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Information Pack:

00414: Salaried Judge of the First-tier Tribunal
(Social Entitlement Chamber) (2009)

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CONTENTS

INTRODUCTION.....	2
ARE YOU ELIGIBLE?	3
REASONABLE ADJUSTMENTS	6
JOB DESCRIPTION	6
LOCATION OF VACANCIES	7
THE SELECTION PROCESS.....	7
CONTACTS AND FURTHER INFORMATION	9
JAC NOMINATED REFEREES	11
JAC COMMISSIONERS	12

INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the posts of Salaried Judge of the First-tier Tribunal (Social Entitlement Chamber). The closing date for applications is **19 March 2009**. There are 14 vacancies across the following areas: Ashford or Bexleyheath, Birmingham, Central London, East London, Edinburgh, Glasgow, Northampton, Oxford, Sutton and Teesside or Tyneside (see page 7). The JAC has been asked to select 14 candidates for immediate appointment. All vacancies are suitable for salaried part time working.

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. 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?

Judges of the First-tier Tribunal are appointed by the Lord Chancellor under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007.

To be eligible for appointment as a Judge of the First-tier Tribunal you must meet the following requirements.

Statutory requirement

A person is eligible for appointment under paragraph 1(1) only if the person-

- (a) satisfies the judicial-appointment eligibility condition on a five-year basis;
- (b) is an advocate or solicitor in Scotland of at least five years' standing;
- (c) is a barrister or solicitor in Northern Ireland of at least five 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 paragraphs (a) to (c).

In order to meet the statutory qualifications for appointment, a solicitor (or a salaried judicial office holder who was formerly a solicitor) must appear on the Roll.

The Tribunals, Courts and Enforcement Act (TCE) 2007 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 or a Fellow of the Institute of Legal Executives.

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.

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.

Meaning of Law Related Activity

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 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 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 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.

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 First-tier Tribunal 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 is considering recommending 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 who develop an impairment or long-term health condition. 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.

OFFICE OF SALARIED TRIBUNAL JUDGE OF THE FIRST-TIER TRIBUNAL

Purpose of Office

The purpose of judicial office is to administer justice according to law, without fear or favour, affection or ill will.

Jurisdiction

The Salaried Judge has both judicial and administrative duties, and whilst appointed to the First-tier Tribunal, the person appointed will be assigned to the Social Entitlement Chamber to hear Social Security and Child Support appeals. The Chambers President may subsequently authorise the appointee to hear other cases within the chamber.

Main Duties

- A Salaried Judge is expected to hear appeals and to make interlocutory decisions. In addition, Salaried Judges are responsible for:
- Maintaining and improving judicial standards in the District, including meeting such judicial performance standards as may be set nationally which are consistent with good decision making and the provision of a fair and speedy tribunal system;
- In conjunction with the Regional Judge, deploying as appropriate tribunal members as are allocated to the District and overseeing the distribution of cases among them;
- In conjunction with the Regional Judge, appraising and monitoring the performance of tribunal members in the District, and making reports and recommendations as required by the Chambers President;
- Participating in judicial training, including the writing and delivery of judicial training material;
- Ensuring a close liaison with members of staff;
- Carrying out such other duties as may from time to time be allocated to him/her by the Chambers President/Regional Judge.

Further Information

Further information about the Tribunals Service can be found on their website www.tribunals.gov.uk. The terms and conditions for this post can be found on the JAC website www.judicial.appointments.gov.uk.

LOCATION OF VACANCIES

There is **one** vacancy in each location unless otherwise indicated in brackets.

<u>Judicial Region</u>	<u>Location</u>
Eastern	Central London (2), East London (2), Northampton
South-east	Central London, Ashford/Bexleyheath, Sutton
Central	Birmingham (2), Oxford
Scotland	Glasgow, Edinburgh
North-east	Teesside/Tyneside

You should indicate on page 14 of the Application Form whether you are applying for more than one location and, if so, your preference. Information regarding location and expenses is included in the Terms and Conditions.

Selection will be made on merit and there is no guarantee that a successful candidate will be offered their first location choice.

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	19 March 2009
Provisional dates for qualifying tests	Tuesday 21 April 2009
Provisional dates for interview	16-25 June 2009

Shortlisting

The next step in the process is a qualifying test. The qualifying test will be the sole method used to shortlist applicants for interview for this selection exercise.

All eligible applicants assessed to be of good character will be invited to a written qualifying test, provisionally set for **21 April 2009**.

Qualifying Tests will take place in **London**, however, should there be sufficient numbers of candidates requesting this we will also enable candidates to sit the test on the same day in **Edinburgh**. The final decision regarding this will be based on the numbers requesting a test in Edinburgh but candidates should be prepared to sit the test in London.

Details are provided in the Application Form and you should indicate your preferred location on your application. It is intended that candidates will have the choice to complete the test either in manuscript or using a word processing package (MS Word) on a laptop supplied by us.

The qualifying test is designed to test the following Qualities and Abilities:

- Intellectual Capacity – including ability quickly to absorb and analyse information and appropriate knowledge of the law and its underlying principles, or the ability to acquire this knowledge where necessary.
- Efficiency – including ability to work at speed and under pressure and ability to organise time effectively and produce clear reasoned judgments expeditiously.

The test will consist of two papers and should last no more than 90 minutes.

Further information about the test and the preparation you may wish to undertake will be on our website at www.judicialappointments.gov.uk by Monday the **9 March 2009**.

Outcome of the qualifying test

Following the test, if you are shortlisted, you will be invited to an interview in London. The selection of applicants for interview will be based solely on the results of the qualifying test. All of the qualities and abilities set out in the Application Form will be assessed at the interview stage. Further details will be sent with your invitation to attend. 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 interview 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 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.

Declaration 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 at the selection day stage of the process, 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.

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.

Training

Successful candidates will be invited to induction training. Details will be provided on appointment.

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: 00414 (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 3334 0123

2. Selection Exercise Team:

Mary D’Arcy	020 3334 0304	Assistant Director
Maggie Garrett	020 3334 0305	Deputy Selection Exercise Manager

E-mail: mary.d’arcy@jac.gsi.gov.uk

E-mail: maggie.garrett@jac.gsi.gov.uk

3. Director:

Susan Bush* 020 3334 0567

E-mail: susan.bush@jac.gsi.gov.uk

*If dialling after 30 March 2009 please contact Sarah Gane on the same number.

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 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 Deputy District Judge, the local Designated Civil Judge.

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

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

Professional referee

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

If you are a barrister, your Head of Chambers or, if in Northern Ireland, your senior member of the Bar Library.

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

Her Honour Judge Frances Kirkham

Sir Geoffrey Inkin OBE

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