

Business Plan

2010/11

Judicial Appointments Commission Business Plan 2010/11

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1. Foreword

This Business Plan sets out how we will meet our objectives in the coming year and continue to select the best for the delivery of justice. I am proud of the progress the Judicial Appointments Commission (JAC) has made during 2009/10, which we will set out in detail in the Annual Report we will publish in the summer.

The Constitutional Reform Act 2005 lays out our duties to select candidates for judicial office solely on merit, ensuring that they are of good character and to have regard to the need to widen the range of those available for selection. To achieve the diverse and meritorious judiciary we all wish to see, all those with access to the levers of change must work together. That is happening and I was pleased to see strong examples of where we are making progress in our first set of official statistics, published last month. Following the recent publication of the report of the Advisory Panel on Judicial Diversity I will be working as a part of the Taskforce being established by the Lord Chancellor to consider how best to take forward its recommendations.

Our work will continue to be driven by our strategic objectives agreed with the Ministry of Justice. We have established an updated set of Key Performance Indicators that target the core elements of our strategic objectives. These targets are stretching, especially as we are already performing to a very high standard in a number of areas, such as the timeliness of selection exercises and the very low level of complaints upheld. But we are never complacent; we recognise the need to improve continuously.

Current financial pressures continue to have an impact on the way we work. We are acutely aware of the need to provide value for money and maintain our high standards in everything we do, most importantly the quality of our selections. In the past year we have handled an increased number of applications while operating within a reduced budget. We will continue to do so in 2010/11. We will strive to improve further the service we offer candidates. In particular, we are keen to make further progress on work to improve our IT systems but this aim is dependent on the resources available to us.

As ever the success of the JAC is based upon the hard work and dedication of its staff and Commissioners. I look forward to continuing to work with all at the JAC and our partners to deliver the excellent service for which we have become known, in the spirit of independence the Act was intended to foster.



Baroness Usha Prashar

JAC Chairman

2. Overview

The Commission's role

The Judicial Appointments Commission (JAC) is an executive Non-Departmental Public Body sponsored by the Ministry of Justice. Its relationship with the Lord Chancellor and his officials is defined both in legislation and in the Framework Document agreed following the establishment of the JAC on 3 April 2006. The relationship reflects a careful balance of responsibilities between the JAC and the Lord Chancellor in the judicial appointments process that was set out in the Constitutional Reform Act 2005 (CRA). A list of the JAC Commissioners can be found at Appendix A.

The JAC's remit under the CRA is to select candidates for judicial office on merit, who are of good character. In doing this, the JAC must have regard to the need to encourage diversity in the range of people available for selection for appointments.

The JAC is responsible for recommending candidates to the office of High Court judge as well as all judicial offices listed in Schedule 14 of the CRA. In addition, the CRA also provides that panels established to make selections for the offices of the Lord Chief Justice, Master of the Rolls, President of the Queen's Bench Division, President of the Family Division, Chancellor of the High Court, and Lord Justice of Appeal are Committees of the JAC and recommendations are made to the Lord Chancellor on these posts.

The full list includes both fee paid and salaried roles and positions not requiring a legal background.

Business priorities for 2010/11

In 2009 we published our Corporate Plan which set out details of our processes and aims for the following three years. A copy of that plan can be found at www.judicialappointments.gov.uk.

This is our business plan for 2010/11 and sets out our strategic objectives and priorities for the coming year and the key performance indicators which underpin these. We will publish our Annual Report later in the year which will reflect our progress and performance during 2009/10.

Our primary purpose in the coming year will be to select high quality candidates for judicial office. We will select only people of good character, having regard to the need to encourage diversity in the range of persons available for judicial selection. This will be against a backdrop of increased pressure on resources and we will continue to identify more efficient ways of working. We will work with the Ministry of Justice and other key interested parties to consider the implementation of the recommendations of the report of the Lord Chancellor's Advisory Panel on Judicial Diversity.

In line with the 'Smarter Government' report (December 2009, ISBN 978-0-10-177532-8) we will benchmark both our internal services and the services we provide against other similar organisations. We will work to achieve value for money through the use of shared services (that is services provided to us by others, principally the Ministry of Justice) where it makes sense to do so.

3. JAC Purpose, Objectives and Values

Our Purpose is to select the best for the delivery of justice.

Our Strategic Objectives are to:

- select high quality candidates based on the selection exercise programme agreed with our business partners.
- develop fair, open and effective selection processes, and to keep them under continuous review.
- encourage a wider range of eligible applicants.
- ensure that the JAC is fully equipped to carry out its statutory objectives and achieve continuous improvement.

Our Values

Underpinning how we achieve our purpose and objectives are the JAC values:

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.

4. Our Strategic Objectives

Strategic Objective 1 – Business Delivery

“To select high quality candidates based on the selection exercise programme agreed with our business partners”

Our core business is to select high quality candidates on merit for Her Majesty’s Court Service and the Tribunals Service¹, and to ensure that selection exercises are carried out on time and within budget.

This year our agreed selection programme consists of 24 exercises:

- 13 selection exercises continuing from 2009/10
- 5 selection exercises expected to start and finish in 2010/11
- 6 selection exercises expected to start in 2010/11 and finish in 2011/12

The Selection Exercise Programme for 2010/11 can be found at Appendix B.

In addition to our agreed programme we will also: convene and support a panel to make selections for senior appointments above High Court level; recommend candidates for immediate appointment (section 87 of CRA) from existing section 94 lists; and consider recommendations for Deputy High Court Judges for which JAC concurrence is required (Senior Courts Act).

In 2010/11 this objective will be met by:

- carrying out the selection exercises to the timescales set out in the programme for the coming year which has been agreed with our partners; and
- recommending sufficient candidates to the Lord Chancellor to fill at least 95% of the legal posts requested in our agreed Selection Exercise Programme.

Strategic Objective 2 – Candidate experience

“To develop fair, open and effective selection processes, and to keep them under continuous review.”

We maintain a programme of continuous improvement by monitoring our operations, engaging with partners and key interested parties and seeking and responding to feedback from candidates. This year we will develop further effective methods of collating feedback from candidates and plan to further improve the experience for them. We will use this work to gauge the level to which candidate experience aligns with their expectations and develop our material to build accurate expectations.

Following the work undertaken last year to apply the Code of Practice for Official Statistics, we will publish our selection exercise results biannually, with the first release in February 2010.

¹ The JAC also runs a small number of exercises for Tribunals that do not come within the Tribunals Service, such as the Competition Appeal Tribunal.

In 2010/11 this objective will be met by:

- collating and evaluating feedback from candidates on their experiences throughout the process;
- consulting with our partners to assess and weight the candidate experience feedback;
- publishing our selection exercise results biannually and in line with the Code of Practice for Official Statistics; and
- monitoring of feedback and complaint trends and progressing suggestions for improvement.

Strategic Objective 3 – Outreach

“To encourage a wider range of eligible candidates.”

We have a statutory duty in exercising our functions, to have regard to the need to encourage diversity in the range of persons available for selection for appointments². Responding to this duty, and combining it with that of selecting candidates of good character solely on merit³, we will put equality and fair treatment at the heart of our selection process.

This year we will focus on increasing the diversity of candidates through our outreach programme and partnership work with our key partners.

In 2010/11 this objective will be met by:

- holding outreach events in partnership with key interested parties across the country, including seminars and exhibitions, to allow potential applicants to make an informed decision if and when they should apply;
- establishing a robust method of monitoring applications informed by attendance at seminars for prospective candidates;
- production of outreach material highlighting the range of appointments available, the diverse backgrounds of successful candidates and tips on good practice to make a successful application;
- rebutting inaccurate and misleading myths around the selection process;
- working with professional bodies to encourage them to develop reliable data on the eligible pool of underrepresented groups, particularly of disabled candidates;
- delivering the action plan created following our Barriers to Application research;
- supporting, with the MoJ and Judicial Office, the trilateral strategy on judicial diversity and the Judicial Diversity Taskforce; and
- working through the JAC Diversity Forum to promote a shared agenda and action plan. The Diversity Forum brings together different groups who can have an impact on diversity, such as the Judiciary and professional bodies. This has promoted joint working on outreach events and other initiatives.

Our Outreach Working Group focuses on oversight of outreach activity and developing an integrated strategy to widen the range of candidates from which appointments can be made. It reviews the effectiveness and efficiency of past activity to shape planning of future work.

² s64(1) Constitutional Reform Act 2005.

³ s63(2) Constitutional Reform Act 2005.

Strategic Objective 4 - Resources

“To ensure that the JAC is fully equipped to carry out its statutory objectives and achieve continuous improvement.”

We have recognised the need to improve our IT systems and considerable work has been undertaken in the past year, in partnership with the Ministry of Justice who supply these systems to us, to identify possible options. Provided sufficient resources are available, we intend to maintain this progress in the year ahead offering the opportunity for improved on line applications and booking venues for qualifying tests.

The successful achievement of these improvement initiatives will depend upon the availability of funding from the Ministry of Justice and upon the capacity of the supplier, in concert with our IT business partner, to provide the desired technical solution. We will consider creatively alternatives to offer pragmatic, value for money solutions to issues that candidates raise with us, such as concerns about their confidentiality at test venues and analysis of test performance. Success in this area will yield greater operational efficiency as well as providing a better service to candidates.

Towards the end of 2009 we began to assess our selection exercise process using the ‘Lean’ methodology to maximise efficiency and to identify and eliminate any waste. We will continue this work with a quality assurance review which will probe further the areas identified and inform us of the next steps.

Our Commissioners and staff are crucial to our performance. We ensure that they are trained and supported, that we identify and meet recruitment needs and that they are kept informed and engaged with the organisation. We undertook our staff survey during December 2009 and will develop an action plan that responds to the areas identified for improvement.

In the coming year we will focus on developing the skills of our staff and continuing to refine the structure of the administration. We will seek to enhance the effectiveness of our staff by consolidating training already undertaken and undertake a skills audit, leading to the creation of focused development plans. This work will also be informed by the results of the staff opinion survey.

We will continue to provide inexpensive opportunities for staff to learn from the each other, Commissioners and colleagues in the public sector through ‘lunch and learn’ events, shadowing and coaching.

In 2009/10 we improved our website and intranet to ensure that both candidates and staff have better access to the information they need respectively to make their applications and to do their job. We will continue to improve both these resources in 2010/11.

In 2010/11 this objective will be met by:

- ensuring our financial resources are properly controlled and appropriately targeted to help achieve the other strategic aims in this plan;
- reviewing and monitoring our risk management framework;
- developing IT systems that support our processes and improve efficiency;
- undertaking a skills audit and establishing a development plan for our staff;
- undertaking a further staff opinion survey and developing appropriate action plans;
- and
- developing our internal communications strategy by undertaking a benchmarking survey on areas identified in the internal communications policy.

5. Key Performance Indicators 2010/11

We have 10 indicators aimed at measuring the key performance aspects of our business:

1. *Timeliness of completion of selection exercises*: at least 95% of exercises in the annual Selection Exercise Programme will be completed by the date in the programme; no exercise will be completed later than 4 weeks after that date or impact on future years' programmes. We will report on the average time taken to complete a selection exercise during 2010/11 at the end of March 2011.⁴ (*Strategic Objective 1*)
2. *Sufficient candidates*: we will recommend to the Lord Chancellor, within the agreed timeline set by the programme, candidates to fill at least 95% of the legal posts requested in the agreed Selection Exercise Programme for 2010/11. (*Strategic Objective 1*)
3. *Complaints*: We will keep the level of complaints fully upheld by the Judicial Appointment and Conduct Ombudsman at less than 1% of all complaints made to the JAC throughout the year. (*Strategic Objective 2*)
4. *Candidate Satisfaction*: we will implement a system to monitor formally candidate satisfaction by the end of the second quarter and develop a plan for improvements in response to the data gathered. We will also discuss with our partners⁵ how best to measure their satisfaction objectively, and vice versa, with a view to reaching agreement by end of Quarter 3. (*Strategic Objective 2*)
5. *Profile of applicants*: by March 2011 ensure applications from women and BME candidates reflect the eligible pool in at least 80% of statistically significant exercises completing in the year. (*Strategic Objective 3*)
6. *Solicitor applications*: in all exercises where, in a previous comparable exercise, solicitors did not apply in line with the eligible pool increase the number of applications from solicitors by 5%. (*Strategic Objective 3*)
7. *Outreach activity*: achieve a 90% satisfaction rating throughout 2010/11 from those who organise and attend our outreach events. (*Strategic Objective 3*)
8. *Cost per applicant*: using 2007/08 as the baseline, achieve a further 5% year-on-year reduction in the unit cost trend per applicant by the end of March 2011. (*Strategic Objective 4*)
9. *Staff Survey*: achieve an employee engagement index at least equal to the Ministry of Justice benchmark. (*Strategic Objective 4*)
10. *Staff Development*: carry out a skills analysis for our staff and establish a development programme for 2010/11 by the end of the second quarter. (*Strategic Objective 4*)

⁴ Where the launch information is not provided to timetable or the size or scope of the exercise in the programme changes, a revised completion date will be agreed.

⁵ For example, Ministry of Justice (including HM Courts Service and Tribunals Service) and the judiciary.

6. Resources

At the time of developing this plan, we have been provided with an indicative budget allocation for 2010/11 of £6.86m. The budget provided enables us to carry out the required programme of selection exercises for 2010/11 (see Appendix B).

In line with the rest of the public sector we have made efficiency savings which involve our resource budget being reduced by around 10% in total - representing a reduction in the near-cash budget of £750,000 from 2009/10 to 2010/11. We have already realised a number of efficiencies over the past two years and will make every effort to continue to do so while maintaining our capacity to carry out the high quality selection exercises required. For example, we will continue to develop our processes and increase our efficiency using 'Lean' performance improvement tools and techniques.

The following table sets out our funding position for the current spending period:

	2008/09	2009/10	2010/11 <i>Indicative</i>
Total funding	£8,148,000	£7,610,000	£6,860,000

We have seen a trend of increase in number of applications and this continues to drive up our costs. Although in 2010/11 we will be carrying out fewer exercises than in the past two years, those exercises will be larger, filling a greater number of vacancies than previously requested.

The following table shows the rise in numbers and assumptions that have been made for 2010/11:

	2008/09 <i>Actual</i> (1 April 2008-31 March 2009)	2009/10 <i>Forecast</i> (1 April 2009-31 March 2010)	2010/11 <i>Forecast</i> (1 April 2010-31 March 2011)
Number of exercises reported/due to report to Lord Chancellor in year	24	25	17
Total number of applications for those exercises	3539	3104 ⁶	4286
Total number of recommendations to the Lord Chancellor for those exercises	453	445 ⁷	489

⁶ Estimate based upon including numbers of applications/recommendations for exercises which are due to complete in that year.

⁷ These figures include selections from actual selection exercises run at High Court level and below, not selections made for immediate appointments from existing lists (section 87 requests from section 94 lists).

While the nature of requests for recommendations for senior appointments, immediate appointments from existing lists and consideration of recommendations for Deputy High Court Judges means it is difficult to make accurate predictions we will continue to work with our partners to develop forecasts for these areas.

We recognise the need to ensure value for money and we continue to use shared services provided through the Ministry of Justice wherever possible. The Ministry of Justice currently provides shared services for Internal Audit; Human Resources; Finance – payments and financial information; Commercial – accommodation and facilities, security, health and safety, and procurement; IT – services and information security; e-Communications (web and intranet technical support); and Legal Services.

A benchmarking exercise will be carried out with other similar organisations as we continue to work towards public sector targets in areas such as HR and Finance.

During 2009/10 we made a number of efficiencies such as a change to our organisational structure, notably the reduction from a five to four directorate structure, which resulted in pay cost savings. In addition we have been driving down costs in all areas of our business such as administration to focus on core delivery of our strategic objectives, and cutting out 'discretionary spend'; this work will continue during 2010/11. In addition, we will continue to develop best practice in relation to our outsourced qualifying tests and use this in ensuring we deliver value for money.

Appendix A

The JAC 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 was the First Civil Service Commissioner between 2000 and 2005 and Executive Chairman of the Parole Board for England and Wales from 1997 to 2000. Formerly she was Director of the Runnymede Trust, and served as a member of the Royal Commission on Criminal Justice. Since 1999 she has sat in the House of Lords as a cross-bencher, and is currently a member of the Iraq Inquiry.

Lady Justice Hallett DBE (judicial), Vice-Chairman

Heather Hallett was appointed Vice-Chairman of the JAC in October 2007. 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. In 2005 she was appointed to the Court of Appeal.

Mrs Justice Black DBE (judicial)

Jill Black was educated at Penrhos College, Colwyn Bay and the University of Durham. She was called to the Bar at Inner Temple in 1976 and appointed a QC in 1994. In 1999 she was appointed a Recorder, and later that year a Justice of the High Court, assigned to the Family Division. She served as Family Division Liaison Judge for the Northern Circuit from 2000 to 2004. Jill Black was Chairman of the Family Committee of the Judicial Studies Board from 2004 until she joined the JAC in 2008.

Dame Lorna Boreland-Kelly DBE JP FRSA (lay justice)

Lorna Boreland-Kelly is a presiding magistrate at the City of Westminster Magistrates' Court, where she has been a magistrate since 1991. She is employed by the London Borough of Croydon as the Strategic Advisor of the Social Work Academy, Children, Young People and Learners. She is also the Chair of Governors at Lambeth College.

Professor Dame Hazel Genn DBE (lay)

Hazel Genn is a Dean of the Faculty of Laws at University College London. She is a former member of the Committee on Standards in Public Life.

Sir Geoffrey Inkin OBE (lay)

Geoffrey Inkin was Chairman of the Cardiff Bay Development Corporation from 1987 until 2000 and Chairman of the Land Authority for Wales from 1986 until 1998. He is a former member of Gwent County Council and Gwent Police Authority, and commanded The Royal Welch Fusiliers from 1972 to 1974.

Judge Frances Kirkham (judicial)

Frances Kirkham started her career as a solicitor. She became a Senior Circuit Judge in October 2000 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 United Kingdom Association of Women Judges.

Mr Edward Nally (professional - solicitor)

Edward Nally is a partner in Fieldings Porter Solicitors of Bolton and was President of the Law Society of England and Wales between 2004 and 2005. He is Governor of the College of Law and was Chair of Governors at Pendleton Sixth Form College, Salford between 2000 and 2007.

Ms Sara Nathan OBE (lay)

Sara Nathan is a journalist. She has held several public appointments and is currently Chair of the Animal Procedures Committee and an editorial adviser to the BBC Trust. Previously she was editor of the morning programme on the BBC's Radio 5 Live and is a former 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. He is currently a member of the Judicial Advisory Group for IT and Chairman of the Northern Circuit Association of District Judges.

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 has been the Chief Adjudicator, Immigration Appeals, the President of the Immigration Appeal Tribunal and the President of the Care Standards Tribunal. He is now Principal Judge, Care Standards and sits both in the Upper Tribunal and as a Deputy High Court Judge.

Mr Francis Plowden (lay)

Francis Plowden works as an independent adviser on public policy and management, is a non executive director of the Serious Organised Crime Agency and Chairman of the Greenwich Foundation for the Old Royal Naval College. He was Chairman of the National Council for Palliative Care until 2008, and formerly a partner at PriceWaterhouseCoopers, where he was responsible for work for governments worldwide.

Ms Harriet Spicer (lay)

Harriet Spicer co-runs Working Edge coaching and mentoring groups, is a governor of the London School of Economics, was a member and Chair of the National Lottery Commission and Chair of the Friendly Almshouses, Brixton. She was a founder member and Chief Executive of Virago Press.

Mr Jonathan Sumption OBE QC (professional - barrister)

Jonathan Sumption is a barrister and 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.

Lord Justice Toulson (judicial)

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

Appendix B

Forecast Selection Exercise Programme 2010/11

In progress on 1 April 2010	Completed in 2010/2011	In progress on 31 March 2011
Asylum and Immigration Tribunal Salaried Immigration Judge (21 vacancies)	Asylum and Immigration Tribunal Salaried Immigration Judge	
Deputy Upper Tribunal Fee Paid Judge (40 vacancies)	Deputy Upper Tribunal Fee Paid Judge	
First-tier Health, Education and Social Care (Chamber) (Mental Health) Fee-paid members (Specialist Medical) consultant psychiatrists (20 vacancies)	First-tier Health, Education and Social Care (Chamber) (Mental Health) Fee-paid members (Specialist Medical) consultant psychiatrists	
Medical Health Review Tribunal Wales (10 vacancies)	Medical Health Review Tribunal Wales	
Employment Tribunal – Fee-paid Employment Judge (51 vacancies)	Employment Tribunal – Fee-paid Employment Judge	
High Court Judge (8 vacancies)	High Court Judge	
Senior Circuit Judge (Chancery, Designated Circuit Judge) (3 vacancies)	Senior Circuit Judge (Chancery, Designated Circuit Judge)	
Recorder (Civil) (40 vacancies)	Recorder (Civil)	
Deputy District Judge (Civil) (193 vacancies)	Deputy District Judge (Civil)	
First-tier Health, Education and Social Care Salaried Medical Member (1 vacancy)	First-tier Health, Education and Social Care Salaried Medical Member	
Senior Circuit Judge Patents County Court (1 vacancy)	Senior Circuit Judge Patents County Court	
Fee-paid Copyright Chairman (1 vacancy)	Fee-paid Copyright Chairman	

In progress on 1 April 2010	Completed in 2010/2011	In progress on 31 March 2011
Taxing Master of the Senior Courts (also known as Costs Judges) (2 vacancies)	Taxing Master of the Senior Courts (also known as Costs Judges)	
	Chamber Presidents (Asylum and Immigration Tribunal, Tax, General Regulatory) (3 vacancies)	
	Health, Education and Social Care Special Educational Needs & Disability Lay (30 vacancies)	
	Salaried Regional Employment Judge of the Employment Tribunals (2 vacancies)	
	Circuit Judge (35 vacancies)	
	District Judge (Magistrates' Court) (20 vacancies)	
		Residential Property Tribunal Lawyer Chair (39 vacancies)
		First-tier Social Entitlement Chamber (TBC) – Salaried Judge (12 vacancies)
		First-tier Social Entitlement Chamber (TBC) – Fee-paid Judge (28 vacancies)
		First-tier Asylum and Immigration Tribunal Fee-paid Judge (50 vacancies)
		Upper Tribunal and Deputy Upper Tribunal Judges – Immigration and Asylum (Senior Immigration Judge/Deputy Immigration Judge) (4 vacancies)
		District Judge Civil (79 vacancies)

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