

Evidence from the Judicial Appointments Commission to the Senior Salaries Review Body

1. This is the response of the Judicial Appointments Commission (JAC) to the request from the Senior Salaries Review Body (SSRB) for evidence for the 2009 report. In our evidence we will address the following key points:
 - the creation of the JAC
 - how the JAC's selection process operates and the improvements that have been made since our inception;
 - how the JAC ensures that the selections it makes and recommends to the Lord Chancellor for appointment are of good quality;
 - the extent to which suitable candidates were available for posts advertised;
 - the JAC's progress toward creating a more diverse judiciary; and
 - the collection of earnings data from candidates for judicial appointment.

The creation of the JAC

2. The Constitutional Reform Act 2005 was a landmark in creating a new and clearer relationship between the executive, the legislature and the judiciary. The Lord Chancellor was given a clear mandate to protect the independence of the judiciary, and the Lord Chief Justice was made head of the Judiciary in England and Wales, with responsibility for the deployment and training of judges.
3. The Act provided for the creation of the Judicial Appointments Commission (JAC), and the Commission was launched on 3 April 2006. It has the responsibility of selecting judges for appointment. Under the Act, we have three key statutory duties: to select candidates on merit; to select only people of good character; and to have regard to the need to encourage diversity in the range of persons available for selection for appointment.
4. The JAC is an executive non-departmental public body, sponsored by the Ministry of Justice (MoJ). Our aims and objectives are agreed with the Lord Chancellor and set out in our Business Plan, together with the services provided to the JAC by the MoJ.
5. The Commission is required by statute to consist of a lay Chairman and 14 Commissioners. The latter are made up of five judicial members, one barrister, one solicitor, five lay members, one tribunal member and one lay justice. Each Commissioner was appointed in his or her own right, not as a delegate or representative of their profession. Twelve, including the Chairman, were selected through open competition and three by the Judges' Council.

6. The Commission has corporate responsibility for ensuring that the JAC fulfils its role under the Constitutional Reform Act 2005, for achieving its aims and objectives and for promoting the efficient and effective use of staff and other resources available to the JAC. The Commissioners work closely with the JAC's staff, who are led by a Chief Executive and four Directors.

Selections made by the JAC

7. For the appointment of the **Lord Chief Justice and the Heads of Division** the Lord Chancellor will ask the JAC to convene a selection panel to determine the selection process and make a selection. That panel (which is a committee of the Commission) must consist of 4 members who shall be the most senior England and Wales Supreme Court Judge, the Lord Chief Justice, the Chairman of the Commission and a lay member of the Commission designated by the Chairman.
8. For the selection of **Lords Justices of Appeal**, the Lord Chancellor will ask the JAC to convene a selection panel (which is again, a committee of the Commission) consisting of 4 members. The members must be the Lord Chief Justice, a Head of Division or Lord Justice of Appeal designated by the Lord Chief Justice, the Chairman of the Commission and a lay member of the Commission designated by the Commission.
9. For the selection of **puisne judges and other office holders** (which numerically form the majority of JAC selection exercises) it is for the Commission to determine the selection process. The Panel will generally consist of three people:
 - a Panel Chair who has been appointed following a Nolan process and is engaged by the JAC on a two year contract (with the possibility of extension). The JAC has 31 Panel chairs who were engaged in 2008;
 - an independent lay member – Our independent panellists were recruited by the former Department for Constitutional Affairs (DCA) in September 2004 with contracts until 2010. The JAC has taken over the form DCA's arrangements with these independent members. They have varied backgrounds and experience. In recruiting independent panellists, the criteria used included a human-resource qualification and experience in assessing people for senior and/or high-profile appointments.
 - a Judicial member - the judicial member of the panel provides the necessary technical expertise and legal knowledge. He or she is generally drawn from the jurisdiction to which the appointment relates.
10. For senior appointments, Commissioners will often take part in the selection exercise as panellists.

The Selection Process

11. When launched in April 2006 the JAC initially used selection processes developed by the former DCA. But we made it a priority to systematically review the entire process used for judicial appointments. The JAC's goal in developing the new processes was, from the

outset, to make them clear and objective. The JAC goal in developing new processes was from the outset, to make them clear and objective. We have:

- developed a simplified definition of merit using five qualities and abilities (intellectual capacity; personal qualities; an ability to understand and deal fairly; authority and communication skills; efficiency);
- published guidance on how we determine good character;
- revised all of our documentation including the application form and guidance to candidates;
- introduced qualifying tests as an alternative assessment method for shortlisting;
- adopted a more targeted approach to references;
- extended the use of role-plays; and
- developed robust and effective quality assurance systems.

12. Since October 2006 all new competitions launched have used JAC-developed processes.

13. Before the JAC receives a request to select a candidate Her Majesty's Courts Service and the Tribunals Service have agreed to prepare at the start of each year, a forecast of expected vacancies. Good forecasting of vacancies and planning are crucial for us to keep to our timetable and make effective use of our resources. We recognise that the science of forecasting vacancies cannot always be an exact one and that some changes to requirements in-year are inevitable. We always do our best to respond flexibly to such changes, and we work closely with the MoJ, HMCS and the Tribunals Service to manage changes in year.

14. Individual selection exercises commence on receipt of an official vacancy notice from the Lord Chancellor. While the vacancy notice will set out any statutory eligibility criteria, it will often include additional non-statutory criteria applied by the Lord Chancellor. The JAC is concerned to ensure that this non statutory criteria (for example the requirement for candidates to have served as a fee-paid judicial office holder for at least 2 years, or to have completed a minimum fee paid sitting days – 30 days) is kept to a minimum given its potential to narrow the pool of potential candidates. In a number of cases, we question the application of this criteria. We also press the case for Salaried Part Time Working opportunities to be included in vacancy requests.

15. Once a vacancy request has been agreed, we advertise the posts widely in the national press, legal publications, the professional press and online. It also sends subscribers to its e-newsletter, *Judging your Future*, details of forthcoming vacancies.

16. The JAC also runs roadshows and other targeted outreach events designed to explain the selection system to potential candidates and to encourage them to consider a judicial career. Key interested parties such as the Law Society and the Bar Council are also approached to disseminate information about specific appointments and about the judicial appointments process in general.
17. Application forms are specifically tailored for individual selection exercises. Information packs are also available for each specific exercise, which detail the eligibility requirements and also guidance on the application process itself. Both documents can be downloaded from the JAC website or sent to prospective candidates in hardcopy on request.
18. When a completed application form has been received, the JAC checks whether the candidate is eligible for the selection exercise in question and also makes an assessment of the good character of the applicant as required by the CRA.
19. The next stage of the process involves our assessment of candidates. As part of their application form, candidates are required to nominate up to three personal referees (although in some cases as many as six may be required). The JAC may also seek references from a list of Commission-nominated referees, which is published for each selection exercise. References are always sought, although the time at which they are sought will depend on the assessment method used for shortlisting candidates.
20. The JAC uses two methods of assessing applicants; a qualifying test or a paper sift. At its inception the JAC used only paper sifts but has subsequently introduced the qualifying test process. This is one of the key changes to the selection process introduced by the JAC. The JAC takes the view that qualifying tests are fairer to all candidates as they are more objective and provide better evidence of a candidate's suitability for appointment when compared to the paper sift which is based on self-assessment and references. Qualifying tests are generally used for larger exercises although it is not always appropriate to use a qualifying test and we still use paper sifts for some exercises. These are generally for smaller exercises where a more senior appointment is being made. If a paper sift is used, references are taken up before the sift and are used to make the shortlisting decisions. If the qualifying test is used, references for candidates who have been successful in the test are taken up prior to interview.
21. Qualifying tests are generally undertaken in groups of no more than 25 at a time as some candidates have expressed concerns that their identities may become known by other candidates and that this knowledge could spread more widely throughout the profession and consequently impact upon their businesses. We are working with partners to minimise the impact of this and are considering a range of options including, in the longer term, the possibility of secure on-line testing. Feedback questionnaires completed by those candidates who have taken a qualifying test indicate that they consider the tests to be fair and demanding. The Law Society has been very supportive of the move towards qualifying tests although some people, principally members of the Bar, have expressed concerns about use of qualifying tests and would seem to favour the emphasis in the selection process being placed on references.
22. The next stage of assessment will vary depending on the nature of the posts to be filled. Certain exercises may involve a selection day that is likely to involve a combination of role-play exercises and a formal interview. For some specialist and the most senior appointments there is more likely to be only a panel interview.

23. Following the interview/selection days, the Panel members assess all the information they have for each candidate and will prepare a report on their findings. They subsequently agree which candidates they feel best meet the required qualities and abilities.
24. These reports then go for statutory consultation, as required under sections 88(3) and 94(3) of the CRA. This means the reports go to the Lord Chief Justice and another person who has held the relevant post (or has relevant experience) for their views on the prospective candidates.
25. Following receipt of the views of the Lord Chief Justice and the judicial office holder, the process moves to the final stage of selection and recommendation. Commissioners consider all of the information gathered on prospective candidates and subsequently select those candidates who will be recommended to the Lord Chancellor for appointment. For those candidates who are existing judicial office holders the JAC check with the Office for Judicial Complaints that there are no complaints outstanding against them. For all other recommended candidates, a series of final good character checks are made with the police, Her Majesty's Revenue and Customs and relevant professional bodies.
26. The JAC will provide only the number of persons the Lord Chancellor has requested. If insufficient numbers of suitable candidates were found in an individual exercise, however, the JAC would discuss the options with our partners including the possibility of re-advertising the vacancy. The JAC does not simply fill the vacancies it is presented with. All candidates must demonstrate that they have the ability to fill the advertised vacancies.
27. It is not possible to provide to the SSRB details on the number of any candidates, in addition to those recommended to the Lord Chancellor, who may have been suitable for posts. This is because each candidate is considered individually by the JAC's Selection and Character Committee and only one candidate per post is selected and recommended to the Lord Chancellor.
28. The processes, when viewed in the round, ensures that those candidates considered selectable by the JAC must have met various statutory eligibility criteria set by the CRA and non-statutory eligibility criteria set by the Lord Chancellor. They must then go through the selection process itself to show that they have the qualities and abilities which the JAC use to define merit. The selected candidates must then undergo statutory consultation with the Lord Chief Justice and another serving member of the judiciary before finally being recommended to the Lord Chancellor for appointment. Both the Lord Chief Justice and the Lord Chancellor have commented on the quality of selections made by the JAC; no doubt in large part due to the rigour of our selection processes.
29. The complete end-to-end process can take a year or more but the JAC's part in the process will generally take approximately 4 – 6 months and this is broadly in line with the time taken by the former DCA under the previous arrangements. Our Annual Report (2007/08) provides a pictorial guide to the entire process at pages 16 and 17.

Finding suitable candidates

30. For the vast majority of the selection exercises we have run, or are running, we have had no difficulty in generating high levels of applications from high quality candidates. There have been a small number of specialist exercises where applications rates have been low. These were:

- 2006 (using DCA processes) competition for Social Security and Child Support Medical Members – 86 applications for 118 vacancies
- Launched in January 2007, a competition for Regional Chairman of the Employment Tribunal – 8 applications for 2 vacancies
- Launched in January 2007, a competition for Senior Master of the Queens Bench Division – 5 applications for 1 vacancy
- Launched in May 2007, a competition for Specialist Senior Circuit Judge Technical and Construction Court in Manchester – 2 applications for 1 vacancy
- Launched in November 2007, a competition for Senior Circuit Judge – Resident Judge Manchester – 5 applications for 1 vacancy
- Launched in November 2007, a competition for Senior Circuit Judge Designated Civil Judge for Wales – 4 applications for 1 vacancy

31. These difficulties were experienced during the transitional period shortly after the JAC was established. Since that time the JAC has consolidated its position by establishing its own new selection processes as detailed above and through extensive outreach work with key interested parties and members of the legal profession.

32. We have subsequently seen a continuing upward trend in applications, possibly as a result of the new appointments system becoming more accepted and understood by members of the legal professions, and we no longer have difficulty in finding very high quality candidates. In fact, in the current financial year the JAC has already attracted as many candidates (approximately 3000) as applied in the whole of 2007/2008. We continue to seek and identify ways in which we can increase the number of high quality candidates applying for judicial position, particularly those from under-represented groups, as we are well aware of our requirement to do so under section 64(1).

33. The JAC is also interested to establish why certain potential candidates do not apply for judicial appointment. To this end we have commissioned research, to be conducted by BMRB, on barriers to application. The results of this research will further inform the development of our selection arrangements. The research is due to report in February 2009 and we would, of course, be happy to share this with the SSRB, particularly if levels of judicial pay are identified as barriers to application. We should emphasise, however, that the JAC has seen no indications that judicial pay is acting as such a barrier.

34. Our published selection exercise statistics are at Annex A.

Creating a more diverse judiciary

35. The JAC takes its diversity duties extremely seriously. We engage in extensive outreach activities and engage regularly with key interested parties, working with them on toolkits for candidates, mentoring schemes and a range of other initiatives.

36. There are three main workstreams aiming to achieve diversity within the judiciary:

- outreach – as well as roadshows, the Chairman and other Commissioners attend and speak at seminars. The JAC also exhibits at other organisations' events and hosts its own targeted events;
- the Trilateral Strategy – a partnership between the JAC, MoJ and the judiciary; and
- the JAC Diversity Forum – established in April 2008 involving key representative bodies from the legal professions and other key partners, it aims to make a concerted effort to improve diversity and to achieve change by co-ordinating existing activity and identifying new opportunities for action.

Collection of details of candidates' earnings

37. In its 2007/2008 report the SSRB has recommended that the JAC (along with the appointments commissions in Scotland and Northern Ireland) collect details of candidates' earnings to assist it in reaching decisions about the levels of judicial pay to recommend to the Lord Chancellor.

38. While the JAC understand why data on candidates' earnings would be valuable to the SSRB, it notes that this would be a new initiative; the information was not previously collected by the former Department for Constitutional Affairs as part of selection arrangements. It also has a concern that collection of this data by the JAC could send completely the wrong message to any potential candidate that their earnings might form part of the assessment of their suitability for judicial appointment. The Commission does not consider that consideration of earnings should play any part in its selection process. The JAC is also concerned that seeking to collect data from candidates might act as a perceived barrier to application for some groups or individuals. We would clearly wish to avoid that given our statutory duty to encourage diversity in the range of persons available for selection.

39. The Commission wants to assist the SSRB. Having considered the matter carefully, while we are prepared to include a questionnaire on earnings within our application packs to candidates for each specific selection exercise, this would need to be subject to a number of safeguards:

- that any questionnaire should be on SSRB headed paper with a clear explanation of why it is being requested;
 - that the questionnaire should make it clear that the provision of the information would be on an entirely voluntary basis and that it forms no part of the selection process; and
 - that the questionnaire should contain instructions that when completed forms should be returned direct to the SSRB.
40. We would need to alter this proceed slightly in the case of any applications that are submitted to the JAC in electronic form, with an electronic version of the questionnaire being included with an SSRB email address to which it is to be sent when completed.

Future Challenges

41. The draft Constitutional Renewal Bill (Cm 7342), was published by the Ministry of Justice on 25 March 2008. The draft Bill included a number of proposals which could have significant implications for the operation for the JAC. The draft Bill was subject to pre-legislative scrutiny by a joint committee of both Houses of Parliament. The joint committee completed its scrutiny and published its final report on Thursday 31 July.
42. The JAC provided evidence to the Joint Committee, a copy of which is at Annex B.

Completed Selection Exercise Data

Table of Contents

00247: District Judges 2006/2007	10
00248: Appeals Tribunal: Social Security & Child Support fee paid medically qualified members.....	11
00257: Gambling Appeals Tribunal (Legal Members) 2006.....	12
00258: Salaried Chairmen of the Employment Tribunals 2006.....	13
00259: Circuit Judge 2006/2007, England and Wales.....	14
00260: Criminal Injuries Compensation Appeals Panel.....	15
00264: Deputy District Judge 2006-2007.....	16
00265: District Chairman of the Appeal Tribunals 2006.....	17
00267: High Court 2006-2007.....	18
00293: Regional Chairmen of the Employment Tribunals 2007.....	19
00294: Fee-Paid Legal Panel Member of the Social Security and Child Support Appeal Tribunal 2007	20
00296: Fee-Paid Disability Qualified Member of the Social Security and Child Support Appeal Tribunal 2007	21
00299: Deputy Chancery Masters 2007	22
00300: Deputy Bankruptcy Registrar	23
00307: Mental Health Review Tribunal, Fee-Paid Medical Member 2007	24
00316: District Judge (Magistrates' Courts) England & Wales 2007/2008.....	25
00278: Residential Property Tribunal (Wales) 2007	26
00324: Fee-Paid Legal Members of The Charity Tribunal 2007	27
00325: Fee-Paid Ordinary Member of The Charity Tribunal 2007	28
00328: Social Security and Child Support Commissioner-Salaried 2007	29
00336: Senior Immigration Judge, Asylum and Immigration Tribunal 2007.....	30
00337: Designated Immigration Judge for the Asylum and Immigration Tribunal 2007	31
00351: High Court 2008.....	32

For further information please contact:

JAC Statistical Officer
Judicial Appointments Commission
Steel House
11 Tothill Street
London
SW1H 9LH
T: 020 3334 0118
F: 020 3334 0132
communications@jac.gsi.gov.uk
www.judicialappointments.gov.uk

00247: District Judges 2006/2007

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	188	71.21	White	247	93.56	Disabled	13	4.92	Solicitor	204	77.27	
	Women	76	28.79	BME	16	6.06	Not Disabled/ Incomplete	251	95.08	Barrister	57	21.59	
	Incomplete	0	0	Any other	1	.38				Salaried Judicial Post Holder	3	1.14	
				Incomplete	0	0				Other/ Unknown	0	0	
Shortlisting	Men	107	69.03	White	144	92.9	Disabled	9	5.81	Solicitor	117	75.48	
	Women	48	30.97	BME	10	6.45	Not Disabled/ Incomplete	146	94.19	Barrister	35	22.58	
	Incomplete	0	0	Any other	1	.65				Salaried Judicial Post Holder	3	1.94	
				Incomplete	0	0				Other/ Unknown	0	0	
Selections Made	Men	39	66.1	White	55	93.22	Disabled	4	6.78	Solicitor	40	67.8	
	Women	20	33.9	BME	4	6.78	Not Disabled/ Incomplete	55	93.22	Barrister	18	30.51	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	1	1.69	
				Incomplete	0	0				Other/ Unknown	0	0	
Eligible Pool*	Men		79	BME		4	Disabled			Solicitor		39	
	Women		21				Not Disabled/ Incomplete			Barrister		61	
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A 7-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990,

Non-statutory Eligibility Criteria: The Lord Chancellor expects applicants to have served in judicial office in a fee paid or salaried capacity for at least 2 years or have completed at least the minimum required sittings (i.e. 30 days) since appointment.

00248: Appeals Tribunal: Social Security & Child Support fee paid medically qualified members													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	59	73.75	White	60	75	Disabled	15	18.75	Solicitor	0	0	
	Women	21	26.25	BME	15	18.75	Not Disabled/ Incomplete	65	81.25	Barrister	0	0	
	Incomplete	0	0	Any other	3	3.75				Salaried Judicial Post Holder	0	0	
				Incomplete	2	2.5				Other/ Unknown	80	100	
Shortlisting	Men	58	73.42	White	59	74.68	Disabled	14	17.72	Solicitor	0	0	
	Women	21	26.58	BME	15	18.99	Not Disabled/ Incomplete	65	82.28	Barrister	0	0	
	Incomplete	0	0	Any other	3	3.8				Salaried Judicial Post Holder	0	0	
				Incomplete	2	2.53				Other/ Unknown	79	100	
Selections Made	Men	42	73.68	White	45	78.95	Disabled	7	12.28	Solicitor	0	0	
	Women	15	26.32	BME	10	17.54	Not Disabled/ Incomplete	50	87.72	Barrister	0	0	
	Incomplete	0	0	Any other	1	1.75				Salaried Judicial Post Holder	0	0	
				Incomplete	1	1.75				Other/ Unknown	57	100	
Eligible Pool*	Men		52	White		88	Disabled		19	Solicitor			
	Women		48	BME		12	Not Disabled/ Incomplete		81	Barrister			
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** Approximated from Office for National Statistics Labour Force Survey Oct-Dec 2007 – for people of working age (males 16 – 64, females 16 – 59) in England and Wales. The BME figures include 'any other' ethnic group.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarise below, please see published material about this selection exercise.

Statutory Eligibility Criteria: Registered medical practitioner where a) you are a citizen of an European Economic State (EEA) and your name appears on a medical specialist register maintained in an EEA state in accordance with the medical directive or you're a Swiss citizen with equal qualifications; or b) You hold a vocational training certificate or a certificate of acquired rights in an EEA state other than the UK which must be recognised in the UK by virtue of the medical directive or by virtue of an enforceable community right; or C) you do not satisfy the requirements of A and B above, but have not less than 10 years experience in clinical practice or as a medical disability analyst in disciplines which are the same or similar to those undertaken by practitioners to whom those sub paragraphs apply.

Age: A lower age limit of 35 applies to this appointment.

00257: Gambling Appeals Tribunal (Legal Members) 2006

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background		%
Eligible Applicants	Men	11	64.71	White	16	94.12	Disabled	0	0	Solicitor	0	0
	Women	6	35.29	BME	0	0	Not Disabled/ Incomplete	17	100	Barrister	0	0
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	17	100
				Incomplete	1	5.88				Other/ Unknown	0	0
Shortlisting	Men	10	62.5	White	15	93.75	Disabled	0	0	Solicitor	0	0
	Women	6	37.5	BME	0	0	Not Disabled/ Incomplete	16	100	Barrister	0	0
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	16	100
				Incomplete	1	6.25				Other/ Unknown	0	0
Selections Made	Men	6	54.55	White	11	100	Disabled	0	0	Solicitor	0	0
	Women	5	45.45	BME	0	0	Not Disabled/ Incomplete	11	100	Barrister	0	0
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	11	100
				Incomplete	0	0				Other/ Unknown	0	0
Eligible Pool*	Men		77	BME		4	Disabled			Solicitor		
	Women		23				Not Disabled/ Incomplete			Barrister		
	Incomplete									Salaried Judicial Post Holder		
										Other/ Unknown		

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of District Judges and District Judge (Magistrates' Courts) in England and Wales published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory: a) 7 year general qualification within the meeting of section 71 of the Courts and Legal Services Act 1990 (c.41); (b) An advocate or solicitor of Scotland of at least seven years standing, or (c) A barrister or solicitor in Northern Ireland of at least seven years' standing;

Non-statutory: applicants must be serving District Judges, District Judge (Magistrates' Court) or salaried tribunal chairs at Group 7 Level.

00258: Salaried Chairmen of the Employment Tribunals 2006

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background		%
Eligible Applicants	Men	36	61.02	White	53	89.83	Disabled	7	11.86	Solicitor	37	62.71
	Women	23	38.98	BME	6	10.17	Not Disabled/ Incomplete	52	88.14	Barrister	21	35.59
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	1	1.69
				Incomplete	0	0				Other/ Unknown	0	0
Shortlisting	Men	19	70.37	White	26	96.3	Disabled	3	11.11	Solicitor	20	74.07
	Women	8	29.63	BME	1	3.7	Not Disabled/ Incomplete	24	88.89	Barrister	7	25.93
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	0	0				Other/ Unknown	0	0
Selections Made	Men	13	76.47	White	16	94.12	Disabled	2	11.76	Solicitor	14	82.35
	Women	4	23.53	BME	1	5.88	Not Disabled/ Incomplete	15	88.24	Barrister	3	17.65
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	0	0				Other/ Unknown	0	0
Eligible Pool*	Men		79	BME		4	Disabled			Solicitor		39
	Women		21				Not Disabled/ Incomplete			Barrister		61
	Incomplete									Salaried Judicial Post Holder		
										Other/ Unknown		

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A 7-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990,

Non-statutory Eligibility Criteria: The Lord Chancellor expects applicants normally to have served in judicial office in a fee paid or salaried capacity for at least 2 years and have completed at least the minimum required sitting days (i.e. 30 days) since appointment.

00259: Circuit Judge 2006/2007, Engand and Wales

Stage of Exercise	Gender		%		Ethnic Background		%		Disabled		%		Professional Background		%	
Eligible Applicants	Men	231	75.99	White	274	90.13	Disabled	15	4.93	Solicitor	37	12.17				
	Women	73	24.01	BME	21	6.91	Not Disabled/ Incomplete	289	95.07	Barrister	204	67.11				
	Incomplete	0	0	Any other	2	.66				Salaried Judicial Post Holder	63	20.72				
				Incomplete	7	2.3				Other/ Unknown	0	0				
Shortlisting	Men	113	74.83	White	138	91.39	Disabled	7	4.64	Solicitor	10	6.62				
	Women	38	25.17	BME	8	5.3	Not Disabled/ Incomplete	144	95.36	Barrister	121	80.13				
	Incomplete	0	0	Any other	1	.66				Salaried Judicial Post Holder	20	13.25				
				Incomplete	4	2.65				Other/ Unknown	0	0				
Selections Made	Men	70	68.63	White	95	93.14	Disabled	6	5.88	Solicitor	6	5.88				
	Women	32	31.37	BME	3	2.94	Not Disabled/ Incomplete	96	94.12	Barrister	87	85.29				
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	9	8.82				
				Incomplete	4	3.92				Other/ Unknown	0	0				
Eligible Pool*	Men		79	BME		4	Disabled			Solicitor		39				
	Women		21				Not Disabled/ Incomplete			Barrister		61				
	Incomplete									Salaried Judicial Post Holder						
										Other/ Unknown						

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: a) held a right of audience in the Crown or County Courts for a period of 10 years or
b) Served at least three years in the offices listed in schedule 10 part 31 (2) of the Court s and Legal services Act 1990

Non-statutory Eligibility Criteria: The Lord Chancellor normally expects applicants to have served as a fee-paid judicial office-holder for at least 2 years, or to have completed at least the minimum required fee-paid sittings (i.e. 30 days).

00260: Criminal Injuries Compensation Appeals Panel

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	81	65.85	White	107	86.99	Disabled	7	5.69	Solicitor	92	74.8	
	Women	42	34.15	BME	9	7.32	Not Disabled/ Incomplete	116	94.31	Barrister	29	23.58	
	Incomplete	0	0	Any other	1	.81				Salaried Judicial Post Holder	2	1.63	
				Incomplete	6	4.88				Other/ Unknown	0	0	
Shortlisting	Men	32	60.38	White	44	83.02	Disabled	4	7.55	Solicitor	37	69.81	
	Women	21	39.62	BME	5	9.43	Not Disabled/ Incomplete	49	92.45	Barrister	16	30.19	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	4	7.55				Other/ Unknown	0	0	
Selections Made	Men	15	71.43	White	20	95.24	Disabled	1	4.76	Solicitor	12	57.14	
	Women	6	28.57	BME	0	0	Not Disabled/ Incomplete	20	95.24	Barrister	9	42.86	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	1	4.76				Other/ Unknown	0	0	
Eligible Pool*	Men		65	BME		7	Disabled			Solicitor		85	
	Women		35				Not Disabled/ Incomplete			Barrister		15	
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

This exercise was for 20 positions, 21 selections are recorded as the Lord Chancellor accepted 20 initial selections, but one applicant declined his offer of appointment. One additional recommendation was then submitted.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

There are no statutory eligibility requirements. The Secretary of State for Constitutional Affairs/Scottish Ministers will normally only consider

(a) persons holding a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) who are advocates or solicitors of Scotland of at least 7 years' standing.

(c) candidates should also have significant experience in the field of personal injury practice, including in the assessment of compensation in personal injury claims

00264: Deputy District Judge 2006-2007												
Stage of Exercise	Gender			Ethnic Background			Disabled			Professional Background		
			%			%			%			%
Eligible Applicants	Men	323	52.44	White	502	81.49	Disabled	30	4.87	Solicitor	479	77.76
	Women	293	47.56	BME	91	14.77	Not Disabled/ Incomplete	586	95.13	Barrister	136	22.08
	Incomplete	0	0	Any other	8	1.3				Salaried Judicial Post Holder	1	.16
				Incomplete	15	2.44				Other/ Unknown	0	0
Shortlisting	Men	66	43.42	White	121	79.61	Disabled	11	7.24	Solicitor	110	72.37
	Women	86	56.58	BME	26	17.11	Not Disabled/ Incomplete	141	92.76	Barrister	41	26.97
	Incomplete	0	0	Any other	2	1.32				Salaried Judicial Post Holder	1	.66
				Incomplete	3	1.97				Other/ Unknown	0	0
Selections Made	Men	25	41.67	White	53	88.33	Disabled	2	3.33	Solicitor	41	68.33
	Women	35	58.33	BME	5	8.33	Not Disabled/ Incomplete	58	96.67	Barrister	19	31.67
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	2	3.33				Other/ Unknown	0	0
Eligible Pool*	Men		65	BME		7	Disabled			Solicitor		85
	Women		35				Not Disabled/ Incomplete			Barrister		15
	Incomplete									Salaried Judicial Post Holder		
										Other/ Unknown		

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A 7-year general qualification within the meeting of section 71 of the Courts and Legal Services Act 1990

00265: District Chairman of the Appeal Tribunals 2006

Stage of Exercise	Gender		%		Ethnic Background		%		Disabled		%		Professional Background		%	
Eligible Applicants	Men	56	59.57	White	79	84.04	Disabled	8	8.51	Solicitor	79	84.04				
	Women	38	40.43	BME	14	14.89	Not Disabled/ Incomplete	86	91.49	Barrister	14	14.89				
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	1	1.06				
				Incomplete	1	1.06				Other/ Unknown	0	0				
Shortlisting	Men	12	92.31	White	12	92.31	Disabled	3	23.08	Solicitor	12	92.31				
	Women	1	7.69	BME	1	7.69	Not Disabled/ Incomplete	10	76.92	Barrister	1	7.69				
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0				
				Incomplete	0	0				Other/ Unknown	0	0				
Selections Made	Men	6	85.71	White	6	85.71	Disabled	3	42.86	Solicitor	7	100				
	Women	1	14.29	BME	1	14.29	Not Disabled/ Incomplete	4	57.14	Barrister	0	0				
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0				
				Incomplete	0	0				Other/ Unknown	0	0				
Eligible Pool*	Men		79	BME		4	Disabled			Solicitor		39				
	Women		21				Not Disabled/ Incomplete			Barrister		61				
	Incomplete									Salaried Judicial Post Holder						
										Other/ Unknown						

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, or an advocate or solicitor in Scotland.

