



Information Pack:

100538: Fee-paid President of the Transport Tribunal

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1. INTRODUCTION

The Judicial Appointments Commission (JAC)¹ is now inviting applications for the position of Fee-paid President of the Transport Tribunal. The closing date for applications is **noon on 15 December 2011**.

This pack contains the information that you need about the appointment. 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.

The Transfer of Functions (Transport Tribunal and Appeal Panel) order 2009, article 2 transfers most but not all of the Tribunal's functions to the First-tier and Upper Tribunal. One function, the power to impose a penalty for not keeping to a bus timetable, is given to the Transport Tribunal in Scottish legislation. This function was not separately transferred to the Upper Tribunal and will be active in any appeal in Scotland where a penalty for poor time keeping is challenged. The Transport Tribunal is therefore retained until legislation finally transfers the function – which will happen in due course; the post of President will no longer be required. Until then, the President will be appointed to the Transport Tribunal.

Before you can be considered for appointment, there are eligibility requirements that you must meet. These are set out below, at 2.2 on page 4.

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, the job description and terms of appointment for this post.

2. ABOUT THE POST

2.1 Overview of the role

The President is the head of the Transport Tribunal and provides the jurisdictional lead and management for the Tribunal. Overall the president will be responsible for the career development of judges and members within the Tribunal as well as maintaining and building high standards of case management and decision making whilst ensuring the Tribunal is run efficiently and effectively within its resources. However, the Principal Judge for the Transport jurisdictions in the First-tier and Upper Tribunals will be responsible for all day to day matters regarding judges and members.

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.

The President can be based in any Tribunals office in Great Britain, 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 Tribunal sites as required.

The fee per day is £583. The appointment is required by March 2012.

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 Fee-paid President of the Transport Tribunal 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; or
- (b) is an advocate or solicitor in Scotland of at least 10 years' standing.

The Tribunals Courts and Enforcement Act (TCE) 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 qualification” means a barrister, a solicitor or a Fellow of the Institute of Legal Executives. 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.

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.

The meaning of “gain experience in the law” is set out in section 52(2) to (5) of the TCE Act 2007 and relates to a period engaged in law related activities.

Non-statutory eligibility requirements

The essential non–statutory eligibility criteria have been approved by the Lord Chancellor. They are that candidates *must* be a serving Judge in the Transport Tribunal, either 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 lower or upper age limit for candidates apart from the statutory retirement age of 70.

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	Noon on 15 December 2011
Provisional date for selection day	20 December 2011

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 from Françoise Cave via email. Her address and telephone number are listed below.

Reference: 00538 (Please use this reference on all communications)

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

DX 149824 WESTMINSTER 6
 Email: francoise.cave@jac.gsi.gov.uk
 Telephone: 0203 334 0126

3.5 Referees

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

Referees should be people who are well placed to comment on how you meet the qualities and abilities. For this exercise we are only requesting a reference from your Judicial Referee. You should ask your referee to review guidance on the JAC website which outlines the information that should be included within a reference.

The relevant forms to forward to your referee and associated information can be found on our website at: <http://jac.judiciary.gov.uk/>.

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 referee that the preferred method of return is via email – hard copy returns will only be accepted in exceptional circumstances. References should be sent directly to Françoise Cave: francoise.cave@jac.gsi.gov.uk by 15 December.

JAC nominated

The JAC will 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 referee.

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.

3.6 Selection day

If you are eligible you will be invited to a selection day. The selection day for this exercise will consist of a panel interview. Further details will be sent with any invitation to attend. The overall assessments made by the panel, which take account of evidence from your application, the selection day and references, are provided to the Commissioners when they make their selection decisions.

3.7 Statutory consultation

As required by the Constitutional Reform Act 2005, the JAC will consult with the Lord President of the Court of Session and a second person who has held the office in question or has other relevant experience. For this exercise the second consultee will be the Senior President of Tribunals.

3.8 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?’

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.

3.9 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.

3.10 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.

3.11 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 January 2012.

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.

3.12 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 form

Once completed, your application 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 form

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
Françoise Cave	0203 334 0126	Selection Exercise Team Manager

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 serving Transport Judge, your Chamber President or their delegate.

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

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