



Information Pack:

00517: Deputy Judge of the Upper Tribunal,
Administrative Appeals Chamber

00518: Salaried Judge of the Upper Tribunal,
Administrative Appeals Chamber

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1. INTRODUCTION

The Judicial Appointments Commission (JAC)¹ is now inviting applications for the positions of Deputy Judge of the Upper Tribunal, Administrative Appeals Chamber and Salaried Judge of the Upper Tribunal, Administrative Appeals Chamber (AAC). The closing date for applications is **noon on 22 December 2011**. The Upper Tribunal is a superior court of record with UK wide jurisdiction. It comprises four Chambers, one of which is the AAC.

The JAC has been asked to recommend up to six candidates for the Deputy Judge of the Upper Tribunal, AAC, four based in London and two in Edinburgh and two candidates for the Salaried Judge of the Upper Tribunal, AAC to be based in London.

This pack contains the information that you need about the appointments. It 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. These are set out at 2.2 on page 2.

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 (<http://jac.judiciary.gov.uk>) along with outline terms and conditions of service and the job description for these posts. You may also need to consider whether you are ready to apply for a judicial appointment, and in doing so may wish to look at the top tips and case studies sections of our website under 'Is it for me?'

¹ 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.

2. ABOUT THE POST

2.1 Overview of the role

The Administrative AAC hears and determines appeals (mainly on points of law only) from decisions of the First-tier Tribunal and some equivalent tribunals. The jurisdiction includes appeals relating to social security benefits, child support, housing benefit and tax credit. The majority of appeals are determined on paper.

Deputy Judge of the Upper Tribunal (Edinburgh posts)

For these posts knowledge and experience of Scots law are required, but it is not necessary to have a Scottish legal qualification.

The fee for Deputy Judge is £583 per day. The remuneration for Salaried Judges is £128,296. Judges of the Upper Tribunal are (or, if already appointed, remain) judges of the First-tier Tribunal and may be deployed to undertake work there in suitable cases.

Salaried Part-time Working (SPTW) with a minimum pattern of 50% may be accommodated for the salaried posts. The post holder would have to be flexible and prepared to vary their work pattern to accommodate the work needed. Any request for SPTW is subject to negotiation and details would need to be discussed and agreed with the Business Area if successful on appointment.

The full terms and conditions, along with the job description, can be found on our website.

2.2 Eligibility requirements

To be eligible for appointment as Deputy Judge of the Upper Tribunal, AAC and Salaried Judge of the Upper Tribunal, AAC you must meet the following requirements.

Statutory eligibility requirements

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

The Tribunals, Courts and Enforcement (TCE) Act 2007 has introduced the '*judicial-appointment eligibility condition*'. 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 qualifications

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

You will be considered eligible as a solicitor when your name is first entered on the Roll kept under section 6 of the Solicitors Act 1974.

You will be considered eligible as a barrister a) when you have completed pupillage in connection with becoming a barrister or b) if you are not required to undertake pupillage in connection with becoming a barrister, when you are called to the Bar of England and Wales.

When applying for a judicial appointment under b) you will need to provide details in the application form of why you are not required to undertake pupillage. This will most likely be because you were called to the Bar prior to 1 January 2002. If you were called to the Bar after this date, you will only be eligible if you have completed or have been exempted from pupillage by the Bar Standards Board. If you have been exempted from pupillage, you will be required to provide evidence at the time applications close, otherwise you will not be eligible to proceed.

Requisite period

The JAC will count the requisite period from the start date of the relevant qualification up to the end of April 2012.

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 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; or
- i) any activity that in the relevant decision makers' opinion (this means the Lord Chancellor or his delegated official) is of a broadly similar nature to an activity within paragraphs a) to h).

Further guidance on the meaning of a law related activity has been provided by the MoJ and can be found on the JAC website <http://jac.judiciary.gov.uk/application-process/7.htm>

Previous service in a judicial office

The Lord Chancellor expects that candidates for salaried posts will have sufficient directly relevant previous judicial experience. Only in exceptional cases and if the candidate in question has demonstrated the skills in some other significant way should an exception be made.

The meaning of “directly relevant experience” is sitting as a judge in a salaried or fee-paid capacity, for fee-paid judges this should be for a period of at least two years or 30 sitting days since appointment.

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 be Deputy or Salaried Judge of the Upper Tribunal, AAC must allow for a reasonable length of service before retirement, usually, for this position, about five 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.

You must satisfy the nationality requirements by the time applications close for the exercise.

Disqualification

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

3. THE SELECTION PROCESS

3.1 Timetable

Closing date for applications	22 December 2011
Provisional dates for selection days	12-16 March 2012 in London 20-21 March 2012 in Edinburgh

3.2 The application form

The application form plays an important part in the selection process. You should complete all sections of the form, ensuring the information you provide is clear and accurate.

3.3 The self assessment

When completing the self assessment part of the application form, please be concise, as any information in excess of two pages will not be used to support your application. Note form is acceptable.

In preparing your self assessment it is important to remember that this is a critical part of your application. Please look at the qualities and abilities required for this post. This assessment is your opportunity to expand on the information you have provided about your career history. It should explain how you demonstrate the qualities and abilities and not simply be a reiteration of your career history.

You should consider the following:

- Make sure that you provide specific examples that demonstrate how your skills match the qualities and abilities sought at the level appropriate for the role for which you are applying. It is not enough to talk generally about a situation and what happened – we need to know specifically what your thinking was, what actions you took and how you handled the situation.
- Be clear and explicit when writing your examples so that there is no room for doubt about how you personally have tackled something. Do not assume that the person reading your form will be able to infer, from your description, what your role was and what specifically you were responsible for.
- Keep your answers concise and to the point. It is important that the focus is on you – your actions and your responsibilities – not the situation as a whole.

3.4 Obtaining an application form

The application form for this selection exercise can be obtained electronically by downloading it from the JAC website.

If you need the form, information pack or other information in a different format, for example Braille, please contact the JAAS team:

Reference: 00517 (Deputy Judge) or 00518 (Salaried Judge) - please use this reference on all communications.

Judicial Appointments Commission
1st Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149824 WESTMINSTER 6
Email: jaas@jac.qsi.gov.uk
Telephone: 0203 334 0123

3.5 Shortlisting

The first step in the selection process is a sift. A sift panel will consider the information provided in your application form and any references received. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted. However, a generic feedback report will be produced following the paper sift and placed on the JAC website.

3.6 Referees

Referees are approached before the sift takes place and the material they provide will inform decisions at the paper sift and final selection decisions by Commissioners.

Candidate nominated

You are required to request the references from up to three referees who know you well either personally or professionally. You must ask your referees to submit their references direct to the JAC. The JAC will inform you when you need to contact your candidate nominated referees, along with details of where the relevant forms and associated information can be found on our website for this particular exercise.

We will seek information from people who are well placed to comment on how you meet the qualities and abilities. You should ask your referees to review guidance on the JAC website which outlines the information that should be included within a reference.

We strongly recommend that you check with your referee that they do not have a conflict of interest in this exercise and that they are able and content to support you within the required timescale.

Please advise your referees that the preferred method of return is via email – hard copy returns will only be accepted in exceptional circumstances.

JAC nominated

The JAC will 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.

Please note that if you are applying for the Salaried Judge posts, you may not nominate Mr Justice Walker as a referee; and if you are applying for the Deputy Judge posts you may not nominate Judge Lloyd-Davies for the London posts or Judge May QC for the Edinburgh posts.

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 JAC 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.

3.7 Selection day

If you are shortlisted you will be invited to a selection day. The selection day for this exercise will consist of a panel interview with some situational questioning, which are hypothetical questions based on one or more scenarios relating to the AAC jurisdiction; further details will be sent with any invitation to attend the selection day. The overall assessments made by the panel, which take account of evidence from your application form, the selection day and references, are provided to the Commissioners when they make their selection decisions.

3.8 Statutory consultation

As required by the Constitutional Reform Act 2005, the JAC will consult with the Lord Chief Justice and a second person who has held the office in question or has other relevant experience. For these exercises the second consultee will be the Senior President of Tribunals, for posts in England. The Lord President of the Court of Session will be consulted for posts in Scotland.

3.9 Good character

The JAC is required by statute to select only persons of 'good character'. In order to make these assessments, we have developed character guidance which you can find on our website under 'Can I apply?' <http://jac.judiciary.gov.uk/application-process/7.htm>

The 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. You have a continuing responsibility throughout the selection process for any character matter that may arise up to the date of appointment.

Character questions and declarations

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

Candidates 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 (Exceptions) 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 must 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 character.

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.

3.10 Selection decisions

The Commission, sitting as the Selection and Character Committee, will consider the information gathered about candidates, which includes the overall assessment report from the selection day panel and statutory consultation comments, to select those candidates to recommend to the Lord Chancellor.

3.11 Report to the Lord Chancellor

The Commission reports its final selections to the Lord Chancellor. The Lord Chancellor can accept or reject this recommendation, or ask the Commission to reconsider it. The Lord Chancellor may not select an alternative candidate.

3.12 Outcome of the selection exercise

You will be advised of the outcome of your application by post and we hope to get these results to you by the end of June 2012. Please note that we will issue the results to successful and unsuccessful selection day candidates on the same day, however there may be a delay in notifying candidates for the posts in Edinburgh as the Lord Chancellor will consult Scottish Ministers before making his decision.

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 20 working days.

3.13 Medical examination

If you are successful in your application for the Salaried Judge of the Upper Tribunal, AAC exercise, you may be asked to undergo a medical examination before taking up appointment.

3.14 Training

For Deputy Judge posts any training required will be tailored to the successful candidate. New appointees will be mentored by an existing salaried judge and will observe an oral hearing before sitting.

For Salaried Judge posts no specific training is required. New appointees will be mentored by an existing salaried judge and will observe an oral hearing before sitting.

3.15 Complaints procedure

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

4. FURTHER INFORMATION AND CONTACTS

4.1 Further Information

For further information about the selection process and the requirements of the Constitutional Reform Act 2005, please consult our website.

4.2 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, any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Her Majesty's Courts and Tribunals Service after the JAC has made its recommendation.

4.3 Submitting your application

Once completed, your application form should be submitted via our secure online process by going to our website and selecting 'Submit your Application'. Applications will only be accepted in hard copy in exceptional circumstances and during normal office hours.

Please submit only one application as duplicate applications risk handling errors and cause delays.

4.4 Acknowledgement of your application

When you submit your application by our secure online application process you will receive an acknowledgement on your computer screen. Depending on your internet service provider or computer equipment this could take anything between a few seconds to several minutes. We recommend that you allow up to 15 minutes. You may also request an auto generated email confirming successful receipt, by entering your email address on the application form submission page of the online application.

If you do not receive an acknowledgement within the specified time periods stated above, it is essential that you contact the JAAS team by telephone or email without delay.

You must retain a copy of the acknowledgement of your application. If you have not received an acknowledgement, we have not received your application.

4.5 Future Correspondence

Please note that on the application form you are asked to indicate whether you are prepared to receive future routine correspondence via email, throughout the exercise.

4.6 Contact details

Selection Exercise Team:

Jeremy Brooks	0203 334 0089	Selection Exercise Manager
Linda McCabe	0203 334 0305	Deputy Selection Exercise Manager
Jagdish Gandam	0203 334 0111	Selection Exercise Team Leader

Email: jacset1@jac.gsi.gov.uk

Fax: 0203 334 0133

5. JAC NOMINATED REFEREES

The JAC may also request references from individuals in the categories listed below.

Judicial referees

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

If you are a tribunal judge, your Chamber President, President or their delegate.

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 Master or Registrar of the High Court, or a Deputy Master or Registrar, the relevant Senior Master or Registrar.

If you are a Costs Judge or Deputy Costs Judge, the Senior Costs Judge.

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

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

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, or an attorney, 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.

6. JAC COMMISSIONERS

Chairman

Mr Christopher Stephens

Members

Mr Justice David Bean

Lady Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Sir Geoffrey Inkin OBE

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Lord Justice Roger Toulson