

Annex B: Data sources and explanatory notes

Data Sources

Eligible Pool

The data relating to the gender, ethnicity and professional background of the eligible pool is collated from a range of sources on the basis of the selection exercise eligibility criteria. With the exception of specialist posts selection exercise eligibility criteria fall into four main categories:

1. Statutory requirement of 5 years or more post qualification experience
2. Statutory requirement of 7 years or more post qualification experience
3. Statutory requirements of 5, 7 years or more years post qualification experience and subject to non-statutory requirements, which for salaried posts are often that the Lord Chancellor expects that individuals must normally have served as a fee paid judicial office holder for at least 2 years or to have completed 30 sitting days in a fee paid capacity.
4. No law-related eligibility criteria, for non-legal posts

For categories 1 and 2 data is supplied by the Law Society and the Bar Council. The data includes solicitors who appear on the roll and barristers who and been called to the Bar and have completed pupillage. The Black and Minority Ethnic figures include 'any other' ethnic group, and exclude 'unknown' (approximately 12-13 per cent).

For category 3 the data represents 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 10 June 2009

Data for category 4 is derived from the Office for National Statistics Labour Force Survey October-December 2007, for people of working age in England and Wales. The figure includes all males 16-65 and females 16-60. The BME figures include 'any other' ethnic group

The JAC collects and monitors disability data throughout the selection exercise process as with gender, ethnicity and professional background. However, no data is available on the number of potential candidates within the eligible pool who have self declared as having a disability.

The 'incomplete' and 'other' figures are derived from the application form where the applicant did not define specifically their background or partially completed the form.

Candidate information: Equitas database

Equitas is the computer database used by the Judicial Appointments Commission to support the selection processes.

Equitas stores data on gender, ethnicity, disability status, age and professional background from the Application Monitoring Form. The data is used to produce reports and to support statistical analysis. The Application Monitoring Form is not compulsory but had a completion rate of over 95%.

Any data recorded on Equitas is subject to specific legislative provisions set out in the Constitutional Reform Act 2005, the Data Protection Act 1998 and Freedom of Information Act 2001. User access is strictly controlled and trail logs are kept for security checks and audit purposes.

Explanatory notes

This statistical bulletin covers the following exercises:

Selection exercises released in aggregated form:

These exercises are aggregated because they are too small to be reported individually while maintaining candidate confidentiality.

- Fee Paid Deputy Chairman of the Copyright Tribunal (England, Wales and Scotland)
- Appointed Person, Trade Marks Registry (United Kingdom)
- Fee Paid Vice President of the Valuation Tribunal for England and Wales
- President of the War Pension and Armed Forces Compensation Chamber and President of the Land Chamber (England and Wales)
- Regional Judge of the Employment Tribunal (England and Wales)
- Deputy President of the First-tier Tribunal (Health, Education and Social Care Chamber) (England and Wales)
- Senior Circuit Judges (Resident Judge) - Western Circuit, Bristol, Winchester/Salisbury
- Senior Circuit Judges (Resident Judge) – Birmingham

Selection exercises released individually:

- Fee Paid Judge of Employment Tribunal (England and Wales)
- Salaried Judge of the Employment Tribunal (England and Wales)
- Recorder (South Eastern Circuit)
- Salaried Judge of the First-tier Tribunal (Social Entitlement Chamber) (England, Wales and Scotland)

Eligibility

There are two types of eligibility requirement - statutory and non-statutory. As the name implies, statutory eligibility refers to the requirements for a post as set out in statute and is a mandatory requirement. Non-Statutory minimum entry requirements are additional requirements specified by the Lord Chancellor and may be as follows:

'The Lord Chancellor expects that, before being considered for appointment, individuals must normally have served as a fee paid judicial office holder for at least 2 years or to have completed 30 sitting days in a fee paid capacity.'

Details of the selection exercises released individually

Fee Paid Judge of the Employment Tribunal

Employment Judges are appointed by the Lord Chancellor. A Fee Paid Employment Judge is called upon to sit and to undertake duties as the need arises. The workload of the Tribunal is such that fee paid Employment Judges are required to sit for a minimum of 30 days per calendar year.

The Tribunals Courts and Enforcement Act (TCE) 2007 introduced the 'judicial appointment eligibility condition'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. Candidates must:

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

The statutory eligibility criteria are therefore: (a) The statutory requirement for applicants as set out as in paragraph 1 (1) of schedule 2 to the Tribunals, Courts and Enforcement Act 2007, section 50 (b) a 5 years general qualification (c) be an advocate or solicitor in Scotland for at least 5 years' standing or (d) be a barrister or solicitor in Northern Ireland for at least 5 years' standing, (e) be a fellow of the Institute of Legal Executives with the required length of time.

Following completion of the Application Form, the next step in the process was a qualifying test. The qualifying test was the sole method used to shortlist applicants for selection days for this selection exercise. (All eligible applicants assessed to be of good character were invited to a written qualifying test).

Candidates who performed best in the qualifying test were invited to a selection day which consisted of an interview and role-play.

The selection panel assessed each candidate at the selection day against the published JAC qualities and abilities and a full panel report was completed for each candidate. The report was then presented to the Commission at Selection and Character Committee (SCC). The SCC consider the report, references, candidate self assessment and results of statutory consultation, as required by the Constitutional Reform Act 2005.

The selection recommendations of the Commission were presented to the Lord Chancellor for him to make the final appointment decision.

Salaried Judge of the Employment Tribunal

Employment Judges are appointed by the Lord Chancellor. The main activities of the Salaried Employment Judge are significantly different from the duties of a Fee Paid Employment Judge, and reflect the more demanding nature of the appointment and the exercise of a high level of judicial skill and experience in dealing with cases of legal and factual complexity, including the whole range of discrimination cases.

The Tribunals Courts and Enforcement Act (TCE) 2007 introduced the 'judicial appointment eligibility condition'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. Candidates must:

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

The statutory eligibility criteria are therefore: (a) The statutory requirement for applicants is set out as in paragraph 1 (1) of schedule 2 to the Tribunals, Courts and Enforcement Act 2007, section 50 (b) a 5 years general qualification (c) be an advocate or solicitor in Scotland for at least 5 years' standing or (d) be a barrister or solicitor in Northern Ireland for at least 5 years' standing, (e) a fellow of the Institute of Legal Executive with the required length of time.

Non-statutory minimum entry requirements: The Lord Chancellor applied non-statutory minimum entry requirements to this exercises. He expected applicants normally to have served in fee paid capacity for at least 2 years or to have completed 30 sitting days since appointment in a fee paid capacity.

Following completion of the Application Form, the next step in the process was a qualifying test. The qualifying test was the sole method used to shortlist applicants for selection days for this selection exercise. (All eligible applicants assessed to be of good character were invited to a written qualifying test).

Candidates who scored highly in the qualifying test were invited to a selection day which consisted of an interview only.

The selection panel assessed each candidate at the selection day against the published JAC qualities and abilities and a full panel report was completed for each candidate. The report was then presented to the Commission at Selection and Character Committee (SCC). The SCC considered the report, references, candidate self assessment and statutory consultation.

The selection recommendations of the Commission were presented to the Lord Chancellor for him to make the final appointment decision.

Salaried Judge of the First-tier Tribunal

The Salaried Judge has both judicial and administrative duties, and is expected to hear appeals and to make interlocutory decisions. In addition, Salaried Judges are responsible for maintaining and improving judicial standards in the District, including meeting such judicial performance standards as may be set nationally which are consistent with good decision making and the provision of a fair and speedy tribunal system.

Tribunal judges are legally qualified to make the Tribunal's decision, sometimes alone and sometimes with the assistance of other panel members, who may be either judicial or specialist members.

The Tribunals Courts and Enforcement Act (TCE) 2007 introduced the 'judicial appointment eligibility condition'. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. Candidates must:

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

The statutory eligibility criteria are therefore: (a) The statutory requirement for applicants is set out as in paragraph 1 (1) of schedule 2 to the Tribunals, Courts and Enforcement Act 2007, section 50 (b) a 5 years general qualification (c) be an advocate or solicitor in Scotland for at least 5 years' standing or (d) be a barrister or solicitor in Northern Ireland for at least 5 years' standing, (e) a fellow of the Institute of Legal Executive with the required length of time.