Non-statutory Eligibility Criteria: The Lord Chancellor expects applicants, unless there are exceptional circumstances, to have served as a fee-paid judicial office-holder for at least 2 years, or to have completed at least the minimum required fee-paid sittings (i.e. 30 days).

00267: High Court 2006-2007

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	123	85.42	White	140	97.22	Disabled	8	5.56	Solicitor	7	4.86	
	Women	21	14.58	BME	3	2.08	Not Disabled/ Incomplete	136	94.44	Barrister	94	65.28	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	43	29.86	
				Incomplete	1	.69				Other/ Unknown	0	0	
Shortlisting	Men	44	77.19	White	56	98.25	Disabled	4	7.02	Solicitor	0	0	
	Women	13	22.81	BME	1	1.75	Not Disabled/ Incomplete	53	92.98	Barrister	43	75.44	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	14	24.56	
				Incomplete	0	0				Other/ Unknown	0	0	
Selections Made**	Men	18	85.71	White	21	100	Disabled	0	0	Solicitor	0	0	
	Women	3	14.29	BME	0	0	Not Disabled/ Incomplete	21	100	Barrister	16	76.19	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	5	23.81	
				Incomplete	0	0				Other/ Unknown	0	0	
Eligible Pool*	Men		79	BME		4	Disabled			Solicitor		39	
	Women		21				Not Disabled/ Incomplete			Barrister		61	
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

**One candidate also selected as President of the Competition Appeals Tribunal

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: (a) A 10 year High Court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, (b) to have held the office of Circuit Judge for at least 2 years. (c) to be a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or (d) to have held judicial office

00293: Regional Chairmen of the Employment Tribunals 2007

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	6	75	White	8	100	Disabled	1	12.5	Solicitor	0	0	
	Women	2	25	BME	0	0	Not Disabled/ Incomplete	7	87.5	Barrister	0	0	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	8	100	
				Incomplete	0	0				Other/ Unknown	0	0	
Shortlisting	Men	4	66.67	White	6	100	Disabled	0	0	Solicitor	0	0	
	Women	2	33.33	BME	0	0	Not Disabled/ Incomplete	6	100	Barrister	0	0	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	6	100	
				Incomplete	0	0				Other/ Unknown	0	0	
Selections Made	Men	2	66.67	White	3	100	Disabled	0	0	Solicitor	0	0	
	Women	1	33.33	BME	0	0	Not Disabled/ Incomplete	3	100	Barrister	0	0	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	3	100	
				Incomplete	0	0				Other/ Unknown	0	0	
Eligible Pool*	Men			White			Disabled			Solicitor			
	Women			BME			Not Disabled/ Incomplete			Barrister			
	Incomplete			Any other						Salaried Judicial Post Holder			
				Incomplete						Other/ Unknown			

* **Eligible Pool:** Relevant information not available.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: Restricted to current Employment Tribunal chairmen as defined by Regulation 6(1) of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004. For the purposes of eligibility please note that while chairmen currently working on a salaried part time basis are eligible to apply, appointment is being offered on a full time basis only.

00294: Fee-Paid Legal Panel Member of the Social Security and Child Support Appeal Tribunal 2007

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background		%
Eligible Applicants	Men	90	48.13	White	129	68.98	Disabled	12	6.42	Solicitor	133	71.12
	Women	97	51.87	BME	51	27.27	Not Disabled/ Incomplete	175	93.58	Barrister	52	27.81
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	2	1.07
				Incomplete	7	3.74				Other/ Unknown	0	0
Shortlisting	Men	12	52.17	White	18	78.26	Disabled	1	4.35	Solicitor	15	65.22
	Women	11	47.83	BME	4	17.39	Not Disabled/ Incomplete	22	95.65	Barrister	8	34.78
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	1	4.35				Other/ Unknown	0	0
Selections Made	Men	7	70	White	7	70	Disabled	1	10	Solicitor	3	30
	Women	3	30	BME	2	20	Not Disabled/ Incomplete	9	90	Barrister	7	70
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	1	10				Other/ Unknown	0	0
Eligible Pool*	Men		65	BME		7	Disabled			Solicitor		85
	Women		35				Not Disabled/ Incomplete			Barrister		15
	Incomplete			Any other						Salaried Judicial Post Holder		
				Incomplete						Other/ Unknown		

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: a) a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; (b) or to be an advocate or solicitor in Scotland;

Non-statutory Eligibility Criteria: In practice, the Lord Chancellor will normally only appoint those candidates whose legal qualifications are of at least five years' standing.

00296: Fee-Paid Disability Qualified Member of the Social Security and Child Support Appeal Tribunal 2007

Stage of Exercise	Gender		%		Ethnic Background		%		Disabled		Professional Background		%	
Eligible Applicants	Men	48	46.15	White	87	83.65	Disabled	61	58.65	Solicitor	2	1.92		
	Women	56	53.85	BME	14	13.46	Not Disabled/ Incomplete	43	41.35	Barrister	1	.96		
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0		
				Incomplete	3	2.88				Other/ Unknown	101	97.12		
Shortlisting	Men	9	37.5	White	22	91.67	Disabled	9	37.5	Solicitor	0	0		
	Women	15	62.5	BME	1	4.17	Not Disabled/ Incomplete	15	62.5	Barrister	0	0		
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0		
				Incomplete	1	4.17				Other/ Unknown	24	100		
Selections Made	Men	6	50	White	11	91.67	Disabled	5	41.67	Solicitor	0	0		
	Women	6	50	BME	1	8.33	Not Disabled/ Incomplete	7	58.33	Barrister	0	0		
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0		
				Incomplete	0	0				Other/ Unknown	12	100		
Eligible Pool*	Men	0	52	White	0	88	Disabled	0	19	Solicitor	0	0		
	Women	0	48	BME	0	12	Not Disabled/ Incomplete	0	81	Barrister	0	0		
	Incomplete	0	0	Any other	0					Salaried Judicial Post Holder	0	0		
				Incomplete	0	0				Other/ Unknown	0	0		

* **Eligible Pool:** Approximated from Office for National Statistics Labour Force Survey Oct-Dec 2007 – for people of working age (males 16 – 64, females 16 – 59) in England and Wales.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: a) Applicants must be experienced in dealing with the needs of disabled people in a professional or voluntary capacity; or because they are themselves disabled (Social Security and Child Support (Decisions and Appeals) Regulations 1999, Schedule 3 paragraph 5); b) an awareness of disability related issues; c) these posts are not open to registered medical practitioners.

00299: Deputy Chancery Masters 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	28	60.87	White	30	65.22	Disabled	1	2.17	Solicitor	22	47.83	
	Women	18	39.13	BME	13	28.26	Not Disabled/ Incomplete	45	97.83	Barrister	24	52.17	
	Incomplete	0	0	Any other	1	2.17				Salaried Judicial Post Holder	0	0	
				Incomplete	2	4.35				Other/ Unknown	0	0	
Shortlisting	Men	6	66.67	White	6	66.67	Disabled	0	0	Solicitor	2	22.22	
	Women	3	33.33	BME	1	11.11	Not Disabled/ Incomplete	9	100	Barrister	7	77.78	
	Incomplete	0	0	Any other	1	11.11				Salaried Judicial Post Holder	0	0	
				Incomplete	1	11.11				Other/ Unknown	0	0	
Selections Made	Men	4	80	White	4	80	Disabled	0	0	Solicitor	1	20	
	Women	1	20	BME	1	20	Not Disabled/ Incomplete	5	100	Barrister	4	80	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	0	0				Other/ Unknown	0	0	
Eligible Pool*	Men		65	BME		7	Disabled			Solicitor		85	
	Women		35				Not Disabled/ Incomplete			Barrister		15	
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: **For full details of the minimum entry requirements for this post that are summarise below, please see published material about this selection exercise.**

Statutory Eligibility Criteria: A 7-year general qualification within the meeting of section 71 of the Courts and Legal Services Act 1990.

00300: Deputy Bankruptcy Registrar													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Applicants	Men	27	69.23	White	29	74.36	Disabled	1	2.56	Solicitor	24	61.54	
	Women	12	30.77	BME	10	25.64	Not Disabled/ Incomplete	38	97.44	Barrister	15	38.46	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	0	0				Other/ Unknown	0	0	
Shortlisting	Men	10	76.92	White	11	84.62	Disabled	1	7.69	Solicitor	8	61.54	
	Women	3	23.08	BME	2	15.38	Not Disabled/ Incomplete	12	92.31	Barrister	5	38.46	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	0	0				Other/ Unknown	0	0	
Selections Made	Men	4	57.14	White	5	71.43	Disabled	1	14.29	Solicitor	2	28.57	
	Women	3	42.86	BME	2	28.57	Not Disabled/ Incomplete	6	85.71	Barrister	5	71.43	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0	
				Incomplete	0	0				Other/ Unknown	0	0	
Eligible Pool*	Men		65	BME		7	Disabled			Solicitor		85	
	Women		35				Not Disabled/ Incomplete			Barrister		15	
	Incomplete									Salaried Judicial Post Holder			
										Other/ Unknown			

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A 7-year general qualification within the meeting of section 71 of the Courts and Legal Services Act 1990

00307: Mental Health Review Tribunal, Fee-Paid Medical Member 2007

Stage of Exercise	Gender	%		Ethnic Background	%		Disabled	%		Professional Background	%	
Eligible Applicants	Men	99	67.81	White	89	60.96	Disabled	11	7.53	Solicitor	0	0
	Women	47	32.19	BME	40	27.4	Not Disabled/ Incomplete	135	92.47	Barrister	0	0
	Incomplete	0	0	Any other	15	10.27				Salaried Judicial Post Holder	0	0
				Incomplete	2	1.37				Other/ Unknown	146	100
Shortlisting	Men	34	61.82	White	44	80	Disabled	2	3.64	Solicitor	0	0
	Women	21	38.18	BME	7	12.73	Not Disabled/ Incomplete	53	96.36	Barrister	0	0
	Incomplete	0	0	Any other	4	7.27				Salaried Judicial Post Holder	0	0
				Incomplete	0	0				Other/ Unknown	55	100
Selections Made	Men	12	50	White	19	79.17	Disabled	0	0	Solicitor	0	0
	Women	12	50	BME	5	20.83	Not Disabled/ Incomplete	24	100	Barrister	0	0
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0
				Incomplete	0	0				Other/ Unknown	24	100
Eligible Pool*	Men		52	White		88	Disabled		19	Solicitor		
	Women		48	BME		12	Not Disabled/ Incomplete		81	Barrister		
	Incomplete			Any other						Salaried Judicial Post Holder		
				Incomplete						Other/ Unknown		

* **Eligible Pool:** From Office for National Statistics Labour Force Survey Oct-Dec 2007 – for people of working age (males 16-64, females 16-59) in England and Wales

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A registered medical practitioner, (Mental Health Act 1983, Schedule 2 paragraph 1(b)).

Non-statutory Eligibility Criteria: appointees will usually have held either a full-time or part-time appointment as a consultant psychiatrist for at least three years and be either a Member or Fellow of the Royal College of Psychiatrists.

00316: District Judge (Magistrates' Courts) England & Wales 2007/2008

Stage of Exercise	Gender		%		Ethnic Background		%		Disabled		Professional Background		%	
Eligible Applicants	Men	119	73.91	White	140	86.96	Disabled	6	3.73	Solicitor	100	62.11		
	Women	42	26.09	BME	17	10.56	Not Disabled/ Incomplete	155	96.27	Barrister	57	35.4		
	Incomplete	0	0	Any other	1	.62				Salaried Judicial Post Holder	4	2.48		
				Incomplete	3	1.86				Other/ Unknown	0	0		
Shortlisting	Men	30	68.18	White	39	88.64	Disabled	1	2.27	Solicitor	35	79.55		
	Women	14	31.82	BME	3	6.82	Not Disabled/ Incomplete	43	97.73	Barrister	9	20.45		
	Incomplete	0	0	Any other	1	2.27				Salaried Judicial Post Holder	0	0		
				Incomplete	1	2.27				Other/ Unknown	0	0		
Selections Made	Men	13	61.9	White	18	85.71	Disabled	0	0	Solicitor	20	95.24		
	Women	8	38.1	BME	2	9.52	Not Disabled/ Incomplete	21	100	Barrister	1	4.76		
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder	0	0		
				Incomplete	1	4.76				Other/ Unknown	0	0		
Eligible Pool*	Men		79	White			Disabled			Solicitor		39		
	Women		21	BME		4	Not Disabled/ Incomplete			Barrister		61		
	Incomplete			Any other						Salaried Judicial Post Holder				
				Incomplete						Other/ Unknown				

* **Eligible Pool:** These figures represent the information available on 01 April 2008 on the composition of the pool of fee paid judicial office holders in England and Wales. They relate only to Deputy District Judges and Recorders and are published at <http://judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008

Minimum Entry Requirements: **For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.**

Statutory Eligibility Criteria: (a) The statutory requirement for applicants is as set out in Courts Act 2003, Part 2, Justices of the Peace, s.22, (b) a 7 year general qualification). A general qualification is within the meaning of s.71 of the Courts and Legal Services Act 1990;

Non-statutory Eligibility Criteria: the Lord Chancellor expects applicants to have served in judicial office in a fee paid or salaried capacity for at least two years or to have completed 30 sitting days by 22 June 2007

00278: Residential Property Tribunal (Wales) 2007

Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		65	BME		7	Disabled			Solicitor		85	
	Women		35				Not Disabled/ Incomplete			Barrister		15	
Eligible Applicants	Men	29	88	White	22	67	Disabled	2	6	Solicitor	26	79	
	Women	4	12	BME	8	24	Not Disabled/ Incomplete	31	94	Barrister	7	21	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	3	9				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	
Shortlisting	Men	12	92	White	11	85	Disabled	0	0	Solicitor	11	85	
	Women	1	8	BME	2	15	Not Disabled/ Incomplete	13	100	Barrister	2	15	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	
Selections Made	Men	5	83	White	6	100	Disabled	0	0	Solicitor	4	67	
	Women	1	17	BME	0	0	Not Disabled/ Incomplete	6	100	Barrister	2	33	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	

Eligible Pool: Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: For full details of the minimum entry requirements for this post, summarised below, please see published material about this selection exercise.

There are no Statutory Eligibility requirements.

Non-Statutory Eligibility Criteria: The Lord Chancellor will normally only consider for appointment as lawyer Chairmen, persons who hold a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.

00324: Fee-Paid Legal Members of The Charity Tribunal 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		65	BME		7	Disabled			Solicitor		85	
	Women		35				Not Disabled/ Incomplete			Barrister		15	
Eligible Applicants	Men	128	57	White	171	76	Disabled	8	4	Solicitor		151	67
	Women	96	43	BME	35	16	Not Disabled/ Incomplete	216	96	Barrister		68	30
	Incomplete	0	0	Any other	1	0				Salaried Judicial Post Holder – former Barrister		2	1
				Incomplete	17	8				Salaried Judicial Post Holder – former Solicitor		3	1
										Salaried Judicial Post Holder – no single legal background		0	0
										Other/ Unknown		0	0
Shortlisting	Men	17	68	White	24	96	Disabled	2	8	Solicitor		15	60
	Women	8	32	BME	1	4	Not Disabled/ Incomplete	23	92	Barrister		9	36
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister		0	0
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor		1	4
										Salaried Judicial Post Holder – no single legal background		0	0
										Other/ Unknown		0	0
Selections Made	Men	8	80	White	10	100	Disabled	2	20	Solicitor		5	50
	Women	2	20	BME	0	0	Not Disabled/ Incomplete	8	80	Barrister		5	50
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister		0	0
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor		0	0
										Salaried Judicial Post Holder – no single legal background		0	0
										Other/ Unknown		0	0

* **Eligible Pool:** Derived from data supplied by the Law Society (July 2007) and the Bar Council (March 2008) for minimum 7 years' professional qualification. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: A 7-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.

Non-statutory Eligibility Criteria: Knowledge of charity law is desirable but not essential.

00325: Fee-Paid Ordinary Member of The Charity Tribunal 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		52	BME		10	Disabled			Solicitor			
	Women		48				Not Disabled/ Incomplete			Barrister			
Eligible Applicants	Men	90	62	White	123	84	Disabled	10	7	Solicitor	0	0	
	Women	56	38	BME	14	10	Not Disabled/ Incomplete	136	93	Barrister	0	0	
	Incomplete	0	0	Any other	1	1				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	8	5				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	146	100	
Shortlisting	Men	12	40	White	24	80	Disabled	4	13	Solicitor	0	0	
	Women	18	60	BME	5	17	Not Disabled/ Incomplete	26	87	Barrister	0	0	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	1	3				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	30	100	
Selections Made	Men	2	29	White	5	71	Disabled	2	29	Solicitor	0	0	
	Women	5	71	BME	2	29	Not Disabled/ Incomplete	5	71	Barrister	0	0	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	0	0	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	7	100	

* **Eligible Pool:** From Office for National Statistics Labour Force Survey Oct-Dec 2007 - for people of working age in England and Wales. The BME figures include 'any other' ethnic group

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: Applicants must have appropriate knowledge or experience relating to charities.

Non-statutory Eligibility Criteria: At least one of: direct experience in the operation of charities of different sizes and descriptions; direct experience or knowledge of governance of charities of different sizes and descriptions; direct experience or knowledge of charity accounts and the financing of charities; direct experience in providing support and advice to charities of different sizes and descriptions; and an understanding of the Charity Commissioner's role as a regulator, and the regulation of charities more generally

00328: Social Security and Child Support Commissioner-Salaried 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Pool *	Men		79	BME		5	Disabled			Solicitor		40	
	Women		21				Not Disabled/ Incomplete			Barrister		60	
Eligible Applicants	Men	20	77	White	22	85	Disabled	0	0	Solicitor	5	19	
	Women	6	23	BME	2	8	Not Disabled/ Incomplete	26	100	Barrister	16	62	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	2	8	
				Incomplete	2	8				Salaried Judicial Post Holder – former Solicitor	3	12	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	
Shortlisting	Men	9	82	White	9	82	Disabled	0	0	Solicitor	2	18	
	Women	2	18	BME	1	9	Not Disabled/ Incomplete	11	100	Barrister	6	55	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	2	18	
				Incomplete	1	9				Salaried Judicial Post Holder – former Solicitor	1	9	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	
Selections Made	Men	3	75	White	4	100	Disabled	0	0	Solicitor	1	25	
	Women	1	25	BME	0	0	Not Disabled/ Incomplete	4	100	Barrister	1	25	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	2	50	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	0	0	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	

***Eligible Pool:** These figures represent the information available on the composition of the pool of fee paid judicial office holders in England and Wales. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 20 –21 per cent). They relate to Deputy District Judges, Deputy Masters, Deputy Registrars, Deputy Costs Judges, and Recorder figures and are published at: <http://www.judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: To have held a general qualification as a solicitor or barrister for at least 10 years, or to be a solicitor or advocate in Scotland of at least 10 years' standing.

Non-statutory Eligibility Criteria: The Lord Chancellor expects applicants to have served as a fee-paid judicial office-holder for at least 2 years, or to have completed at least the minimum required fee-paid sittings (i.e. 30 days).

00336: Senior Immigration Judge, Asylum and Immigration Tribunal 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		79	BME		5	Disabled			Solicitor		40	
	Women		21				Not Disabled/ Incomplete			Barrister		60	
Eligible Applicants	Men	41	80	White	41	80	Disabled	1	2	Solicitor	10	20	
	Women	10	20	BME	10	20	Not Disabled/ Incomplete	50	98	Barrister	14	27	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	8	16	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	15	29	
										Salaried Judicial Post Holder – no single legal background	1	2	
										Other/ Unknown	3	6	
Shortlisting	Men	14	82	White	13	76	Disabled	0	0	Solicitor	2	12	
	Women	3	18	BME	4	24	Not Disabled/ Incomplete	17	100	Barrister	5	29	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	3	18	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	6	35	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	1	6	
Selections Made	Men	6	75	White	7	88	Disabled	0	0	Solicitor	1	13	
	Women	2	25	BME	1	13	Not Disabled/ Incomplete	8	100	Barrister	1	13	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	2	25	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	3	38	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	1	13	

* **Eligible Pool:** These figures represent the information available on the composition of the pool of fee paid judicial office holders in England and Wales. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 20 –21 per cent). They relate to Deputy District Judges, Deputy Masters, Deputy Registrars, Deputy Costs Judges, and Recorder figures and are published at: <http://www.judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: 7-year qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.

Non-statutory Eligibility Criteria: The Lord Chancellor normally expects applicants to have served in a fee paid capacity for at least 2 years or to have completed 30 sitting days.

00337: Designated Immigration Judge for the Asylum and Immigration Tribunal 2007													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		79	BME		5	Disabled			Solicitor		40	
	Women		21				Not Disabled/ Incomplete			Barrister		60	
Eligible Applicants	Men	49	78	White	50	79	Disabled	3	5	Solicitor		19	30
	Women	14	22	BME	10	16	Not Disabled/ Incomplete	60	95	Barrister		15	24
	Incomplete	0	0	Any other	2	3				Salaried Judicial Post Holder – former Barrister		7	11
				Incomplete	1	2				Salaried Judicial Post Holder – former Solicitor		18	29
										Salaried Judicial Post Holder – no single legal background		2	3
										Other/ Unknown		2	3
Shortlisting	Men	16	94	White	14	82	Disabled	0	0	Solicitor		4	24
	Women	1	6	BME	2	12	Not Disabled/ Incomplete	17	100	Barrister		4	24
	Incomplete	0	0	Any other	1	6				Salaried Judicial Post Holder – former Barrister		2	12
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor		5	29
										Salaried Judicial Post Holder – no single legal background		1	6
										Other/ Unknown		1	6
Selections Made	Men	7	100	White	7	100	Disabled	0	0	Solicitor		1	14
	Women	0	0	BME	0	0	Not Disabled/ Incomplete	7	100	Barrister		0	0
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister		1	14
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor		5	71
										Salaried Judicial Post Holder – no single legal background		0	0
										Other/ Unknown		0	0

* **Eligible Pool:** These figures represent the information available on the composition of the pool of fee paid judicial office holders in England and Wales. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 20 –21 per cent). They relate to Deputy District Judges, Deputy Masters, Deputy Registrars, Deputy Costs Judges, and Recorder figures and are published at: <http://www.judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post that are summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: 7-year qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.

Non-statutory Eligibility Criteria: The Lord Chancellor normally expects applicants to have served in a fee paid capacity for at least 2 years or to have completed 30 sitting days.

00351: High Court 2008													
Stage of Exercise	Gender		%	Ethnic Background		%	Disabled		%	Professional Background			%
Eligible Pool *	Men		79	BME		5	Disabled			Solicitor		40	
	Women		21				Not Disabled/ Incomplete			Barrister		60	
Eligible Applicants	Men	118	91	White	124	96	Disabled	3	2	Solicitor	11	9	
	Women	11	9	BME	2	2	Not Disabled/ Incomplete	126	98	Barrister	85	66	
	Incomplete	0	0	Any other	2	2				Salaried Judicial Post Holder – former Barrister	24	19	
				Incomplete	1	1				Salaried Judicial Post Holder – former Solicitor	7	5	
										Salaried Judicial Post Holder – no single legal background	2	2	
										Other/ Unknown	0	0	
Shortlisting	Men	39	87	White	45	100	Disabled	1	2	Solicitor	1	2	
	Women	6	13	BME	0	0	Not Disabled/ Incomplete	44	98	Barrister	39	87	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	2	4	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	2	4	
										Salaried Judicial Post Holder – no single legal background	1	2	
										Other/ Unknown	0	0	
Selections Made	Men	17	77	White	22	100	Disabled	1	5	Solicitor	0	0	
	Women	5	23	BME	0	0	Not Disabled/ Incomplete	21	95	Barrister	20	91	
	Incomplete	0	0	Any other	0	0				Salaried Judicial Post Holder – former Barrister	1	5	
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	1	5	
										Salaried Judicial Post Holder – no single legal background	0	0	
										Other/ Unknown	0	0	

* **Eligible Pool:** These figures represent the information available on the composition of the pool of fee paid judicial office holders in England and Wales. The BME figures include 'any other' ethnic group, and exclude 'unknown' (approximately 20 –21 per cent). They relate to Deputy District Judges, Deputy Masters, Deputy Registrars, Deputy Costs Judges, and Recorder figures and are published at: <http://www.judiciary.gov.uk/keyfacts/statistics/index.htm> as at 1 April 2008.

Minimum Entry Requirements: For full details of the minimum entry requirements for this post, summarised below, please see published material about this selection exercise.

Statutory Eligibility Criteria: (a) A 10 year High Court qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, (b) to have held the office of Circuit Judge for at least 2 years

Non-Statutory Eligibility Criteria: The Lord Chancellor expects applicants to normally have served as a fee-paid judicial office-holder for at least 2 years, or to have completed at least the minimum required fee-paid sittings (i.e. 30 days).

Annex B



**The Governance of Britain –
Constitutional Renewal**

**Pre-legislative Scrutiny by
The Joint Select Committee on the Draft
Constitutional Renewal Bill**

Evidence from
The Judicial Appointments Commission

June 2008

Introduction

1. This is the response of the Judicial Appointments Commission to the Draft Constitutional Renewal Bill and the accompanying White Paper published by the Government in March 2008 (CM 7342). It responds only to those proposals that deal with the arrangements for making judicial appointments.
2. The views in this paper build on those made in our response of January 2008 to the Government's consultation paper on judicial appointments, which was published in October 2007 (CM 7210). However, this evidence covers a number of additional points as the draft Bill and White Paper include proposals on which the Government had not previously consulted.
3. The JAC notes that these additional proposals have not been subject to formal consultation alongside the majority of the Government's proposals. A number of these new proposals have not been included in the draft Bill, but only in the White Paper, perhaps with a view to their being included in any legislation which may subsequently be introduced to Parliament.
4. We note that some of the proposals (such as a power for the Lord Chancellor to set targets for, and to direct the JAC), have far reaching implications, including for the independence of the JAC and hence the appointment of the judiciary. It is argued that these are necessary to fill the "accountability gap" left by the removal of the Lord Chancellor from part of the process. However, the additional powers proposed run counter to the desire to reduce the role of the Executive, create an operational interface with the Lord Chancellor, and upset the delicate balance which was carefully crafted by the Constitutional Reform Act 2005. Without the benefit of full consultation, and without the benefit of seeing the proposals in the form of draft clauses, it is also difficult to assess fully and accurately the impact of these changes. The JAC hopes that the Joint Committee will give weight to this context and the importance of the proposals during its consideration.
5. The JAC does not consider there is sufficient evidence to support any significant change to the existing arrangements. The JAC has only been in existence since April 2006. We have implemented our own processes – the development of which was the subject of wide consultation - for only 19 months. While the JAC is responsible for the middle part of the selection and appointments process, we do believe there is scope for improvements which would enable the JAC to function more efficiently, including in the management of the end to end appointments process. We have drawn attention to these in our response to the Government's consultation paper of October 2007 (pages 7 and 8) and are working with our partners to achieve these.

Proposals set out in the Draft Bill

- **Schedule 3, Part 1 - Selection of Supreme Court Judges.**
6. The Constitutional Reform Act 2005 (CRA) currently provides for the Prime Minister to approve appointments to the Supreme Court.
 7. The JAC recognises that the CRA gives the Prime Minister very little discretion in relation to his role in the appointments process and on that basis does not disagree with the Government's proposal to remove him from the process completely.
- **Schedule 3, Part 2 - Basic provisions about judicial appointments etc.**

Paragraphs 7 and 8 – seek to set out in legislation key principles for judicial appointments.

8. The JAC believes that there should be clarity about what is intended here. For example, it is not clear precisely what the Government has in mind in relation to “flexibility, proportionality, and effectiveness”. For example, could the principle of *flexibility* be construed in such a way to require the JAC to accept late applications for selection exercises?
9. The JAC is already subject to the application of these principles by virtue of public law. Without any greater clarity on what the Government intends, the JAC is not persuaded of the need for additional principles in legislation. Indeed, we consider that doing this could lead to confusion and increase the potential for challenge, possibly by unmeritorious application for judicial review.
10. The risk of challenge would be reduced if the key principles were not statutorily based, but any principles agreed would nevertheless need to be very clearly articulated if they are to be meaningful. However, in that regard, the Committee may be interested that the JAC publishes its principles in its Annual Report:
 - **Fairness** - We are objective in promoting equality of opportunity and we treat people with respect.
 - **Professionalism** - We are committed to achieving excellence by working in accordance with the highest possible standards.
 - **Clarity and openness** - We communicate in a clear and direct way.
 - **Learning** - We strive for continuous improvement and welcome and encourage feedback.
 - **Sensitivity** - We are considerate and responsive in dealing with people.

11. Overall, the **JAC remains to be persuaded** that key principles, in whatever form, would improve the operation of the selection arrangements given that those arrangements are already highly prescribed in the CRA.

Paragraphs 9 to 12 – seek a power for the Lord Chancellor to specify particular business needs in Vacancy Requests.

12. The CRA sets out a number of criteria that should be used to determine the eligibility of potential candidates for judicial appointment. The Lord Chancellor has consistently sought to apply additional, non-statutory criteria, to Vacancy Requests that he sends to the JAC. Examples of the restrictions include a requirement that candidates should normally expect to have completed 30 sitting days since appointment in a fee paid judicial role or have two years' judicial experience.

13. The JAC regularly challenges the non-statutory criteria which the Lord Chancellor seeks to apply on the basis that it restricts the eligible pool of potential candidates and has the potential to restrict diversity. The proposals in the draft Bill would give the Lord Chancellor very wide powers to apply additional non-statutory criteria. The JAC believes that the use of these powers will damage its ability to discharge its diversity duties and **does not feel able to support them** (see also paragraphs 77 to 79 below).

14. The **one exception** to this – which the JAC does support – relates to **paragraph 10**, which extends the diversity duty at section 64(1) of the CRA which applies to the JAC to both the Lord Chancellor and the Lord Chief Justice.

- **Schedule 3, Part 3 – Panel to represent potential candidates for appointment etc.**

15. **Paragraphs 13 to 16** - propose the formation of a statutory Panel that will be formed of persons representing bodies that have an interest in the functions of the JAC. No member of the Commission or its staff will be permitted to be a member of the Panel.

16. The JAC actively engages with a wide range of individuals and groups that represent the interests of potential candidates. But **we do not consider this is as an appropriate matter for primary legislation**. Provisions in primary legislation are likely to result in a rigid arrangement that is unlikely to be flexible enough to be meet the needs of potential candidates, the JAC, or its partners. A statutory Panel is also likely to be much more formal and costly to operate.

17. The JAC has already established a number of groups involving key interested parties. For example, we have already established an Advisory Group that includes organisations (such as the Law Society) that represent potential candidates, and we maintain a Diversity Forum and a Research

Group which both include membership from our partners and key interested parties. The feedback we receive from the members of those groups is that they are working effectively.

- **Schedule 3, Part 4 – Power to amend Schedule 14 to the Constitutional Reform Act 2005.**

18. At Schedule 14 the CRA prescribes a number of posts which may only be filled following a selection by the JAC. The proposal would allow the Lord Chancellor to remove posts from that list following consultation with the Lord Chief Justice.

19. The JAC believes that the whole approach of removing posts from Schedule 14 of the CRA is defective and open to abuse. If posts are removed, some vacancies may be filled by deployment and some by new appointments or promotions, but all three categories will become appointable by the Lord Chancellor.

20. It is the JAC's view that the right approach is that where posts are to be filled by the deployment of an existing judge into another position at the same level such a post should be filled without a competition by the Lord Chief Justice, and that there should be no Henry VIII power for the Lord Chancellor to remove a post from Schedule 14.

- **Schedule 3, Part 5 – Removal of some of the Lord Chancellor's functions in relation to selections under Chapter 2 of part 4 of the Constitutional Reform Act 2005 etc.**

21. **Paragraphs 20 to 31** - The CRA currently provides for the Lord Chancellor to accept, reject, or ask for reconsideration of all JAC recommendations. The Government proposes to reduce the role of the Executive in the appointments process by essentially removing the Lord Chancellor's discretion in respect of any JAC recommendation below that of the High Court.

22. The Lord Chancellor is – and presumably will remain - the Minister responsible for the justice system [Part 1 of the Courts Act 2003]. The JAC believes that for the Lord Chancellor to fully discharge that duty and properly account to Parliament for it, he should be involved in the appointments process for members of the judiciary.

23. There should be proper accountability to Parliament in making judicial appointments. Under the Government's proposals, while the JAC would, in effect, become responsible for appointments to all judicial offices below the High Court, it is difficult to see how it could become properly and directly accountable to Parliament for the exercise of that duty without more extensive changes.

24. The JAC questions the rationale for a dividing line at the High Court in terms of accountability for judicial appointments, especially given that judges at all levels can have a direct and profound impact on the public and business.
25. The JAC considers that the existing CRA arrangements are the result of a careful consideration by Parliament of all of the issues that emerged during the lengthy passage of the Constitutional Reform Act in 2004/5. They balance the responsibilities in the appointments process and appear to enjoy wide support. The **JAC does not, therefore, support the current proposals** for change.
26. **Paragraph 32** - The proposal will allow the Lord Chief Justice to delegate some of his functions to a nominated judicial office holder. The functions include statutory consultation of the Lord Chief Justice by the Lord Chancellor prior to a vacancy request coming to the JAC, and statutory consultation of the Lord Chief Justice by the JAC as part of its selection process.
27. The JAC supports the streamlining of arrangements wherever this is appropriate and considers that if the Lord Chief Justice were able to delegate certain functions to other judicial office holders it should result in less bureaucracy. The **JAC therefore supports this proposal**.
- **Schedule 3, Part 6 – Medical Assessments.**
28. **Paragraphs 33 to 35** – essentially transfer the responsibility for carrying out medical checks from the JAC to the Lord Chancellor.
29. The JAC does not consider that medical checks should be a consideration in the selection of potential candidates – they are an appointment consideration. **We therefore agree with the Government that it is more appropriate for the Lord Chancellor (as the appointing authority) to carry out these checks.**
- **Schedule 3, Part 7 – Powers of Lord Chancellor in relation to information.**
30. This proposal appears to be intended to *clarify* the existing information provisions at sections 72, 75, 81 and 89 of the CRA. In effect it appears to go much further.
31. The JAC considers that any sensitive information on the selection process, particularly in relation to individual candidates, must be properly protected.
32. The Government’s proposals appear to give the Lord Chancellor a wide-ranging power to seek any information. The JAC is not aware of any **evidence** of difficulty in this area and is not clear why these significant

powers are being sought. On that basis **the JAC does not feel able to support these proposals.**

33. In the event that the Joint Committee decided to support the provision of these powers, the JAC hopes that any new powers would be constrained to the provision of specific information in specific circumstances.

- **Schedule 3, Part 8 – Deployment authorisations, nominations etc**

34. The Lord Chief Justice is currently required to consult with the Lord Chancellor, and in some cases obtain his concurrence, in relation to a wide range of deployments, authorisations and nominations.

35. The Government's Consultation received widespread support (including from the JAC) for the proposal to remove the requirement for consultation with the Lord Chancellor, leaving the Lord Chief Justice to make decisions on judicial deployments, authorisations, nominations etc. **We therefore support the proposal that it should be for the Lord Chief Justice to decide on the deployment** etc of judges and that it seems unnecessary for him to seek agreement from the Lord Chancellor.

36. In our response to the Government's consultation paper of October 2007 (CM 7210), we said that in addition to its responsibility for making selections for judicial appointments, our concurrence is also required for appointments as Deputy High Court Judges under section 9(1) and 9(4) of the Supreme Court Act 1981. We also noted that there are other forms of designations and deployments including designations as Presiding Judges.

37. We argued that these decisions are of real significance to the administration of justice and that they should be made in an open way according to declared procedures to ensure the appointment of the best possible candidate from the full range of those eligible to apply. We suggested that the judiciary should be invited to propose, for each type of significant designation or nomination, a set of procedures which would satisfy the criteria of openness and accountability and that the JAC should then be invited to approve these procedures. This would then leave the judiciary to make individual decisions against those criteria with the JAC having no concurring in individual decisions. We therefore welcome the provision giving effect to this proposal for Deputy High Court Judges.

Proposals set out in the White Paper

Paragraphs 120 to 121 - The JAC should be allowed to take preliminary steps in a selection process before a formal Vacancy Request is received.

38. The CRA is prescriptive in terms of the operation of the JAC. It allows the JAC to begin a selection exercise on receipt of a formal Vacancy Request

from the Lord Chancellor. The Government has indicated that it wants to allow the JAC to take the preliminary steps in a selection exercise prior to the formal issue of Vacancy Request.

39. Our response of January 2008 to the Government's consultation paper on judicial appointments (CM 7210) highlighted the need for the JAC to engage as soon as it can with the Court Service and the Tribunals Service, to understand their anticipated requirements for appointments over the coming year. And we mentioned that concerns had been expressed that the drafting of the CRA, under which the receipt of a vacancy notice triggers action by the JAC, might inhibit these necessary early discussions.

4

40. As we said at the time, these concerns have been allayed to a large extent. In consultation with key interested parties, broad agreement has been reached that all parties should ensure that, at the start of each financial year, the JAC is provided with full and accurate documentation on all the vacancies for which appointments will be sought over the coming year.

41. Despite the unpredictable nature of some vacancies the commitment to work together to ensure that the annual programme is itself settled by September (except for unforeseen vacancies) and the essential documentation for the programme has been received before April each year will provide important efficiency dividends, allowing easier scheduling of exercises and more effective use of the staff and other resources available. **In view of these changes, the JAC does not consider any legislative change is necessary.**

- **Paragraphs 123 to 130 – Providing additional accountability mechanisms.**

42. The Government is seeking to provide the Lord Chancellor with wide-ranging powers that would allow him to direct the JAC and to set performance targets in order that he may satisfy himself that the JAC is working efficiently and effectively.

43. These new powers are justified on the basis that it is intended to remove the Lord Chancellor's discretion to reject, or ask for reconsideration of any JAC recommendation for appointment below the High Court. The JAC does not support that initial proposition – see comments in relation to Schedule 3, Part 5 of the draft Bill. But in any event, we note that the Government does not intend these new powers to apply only to activities of the JAC that relate to appointments below the High Court – i.e. where the imputed accountability gap would arise.

44. In relation to the **power of direction**, the JAC notes that the Government did not consult on this potentially significant power along with its other proposals in October 2007. This proposal is discussed in the White Paper, but it does not appear in the draft Bill. Consequently there is a lack of

detail about the precise nature of the power and the way it would operate. The JAC believes this power may have implications for its independence from the Executive.

45. In relation to the **power to set targets** for the JAC, we believe this proposal also has the potential to compromise the JAC's independence and the quality of selections made. For example, externally imposed targets create an operational interface between the Lord Chancellor and the JAC and it is not entirely clear how this would sit with the JAC's duty to select candidates *solely on merit* [section 63(2) CRA], and the extent to which it might impact on the JAC's independence from the Executive.
46. The JAC remains to be convinced of the value of targets in relation to judicial appointments. By discussion of potential targets, seeking to meet targets, or explaining why they have not been met, can be a very resource intensive process, and divert an organisation from its true purpose. There appears to be some evidence to this effect where they have been used in other sectors where the quality or nature of the work is fundamental to the success of the organisation as in the case of the JAC's role in selection candidates for judicial appointment.
47. For example, the target suggested in the Government's White Paper [paragraph 126] to increase the proportion of applications for appointment from certain groups is meaningless – it might well be possible for the JAC to meet this target by generating applications from candidates who are unlikely to be successful in the selection process. This would be both unfair to the candidates themselves and potentially off-putting to other candidates from under represented groups in the judiciary in the future. Moreover, achievement of misdirected targets might result in the inefficient use of resources, as well as affecting candidates.
48. The JAC believes that a better way of judging its performance, particularly in relation to diversity, is to compare the selections made for each appointment against the eligible pool. We have been working with the legal professional bodies and others to determine the eligible pool for each selection exercise. We have found that the pool varies considerably given the statutory criteria set out in the CRA, or any non-statutory criteria applied by the Lord Chancellor. We have included data on the eligible pool for each competition in our published selection exercise statistics for 2007/8. We believe this will provide a much better basis on which to track our year on year performance.
49. In relation to judicial appointments, there is a further potential objection to targets that may not apply in other sectors. The purpose of the JAC is rooted in its independence. The imposition of targets acts to reduce its independence. An example might be helpful. The Ministry of Justice sets the budget of the JAC. The imposition of targets in combination with a limited budget has the practical effect of reducing the JAC to a service provider for the Ministry of Justice by restricting its freedom to implement

the selection process and outreach activity that it believes is appropriate in relation to judicial appointments.

50. We also oppose targets which set specific budgetary constraints, for example on research or our outreach work, with the 'knock on' implications for diversity as well as independence.

51. In their questions, the Joint Committee asked whether it would be more acceptable if the Lord Chancellor's power to set targets, or to issue directions, were subject to the approval of the Lord Chief Justice. While we agree that the formal consent of the Lord Chief Justice may be helpful in balancing the influence of the Executive, we note that a number of commentators have also expressed concerns about the existing level of judicial involvement in the selection arrangements. The formal involvement of the Lord Chief Justice in this way is therefore likely to exacerbate the situation.

52. The **JAC cannot support** these proposals.

- **Paragraph 131 – Delegation of the Lord Chancellor and Lord Chief Justice's functions.**

53. We note that the draft Bill provides for the Lord Chief Justice to delegate his functions. Our comments in relation to paragraph 32 of Part 5 to Schedule 3 reflect this.

54. In relation to the earlier proposal for the Lord Chancellor to delegate certain of his functions, we note that the Government has not brought forward any proposals at this stage, but has sought views.

55. While it is difficult for the JAC to provide a view in the absence of more specific information about the nature of any delegation, we note that by reason of the Lord Chancellor's oath of office and the Constitutional Reform Act 2005, he has a range of unique duties and responsibilities not shared by other Ministers. Included in those are,

"the need for the public interest in regard to matters relating to the judiciary or otherwise to the administration of justice to be properly represented in decisions affecting those matters". The Lord Chancellor must be qualified by experience in law or Parliament, and has a duty to respect the rule of law.

56. These unique duties carry great weight and are significant in the way in which the Lord Chancellor approaches his responsibilities in relation to the appointment of the judiciary. **It is clearly important that any future arrangements do not harm these important safeguards.**

- **Paragraphs 132 to 133 – A role for Parliament.**

57. The JAC has already indicated its support for the proposal that the appointment of any future Chairman of the JAC should be subject to pre-appointment scrutiny by the relevant select committee.
58. The Government also suggests that there might be merit in an annual meeting of members of both the Commons Justice Committee and the Lords Constitution Committee to hold the system to account.
59. While we welcome any proposal that will lead to more effective accountability, **we do not consider it would be appropriate to comment** on the workings of Parliament or how individual Committees should discharge their functions.
- **Paragraph 134 – A JAC panel representing potential applicants.**
60. The JAC does not support this proposal. Our comments on paragraphs 13 to 16 of Part 3 of Schedule 3 of the draft Bill reflect this.
- **Paragraph 135 to 136 – Size and composition of the JAC.**
61. The size and composition of the JAC, which is clearly prescribed by the CRA, represents a complex settlement of issues raised during lengthy parliamentary debates just three years ago.
62. Our experience to date illustrates that the existing membership of the Commission, which comprises lay, judicial, professional, lay justice, and tribunal members, has worked very well in practice, and represents an invaluable range and depth of knowledge and experience. These members do not view themselves as *representatives* of other organisations, but act corporately in promoting the objectives of the JAC.
63. **The JAC does not support any proposal for review.**
- **Paragraph 137 – Statutory salary protection for certain tribunal judges.**
64. The JAC does not have any views on this proposal.
- **Paragraph 138 - Power to amend Schedule 14 to the Constitutional Reform Act 2005**
65. The JAC has commented above on the provisions at Part 4 of Schedule 3 to the draft Bill.
- **Paragraph 139 – Reappointment of JAC Commissioners.**
66. The Government proposes to simplify the re-appointment of Commissioners who do not hold senior judicial office. 6

67. The **JAC welcomes this proposal**. However, we **would like to see more detail** of the proposed procedures in relation to any decision of the Lord Chancellor not to reappoint a particular Commissioner.

- **Paragraph 140 – Disclosure of confidential information to the police.**

68. The Government proposes to introduce legislation to allow information relating to judicial appointments and discipline to be disclosed to the police for the purposes of investigating crime.

69. The JAC recognises that under the CRA difficulties can arise if information is revealed which might indicate criminal activity.

70. The JAC **accepts the Government's argument** that the CRA should be brought into line with other similar legislation to enable any such information to be provided to the police solely for the purposes of investigating crime.

Additional proposals from the JAC requiring legislative change

- **Repeal of section 65 of the CRA - Lord Chancellor power to issue guidance to the JAC.**

71. The power under section 65 of the CRA to provide guidance to the Commission on the conduct of its functions has not been used, nor, so far as the Commission is aware, has its use been considered. The JAC has developed, after wide discussion, its own framework of procedures that command wide acceptance. It is hard to envisage circumstances under which use of the power under section 65 is likely to be helpful. The JAC therefore suggests that in the event that legislation is taken forward, the Government should take the opportunity to repeal section 65 of the CRA.

- **To guarantee appropriate resourcing of the JAC**

72. The ability of the JAC to fulfil its statutory functions to widen the pool of those available to become judges and to select solely on merit is dependent on sufficient funding. The public interest requires that the judicial selection process be conducted to the highest standards. It is important that the independence of the JAC should be safeguarded by an acceptance, possibly even in legislation, by the Government of the obligation to provide the JAC with sufficient resources to enable it to comply with the Vacancy Notices it receives in a fair, timely, and thorough fashion, and in full compliance with its statutory duties.

73. The general duty on the Lord Chancellor in section 1 of the Courts Act 2003 to ensure that there is an efficient and effective system to support Courts business is relevant and helpful here. The Commission is aware of the pressures on public expenditure and conscious of the need to provide value for money. It is undoubtedly the case that the judicial selection process could be conducted more cheaply, if for instance it were to be done with less regard to the need to widen the pool; but the JAC believes that to cut costs in this way would have damaging long-term consequences.

74. We note that at paragraph 4.29 of his Review of Administration of Justice in the Courts of March 2008, the Lord Chief Justice made a similar observation:

“The new Commission started in April 2006 without any shadow operation and subject to a process which, in some respects, was unduly cumbersome. The administrative and staffing implications of the creation of the JAC and in particular the need to identify requirements further in advance than had been the case under the previous system, were underestimated. The Commission’s resources are limited and in the light of our experience clearly require review. It has had to face

competing demands from both HMCS and the Tribunal Service upon those limited resources.”

- **Repeal of section 94 of the CRA**

75. Under the CRA, the JAC runs two types of exercises: those held under section 87 for specific vacancies, and those held under section 94, under which the Lord Chancellor requests the JAC to draw up a list of people who are potentially selectable for vacancies for a specific type of appointment which may, or may not, arise later.

76. Most of the JAC’s larger selection exercises have been of this latter type. This type of exercise has been regarded as convenient in circumstances where the number of vacancies required in a particular selection exercise is difficult to predict. It has, however, very unfortunate consequences for many of the people on the list. Even after they succeed in the selection exercise, they have no guarantee that they will in fact be appointed.

77. This state of uncertainty may last for a year or more until the next exercise, and in the meantime their situation is often described as being in a professional limbo, unable to make firm plans for the future.

78. The JAC argues that it is wrong for candidates to be left in this uncertain position. After discussions with its key interested parties, it has been agreed that the section 94 arrangements should not generally be used. However, in the event that legislation is introduced, the JAC considers that the opportunity should be taken to repeal section 94 of the CRA.

- **Responsibility to be given to the JAC for application of any non statutory eligibility criteria** (see also paragraphs 12 to 14 above)

79. In its response to the Government’s consultation of October 2007, the JAC argued that it should have the final decision on the determination of eligibility criteria for specific judicial posts. It may be helpful to give a specific example of a criterion. The analysis of the JAC is that a key limiting factor on our being able to make a significant contribution towards improving diversity is the usual requirement for the Lord Chancellor to stipulate in Vacancy Requests to the JAC that candidates for salaried judicial posts should normally have had previous *fee paid* experience.

80. This is a real barrier to large numbers of potential candidates. For example, we have heard from members of the Employed Bar who represent over 3000 employed barristers (over half of whom are female and around a quarter of which are from BME backgrounds) that because of the terms of their employment, it simply is not possible for their members to consider part time judicial posts on a fee paid basis.

This not only reduces their prospect of success but also, and importantly, deters many from making an application. The same constraints are reported many solicitors – particularly those working in large, high-pressured and high

profile firms. The JAC has asked the Lord Chancellor to review the criteria that he applies. It continues to believe that the JAC should have the final decision on the determination of eligibility criteria for specific judicial posts.