

JUDICIAL APPOINTMENTS COMMISSION

# ANNUAL REPORT AND ACCOUNTS

1 April 2017 to 31 March 2018



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## 1 April 2017 to 31 March 2018

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to the Constitutional Reform Act 2005

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# PERFORMANCE REPORT

# OVERVIEW

## CHAIRMAN'S STATEMENT



This has been a busy year with Commissioners involved in the selection of candidates at every level of the judiciary: from a new Lord Chief Justice, 7 Justices of the Court of Appeal, a new President and 2 judges of the UK Supreme Court, and a further 749 selections at other levels of the courts and tribunals from over 5,000 applications. Looking ahead, the need for an increasing number of appointments to the courts and tribunals is set to continue for several years.

In several exercises this year we were unable to fill all the vacancies requested. The reasons for this lie outside of the JAC's remit and the ongoing Major Review of Judicial Pay by the Senior Salaries Review Board is examining some of these issues and is due to report in the autumn. For our part, the Commission remains clear that only candidates who reach the required standard can be recommended for judicial office.

Alongside this, the JAC has continued its work to encourage a wider, more diverse range of candidates available for appointment. The Commission has long believed that this work should be underpinned by programmes of support to those who aspire to become a judge. I therefore welcome the work the Judicial Diversity Forum has done this

year to develop an important programme (pre-appointment judicial education – PAJE) incorporating training, mentoring and support to help practitioner candidates prepare for a judicial career. I hope that with the direct support of the judiciary and the Ministry of Justice (MoJ), we will give talented people from all backgrounds a greater opportunity to prepare themselves to become a judge in the future. I look forward to continuing to work with our partners to make further progress in the year ahead and I would like to record my gratitude to the senior judiciary and MoJ for all the support they given to the JAC this year.

I wish also to thank Alexandra Marks, Martin Forde, Andrew Ridgway, Katharine Rainsford, Lucy Scott-Moncrieff and Debra van Gene, who completed their terms of office as Commissioners this year. Their wisdom, insight and good humour were invaluable to me on joining the JAC and they have made a huge contribution to the Commission's important work over the past 6 years.

The JAC has also been privileged to welcome Jane Furniss, Emir Feisal, Fiona Monk, Andrew Kennon, Mathangi Asokan and Simon Wessely who started their terms as new Commissioners in September and to Lady Justice Anne Rafferty as Vice chairman in November. I am delighted that 7 talented individuals with a diverse range of backgrounds and experiences have joined the Commission Board.

Finally, and most importantly, we are all indebted to those who put themselves forward for consideration for appointment for judicial office.

A handwritten signature in black ink, which appears to read 'Kakkar'.

**Professor Lord Ajay Kakkar**  
Chairman, Judicial Appointments Commission



## CHIEF EXECUTIVE'S STATEMENT



The focus this year has been on successfully meeting the significant operational challenges of a large programme of appointments and building the capacity of the JAC to ensure we are an organisation of engaged and skilled staff that can meet the demands of the future.

It is a testament to the professionalism and commitment of the staff of the JAC and our colleagues in the judiciary that this has been achieved while at the same time undertaking a major programme of work required to restore the Judicial Appointments Recruitment System (JARS) that is used for online qualifying tests for exercises involving a large number of applicants.

In February 2017 JARS suffered a system failure during the online test for the large volume Recorder exercise. This failure had an impact not only on the Recorder exercise and those candidates due to sit the online test, but also on our programme of large exercises throughout 2017–18 where online tests would have normally been used. We went to considerable lengths to ensure candidate applications affected were fairly considered and addressed and that subsequent recommendations were based solely on merit. In the event, a record 150 candidates were recommended for appointment, selected from over 2,400 applicants.

Addressing the underlying causes of the problem was a key priority for the JAC Commission Board. Following an external independent review, we terminated the contract with our IT system supplier and began a process, which is ongoing, to recover costs. We appointed a new contractor to undertake a comprehensive programme of remedial work and testing of JARS, as recommended by the review. The remedial work was completed in the autumn alongside the development of a robust, ongoing, load testing regime to ensure the system is ready for future demands.

We resumed the use of online qualifying tests in January for over 300 applicants for Fee-paid Medical Members of the First-tier Tribunal and again in March for over 1,600 applicants to become Fee-paid judges of the First-tier Tribunal. We are continuing to work with our contractors to improve the reliability and performance of JARS, which will be essential if we are to meet the anticipated higher volume of vacancy requests in the coming year.

I am pleased to report that despite these challenges the JAC effectively managed its resources during 2017–18, remaining just within 2.2% of its budget of £5.01m (reduced from £9.84m in 2009–10) despite the number of recommendations made increasing by nearly 3-fold on the previous year.

We have also taken important steps forward to lay the foundation for continuing to ensure that the JAC is staffed by a professional workforce with the skills and ability to meet the future challenges. Our People Plan, developed by the staff of the JAC during this year, sets out an ambitious programme of actions designed to meet this aim and that are now being implemented.

For some time, the JAC has also been keen to help build much clearer pathways to judicial office to allow talented individuals – from all backgrounds – to better plan their careers. In November, with the support of the Lord Chancellor, Lord Chief Justice and the Senior President of Tribunals, we were able to publish a new 5-year programme showing the key selection exercises the JAC will be asked to run up until 2022. Knowing the cycle of regular selection exercises should assist candidates in deciding which roles to apply for and allow them to plan how to prepare for future applications for example, by seeking mentoring or observing judicial work. It will also help the courts and tribunals with their resource planning of the recruitment exercises, and inform the sequencing of exercises to allow fee-paid appointees to gain sufficient sitting experience to become strong candidates in future salaried exercises. This will be all the more important in light of the anticipated higher volume of vacancy requests.

Finally, I would like to thank staff and Commissioners (past and present) for the professionalism they have shown this year. It is a credit to the staff, panel members and Commissioners that we face the demands of the 2018–19 programme with renewed confidence and assurance.



**Richard Jarvis**  
Chief Executive,  
Judicial Appointments Commission

## PURPOSE AND ACTIVITIES

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

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

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

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

### The Commission's role and structure

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

Membership of the Commission is drawn from the courts and tribunals judiciary, the legal profession, and the lay magistracy or lay tribunal members. The Commission also includes a number of lay members who are not from a legal background, drawn from a variety of professional fields, including the lay Chairman.

Commissioners are recruited through open competition with the exception of 3 senior judicial members: 2 of these members are selected by the Judges' Council and the third is selected by the Tribunal Judges' Council.




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### Gwynneth Knowles QC: Appointed High Court judge

Gwynneth is the first lawyer in her family. She grew up in Manchester and Birmingham and was a social worker in London for several years before retraining as a barrister.

Called to the Bar in 1993, Gwynneth became a Queen's Counsel in 2011. She practised in London, Liverpool and Manchester specialising in family law dealing with cases of chronic neglect, sexual abuse and serious physical and emotional abuse of children.

Gwynneth became a fee-paid judge of the Mental Health Tribunal in 2007 and a salaried judge of the Upper Tribunal (Administrative Appeals Chamber) in 2014. She has also sat as an Upper Tribunal judge in the Immigration and Asylum Chamber. In July 2016 she was appointed a Deputy High Court judge assigned to the Family Division.

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### The JAC's key statutory duties

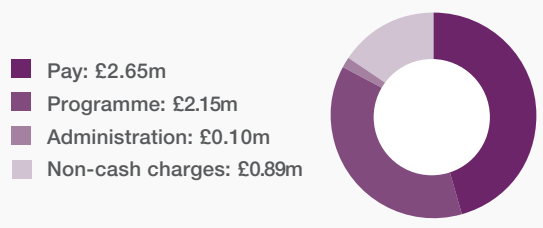
- to select candidates solely on merit
- to select only people of good character
- to have regard to the need to encourage diversity in the range of persons available for selection

### Budget

The JAC's allocated resource budget in 2017–18 was £5.01m (£4.12m in 2016–17). It spent £4.89m (£3.65m in 2016–17).

In addition to funding it received, the JAC incurred £0.89m (£1.25m in 2016–17) of non-cash charges such as rent, IT support and amortisation, giving a total expenditure of £5.79m (£4.87m in 2016–17).

#### Total expenditure in 2017–18



### The JAC's aims

The JAC's aims were set out in the Business Plan 2017–18. In this report they are addressed in the following order:

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



### Hina Rai: Appointed Salaried judge of the First-tier Tribunal

After attending her local state school and studying law Hina began her career as a paralegal at the Crown Prosecution Service (CPS). She qualified as a solicitor in 2005 and progressed from magistrates advocacy to legal assistant to the Executive Office. In the CPS Crown Court team she was involved in high profile prosecutions including fraud, drugs, guns and attempted murder.

Hina also directed and prosecuted complex undercover operations. In 2016 she was called to the Bar and progressed to be a Specialist Prosecutor in the Extradition Unit. She was also appointed legal chairman of a tribunal on the Isle of Man and Chair of the Valuation Tribunal.

## Performance summary

### What we spend our money on

Further details of the progress made by the JAC against the aims in the Business Plan 2017–2018, are in the performance report, pages 3 to 33.

As described in the performance report, the JAC reported on 28 selection exercises in 2017–18 (26 in 2016–17), and launched a further 10 exercises continuing into 2018–19. The number of selections made and applications received during the year, is dependent on the mix of vacancies the JAC is asked to fill by the Lord Chancellor. The JAC made 749 selections in 2017–18 (290 in 2016–17), and received 5,125 applications (2,199 in 2016–17).

In 2017–18 the JAC made a significantly higher number of selections compared with 2016–17, and the expenditure reflects this. The Statement of Comprehensive Net Expenditure shows that net expenditure for the year was £5,786k compared with £4,871k the previous year. Excluding recharges from the Ministry of Justice (MoJ), net expenditure increased from £3,622k to £4,894k, a 35% increase.

Overall, there was:

- an increase of £547k (18%) in pay costs
- an increase of £704k (114%) in other operating costs
- a decrease of £357k (29%) in MoJ recharges

The JAC underspent against its budget allocation by £111k (2%), spending £4,894k of its net allocation. It therefore did not draw down its full grant-in-aid allocation.

The JAC continues to make extensive use of shared services for central functions, such as the provision of accommodation, some HR, IT and finance by the MoJ, to benefit from economies of scale. These costs are generally 'soft' charged, with no funds exchanged. Further details of the charges can be found in note 5 to the financial statements. In September 2016, the JAC entered into an agreement with MoJ under a Financial Operating Model for the provision of 2 finance staff. In February 2017, the JAC moved to the new cross-government Single Operating Platform online application to manage HR, procurement and finance services.



### Julian B Knowles QC: Appointed High Court judge

Julian grew up on a council estate in Manchester and after attending the local comprehensive school he studied mathematics at Oxford University. Julian intended to be a mathematician but was inspired to become a barrister after spending a summer as a volunteer paralegal with death row prisoners in Oklahoma.

Julian was called to the Bar in 1994 and became a Queen's Counsel in 2011. He specialised in complex criminal law, extradition, human rights law, public law and media law. Julian appeared in a number of significant cases including: the Pinochet extradition case; the Siôn Jenkins murder case and the shooting of Jean Charles De Menezes. Julian has written many legal books and was appointed a Recorder in 2009, and a Deputy High Court judge in 2017.

## SELECTION EXERCISE PROGRAMME

### Selection exercises reported in 2017-18

Exercises reported	Applications received	Selections made
28	5,125	749

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



## Tribunals selection exercises

### Fee-paid roles

Legal/Non-legal	Exercise title	Reference	Selections made
Non-legal	Fee-paid Medical Members of the First-tier Tribunal, Social Entitlement Chamber	071	231
Legal	Deputy Judge of the Upper Tribunal, Administrative Appeals Chamber	063	9
Legal	Fee-paid Legal Members of the Special Educational Needs Tribunal for Wales	058	4
Legal	Fee-paid Judge of the First-tier Tribunal, Health Education and Social Care Chamber (Mental Health), Restricted Patient Panel and Fee-paid Judge of the Mental Health Review Tribunal for Wales, Restricted Patients Panel	057	21
Legal	Chairperson of the Agricultural Land Tribunal for Wales	077	1
Legal	Fee-paid Judge of the Upper Tribunal, Tax and Chancery Chamber	065	2

### Salaried roles

Legal/Non-legal	Exercise title	Reference	Selections made
Legal	President of the First-tier Tribunal, Tax Chamber	054	1
Legal	Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber	061	3
Legal	Salaried Judge of the First-tier Tribunal	051	64
Legal	Deputy Regional Judge of the First-tier Tribunal, Property Chamber	070	3
Legal	Salaried Judge of the Upper Tribunal, Administrative Appeals Chamber	064	5
Non-legal	Salaried Surveyor Member of the Upper Tribunal, Lands Chamber	056	1
Non-legal	Deputy Regional Valuer of the First-tier Tribunal, Property Chamber	072	3
Legal	President of the First-tier Tribunal, General Regulatory Chamber	081	1
Legal	Salaried Judge of the Upper Tribunal, Tax and Chancery Chamber	078	2
Legal	Regional Judge of the First-tier Tribunal, Social Entitlement Chamber	080	0

## Courts selection exercises

### Fee-paid roles

Legal/Non-legal	Exercise title	Reference	Selections made
Legal	Recorder	042	151

### Salaried roles

Legal/Non-legal	Exercise title	Reference	Selections made
Legal	High Court Judge	041	17
Legal	Costs Judge	053	1
Legal	District Judge (Magistrates' Court)	050	17
Legal	Circuit Judge	052	104
Legal	Chief Bankruptcy Registrar	059	1
Legal	Specialist Civil Circuit Judge	067	3
Legal	Chancery Master	060	2
Legal	District Judge	062	96
Legal	Senior Circuit Judge, Designated Civil Judge	076	2
Legal	Specialist Civil Circuit Judge	089	2
Legal	Senior Circuit Judge, Resident Judge	086	2

### Selection exercises for senior roles

Exercise title	Selections made
Court of Appeal: Lady and Lord Justices of Appeal	7
Lord Chief Justice	1
President of Family Division	1



### Sarah Worthington QC (Hon) FBA: Appointed Deputy High Court judge

Sarah is an academic and a barrister. Born in England, she grew up in Kenya and Australia. She was the first in her family to become a lawyer. Early in her career she completed a science degree and was involved in cancer research before retraining as a lawyer.

As an academic, her main research interests are in commercial equity and corporate law, especially personal property and corporate and contract governance issues. She is Director of the Cambridge Private Law Centre. Sarah is currently Downing Professor of the Laws of England and Fellow of Trinity College, Cambridge.



## KEY ISSUES AND RISKS

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

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

- 1 risk rated low
- 6 risks rated medium
- 2 risks rated high
- 0 risk rated very high

Following the failure of JARS (the JAC's online recruitment system) in February 2017, a number of the JAC's key risks were realised. The following timeline sets out how these risks changed from 2016–17 to 2017–18 and what was done to address them. It also sets out what the JAC plans to do to further reduce the overall risk in 2018–19.



### Pushpinder Saini QC: Appointed Deputy High Court judge

Pushpinder is a barrister and the son of Punjabi Sikh immigrants from East Africa who settled in West London in the 1970s. He was educated at comprehensive school and Oxford University before becoming a senior scholar of Gray's Inn.

Pushpinder taught law at Oxford and the London School of Economics while studying for the Bar. His practice as a junior barrister was devoted to Treasury work and he became a Queen's Counsel in 2008. Pushpinder has developed a practice in commercial law, public law and human rights, with a particular focus on appellate work. He is a Bencher of Gray's Inn and has a special interest in well-being issues facing the Bar.

### 1. Failure of JARS and associated IT support

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

**Rating at end of 2016–17:** Very high

**Where we started:** Following a failure of JARS, the online system the JAC uses for running online tests, in February 2017, an external review of the incident was carried out by the Ministry of Justice. The Commission Board was provided with a full report and recommendations paper in April 2017.

**What we've done:** Remedial work on JARS has taken place throughout the year, including the creation of a load testing platform to ensure that the same issue will not be repeated. A newly formed JARS Programme Board oversaw all remedial work to the system and kept the Commission Board and Audit and Risk Committee up to date on progress.

**Rating at end of 2017–18:** High

**What we're going to do in 2018–19:** The JAC recognises that JARS will continue to be one of its key risks for 2018–19. Further work will be carried out to develop JARS and the load testing platform.

## 2. Progression and diversity of selection

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

**Rating at end of 2016–17:** High

**Where we started:** The JAC continued to implement its diversity strategy and resumed chairmanship of the Judicial Diversity Forum (JDF).

**What we've done:** The JAC was a member of the working group established under the auspices of the JDF to examine the feasibility of developing a pre-application judicial education (PAJE) programme, part of which will be targeted at under-represented groups. It will be available to candidates in 2019–20. The JAC worked with the Law Society and CILEx on the development of candidate support programmes. It attended events throughout the year to raise awareness of judicial careers and the selection process and encourage candidates to apply. During the year, all panel members were briefed on diversity, fair selection and unconscious bias. Independent occupational psychology and diversity experts reviewed previous selection materials with all recommendations from that review being implemented in our selection processes.

**Rating at end of 2017–18:** High

**What we're going to do in 2018–19:** The JAC will continue the further analysis to identify other possible reasons for differential progression of key target groups that started in 2017–18.

## 3. Staff engagement and morale

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

**Rating at end of 2016–17:** High

**Where we started:** At the end of 2016–17, staff engagement and morale had declined following the failure of JARS. In response to this, a People Plan was developed.

**What we've done:** In addition to developing a People Plan, which has been implemented during the year, the JAC has increased its overall workforce to relieve pressures on staff and to facilitate the increased programme of work the JAC has delivered this year.

**Rating at end of 2017–18:** Medium

**What we're going to do in 2018–19:** A review of the People Plan will take place in 2018–19 and will include a survey focusing on staff engagement.



### Graham Reeds QC: Appointed Circuit judge

Graham grew up in Ashton-under-Lyne. When he moved to Sheffield to study law he became the first person in his family to go to university. After Bar School in Gray's Inn, Graham returned to Sheffield for pupillage then moved to Leeds where he practised criminal law, personal injury and other civil work for 21 years.

Graham was appointed Senior Crown Advocate at the Crown Prosecution Service in 2006 and worked exclusively on prosecuting cases for the Serious Organised Crime Agency. In 2009 he became a Queen's Counsel and in 2010 moved to the Special Crime Division dealing with high profile murders and other homicides with a medical or health and safety aspect.

#### 4. Loss of corporate knowledge

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

**Rating at end of 2016–17:** High

**Where we started:** Due to an imminent change in the membership of the JAC's Commission Board and a relatively high staff turnover, this risk was rated as high at the beginning of the year.

**What we've done:** During the year, the JAC inducted 7 new Commissioners and obtained extensions for several existing Commissioners whose terms were due to end during the year. The JAC has also produced updated guidance for the induction of new staff and created a training team to monitor the transfer of knowledge before staff leave.

**Rating at end of 2017–18:** Medium

**What we're going to do in 2018–19:** Senior management will continue to monitor staffing levels to ensure that the JAC is properly resourced to deliver its programme of work.

#### 5. Confidence in the selection process

**Risk:** That stakeholders, including candidates, do not have sufficient confidence in the selection process.

**Rating at end of 2016–17:** High

**Where we started:** Following the failure of JARS, confidence in the JAC's selection process had been affected. In response to this the JAC developed, alongside the IT and human resource initiatives, a medium-term communications strategy to address stakeholder concerns.

**What we've done:** During the year, all significant policy developments were communicated to key interested parties after receiving the approval of the Commission Board. Customer feedback was collected on the candidate experience for each selection exercise and used to inform the development of selection processes.

**Rating at end of 2017–18:** Medium

**What we're going to do in 2018–19:** The JAC has commissioned an external review of selection processes, focused on shortlisting tools. The report will be reviewed by senior management and the Commission Board with any recommendations taken forward.



#### **Mark Angus:** Appointed Salaried judge of the First-tier Tribunal

Mark is the first lawyer in his family. After attending his local comprehensive school in Manchester, he took an administrative job at the Crown Prosecution Service (CPS). After 3 years Mark moved to a private solicitors practice, Tuckers Solicitors, and with their support studied for a law degree at night school.

He completed a legal practice course, finishing his training contract, and after 7 years of part-time study he qualified as a solicitor. Mark remained at Tuckers as a duty solicitor and higher court advocate. In 2008 Mark re-joined the CPS as a Senior Crown Prosecutor and higher court advocate. He specialised in the preparation of technical road traffic cases and training new lawyers. Mark became District Crown Prosecutor for Merseyside and Cheshire in August 2017.

## 6. Confidence in the effective delivery of selection exercises

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

**Rating at end of 2016–17:** Low

**Where we started:** At the beginning of the year, the JAC was not able to use JARS to run online qualifying tests. As a result, the JAC was forced to adopt a more administratively intensive approach to shortlisting in various selection exercises and this risk increased the rating to ‘high’.

**What we’ve done:** Despite the impact of the JARS failure, the JAC made 749 recommendations for judicial appointment in 2017–18, compared to 290 in the previous year. This followed careful alignment of the exercise programme to available resource of the JAC throughout the year, adoption of offline tools and a programme of intense remedial work on JARS.

**Rating at end of 2017–18:** Medium

**What we’re going to do in 2018–19:** A quality assurance lead has been recruited and will take forward plans to address feedback from JAC stakeholders. The JAC agreed a 5-year forward programme of work in consultation with HM Courts & Tribunals Service, Judicial Office and the Ministry of Justice.

## 7. Financial resources

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

**Rating at end of 2016–17:** Medium

**Where we started:** As the JAC is a demand-led organisation, it is difficult to accurately forecast the level of expenditure and required budget. One of the aims of the newly appointed JAC Chief Executive was to agree a forward programme of work.

**What we’ve done:** In consultation with HM Courts & Tribunals Service, Judicial Office and the Ministry of Justice, a 5-year forward programme of key selection exercises was agreed for 2017 to 2022. Resourcing of the JAC Programme Office was increased to provide better forecasting of the recruitment programme.

**Rating at end of 2017–18:** Medium

**What we’re going to do in 2018–19:** The JAC has obtained funding to deliver the increased requirements of the 2018–19 programme of work. Further talks on the potential impact of the UK leaving the EU will also take place during the year to ensure that the JAC is in a position to deliver its statutory duties.



### Nkumbe Ekaney QC: Appointed Deputy High Court judge

Nkumbe was called to the Bar in 1990 and became the first Cameroonian-born Queen’s Counsel in 2011.

Nkumbe specialises exclusively in family law. He regularly acts for parents in relationship breakdown cases and in public law for parents, children and local authorities in hearings involving chronic neglect, sexual abuse, serious physical and emotional harm and death of children. He is currently a member of 1 Garden Court Family Law Chambers in London and also practises from chambers in Bristol, Leeds and Manchester.

## 8. Information security

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

**Rating at end of 2016–17:** Low

**Where we started:** The threat of cyberattacks is always a possibility to any organisation. The JAC continued to use the Ministry of Justice's IT system, which is assured by MoJ IT security experts.

**What we've done:** The JAC has sourced an IT security specialist from the Ministry of Justice to oversee the JAC's IT systems, including JARS, particularly in the context of well-known cyberattacks in the public sector. In preparation for the General Data Protection Regulations (GDPR) changes in May 2018, the JAC also recruited a GDPR specialist to review the JAC's policies and processes.

**Rating at end of 2017–18:** Medium

**What we're going to do in 2018–19:** A GDPR implementation plan was produced and implemented in the first quarter of 2018–19 to ensure that the JAC is fully compliant with the new regulations.

### Going concern

The Statement of Comprehensive Net Expenditure shows a deficit in 2017–18. Due to grant-in-aid funding the Statement of Financial Position at 31 March 2018 shows an excess of assets over liabilities of £179k. The closing bank balance relates to grant-in-aid drawn down by the JAC in readiness to pay its liabilities.

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

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

**Rating at end of 2016–17:** Low

**Where we started:** The JAC continued to use the cross-government online shared services system called Single Operating Platform (SOP) to manage finance, procurement and human resources services.

**What we've done:** Following the transition to SOP, all data was successfully migrated and all JAC staff have been set up with a SOP account. The JAC has successfully mitigated all errors that were identified following the transition to SOP.

**Rating at end of 2017–18:** Low

**What we're going to do in 2018–19:** Although this risk has remained low during the year, the JAC will continue to monitor the use of the shared services system.

The last Triennial Review of the JAC, published on 19 January 2015, concluded that the JAC should continue to deliver its function independently of the Executive and the judiciary, as a non-departmental public body. We know of no intention to suspend the JAC's activities. It has therefore been considered appropriate to adopt a 'going concern' basis for the preparation of the financial statements in this report. Grant-in-aid for 2018–19, taking into account the amounts required to meet the JAC's liabilities, has already been included in the departmental estimate.

# PERFORMANCE ANALYSIS

## How the JAC measures performance

The JAC's objectives were set out in its Business Plan for 2017–18. These were:

- effective delivery of the 2017–18 selection exercise programme as required by the Ministry of Justice (MoJ) and HM Courts & Tribunals Service (HMCTS), using selection policy to improve flexibility and improve delivery
- have an active role in encouraging and coordinating support to develop a strong and diverse candidate pool
- explore measures to continue to demonstrate our commitment to address diversity outcomes from our processes
- improve the forward planning and programming of selection exercises
- cross-cutting performance in direct support of the Commission's priorities

Every month the detailed objectives behind these measures are reviewed by JAC senior leaders, with a full review every quarter. Information on progress is in the JAC's internal Management Information Pack. This pack is provided to the Commission at every Board meeting for consideration and review, and is fully scrutinised by the Audit and Risk Committee at its quarterly meetings. After it has been reviewed by the Committee it is sent to MoJ to inform its sponsorship discussions.

## Analysis and explanation of the performance of the JAC

Other measures on performance are also in the Management Information Pack, including sections on selection exercise activity, finance, staffing issues and outreach activity as well as a summary risk analysis. This allows a complete overview of performance to take place, and therefore it is possible for any user of the information to gain an understanding of the overall position of the JAC.

The budget allocation provided by MoJ will increase from £5,005k in 2017–18 to £5,938k in 2018–19 (a 19% increase). This recognises additional work the JAC is undertaking in relation to the selection exercise programme, as an increased number of large exercises will take place in 2018–19.

The JAC is taking forward other initiatives in relation to ongoing review of selection processes.

In an effort to reduce the number of fluctuations in the type of exercises the JAC is asked to run each year, a 5-year forward programme for judicial recruitment has been developed in consultation with MoJ, HMCTS and Judicial Office. However, the JAC will continue to deliver the exercises needed to fill vacancies as required by the Lord Chancellor, and respond flexibly to changes requested to the programme.

## ACHIEVEMENT AGAINST OUR AIMS

### 1

## FLEXIBLY SUPPORT THE EVOLVING BUSINESS NEED

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

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

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

### During 2017–18

There were 28 exercises that reported in 2017–18, attracting 5,125 applications and resulting in 749 selections.

The ratio of applications to selections decreased slightly from 7.6 per post in 2016–17 to 6.9 in 2017–18.

The number of total selections, 749 in 2017–18, (290 in 2016–17), and the average number of selections for each exercise, 27 in 2017–18 (increasing from 11 in 2016–17), was more than double the previous year.

Compared to the business need in 2017–18, there had been low recruitment in the 2 preceding years leading to some unmet needs in the business. Exercises in 2017–18 were larger in size, both in the number of vacancies to be filled and in applications, than in previous years. This trend looks likely to continue in 2018–19.

	2015–16	2016–17	2017–18
Number of exercises	22	26	28
Number of applications	2,588	2,199	5,125
Total selections	340	290	749
Average selections per exercise	15	11	27
Exercises with 1 to 9 selections	15	18	20
Exercises with 10 to 49 selections	3	7	3
Exercises with 50 to 99 selections	3	1	2
Exercises with 100+ selections	0	0	3

There were 7 selection exercises where the JAC was unable to recommend enough candidates to fill all of the requested vacancies as follows:

Selection exercise	Number of vacancies	Number of selections
High Court judge	25	17
Circuit judge	117	104
District judge	101	96
Salaried judge of the First-tier Tribunal	65	64
Fee-paid Medical Members of the First-tier Tribunal, Social Entitlement Chamber	350	231
Fee-paid judge of the First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health) – Restricted Patients Panel	30	15
Regional judge of the First-tier Tribunal, Social Entitlement Chamber	1	0

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

In 2013 the JAC, Judicial Office, HM Courts & Tribunals Service, the Ministry of Justice and the judiciary agreed to work to a target of an average of 20 weeks for the end-to-end process, applicable to exercises run by the JAC following a request from the Lord Chancellor under section 87, 94 or 98 of the Constitutional Reform Act 2005. This is measured as the time an exercise is launched to the point at which offer letters

are sent to successful candidates. A target of 18 weeks was identified for the parts of the process under the control of the JAC.

For exercises that launched in 2017–18, the average length of the process attributed to the JAC was 19 weeks and the average end-to-end length was 23 weeks. The main reason for the increased end-to-end average, which extends beyond the 20-week target, is due to the increase in vacancy numbers compared to recent years. This not only adds to the length of the JAC’s selection processes but also



adds to the time it takes for the Appropriate Authority (Lord Chief Justice, Senior President of Tribunals or Lord Chancellor) to consider the recommendations, some of which include a large number of candidates and may also be particularly complex, resulting, on occasion, in the Appropriate Authority requesting additional information to help inform decisions.

	2015–16	2016–17	2017–18	Target
<b>End-to-end</b>	22 weeks	20 weeks	23 weeks	20
<b>JAC</b>	17 weeks	17 weeks	19 weeks	18

### Other JAC judicial selection activity

The JAC also fulfilled its statutory responsibility for selections to fill senior judicial posts with the JAC Chairman and 2 lay Commissioners sitting on the panel to select:

- Lord Chief Justice: the JAC Chairman and 2 lay Commissioners sat on the panel to select 1 Lord Chief Justice of England and Wales
- Court of Appeal: the JAC Chairman and 2 lay Commissioners sat on the panel to select 7 Lady and Lord Justices of Appeal
- President of the Family Division: the JAC Chairman and 2 lay Commissioners sat on the panel to select 1 President of the Family Division

The JAC provided secretariat support for all 3 exercises.

Under section 9 of the Senior Courts Act 1981, as amended by the Crime and Courts Act 2013, the JAC:

- assisted in the selection of 7 Circuit judges for authorisation to sit in the Court of Appeal Criminal Division. One lay Commissioner sat on the panel and the Commission, sitting as the Selection and Character Committee, provided concurrence; secretariat support was also provided

- recommended 3 candidates for authorisation to act as judges of the High Court. This followed selection exercises, initiated and run by the judiciary, to identify Circuit judges for deployment to the post of Designated Family Judge

Under section 83 of the Government of Wales Act 2006 the Welsh Ministers can enter into agency arrangements with any relevant authority for any of their functions to be exercised by that relevant authority. The JAC is a relevant authority for the purposes of section 83. Under these provisions the JAC completed 2 selection exercises for the Welsh Government:

- President of the Residential Property Tribunal for Wales
- Deputy President of the Adjudication Panel for Wales

# 2

## INCREASE CONFIDENCE IN THE SELECTION PROCESS AND SELECTIONS

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

In order to support the objective assessment of candidates, the JAC assesses candidates in bandings as follows:

A: outstanding

B: strong

C: selectable

D: not presently selectable

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

In 2017–18, selected candidates were assessed as outstanding or strong in 15 out of 21 salaried selection exercises. There were 572 candidates in total who were assessed as strong or outstanding for salaried exercises in 2017–18 and a further 322 were assessed as selectable. All candidates assessed as selectable were considered to have fully demonstrated all the necessary skills and abilities for immediate appointment as a judge, both by the assessment panel and the Commission.

It is important to note that gradings are an internal assessment measure of a candidate's performance in a particular selection exercise and against the specific criteria for that role at that time. They do not indicate performance upon appointment.

	2015–16	2016–17	2017–18
<b>Strong or outstanding candidates selected: total</b>	290 of 340 (85%)	224 of 290 (77%)	558 of 746 (75%)
<b>Strong or outstanding candidates selected: court posts</b>	244 of 281 (87%)	124 of 151 (82%)	323 of 396 (82%)
<b>Strong or outstanding candidates selected: tribunal posts</b>	46 of 59 (78%)	100 of 139 (72%)	235 of 350 (67%)
<b>Strong or outstanding candidates selected: salaried posts</b>	130 of 154 (84%)	58 of 80 (73%)	233 of 328 (71%)
<b>Strong or outstanding candidates selected: fee-paid posts</b>	160 of 186 (86%)	166 of 210 (79%)	324 of 418 (78%)
	124 of 138 legal (90%)	68 of 73 legal (93%)	181 of 187 legal (97%)
	36 of 48 non-legal (75%)	98 of 137 non-legal (72%)	143 of 231 non-legal (62%)

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

The JAC continued to make sure its selection exercises are open and accessible to candidates from a wide range of professional backgrounds. The JAC Advisory Group, which comprises judges and practitioners from a range of backgrounds, reviews the JAC's test materials before they are used. The materials are then dry-run with volunteer candidates from a range of backgrounds. The workings of the Advisory Group were reviewed this year to ensure that the Group is able to comment fully on all selection materials, out of committee if necessary, ahead of the dry-run.

For the first time, the JAC ran a generic exercise to select salaried judges of the First-tier Tribunal. Unlike previous exercises for the First-tier Tribunal, where we were asked to identify candidates for a specific chamber, this exercise identified candidates to be deployed to any of the First-tier Tribunal chambers. This was an excellent opportunity for solicitors, barristers and chartered legal executives from all areas of the professions, as candidates did not need to have previous judicial experience to apply.

### **Welsh Matters Committee**

The JAC established the Welsh Matters Committee in March 2017, as a sub-group of the Commission Board. The Committee is chaired by Professor Noel Lloyd, a JAC Commissioner who has special knowledge of Wales. Other members include Martin Forde QC (until 4 January 2018) and Mrs Justice Philippa Whipple. The Committee meets every other month to monitor the potential impact of devolution on the appointments process for judicial posts across England and Wales.

The JAC launched its Welsh Language Scheme in May 2016, and in October 2017 published its first Annual Monitoring Report covering 2016–17, which was submitted to the Welsh Language Commissioner. The Annual Monitoring Report set out how the Welsh Language Scheme was applied to selection exercises with posts in Wales, and reported that the JAC successfully upheld the scheme's provisions.

### **Upholding the highest standards of good character**

The JAC's Good Character Guidance sets out how the Commission meets its statutory requirement to recommend only candidates of good character. Following a specific revision to the guidance in October 2016 to reflect a change in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the JAC has initiated a fuller review of the guidance to ensure that it remains effective.

### **Development of policy**

Following the failure of the online qualifying test for the Recorder exercise in February 2017, the JAC prioritised supporting the delivery of selection exercises.

In October 2017 the Commission Board agreed a number of additional priority projects, work on which will continue into the next reporting year:

- work with our partners on developing clear guidance on judicial pathways
- improve feedback to unsuccessful candidates so that it is better and more targeted
- provide greater support to, and oversight of, panels and decision-making
- work with professional bodies to strengthen the integrity of the process

# 3

## PROMOTE AND ENCOURAGE DIVERSITY THROUGHOUT THE SELECTION PROCESS

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

The JAC is committed to attracting the most diverse range of candidates for selection exercises and to providing strong leadership in this area. Working with partners in the legal professions, judiciary and government on outreach events and developing candidate support programmes to encourage a diverse range of candidates was a central theme of the JAC's work to promote and encourage diversity in 2017–18.

### Statutory diversity and equality duties

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

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

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

There are 3 aspects to the JAC's diversity strategy:

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

### Targeted advertising and outreach

The JAC carries out targeted advertising and outreach to attract a diverse range of candidates. Activities in 2017–18 included:

- working with partners in the legal profession and judiciary to support outreach events in London, Cardiff, Birmingham, Leeds and Manchester targeted at lawyers from under-represented groups
- supporting events for prospective candidates organised by associations and societies within the legal professions, including the Society of Asian Lawyers, Association of Women Solicitors, and Association of Women Barristers
- holding a specific outreach event for lawyers aspiring to apply for Deputy High Court and High Court judge roles
- assisting the Chartered Institute of Legal Executives to develop candidate support programmes for their members seeking to pursue a judicial appointment
- participating in training days for potential candidates in conjunction with partners in the legal professions and the Judicial Office in order to raise awareness of the selection process
- publishing articles in specialist legal media to encourage potential candidates to consider judicial careers, and to inform them about the selection process and forthcoming selection exercises
- adding more podcasts and videos with successful candidates to the JAC website

### Fair and non-discriminatory selection processes

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

- with the assistance of its Advisory Group of professionals and judges, reviewing all selection materials; this helps ensure that they will not adversely affect equality or diversity, and do not inadvertently advantage candidates from a particular practice area, or jurisdiction
- ensuring that the content and tone of selection exercise materials are gender neutral and do not contain stereotypes, colloquialisms or language that may be off-putting to different groups, and that role play and scenarios feature characters from diverse backgrounds
- dry-running all materials with volunteers and analysing the results, making any necessary adjustments to the content, timing, preparation materials or other aspects of selection materials
- training JAC lay panel members on fair selection training on appointment, and refreshing this training in the panel briefing session before every selection exercise
- making reasonable adjustments as requested for candidates who need them

The JAC published an updated reasonable adjustments policy in June 2017. The new policy clarifies the process for requesting adjustments, as well as an indicative list of adjustments that have been provided previously.

The selection process is also carefully monitored, including:

- monitoring progression of target groups at key points in the selection process and investigating reasons for significant drops in target groups

- observing live interviews, telephone assessments and role plays to ensure consistency
- completing equality impact assessments for any significant changes to the selection process
- assigning a Commissioner to all exercises to oversee quality assurance and fair selection

### Working with others to promote diversity

The JAC continued to work with its partners in Judicial Office, the judiciary, the Ministry of Justice (MoJ) and the legal professional bodies to break down barriers to increasing diversity among the judiciary. It worked with these partners individually and through the Judicial Diversity Forum (JDF), which is chaired by the JAC Chairman.

The JAC published a 5-year forward programme, jointly agreed by the JAC, MoJ, HM Courts & Tribunals Service and Judicial Office, which sets out the pattern of selection exercises that the JAC expects to run until 2022. This will assist all candidates, including those from under-represented groups, in planning and preparing for future applications by, for example, seeking mentoring or observing judicial work.

The JAC contributed to the Lammy Review into the treatment of and outcomes for Black, Asian and ethnic minority (BAME) individuals in the criminal justice system. The JAC provided information about the JAC selection process, diversity strategy and diversity statistics, to inform the final report.

The JAC also contributed to JUSTICE's report on 'Increasing Judicial Diversity', providing information about the JAC selection process and our work to widen the pool of candidates applying for judicial posts. Many of the recommendations in the report reflect actions that the JAC is already taking to increase diversity. Since

the report was published, the JAC has taken several further steps that reflect the report's recommendations, including providing even more detailed guidance to candidates on how to meet selection criteria, and reviewing the approach taken for candidate feedback.

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

### Monitoring diversity

The JAC continued to monitor the diversity of applicants and those selected for judicial posts. In November 2017 the JAC introduced improved questions on professional background to the diversity monitoring form. The new questions enable the JAC to record candidates' professional background more fully and accurately and to report on this more meaningfully in the annual official diversity statistics.

In 2017–18 the JAC continued to work with its statisticians to identify and understand the reasons for difference in performance for different groups. Analysis carried out so far has not been able to identify any causes for this differential performance. The JAC is undertaking further analysis into candidate background to identify possible causes of differential progression, and additional steps that could be taken to address this.

Recommended candidates	2015–16	2016–17	2017–18
Black, Asian and ethnic minority	29, 9% (20, 7% legal)	53, 20% (9, 6% legal)	85, 12% (40, 8% legal)
Women	144, 42% (125, 44% legal)	104, 39% (49, 35% legal)	330, 48% (195, 40% legal)
Solicitors	(11, 3% legal) <sup>1</sup>	(14, 10% legal)	(100, 21% legal)
Declared disability	10, 3% (8, 3% legal)	16, 6% (6, 4% legal)	47, 7% (34, 7% legal)

**Note:** The figures represent proportions of total s87 and s94 selections followed by selections in exercises requiring legal qualifications. Statistics are presented for candidates who agreed to share their diversity data.

1. The 2015–16 figures on professional background must be treated with caution as over 60% of applicants did not complete the relevant section of the diversity monitoring form. This was due to a technical issue with the recently launched online recruitment system, which was subsequently rectified.

## Further steps to increase diversity

### Pre-application judicial education

The JAC was a member of the working group established under the auspices of the JDF to examine the feasibility of developing a pre-application judicial education (PAJE) programme, following an initial proposal by the Bar Council. All members of the JDF continue to look at the mechanisms and funding required to deliver the PAJE programme.

### Equal merit policy

The equal merit provision (EMP) enables the JAC to select a candidate for the purpose of increasing judicial diversity where 2 or more candidates are considered to be of equal merit. It is used at the final decision-making stage of the selection process and only where:

- 2 or more candidates are judged by the Commission to be of equal merit when assessed against the advertised requirements for a specific post and

- there is clear under-representation on the basis of race or gender (determined by reference to national census data and judicial diversity data from the Judicial Office)

In 2017–18, in line with the JAC's policy, 3 selections were made following the application of the EMP. There were no occasions when the policy was considered yet not applied due to equal diversity characteristics of the candidates.

In 2018, the JAC reviewed the operation of changes to its EMP policy that were made in January 2017. No further changes were made to the content of the policy. However, there have been some changes to operational practice in 2017–18. The approach taken by selection panels in their advice to the Selection and Character Committee has been enhanced, and they now proactively consider whether there are candidates of equal merit at each stage of the selection process.

# 4

## CONTINUALLY IMPROVE THE CANDIDATE EXPERIENCE

### Candidate feedback

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

The JAC takes all candidate feedback seriously. This can highlight issues or questions about processes that can be addressed as required. Formal candidate feedback is gathered at 2 stages during the selection exercise: at post-application stage and after selection day.

At post-application stage, data collected from 26 exercises indicated that 84% of candidates who contacted the JAC during the application process rated the customer service received as good or excellent.

74% of candidates at post-application stage rated the information provided about their exercises as good or excellent.

Data collected after selection day from 15 exercises showed that 83% of candidates who attended selection day rated the customer service received as good or excellent.

Feedback from 15 exercises post-selection day showed that 64% of candidates rated the selection process as good or excellent.

### Feedback from the Recorder selection exercise

These figures do not include feedback from the Recorder selection exercise. Due to the specific issues experienced in this exercise, relating to the failure of the online qualifying test and emergency recovery work, candidate feedback was exceptionally only requested from those who took part in the telephone assessment and the selection day.

For those who took part in the telephone assessment, 77% of respondents rated the information provided by the JAC about the process as good or excellent and 55% of those who responded rated the telephone assessment process experience as good or excellent.

For those who took part in the selection day, 49% of respondents rated the information provided by the JAC about the process as good or excellent and 59% of those who responded rated the whole selection day experience as good or excellent.

The information in the table shows a slight decline overall in customer experience from the previous year. The JAC recognises that the problems experienced during

	2015-16	2016-17	2017-18 <sup>1</sup>
<b>Customer service rated good or excellent: post-application</b>	304 of 411 responses (74%)	106 of 125 responses (85%)	172 of 204 responses (84%)
<b>Customer service rated good or excellent: selection day</b>	251 of 290 responses (87%)	142 of 165 responses (86%)	218 of 263 responses (83%)
<b>Information provided rated good or excellent: post-application</b>	387 of 737 responses (53%)	263 of 357 responses (74%)	405 of 549 responses (74%)
<b>Selection processes rated good or excellent: selection day</b>	169 of 251 responses (67%)	129 of 147 responses (87%)	168 of 263 responses (64%)

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



the Recorder selection exercise not only affected the experience of the candidates in that exercise but also candidates for other exercises. Significant changes were made to the selection process used in other exercises run during the period due to the suspension of the use of online testing. The JAC has since instigated an enhanced programme of quality control for all selection exercise qualifying tests to improve the candidate experience.

### Formal complaints

**Measure:** That no more than 1% of applicants make a complaint about the JAC's processes

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

The JAC complaints policy is set out in full on the website. The aim is to make the process clear and easy for candidates.

In 2017–18 the JAC dealt with 59 formal complaints, higher than in 2016–17:

- 27 complaints were from candidates in the Recorder selection exercise: 19 were

connected to the issues arising during the failure of the online test; of these 6 cases were upheld with the candidates being allowed to proceed to the next stage of the selection process

- 32 complaints were from candidates from a range of other selection exercises; most were received between July and December 2017; only 1 of these was upheld

Anyone who remains dissatisfied following the investigation of their complaint by the JAC may ask the Judicial Appointments and Conduct Ombudsman to investigate further. The Ombudsman will consider whether the candidate had been disadvantaged by maladministration by the JAC.

In 2017–18, the Ombudsman received 9 cases:

- in 6 cases the Ombudsman did not identify any maladministration
- 3 cases remain to be concluded at the year end
- only 1 case related to the IT issues in the Recorder exercise and the Ombudsman concluded that the JAC took appropriate and proportionate steps to deal with the issue

	2015–16	2016–17	2017–18
% complaints/applications	2.1% (54/2,588)	0.004% (8/2,199)	1.2% (59/5,125)
% complaints upheld by the JAC	0% + 2% partial	0% + 0.0005% partial	12%
% complaints referred to JACO	7%	0%	14%
% JAC referrals upheld by JACO	0%	0%	0%

**Note:** Numbers in brackets refer to the number of complaints/applications in each year. Complaints may not relate to exercises run the year within which they were received.

Although the number of formal complaints as a proportion of applications received has remained low, the number of informal complaints and expressions of concern to the JAC was higher than usual. Many of these followed the online qualifying test failure in the Recorder selection exercise and some related to errors in other

exercises. Remedial action was taken as soon as the errors were identified in all cases but the JAC is aware that this led to an unsatisfactory candidate experience in some cases. To reduce errors in the selection process, more robust quality control measures are now in place.



**Elizabeth Baker:** Appointed Recorder

Elizabeth grew up in Shropshire and attended her local comprehensive school. She was the first lawyer in her family and the first to study for a degree. She qualified as a solicitor in 1996 having trained at a high street legal aid practice in Leicester.

After 2 years in private practice she joined the then HM Customs and Excise as a prosecutor, working on drug trafficking, fraud and money laundering cases before specialising in asset recovery. She moved to the Crown Prosecution Service in 2010 and joined the Serious Fraud Office in 2013. She is now head of the Proceeds of Crime and International Assistance Division.



**Stephen H Smith:** Appointed Recorder

Stephen grew up in Manchester and Durham and attended his local comprehensive schools. He was the first person in his family to go to university. He trained as a barrister with the Government Legal Service, doing his pupillage in chambers.

As a government lawyer he worked for departments including the Home Office, Attorney General's Office and was Legal Secretary to the Lord Chief Justice. In his last role at the Foreign and Commonwealth Office he focused on general public international law and national security matters. He became a Salaried judge of the First-tier Tribunal in 2017.

## 5

## MAKE THE JAC A CENTRE OF EXCELLENCE IN SELECTION

In 2017–18 the JAC was involved in several senior appointments in the judiciary.

This included:

- the selection of the Lord Chief Justice of England and Wales, the panel for which was chaired by the JAC Chairman
- the selection of 7 Lord and Lady Justices for the Court of Appeal
- in January the JAC launched an exercise to select a successor to the President of the Family Division of the High Court, and in February launched one to select up to 7 Justices of the Court of Appeal
- the selection of the President of the UK Supreme Court, the panel for which was chaired by the JAC Chairman
- the selection of 3 Justices of the UK Supreme Court, the JAC Chairman was a panel member
- the selection of the Deputy President of the UK Supreme Court and a further 3 Justices

The JAC also continued to provide support and advice to the Foreign and Commonwealth Office and to some of the UK's Overseas Territories in their appointments planning and selection exercises.

### International engagement

The JAC continued to receive a high level of interest from overseas bodies in its appointments model and processes during 2017–18.

Throughout the year the JAC hosted visits from international judicial, ministerial and official delegations in support of the UK's efforts to promote the rule of law. While the focus of these visits varied, topics of discussion included developing selection criteria, how the JAC assesses candidates, the role of lay panel members, judicial appraisal, good character and promotion.

International connections of particular note included:

Country	Nature of visit	Host
Pakistan	JAC senior officials met with a delegation of women judges as part of a visit to expose them to issues affecting women working in the judicial system in the UK, with focus on personal safety and career development	Foreign and Commonwealth Office
South Korea	JAC senior officials met with 2 judges wishing to learn more about the administration of courts and tribunals, with a particular focus on HMCTS' reform programme	Judicial Office
Indonesia	The Vice chairman of the Indonesian Judicial Appointments Commission met with JAC senior officials to learn about the UK's management and oversight of judicial bodies in order to provide meaningful contribution to the debate on the proposed bill by the Indonesian Parliament on judiciary management	Judicial Office
Spain	JAC senior officials and a JAC Commissioner met with a professor of constitutional law researching UK senior judicial selection and appointments on behalf of the Spanish Supreme Court and the General Council of the Judiciary	Judicial Office

# 6

## BE DIGITAL BY DEFAULT

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

### Judicial Appointments Recruitment System (JARS)

The JAC's online recruitment system, JARS, is the main business application for the JAC. It enables candidates to make online applications and for the JAC to undertake selection exercise activities digitally.

In 2017–18:

- 4,982 candidate applications were registered on JARS
- JARS enabled 1,842 qualifying tests to be taken
- 4,473 independent assessment requests were sent

JARS experienced a serious failure during the online qualifying test for the Recorder selection exercise in February 2017. The failure was subject to an external investigation. The causes were related to the ability of the system at the time to handle large volumes of candidates trying to access it at the same moment and the configuration of aspects of the codebase, which led to the system running inefficiently when processing information. The JAC terminated its contract with the former supplier.

In April 2017 the JAC engaged a new supplier to resolve the codebase issues and to establish a load testing database that would test JARS and its capacity to handle large volumes of candidates submitting applications and undertaking qualifying tests simultaneously. This work was completed and the upgraded system went live in November 2017. The focus has now moved to designing and improving features that will

deliver a better candidate experience and efficiencies for staff and panel members.

The JAC introduced enhanced governance processes and oversight for JARS from June 2017. These included the JARS Programme Board, whose membership includes 2 Commissioners, the Chief Executive, Head of Digital Services and Head of Operations, and meets monthly. A support structure that incorporates development, security and operations has been implemented. This structure is designed to use aspects of industry best practice (such as ITIL and ISO 27001) with enhanced technical support for security and IT architectural issues for the JAC Digital team.

In 2017–18 the JAC successfully ran online qualifying tests on JARS for 2 selection exercises:

- Fee-paid Medical Members of the First-tier Tribunal, Social Entitlement Chamber
- Fee-paid judge of the First-tier Tribunal

## PLANS FOR THE FUTURE

The JAC's Business Plan for 2018–19 reflects the focus we will be placing on the effective delivery of what is likely to be the largest ever annual judicial appointments programme, as required by the Lord Chancellor. The programme is likely to be larger than in 2017–18 which itself was the largest for a number of years, and will include both a greater number of exercises and more vacancies within those exercises.

An overriding priority alongside this is to build on the JAC's leadership role in encouraging and coordinating support to develop a strong and diverse candidate pool for judicial appointments and to continue to take steps, with our partners, to address diversity outcomes from our processes – including our leadership and support to the pre-application judicial education (PAJE) programme launched in April 2018.

Other activities for 2018–19 will include:

- enhanced selection panel member support through further training and recruitment of panel executives for large selection exercises
- strengthening the integrity of the judicial selection process, including through revised candidate confidentiality statements for sharing of materials as agreed with relevant professional and judicial regulatory bodies
- providing improved, more targeted feedback to candidates to inform future career planning

In support of all this will be a continuing focus on the implementation of the JAC's People Plan to build resilience and staff engagement, and ensure the organisation has sufficient capacity along with the right skills and expertise for the future.



**Richard Jarvis**  
Accounting Officer  
Judicial Appointments Commission  
10 July 2018



# ACCOUNTABILITY REPORT

# CORPORATE GOVERNANCE REPORT

## DIRECTOR'S REPORT

For the purposes of this report, Directors are defined as those who influence the decisions of the JAC as a whole, including Commissioners and those in the Senior Civil Service. Commissioners and the Chief Executive who served during 2017–18 are set out in the Remuneration and Staff Report on pages 49 to 58.

In accordance with the Code of Conduct for the Judicial Appointments Commissioners, a register of financial and other interests was maintained and updated throughout the year by the Commissioners' Secretariat. It is published online at <https://www.judicialappointments.gov.uk/commissioners>. The Secretariat can be contacted at 5th floor, Clive House, 70 Petty France, London SW1H 9EX.

There were 2 losses of personal data during the year – as set out in the Governance Statement (no loss in 2016–17).



## The Commission (as at 31 March 2018)

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

Twelve Commissioners, including the Chairman, are appointed through open competition. The other 3 are selected by the Judges' Council (2 senior members of the courts judiciary) and the Tribunal Judges' Council (one senior member of the tribunals judiciary).

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

- 6 must be judicial members (including 2 tribunal judges)
- 2 must be professional members (each of which must hold a qualification listed below but must not hold the same qualification as each other\*)
- 5 must be lay members
- 1 must be a non-legally qualified judicial member

\*The legal qualifications are:

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

The Commissioners are appointed in their own right and are not representatives of the professions that they may come from. Commissioners during 2017–18 were:

- Professor Lord Ajay Kakkar, Chairman
- Lady Justice Anne Rafferty DBE (judicial), Vice chairman from 14 November 2017
- District Judge Mathangi Asokan (judicial), from 1 September 2017
- Emir Feisal JP (lay magistrate), from 1 September 2017
- Martin Forde QC (professional: barrister), until 4 January 2018
- Jane Furniss CBE (lay), from 1 September 2017
- Her Honour Judge Usha Karu (judicial)
- Andrew Kennon (lay), from 1 September 2017
- Professor Noel Lloyd CBE (lay)
- Alexandra Marks CBE (professional: solicitor), until 4 January 2018
- Katharine Rainsford JP (lay magistrate), until 1 July 2017
- Lieutenant-General Sir Andrew Ridgway KBE CB (lay), until 31 July 2017
- Lucy Scott-Moncrieff CBE (judicial), until 31 July 2017
- Judge Fiona Monk (judicial), from 1 September 2017
- Dame Valerie Strachan DCB (lay)
- His Honour Judge Phillip Sycamore (judicial: tribunal)
- Debra van Gene (lay), until 31 July 2017
- Professor Sir Simon Wessely (lay), from 1 September 2017
- Mrs Justice Philippa Whipple DBE (judicial), Vice chairman from 31 March to 13 November 2017

**Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance**  
**1 April 2017 to 31 March 2018**

Commissioners	Meetings attended per member out of those eligible to attend		
	Board	SCC <sup>1</sup>	ARC
Number of meetings: 01/04/2017 to 31/03/2018	10	22	5
Professor Lord Ajay Kakkar (Chairman)	10 of 10	20 of 22	-
Lady Justice Anne Rafferty (Vice chairman from 14 November 2017)	2 of 3	1 of 7	-
District Judge Mathangi Asokan (from 1 September 2017)	6 of 6	9 of 13	-
Martin Forde QC (until 4 January 2018)	5 of 8	8 of 16	-
Emir Feisal JP (from 1 September 2017)	4 of 6	11 of 13	-
Jane Furniss CBE (from 1 September 2017)	4 of 6	8 of 13	-
Her Honour Judge Usha Karu	10 of 10	16 of 22	-
Andrew Kennon (from 1 September 2017)	6 of 6	10 of 13	-
Professor Noel Lloyd CBE	10 of 10	18 of 22	5 of 5
Alexandra Marks CBE (until 4 January 2018)	8 of 8	10 of 16	-
Judge Fiona Monk (from 1 September 2017)	6 of 6	10 of 13	1 of 1
Katharine Rainsford JP (until 31 July 2017)	4 of 4	7 of 9	-
Lieutenant-General Sir Andrew Ridgway KBE CB (until 31 July 2017)	2 of 4	7 of 9	-
Lucy Scott-Moncrieff CBE (until 31 July 2017)	4 of 4	6 of 9	-
Dame Valerie Strachan DCB	10 of 10	20 of 22	4 of 5
His Honour Judge Phillip Sycamore	10 of 10	17 of 22	-
Debra van Gene (until 31 July 2017)	2 of 4	3 of 9	-
Professor Sir Simon Wessely (from 1 September 2017)	5 of 6	9 of 13	-
Mrs Justice Philippa Whipple DBE	9 of 10	18 of 22	-

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

## STATEMENT OF ACCOUNTING OFFICER'S RESPONSIBILITIES

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

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

- confirm that, as far as he is aware, there is no relevant audit information of which the entity's auditors are unaware
- confirm that he has taken all steps that he ought to have taken to make himself aware of any relevant audit information and to establish that the entity's auditors are aware of that information
- confirm that the annual report and accounts as a whole is fair, balanced and understandable
- confirm that he takes personal responsibility for the annual report and accounts and judgments required for determining that it is fair, balanced and understandable
- observe the Accounts Direction issued by the Lord Chancellor including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgements and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government

Financial Reporting Manual have been followed, and disclose and explain any material departures in the accounts

- prepare the accounts on a going concern basis

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

### Auditors

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

The JAC Framework Document requires that internal audit arrangements should be maintained in accordance with the Public Sector Internal Audit Standards. Internal audit services are provided by the Government Internal Audit Agency (GIAA), which provides an independent and objective opinion to the Accounting Officer on the adequacy and effectiveness of the organisation's risk management, control and governance arrangements through a dedicated internal audit service to the JAC. Internal Audit attends the JAC Audit and Risk Committee, which provides oversight on governance and risk management.

## GOVERNANCE STATEMENT

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

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

### Committee structure

In order to achieve these aims the JAC has in place the following committee structure, which is supported by a Senior Leadership team (comprising myself, the Head of Operations, Head of Strategy and Policy, Head of Digital and the Head of HR and Finance), who in turn are supported by a dedicated JAC staff. The Chairman and other Commissioners are served by a Secretariat.

- The Commission (comprising 15 Commissioners including the Chairman as set out in the Constitutional Reform Act 2005 (CRA), as amended by the Crime and Courts Act 2013 (CCA) and the Judicial Appointments Regulations 2013) – meets monthly (except in January and August). Members of the Commission come from a wide background and are drawn from the lay public, academia, governance, the legal profession, tribunals, the magistracy and the judiciary. The Commission has overall responsibility for the JAC’s strategic direction, within the provisions of the CRA, as amended by the CCA, and supporting the Framework Document agreed between the MoJ and the Chairman of the JAC
- Selection and Character Committee (SCC) – generally meets twice a month (with some variation depending on business need). Membership is the same as the Commission, and the Committee is chaired by the JAC Chairman, Vice chairman or another nominated Commissioner. The SCC identifies candidates suitable for recommendation to the Appropriate Authority for appointment to all judicial offices under Schedule 14 to the CRA, as amended by the CCA, and to other offices as required by the Lord Chancellor under Section 98 of the CRA
- Audit and Risk Committee (ARC) – comprises the Chair (a Commissioner), an independent member (not from the JAC) and 2 other Commissioners. The Committee meets 4 times a year, with an additional meeting to consider the annual accounts, and advises me on the adequacy and effectiveness of risk management and internal control, including the strategic risk register processes. The Committee assesses the internal and external audit activity plans and the results of such activity

### Working with partners

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

- Judicial Diversity Forum: chaired by the JAC, the Forum meets quarterly. The Forum comprises the JAC, MoJ, Law Society, Bar Council, CILEx, members of the judiciary and Judicial Office
- Advisory Group: meets every 1 or 2 months as required. The Group comprises the Chair (a JAC Commissioner) and members of the judiciary and legal professions. The Advisory Group considers the suitability of materials and methods to be used in selection processes for specific exercises

## Board and committee performance

### Board papers

Board papers follow a standard template to ensure they are comprehensive, taking account of all dependencies such as finance, risk, digital development, presentation and handling, and where relevant, diversity and equality implications. This enables Board members to make sound decisions.

### Board discussions

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

- Lammy Review of Black, Asian and Minority Ethnic (BAME) representation in the Criminal Justice System
- JUSTICE Report on Judicial Diversity
- external JARS review: root causes and next steps
- Welsh Language Scheme monitoring report
- policy on Circuit judges sitting in the Court of Appeal Criminal Division
- expanding questions to monitor candidates' professional background
- cybersecurity arrangements
- s94 reserve list policy
- review of conflict of interest guidance
- review of the equal merit policy
- use of the candidate merit list for deployment purposes
- consideration of exceptional arrangements for candidates who decline appointment
- clarifying judicial pathways
- improving the feedback given to candidates
- JAC evidence presented to the Senior Salaries Review Board

- publication arrangements of JAC data
- communications strategy for 2017–18
- performance against 2017–18 business objectives
- business plan for 2018–19

The Board also discussed high-level arrangements for a number of the larger exercises run by the JAC:

- High Court judge 2017 and evaluation
- section 9(4) Deputy High Court judge 2018
- Fee-paid Disability Members of the First-tier Tribunal, Social Entitlement Chamber
- Fee-paid judges of the First-tier Tribunal 2018
- Deputy District judge 2018
- Circuit judge 2018
- Recorder 2018

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

Guests are invited to attend Board meetings to exchange views in addition to discussing priorities and other pertinent issues. Guests attend a portion of a Board meeting and are not present when the Board considers and makes decisions regarding Commission business. Guests attending Board meetings in the year were Lord Ian Burnett, Lord Chief Justice of England and Wales, and Lord Justice Ernest Ryder, Senior President of Tribunals.

Commissioners participated in a one-day annual strategic and business planning review on 8 March 2018. Discussions covered a range of issues, including the JAC's approach to diversity and strategic objectives for 2018–19.

### Changes to the Commission

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

- the terms of 4 Commissioners ended on 31 July 2017: Lieutenant-General Sir Andrew Ridgway, Katharine Rainsford JP, Debra van Gene and Lucy Scott-Moncrieff
- the terms of 2 Commissioners ended on 4 January 2018: Martin Forde QC and Alexandra Marks
- Lady Justice Anne Rafferty was appointed as Vice chairman on 14 November 2017, replacing Sir Ian Burnett who stood down in March 2017
- 6 Commissioners were appointed on 1 September 2017: Judge Fiona Monk, District Judge Mathangi Asokan, Sir Simon Wessely, Emir Feisal JP, Andrew Kennon and Jane Furniss

All new Commissioners received an induction on their appointment covering the selection process, equality and diversity, exercise programme, regularity and propriety, information assurance, security and general administrative issues.

### Board performance evaluation

Exceptionally the Board did not assess its performance in this or the previous reporting year. This was due to the absence of a permanent Chairman between April and October 2016 and a high turnover of Commissioners in 2017–18 (7 in total). The Audit and Risk Committee was consulted and endorsed this decision. The Board will next assess its performance in November 2018.

### Audit and Risk Committee performance

The Audit and Risk Committee (ARC) assessed its effectiveness using the National Audit Office Audit Committee self-assessment checklist. Compliance with the checklist was found to be good with only minor recommendations for change. This included proper succession planning for future changes in membership and to ensure that a proper induction would be provided. Both of these have been addressed and feedback will be sought from new ARC members on the process during 2018–19.

Commission Board, Selection and Character Committee, and Audit and Risk Committee attendance is on page 38.

## Corporate governance

### Guidance followed

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

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

## Responsibility

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

The JAC has a balanced Board in place, which consists of the Chairman and the Commissioners, who all have equal decision-making rights. As Chief Executive I attend Board meetings, in a non-voting capacity. Of utmost importance is that all Board members uphold the 7 principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## Assurance

### Assurance process

Each member of the senior leadership team reports on exceptions that occurred in their areas of responsibility where processes have not operated as intended. These are scrutinised through the Audit and Risk Committee, and so I am confident that all assurance matters have been brought to my attention, and that assurance is well managed. There were no significant control exceptions identified this year.

### Internal audit

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

The annual report from the Head of Internal Audit reflects well on the organisation and they provided a 'Substantial' annual audit opinion. This gives me additional assurance that the organisation is managed well.

### External audit

The Comptroller and Auditor General provides the external audit function for the JAC, and provided an unqualified opinion on our financial statements. In addition, they identified no issues concerning the regularity of expenditure, nor any material misstatements. The auditors did not undertake for the JAC any additional work beyond the statutory audit.

### Sponsor department (MoJ)

My responsibilities also include our requirement to meet the Business Plan objectives agreed with the MoJ. I therefore have regular meetings with the Lord Chancellor's officials to discuss progress in meeting our strategic objectives. These meetings are very constructive and demonstrate that there is a great deal of co-operation between us.



## Data quality

### Data considered by the Board

At each Board meeting, Commissioners consider the Management Information Pack. The pack contains progress against Business Plan objectives, statistical data relating to selection exercises, finance, human resources, outreach activity and a summary of the corporate risks.

The pack is updated each month, and reviewed collectively by the JAC's senior leadership team prior to Board meetings. Each quarter it is considered by the Audit and Risk Committee in detail, and then issued to the Ministry of Justice (MoJ) Sponsorship team.

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

### Data considered by the Selection and Character Committee

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

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

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

### Data considered by the Audit and Risk Committee

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

## Risk

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

### Audit and Risk Committee

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

### Risk Management Policy and Framework

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

### Risk management and training

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

### Risk registers

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

There is a hierarchy of risk registers, starting with the organisation-wide Corporate Risk Register at the top (the key risks in the Corporate Risk Register are set out in the Overview section of the Performance report on page 13. Feeding into this are detailed registers on: health and safety; information security; and operational and policy risks as identified and discussed at a monthly Selection Exercise Programme Board which escalates risks, as appropriate, to the senior leadership team. I consider this to be appropriate for the JAC.

The JAC jointly owns and manages the Joint Delivery Group risk register with HM Courts & Tribunals Service, Judicial Office and the MoJ. This register is reviewed quarterly at the group's regular meetings.

## Information security, fraud and whistleblowing

### Senior Information Risk Owner (SIRO)

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

Any data recorded on JARS is subject to specific legislative provisions set out in the CRA, the Data Protection Act (DPA) 1998 and Freedom of Information Act (FoIA) 2000. User access is strictly controlled and trail logs are kept for security checks and audit purposes. Requests for information are handled in full compliance with both the DPA and FoIA.

Any operational requirement to deviate from the JAC Security Policy regarding data security requires SIRO agreement. Eleven security incidents were reported during 2017–18, in comparison to 10 in the previous year. Of the incidents reported most were minor in nature.

This year there have been 2 occasions where policies were not followed by individuals in possession of paper files. Neither occurrence led to a breach serious enough to report to the Information Commissioner's Office and there was no evidence to suggest the data had been compromised. All individuals were subsequently reminded of their responsibilities verbally and in writing to emphasise the importance of handling official information.

An Anti-Fraud Policy and Anti-Fraud Response Plan are available to staff on our intranet and we have a whistleblowing policy in place. I am content that the measures we have in place are effective for the JAC to enable staff to report any concerns that they may have and that we are well placed to deal with such concerns should they arise.

## General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) applied in the UK from 25 May 2018. The JAC has undertaken the work required to adjust policies and procedures to ensure the JAC was compliant with the introduction of the GDPR. This included engaging a GDPR consultant in February and March 2018 to assist the JAC with achieving compliance with GDPR through the development and delivery of an action plan. The action plan was implemented in the first quarter of 2018–19.

## Summary

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

I have been advised on the implications of the result of my review by the Board and the Audit and Risk Committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed, especially in regard to the issues that arose as a result of the IT system failure during the qualifying test for the 2017 Recorder exercise.

I am therefore able to confirm that the known significant governance issue that could undermine the integrity or reputation of the JAC up to 31 March 2018 and up to the date of this report is being effectively managed.

# REMUNERATION AND STAFF REPORT

## REMUNERATION POLICY

### Chief Executive

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

The remuneration of senior civil servants is set by the Prime Minister following independent advice from the Senior Salaries Review Board (SSRB). The SSRB also advises the Prime Minister from time to time on the pay and pensions of Members of Parliament and their allowances; on peers' allowances; and on the pay and pensions and allowances of ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975.

Further information about the work of the SSRB is on the Office of Manpower Economics website at [www.gov.uk/ome](http://www.gov.uk/ome)

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

### Service contracts

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition. JAC staff are employed as public servants, rather than civil servants, but the principles of this Act still apply. The Recruitment Principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Unless otherwise stated below, the Chief Executive covered by this report holds his appointment which is governed by his contract. Early termination, other than for misconduct, results in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commissioners is at <http://civilservicecommission.independent.gov.uk>

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

### Panel members

The JAC has appointed panel members who are used, when required, to assess candidates for selection. Panel members may be required to chair the panel or participate as another member alongside the chair. The panel chairs provide a summary report for Commissioners on candidates' suitability for selection.

These panel chairs and members are paid a fee for each day worked and are entitled to reimbursement for travel and subsistence. The taxation on such expenses is borne by the JAC. They do not have any pension entitlements.

### Commissioners

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

Commissioners, excluding the Chairman and those who are members of the judiciary, are paid a fee by the JAC. The fee is neither performance-related nor pensionable. Any increase in the level of fees is at the discretion of the Lord Chancellor. Commissioners who are in salaried state employment, including judges, receive no additional pay for their work for the JAC. Commissioners do not receive any pension benefits.

Commissioners who are entitled to a fee are paid an annual amount of £9,473 in respect of 28 days service a year. In exceptional circumstances they may be paid for additional days' work at £338.33 per day. The remuneration of the Chairman is included in the Chief Executive's remuneration table on page 51.

The members of the Commission during 2017–18 and details of their appointments are set out below.

Commissioners	Date of original appointment	End of term
<b>Chairman:</b> Professor Lord Ajay Kakkar	03/10/2016	02/10/2019
<b>Vice chairman:</b> Lady Justice Anne Rafferty DBE	14/11/2017	26/07/2020
District Judge Mathangi Asokan	01/09/2017	31/08/2020
Emir Feisal JP	01/09/2017	31/08/2020
Martin Forde QC	05/01/2012	Left at end of term 04/01/2018
Jane Furniss CBE	01/09/2017	31/08/2020
Her Honour Judge Usha Karu	09/06/2014	08/06/2018
Andrew Kennon	01/09/2017	31/08/2020
Professor Noel Lloyd CBE	01/02/2012	31/07/2019
Alexandra Marks CBE	05/01/2012	Left at end of term 04/01/2018
Judge Fiona Monk	01/09/2017	31/08/2020
Katharine Rainsford JP	01/02/2014	Left at end of term 31/07/2017
Lieutenant-General Sir Andrew Ridgway KBE CB	01/02/2012	Left at end of term 31/07/2017
Lucy Scott-Moncrieff CBE	01/02/2014	Left at end of term 31/07/2017
Dame Valerie Strachan DCB	01/02/2012	31/07/2019
His Honour Judge Phillip Sycamore	09/06/2014	08/06/2020
Debra van Gene	01/02/2014	Left at end of term 31/07/2017
Professor Sir Simon Wessely	01/09/2017	31/08/2020
Mrs Justice Philippa Whipple DBE	22/12/2016	21/12/2019

## TOTAL FIGURE OF REMUNERATION

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

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

#### Single total figure of remuneration:

Officials	Salary £000		Bonus Payments £000		Benefits in kind (to nearest £100)		Pension benefits <sup>1</sup> £000		Total £000	
	2017-18	2016-17	2017-18	2016-17	2017-18	2016-17	2017-18	2016-17	2017-18	2016-17
Professor Lord Ajay Kakkar	55-60 <sup>2</sup>	25-30 <sup>2</sup>	-	-	-	-	-	-	55-60	25-30
Richard Jarvis	90-95	5-10 (FYE 90-95)	-	-	-	-	175-180	25-30	265-270	35-40

#### Notes:

1 The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increase excludes increases due to inflation or any increase or decrease due to a transfer of pension rights.

2 The figure is the rate based on a 0.4 FTE, full-time equivalent rate being £135-140k.

### Benefits in kind

The Chairman and Chief Executive have no entitlement to benefits in kind and did not receive any (nil 2016-17). In 2017-18 no Director received any benefits in kind.

### Commissioners' remuneration

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

	2017-18			2016-17		
	Remuneration <sup>1</sup> £000	Benefits in kind £000 (to nearest £100)	Total £000	Remuneration <sup>1</sup> £000	Benefits in kind £000 (to nearest £100)	Total £000
Lucy Scott-Moncrieff CBE (left 31/7/2017)	3	-	3	9	-	9
Lieutenant-General Sir Andrew Ridgway KBE CB (left 31/7/2017)	3	4.2 <sup>2</sup>	7	13 <sup>1</sup>	10.1 <sup>2</sup>	23
Debra van Gene (left 31/7/2017)	3	-	3	13 <sup>1</sup>	-	13
Katharine Rainsford JP (left 31/7/2017)	4	-	4	9	0.5 <sup>2</sup>	10
Martin Forde QC (left 04/01/2018)	7	-	7	9	-	9
Alexandra Marks CBE (left 04/01/2018)	7	-	7	9	-	9
Her Honour Judge Usha Karu	-	-	-	-	-	-
Professor Noel Lloyd CBE	20 <sup>1</sup>	14.3 <sup>2</sup>	34	12 <sup>1</sup>	10.8 <sup>2</sup>	23
Dame Valerie Strachan DCB	20 <sup>1</sup>	-	20	19 <sup>1</sup>	-	19
Mrs Justice Philippa Whipple DBE	-	-	-	-	-	-
His Honour Judge Phillip Sycamore	-	-	-	-	-	-
Lady Justice Anne Rafferty (started 14/11/2017)	-	-	-	-	-	-
District Judge Mathangi Asokan (started 01/09/2017)	-	-	-	-	-	-
Emir Feisal JP (started 01/09/2017)	6	0.8 <sup>2</sup>	6	-	-	-
Jane Furniss CBE (started 01/09/2017)	14 <sup>1</sup>	0.7 <sup>2</sup>	14	-	-	-
Andrew Kennon (started 01/09/2017)	7	2.2 <sup>2</sup>	9	-	-	-
Judge Fiona Monk (started 01/09/2017)	-	-	-	-	-	-
Professor Sir Simon Wessely (started 01/09/2017)	5	-	5	-	-	-

1. Remuneration in excess of the £9k payable for their role as a Commissioner is due to additional days worked as a panel member on selection exercises.

2. Commissioners' benefits in kind are reimbursed in cash for expense claims relating to their travel and subsistence costs in relation to JAC business.

**Note:** Nil balances are disclosed for judicial Commissioners as they are not directly paid by the JAC.

All remuneration is based on the time each Commissioner was in office, so does not necessarily represent a full year's service – see dates for original appointments on page 50.



## Benefits in kind

Commissioners may be reimbursed for their travel and subsistence costs in attending Commission business if the cost of their journey is greater than what they would otherwise have incurred with their other employment. Since non-judicial Commissioners are deemed to be employees of the JAC, the amounts of these reimbursements are treated as benefits in kind and are disclosed in the table on page 52 and incorporated into the benefits in kind amounts. The taxation on such expenses is borne by the JAC. There are no other benefits in kind.

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

## Pension entitlements

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

	Total accrued pension at pension age as at 31/03/2018 and related lump sum	Real increase in pension and related lump sum at pension age	CETV at 31/03/18	CETV at 31/03/17	Real increase in CETV
	£000	£000	£000	£000	£000
Professor Lord Ajay Kakkar <sup>1</sup>	-	-	-	-	-
Richard Jarvis	30-35 plus a lump sum of 75-80	7.5-10 plus a lump sum of 17.5-20	549	389	132

1. Is not entitled to pension benefits.

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

## Civil Service Pensions

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

4 sections: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked',

with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the 2 schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a ‘money purchase’ stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to 3 years initial pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member’s earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not

have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer’s basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

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

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

### Cash Equivalent Transfer Values

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

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

### Real increase in CETV

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

### Fair pay

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

The median remuneration of the workforce was £31,615 (2016–17, £34,584).

The remuneration ranged from £20–25,000 to £90–95,000 (£20–25,000 to £90–95,000 in 2016–17). The banded remuneration of the highest-paid director in the JAC in 2017–18 was £90–95,000 (2016–17, £90–95,000). This was 2.9 times (2016–17, 2.7 times) the median remuneration of the workforce.

In 2017–18, nil (nil in 2016–17) employees received remuneration in excess of the highest-paid director.

Total remuneration includes salary, non-consolidated performance-related pay and benefits in kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions. This presentation is based on the cash payments made in the year by the JAC.

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

## STAFF REPORT

### Staff composition

The split of the staff as at 31 March 2018 is as follows:

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

	Male	Female	Total
Director (senior civil servant)	1	-	1
Senior leaders	2	2	4
Other staff	19	25	44
<b>Total</b>	<b>22</b>	<b>27</b>	<b>49</b>

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

Staff costs comprise								
	2017-18							2016-17
	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total	Total
	£000	£000	£000	£000	£000	£000	£000	£000
Wages and Salaries	107	774	1,672	147	-	187	2,887	2,435
Social Security Costs	10	161	194	-	-	-	365	263
Other Pension Costs	-	-	329	-	-	-	329	336
<b>Total</b>	<b>117</b>	<b>935</b>	<b>2,195</b>	<b>147</b>	<b>-</b>	<b>187</b>	<b>3,581</b>	<b>3,034</b>

During the year, no staff costs were capitalised (nil in 2016-17).

In 2017-18 the JAC employed its own staff (permanent staff, on loan and those on fixed-term contracts). Other contracted staff are supplied by agencies. All irrecoverable Value Added Tax (VAT) is included within wages and salaries. No VAT is included in social security or other pension costs.

The JAC does not have any cost associated with staff who were relevant trade union officials during 2017-18.

The PCSPS and the Civil Servant and Other Pension Scheme (CSOPS) – known as ‘alpha’, are unfunded multi-employer defined benefit schemes where the JAC is unable to identify its share

of the underlying assets and liabilities. The Scheme Actuary valued the scheme as at 31 March 2017. Details can be found in the Civil Superannuation annual accounts 2016 to 2017 at: <https://www.gov.uk/government/publications/civil-superannuation-annual-accounts-2016-to-2017>

For 2017–18, employers' contributions of £329k were payable to the PCSPS (2016–17: £336k) at 1 of 4 rates that ranged from 20.0% to 24.5% (2016–17: 20.0% to 24.5%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions approximately every 4 years following a full scheme valuation. The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers' contributions to partnership pension accounts were £300 (2016–17: £2k) and were paid to one or more of the panel of 3 appointed stakeholder pension providers. Employer contributions, which are age-related, ranged from 8.00% to 14.75% (2016–17: 8.00% to 14.75%) of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay.

In addition, employer pension contributions equivalent to 0.5% (2016–17: 0.5%) of pensionable pay were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of employees in the PCSPS.

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

	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total
<b>2017–18</b>	2	10	42	1	1	5	<b>61</b>
<b>2016–17</b>	2	5	41	1	2	5	<b>56</b>

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

### Civil Service and other compensation schemes: exit packages

There were no departures, voluntary or otherwise in 2017–18 (2016–17: nil departures).

### Spend on consultancy

During 2017–18, the JAC spent £59k on consultancy (2016–17: £7k). In the main this supported an independent review into our selection processes and media support for the Commission.

### Sickness absence data

Staff sickness absence levels have fallen this year, though remain around the average compared with other Civil Service organisations. For 2017–18 an average figure of 5.93 days for each member of staff was lost due to absences (compared to a figure of 11 days in 2016–17). Of this figure 4.57 days relate to long term absence, while short term absence rate was just over 1 day for each member of staff.

### Staff policies

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

We continue to monitor the JAC's intranet to ensure that it contains relevant information in

a format that is easy to understand, and staff bulletins are issued fortnightly.

At the beginning of 2018, the JAC moved to new premises at Clive House, in Petty France, London. It has taken immediate steps to train additional fire wardens and first aiders. The health and safety policy, which was last reviewed in July 2016, is undergoing amendments to reflect the change and will be published on the intranet for staff, along with a health and safety action plan shortly. The JAC communicates other health and safety information to staff through the intranet and by notices. There were no reportable health and safety incidents.

The annual People Survey in 2017 showed an increased response rate of 87% (86% in 2016), with a similar improvement in the overall engagement score to 55% (54% in 2016). A new People Plan was devised in consultation with staff. This incorporated the findings from the survey, as well as comments during regular staff meetings.

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

The JAC continues to promote equality of opportunity, both in the selection of candidates for judicial office and in the recruitment, training and promotion of staff. The JAC meets its responsibilities under the Equality Act 2010 and uses name-blind recruitment for all staff appointments.

# PARLIAMENTARY ACCOUNTABILITY AND AUDIT REPORT

## Regularity of expenditure

There were no losses and special payments made during the year (nil in 2016–17) and no irregular spend (audited).

## Remote contingent liabilities

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



### **Richard Jarvis**

Accounting Officer  
Judicial Appointments Commission  
10 July 2018

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

## Opinion on financial statements

I certify that I have audited the financial statements of the Judicial Appointments Commission for the year ended 31 March 2018 under the Constitutional Reform Act 2005. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that is described in that report as having been audited.

### In my opinion:

- the financial statements give a true and fair view of the state of the Judicial Appointments Commission's affairs as at 31 March 2018 and of the Judicial Appointments Commission's net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Constitutional Reform Act 2005 and Secretary of State directions issued thereunder.

## Opinion on regularity

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

## Basis of opinions

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

## Responsibilities of the Commission and Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Commission and the Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

## Auditor's responsibilities for the audit of the financial statements

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



An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

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

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

uncertainty exists related to events or conditions that may cast significant doubt on the Judicial Appointments Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern;

- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

### Other information

The Commission and the Accounting Officer are responsible for the other information. The other information comprises information included in the annual report, other than the parts of the Remuneration and Staff Report and the Parliamentary Accountability and Audit Report described in that report as having been audited, the financial statements and my auditor's report thereon.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the

financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

### Opinion on other matters

In my opinion:

- the parts of the Remuneration and Staff Report and the Parliamentary Accountability and Audit Report to be audited have been properly prepared in accordance with Lord Chancellor's directions made under the Constitutional Reform Act 2005 with the approval of HM Treasury; and
- the information given in the Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

### Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Remuneration and Staff Report and the Parliamentary Accountability Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

### Report

I have no observations to make on these financial statements.

### Sir Amyas CE Morse

Comptroller and Auditor General

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

12 July 2018





# FINANCIAL STATEMENTS

## STATEMENT OF COMPREHENSIVE NET EXPENDITURE

for the year ended 31 March 2018

		2017-18	2016-17
	Note	£000	£000
<b>Income</b>	2	(6)	(27)
<b>Expenditure</b>			
Staff costs	3	3,581	3,034
Other expenditure	4	1,319	615
Services and facilities provided by sponsoring department	5	892	1,249
<b>Net expenditure for the year</b>		<b>5,786</b>	<b>4,871</b>
<b>Other Comprehensive Net expenditure</b>			
Net (gain)/loss on revaluation of:			
intangible asset	6	(13)	(30)
<b>Comprehensive net expenditure for the year</b>		<b>5,773</b>	<b>4,841</b>

The notes on pages 70 to 74 form part of these accounts.

## STATEMENT OF FINANCIAL POSITION

as at 31 March 2018

		2017-18	2016-17
	Note	£000	£000
<b>Non-current assets</b>			
Intangible assets	6	635	567
<b>Total non-current assets</b>		<b>635</b>	<b>567</b>
<b>Current Assets</b>			
Trade and other receivables	7	143	51
Cash at bank	8	230	424
<b>Total current assets</b>		<b>373</b>	<b>475</b>
<b>Total assets</b>		<b>1,008</b>	<b>1,042</b>
<b>Current liabilities</b>			
Trade and other payables	9	(59)	(49)
Other liabilities	9	(770)	(433)
<b>Total current liabilities</b>		<b>(829)</b>	<b>(482)</b>
<b>Total assets less current liabilities</b>		<b>179</b>	<b>560</b>
<b>Taxpayers' Equity</b>			
Revaluation Reserve	SoCTE	41	34
General reserve	SoCTE	138	526
<b>Total taxpayers' equity</b>		<b>179</b>	<b>560</b>

The notes on pages 70 to 74 form part of these accounts.



**Richard Jarvis**

Accounting Officer  
Judicial Appointments Commission  
10 July 2018

## STATEMENT OF CASH FLOWS

for the year ended 31 March 2018

		2017-18	2016-17
	Note	£000	£000
<b>Cash flows from operating activities</b>			
Net expenditure for the year	SoCNE	(5,786)	(4,871)
Adjustments for non-cash transactions:			
– MoJ overhead recharges	5	892	1,249
– Write off intangible asset value	6	21	-
– Amortisation	4	71	67
(Increase)/Decrease in trade and other receivables	7	(92)	(4)
Increase/(Decrease) in trade and other payables	9	347	131
<b>Net cash outflow from operating activities</b>		<b>(4,547)</b>	<b>(3,428)</b>
<b>Cash flows from investing activities</b>			
Purchase of Intangible asset	6	(147)	-
<b>Net cash (outflow) from investing activities</b>		<b>(147)</b>	<b>-</b>
<b>Cash flows from financing activities</b>			
Grant-in-aid received from Ministry of Justice	SoCTE	4,500	3,300
<b>Net financing</b>		<b>4,500</b>	<b>3,300</b>
<b>Net increase/(decrease) in cash and cash equivalents in the period</b>		<b>(194)</b>	<b>(128)</b>
Cash and cash equivalents at the beginning of the year		424	552
Cash and cash equivalents at the end of the period	8	230	424

The notes on pages 70 to 74 form part of these accounts.



## STATEMENT OF CHANGES IN TAXPAYERS' EQUITY

for the year ended 31 March 2018

	General Reserve	Revaluation Reserve	Total
	£000	£000	£000
<b>Balance at 31 March 2016</b>	843	9	852
<b>Changes in taxpayers' equity in 2016-17</b>			
Net expenditure for the year ended 31 March 2017	(4,871)	-	(4,871)
Grant-in-aid towards expenditure	3,300	-	3,300
Grant-in-aid received, being costs settled by MoJ	1,249	-	1,249
Revaluation of intangible assets	-	30	30
Transfers between reserves	5	(5)	-
<b>Balance at 31 March 2017</b>	526	34	560
<b>Changes in taxpayers' equity in 2017-18</b>			
Net expenditure for the year ended 31 March 2018	(5,786)	-	(5,786)
Grant-in-aid towards expenditure	4,500	-	4,500
Grant-in-aid received, being costs settled by MoJ	892	-	892
Revaluation of intangible assets	-	13	13
Transfers between reserves	6	(6)	-
<b>Balance at 31 March 2018</b>	138	41	179

The notes on pages 70 to 74 form part of these accounts.

# NOTES TO THE ACCOUNTS

for the year ended 31 March 2018

## Note 1: Statement of accounting policies

These financial statements are prepared on a going concern basis in accordance with the Constitutional Reform Act 2005 and with the 2017–18 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context.

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

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

### a) Accounting convention

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

### b) Changes in accounting policy and disclosures

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

IFRS 9: Financial Instruments, IFRS 15: Revenue from contracts with customers and IFRS 16: Leases are not yet effective for public sector reporting.

None of these standards are expected to have a material impact on the JAC when they come into effect.

### c) Funding

Government grant-in-aid received is accounted for as funding through the general fund.

### d) Accounting for value added tax

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

### e) Intangible assets

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

Subsequent to initial recognition, intangible assets are recognised at fair value. As no active market exists for the JAC's Intangible Asset, fair value is assessed as replacement cost less any accumulated amortisation and impairment losses (Depreciated Replacement Cost, or DRC). The capitalisation threshold for software projects and for subsequent additions that enhance the economic benefit of the asset is £5,000. Intangible Assets are revalued at each reporting date using the Producer Price Index (PPI) produced by the Office for National Statistics (ONS). The accumulated amortisation is eliminated against the gross carrying amount of the asset. The policy is to revalue at the year-end through indexation. The useful life of this internally developed software was revised from 5 years to 10 years in 2015–16.

### f) 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.

### g) Employee benefits

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

## h) Services and facilities provided by sponsoring department

In accordance with the Framework Document, the JAC does not meet the costs of certain services as these are provided by the MoJ, and are non-cash charges. These services are agreed and managed through memoranda of understanding between the JAC and MoJ, and provide: communications; information operations; finance training; accommodation; HR services; provision of IT equipment; internet/intranet facilities; shared services; and commercial and contract management advice. An analysis of these charges can be found in note 5.

Note 2 Income		
	2017-18 £000	2016-17 £000
Recovery of costs from Welsh Government Secure by Default Partnership programme grant	(6)	(2)
	-	(25)
	<b>(6)</b>	<b>(27)</b>

Note 3 Staff costs							
	Commissioners	Panel chairs and lay panel members	Permanent staff	Seconded staff	Fixed term contracts	Other contracted staff	Total
	£000	£000	£000	£000	£000	£000	£000
<b>2017-18</b>							
Wages and salaries	107	774	1,672	147	-	187	2,887
Social security costs	10	161	194	-	-	-	365
Pension contributions	-	-	329	-	-	-	329
<b>Total</b>	<b>117</b>	<b>935</b>	<b>2,195</b>	<b>147</b>	<b>-</b>	<b>187</b>	<b>3,581</b>
<b>2016-17</b>							
Wages and salaries	143	339	1,628	35	22	268	2,435
Social security costs	33	59	167	2	2	-	263
Pension contributions	-	-	327	5	4	-	336
<b>Total</b>	<b>176</b>	<b>398</b>	<b>2,122</b>	<b>42</b>	<b>28</b>	<b>268</b>	<b>3,034</b>

<b>Note 4 Other operating costs</b>		
	<b>2017-18</b>	<b>2016-17</b>
	<b>£000</b>	<b>£000</b>
<b>Selection exercise programme</b>		
Panel member travel and subsistence	344	119
Staff travel and subsistence	5	5
Actors' costs	110	29
Advertising	14	6
Direct selection process costs	23	7
	<b>496</b>	<b>166</b>
<b>Other programme costs</b>		
Outreach and communications	56	7
Commissioners' travel and subsistence	13	9
Consultancy	59	7
Judicial Appointments Recruitment System	474	287
	<b>602</b>	<b>310</b>
<b>Administration costs</b>		
Staff travel and subsistence	-	2
Staff training	20	11
Office expenses	65	13
Recruitment	-	7
Legal services	4	3
External audit	29	29
Internal audit	31	28
Bank charges	1	-
	<b>150</b>	<b>93</b>
<b>Non-cash items</b>		
Amortisation	71	67
Write-offs	-	(21)
	<b>71</b>	<b>46</b>
<b>Total other operating costs</b>	<b>1,319</b>	<b>615</b>

<b>Note 5 Services and facilities provided by sponsoring department (Ministry of Justice)</b>		
	<b>2017-18</b>	<b>2016-17</b>
	<b>£000</b>	<b>£000</b>
Communications	5	10
Information operations	22	9
Estates	577	527
HR	6	7
ICT	198	599
Shared Services	53	56
CCM	31	41
<b>Total corporate overhead charge</b>	<b>892</b>	<b>1,249</b>

<b>Note 6 Intangible assets</b>		
	<b>Information Technology £000</b>	<b>Total £000</b>
<b>Movements in 2017–18</b>		
<b>Cost or valuation</b>		
At 1 April 2017	737	737
Additions	147	147
Disposals	(21)	(21)
Revaluation	17	17
<b>At 31 March 2018</b>	<b>880</b>	<b>880</b>
<b>Amortisation</b>		
At 1 April 2017	170	170
Charged in year	71	71
Revaluation	4	4
<b>At 31 March 2018</b>	<b>245</b>	<b>245</b>
<b>Carrying amount at 31 March 2018</b>	<b>635</b>	<b>635</b>
Carrying amount at 31 March 2017	567	567
<b>Movements in 2016–17</b>		
<b>Cost or valuation</b>		
At 1 April 2016	697	697
Additions	-	-
Revaluation	40	40
<b>At 31 March 2017</b>	<b>737</b>	<b>737</b>
<b>Amortisation</b>		
At 1 April 2016	93	93
Charged in year	67	67
Revaluation	10	10
<b>At 31 March 2017</b>	<b>170</b>	<b>170</b>
<b>Carrying amount at 31 March 2017</b>	<b>567</b>	<b>567</b>
Carrying amount at 1 April 2016	604	604

<b>Note 7 Trade receivables and other current assets</b>		
	<b>31 March 2018 £000</b>	<b>31 March 2017 £000</b>
<b>Amounts falling due within one year</b>		
Deposits and advances	51	19
Other receivables	92	32
Prepayments	-	-
<b>Total</b>	<b>143</b>	<b>51</b>

<b>Note 8 Cash at bank</b>		
	<b>31 March 2018</b>	<b>31 March 2017</b>
	<b>£000</b>	<b>£000</b>
Balance at 1 April	424	552
Net change in cash and cash equivalent balances	(194)	(128)
Balance at 31 March	<b>230</b>	<b>424</b>
<b>Total cash held at Government Banking Service</b>	<b>230</b>	<b>424</b>

<b>Note 9 Trade and other payables</b>		
	<b>31 March 2018</b>	<b>31 March 2017</b>
	<b>£000</b>	<b>£000</b>
<b>Amounts falling due within one year</b>		
Trade payables	28	23
Other payables	31	26
	<b>59</b>	<b>49</b>
Other taxation and social security	69	77
Accruals	635	294
Accrued holiday pay	66	62
	<b>770</b>	<b>433</b>
<b>Total</b>	<b>829</b>	<b>482</b>

#### **Note 10 Financial instruments**

As the cash requirements of the JAC are met through grant-in-aid provided by the MoJ, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with the JAC's expected purchase and usage requirements and the JAC is therefore exposed to little credit, liquidity or market risk.

#### **Note 11 Contingent assets and liabilities**

The JAC discloses contingent liabilities where it determines that there is a chance that it may be required to make an economic outflow as a result of a current obligation arising from past events, but that at the year end, this outflow is only possible rather than probable. At the end of March 2018, invoices totalling £19,326 relating to the period of an IT failure in February 2017 are currently the subject of dispute.

#### **Note 12 Related-party transactions**

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

No board members, key managers or other related parties have undertaken transactions with the JAC during the year to 31 March 2018.

#### **Note 13 Events after the reporting period**

There were no significant events after the reporting period.

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



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