Non-statutory minimum entry requirements: The Lord Chancellor set non-statutory minimum entry requirements. He expected applicants normally to have served in fee paid capacity for at least 2 years or to have completed 30 sitting days since appointment in a fee paid capacity.

Following completion of the Application Form, the next step in the process was a qualifying test. The qualifying test was the sole method used to shortlist applicants for selection days for this selection exercise. (All eligible applicants assessed to be of good character were invited to a written qualifying test).

Candidates who scored highly in the qualifying test were invited to a selection day which consisted of an interview only.

The selection panel assessed each candidate at the selection day against the published JAC qualities and abilities and a full panel report was completed for each candidate. The report was then presented to the Commission at Selection and Character Committee (SCC). The SCC considered the report, references, candidate self assessment and statutory consultation.

The selection recommendations of the Commission were presented to the Lord Chancellor for him to make the final appointment decision.

Recorder

Recorders sit in both the Crown Court and County Courts. Their jurisdiction is broadly similar to that of a Circuit Judge, but they will generally handle the less complex or serious matters coming before the court.

A Recorder is required to sit judicially for at least 15 days a year (and not normally for more than 30), of which at least 10 days should if possible be in one continuous period.

An appointment as a Recorder is for a (renewable) period of five years, subject to the statutory upper age limit of 70 years.

Statutory Eligibility Criteria: Under section 21 (2) of the Courts Act 1971, as amended by paragraph 9, schedule 10 of the Tribunals, Courts and Enforcement Act 2007, no person shall be qualified to be appointed a Recorder unless he satisfies the judicial-appointment eligibility condition on a 7 year basis.

The Lord Chancellor set non-statutory minimum entry requirements, he normally expected applicants to have served in fee paid capacity for at least 2 years or to have completed 30 sitting days since appointment in a fee paid capacity. Candidates applying for the Public Family Law posts needed to demonstrate suitability, at selection day, for early authorisation to hear Public Law cases. Authorisation is given by the President of the Family Division.

Following completion of the Application Form, the next step in the selection process was shortlisting by a qualifying test. The qualifying test was the sole method used to shortlist applicants for selection days for this selection exercise. (All eligible applicants were invited to sit the written test).

Candidates who scored highly in the qualifying test were invited to a selection day which consisted of an interview and role-play.

The selection panel assessed each candidate at the selection day against the JAC qualities and abilities and a full panel report was completed for each candidate. The report was then presented to the Commission at Selection and Character Committee (SCC). The SCC considered the report, references, candidate self assessment and statutory consultation.

The selection recommendations of the Commission were presented to the Lord Chancellor allowing him to make the final appointment decision.

Eligible applicants

The figure is the number of people from the eligible pool who apply for that post. Diversity figures are derived from the data supplied by the candidates in the application monitoring form. The figure for the eligible applicants will include applicants who do not meet the discretionary non-statutory criteria (if there are applicants of that type in the selection exercise) as their eligibility against these criteria is considered later in the process.

Shortlisted applicants

Shortlisting is the means by which eligible candidates of good character are chosen to progress to the selection day. It is done after eligibility has been assessed, as ineligible candidates or candidates do not proceed through the process. There is an initial character check based on self declaration at the start of the process and a more formal criminal records check before recommendations go to the Lord Chancellor.

Shortlisting is done on the basis of qualifying tests or by a paper sift on the basis of candidates' Application Forms and references. If a qualifying test is being used for shortlisting, references are requested after the test. They will be considered by the panel for the selection day. If a paper sift is used for shortlisting, references are requested before the paper sift. They will be considered by the sift panel in taking their decisions on which candidates should proceed to the selection day.

Selections

The figure is the number of people from those shortlisted selected following, interview and/or role-play(s) (where applicable), and considered by the Selection and Character Committee (made up of all Commissioners) of the JAC, who examine references, the candidate's self assessment and responses to statutory consultation.

Contact points for further information

This publication is available for download at www.judicialappointments.gov.uk

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Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk