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Information Pack:

00355:President of the Social Entitlement Chamber
and President of the Health, Education and
Social Care Chamber

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the posts of Chamber Presidents of the First-tier Tribunal. The closing date for applications is 11 March 2008. The JAC has been asked to select Chamber Presidents for:

- The Social Entitlement Chamber, and
- The Health, Education and Social Care Chamber

The Social Entitlement Chamber is expected to bring together the current jurisdictions of the Appeal Tribunal, the Pensions Appeal Tribunals for England and Wales, the Criminal Injuries Compensation Appeal Panel and the Asylum Support Tribunal. The Health, Education and Social Care Chamber's work is expected to include the Mental Health Review Tribunal for England, the Special Educational Needs and Disability Tribunal and the Care Standards Tribunal. You may apply for both the Chamber President posts if you wish. If you choose to do so, you need only complete a single Application Form.

Successful candidates can be based at any tribunals location (in consultation with the Senior President of Tribunals), but they will be expected to attend meetings in London and also to sit in hearing centres in London and elsewhere in the UK as required. More information on the new Chambers can be found in the Ministry of Justice document "Transforming Tribunals", which is available at www.justice.gov.uk/publications/cp3007.htm.

This pack contains the information that you need about the appointments. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website (www.judicialappointments.gov.uk) along with outline terms and conditions of service and terms of appointment for these posts.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

ARE YOU ELIGIBLE?

To be eligible for appointment as Chamber President you must meet the following requirements.

Statutory requirement

A Chamber President of the First-tier Tribunal is appointed by the Lord Chancellor under section 7 of the Tribunals, Courts and Enforcement Act 2007 (“TCE Act”). Paragraph 1 of Schedule 4, which should be read in conjunction with paragraph 1 of Schedule 3, sets out the statutory eligibility requirements.

Paragraph 1 of Schedule 4 to the TCE Act:

1. A person is eligible for appointment under section 7(7) only if –
 - (a) he is a judge of the Upper Tribunal, or
 - (b) he does not fall within paragraph (a) but is eligible to be appointed under paragraph 1(1) of Schedule 3 as a Judge of the Upper Tribunal (see paragraph 1(2) of that Schedule)

Paragraph 1 of Schedule 3 to the TCE Act:

1. (1) Her Majesty, on the recommendation of the Lord Chancellor, may appoint a person to be one of the Judges of the Upper Tribunal.
- (2) A person is eligible for appointment under sub-paragraph (1) only if the person
 - (a) satisfies the judicial-appointment eligibility condition on a 7-year basis,
 - (b) is an advocate or solicitor in Scotland of at least seven years’ standing,
 - (c) is a barrister or solicitor in Northern Ireland of at least seven years’ standing, or
 - (d) in the Lord Chancellor’s opinion, has gained experience in law which makes the person suitable for appointment as if the person satisfied any of the paragraphs (a) to (c)

The ‘judicial-appointment eligibility condition’ is:

- to have a qualification as a barrister in England and Wales or a solicitor of the Senior Courts (Supreme Court) of England and Wales
- to have gained experience in law during the required 7-year period of qualification

To have gained experience in law a person must have engaged in law related activity, which includes:

- a) the carrying out of judicial functions of any court or tribunal
- b) acting as an arbitrator;
- c) practice or employment as a lawyer;
- d) advising (whether or not in the course of practice as a lawyer) on the application of the law;
- e) assisting (whether or not in the course of such practice) persons involved in proceedings for the resolution of issues arising under the law;
- f) acting (whether or not in the course of such practice) as mediator in connection with attempts to resolve issues that are, or if not resolved could be, the subject of proceedings;
- g) drafting (whether or not in the course of such practice) documents intended to affect persons’ rights or obligations;
- h) teaching or researching law;
- i) any activity that, in the relevant decision-maker’s opinion, is of a broadly similar nature to an activity within any of paragraphs (a) –(h).

An activity is considered to be a law-related activity whether or not it is undertaken for remuneration, and whether it is undertaken on a full- or part-time basis. A person's engagement in law-related activity is to be disregarded if the engagement is negligible in terms of the amount of time engaged. In most cases, a person who has spent less than 20% of full-time equivalent working time on law-related activities over the course of the qualifying period will have spent a negligible amount of time on law-related activities.

If you are applying under paragraph 1(2)(d) the Lord Chancellor expects applicants to have been engaged in law-related activity, as defined above, for at least seven years.

Previous service in a judicial office

The Lord Chancellor expects applicants normally to have served in a judicial office in a fee paid or salaried capacity for at least two years or to have completed 30 sitting days before the closing date for applications. Such service is not the only criterion. You will also need to demonstrate the qualities and abilities required for this office.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed to the position of Chamber President must allow for a reasonable length of service before retirement, usually about three years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date

when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

Disqualification

You should note that the House of Commons Disqualification Act 1975 applies to this office.

REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Tribunal Service after the JAC has made its recommendation.

JOB DESCRIPTION

The following information has been provided by the Ministry of Justice.

President of Tribunal Chambers

Chamber Presidents of the First-tier Tribunal will be appointed by the Lord Chancellor in accordance with Section 7(7) of the Tribunals, Courts and Enforcement Act 2007 ("TCE Act").

The Chamber Presidents will provide the jurisdictional lead and management for their chamber as well as contributing to the senior judicial management team supporting the Senior President on wider issues. Under s23(2) of the TCE Act, they may give directions as to the practice and procedure of their Chamber. Overall they will be responsible for the career development of judges/members within their Chamber as well as maintaining and building high standards of case management and decision making whilst ensuring their Chamber is run efficiently and effectively within its resources.

The Senior President has a series of responsibilities under the TCE Act, which may be delegated. The significant areas of delegation are likely to be in respect of:

Training – Chamber Presidents will be expected to specify training requirements for their jurisdiction, drawing together training needs for new judges/members from their knowledge of the law and in consultation with chamber judges/members. Chamber Presidents may also have to work with individual members to identify specific training needs, and will also be responsible for ensuring that judges/members attend training and that the content meets training needs.

Guidance – Chamber Presidents will be responsible for offering guidance either informally or through practice directions on matters relating to the jurisdictions within their chamber.

Welfare – Chamber Presidents may be responsible for ensuring that welfare needs are taken into account for example by identifying judges/members who would benefit from additional training or mentoring or revised sitting patterns to help them cope with their workload.

Deployment – Chamber Presidents will be responsible for the Chamber's internal ticketing arrangements to allow judges/members to hear cases from the different jurisdictions within their Chamber and to ensure that only those with sufficient skills and experience in a jurisdiction hear its cases. Chamber Presidents will be responsible for identifying with Chamber members/judges additional jurisdictions that they could be ticketed to and the training that they might need to enable that.

Assignment – Chamber Presidents will have responsibility to ensure that members being considered for assignment within their Chamber meet the same standards as existing judges.

Panel constitution – within the scope of orders made by the Lord Chancellor, Chamber Presidents will be responsible for ensuring that panels for cases or classes of cases meet the needs of the case for example by assessing the need for additional specialist panel members.

Alternative dispute resolution – Chamber Presidents will have a leading role in devising new ways of delivering justice to users in jurisdictions within their chambers.

Additionally Chamber Presidents will have an important part to play in assisting the Senior President to fulfil his duties under s2(3) of the Act to ensure tribunals are accessible, proceedings before tribunals are fair, and members of tribunals are experts in their subject matter.

The role of Chamber President can be based in any Tribunals Service Office, but Chamber Presidents will be expected to attend meetings in London and there may be occasional overnight stays. Chamber Presidents may also be required to hear cases in London and other Tribunals Service sites as required.

Upon appointment as Chamber President of the First Tier Tribunal, the post-holder will also be appointed as a Judge of the Upper Tribunal, in accordance with provisions in the TCE Act.

Further Information

Salary levels for the First Tier Tribunal are currently being considered by the Senior Salaries Review Body, but the salary for this post is likely to be equivalent to that for a Senior Circuit Judge. If an existing Senior Circuit Judge is appointed to this post their salary will be maintained at that level.

Further information about the terms and conditions can be found on our website at www.judicialappointments.gov.uk. A copy of the TCE Act can be found at <http://www.opsi.gov.uk/acts/acts2007/20070015.htm>

If you have any queries about the posts please contact Paul Stockton, Director of the Tribunals Judicial Office on 0207 340 6548.

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

Timetable

Closing date for applications	11 March 2008
Provisional dates for interviews	22-23 April 2008

Shortlisting

If you are shortlisted, you will be invited to an interview. Further details will be sent with your invitation to attend. Invitations are expected to be sent out on 11 April 2008.

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the sift takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at sift and final selection decisions by Commissioners.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally.

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

You will be advised of the outcome of your application in writing. If you are unsuccessful, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Medical examination

You may be asked to undergo a medical examination before taking up appointment.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Acknowledgement of your application

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00355 (Please use this reference on all communications)

Judicial Appointments Commission
2nd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk
Telephone: 020 7210 0123

2. Selection Exercise Team:

Anna Norris	020 7210 0111	Selection Exercise Manager
Sheila Newman	020 7210 0082	Deputy Selection Exercise Manager

E-mail: anna.norris@jac.gsi.gov.uk

Fax: 020 7210 0134

3. Director:

David Truscott 020 7210 0567

4. Director of the Tribunals Judicial Office (for queries regarding the posts):

Paul Stockton 020 7340 6548.

JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

Judicial referees

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you are a Tribunal President, the Senior President or Lord President (Scotland)

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a District Judge, the local Designated Civil Judge.

If you are a District Judge of the Principal Registry of the Family Division, the Senior District Judge (PRFD).

If you are a District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

If you are a Circuit Judge, the relevant senior Presiding Judge.

If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.

If you are a Deputy High Court Judge, the relevant Head of Division

If you are a Sheriff Principal, the Lord Justice Clerk

If you are a Sheriff, the Sheriff Principal

Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers.

If you are an advocate, the Dean of the Faculty of Advocates (Scotland only).

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Mr Justice John Goldring

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson