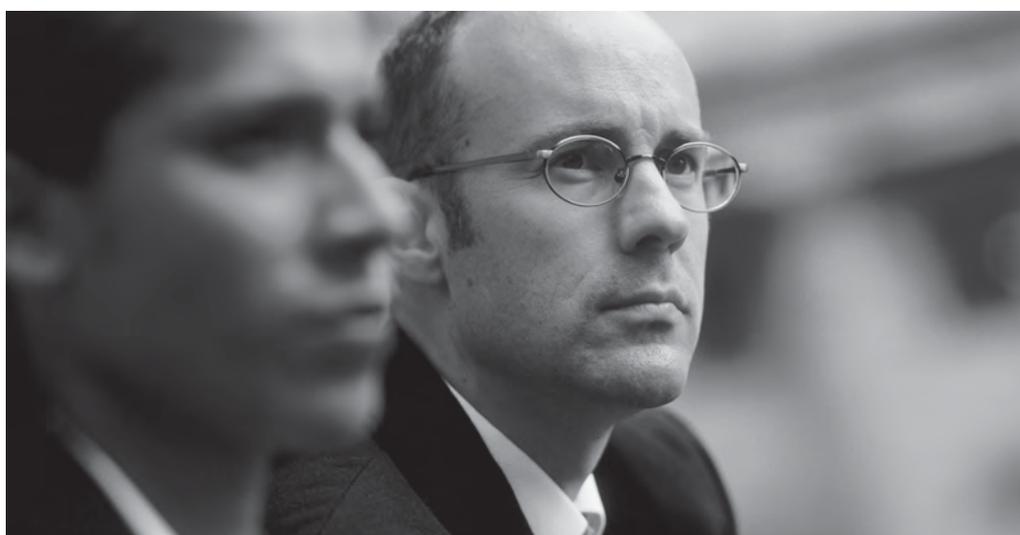
The relevant judicial office-holders and staff in the Ministry of Justice, HMCS and the Tribunals Service are asked to sign off a specification for each selection exercise. A JAC Director closely supervises every selection exercise and a Commissioner is usually assigned to oversee it. Any test materials, case studies or role-plays are developed and quality-assured by the judiciary, with input from JAC staff.

In addition to these arrangements, we take formal stock of progress at key stages during each selection exercise:

- Before the launch, there is a 'sign-off' meeting where a Director or the Chief Executive approves all documentation.
- After the initial application stage, staff and the assigned Commissioner review all aspects of progress. This is to satisfy themselves that the exercise is being run in accordance with agreed processes, to a high standard and on time.

Things have changed. No longer are high court judges picked by one member of the cabinet... They will be chosen by an independent Judicial Appointments Commission, according to a transparent procedure far removed from the secretive consultations lord chancellors used to conduct.

*The Guardian*,  
4 June 2007





- Following interviews, panellists, staff and the assigned Commissioner meet. They review the results of the panel as a whole, moderate the markings and consider whether any other issues should be considered before the results are put to the Selection and Character Committee.
- Finally, once the Lord Chancellor has approved recommendations, a ‘close-down’ meeting is held. This is to evaluate the exercise as a whole and to note any lessons for wider application.

During 2006/07, there were serious errors in the administration of one selection exercise, for circuit judges. As soon as we realised that errors had occurred, we took immediate steps to ensure that no candidate had been disadvantaged. We have introduced new measures to ensure that similar errors will not occur in future.

## The selection system: next steps

Our new qualities and abilities and the new selection processes were introduced only in October 2006, and have therefore been used to only a limited extent so far. But responses – from candidates, the judiciary, the government and the legal profession – indicate that they are working well. The simpler, more user-friendly application form has been particularly well received.

We shall provide further training and guidance to all those involved in the selection process, including panellists and referees. We shall also develop the collection of feedback from partners and from candidates to ensure that lessons are incorporated into the way we work.

Our new system is not set in stone. Nor is our approach rigid or prescriptive. We shall adapt the system depending on the nature of the role we are recruiting for. And we shall constantly monitor and review our approach to make sure that it is fair, open and effective and that we continue to recommend the best candidates for appointment.

# Widening the range of applicants

## Diversity strategy

We are fully committed to promoting the judiciary's diversity. Here our work focuses on four areas: gender, ethnicity, professional background and disability.

In May 2006, we published our trilateral diversity strategy with the then DCA and the Lord Chief Justice. The strategy is an integrated approach which commits all three parties to bringing about a more diverse judiciary, with increased understanding of the communities it serves. It has four strands:

- **Strand 1**  
To promote judicial service and widen the range of people eligible to apply for judicial office. The MoJ is leading on this strand.
- **Strand 2**  
To encourage a wider range of applicants, so as to ensure the widest possible choice of candidates for selection. The JAC is leading on this.
- **Strand 3**  
To promote diversity through fair and open processes for selection to judicial office solely on merit. The JAC is leading on this, too.
- **Strand 4**  
To ensure that the culture and working environment for judicial office-holders encourages and supports a diverse judiciary and increases understanding of the communities served. The Directorate of Judicial Offices and the MoJ are leading on this strand.

The profession itself, the senior judiciary and the Lord Chancellor all have a part to play in encouraging people to apply for the Bench.

'Merit is our bedrock'.  
*The Times*, 31 October 2006

## Diversity monitoring and reporting

The JAC collects data at each stage of the selection process, from application to recommendation, according to disability, ethnicity, gender and professional background. We request this data for statistical and research purposes only. It is kept anonymous and is not used by the JAC in relation to the selection of candidates.

As part of our commitment to openness, we intend to publish diversity outcomes on a regular basis in our annual reports. We will usually publish both aggregate data and data on each completed selection exercise, provided this does not compromise a candidate's anonymity. The data will provide information on the three key stages of the selection exercise – eligible applicants, shortlisting and accepted recommendation – for our four agreed diversity factors, of disability, gender, race and professional background.

The JAC can recruit only from the pool of eligible candidates. Under the trilateral arrangements with the Ministry of Justice and the Lord Chief Justice, we have agreed to



A very enlightening and informative presentation, to the extent that I will consider an application – I would not have done so before.

I enjoyed this event and am very glad that I attended. I feel much happier about pursuing an application now.

Reactions to roadshows

measure any increase in applicants, both in absolute terms and in relation to the diversity of the eligible pool. We are working with the Law Society and the Bar Council to draw on their available statistical information about the profession in order to develop a baseline for this data. In the meantime, we are comparing the monitoring data for current selection exercises with the results of previous comparable competitions to check whether we are reaching a wide range of candidates. This also provides some comparative data for non-legal appointments.

## Our outreach activity

The JAC has a statutory obligation to 'encourage diversity in the range of persons available for selection for appointments'. This work is reflected in Strand 2 of the diversity strategy.

To this end, we have developed and undertaken a wide range of outreach activities across England and Wales. These include speaking engagements; taking part in conferences and seminars; undertaking and hosting visits; and organising regular candidate roadshows. All of these activities are designed to demystify the judicial selection process, to encourage eligible candidates to apply and to explain how the JAC can make a difference and what part we can all play in implementing lasting change.

We have been supported in our outreach work by a wide range of partners, who have allowed us to use their existing networks of contacts to reach eligible candidates. These partners include the Law Society, the Bar Council, the MoJ, the Association of Women Barristers, the Association of Women Solicitors, the Society of Legal Scholars, the Black Solicitors Network, the Society of Asian Lawyers and the Group for Solicitors with Disabilities.

### Candidate roadshows

Our candidate roadshows are aimed at anyone who is eligible and thinking about applying for a judicial office. Current judicial office-holders and JAC staff are on hand at the events to guide delegates through our new application processes, to provide practical tips, advice and guidance and to answer questions about applying for and holding judicial office. We have a regular programme of events throughout England and Wales – details of forthcoming roadshows are advertised in our e-newsletter and on the website.

### Regional visits

The Chairman has begun a programme of regional visits. These are opportunities to meet judges and members of the legal profession in their regions and to observe the workings of the courts and tribunals at first hand. The visits provide us with insight and feedback on issues relating to judicial appointments.

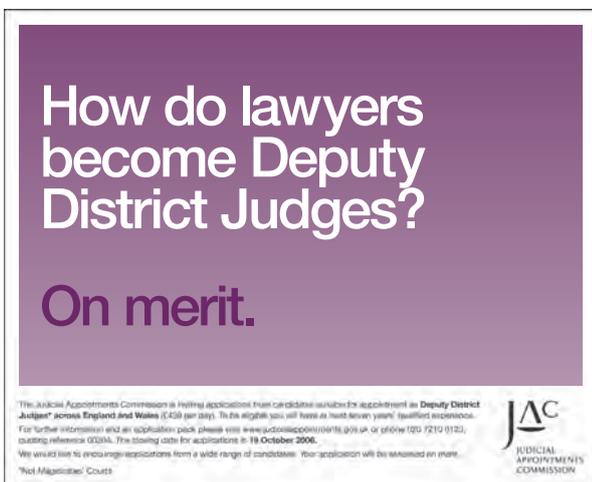
In early 2007, Commissioners were assigned to particular geographical regions of England and Wales, where they will act as ambassadors for the JAC and seek feedback on our work.

## Speaking engagements, conferences and events

Speaking engagements and conferences are a key element of our outreach work. They provide the JAC with opportunities to speak directly to important stakeholders and audiences, enabling us to share our goals and objectives.

During 2006/07, we were represented at more than 30 conferences and events. See Appendix 2: Partnership and outreach activity 2006/07 for further information. Copies of speeches given at some of these events can be found on our website.

## Advertising



The JAC has a dedicated Communications and Outreach team and we have invested significant resources in reaching our audiences.

Each selection exercise has a specifically tailored marketing plan to ensure that we use the most appropriate advertising and communications channels to reach potential candidates. We are advertising more widely than ever before, using online resources more extensively as well as using

the traditional print media. For appointments in Wales, we produce Welsh-language versions of our advertisements and of all candidate information related to the selection exercise. During 2006/07, we placed a total of 20 advertisements across 17 different media outlets.

The style of our advertising is new, too. We have developed a range of eye-catching and striking adverts. They make full use of colour and are written in a direct and engaging style.

We relaunched our website in October 2006. According to feedback from candidates, this is now the primary source of information for 36 per cent of judicial applicants. The site publishes details of all selection exercises and application forms, guidance notes and other information can be downloaded. The site currently receives some 8,000 different visitors a month.

We have also developed and expanded the free monthly newsletter established by the then DCA. Renamed *Judging Your Future* and designed in our corporate style, it now has 3,200 subscribers – up from 2,500 at the beginning of the year.

Although it is too early to judge, the results of our new approach to advertising are encouraging. The table below shows the numbers of applicants for selection exercises launched during the course of the year, compared to the closest comparable exercises under the previous system, where these are available.

<b>Numbers of applicants</b>			
<b>Selection Exercise</b>		<b>Previous</b>	
High Court	144	High Court 2005	129
Senior Circuit Judge Designated Family Circuit Judge 2006	6	No comparable data	
Specialist Chancery (Group 5) Circuit Judge, Birmingham July 2006	11	Specialist Chancery Circuit, Birmingham Centre December 2005	6
Specialist Chancery (Group 5) Circuit Judge, Bristol 2006	16	No comparable data	
Specialist Mercantile, Chancery, Technology and Construction (Group 5) Circuit Judge, Manchester 2006	6	No comparable data	
Senior Circuit Judge, Crime	35	Senior Circuit Judge, Crime 2004	7
Senior Master and Queen's Remembrancer, Queen's Bench Division	5	No comparable data	
Deputy Bankruptcy Registrars	39	Deputy Bankruptcy Registrars 2000	19
Deputy Chancery Masters	45	Deputy Chancery Masters	21
Circuit Judge 2006/07	309	Circuit Judge 2005/06	248
District Judge Civil 2006/07	278	District Judge Civil 2004	248
Deputy District Judge Civil 2006/07	623	Deputy District Judge Civil 2005/06	421
Special Immigration Appeals Commission Chairman 2006	1	No comparable data	
Social Security and Child Support Appeal Tribunals President 2006	9	No comparable data	
Employment Tribunal salaried Regional Chairman 2007	8	Employment Tribunal Regional Chairman 2002	14
Social Security and Child Support Appeal Tribunals Salaried District Chairman 2006	95	Social Security and Child Support Appeal Tribunals Salaried District Chairman 2003	101
Employment Tribunal Salaried Chairmen 2006	59	Employment Tribunal Salaried Chairmen 2005	22
Gambling Appeals Tribunal President and fee-paid legal members 2006	22	No comparable data	
Care Standards Tribunal Deputy President	19	Care Standards Tribunal President 2001	12
Copyright Tribunal fee-paid Deputy Chairman 2006	27	No comparable data	
Agricultural Lands Tribunal (Northern Area) and Agricultural Lands Tribunal (Wales) fee-paid Area Chairman	20	Deputy Chairman ALT (England) 2001 Deputy Chairman ALT (Wales) 2003	17 4
Social Security and Child Support Appeal Tribunals fee-paid legally qualified 2006	174	Social Security and Child Support Appeal Tribunals fee-paid legally qualified 2004	152
Criminal Injuries Compensation Appeals Panel fee-paid legal member (CICAP) 2006	124	No comparable data	
Trade Marks fee-paid Appointed Person 2006 (Trade Marks Act 1994)	15	Trade Marks fee-paid Appointed Person 2003 (Trade Marks Act 1994)	8
Residential Property Services Tribunal fee-paid Chairman (Wales)	33	No comparable data	
Social Security and Child Support Appeal Tribunals fee-paid medically qualified 2006	87	Social Security and Child Support Appeal Tribunals fee-paid medically qualified 2005	62
<b>Total</b>	<b>2,210</b>		

## Our own selection processes

We are committed to promoting equality throughout our selection processes. This forms Strand 3 of our shared diversity strategy and we have made good progress in this area. In addition, we are subject to, or due to be subject to, statutory duties to promote equality in the areas of disability, gender and race.

### Equality throughout our processes

We have developed a clear framework to ensure that all of our processes and selection exercises are fair, objective and promote equality. This equality checking forms part of our quality assurance framework (see page 23). Its key elements include:

- ensuring that the design of our policies and procedures takes due account of the statutory duties both to eliminate unlawful discrimination and to promote equality;
- identifying whether additional guidance or training is required by panellists or staff involved in the selection process;
- reviewing our monitoring and reporting arrangements;
- reviewing our documentation;
- reporting on our findings and recommendations.

Our duties under the Race Relations (Amendment) Act will require us to conduct 'equality impact assessments'. This means identifying which policies and procedures are relevant to our duties to promote equality and assessing and checking them for evidence of adverse impact. In other words, we must check whether our policies or procedures undermine our ability to promote equality and whether they contribute positively to, and support, our ability to promote equality in the areas of race, gender and disability.

### Our first Equality Scheme

As a public body, the JAC is statutorily required to produce a Race Equality Scheme, a Disability Equality Scheme and a Gender Equality Scheme. During 2006/07, we have been preparing an integrated Equality Scheme that meets all three sets of statutory requirements. It is due to be published in draft format for consultation in June 2007.

### Disability access and reasonable adjustments

We are committed to ensuring we meet the provisions of the Disability Discrimination Acts 1995 and 2005 and to enabling those who are disabled to apply for judicial appointment. During 2006/07, we worked with the then DCA to audit our own premises and we have published our policy on 'reasonable adjustments', or changes which might need to be made to enable disabled candidates to participate fairly in the selection process.



Diversity is a means to securing the appointment of more judges on merit. If you draw from a wider pool of people, you have a better choice, and you are more likely to improve rather than diminish the quality of the pool of judicial appointments.

Lord Justice Auld,  
JAC Vice-Chairman,  
Constitutional Affairs Select  
Committee, July 2006

## Widening the range: next steps

During our first year, we have been asked on several occasions whether there is a tension between merit and diversity. For us, the position is clear: candidates are selected on merit – and merit alone. There is no question of the JAC compromising that principle. Merit and diversity are not incompatible. Diversity requires the search for merit wherever it can be found.

Although it is too early in the implementation of our new processes to draw conclusions about our marketing and outreach work, we are pleased to see the number of applications rise in many of the selection exercises we have run.

We are also encouraged by the increasing use of our website. More than a third of applicants learn about judicial vacancies from the site. During 2007/08, we will continue to develop both the site and our newsletter, and to make sure that both are user-friendly and intuitive.

We will seek to build on our relationships with the third parties and networks described above, and we will maintain our focus on outreach and events. We will complement our current advertising campaigns with marketing activities intended to reach particular interest groups, such as solicitors, academics and the employed Bar. And we shall continue to develop our approach to data-gathering and monitor our selection procedures closely to ensure that every stage in the application and selection process is fair to all candidates.



# The 2006|07 selection exercise programme

## Overview of the programme

### Introduction

There was no shadow running period for the JAC. While we were establishing the organisation and developing our new selection processes, we managed 38 selection exercises. Although nine of these had not been forecast by our partners at the beginning of the year, we were able to absorb this unpredicted requirement at a time of significant change.

There are four categories of exercise that have been run since the JAC was established. Those are:

1. Retained by the Lord Chancellor and run entirely under DCA processes.
2. Started by the then DCA and finished by the JAC and run under DCA processes but with small changes to comply with the Constitutional Reform Act.
3. Started by the JAC before October 2006 and run mostly under DCA processes but with more significant changes required to comply with the Act.
4. Started by the JAC after October 2006 and run under our new processes.

### Agreeing the programme

A budget cut of 5 per cent shortly after our launch caused the original programme of work we had agreed with Her Majesty's Courts Service (HMCS) and the Tribunals Service to be revisited. The resulting revised programme for 2006/07, which was agreed in May 2006, comprised 24 new selection exercises (seven for HMCS and 17 for the Tribunals Service and non-DCA tribunals) and 12 exercises that were in progress before April (the 10 listed in 'Retained selection exercises', page 36, plus two for which the Lord Chancellor decided not to retain responsibility).

Unforeseen vacancies will inevitably occur. That is why, in addition to the planned programme, we built in capacity for four non-forecast selection exercises. During the year, we were asked to accommodate more than 14 such exercises. We were able to accommodate most but not all of these requests. 'Appendix 1: Changes to the selection exercise programme', page 88 explains this.

Under the Act, we cannot advertise any post until we have received a request from the Lord Chancellor to select a person for a recommendation or appointment. No requests were received in time for us to launch any selection exercise in the first two months of the year.

In total, our staff ran 38 selection exercises during 2006/07. Of these, 10 were in progress before our launch on 3 April 2006 and have been retained by the Lord Chancellor. A further two were also in progress before our launch, but were not retained

During 2006/07, we ran 38 selection exercises, involving approximately 1,000 posts. We received a total of over 2,000 applications.





by the Lord Chancellor and are therefore covered by this report. Seven were completed during the year. A further 21 were still underway on 31 March 2007 and will be reported in our next annual report. The exact reconciliation of these figures is explained in Appendix 1.

Together, these selection exercises covered some 1,000 posts and we received a total of over 2,000 applications.

### **The timeline for judicial appointments**

The time taken for judicial selection varies. We have drawn up a timeline which illustrates the length and complexity of the selection process and the various interdependencies between the JAC, the MoJ, the Lord Chief Justice and the courts and tribunals (see diagram on pages 34 and 35). We keep the timeliness of our part of the selection process constantly under review.

### **The selection exercise programme: next steps**

We are committed to delivering the agreed selection exercise programme for 2007/08 on time and within budget. We are pleased that we were able to accommodate so many selection exercises during 2006/07 within our available resources, although this was a very demanding first year.

With a view to alleviating some of the pressures, we are discussing a number of options with the MoJ, Her Majesty's Courts Service and the Tribunals Service. In particular, we hope that their forecasting of their judicial requirements will improve, enabling the JAC to respond more quickly to their business needs. We expect that the vacancy requests provided to us by our partners will become more accurate on matters such as the number and location of vacancies and relevant eligibility requirements.

## Selection exercises included in this report

This annual report includes full details of all selection exercises run by the JAC and completed by 31 March 2007 – that is, those for which our recommendation to the Lord Chancellor has been accepted. Those seven selection exercises are as follows:

- Specialist Circuit Judge Mercantile, Chancery, Technology and Construction (Manchester) (s87 – 1 vacancy) and Specialist Circuit Judge Chancery (Bristol and Birmingham) (s87 – 2 vacancies)
- Agricultural Lands Tribunal fee-paid Area Chairman (North and Wales) (s87 – 2 vacancies)
- Trade Marks fee-paid Appointed Person (s87 – 1 vacancy)
- Mental Health Review Tribunal fee-paid legal member (s87 – 53 vacancies)
- Gambling Appeals Tribunal President (s87 – 1 vacancy)
- Chief Social Security and Child Support Commissioner (s87 – 1 vacancy)
- Special Immigration Appeals Commission Chairman (s87 – 1 vacancy).

These selection exercises are reported in detail in ‘Completed selection exercises 2006/07’, pages 38 to 49. Most were run using processes inherited from the then DCA as part of our transitional arrangements. Although the new JAC processes were not used, the results were put to the Commission, which in turn made recommendations on appointments to the Lord Chancellor in line with the procedures set out in the Act.

Of these selection exercises completed during 2006/07, only one – for the Special Immigration Appeals Commission Chairman – used the new JAC selection processes.

### Further appointments from DCA competitions

In response to 18 vacancy requests covering 32 vacancies, we have made recommendations to the Lord Chancellor for appointments from a variety of reserve lists created from selection exercises completed before 3 April 2006 by the then DCA.

### Court of Appeal appointments

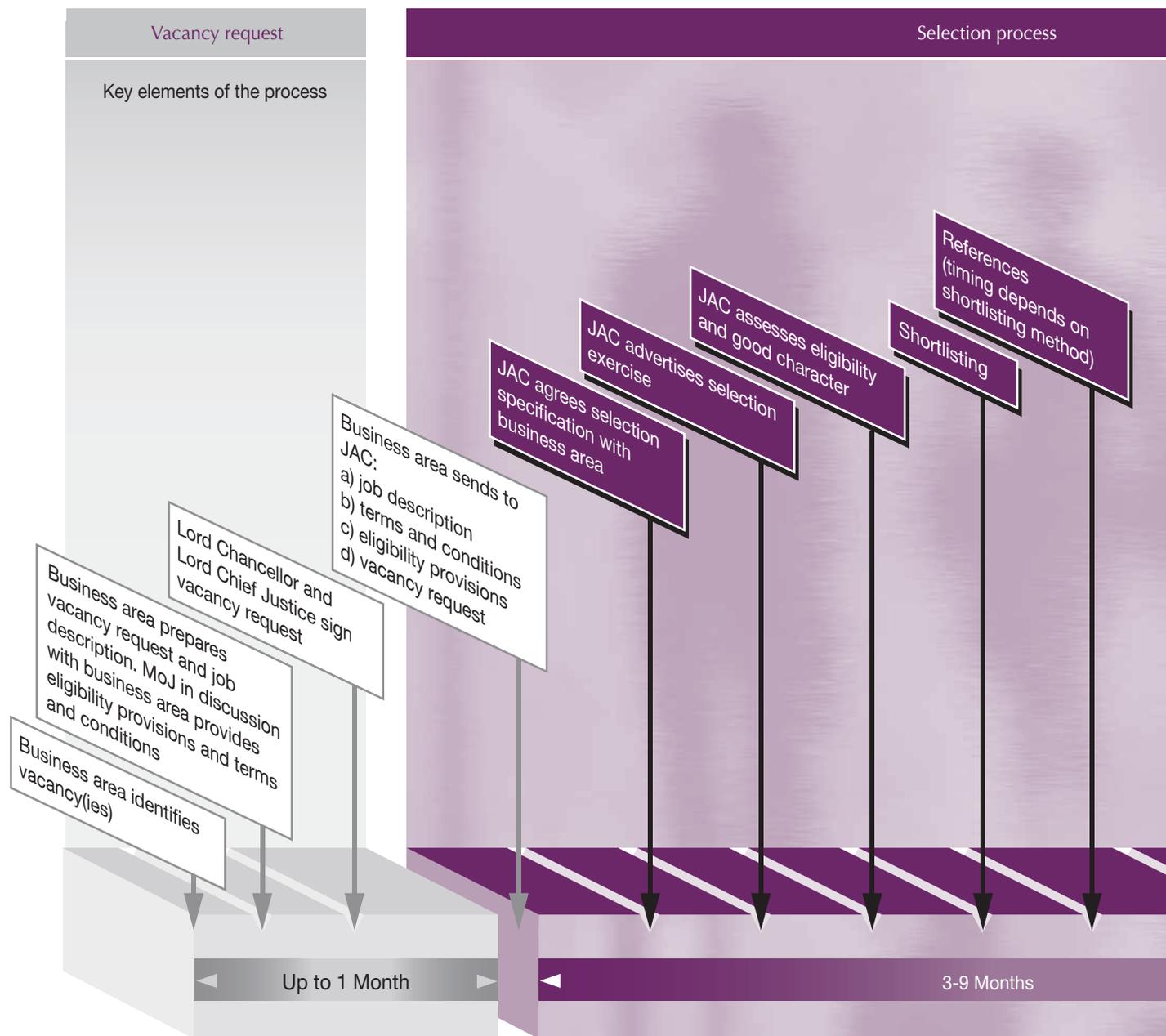
Recommendations for these appointments are made by a specially constituted committee of the Commission, as set out in section 80 of the Constitutional Reform Act. The committee is convened by the Commission on receipt of a vacancy request from the Lord Chancellor to fill a Court of Appeal vacancy.

The committee – comprising the Lord Chief Justice as chairman, the Master of the Rolls as the second judicial member and Baroness Prashar and Professor Dame Hazel Genn as the Commissioner members – met twice to select Lords Justices of Appeal.

This annual report includes full details of all selection exercises run by the JAC and completed by 31 March 2007.

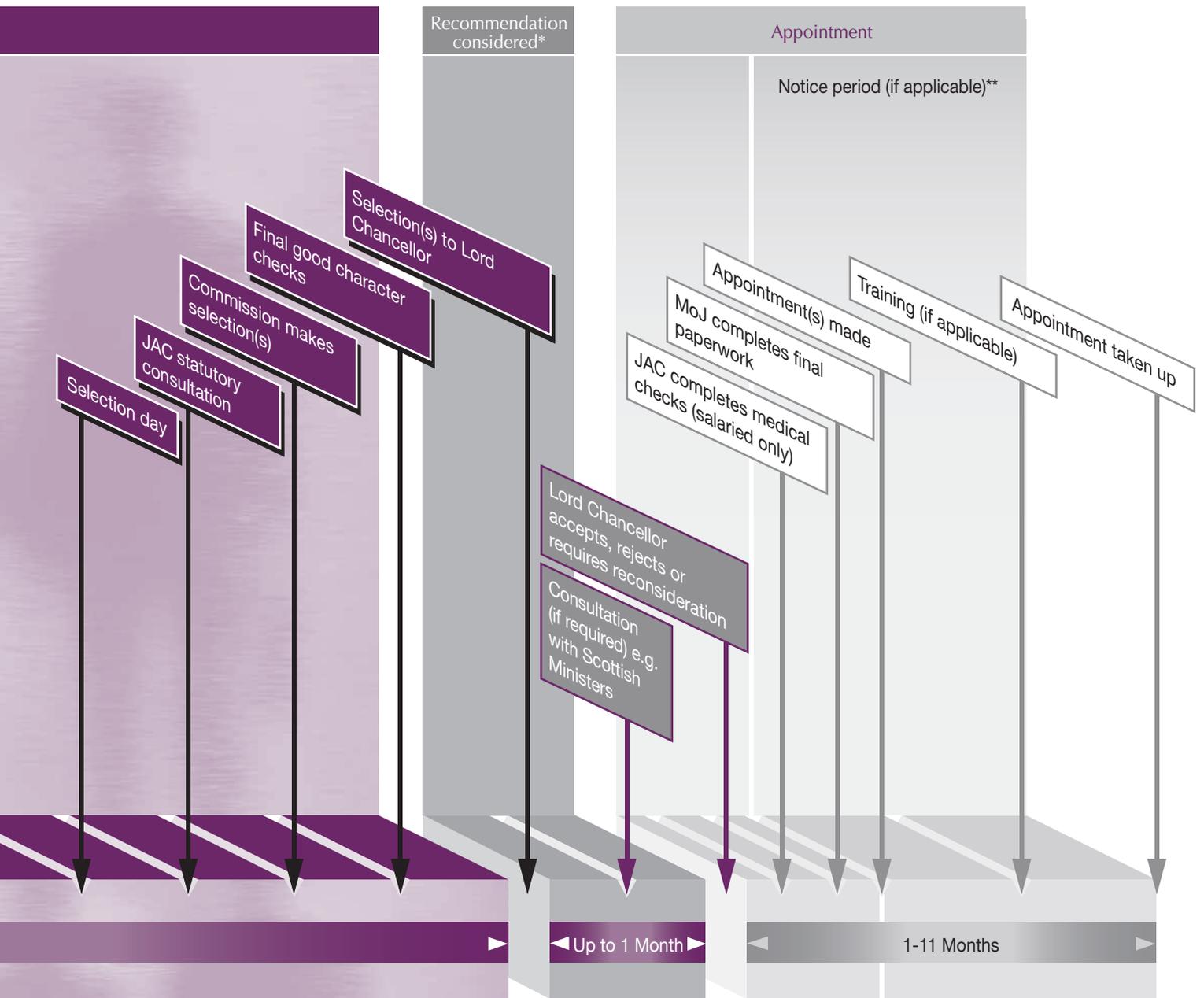
# Timeline of the judicial appointments process

## General guide to current processes with indicative timeframes



\*Note: Timing of Ministry of Justice consideration of candidate requests for alternative working patterns or for reasonable adjustments to accommodate disabilities to be decided.

\*\*Note: Successful applicants may not take up the post immediately. They may have to give notice, extricate themselves from practice or have other commitments.





## Retained selection exercises

The Lord Chancellor retained responsibility for appointments above the High Court until October 2006. This was to allow the Commission and the senior judiciary to develop procedures to make these appointments, which are governed by specific provisions in the Act (sections 67 to 75 for the appointment of the Lord Chief Justice and appointments as a Head of Division; sections 76 to 84 for appointments as a Lord Justice of Appeal). The Lord Chancellor continued to advise the Queen on appointments to vacancies in the High Court by drawing from results of the 2005 High Court competition.

A small number of selection exercises, for which the Lord Chancellor retained responsibility, were still in progress at 3 April 2006. It is for the MoJ to report on these. They are:

- Deputy Costs Judge
- Fee-paid immigration Judge of the Asylum and Immigration Tribunal (London and the Regions)
- Deputy District Judge (Magistrates' Court)
- Recorder competition (South East Circuit)
- Specialist Chancery Judge Midland Circuit
- Specialist Mercantile Judge Midland Circuit
- Lay members of the Mental Health Review Tribunal
- Salaried Immigration Judge of the Asylum and Immigration Tribunal (Bradford and Stoke)
- Fee-paid legal Chairman of the Residential Property Services Tribunal
- Fee-paid medical specialist of the Social Security and Child Support Appeal Tribunals.

## Selection exercises still in progress

The following selection exercises were launched and ran during 2006/07 and were still in progress at 31 March 2007. They will be reported in full in our next annual report.

- District Judge (s94 – 59 names )
- Gambling Appeals Tribunal fee-paid legal members (s87 – 11 vacancies)
- Circuit Judge (s94 – 107 names)
- Employment Tribunal Salaried Chairman (s87 – 17 vacancies)
- Criminal Injuries Compensation Appeals Panel fee-paid legal members (s87 – 20 vacancies)
- Social Security and Child Support Appeal Tribunals fee-paid medically qualified members (s87 – 118 vacancies)
- Deputy District Judge Civil (s87 – 60 vacancies)
- Social Security and Child Support Appeal Tribunals Salaried District Chairman (s87 – 7 vacancies)
- High Court (s94 – 25 names)
- Care Standards Tribunal Deputy President (s87 – 1 vacancy)
- Senior Circuit Judge Designated Family Judge (s87 – 1 vacancy)
- Copyright Tribunal fee-paid Deputy Chairman (s87 – 1 vacancy)
- Employment Tribunal Salaried Regional Chairman (s87 – 4 vacancies)
- Senior Master and Queen's Bench Division Queen's Remembrancer (s87 – 1 vacancy)
- Deputy Bankruptcy Registrars (s 87 – 4 vacancies)
- Chancery Masters (s87 – 5 vacancies)
- Senior Circuit Judge Crime (s94 – 15 names)
- Residential Property Tribunal Service fee-paid Chairman (Wales) (s87 – 6 vacancies)
- Social Security and Child Support Appeal Tribunals fee-paid legally qualified members (s87 – 18 vacancies)
- Competition Appeals Tribunal President (s87 – 1 vacancy)
- President of the Social Security and Child Support Appeal Tribunals (s87 – 1 vacancy)

## Completed selection exercises 2006/07

### Specialist Circuit Judge Mercantile, Chancery, Technology and Construction (Manchester) and Specialist Circuit Judge Chancery (Bristol and Birmingham)

These appointments were to the position of Specialist Circuit Judge and carried with them a designation of the appointee as a Mercantile Judge or Chancery Judge, as appropriate. All posts are equivalent to a Senior Circuit Judge.

There was one vacancy for Senior Circuit Judge Mercantile, Chancery, Technology and Construction at Manchester County Court on the Northern Circuit. There were two vacancies for the Senior Circuit Judge Chancery: one at Bristol Civil Justice Centre as the Chancery Judge for the Western Circuit and the other at Birmingham Civil Justice Centre as an additional Chancery Judge for the Midland Circuit.

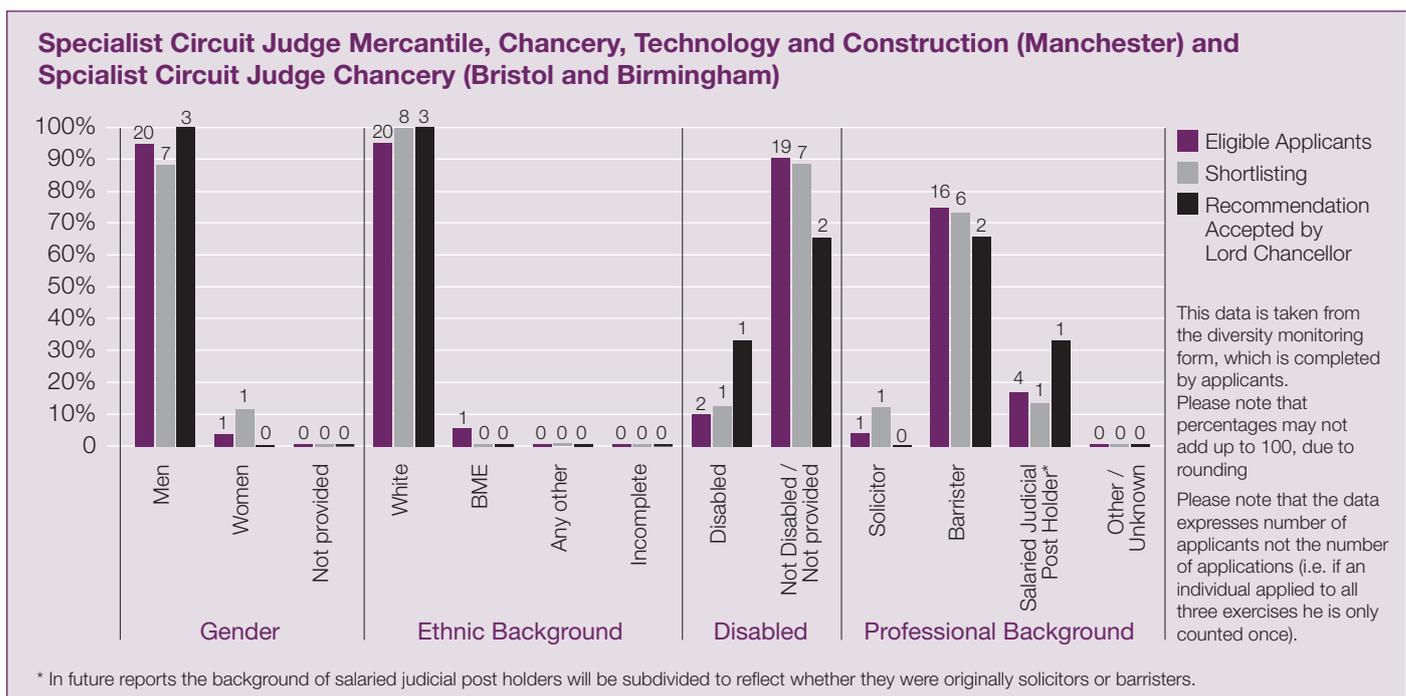
**Post advertised:** 18 July 2006 (Specialist Circuit Judge Mercantile, Chancery, Technology and Construction). 1 August 2006 (Specialist Circuit Judge Chancery)

**Interviews:** 31 October 2006 and 1 November 2006

The vacancies were advertised in *The Times*, the Law Society's *Gazette* and on the JAC's website and in its newsletter.

The selection process for all posts consisted of a paper sift, based on the application form and comments from referees, and an interview.

Our recommendation for the SCJ Mercantile, Chancery, Technology and Construction post was made to the Lord Chancellor on 5 February 2007 and approved on 22 February 2007. Our recommendation for the SCJ Chancery Bristol post was made to the Lord Chancellor on 10 January 2007 and approved on 17 January, and our recommendation for the Birmingham post made on 5 February 2007 and approved on 17 February.



## Judge Patrick McCahill QC

Specialist Chancery Judge (Bristol)



I was called to the Bar in 1975, took silk in 1996, and was appointed a circuit judge on the Midlands Circuit in May 2001. I have always had an interest in mercantile, business and chancery work. It's an area in which I have specialised since 1987 and, as a circuit judge, I was authorised to sit in these specialist jurisdictions. To me, this field combines the forensic excitement of crime, including daily contact with witnesses and advocates, with rigorous intellectual stimulation. Two posts for a Specialist Chancery Judge were advertised in July 2006, one in Birmingham and one in Bristol. I applied, and was appointed to the Bristol post in January 2007.

The JAC's new processes were launched at the end of October

2006, so my application preceded many of the changes introduced by the Commission. Nonetheless, there were two marked differences in approach from when I first applied for the Circuit Bench.

The first was in the number of referees I was asked to nominate on the application form. Previously, I had been asked to name up to six people, but this time it was three. I felt this was a better system: the more focused approach meant that I could identify people who knew me really well. I chose a senior QC who had previously been my head of chambers, a QC practitioner in the area in which I was seeking appointment and a judicial colleague who knew me at the Bar and through the Parole Board. All took the time to prepare a detailed and relevant reference which focused on the competencies required for the post, which were listed in the application form.

The interview  
was a very  
positive  
experience.  
I came out with  
a deeply rooted  
sense of  
fairness.

Judge Patrick  
McCahill QC

The second main difference was in the style and nature of the interview. I was interviewed on 31 October 2006 by the JAC Chairman, Baroness Prashar; a Commissioner, Francis Plowden, who was the 'lay' panel member; and Mr Justice Patten. The interview was a very positive experience. I came out with a deeply rooted sense of fairness. I felt that the atmosphere and style of interview had allowed me to be myself and I felt very comfortable, despite facing some very searching questions. The panel members seemed genuinely interested and engaged. They maintained eye contact at all times and gave me their full attention. I felt I had been given the opportunity to be my natural self and to give of my best.

I received my letter of appointment from the DCA at the end of January 2007 and took up office on 30 April this year.

I would advise anyone who may be considering judicial appointment later in their career to get as much exposure to as broad a range of work as possible.

Then, once you have made your decision to apply, it is important to start keeping a record of anything you do or experience which is relevant to the JAC's qualities and abilities required for your chosen judicial office. My experience of the system is that the Commission is looking for solid evidence of a candidate's approach and experience. Generalities and hypothetical answers aren't as impressive to the panel as real-life examples. In practice, it's easy to be so busy preparing for the next case that you forget about the one the week before. But, most weeks, something unusual happens to which you have to react, and it's a good idea to keep a record of these ready for your application and interview.

## Agricultural Lands Tribunal, Area Chairmen

The Agricultural Lands Tribunal settles disputes and other issues arising between agricultural landlords and tenants. The Area Chairman has responsibility for the overall judicial administration of the Tribunal in his or her respective area. The Tribunal Chairman takes cases and provides guidance on the law and practice at any hearings.

There were two vacancies: one for an Area Chairman in Wales and one for an Area Chairman in Northern England. The selection exercises were run concurrently.

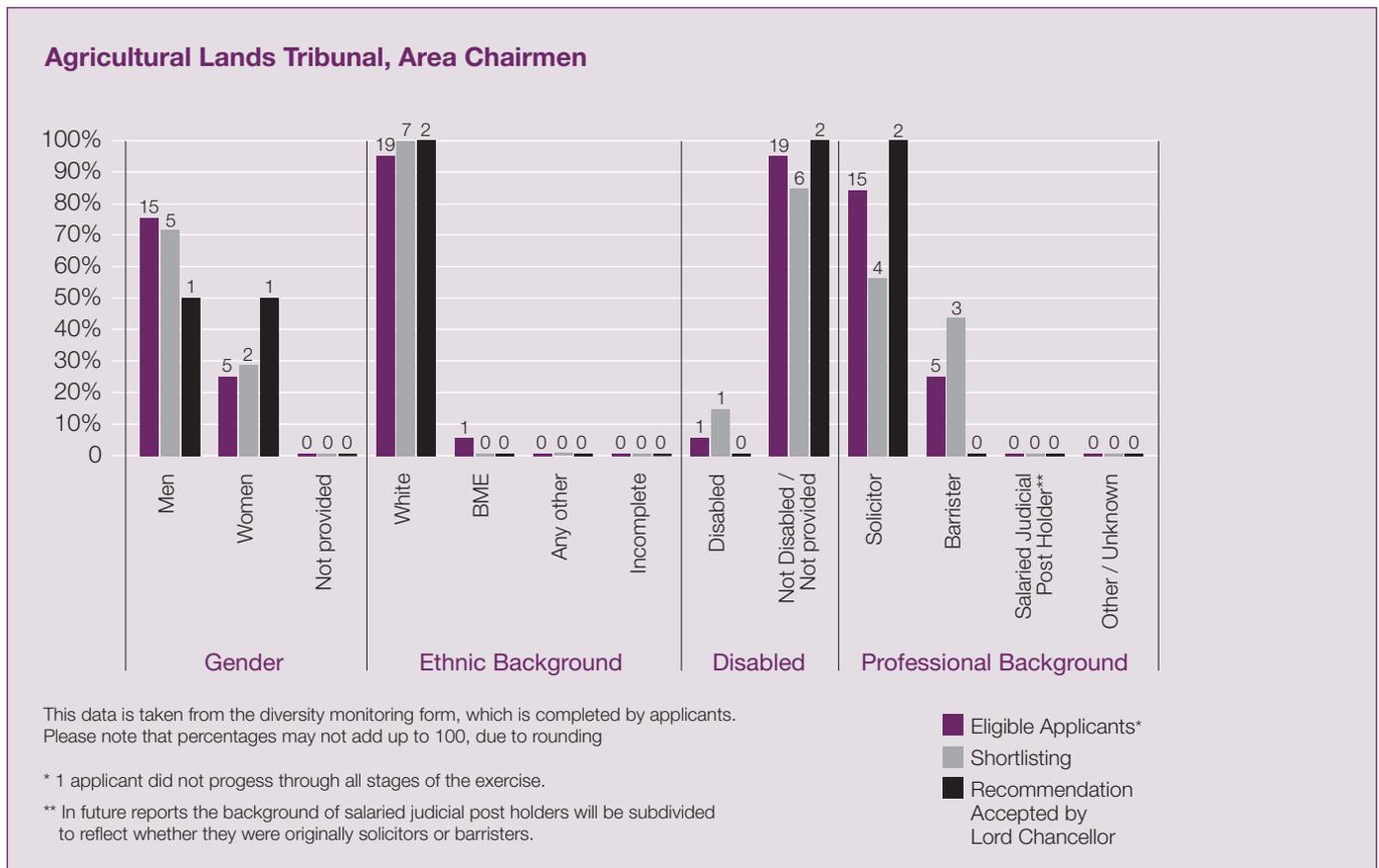
**Post advertised:** 26 June 2006

**Interviews:** 11-12 September 2006

The vacancies were advertised in the Law Society's *Gazette*, *Counsel Magazine* and the Agricultural Law Association's newsletter, as well as on the JAC's website and in its newsletter.

Applicants were shortlisted for interview by paper sift, using the candidates' application forms.

Our recommendation was made to the Lord Chancellor on 5 February 2007 and approved on 17 February 2007.



## James Buxton

### Chairman, Agricultural Land Tribunal, Wales



Two vacancies for the post of Chairman of the Agricultural Land Tribunal, one for the Northern Area and one for the Wales Area, were extensively advertised online and in the legal press in mid-2006. I saw the advertisements soon after they appeared and took the decision to request an application form.

Appointment as Chairman of an Agricultural Land Tribunal seemed to me to be a natural career progression. I had practised at the Bar for the first 10 years of my legal career and, having changed to become a solicitor in 1982, I had practised almost exclusively in the field of agricultural holdings. This involved regular appearances before Agricultural Land Tribunals in most parts of the country.

When I requested the application form, I was by no means certain that I would actually submit it. I wanted to satisfy myself that there was at least a reasonable chance of being successful, having regard to the questions to be answered and how these matched my legal specialism and experience.

The application form was accompanied by a useful guide for applicants, including a detailed job description and sections on eligibility, the competencies expected to be fulfilled and the actual selection process. The guide for applicants was certainly of material assistance in enabling me to reach a decision actually to submit my application and in completing the form. This required disclosure of personal information; details of university education and qualifications; a history of my career, including the publications that I had written or edited (all of which were in fact connected with agricultural law); and whether I already held, or had held, a judicial appointment (which I had not). The form also contained a self-assessment section focusing on topics relevant to appointment, such as demonstrating technical knowledge and expertise; showing authority; investigating and analysing; resolving and deciding; building positive relationships; integrity and independence; developing knowledge; managing workloads; and communicating. The self-assessment section undoubtedly provided the opportunity for me to deploy my case for appointment in considerable detail.

About two months after submitting my application by the deadline of 19 July 2006, I was interviewed by a panel in London. The interview lasted about 45 minutes. The questions were numerous and varied, although completely fair and largely unpredictable. As with the application form, these were in general terms directed to ascertaining whether I possessed the necessary judicial qualities, professional competence and ability to handle the work of the Agricultural Land Tribunal to a high standard. Several of the questions from the judicial member of the panel (a circuit judge) were directed towards ascertaining how I might handle a particular situation in the course of a hearing before the tribunal, if I was appointed Chairman.

I cannot fault the integrity of the selection process. It seemed to me to be completely thorough, even-handed and meticulous. By the end of it, a comprehensive grasp of the merits of each applicant should have been obtained.

There was some delay after the interview before I heard, in March 2007, that I had been appointed Chairman of the Agricultural Land Tribunal for the Wales Area. However, in the intervening months, I was regularly informed by the JAC that my application continued to be under consideration.

I cannot fault the fairness and thoroughness of the selection process. Nevertheless, any practitioner wishing to apply for a judicial post should be aware that the process, both on paper and at interview, is rigorous and as thorough as it can be made. Furthermore, considerable time and effort must be devoted to completion of the application form, the contents of which may determine whether a particular candidate is subsequently interviewed, or whether the application is rejected on paper. However, this is hardly surprising given that every applicant is competing for a post carrying a high degree of responsibility.

**I cannot fault  
the fairness and  
thoroughness  
of the selection  
process.**

James Buxton

### Fee-paid President of the Gambling Appeals Tribunal

This is a new Tribunal, created by the Gambling Act 2005. It will hear appeals against decisions of the Gambling Commission relating to such matters as the issuing or renewing of operating licences. The JAC was asked to select the President and 11 legal members. The selection exercise for the legal members was still underway at 31 March 2007.

The post of President is fee-paid. The Tribunal does not have dedicated hearing centres but will sit at various locations throughout England, Scotland and Wales. The Tribunal administration is based in Leicester.

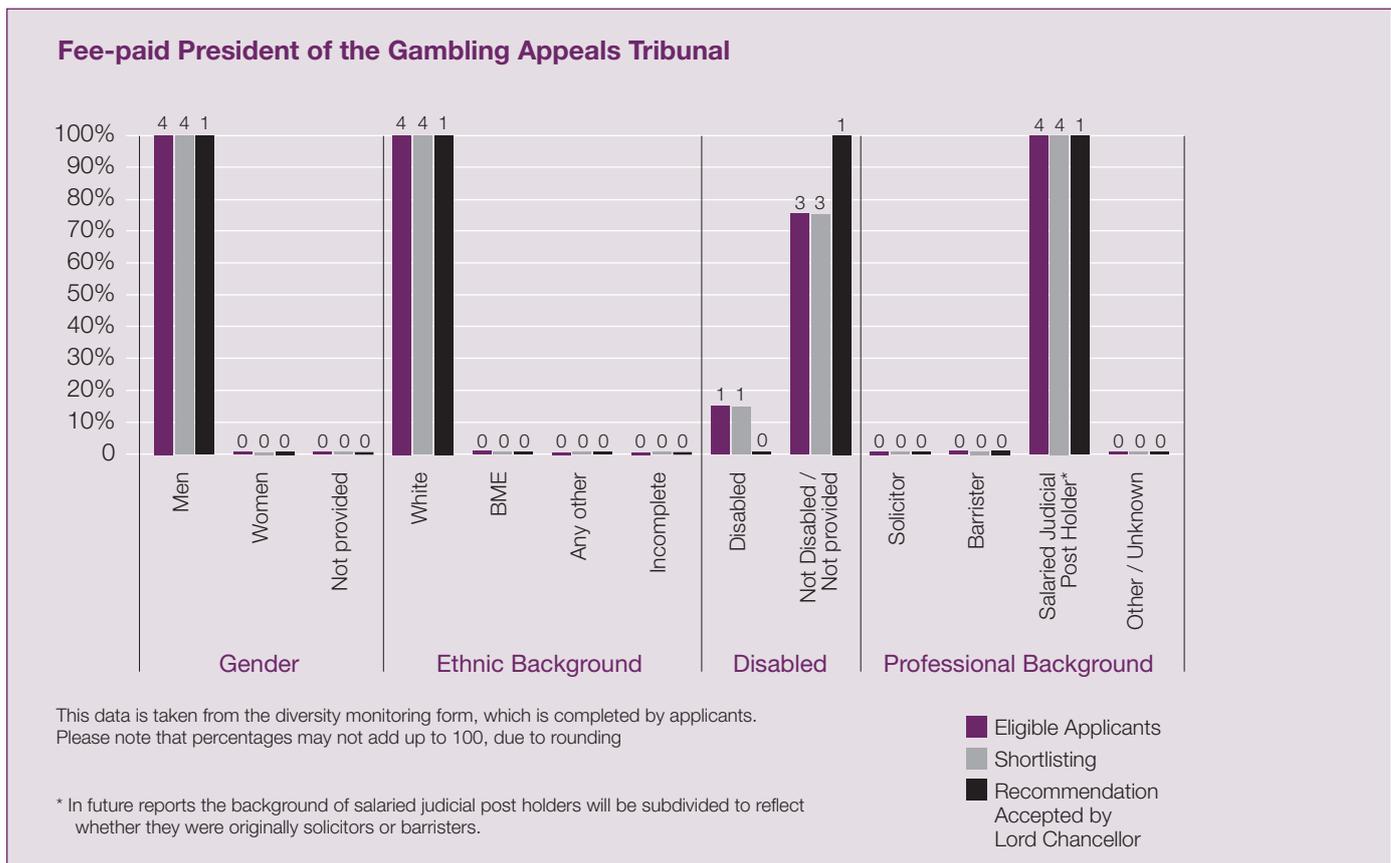
The non-statutory eligibility requirements set by the Tribunals Service limited the pool of applicants for these initial appointments to specific groups of serving salaried judicial office-holders. For the post of President, applicants had to be serving circuit judges or salaried tribunal chairmen.

**Post advertised:** 21 August 2006

**Interviews:** 21 and 22 November 2006

In addition to the letter sent to all eligible candidates, details of this selection exercise were published on the JAC's website and in its newsletter. Candidates' suitability for appointment was assessed through interview and taking into account their self-assessment and references.

Our recommendation for the post of President was made to the Lord Chancellor on 20 December and approved on 17 January 2007.



### Appointed Person (Trade Marks Act 1994)

The Appointed Person is a lawyer appointed by the Lord Chancellor to hear and decide appeals from the Registrar of Trade Marks Hearing Officers. It is a fee-paid post and the sponsor department is the Patent Office/Trade Marks Registry. The hearings usually take place in London, but the Appointed Person has sat at other locations, including Scotland.

There was one vacancy, created by the appointment of one of the four Appointed Persons to the High Court Bench.

**Post advertised:** 4 July 2006

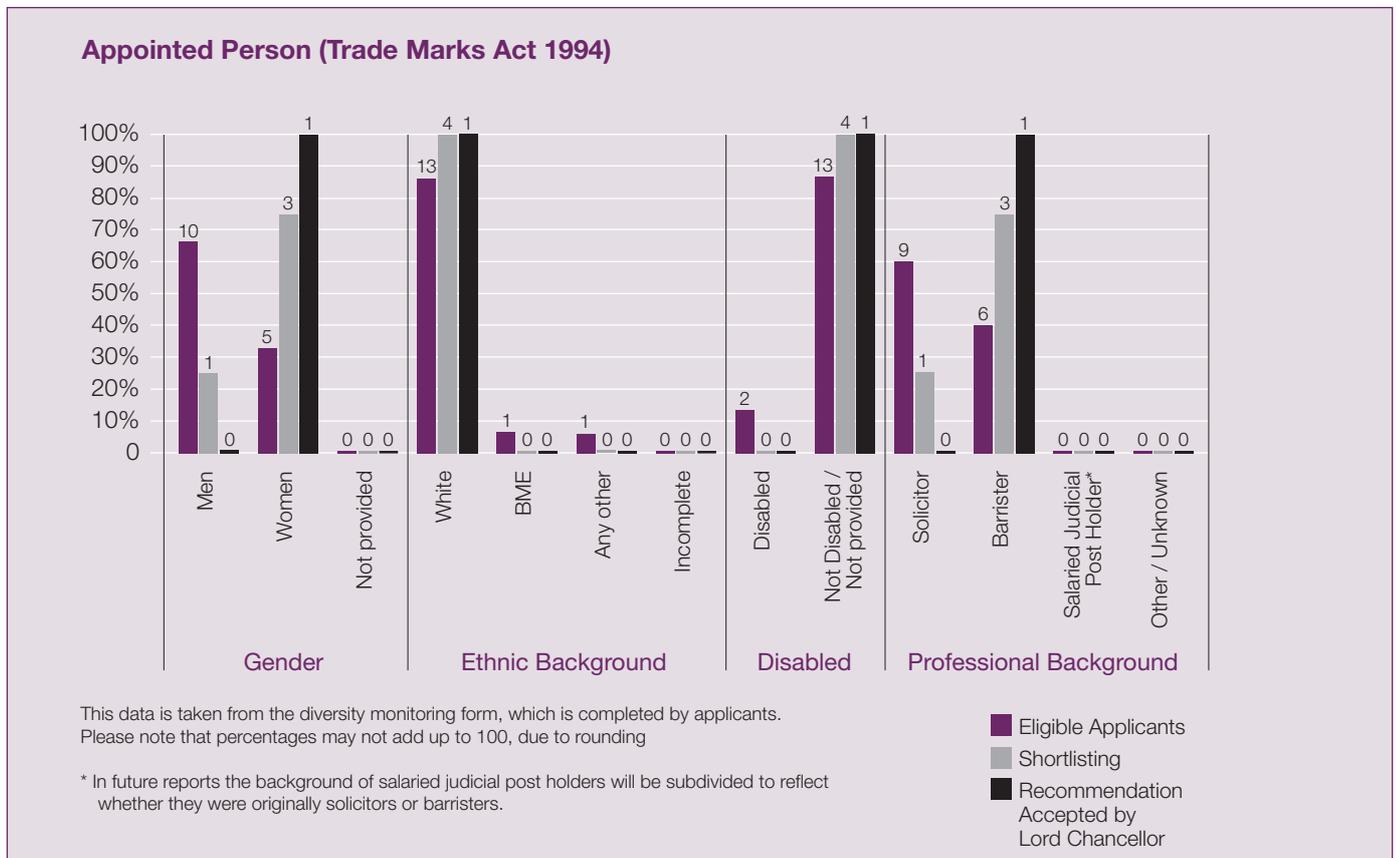
**Shortlisting:** 14 August 2006

**Interviews:** 25 September 2006

The vacancy was advertised in *The Times*, the Law Society's *Gazette and Counsel Magazine*, as well as on the JAC's website and in its newsletter.

Applicants were shortlisted for interview by paper sift, using the candidates' application forms.

Our recommendation was made to the Lord Chancellor on 31 October 2006 and approved on 29 January 2007.



## Amanda Michaels

### 'Appointed Person' under the Trade Marks Act 1994

I applied for appointment as an 'Appointed Person' under the Trade Marks Act 1994. This position is something out of the general run of judicial appointments because of the nature of the very specialist jurisdiction under the Act.

The Appointed Person's role is to hear appeals from decisions of the Trade Marks Registry Hearing Officers. The jurisdiction provides an alternative to an appeal to the High Court and is intended to be relatively inexpensive, speedy and final. The appeals are by way of review, and there is no appeal from them to any superior tribunal other than by means of judicial review. Despite the existence of an alternative appeal process through the Court, decisions of the Appointed Persons have been of real significance in the development of trade mark law. And, as trade mark law has always been one of my main specialist areas of practice, this appointment was of interest to me.

I learned about the vacancy when the advertisement was circulated to all members of the Intellectual Property Bar Association in July 2006.



The selection exercise was launched before the JAC had introduced its new system, and so was run under the previous processes. I had therefore to fill in a long (and rather tiresome) application form, which was intended to test the previous standard judicial 'competencies' (rather than the new 'core' qualities and abilities introduced last October by the JAC). On the form, I was asked to provide the names of three referees, in addition to two High Court patents judges who were to be consulted in any event.

I was invited for interview at the JAC's offices on 25 September 2006. The interview was with a three-person panel, one of whom was a specialist Chancery judge. It was cordial and relaxed, with a mixture of legal questions and more general questions designed to test the judicial 'competencies'.

On the whole, I found the application was straightforward and the requirements predictable. I did, however, find it a real challenge to answer some of the general 'competence' questions, both in the application form and at interview. For instance, I was asked to explain how I had dealt with a situation involving a conflict outside of work. I could only think of a rather trivial example. In the end, I decided that the best approach was just to be myself, and presumably the answers I gave were acceptable!

One problem with the selection process was the timing. July is always a very busy time at the Bar and it would have been useful to have had a few more days to complete the form, while the timing of taking up references was unfortunate because my referees had holiday plans in August. In the event, the interview took place in late September and the appointment was not ratified until the end of February this year.

Overall, I found that, although the selection process was demanding, it was straightforward and unintimidating. I had not thought of myself as an obvious candidate for the job, so perhaps the success of my application goes to show that, if you have a real interest in an appointment, it is certainly worth having a go.

Since the appointment was announced, I have had a great deal of help and encouragement from my fellow APs, from the Trade Marks Registry and from professional friends and colleagues. It is plain to me that the job (for which there is no formal training) has a steep learning-curve. But, at the time of writing, I am looking forward to this new challenge enormously – I am hearing my first batch of appeals next week.

I am looking forward to this new challenge enormously – I am hearing my first batch of appeals next week.

Amanda Michaels

### Mental Health Review Tribunal fee-paid legal members

Mental Health Review Tribunals are independent judicial bodies responsible for reviewing the cases of compulsorily detained patients in hospital, or the continuation of guardianship or aftercare under supervision.

There were 53 vacancies for legal members in England, 10 of these also to serve as members of Restricted Patients Panels. There were a further three vacancies in Wales.

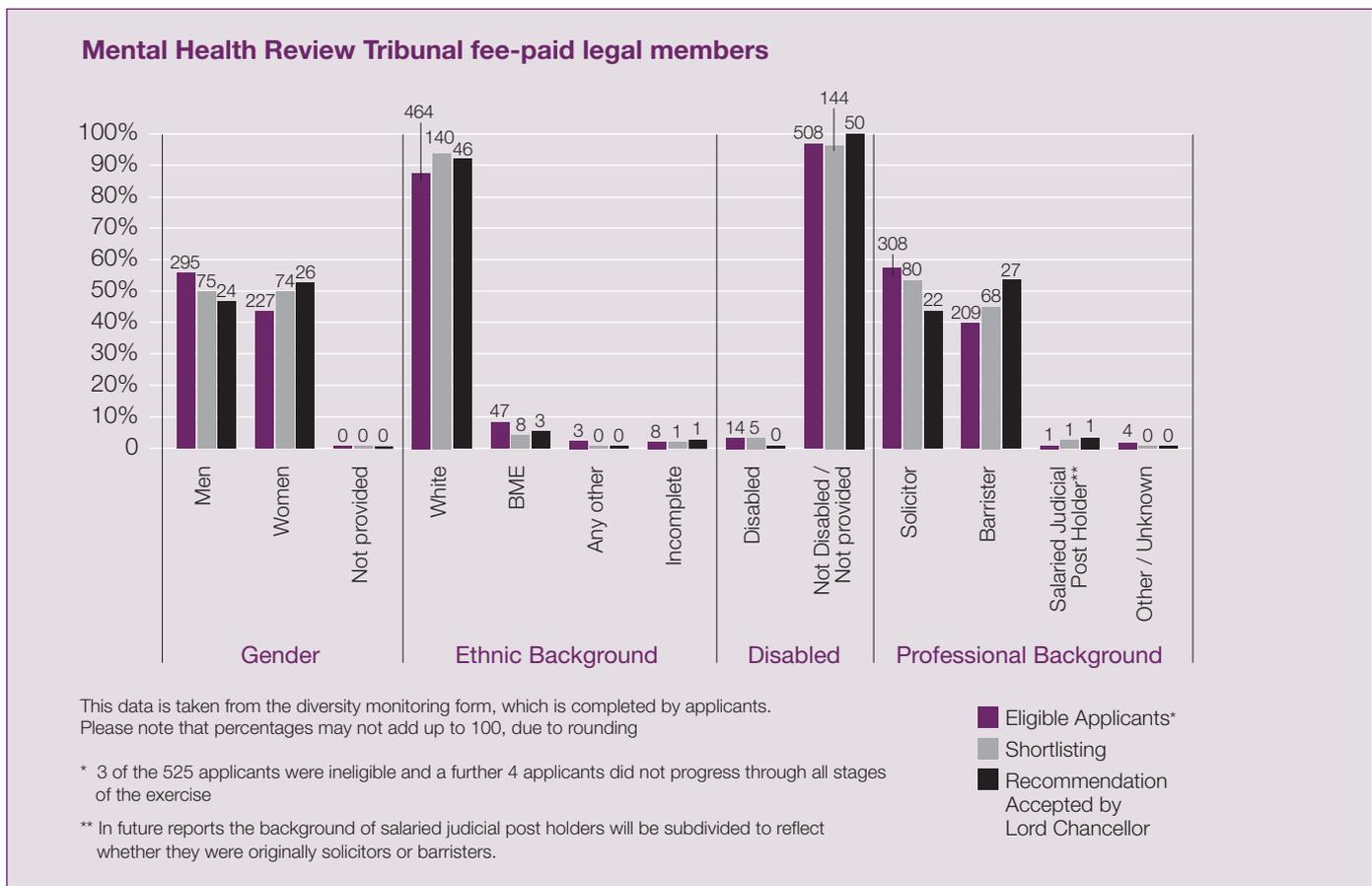
**Post advertised:** 3 January 2006

**Interviews:** 4 and 29 September 2006

The selection exercise was advertised in *Counsel Magazine*, the Law Society's *Gazette*, *The Times*, *New Law Journal*, *Legal Action*, *North Wales Daily Post* and *Western Mail*, and on the Legal Action website.

Applicants were shortlisted for interview by paper sift. There were 525 applications, more than double the number expected. This prolonged the selection process and the timetable for shortlisting and interview as additional panel members were required.

Fifty applicants were recommended to the Lord Chancellor on 13 December 2006, of whom four were for appointment as members of Restricted Patients Panels. The recommendations were approved on 7 January 2007.



## Special Immigration Appeals Commission

The Special Immigration Appeals Commission (SIAC) sits in London and deals with appeals against deportation on security grounds. It also hears appeals against decisions to deprive someone of citizenship. In the process, it considers 'closed' or classified material provided by the security services.

We were asked to recommend a replacement for the President whose term of office expired on 31 December 2006.

**Post advertised:** 3 October 2006

Because of the sensitive nature and high political profile of the cases to be considered and their importance in counter-terrorism, the President of SIAC needs to be an experienced senior judge. In the circumstances, the Lord Chancellor decided to limit the eligibility to serving High Court judges who were already members of SIAC. We wrote to all those who were eligible, inviting them to apply. We received one application from a suitable applicant. The selection panel decided to recommend the applicant without interview and its recommendations were agreed by the Commission, who wrote to the Lord Chancellor recommending the candidate on 21 November 2006. The decision was accepted by the Lord Chancellor on 10 December 2006.

## Chief Social Security and Child Support Commissioner of Great Britain

Social Security and Child Support Commissioners hear and determine appeals (mainly on points of law) from decisions of tribunals in the Appeals Service. The jurisdiction hears appeals relating to social security benefits, child support, housing benefit and tax credit. There was one post, based in London.

**Post advertised:** 28 February 2006

**Interviews:** 23 May 2006

The vacancy was advertised in *Counsel Magazine*, the *Law Society's Gazette*, *The Times*, *The Scotsman* and *Scotland on Sunday* and on the DCA's website.

The selection process consisted of a paper sift based on the application form and comments from referees, followed by an interview.

The Commission wrote to the Lord Chancellor on 1 August saying that it was unable to recommend a candidate. This decision was accepted by the Lord Chancellor in October 2006.

# Building our organisation

## Our staff

Staff are the JAC's most important asset, and it is critical that they possess the appropriate skills, knowledge and experience.

Before our launch, the then DCA gave a public commitment to relocate the JAC outside London and the South East by March 2008, in line with the requirements of the Lyons Review on public sector relocation. It was recognised that this question mark over our future location would make it difficult for the new organisation to recruit permanent staff. It was therefore agreed from the outset that the JAC would be set up with DCA staff on secondment.

As many of the seconded staff had experience of the DCA-run judicial appointments process, this secondment strategy also allowed the JAC to retain staff with the skills to manage the selection exercises, while we also set up our new systems and processes.

We launched with 98 staff in post. We lost eight posts in August 2006, following a 5 per cent cut in our budget at the beginning of 2006/07. Towards the end of the year, 38 per cent of staff returned to the DCA as their secondment periods finished. The relevant figures are:

- Number of staff in post on 1 April 2006: 98, of whom 85 were seconded from the DCA
- Number of staff in post on 31 March 2007: 97 of whom 68 were seconded from the DCA.

Following the establishment of the Commission and discussions with the Lord Chancellor, we agreed that we would retain consultants to prepare an independent evaluation of relocation options. The completed report was presented to the Lord Chancellor in October 2006. This led to his agreeing that, if relocation is to occur, it will not be within the period of the Efficiency Review – that is, before 2011. The decision took account of the fact that the JAC must retain some London accommodation to serve its key interested parties in London and the South East and that additional accommodation outside the South East would significantly increase running costs without additional benefit.



## JAC staff structure

The JAC consists of three directorates. **Courts Directorate** and **Tribunal Directorate** are responsible for running and managing selection exercises. **Strategy and Corporate Resources Directorate** is responsible for developing and implementing new selection policies and processes, communication strategy and support services to develop the capabilities of the JAC.

The following teams operate within these directorates:

- **Six Selection Exercise Teams** are each responsible for managing individual selection exercises.
- **The Candidate Services Team** is responsible for front-of-house activities and ensuring that every candidate is made welcome, and manages the input of individual applicants' details into the JAC's database.
- **The Performance and Programming Team** works closely with Her Majesty's Courts Service, the Tribunals Service and the MoJ to plan and manage the overall JAC selection exercise work programme.
- **The Communications Team** is responsible for the JAC's outreach and the advertising and marketing of selection exercises.
- **The Secretariat** has responsibility for supporting the Commissioners and for servicing board meetings, contacts with stakeholders and Ministers, and the Chairman's circuit visits.
- **The Equality and Fair Treatment Team** has responsibility for panellists, complaints and equality, including equality-proofing the selection process and the production of the JAC's Equality Scheme.
- **The Business Development Team** is responsible for the creation of selection processes, their development and implementation.
- **The Finance and Accounting Team** is responsible for ensuring a strong financial and risk management environment, as well as effective assurance and accounting processes.
- **The Human Resources and Business Services Team** is responsible for ensuring that staffing issues are managed in a fair manner and that the services provided to us by the MoJ are to the agreed standard.

The work of these teams is managed by the JAC Leadership Team. Their members also work closely with Commissioners through a series of working groups and committees.

## Leadership Team

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### **Chief Executive, Clare Pelham**

Clare Pelham was appointed in February 2006. She previously worked in the public sector at the Cabinet Office and HM Treasury and in the private sector at IBM and on the board of Coca-Cola GB & Ireland. Her experience of the justice system includes roles as Head of Police Strategy in the Home Office and on the board of HM Prison Service.

### **Director, Courts Appointments, Lee Hughes CBE**

Lee Hughes was appointed in March 2006, having performed a similar role in the then DCA since March 2004. He was a civil servant in the Home Office for 24 years, in the Criminal Justice and Police Departments. In 2001, he transferred to the DCA (then the Lord Chancellor's Department) as Head of the Freedom of Information Act team. He was also Secretary to the Hutton Inquiry 2003-2004.

### **Director, Tribunals Appointments, David Truscott**

David Truscott joined the JAC in September 2006. Previously, he worked for the Home Office where his most recent roles included managing asylum casework, overseeing the maintenance and expansion of the prisons estate, delivering a successful IT programme and developing/implementing policies to improve the effectiveness of local crime and disorder reduction partnerships.

### **Director, Strategy and Corporate Resources, Sarah Tyerman**

Sarah Tyerman was appointed in March 2006, having performed a similar role in the then DCA since November 2005. She has held various policy and operational jobs during her career, most recently Deputy Director in the Cabinet Office Economic and Domestic Secretariat. In the 1980s, she was Chief Clerk at Oxford and in the 1990s worked in DCA HQ before going to the Cabinet Office as Secretary to the Committee on Standards in Public Life.

Knowing that we will now not be required to relocate in the immediate term has allowed us to improve our recruitment planning. A key priority in 2007/08 will be the formulation of our own terms and conditions of employment. We will then begin directly recruiting our own staff, both from within the Civil Service and from the wider public and private sectors.

The challenge of replacing 38 per cent of our staff – while ensuring the delivery of the 2006/07 selection exercise programme and the development of new policies, processes and governance frameworks – has been considerable. As well as the immediate pressures to manage the secondees' return and recruit their replacements, it has been necessary to ensure that the new staff were swiftly inducted into the organisation. A detailed induction manual and process have been developed and put in place for all new staff.

Our first internal communications strategy was agreed and implemented during the year. This had been informed by a working party of representatives of staff at all levels within our organisation. Work has started on improving our intranet.

We have developed learning programmes for our staff and senior managers. This year we focused on areas including performance management, health and safety and equality impact assessment. We are currently developing our Senior Leadership Development Programme to support our senior managers in the delivery of our corporate plan.

## Improving our services

We seek feedback from candidates throughout the selection process. It is particularly important for us to know how they view the changes to the selection process and how we can market and promote vacancies as widely as possible. We are reviewing the way we collate and assess the feedback we receive to make sure recommendations are reflected in our processes.

In addition to soliciting feedback from candidates, we are working with colleagues in the MoJ, courts and tribunals to improve and develop our services. In particular, we ask them to agree a timetable for each selection exercise and to comment on our draft specification of its conduct. We also hold 'close down' meetings at the end of each exercise. These are opportunities to review the exercises, and to identify any issues or areas for improvement arising from them.

### Complaints process

Under the Constitutional Reform Act 2005, we are required to investigate complaints regarding the way we handle applications for judicial appointment.

Complaints must be made to the JAC in the first instance (a 'first-tier complaint'). To ensure candidates have all relevant information to understand a selection exercise, we advise them to wait until receiving a written explanation regarding their application before lodging a complaint.

When we receive a written complaint, we write to the complainant within two working days to confirm that we have received their letter. As appropriate, the Director of Tribunal Appointments or the Director of Court Appointments will have the complaint investigated.

We aim to provide a response to a complaint normally within 20 working days of receipt. If this deadline cannot be met, we will tell the complainant why and when they can expect to receive a full reply. All responses to complaints will include the nature, background and facts of the complaint and the results of the JAC's investigation (specifically setting out the JAC's conclusions and reasons for those conclusions).

All complaints are appropriately considered. If a complainant is not satisfied with the response received from the JAC, they may then ask the Judicial Appointments and Conduct Ombudsman, Sir John Brigstocke, to investigate further.

Thank you for your straightforward and 'human' care for me today. What could have been intimidating and stressful was made much less so by the welcoming staff.

I feel that the whole process has been very fair and that there has been a genuine wish for us to succeed. Coupled with that, the help from the support staff has made for an enjoyable day.

Candidates' comments



We take investigations by the Ombudsman very seriously and, following the submission of his report, will review our procedures or policies in light of any recommendations for improvement.

Under the process outlined above, we are also handling complaints in relation to selection exercises managed under transitional arrangements. These have used processes established before the JAC was established.

During 2006/07, we received 38 enquires from the Ombudsman. These concerned retained selection exercises that were launched by the then DCA and completed by staff at the JAC, but under transitional arrangements, working as DCA officials submitting recommendations to the Lord Chancellor for consideration.

We have received 19 complaints to the JAC for exercises started after 3 April 2006 and run under transitional processes. We received one complaint in this period for an exercise run with the new JAC processes.

Of those 20 complaints, 70 per cent were responded to within the 20-day deadline. All those receiving a late response were sent an interim reply and an apology in the final letter. None of the complaints was upheld, although some responses contained apologies for oversight of information in feedback or lack of clarity in feedback.

## Partnership working

During our first year, we have fostered relations with a range of partner organisations across Government, the judiciary and the legal profession. The JAC Leadership Team maintains a regular programme of meetings with more than 30 representatives of external organisations.

This collaboration is essential, to ensure our approach is widely understood and supported, to gain feedback and external perspectives about our work and to ensure that the JAC has the opportunity to inform and influence external events which might impact on the judicial appointments process.

## Governance arrangements

During the first year, our focus has been on establishing the JAC as a fully functioning independent organisation. *Judicial Appointments Commission: Framework Document*, signed by the Chairman and the Lord Chancellor in October 2006, sets out our strategic control framework, including the conditions under which the Government provides funding via the MoJ. We have developed the full range of policies and procedures required for good governance in compliance with this document, including our business plan, risk register, budget and financial processes, fraud policy, conflict-of-interest rules and draft memoranda of understanding with the MoJ. We have also set in place the new directorate structure for the organisation, set out in 'JAC staff structure', page 51.

Our final budget allocation for 2006/07 was £6.1 million. Within this, we delivered the 38 exercises described in 'The 2006/07 selection exercise programme', page 31.

## Shared services

Although we are independent of the MoJ, the JAC uses the Ministry's services wherever possible, in accordance with government good practice. These services are managed and maintained by way of a Memorandum of Understanding (MoU) between the JAC and the individual service delivery team. The aim is to ensure that value for money is achieved. The services are:

- **Finance** The services include purchasing, monthly payroll, accounts payments, banking management and operation, and management reporting.
- **IT products and services** The JAC receives a range of services such as the provision, support and maintenance of IT desktop services, IT security and the telephony and data infrastructure. Additionally, we receive electronic and traditional library and information services and a records management service.
- **Legal services** A range of services is provided by lawyers within the MoJ Legal Group.
- **Commercial services** These include our central London office accommodation and complementary services, furniture and other office infrastructure, safety and security services for our staff and their office accommodation, and consultancy and professional services such as procurement and contracts.
- **Human resources** The supplied services complement those provided by the JAC's own HR team.



## Building the organisation: next steps

The principal challenge for the JAC in the coming year is the continuing replacement of its staff without disrupting the smooth running of its business. Following this year's replacement of 38 per cent of staff, the next year will see about 40 per cent more staff concluding their secondment period. Building on the experience of this year's plan for managing the staff turnover, we will continue to plan carefully the cycle of redeployment, recruitment and induction so that the appropriate level of skills and experience is retained.

As set out in our Corporate Plan for 2007-10, we have also identified several priorities to develop our new organisation further. These include enhancing our customer service, improving our governance arrangements, developing a new management information system and embedding a 'value for money' culture.

We will also be seeking to build on and develop our relationships with our partners including our customers in the Courts and Tribunals Services; the Law Society, Bar Council and other professional bodies; the judiciary; and the MoJ.

Part 3:  
Annual accounts  
2006|07



# Directors' report

## Introduction

For the purposes of this Directors' report, directors are defined as those who influence the decisions of the Judicial Appointments Commission as a whole, including Commissioners and the JAC's Leadership Team. Commissioners and members of the Leadership Team who served during 2006/07 are set out in Parts 1 and 2 of the annual report.

## Statement of the accounts

The financial statements for the period 1 April 2006 to 31 March 2007 have been prepared in a form directed by the Lord Chancellor with the consent of the Treasury in accordance with paragraph 31(2) of Schedule 12 to the Act.

## Significant outside interests

In accordance with the Code of Conduct for the Judicial Appointments Commissioners, a register of financial and other interests was maintained and updated throughout the year by the Commission's Secretariat, who can be contacted at the offices of the Judicial Appointments Commission, Steel House, 11 Tothill Street, London SW1H 9LH.

## Equal opportunities and diversity

The JAC positively promotes equal opportunities, both in the selection of candidates for judicial office and in the recruitment, development, training and promotion of the staff.

At 31 March 2007, the majority of JAC staff were on secondment from the DCA. The diversity statistics for seconded staff are included in those reported in the DCA's Annual Report and Accounts.

The JAC Single Equality Scheme is due to be published in draft format for consultation in June 2007. Its purpose is to set out our commitment to the promotion of equality of opportunity and to the elimination of discrimination both as an employer and in relation to our function in selecting judges. The scheme also details how we currently meet our statutory duties in relation to disability, gender and race, and it states our priorities for action over the next three years.

## Employee involvement

As noted above, most of the JAC staff are seconded from the DCA. All communications on issues such as terms and conditions are relayed to the staff by the DCA.

The JAC also works directly with staff through regular team meetings between directors and team leaders, and team leaders and staff. In addition, each directorate holds a meeting for all staff, where a brief including information on Commission meetings and Leadership meetings is discussed. All staff are encouraged to ask about organisational issues and how these relate to themselves and their work.

## Reportable accidents

During 2006/07, there were three reportable accidents (two accidents and one minor incident) and no reportable diseases under the Reporting of Injuries, Diseases and Dangerous Occurrences regulations 1995.

## Pension liabilities

Details regarding the treatment of pension liabilities are set out in note 3 to the Financial statements, page 82.

## Timeliness in paying bills

The JAC aims to pay promptly all properly authorised and undisputed invoices in accordance with the terms of contracts or within 30 days. We paid 99 per cent of invoices within 30 days of authorisation during 2006/07. We are developing systems to record payments from the date of invoice receipts. We will continue to monitor progress on a monthly basis during 2007/08.

## 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 JAC Financial statements, page 82 and relates solely to statutory audit work.

The JAC Framework Document requires that internal audit arrangements should be maintained in accordance with the Treasury's Government Internal Audit Standards.

The DCA Internal Assurance Division (IAD) provides an independent and objective opinion to the Accounting Officer on the adequacy and effectiveness of the organisation's risk management, control and governance arrangements through a dedicated Internal Audit service to JAC. IAD is also represented on the JAC Audit and Risk Committee, which provides oversight on governance and risk management.

So far as we are aware there is no relevant audit information of which the Comptroller and Auditor General is unaware. We have taken all the steps necessary to make ourselves aware of any relevant audit information and to establish that the JAC's auditors are aware of that information.

## Significant post-year-end events

Post-balance-sheet events are set out in the financial statements, page 85.

## Likely future business developments

Likely future developments and how they will affect our business are set out in the management commentary, page 60.

# Management commentary

## Financial review

### Accounting standards

The financial statements for the JAC cover the period 1 April 2006 to 31 March 2007 and are prepared in accordance with the Treasury's Financial Reporting Manual 2006/07 and applicable accounting standards. They are in a form directed by the Lord Chancellor with the consent of the Treasury.

The Financial Reporting Manual requires the transfer of responsibilities from the DCA to the JAC to be accounted for under Financial Reporting Standard 6 'Acquisitions and Mergers'. Comparative figures for the prior year's costs were provided by the DCA.

The figures in this report are shown on an accruals basis for consistency with the financial statements.

### Commentary on the accounts

As an executive non-departmental public body, the JAC's cost base is different to that of the Judicial Appointments and Legal Services Directorate which was the DCA directorate in charge of the judicial appointments process before 3 April 2006. Governance costs – for example in the form of Commissioners' remuneration – now form a significant proportion of total costs. Irrecoverable VAT has to be paid on the employer's salary costs of those staff seconded from the DCA. In addition, in the first year of operation, significant set-up costs were incurred.

The JAC has, however, made extensive use of shared services offered by the DCA for central functions to benefit from economies of scale. These costs are generally 'soft' charged, with no funds exchanged, although there has been a move to 'hard' charging during the year. Further details of the 'soft' charges may be found in note 5.

The Income and Expenditure Account shows that total operating costs for the year were £8 million, compared with £7.6 million the previous year, a 5 per cent increase. With soft charges excluded, total expenditure was £6.07 million compared with a grant-in-aid allocation of £6.1 million, leaving £0.03 million (0.5 per cent) underspent. Grant-in-aid related expenditure increased by around £0.7 million (or 14 per cent) compared with the previous year's total of £5.3 million.

Employment costs (see note 2) made up 64 per cent of total expenditure, an increase of £1.1 million on the previous year, £0.7 million of the increase being due to VAT and £0.3 million to Commissioners' remuneration. Costs for contract staff of £0.9 million (2005/06: £0.2 million) reflect the requirement for skills to establish the organisation and to assist with the management of staff redeployment and recruitment, and this is also reflected in the marginal increase in average staff numbers. The large credit balance due to DCA at the year-end mainly represents the cost of seconded staff supplied to the JAC by the DCA and also payments made by DCA on the JAC's behalf in the first part of the year (note 9). The closing bank balance relates to grant-in-aid drawn down in readiness to pay these liabilities.

Other operating costs were £0.4 million lower than the previous year and this reflects efficiencies made and the changed nature of the business (see note 4). Preparatory costs in the prior year – such as Commissioner recruitment, publicity and advertising, additional training and consultancy – have been replaced by ongoing costs relating to Commissioners undertaking their role in directing the organisation; there are also new costs for audit tasks. More generally, communications, staff travel and other expenses have reduced due to efficiencies and improved procurement. Building improvements, which provided a Test Centre and improved sound equipment for interviews, cost £0.04 million.

## Development and performance

### Overview of the year

As described in Part 2 of the annual report, the JAC has successfully run 38 selection exercises, including exercises started under the previous DCA arrangements. On 31 October 2006 the JAC introduced new processes which are clear, objective and accessible to the full range of eligible candidates.

Other than the DCA as sponsoring department, the JAC has key relationships with the Lord Chancellor, Lord Chief Justice, Tribunals Service and Her Majesty's Courts Service. Members of the judiciary participate in each element of the selection exercise procedure, such as setting test exercises and participating as interview panel members without charge. As disclosed in the Remuneration Report, the services of judicial Commission members are also provided without charge.

Full details of the new selection exercise processes can be found on pages 15 to 20.

## Progress in relation to corporate objectives

The table on pages 62-66 charts the progress made by the JAC against the strategic objectives set out in the 2006/07 Business Plan.

## Forward look and future developments

The JAC will deliver an increased number of selection exercises in 2007/08 compared with 2006/07. The level of grant in aid provided by DCA will increase from £6.1 million in 2006/07 to £7.06 million in 2007/08.

The Corporate Plan for 2007/10 and the Business Plan for 2007/08 give further details of the exercises that will be run in 2007/08 and the priorities that the Commission has set for policy and process development. These documents will be available on the JAC website, [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk). The JAC will continue to select for the appointments set out in Schedule 14 to the Constitutional Reform Act. There is provision in the Act for the JAC to select magistrates but the timetable has not yet been agreed for bringing that provision into force.

## Principal risks

The principal risks for the JAC are set out in the Corporate Risk Register and agreed by Directors. They are:

- **Insufficient resources to deliver our objectives** Substantial numbers of seconded staff finish their secondment periods in March 2007, September 2007 and March 2008. The JAC must be able to recruit and retain sufficient staff with appropriate experience. The management plan to replace those staff who left in the first tranche at the end of March 2007 was successfully implemented.
- **Failure to deliver the required number of quality recommendations for appointment** If the JAC failed to select enough judges in terms of both quality and quantity, the confidence of both stakeholders and business partners in the JAC's ability to deliver their requirements would be weakened.
- **Failure to reach a wider range of eligible applicants** If the JAC failed to reach a wider range of candidates from whom selections of the appropriate quality can be made, public and stakeholder confidence would be weakened.
- **Failure to deliver the required number of recommendations for appointment within the required timescale** If the JAC failed to make recommendations for appointment within the timescales agreed with our business partners, there could be serious implications for the administration of justice.
- **Failure to develop and implement fair and open processes** If the JAC failed to develop and implement fair and open processes, there could be possible legal challenges and delays to delivering within agreed timescales.
- **Failure to establish, develop and manage relationships** The JAC manages high-level relationships with the Lord Chancellor, Lord Chief Justice, DCA, Her Majesty's Courts Service, the Tribunals Service and the judiciary to ensure delivery and maintain confidence.

The Leadership team constantly monitors these risks and reports regularly to the Commissioners. Our statement on internal control is set out on pages 73 and 74.

## Environmental, social and community matters

JAC staff had a ballot to decide which local charity the JAC would support during 2007/08. Staff are undertaking fundraising events and participating in events organised by the charity. The JAC recycles paper and has recycling bins in all offices. The JAC staff discuss workplace related environmental issues at divisional team meetings and put forward suggestions to reduce energy consumption and increase recycling.

## Equality and diversity

The JAC's Single Equality Scheme is due to be published in draft for consultation in June 2007. In the meantime the Equality and Diversity policy of the DCA applies to seconded staff. This policy recognises that we live in a diverse society and contains a clear commitment to equality and diversity, and freedom from discrimination in all services including employment.

# Annual performance report

## Strategic objectives

The JAC will aim to retain and increase public confidence in the judicial appointment process by achieving the following key objectives within agreed timescales and budget:

- To select high-quality candidates for appointments based on the Selection Exercise Programme agreed with our business partners.
- To create and implement fair, open and streamlined selection processes for judicial appointments on merit in accordance with the Act.
- To encourage a wider range of eligible applicants from which selections can be made.
- To develop a highly effective and efficient organisation with a robust framework of policies and processes, and constructive working relationships with our partners.

JAC Strategic Objective	Activity	Achievements
SO i	<p><b>KA1</b></p> <ul style="list-style-type: none"> <li>● Complete the transitional exercises programme agreed with the Lord Chancellor:               <ul style="list-style-type: none"> <li>– Fee-paid Immigration Judge of the Asylum and Immigration Tribunal (London and the Regions)</li> <li>– Deputy District Judge (Magistrates Court)</li> <li>– Recorder Competition (South East Circuit)</li> <li>– Specialist Chancery Judge Midland Circuit</li> <li>– Specialist Mercantile Judge Midland Circuit</li> <li>– Lay members of the Mental Health Review Tribunal</li> <li>– Salaried Immigration Judge of the Asylum and Immigration Tribunal (Bradford and Stoke 2006)</li> <li>– Deputy Costs Judge</li> <li>– Fee-paid legal Chairman of the Residential Property Services Tribunal</li> <li>– Fee-paid medical specialist of the Social Security and Child Support Appeal Tribunals</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● All DCA transitional selection exercises completed.</li> </ul>
SO i	<p><b>KA2</b></p> <ul style="list-style-type: none"> <li>● Establish, agree and deliver a programme of selection exercises agreed with HM Courts Service, the Tribunals Service and DCA (for non-DCA tribunals) for 2006/07.</li> <li>● The final programme is agreed by the DCA and may be amended at its request during the year.</li> </ul>	<ul style="list-style-type: none"> <li>● 15 selection exercises launched and run under modified DCA processes.</li> <li>● 13 selection exercises launched and run using JAC new processes.</li> <li>● Received over 2000 applications.</li> <li>● 7 selection exercises were fully completed during the year.</li> <li>● The JAC Selection Committee has dealt with 18 reserve list vacancies covering 33 vacancies.</li> <li>● 100% of vacancy requests dealt with as agreed with business partners.</li> </ul>

JAC Strategic Objective	Activity	Achievements
SO i	<p><b>KA3</b></p> <ul style="list-style-type: none"> <li>Accommodate to the best of our ability within available resources any selection exercises where a business need arises in-year throughout the financial year (estimated as a maximum of four within original budget resources) or advise the business area and Judicial Services Directorate of the need to reconfigure the programme or provide further funding.</li> </ul>	<ul style="list-style-type: none"> <li>9 exercises launched that were not originally programmed.</li> </ul>
SO ii	<p><b>KA4</b></p> <ul style="list-style-type: none"> <li>Define merit and good character in terms of what makes a good judge.</li> <li>We will produce a new set of qualities, which will inform the competency framework designed for all appointments made by JAC.</li> </ul>	<ul style="list-style-type: none"> <li>Development of new qualities and abilities (including consultation with key partners). Five qualities and 16 abilities have replaced the nine competencies and up to 50 supporting behaviours in the competency framework.</li> <li>Publication and use of merit and good character policies.</li> <li>Development, publication and implementation on good-character guidance (from November 2006).</li> <li>Establishment of Selection and Character Committee.</li> <li>Precedent book implemented to use as a reference of character decisions made.</li> </ul>
SO ii	<p><b>KA5</b></p> <ul style="list-style-type: none"> <li>Determine effective and fair methods of assessing merit. <ul style="list-style-type: none"> <li>Review existing selection processes.</li> <li>Assess methods and processes which take account of available research on the most effective recruitment methods in both the private and public sectors.</li> <li>Agree and develop assessment methods for the different types of appointments.</li> <li>Develop a timetable for implementation of the new processes which reflects the business needs of our customers, value for money and prudent risk management.</li> <li>Monitor in light of outcomes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>End-to-end review of existing processes.</li> <li>Development of new processes, all of which have been equality-proofed.</li> <li>Publication of new processes.</li> <li>All JAC exercises launched since 31 October using new processes.</li> <li>Detailed quality-assurance processes, including assigning Commissioners to selection exercises, in place.</li> <li>Documentation redrafted and reduced, eg application form reduced from 20 pages to 12.</li> <li>A more targeted approach to references developed, with checkpoints at each stage.</li> <li>Introduction of qualifying tests as an alternative method of shortlisting and the development of processes to implement this, including commissioning, invigilation, set-up of accommodation.</li> <li>Panel chair training in progress.</li> </ul>
SO iii	<p><b>KA6</b></p> <ul style="list-style-type: none"> <li>Encourage a wider range of applicants, so as to ensure the widest possible choice of candidates for selection.</li> <li>Develop a communications and marketing strategy with a primary purpose of encouraging the widest possible range of applicants by: <ul style="list-style-type: none"> <li>Communicating the new JAC processes and key messages to as many potential judges as possible and raising general awareness of JAC.</li> <li>Marketing plans tailored to each individual selection exercise using appropriately targeted advertising and outreach which address specific barriers to appointment, real and perceived.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Tripartite agreement with LC and LCJ published.</li> <li>Commissioner regional visits undertaken.</li> <li>Programme of outreach events, published articles and speeches completed throughout the year.</li> <li>JAC external exhibition stand at many events.</li> <li>Successful awareness-raising of new processes.</li> <li>Successful individual marketing plans, including the use of specialist media and online resources for selection exercises. New-style concept adverts designed, including bilingual selection exercise material.</li> </ul>

JAC Strategic Objective	Activity	Achievements
SO iii	<p>– Raise general awareness of JAC and appointment opportunities through a comprehensive Outreach strategy.</p>	<ul style="list-style-type: none"> <li>● Increase in number of applications received for selection exercises.</li> <li>● Publication of monthly e-newsletters. Subscription level has risen to 3,200.</li> <li>● Increase in website hits from 4,318 in the first quarter to 26,289 in the fourth quarter.</li> <li>● All selection exercise documentation relating to vacancies in Wales has been translated into Welsh and made available on the website.</li> <li>● Candidate roadshow advertising strategy completed and advertising currently being placed.</li> </ul>
SO iii	<p><b>KA7</b></p> <ul style="list-style-type: none"> <li>● Promote diversity through fair and open processes for selection to judicial office solely on merit.</li> </ul>	<ul style="list-style-type: none"> <li>● Tripartite agreement with LC and LCJ published.</li> <li>● Attendance at various diversity events by senior managers and Commissioners.</li> <li>● Equality-proofing of new selection process manual completed.</li> <li>● Matrix of statutory requirements and eligibility completed.</li> <li>● Single equality scheme drafted in preparation for publication in June 2007.</li> </ul>
SO iii	<p><b>KA8</b></p> <ul style="list-style-type: none"> <li>● Working in partnership with DCA and the Directorate of Judicial Office (DJO) to measure continuously and report on judicial diversity.</li> </ul>	<ul style="list-style-type: none"> <li>● Monthly meetings held with DCA and Directorate of Judicial Offices ongoing.</li> <li>● Quarterly meetings with City solicitor firms, DJO and DCA ongoing.</li> <li>● IT programme that automatically produces generic diversity monitoring reports at each stage of the selection exercise developed and implemented.</li> <li>● Advertising of relevant selection exercises in DJO weekly email bulletin.</li> </ul>
SO iii	<p><b>KA9</b></p> <ul style="list-style-type: none"> <li>● Fulfil our responsibilities in relation to the elimination of unlawful discrimination on the grounds of age, disability, gender, race, religion and belief and sexual orientation, as well as our statutory duties to promote disability, gender and race equality.</li> </ul>	<ul style="list-style-type: none"> <li>● A Disability Discrimination Act audit of Steel House has been completed. DCA has provided JAC with a proposed programme of work to make Steel House compliant.</li> <li>● Reasonable Adjustment Policy published. Operational guidance provided to staff and reinforced through dedicated training events for selection staff in implementation of the manual.</li> </ul>
SO iv	<p><b>KA10</b></p> <ul style="list-style-type: none"> <li>● Develop and implement key policies and processes as required for good governance of the JAC as an NDPB and in compliance with the Framework Document.</li> </ul>	<ul style="list-style-type: none"> <li>● Framework document published.</li> <li>● Business plan published.</li> <li>● Business Continuity Plan in place.</li> <li>● Risk register in place.</li> <li>● Quarterly performance reports completed.</li> <li>● Quarterly Audit and Risk Committee meetings held.</li> <li>● Risk and fraud policies and fraud-response plan completed and published.</li> <li>● Internal Audit MoU agreed.</li> </ul>

JAC Strategic Objective	Activity	Achievements
SO iv		<ul style="list-style-type: none"> <li>● Independent financial system in place.</li> <li>● Publication of complaints policy.</li> <li>● Health and Safety policy published and Committee established.</li> </ul>
SO iv	<p>KA11</p> <ul style="list-style-type: none"> <li>● Manage the organisation within allocated budget. In doing so, we will manage the turnover of staff (38% seconded staff leaving this year) to ensure business knowledge, experience and skills are appropriately transferred.</li> </ul>	<ul style="list-style-type: none"> <li>● Quarterly finance reports completed.</li> <li>● Secondees redeployed successfully.</li> <li>● Successful recruitment programme completed</li> <li>● Training completed for staff in number of areas, including performance management. Diversity impact assessments. Training designed for staff on new business processes, rolled out from April 2007.</li> <li>● Additional funding negotiated to run unplanned priority selection exercises.</li> <li>● JAC reduced budgeted staff numbers by 10.</li> <li>● Sickness policy in place and actively being managed.</li> <li>● Report for CSR 07 completed.</li> <li>● Commissioners' induction training programme agreed and delivered.</li> <li>● Dedicated Commissioner training on assessment techniques conducted by Civil Service Commissioner and an eminent specialist.</li> <li>● Media training completed for relevant Commissioners.</li> <li>● First tranche of pilot workshops for panel training completed by external trainers. Positive feedback received from participants.</li> <li>● Senior staff trained on new processes and cascaded, as required.</li> </ul>
SO iv	<p>KA12</p> <ul style="list-style-type: none"> <li>● Develop and train Commissioners and staff to meet current and foreseeable challenges.</li> </ul>	<ul style="list-style-type: none"> <li>● Commissioners' induction training programme agreed and delivered.</li> <li>● Dedicated Commissioner training on assessment techniques conducted by Civil Service Commissioner and an eminent specialist.</li> <li>● Media training completed for relevant Commissioners.</li> <li>● First tranche of pilot workshops for panel training completed by external trainers. Positive feedback received from participants.</li> <li>● Senior staff trained on new processes and cascaded, as required.</li> </ul>
SO iv	<p>KA13</p> <ul style="list-style-type: none"> <li>● Provide the Lord Chancellor with a business case setting out a reasoned assessment of the right location of the JAC.</li> </ul>	<ul style="list-style-type: none"> <li>● Achieved relocation decision. JAC not required to relocate within efficiency period.</li> </ul>
SO iv	<p>KA14</p> <ul style="list-style-type: none"> <li>● Establish long-term staffing strategy and supporting policies following decision on relocation.</li> </ul>	<ul style="list-style-type: none"> <li>● Initial documentation drafted.</li> </ul>

JAC Strategic Objective	Activity	Achievements
SO iv	<b>KA15</b> <ul style="list-style-type: none"> <li>● Build on existing and establish new working relationships with external partners.</li> </ul>	<ul style="list-style-type: none"> <li>● Key interested parties (KIPs) identified and regular meetings held.</li> <li>● Regular attendance by KIPs at Commission meetings, bilateral discussions with Chairman, Commissioners and senior staff.</li> <li>● Attendance at numerous events including Bar Council conference, Minority Lawyers conference and other KIPs' events.</li> <li>● Continued information-sharing with stakeholders regarding new processes.</li> <li>● KIP engagement plan in place.</li> <li>● Successful relationships established with key external partners.</li> <li>● Delivered speeches to a number of KIPs.</li> <li>● Advertised relevant selection exercises directly to KIPs.</li> </ul>
SO iv	<b>KA16</b> <ul style="list-style-type: none"> <li>● Build on existing practice to develop further proposals for obtaining and evaluating feedback from candidates on our performance and on the services we provide.</li> </ul>	<ul style="list-style-type: none"> <li>● Conducting a review of existing feedback processes considering the format and timing within the selection exercise.</li> </ul>
SO iv	<b>KA17</b> <ul style="list-style-type: none"> <li>● Develop a strategy for obtaining feedback from business partners on our performance and on the services we provide, drawing on the 6 Whitehall customer service standards.</li> </ul>	<ul style="list-style-type: none"> <li>● Once we have developed our procedures for candidates we will look at other partners. To be reported further in 2007/08.</li> </ul>
SO iv	<b>KA18</b> <ul style="list-style-type: none"> <li>● Investigate Charter Mark complaints, ie complaints regarding the service provided by JAC and its staff.</li> <li>● Following launch of JAC own exercises in October 2006, investigate: <ul style="list-style-type: none"> <li>– First-tier judicial appointments complaints.</li> <li>– Judicial appointment complaints investigated by the Judicial Appointments and Conduct Ombudsman (JACO) that are referred to JAC for comment and/or information.</li> </ul> </li> <li>● Complete complaint responses from pre-October exercises.</li> <li>● Publish the procedure for making complaints on our website.</li> <li>● Comment on number of complaints and compliments and resulting actions taken in annual report.</li> </ul>	<ul style="list-style-type: none"> <li>● 0 Charter Mark complaints received.</li> <li>● 1 JAC new processes complaint received and dealt with.</li> <li>● 19 complaints received from JACO and dealt with.</li> <li>● 30 complaints received and dealt with from pre-October exercises.</li> <li>● Complaints guidance for unsuccessful applicants published.</li> <li>● General complaints policy published.</li> <li>● Positive feedback from senior judiciary regarding the District Judge and High Court selection exercises.</li> <li>● Positive candidate feedback that the Deputy District Judge Assessment Centre was very interesting, well organised with good actors and excellent facilities.</li> <li>● Numerous positive comments from candidates that front-of-house staff are welcoming and put candidates at ease in a nervous situation.</li> <li>● Good comments from attendees that the candidate outreach events were enjoyable.</li> <li>● Two successful appearances at House of Commons Constitutional Affairs Select Committee.</li> </ul>

# Remuneration report

This remuneration report has been prepared in accordance with the Companies Act 1985 section 243B and schedule 7A as interpreted by the Government's Financial Reporting Manual 2006/07.

It summarises the Judicial Appointments Commission (JAC) policy on remuneration as it relates to Commissioners and members of the Leadership Team. Biographical details of Commissioners are set out on pages 7-9 and of the Leadership Team on page 52 of the annual report.

The two principal features of this report are:

- a summary and explanation of the JAC's remuneration and employment policies and the methods used to assess performance;
- details of salaries, benefits in kind and accrued pension entitlement.

Details of remuneration and benefits are set out in the tables within this report and have been subject to audit by the Comptroller and Auditor General (C&AG) under the Constitutional Reform Act 2005. The National Audit Office has been appointed to undertake the audit on behalf of the C&AG.

## Remuneration policy

The Lord Chancellor, under the provisions of the Constitutional Reform Act 2005, approves the appointment of the Chief Executive of the JAC and the terms and conditions for staff and Commissioners.

Independent panels select the Chairman and eleven Commissioners following full and open competitions. The Judges' Council selects three Commissioners, each of whom is either a judge of the Court of Appeal or a High Court judge but there shall be at least one of each.

### Leadership Team

Members of the Leadership Team are currently seconded to the JAC from the DCA and the Home Office. The terms and conditions of their appointments, including termination payments, are governed by the contracts with the departments from which they are seconded.

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Review Body on Senior Salaries.

The Review Body also advises the Prime Minister from time to time on the pay and pensions of Members of Parliament and their allowances; on Peers' allowances; and on the pay and pensions and allowances of Ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975.

In reaching its recommendations, the Review Body is to have regard to the following considerations:

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

The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations.

Further information about the work of the Review Body can be found at [www.ome.uk.com](http://www.ome.uk.com).

### Service contracts

Civil Service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be made on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made.

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

### Benefits in kind

Leadership Team members have no entitlement to benefits in kind. In 2006/07 no member of the Leadership Team received any benefit in kind.

### Appointments

The Leadership Team during 2006/07 and details of their periods of secondment are set out below.

	Date of appointment/leaving	Length of secondment
Chief Executive Clare Pelham	27/2/2006	2 Years 8 months
<b>Directors</b>		
Courts Appointments Lee Hughes CBE	1/4/2006	1 Year 3 months
Tribunals Appointments Ray Sams Left	1/4/2006 31/8/2006	5 months
Tribunals Appointments David Truscott	29/8/2006	4 Years
Strategy and Corporate Resources Sarah Tyerman	1/4/2006	1 Year 7 months

The value of salary and bonuses paid to Leadership Team members are set out in the table on page 71.

### Commissioners

Commissioners are appointed for fixed terms, which vary in length. In accordance with guidance issued by the Office of the Commissioner for Public Appointments, Commissioners can be re-appointed once without the role being subject to open competition. Commissioners cannot serve for longer than a total of 10 years or two terms, not necessarily consecutive, whichever is the shorter.

Commissioners excluding the Chairman and those who are members of the judiciary, are paid an annual fee of £12,000 in respect of three days service a month. The fee is neither performance-related nor pensionable. If Commissioners work additional days, these are paid at £400 per day. Any increase in the level of fees is at the discretion of the Lord Chancellor. Commissioners, who are in full-time state employment, including judges, receive no additional pay for their work for the JAC.

### Benefits in kind

Fee-paid Commissioners excluding the Chairman are entitled to reimbursement of the cost of travel and subsistence incurred between home and office. The taxation on such expenses is borne by the JAC.

## Appointments

The members of the Commission during 2006/07 and details of their appointments are set out below.

	Date of appointment	Length of term
<b>Chairman</b> Baroness Prashar CBE	12/09/2005	5 Years
<b>Commissioners</b>		
Lord Justice Auld (vice Chairman)	1/02/2006	4 Years 6 months
Dame Lorna Boreland-Kelly DBE JP FRSA	1/02/2006	5 Years
Professor Dame Hazel Genn DBE	1/02/2006	4 Years
Mr Justice Goldring	1/02/2006	5 years
Lady Justice Hallett DBE	1/02/2006	5 Years
Sir Geoffrey Inkin OBE	1/02/2006	4 Years
Judge Frances Kirkham	1/02/2006	4 years
Mr Edward Nally	1/02/2006	4 Years
Ms Sara Nathan	1/02/2006	4 Years
District Judge Charles Newman	1/02/2006	5 Years
Judge David Pearl	1/02/2006	5 Years
Mr Francis Plowden	1/02/2006	5 Years
Ms Harriet Spicer	1/02/2006	5 Years
Mr Jonathan Sumption OBE QC	1/02/2006	5 Years

The value of salary and benefits paid to the Chairman and Commissioners is set out in the table on page 71.

## Staff

The JAC employs Commissioners and part-time Panel Chairs and independent panellists.

The JAC has contracts with a number of Panel Chairs and all independent panellists. These part-time employees are paid a non-pensionable fee each day worked and are entitled to reimbursement of the cost of travel and subsistence incurred between home and office. The taxation on such expenses is borne by the JAC.

There are no directly employed staff members as the majority of staff are on secondment from the DCA and other government departments.

## Pensions

The Leadership Team and other seconded staff are entitled to be members of the Civil Service Pension (CSP) scheme. From 1 October 2002, civil servants may be in one of three statutory based 'final salary' defined benefit schemes (classic, premium and classic plus). The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium and classic plus are increased annually in line with the Retail Prices Index. New entrants after 1 October 2002 may choose between membership of premium or joining a 'money purchase' stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5 per cent of pensionable earnings for classic and 3.5 per cent for premium and classic plus. Benefits in the Classic scheme accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable salary for each year of service. Unlike classic, there is no automatic lump sum but members may give up (commute) some of their pension to provide a lump sum. Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per the Classic scheme.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3 per cent and 12.5 per cent (depending on age of the member) into a stakeholder pension product chosen by the employee. The employee does not have to contribute but where they do make contributions the employer will match those up to 3 per cent of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8 per cent 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 60, or immediately on ceasing to be an active member of the scheme if they are already 60.

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

## Cash Equivalent Transfer Values

A cash equivalent transfer value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures, and from 2003/04 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the CSP arrangements and for which the Cabinet Office's Civil Superannuation Vote has received a transfer payment commensurate to the additional liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

### Real increase in CETV

This reflects the increase in CETV effectively 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.

### Pensions

The pension costs for the Leadership Team are within the seconded staff pension costs set out on page 81.

### Table A: Audited senior employees' employment costs

The salaries and bonuses of the senior executives at the Judicial Appointments Commission were as follows:

	Salaries and allowances year ended 31 March 2007 £000	Bonuses paid year ended 31 March 2007* £000	Total salaries and bonuses year ended 31 March 2007 £000
<b>Baroness Prashar CBE</b> Chairman	105	-	105
<b>Clare Pelham</b> Chief Executive	99	8	107
<b>David Truscott</b> Director of Tribunals Appointments	41	-	41
<b>Ray Sams</b> Director of Tribunals Appointments	35	-	35
<b>Lee Hughes CBE</b> Director of Courts Appointments	77	11	88
<b>Sarah Tyerman</b> Director of Strategy and Corporate Resources	63	7	70
	420	26	446

#### Notes

\* Bonuses paid to senior employees relate to performance in their previous roles before the creation of the JAC.

Ray Sams retired on 31 August 2006. David Truscott was appointed on 29 August 2006.

It is not considered appropriate to disclose prior year salary figures as the senior executives listed above were not in a position to influence the organisation in 2005/06.

There were no benefits in kind or additional expenses allowances other than reimbursement of actual expenses incurred directly.

### Table B: Audited senior employees' pension costs

The pension entitlement of the senior executives at the Judicial Appointments Commission were as follows:

	Real increase in Pension £000	Real increase in Lump Sum £000	Pension at 31 March 2007 £000	Lump Sum at 31 March 2007 £000	Cash equivalent transfer value at 31 March 2006 £000	Cash equivalent transfer value at 31 March 2007 £000	Real increase in cash equivalent transfer funded by Employer £000
<b>Baroness Prashar CBE</b> Commissioner and Chairman	0-2.5	2.5-5.0	5-10	25-30	195	228	21
<b>Clare Pelham</b> Chief Executive	0-2.5	0-2.5	30-35	100-105	541	562	8
<b>David Truscott</b> Director of Tribunals Appointments	0-2.5	0-2.5	25-30	80-85	604	649	1
<b>Ray Sams</b> Director of Tribunals Appointments	0-2.5	0-2.5	30-35	95-100	674	686	-
<b>Lee Hughes CBE</b> Director of Courts Appointments	0-2.5	0-2.5	25-30	85-90	592	622	7
<b>Sarah Tyerman</b> Director of Strategy and Corporate Resources	0-2.5	0-2.5	25-30	75-80	502	527	8

**Table C: Audited commissioners' remuneration**

The Commissioners' remuneration for 14 months from date of appointment until 31 March 2007 and expenses for the year is shown below.

	Remuneration 2007 £000	Expenses 2007 £000	Total 2007 £000	Total 2006 £000
Dame Lorna Boreland-Kelly DBE JP FRSA	16	-	16	-
Professor Dame Hazel Genn, DBA	14	-	14	-
Sir Geoffrey Inkin OBE	15	2	17	-
Mr Edward Nally	14	6	20	-
Ms Sara Nathan	22	-	22	-
Mr Francis Plowden	15	-	15	-
Ms Harriet Spicer	15	-	15	-
Jonathan Sumption OBE QC	14	-	14	-
Lord Justice Auld	-	-	-	-
Mr Justice Goldring	-	-	-	-
Lady Justice Hallett DBE	-	-	-	-
Judge Frances Kirkham	-	-	-	-
District Judge Charles Newman	-	-	-	-
Judge David Pearl	-	-	-	-
	125	8	133	-

Expenses are entirely the cost of travel and subsistence incurred by Commissioners attending Commission business at Steel House and the tax thereon.

Signed on behalf of the Judicial Appointments Commission.



**Clare Pelham**  
Chief Executive  
Judicial Appointments Commission  
21 June 2007



**Baroness Prashar**  
Chairman  
Judicial Appointments Commission  
21 June 2007

# Statement on internal control

## Scope of responsibility

As Accounting Officer and Chairman of the Commission, we have joint responsibility for maintaining a sound system of internal control that supports the achievement of the JAC's policies, aims and objectives, while safeguarding the public funds and Commission assets for which we are responsible, in accordance with the responsibilities assigned to us in *Government Accounting*.

Our responsibility to ensure compliance with the requirements of the JAC's Funding Agreement with the DCA is supported by regular meetings we have with the Lord Chancellor. These meetings include discussion on the progress we have made in meeting our strategic objectives; help formulate our future business direction; and highlight the inherent risks and opportunities in implementing our policies. The meetings are supplemented by a regular dialogue with DCA officials.

## The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the JAC's policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage the risks efficiently, effectively and economically. The system of internal control has been in place in the JAC for the year ended 31 March 2007 and up to the date of the approval of the annual report and accounts, and accords with HM Treasury guidance.

## Capacity to handle risk

As Accounting Officer and Chairman of the Commission, we have overall responsibility for ensuring the JAC is committed to high standards of corporate governance – including the need for an effective risk management system and internal control environment – which is fundamental to our success. We are accountable for the overall operational management of the risk management and internal control systems, and management responsibility for specific corporate risks is delegated to individual members of the executive team as appropriate. All managers have responsibility for the effective management of operational risks that may impact on the efficient and effective delivery of objectives.

The Commissioners approved the JAC's risk management policy during the year and monitor the key risks to achieving our strategic objectives through quarterly updates of the corporate risk register from the executive. Commissioners have delegated to the Audit and Risk Committee responsibility for advising on the adequacy and effectiveness of risk management and internal control, including the risk management process. The Audit and Risk Committee reviews progress on risk management at each meeting.

In October 2006 the Chairman of the Audit and Risk Committee facilitated a workshop for Commissioners to undertake a 'top down' assessment of our strategic risks.

All staff are informed of their responsibility for managing risk and new staff receive a copy of the risk management policy and risk framework in their induction pack. At the end of the year a deputy director was designated as Risk Improvement Manager (RIM) with responsibility to further embed risk management throughout the organisation. The RIM discussed the new assurance reporting process with Directors and their team leaders before year-end assurance statements were produced, and will be facilitating risk workshops for staff and providing additional training early in the new financial year.

## The risk and control framework

The JAC came into operational existence in April 2006 with few processes in place. There has consequently been an enormous effort during the year to establish an effective internal control environment and a clear risk management framework.

The resulting risk policy and framework defines what is meant by risk and risk management, outlines the key principles underpinning the JAC's approach to risk management and explains the risk management processes and the roles and responsibilities of staff. The framework aims to achieve best value for money in delivering services, by balancing the costs and benefits of either reducing or accepting those risks that

have been highlighted. Key to this is the need to identify those strategic risks that threaten to impact on the successful delivery of the JAC's corporate objectives. These may be risks to the JAC's reputation, business operations, programmes or activity associated with business innovation or development.

The business planning round is used to identify new or emerging risks and to reassess changing risk. Risks are evaluated in terms of their impact on corporate objectives, key priorities and likelihood of occurrence – the most appropriate response to that risk is then identified. Risks that have high impact and high likelihood are given the highest priority.

The process to maintain and review the effectiveness of the system of internal control included:

- quarterly reviews of corporate risk by the Commission, and management of risk and drive for improvement by the Leadership Team;
- mitigation of risks including managing key senior staff gaps;
- managing risk resulting from the setting up of the organisation;
- continuing regular communications and analysis with the DCA regarding financial forecasting and budgeting, especially during the period prior to the establishment of the JAC's own accounting system;
- demonstrating effective control over the budget.

In addition, project managers are required to maintain a project risk register in accordance with accredited methodology. Formal financial delegations for 2006/07 were issued to each Director.

## Review of effectiveness

As Accounting Officer and Chairman of the Commission, we have joint responsibility for reviewing the effectiveness of the system of internal control. Our review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers 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. We have been advised on the implications of the result of our review of the effectiveness of the system of internal control by the Commission and the Audit and Risk Committee, and a plan to address weaknesses and ensure continuous improvement of the system is in place.

The key elements of the system of internal control are set out above and contribute to our review of the system's effectiveness. The following also inform our view:

- The Commission meets regularly with the Chief Executive and Leadership Team to review the JAC's priorities, oversee their delivery and the strategic framework within which detailed business planning takes place, and to review the strategic risks and the effectiveness of the risk management process.
- Audit and Risk Committee – the Committee comprises a Chairman (a Commissioner) and three other Commissioners. The Committee meets four times a year and advises us on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The Committee also assesses the internal and external audit activity plans and the results of that activity.
- Internal Audit – the JAC uses the DCA's Internal Audit service under a shared service agreement. The service operates to Government Internal Audit standards and submits regular reports, which include the Head of Internal Audit's independent opinion on the adequacy and effectiveness of the arrangements for risk management, control and governance, together with recommendations for improvement.

We are able to confirm that there have been no significant internal control problems in the JAC up to 31 March 2007 and up to the date of this report.



**Clare Pelham**  
Chief Executive  
Judicial Appointments Commission

21 June 2007



**Baroness Prashar**  
Chairman  
Judicial Appointments Commission

21 June 2007

# Statement of responsibilities of the Chairman and Chief Executive

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

In preparing the accounts, we are required to comply with the requirements of the Government Financial Reporting Manual (FReM) and in particular to:

- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the FReM 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 Department for Constitutional Affairs 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 the Accounting Officers' Memorandum issued by HM Treasury and published in Government Accounting.

# Certificate and report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2007 under the Constitutional Reform Act 2005. These comprise the Income and Expenditure Account, the Balance Sheet, the Cashflow Statement and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

## Respective responsibilities of the JAC, Chief Executive and Auditor

The Judicial Appointments Commission and Chief Executive as Accounting Officer are responsible for preparing the Annual Report, the Remuneration Report and the financial statements in accordance with the Constitutional Reform Act 2005 and directions made thereunder by the Lord Chancellor and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of Chairman's and Chief Executive's Responsibilities.

My responsibility is to audit the financial statements and the part of the remuneration report to be audited in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Constitutional Reform Act 2005 and directions made thereunder by the Lord Chancellor. I report to you whether, in my opinion, certain information given in the Annual Report, which comprises the Directors' report and the Introduction to the Annual Report is consistent with the financial statements. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

In addition, I report to you if the Judicial Appointments Commission has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal Control reflects the Judicial Appointments Commission's compliance with HM Treasury's guidance, and I report if it does not. I am not required to consider whether this statement covers all risks and controls, or form an opinion on the effectiveness of the Judicial Appointments Commission's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

## Basis of audit opinion

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Judicial Appointments Commission and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Judicial Appointments Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

## Opinions

### Audit opinion

In my opinion:

- the financial statements give a true and fair view, in accordance with the Constitutional Reform Act 2005 and directions made thereunder by the Lord Chancellor, of the state of the Judicial Appointments Commission's affairs as at 31 March 2007 and of its deficit for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Constitutional Reform Act 2005 and directions made thereunder by the Lord Chancellor; and
- information given within the Annual Report, which comprises the Directors' report and the Introduction to the Annual Report is consistent with the financial statements.

### Audit opinion on regularity

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

### Report

I have no observations to make on these financial statements.

### John Bourn

*Comptroller and Auditor General*

25 June 2007

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

# Financial statements

## Income and expenditure account

For the year ended 31 March 2007

	Note	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Operating expenditure			
Employment costs	2 & 3	(5,114)	(3,964)
Other operating charges	4	(957)	(1,384)
Services and facilities provided by sponsoring Department	5	(1,955)	(2,226)
<b>Total operating expenditure</b>		(8,026)	(7,574)
Operating deficit		(8,026)	(7,574)
Cost of capital charge		92	-
Deficit for the year		(7,934)	(7,574)
Reversal of services and facilities charge	5	1,955	2,226
Reversal of cost of capital charge		(92)	-
<b>Retained surplus/(deficit) for the year</b>		(6,071)	(5,348)

The notes on pages 80-85 form part of these financial statements  
All income and expenditure are derived from continuing operations

There are no gains and losses other than the net deficit for the year and a separate statement of recognised gains and losses is therefore not included.

**Balance sheet**

At 31 March 2007

	Note	31 March 2007 £000	31 March 2006 £000
<b>Fixed assets</b>	6	15	22
<b>Current assets</b>			
Debtors	7	5	-
Cash at bank and in hand	8	5,291	-
		5,296	-
<b>Creditors:</b> amounts falling due within one year			
Other creditors	9	(5,256)	-
<b>Net current assets</b>		40	-
<b>Total assets less current liabilities</b>		55	22
<b>Provisions for liabilities and charges</b>		-	-
		55	22
<b>Capital and reserves</b>			
Income and expenditure reserve	10	40	-
Revaluation reserve	11	15	22
		55	22



**Clare Pelham**  
Chief Executive  
Judicial Appointments Commission

21 June 2007



**Usha Prashar**  
Chairman  
Judicial Appointments Commission

21 June 2007

**Cash flow statement**

For the year ended 31 March 2007

	Note	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Net cash (outflow) from operating activities	12	(813)	(5,340)
Financing from grant in aid	10	6,104	5,340
<b>Increase in cash</b>	8	5,291	-

The notes on pages 80-85 form part of these financial statements

## Judicial Appointments Commission

### Notes to the financial statements

For the year ended 31 March 2007

#### Note 1 Statement of accounting policies

These financial statements are prepared in accordance with the *Constitutional Reform Act 2005* and with the Treasury's Financial Reporting Manual and applicable accounting standards. They are in a form as directed by the Secretary of State for Constitutional Affairs (DCA) with the approval of the Treasury.

##### a) Accounting convention

The accounts are prepared under the historical cost convention, as modified by the revaluation of fixed assets, in accordance with Treasury guidance. Without limiting the information given, the accounts meet the accounting and disclosure requirements of the Companies Act and accounting standards as issued by the Accounting Standards Board so far as those requirements are relevant. The accounts are also consistent, where appropriate, with generally accepted accounting practice in the United Kingdom.

##### b) Income and expenditure

Government grant in aid for revenue expenditure is accounted for through the Income and expenditure reserve.

##### c) Cost of capital charge

As required by the Treasury a charge is made to the income and expenditure account for the notional cost of capital. The notional capital charge, which reflects the cost of financing capital employed, is calculated at 3.5% (2006 3.5%) of average net assets, excluding cash held at the Office of the Paymaster General, employed during the year. In accordance with Treasury guidance the notional charge is reversed out of the income and expenditure account before determining the retained surplus or deficit for the period.

##### d) Accounting for value added tax

Irrecoverable VAT is charged to the relevant expenditure category.

##### e) Tangible fixed assets

Tangible fixed assets are carried at their original cost or valuation less accumulated depreciation. Assets costing more than the prescribed capitalisation level of £5,000 are treated as capital assets. Where an item costs less than the prescribed limit but forms part of an asset or grouped asset whose total value is greater than £50,000, the items are treated as a capital asset.

##### f) Depreciation

Depreciation is calculated on a straight line basis to write off fixed assets over their expected useful life, as follows:

Computer systems      4 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.

<b>Note 2 Employment costs</b>										
	Commissioners £000	Panel chairs & lay panel members £000	Seconded staff £000	Other contracted staff £000	Year ended 31 March 2007 £000	Commissioners £000	Panel chairs & lay panel members £000	Permanent staff £000	Other contracted staff £000	Year Ended 31 March 2006 £000
<b>Aggregate payroll costs were as follows:</b>										
Salaries and wages	231	348	2,941	896	4,416	-	230	2,827	209	3,266
Social security costs	27	20	179	-	226	-	26	190	-	216
Other pension costs	27	-	445	-	472	-	-	482	-	482
	285	368	3,565	896	5,114	-	256	3,499	209	3,964
In 2006/07, JAC employed staff seconded from the Department for Constitutional Affairs (DCA), whereas in 2005/06 permanent staff.										
Other contracted staff are supplied by agencies.										
Irrecoverable Value Added Taxation is included within salaries and wages, where appropriate.										
No VAT is included in social security or other pension costs.										
<b>The average number of full-time equivalent persons employed during the year were as follows:</b>										
	Commissioners	Panel chairs & lay panel members	Seconded staff	Other contracted staff	Year ended 31 March 2007	Commissioners	Panel chairs & lay panel members	Permanent staff	Other contracted staff	Year Ended 31 March 2006
Tribunals	-	-	34	3	37	-	-	33	-	33
Courts	-	-	27	1	28	-	-	42	-	42
Strategy Corporate Resources	3	9	20	12	44	-	8	21	4	33
	3	9	81	16	109	-	8	96	4	108
For budgeting purposes Commissioners are accounted for under Strategy and Corporate Resources										

**Note 3 Pension costs**

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Judicial Appointments Commission is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme at 31 March 2003. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2006/07, employers' contributions of £472,000 were payable to the PCSPS (2005/06 £482,000) at one of four rates in the range 17.1% to 25.5% of pensionable pay, based on salary bands (the rates in 2005/06 were between 16.2% and 24.6%). The scheme's actuary reviews employer contributions every four years following a full scheme valuation. From 2007/08, the salary bands will be revised but the rates will remain the same.

The contribution rates are set to meet the cost of the benefits accruing during 2006/07 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

**Note 4 Other operating costs**

	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
<b>Selection Exercise Programme</b>		
Panel members' expenses	214	138
Health screening	1	-
Catering	27	51
Actors' costs	69	107
	<u>311</u>	<u>296</u>
<b>Administration costs</b>		
Research and development	-	49
Recruitment of Commissioners	-	306
Building improvements	39	-
Staff reward and recognition	6	-
Staff travel and subsistence	32	66
Commissioners' travel and subsistence	26	-
Equipment maintenance	2	1
Consultancy	103	145
Commissioner and other events	34	1
Training	7	90
Depreciation	7	8
Office expenses	17	11
Communications:		
Printing and reprographic services	49	1
Translation services	10	-
Publications and library Services	5	7
Publicity and advertising	207	382
Telecommunications	1	1
	<u>272</u>	<u>391</u>
	<u>545</u>	<u>1,068</u>
<b>Other costs</b>		
Internal audit	41	-
External audit	30	-
IT services	30	20
	<u>101</u>	<u>20</u>
<b>Total</b>	<u>957</u>	<u>1384</u>

Audit remuneration was for audit work only

**Note 5 Services and facilities provided by sponsoring Department**

In accordance with the Framework Agreement, the JAC does not meet the costs of certain services as these are provided by the DCA and soft charged, with the costs reversed out of the income and expenditure account, before determining the retained deficit for the period. Further details are in the 'shared services' section in Part 2 of this report.

	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Legal and Judicial Services Group	361	393
Finance Directorate	42	43
Commercial Group	1,282	1,467
Human Resources Directorate	107	85
E-Delivery Group	48	74
Finance and Administrative Charges (Aramis)	107	156
Private and Crown Office	8	8
	1,955	2,226

**Note 6 Fixed assets**

Computer systems

	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Cost at 1 April 2006	30	30
Disposals	-	-
At 31 March 2007	30	30
Depreciation at 1 April 2006	8	-
Charge for the year	7	8
Disposals	-	-
At 31 March 2007	15	8
Net book value at 31 March 2007	15	22

**Note 7 Debtors**

	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Sundry debtors and prepayments	5	-
Balances with central Government bodies	1	-
Balances with bodies external to central Government	4	-
	5	-

<b>Note 8 Cash at bank and in hand</b>		
	Year ended 31 March 2007 <b>£000</b>	Year ended 31 March 2006 <b>£000</b>
<b>Cash at bank and in hand</b>		
At 1 April 2006	-	-
Movement	5,291	-
At 31 March 2007	5,291	-
At 31 March the following balances were held at:		
Office of HM Paymaster General	5,291	-
Commercial banks and cash in hand	-	-
	5,291	-

<b>Note 9 Creditors</b>		
	Year ended 31 March 2007 <b>£000</b>	Year ended 31 March 2006 <b>£000</b>
<b>Amounts falling due within one year</b>		
Trade creditors	41	-
Other creditors	30	-
Amounts due to DCA	4,826	-
Other taxation and social security	16	-
Accruals	343	-
	5,256	-
Balances with central Government bodies	4,902	-
Balances with bodies external to central Government	354	-
	5,256	-

<b>Note 10 Income and expenditure reserve</b>		
	Year ended 31 March 2007 <b>£000</b>	Year ended 31 March 2006 <b>£000</b>
Retained (deficit) for the period	(6,071)	(5,348)
Grant-in-aid	6,104	5,340
Transferred from revaluation reserve	7	8
At 31 March 2007	40	-

<b>Note 11 Revaluation reserve</b>		
	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
At 1st April 2006	22	30
Transferred to income & expenditure reserve	(7)	(8)
At 31 March 2007	15	22

<b>Note 12 Reconciliation of operating deficit to net operating cash flows</b>		
	Year ended 31 March 2007 £000	Year ended 31 March 2006 £000
Operating (deficit)	(8,026)	(7,574)
Services and facilities provided by sponsoring Department	1,955	2,226
Adjustment for non cash items	7	8
Decrease/(increase) in debtors	(5)	-
Increase/(decrease) in creditors	5,256	-
Net cash (outflow) from operating activities	(813)	(5,340)

**Note 13 Going concern**

The Balance Sheet at 31 March 2007 shows an excess of assets over liabilities of £55,000.

The Chief Executive knows of no review of the Commission's operations or intention to suspend its activities. It has therefore been considered appropriate to adopt a going concern basis for the preparation of these financial statements. Grant in aid for 2007/08, taking into account the amounts required to meet the JAC's liabilities, has already been included in the departmental estimate.

**Note 14 Capital commitments**

There are no commitments for capital expenditure at 31 March 2007 (31 March 2006 Nil).

**Note 15 Related party transactions**

The Judicial Appointments Commission is a non-departmental public body sponsored by the Department for Constitutional Affairs. The Department for Constitutional Affairs is regarded as a related party. During the period, the Judicial Appointments Commission had various material transactions with the Department.

**Note 16 Accountability notes**

There were no losses in the year ended 31 March 2007 (2006 no losses).

**Note 17 Machinery of Government Transfer**

The transfer of the judicial appointments function from the Lord Chancellor on 3 April 2006, a full description of which is given on page 10 of this report, had no material effect on the accounts of the JAC.

**Note 18 Post-balance-sheet events**

The responsibilities of the Department for Constitutional Affairs transferred to the Ministry of Justice on 9 May 2007.

In accordance with the Financial Reporting Standard 21 'Events after the balance sheet date', accounting adjustments and disclosures are considered up to the point where the financial statements are 'authorised for issue'. In the context of the Judicial Appointments Commission, this is interpreted as the date on which the financial statements are despatched to the House of Commons. These financial statements were despatched to the House of Commons on 4 July 2007.

**Note 19 Liquidity, interest rate and currency risks**

The Judicial Appointments Commission has no borrowings and relies primarily on Departmental grants for its cash requirements and is therefore not exposed to liquidity risks. All material assets and liabilities are denominated in Sterling, so it is not exposed to currency risks. All of JAC's cash balances are held with the Office of the Paymaster General and the JAC does not receive interest on the balances. It is therefore not exposed to serious interest rate risk.

# Part 4: Appendices



# Appendix 1: Changes to the selection exercise programme

We included room in the 2006/07 selection exercise programme for four non-forecast selection exercises. This figure was arrived at by averaging the number of such exercises which had arisen over the past three years, and was agreed with our customers.

Three vacant slots were very quickly taken as follows:

- Specialist Mercantile, Chancery, Technology and Construction (Group 5) Circuit Judge (1 vacancy) and Specialist Chancery Circuit Judge (2 vacancies)
- President of the Social Security and Child Support Appeal Tribunals
- Special Immigration Appeals Tribunal Chairman.

In September 2006, we were asked to accommodate an additional nine non-forecast selection exercises. These were:

- Senior Circuit Judge Designated Family Judge
- Copyright Tribunal Deputy Chairman
- Residential Property Tribunal Chairpersons (6 vacancies)
- Senior Master and Queen's Remembrancer
- Competition Appeal Tribunal President
- Senior Circuit Judge – Crime
- Senior Circuit Judge – Resident Judge Crime
- Senior Circuit Judge – Resident Judge Crime
- Agricultural Lands Tribunal lay members (21 vacancies).

We were able to accommodate seven of these (the two exceptions being Agricultural Lands Tribunal and one of the Resident Judge Crime positions) by deferring the very large District Judge Magistrates' Court selection exercise in our original programme to the following financial year.

In January 2007 we were asked to fill a further four vacancies:

- Senior Circuit Judge Resident Judge Crime (2 vacancies)
- Senior Specialist Chancery Circuit Judge (2 vacancies)

We combined the two Resident Judge Crime posts with the two Senior Circuit Judge Crime vacancies already in the programme including the Senior Circuit Judge Crime post which was deferred to the next year, creating one selection exercise for five Senior Circuit Judge vacancies. However, we were not able to accommodate the Senior Circuit Judge Chancery vacancies without serious risk to the selection exercises already in the programme and it was decided that the Specialist Chancery vacancies would be deferred until April 2007.

In total, therefore, we have accommodated nine non-forecast selection exercises. Conversely, four of the planned selection exercises were removed from the programme at the request of our partners and three were deferred for launch until April 2007. The total number of selection exercises run during 2006/07 was 38.

## Appendix 2: Partnership and outreach activity

### Guest speakers at JAC Commission meetings:

- Clive Fletcher, Managing Director of Personnel Assessment Ltd
- Bronwen Curtis, independent Human Resources Consultant and Civil Service Commissioner.
- Alex Allan, Permanent Secretary at the DCA, and John Lyon, Director General of Legal and Judicial Services
- Geoffrey Vos QC, Chairman of the Bar Council and Margaret Bowron QC, Vice Chairman of the London Common Law and Commercial Bar Association
- Lord Goldsmith of Allerton QC, Attorney General
- Lord Falconer of Thoroton, Lord Chancellor.

### Guest speakers at JAC Outreach Working Group meetings:

- Vice-Chair of the Group for Solicitors with Disabilities
- Representatives from the Bar Council's Disability Committees
- Vice Chair of the Society of Asian Lawyers
- Chair of the Black Solicitors Network.
- Head of Judicial Diversity and Forecasting Division, DCA.

### Foreign visitors to the JAC:

- Minister of Justice for Poland
- Judicial and Bar Council of the Philippines
- Chief Justice of India
- Senior judges from Australia
- Chief Justice of Malaysia
- South African Portfolio Committee.

## Events organised or attended by the JAC:

<b>27 March 2006</b>	UK Association of Women Judges Annual Conference
<b>10 April</b>	JAC Roadshow: Preston
<b>2-4 May</b>	JAC Roadshows: Cardiff, Birmingham, Bradford
<b>17 May</b>	ILEX Presidential Luncheon
<b>11 July</b>	JAC Solicitors Initiative Event
<b>20 September</b>	Specialist Jurisdiction continuation seminar
<b>20-27 September</b>	JAC Roadshows: London
<b>12 October</b>	Society of Asian Lawyers
<b>13 October</b>	Law Society Annual Conference
<b>14 October</b>	Black Solicitors Network Anniversary and Awards Dinner
<b>18 October</b>	Association of Women Barristers Annual Dinner
<b>18 October</b>	Council of the Birmingham Law Society
<b>19 October</b>	Judicial Studies Board Induction Course
<b>4 November</b>	Bar Council Annual Conference
<b>6 November</b>	Middle Temple Guest Lecture
<b>8 November</b>	Bench Legal Managers Conference
<b>10 November</b>	Leadership Event for Presiding Judges
<b>22 November</b>	Society of Construction Law
<b>4 December</b>	National Legal Advisers Conference
<b>4-15 December</b>	JAC Roadshows: Leicester, Sheffield, Preston, London, Plymouth and Swansea
<b>7 December</b>	DCA staff conference
<hr/>	
<b>12 January 2007</b>	Seminar ymwbyddiaeth iaith (Welsh Language awareness seminar)
<b>18 January</b>	Legal Services Department of the Welsh Assembly event
<b>23 January</b>	Fawcett Society Commission on Women in the Criminal System lunchtime event
<b>1 February</b>	Solicitors' Diversity Event, Wragge and Co
<b>22 February</b>	London School of Economics Student Law Society seminar
<b>12 March</b>	Law Society Judicial Diversity Seminar
<b>12 March</b>	Scottish Judicial Appointments Board diversity conference
<b>27 March</b>	Centre for Crime and Criminal Justice, King's College London event

# Appendix 3: Business plan for 2007|08

Our 2007/08 business plan includes specific priorities for the next twelve months, as follows:

## Strategic objective 1

Select high-quality candidates based on the selection exercise programme agreed with our business partners.

- Priority 1.1 Establish, agree and complete a programme of selection exercises with our partners.
- Priority 1.2 Accommodate to the best of our ability within available resources any selection exercises where a business need arises in-year, or advise the business area and JSD of the need to reconfigure the programme or provide further funding.
- Priority 1.3 Improve the capability of the organisation to carry out the highest-quality selection exercises.
- Priority 1.4 Build on the relationships developed with our partners.

## Strategic objective 2

Further develop fair, open and effective selection processes and keep them under continuous review.

- Priority 2.1 Further develop equality policies and procedures.
- Priority 2.2 Improve responsiveness to candidates.
- Priority 2.3 Enhance the effectiveness of the selection process.

## Strategic objective 3

Encourage a wider range of eligible applicants.

- Priority 3.1 Target our outreach to eligible groups effectively.
- Priority 3.2 Target our communications strategy effectively.
- Priority 3.3 Further develop our statistical measures of progress.

## Strategic objective 4

Ensure that the JAC is fully equipped to carry out its statutory responsibilities and achieve continuous improvement.

- Priority 4.1 Maintain and enhance the effectiveness of our staff, taking account of the challenges presented by the high level of seconded staff.
- Priority 4.2 Maintain and enhance customer service.
- Priority 4.3 Build on existing relationships with our sponsorship department and partner organisations.
- Priority 4.4 Review and implement key policies and processes required for good governance of the JAC as a non-departmental public body under the *Framework Document*.
- Priority 4.5 Develop and implement the internal communications strategy across the organisation.
- Priority 4.6 Develop and implement a new management information system.
- Priority 4.7 Achieve value for money across the JAC's activities.





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