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Information Pack:

00403:President of the War Pensions and Armed
Forces Compensation Chamber and
President of the Lands Chamber (Tribunals)

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for two full-time Chamber President posts; one in the First-tier Tribunal and one in the Upper Tribunal. The closing date for applications is **29 January 2009**. The JAC has been asked to select Chamber Presidents for the following Chambers:

- War Pensions and Armed Forces Compensation (First-tier Tribunal)
- Lands (Upper Tribunal)

The Tribunals, Courts and Enforcement Act (TCE Act) 2007 has enabled the first major renewal of the tribunal system for 50 years. It has created a two-tier tribunal structure into which most existing tribunals administered by central government will transfer. The First-tier Tribunal deals with first instance cases; the Upper Tribunal is an appellate body, providing the route of appeal for decisions from the First-tier Tribunal and some other tribunals. Both Tribunals are led by the Senior President of Tribunals, Lord Justice Carnwath.

The TCE Act requires both Tribunals to be organised into a number of chambers headed by Chamber Presidents, who are also judges of the Upper Tribunal. The essential role of a chamber will be to ensure that the proper degree of judicial expertise is brought to bear on cases. The Chamber President will be responsible for assuring and improving the chamber's expertise, and providing overall leadership within the chamber.

Three chambers: Social Entitlement and Health, Education and Social Care in the First-tier and Administrative Appeals in the Upper Tribunal were established in November 2008 and their Presidents have been appointed.

Vacancies

The JAC has been asked to select Chamber Presidents for one chamber of the First-tier Tribunal and one for a chamber of the Upper Tribunal, which will be established in 2009.

The Chamber President vacancy for the First-tier Tribunal is for the War Pensions and Armed Forces Compensation Chamber, comprising the work of the Pensions Appeal Tribunal for

England and Wales. Please note that upon appointment as a Chamber President of the First-tier Tribunal, the post-holder would also be appointed as a Judge of the Upper Tribunal, in accordance with provisions in the TCE Act.

The Upper Tribunal Chamber President vacancy is within the Lands Chamber, comprising the current work of the Lands Tribunal.

You may apply for both chambers if you wish. If you choose to do so, you need only complete a single Application Form and state an order of preference.

Successful candidates can be based at any tribunal location (in consultation with the Senior President of Tribunals), but they will be expected to attend meetings in London and also sit in hearing centres in London and elsewhere in the UK as required.

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 for these posts. You will also need to demonstrate the qualities and abilities required for this office.

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?

Under section 7 and Schedule 4 of the TCE Act, a Chamber President of the Tribunal Service is appointed by the Lord Chancellor.

Statutory requirement

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(2) of Schedule 3 as a judge of the Upper Tribunal (see below).

Schedule 3

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 seven 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 as suitable for appointment as if the person satisfied any of the paragraphs (a) to (c).

The TCE Act has introduced the '**judicial-appointment eligibility condition**'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. You will have to show that:

- you have possessed a relevant legal qualification;
- for the requisite period; and
- that whilst holding that qualification you have been gaining legal experience.

Relevant Qualification in England and Wales

You have a relevant qualification if you are a solicitor or barrister.

Legal Experience

In order to be eligible for judicial appointment, you must not only be in possession of the relevant qualification, but must also have been engaged in 'law related activity' whilst holding that qualification.

Meaning of Law Related Activity

An activity is considered to be a law related activity whether or not it is undertaken for remuneration, and whether or not it is undertaken on a full or part-time basis.

Each of the following is a relevant law related activity:

- 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 or employment 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 on 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 makers' opinion is of a broadly similar nature to an activity within paragraphs (a) to (h).

Category b) is intended to cover arbitrations where legal disputes are resolved on a reasonably formal, structured basis. For example, it would cover arbitrations governed by the Arbitration Act 1996, and carried out by a person who is accredited by a body such as CEDR (Centre for Effective Dispute Resolution).

Categories d) – g) are also intended to cover activities which are carried out on a reasonably formal, structured basis, for example volunteers who give legal advice in a law centre, or citizens advice bureau. However, it is not intended to cover (say) a person who gives informal advice to friends and neighbours.

Category (e) is intended to cover legal assistance, rather than other kinds of support.

Category (g) is intended to cover drafting which involves legal judgment and skill, such as drafting contracts and leases. It is not intended to cover drafting which may affect rights or obligations, but are essentially administrative tasks, e.g. filling in enforcement orders, or penalty notices.

The purpose of (i) is to cover the possibility of some kinds of law-related activity that might not quite fit within (a) – (h).

Your engagement in law-related activities during a period will be disregarded if the engagement is 'negligible in terms of the amount of time engaged'.

Previous service in a judicial office

The Lord Chancellor expects applicants to have normally 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.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70 for all judges. The age at which someone is appointed as 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, as they are for serving judges. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Tribunals 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 are appointed by the Lord Chancellor in accordance with Section 7(7) of the Tribunals, Courts and Enforcement Act 2007 (TCE Act).

The Chamber Presidents 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 ensuring that only those with sufficient skills and experience in a jurisdiction hear cases within that jurisdiction. 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 TCE Act to ensure tribunals are accessible and 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, however you will be expected to attend meetings in London and there may be occasional overnight stays. You may also be required to hear cases in London and other Tribunals Service sites as required.

A copy of the TCE Act can be found at: www.opsi.gov.uk/acts/acts2007/20070015.htm.

Salary levels are currently under consideration and have yet to be settled, but the salary for the President of the War Pensions and Armed Forces Compensation Chamber is likely to be the same as for the President of the Pensions Appeal Tribunals for England and Wales (Judicial Salary Group 6.2, currently £119,000). The salary for the President of the Lands Chamber is likely to be equivalent to that of a Senior Circuit Judge (Judicial Salary Group 5, currently £136,500).

Further Information

Further information regarding the terms and conditions of these posts can be found on the JAC website at the following address: www.judicialappointments.gov.uk.

If you have any queries about the role of the Chamber President please contact Paul Stockton, Director of the Tribunals Judicial Office on 020 7073 4162.

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. Candidates will have noted from the Job Description that particular emphasis is placed on leadership and managerial skills and evidence of ability in these areas should be set out clearly in the Self Assessment section of the Application Form. You can draw on your full range of work and personal experience to demonstrate the 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	29 January 2009
Provisional dates for interview	16 -19 March 2009

Shortlisting

If you are shortlisted you will be invited to an interview in London. Further details will be sent with your invitation to attend. We also intend contacting those invited to interview by telephone on 10 or 11 March to ensure they are notified as early as possible, so do please ensure that you include full contact details in your application form. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

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, interview 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. **We strongly recommend that you check with your referee that they are not conflicted.**

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. If you do not currently hold a judicial office and have excluded

your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

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 following interview, 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.

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
- If you sit on a Tribunal, the Tribunal President or equivalent
- 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 Circuit Judge, the relevant Senior Presiding Judge
- If you are a District Judge or Deputy District Judge, the local Designated Civil Judge
- If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts)
- If you are a Sheriff Principal, the Lord Justice Clerk (Scotland only)
- If you are a Sheriff, the Sheriff Principal (Scotland only).

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 a barrister, your senior member of the Bar Library (Northern Ireland only)
- 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

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson