

# Improving Judicial Diversity

**Progress towards delivery of the ‘Report of the  
Advisory Panel on Judicial Diversity 2010’**

**Annual Report produced by the Judicial Diversity Taskforce**

**September 2013**



**A Report on the progress towards delivery of the ‘Report of the Advisory Panel on Judicial Diversity 2010’**



**This report is also available on the following websites:**

Ministry of Justice website: [www.justice.gov.uk](http://www.justice.gov.uk)

Judiciary of England & Wales and Tribunals Judiciary website:  
[www.judiciary.gov.uk](http://www.judiciary.gov.uk)

Judicial Appointments Commission: [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

The Bar Council: [www.barcouncil.org.uk](http://www.barcouncil.org.uk)

The Law Society: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

The Chartered Institute of Legal Executives: [www.cilex.org.uk](http://www.cilex.org.uk)

## Table of Contents

Foreword.....	5
Executive Summary .....	6
Outstanding Recommendations – Progress Update.....	11
A Fundamental Shift in Approach.....	11
Encouraging new entrants to the Judiciary .....	15
The Selection and Recommendation Process for Judicial Appointments .....	26
Developing a Judicial Career .....	34
Judicial Culture, Terms and Conditions.....	37
Appendix 1 – Completed recommendations from previous Reports.....	40
Appendix 2 – Judicial Diversity Baseline measurement .....	43
Appendix 3 – Legal Professions Timetable.....	46
Appendix 4 – Diversity Statistics.....	48
Appendix 5 – Eligible Pool .....	55
Appendix 6 – Statutory Duty to Encourage Diversity .....	58
Lord Chief Justice of England and Wales .....	58
Lord Chancellor, Secretary of State for Justice.....	58
Appendix 7 – Glossary of Terms and Abbreviations .....	59

## Foreword

The report of the Advisory Panel on Judicial Diversity <sup>1</sup>, chaired by Baroness Neuberger, was published in February 2010. It contained 53 recommendations, one of which was that a Judicial Diversity Taskforce, comprising the Ministry of Justice, senior members of the judiciary, the Judicial Appointments Commission, the Bar Council, the Law Society and Chartered Institute of Legal Executives (formerly Institute of Legal Executives), be constituted to oversee implementation of the recommendations.

Since its inception, the Judicial Diversity Taskforce has published two annual progress reports in May 2011 <sup>2</sup> and September 2012. <sup>3</sup> Although both reports demonstrated that progress had been made, the Taskforce recognises that there is no longer room for complacency; there must be continued commitment by all members of the Taskforce to deliver the longer term initiatives, achieve visible success, whilst maintaining momentum and demonstrating substantial progress going forward.

We would like to thank everyone who has been involved in the significant achievements so far that demonstrate continued commitment towards achieving a more diverse judiciary, while recognising the resourcing constraints that all member organisations are working within.

The third progress report recognises that some of the 53 recommendations have now been closed or addressed previously and therefore in order to avoid unnecessary duplication of entries from the previous report these completed recommendations have been removed from the main body of the report and documented in Appendix 1.

---

<sup>1</sup> <http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations>

<sup>2</sup> <http://www.justice.gov.uk/downloads/publications/moj/2011/judicial-diversity-report-2010.pdf>

<sup>3</sup> <http://www.justice.gov.uk/publications/policy/moj/improving-judicial-diversity-judicial-diversity-taskforce-annual-report>

## Executive Summary

### The Bar Council

The Bar Council continues to support the work and recommendations of Baroness Neuberger and her panel. This support is reflected in the Bar Council's Equality Objectives which cover the areas of retention, progression and social mobility at the Bar. Encouraging those from a lower socio economic background to consider a career at the Bar continues to be a priority.

The Bar Council, the Inns of Court and the Circuits co-sponsor the Citizenship Foundation to run the Bar National Mock Trial competition. Over 2,500 students from 175 non fee-paying schools and Further Education colleges across the UK take part each academic year. The Bar Council works with the Social Mobility Foundation on the annual Bar Placement Week in London. In 2012, 72 students selected by the SMF were placed in London chambers where they took part in workshops, court visits and mock trials, and this year 75 students participated in London Placement Week, and 12 students were selected for the newly launched Birmingham Placement Week.

The Bar Council's Judicial outreach events programme also continue to be popular and go some way to encouraging barristers from under-represented groups to consider a judicial career.

#### ***Maura McGowan QC, Chairman of the General Council of the Bar has said:***

*"I wholeheartedly support the work of Baroness Neuberger and her panel. At the Bar Council we are totally committed to increasing diversity and social mobility throughout the legal profession. We look forward to continuing the work done by the Task Force and the Steering Group. As a first step we have opened the Bar Nursery in Central London and we very much look forward to providing similar facilities outside London.*

*We are proud of the progress made at the bar and in the Judiciary. There is more to be achieved and we will continue to work to ensure positive change".*

### The Chartered Institute of Legal Executives (CILEx)

Alongside our outreach activity, in collaboration with the Law Society, Bar Council, JAC and Judicial Office, we have been developing two new legal services apprenticeships. These offer us an opportunity to broaden diversity at the point of entry to the legal profession, with a long-term vision to diversify the judicial eligible pool.

We are delighted that Chartered Legal Executives are now eligible for coronial appointments under the Coroners and Justice Act 2009 and will be promoting this to our members. We have a number of initiatives in the pipeline to raise the profile of our route to qualification and appointment to include work-shadowing and a pilot mentoring scheme.

#### ***Stephen Gowland, the President of The Chartered Institute of Legal Executives has said:***

*"Everyone at CILEx is passionate about diversity. Our aim is to encourage all of our members, regardless of their background, and to provide them with the best support and guidance in order to meet their career aspirations for judicial appointment. With this in mind, we will soon be offering legal apprenticeships at levels 3 and 4 which further widens access to our profession. Having commenced my own professional career as a legal apprentice, through an employment training scheme, I firmly believe that apprenticeships and other less traditional routes into the legal profession should be encouraged and celebrated as providing an opportunity for those with the right skills and abilities to succeed. Given that our members are showing an increasing level of interest in judicial appointment, we intend to focus our efforts and resources on those*

*barriers that may prevent them from considering entering the judiciary and in so doing; we will build on good practice already developed by the other professional bodies.”*

## **The Law Society**

The Government has demonstrated its continued commitment to improving judicial diversity through the refinements to the statutory basis of the JAC and selection processes in the Crime and Courts Act 2013. The Law Society has supported those improvements and remains convinced of the need to improve diversity within the judiciary. Progress is steady rather than dramatic but it behoves all of the stakeholders in the judicial appointments system to press forward. The professions are becoming more diverse at the point of entry and this will in time work through to the judiciary.

For its part the Law Society has continued to invest in events to encourage and support potential applicants. Last November the Society hosted a Judge for Yourself event at which 162 lawyers were able to mix and mingle with 56 judges drawn from the courts and tribunals. In the Spring the Society trialled an informal mentoring scheme with the Employment Tribunal in Birmingham for solicitors intending to apply for this year’s fee paid Employment Judge selection exercise. The experience of those applicants will be monitored to assess the value of the exercise.

The Society is seeking to ensure that the City firms which have subscribed to the commitment to the promotion of judicial appointments follow through with their promise to support their staff wishing to apply for judicial appointments. The consolidation of the Solicitor Judges Division launched in 2012 continues with planning for a dinner for members in the Autumn and other activities to draw on the expertise of this group.

### ***Nick Fluck, the President of the Law Society has said:***

*“I whole heartedly believe in the need for our judges to reflect the communities which they serve. I support the Law Society’s efforts to improve judicial diversity and the chances for solicitors to be appointed as judges in our courts and tribunals. I am committed to keeping judicial diversity as a priority for the Law Society in the year that I am the President. I shall take every opportunity to encourage good quality applicants from within the profession and to publicise to solicitors the value and rewards of serving society as a judge.”*

## **Judicial Appointments Commission (JAC)**

The JAC has now completed 12 of the 15 recommendations assigned to us and has made significant progress on the remaining ones. Of particular note for last year are the following:

- After an evaluation of pilot exercises in 2011/12, use of online tests for shortlisting has now been adopted as standard JAC selection policy [recommendation 25]. This better serves candidates, who are no longer required to physically attend a test centre at a fixed time, and provides better value for money.
- The JAC worked with HMCTS, JO and MoJ to reduce the overall time it takes to appoint a judge from launch of a selection exercise through to a candidate receiving a success letter. From initial indication of it taking 18 months to complete this process, improvements mean that this took an average of eight months in 2012-13. But this is still too long and our shared target is to reduce the period to five months. This work has also included a review of the forecasting and appointments stages of the process [recommendation 37].

The JAC, with the Law Society of England and Wales, the General Council of the Bar and Chartered Institute of Legal Executives, renewed a survey first undertaken in 2008 with members of the legal profession to investigate perceived barriers to judicial appointment. The

full results and the questionnaire have now been published on the JAC website and an action plan agreed with members of the Diversity Forum. The findings will be used to inform the way in which the JAC reaches out to potential applicants and the way in which the Law Society, the Bar Council and CILEx promote judicial office as a career move [recommendation 49].

This year, we have asked for views on the application of an equal merit provision within the Crime and Courts Act [recommendation 21]. The provision clarifies that where there are two persons of equal ability, a candidate can be selected on the basis of improving diversity. A policy is being developed from the consultation responses.

We are also reviewing qualifying tests used for shortlisting and this will include the consideration of different types of professionally validated tests [recommendation 26]. Work is also continuing with Judicial Office to build and train a stable pool of judges to sit on JAC selection panels [recommendation 34].

***The Chairman of the JAC, Christopher Stephens, said:***

*“A judiciary which is more reflective of society will increase public confidence in the often life-changing decisions being made in courts and tribunals. Therefore the work of this Taskforce is crucial. Public confidence also demands that good judges continue to be selected and so the principle of appointment on merit must and will remain.*

*I am pleased that the JAC has continued to make significant progress against all of the recommendations allocated to it in the report and that progress on judicial diversity continues to improve. Over the lifetime of the JAC, 40% of the 3502 JAC selections have been women and 10% have been black, Asian and minority ethnic candidates. There is still a lot more that needs to be achieved and we will continue, alongside our partners, to strive for more diverse applications and selections through all possible means, which can only further enhance public confidence in the judiciary.*

*We welcome a number of changes in the Crime and Courts Act which will have an impact on diversity. The possibility of more flexible working is one of the most important of these.”*

**The Judiciary of England & Wales**

The past year has seen work to improve judicial diversity being undertaken by all levels of judges across the whole of the courts and tribunals judiciary. The success of high profile events such as the Judge for Yourself event held in London in November 2012 and the event for female lawyers in Wales in February 2013 was achieved, not only through the inspirational speeches of senior judges, but also through the face to face conversations which judges at all levels had with the delegates. These two events were attended by a total of over 200 lawyers, a large number of whom came back to say they had been encouraged to apply for judicial office as a result.

These events built upon the day to day work being undertaken throughout the year by the Senior Liaison Judges for Diversity and the network of Diversity and Community Relations Judges (DCRJJs). This work, which includes engagement with the professions, schools, colleges and community groups (as well as marshalling and work shadowing) is set out more fully in the body of this report. The growth of the DCRJJ network to over 80 judges, with the expansion of the scheme to include tribunals judges, increases the potential for this work to increase, bearing in mind, of course, that in an age of decreasing resources it is wholly dependant upon the good will of the judges concerned.

At a more strategic level the Judicial Office is working closely with the MoJ and the JAC on putting in place the practical arrangements for implementing the appointment, deployment and flexible working provisions, introduced by the Crime and Courts Act.



**Lord Chief Justice of England and Wales, the Right Honourable Lord Judge has said:**

*“Following the recent implementation of the Crime and Courts Act, the Lord Chancellor and Lord Chief Justice each now has a statutory duty to encourage judicial diversity. As the contents of this report make clear, such responsibilities are nothing new. On the contrary, the judiciary has long been engaged in an extensive range of activities, many of which are undertaken by judges in their own time, to assure potential applicants from all backgrounds that appointment to judicial office is based solely on merit. But real progress cannot be achieved by the judiciary alone: others in the Ministry of Justice, the Judicial Appointments Commission and the professions are equally involved. The Judge for Yourself event held in London last November and the more recent event for female lawyers in Wales were first class examples of what can be achieved by pooling our limited resources to meet a common aim.*

*I am extremely grateful to everyone who supported these events, including the many judges and support staff for whom these were only a part of their ongoing contribution. The recent appointment of three women to the Court of Appeal and five to the High Court gives cause for encouragement and I look forward to learning of how the picture has further improved when I read next year’s report.”*

**The Senior President of Tribunals Sir Jeremy Sullivan has said:**

*“The make up of tribunals judiciary is already diverse in terms of professional background, gender and ethnicity, in part at least that may be because the large number of fee paid appointments allow judges to combine judging with other responsibilities and to build up their areas of judicial expertise at their own pace, but we are not complacent. It is essential that, together with the JAC, MoJ and the professional bodies, we continue to promote these positive benefits if we are to continue to attract high calibre lawyers from diverse backgrounds.*

*I am therefore pleased that the tribunals judiciary has been actively involved in the impressive range of diversity activities that have taken place this past year, including the ‘Judge for yourself’ event, the event for female lawyers in Wales and events organised by the JAC and other professional bodies. I am especially pleased that tribunal and courts judges, through their role as Diversity and Community Relations Judges, have combined their efforts and are working jointly to encourage diversity and improve relations with communities.*

*More interchange between courts and tribunals should ensue from the flexible deployment provisions within the Crime and Courts Act. This must, of course, be subject to agreed business need and the judge having the necessary training and expertise. But I very much hope this provision will give tribunal judges opportunities to broaden their career and that it will encourage even greater diversity across the judiciary in the future.”*

**Ministry of Justice**

The Ministry of Justice has made significant progress in the past twelve months and has now completed over half of the recommendations assigned to the Government. The main focus of the Ministry of Justice’s recent work has been the development of legislation enabling changes to be made to the judicial appointments process, as recommended by the Advisory Panel. A number of measures were included in the Crime and Courts Bill which received Royal Assent in April, including making selection panels for senior appointments more diverse, introducing flexible part-time working into the senior courts and making the process for selecting Deputy High Court Judges more transparent. We have also introduced a new statutory duty for the Lord Chancellor and Lord Chief Justice to encourage diversity in the judiciary and introduced an equal merit provision into the appointments process.

The MoJ has worked very closely with the judiciary and the Judicial Appointments Commission throughout the development of the appointments and diversity measures in the Act, as well as

through the development of the resulting secondary legislation which sets out the revised appointments processes and the composition and selection of JAC commissioners. The MoJ will continue to work closely with other Taskforce members as they lead on implementing certain measures in the Act such as the equal merit provision.

Further to this legislative work, the baseline measurement which was developed last year by MoJ Analytical Services has now been updated and refined to include data from the Tribunals. This means that we will be able to more accurately measure our progress in increasing diversity against this baseline and assess the overall impact of the interventions we are making.

***Helen Grant MP, Parliamentary Under-Secretary of State, Ministry of Justice has said:***

*“I am encouraged by the progress the Ministry of Justice and other Taskforce representatives have made over the past year and I hope that we can start to see some real change in the diversity of our judiciary as a result of this work. Diversity is so important to retaining the public’s confidence and trust in the justice system and I am passionate about the need to achieve real and visible change in this area.*

*However, I am mindful that there are still some important recommendations to implement, including developing the concept of a judicial career and introducing a system of judicial appraisal. I am fully committed to supporting the judiciary and the legal professions in any way possible as they deliver these recommendations which are integral to achieving greater diversity.*

*As the rest of the Advisory Panel’s recommendations are implemented, we need to be really clear about the responsibilities of each member organisation and the ownership of our actions to ensure we don’t lose the momentum we currently have. We also need to ensure that the actions we are taking are meaningful; that they will deliver tangible benefits, visible change and continued progress in the diversity of our judiciary. To achieve this we need to renew our understanding of where we can make a difference and focus our efforts in those areas.*

*I remain fully committed to the Taskforce’s programme of work and believe that with the right support and leadership the Taskforce can make real strides towards achieving the Panel’s vision of a more diverse judiciary by 2020.”*

# Outstanding Recommendations – Progress Update

## A Fundamental Shift in Approach

<b>Recommendation 1</b>
There should be a fundamental shift of approach from a focus on individual judicial appointments to the concept of a judicial career. A judicial career should be able to span roles in the courts and tribunals as one unified judiciary.
<p><b>Contextual paragraph from Advisory Panel report</b></p> <p>(Para. 36) – The judiciary differs substantially from other professions in that there is a focus on judicial appointments, not a judicial career. This has meant that efforts to increase diversity have tended to focus on outreach and the selection process in order to affect individual appointments, rather than developing policies and processes to support diversity throughout a judicial career from the time an individual may first consider becoming a judge to progression to the most senior levels.</p>
<b>Organisation taking forward:</b> Judiciary
<p><b>Action completed to date:</b></p> <p><b>Ministry of Justice</b> – Schedule 14 of the Crime and Courts Act 2013 introduces flexible deployment of judicial office holders between the courts and tribunals.</p> <p><b>Judiciary</b> - The Judicial Office is working closely with the MoJ and the JAC on putting in place the practical arrangements for implementing the appointment, deployment and flexible working provisions, introduced by the Crime and Courts Act. The senior judiciary are keen to make use of this provision in appropriate circumstances; and discussions are currently taking place as to how the provisions might be implemented, taking account of what skills are transferable and what training is required.</p>
<p><b>Future actions planned:</b></p> <p><b>Ministry of Justice</b> – The Ministry of Justice will support the judiciary and HMCTS as they implement these new deployment arrangements.</p> <p><b>Judiciary</b> - It is envisaged that there will be consultation with the wider judiciary before implementation takes place.</p>
<p><b>Forecast completion date: MoJ – Complete (subject to completion of evaluation), Judiciary – Ongoing (with continuing support being provided to HMCTS and the judiciary)</b></p>

## Recommendation 2

The recommendations made in this report must be implemented as an integrated package and sequenced carefully.

### Contextual paragraph from Advisory Panel report

(Para 39) - Significant progress will take a fundamental shift in approach, to embed diversity throughout the system: through attracting, appointing, retaining, developing and promoting the best talent.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

Taskforce members agreed that good progress could be made through coordinated action and effective communication without the need for the development of an integrated programme management structure to oversee delivery. Regular meetings between organisations ensure that efforts are co-ordinated where necessary.

This report draws together progress on all recommendations by Taskforce members and was agreed by Judicial Diversity Taskforce members in July 2013.

### Future actions planned

Regular senior officials steering group meetings between organisations will continue over the next 12 months to monitor progress, and the actions planned for the coming 12 months will be incorporated into the forward look produced by the Judicial Diversity Forum.

**Forecast completion date:** Ongoing – September 2014 annual progress report

## Recommendation 4

This Judicial Diversity Taskforce should oversee an agreed action plan for change and publish an annual report setting out the progress made. The Advisory Panel on Judicial Diversity will meet again in 2011 to take stock of what the Taskforce has achieved.

### Contextual paragraph from Advisory Panel report

(Para 42) – The tripartite group should be re-focused into a body with responsibility for overseeing change, and with a duty to report annually on progress so there can be public and parliamentary scrutiny of what is an area of legitimate public concern.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

Each organisation continues to lead on delivery of its allocated recommendations, under the continued supervision of the Taskforce and with help from other Taskforce members where necessary.

A Senior Officials Steering group undertook a review of the delivery plan towards the end of 2012 to discuss the actions the Taskforce is taking and also the sequencing of these actions, as part of the preparation for the production of the third annual progress report.

### Future actions planned

The Senior Officials Steering group will undertake a second review of the delivery plan in December 2013 in order to understand progress against outstanding priorities.

**Forecast completion date:** Ongoing, December 2013 – review delivery plan, September 2014 – annual progress report

## Recommendation 6

The work already under way on the capturing, handling, sharing and regular updating of judicial data between the Ministry of Justice, Judicial Appointments Commission, and the Directorate of Judicial Offices is essential and should be in place within 12 months of this report's publication.

### Contextual paragraph from Advisory Panel report

(Para. 50) – In other instances, different parts of the system are either collecting slightly different data or duplicating data collection. This makes reconciling the figures difficult or impossible.

**Organisation taking forward:** Ministry of Justice and Judicial Office

### Action completed to date

**Judiciary:** Since the new system of sharing data was introduced in April 2011 approximately 98% of successful candidates have agreed to the data from their diversity monitoring forms being shared with the Judicial Office.

The Judicial Office has begun a substantial programme of work to implement an 'e-HR' system. The programme consists of a number of projects including: the implementation of a new database; a review of HR processes which will be re-designed to support the maintenance of the new system; a data cleansing exercise and a data protection review project. Implementation is planned for March 2014.

### Future actions planned

**Ministry of Justice:** No future action is planned.

**Judiciary:** The Judicial Office is planning to work with statisticians in MoJ to improve the quality of diversity statistics and to consider publishing them as Official Statistics in the future.

**Forecast completion date:** Complete (while remaining under review)

## Recommendation 7

The Judicial Diversity Taskforce should use this information (see Recommendation 6) as a starting point to set a baseline against which it will measure future progress.

### Contextual paragraph from Advisory Panel report

(Para. 52) - This work must ensure: - data is collected in a way that enables the evaluation of the impact of policy and procedural change – we need to be able to track progress and identify more clearly where there are potential blockages.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

**Ministry of Justice:** A baseline measurement has been developed by MoJ Analytical Services to enable the Taskforce to measure progress in increasing diversity.

This baseline was recently updated to reflect the inclusion of Tribunals data. This will enable the Taskforce to more accurately evaluate the effectiveness of our measures by comparing actual data from 2012 with our baseline figures for 2012.

**Judiciary:** As part of the work to develop a Judicial Diversity Strategy, the Judicial Office is exploring the options for expanding the categories of diversity data that are collected and published.

### Future actions planned

**Ministry of Justice:** No future action is planned.

**Judiciary:** Judicial Office will review the options for collecting and publishing a wider range of diversity data as part of the implementation of a new 'e-HR' system.

**Forecast completion date:** Complete (while remaining under review)

## Recommendation 8

One principal responsibility of the Taskforce must be to ensure that there is systematic, consistent monitoring and evaluation of what works and what does not.

### Contextual paragraph from Advisory Panel report

(Para. 52) - This work must ensure: - data is collected in a way that enables the evaluation of the impact of policy and procedural change – we need to be able to track progress and identify more clearly where there are potential blockages.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

All actions that the Taskforce is taking are continually reviewed and evaluated. Evaluation is included as a key step in any delivery plan.

### Future actions planned

There will be post-implementation reviews of all the measures introduced through the Crime and Courts Act 2013, within three years of implementation.

All other actions taken by the Taskforce will be continually monitored and evaluated in line with this recommendation.

**Forecast completion date:** Ongoing

## ***Encouraging new entrants to the Judiciary***

### **Recommendation 9**

Judges and members of the legal profession should engage with schools and colleges to ensure that students from under-represented groups understand that a judicial career is open to them.

#### **Contextual paragraph from Advisory Panel report**

(Para. 54) - As highlighted in the report on "Fair Access to the Professions", it is important that the idea of a career in the judiciary is planted early no matter what branch of the legal profession an individual intends to enter.

**Organisation taking forward:** Judiciary & Legal Professions

#### **Actions taken and planned**

**Judiciary:** The Judicial Office is working with qualified teachers and others to develop a comprehensive resource pack which will include lesson plans aimed at informing students about the role of judges and how the judicial system works.

Diversity and Community Relations Judges (DCRJJs), together with other judges across courts and tribunals, have continued to strengthen their links with local schools, colleges and universities. They have engaged with academic institutions by hosting students at their court or tribunal, giving talks on legal and judicial careers, participated in moots and mock trials/hearings and judged local student competitions.

For example, one DCRJ has enabled 35 school visits to the Crown Court and developed a structured judicial awareness course specifically for young people. This has received good feedback and the Prince of Wales Trust is seeking to use it in its own work with young people.

DCRJJs have received positive feedback from teachers and students; one student who was invited to visit a court commented, 'It is astonishing to see the papers the barristers had to work with. The judge was in firm control and he occasionally had to intervene. Questions and cross-examination was extremely thorough. It made me realise the knowledge needed by barristers and judges. It was an extremely enjoyable experience and I am considering a career in the field of law, preferably on the right side'.

The DCRJ resource pack currently being developed by the Judicial Office will provide support material for judges engaging with students in schools, colleges and universities and will include tips and ideas on engaging with students of varying age and ability. The guidance has been produced in consultation with teachers and DCRJJs.

**CILEx:** CILEx has continued its outreach programme into schools and colleges across England and Wales, incorporating judicial careers within its key messages, marketing materials and presentations. A judicial career is presented as a natural progression route from our profession.

**Law Society:** Local law societies, firms, individual solicitors and judges engage with local schools and colleges to publicise the possibility of a legal career including the judiciary.

**Bar Council:** The Bar Council houses careers advice and guidance for the Bar in a dedicated area of its website; the 'Becoming a Barrister' hub. It includes a series of films and case studies that provide clear information and guidance on access to the profession. It also highlights our 'Speak up for Others' programme, which offers around 500 talks annually from current barristers to secondary school students, as well as our five annual regional careers days for Year 12 students considering a career at the Bar. We also use the site to publicise which law fairs the Bar Council and the Inns of Court will attend in the year; the organisations having been represented at over 30 fairs in 2012. The Bar Council, the Inns of Court and the Circuits co-sponsor the Citizenship Foundation to run the Bar National Mock Trial competition. Over 2,500 students from 175 non fee paying schools and Further Education colleges across the UK take part each

academic year, with the regional winners going forward to a grand finale at the Royal Courts of Justice in March this year. Each school is allocated a barrister trainer/mentor that works with students to develop their advocacy skills and legal knowledge.

The Inner Temple, in partnership with the Sutton Trust, runs a project called Pathways to Law to promote opportunities throughout the legal profession to state school students. The project provides students with information about citizenship and the legal system and promotes social mobility at the Bar. The scheme reached nearly 175 students across the UK in 2012 and is set to further expand next year. It has also set up the Pegasus Access Scheme, which is open to university students that have previously participated in widening access programmes. PAS offers high-quality work experience at the Bar and covers any associated expenses incurred.

The Bar Council this year has held two Bar placement weeks for high-achieving Year 12 students from low-income backgrounds; one in London in partnership with the Social Mobility Foundation and another, for the first time, in Birmingham. Participating students (of which there were over 80 this year) were placed in chambers for three and half days. They also took part in workshops, court visits and mock trials.

The Honourable Society of Middle Temple runs a scheme for undergraduates from disadvantaged socio-economic backgrounds, placing them in Chambers for one week, and to shadow a judge for another week. The Inns of Court jointly run an annual careers day for careers advisers, to which each careers adviser at each institution offering a qualifying law degree is invited, giving them the opportunity to hear from and talk to members of the Bar. Around 50 careers advisers attend annually.



## Recommendation 10

Diversity and Community Relations Judges should have responsibility for organising contacts with institutions and the professions to promote a judicial career among those from under-represented groups.

### Contextual paragraph from Advisory Panel report

(Para. 57) - Diversity and Community Relations Judges (DCRJ) act as a bridge between the judiciary and the community so that the public gains a better understanding of the justice system and the role of the judge.

### Organisation taking forward: Judiciary

#### Actions taken and planned

In 2012, the DCRJ role was extended to the Tribunals judiciary and, following an expressions of interest exercise, 23 DCRJs were appointed, bringing the total number to just over 80. This has resulted in a better representation across the jurisdictions and greater coverage of diversity activities across England and Wales. All the newly appointed judges have received induction training about the role and the judicial appointment process (by the JAC) to help them support able lawyers to apply for a judicial appointment.

Over the past year, the DCRJs have continued to:

- a) Host school visits and marshals at their courts and tribunals and/or have visited schools, colleges and universities to give talks on the role of a judge, the justice system, applying to study law and judicial appointments
- b) hosted visits from vulnerable and disabled groups
- c) presided over moots and mock trials, not only involving students but also lawyers who were interested in applying for an appointment
- d) hosted lawyers and judges participating in the Judicial Work Shadowing Scheme
- e) mentored lawyers considering applying for a judicial appointment
- f) participated in careers in the law events.

They have also -

- Conducted a workshop at a conference held for the training of Muslims Imams
- Made links with Stonewall and delivered a training module on sexual orientation to employment tribunal judges
- Arranged a talk to BYLaw (an LGBT organisation of lawyers)
- Delivered talks to a local Employment Lawyers Association about seeking judicial appointment in the Employment Tribunals
- Held discussions with local multi faith groups about the role of a judge and the justice system
- Spoken at events organised by the legal professions and their associated networks
- Run workshops on applying for judicial office with the Black Solicitors Network and Law Society.

The Judicial Office has produced an updated DCRJ resource pack that is concise and practically focused on their engagement activities. This work has been carried out in consultation with DCRJs and external professionals with subject matter expertise in the areas that the judges require advice.

DCRJJs are also sharing knowledge with each other on meeting hard to reach groups. Plans are

currently underway for more engagements with, for example, the travelling and gypsy community. The focus of this year's annual DCRJ training event will be on effective community engagement and will provide DCRJs with expert input from guest speakers and tools for engagement.

In November 2012, the Lord Chief Justice and the DCRJs hosted a highly successful event entitled 'Judge for Yourself' at the Law Society. The event was attended by 162 lawyers who had or had not considered a judicial appointment. The outcome was extremely positive: 95% of the 112 delegates who responded to the post event survey said that they had been encouraged to apply for a judicial appointment after having attended the event.

The Judicial Office launched the DCRJ resource pack at the annual DCRJ training event in June 2013. The pack will be published on the judicial intranet to allow easy access by the DCRJs and the wider judiciary.

A scoping exercise is being planned for July 2013 to determine how the information available to the public on the judiciary website might be improved or expanded to provide tailored information to, for example, teachers planning a lesson on the role of a judge or legal professionals intending on applying for a judicial appointment.

A judicial networking event is being planned for academics at the Supreme Court later in 2013. It is hoped that the event will help improve links between academics and the judiciary and encourage them to apply for a judicial appointment.

## **Recommendation 11**

Judges' Marshalls and judicial assistant's schemes should be extended, openly promoted, transparent as to process, targeted at under-represented groups, supportive of the work of the courts, and properly evaluated.

### **Contextual paragraph from Advisory Panel report**

(Para. 59) - The DJO has contacted the Council of the Inns of Court on developing the Inns' marshalling schemes and, in particular, thinking about how the scheme could be targeted at groups under-represented in the judiciary. The Panel would like to see this scheme extended to other branches of the legal profession.

**Organisation taking forward:** Judiciary

### **Action completed to date**

Judges have continued to work with their respective court or tribunal to build connections with their local colleges and universities to encourage a regular flow of marshals (on a weekly basis at some courts and tribunals).

The DCRJs have hosted over 100 marshals in the past year and have been involved in other marshalling related activities, for example; a DCRJ has written an article on marshalling for readers (student members & young barristers) of '2012 Inner Temple'; and another is working with law students to identify information that may be useful for marshals before commencing their experience.

### **Future actions planned**

The Judicial Office will be working on an information sheet on marshalling (for DCRJs and marshals) for the DCRJ resource pack (Summer 2013).

**Forecast completion date:** Ongoing

## Recommendation 12

The Panel recommends that the Bar Council, the Law Society and ILEX (now CILEx) set out a detailed and timetabled programme of change to improve the diversity profile of members of the professions who are suitable for appointment at all levels. They should bring this plan to the Judicial Diversity Taskforce within 12 months of the publication of this report. This plan should include information on how progress will be monitored.

### Contextual paragraph from Advisory Panel report

(Para. 63) - Diversity in the judiciary must start with diversity in the legal profession. There will only be the potential for diverse appointments if the legal profession can attract and retain gifted men and women from all backgrounds up to the stage when they are ready and suitable for judicial appointment.

**Organisation taking forward:** Legal Professions

### Actions completed and future actions planned

**Law Society:** A Meet the Judges event was held in Birmingham on 27 February and a programme of eight regional judicial appointments events has been organised: Manchester 17 October; Newcastle 23 October; Southampton 6 November; Birmingham 21 November; Bristol 23 January; London 30 January; Leeds 5 February; and Cardiff 18 February. Training courses to help those applying for judicial appointments have been held or organised in Leeds on 4 March; London 19/20 April; London 6/7 September; Bristol 18 October; and London 29/30 November. BAME outreach events have been held or organised in Birmingham on 17 July; London 15 October; and Leeds 20 November. An outreach event for disabled lawyers was hosted at the Law Society on 25 February.

**CILEx:** We continue to widen the pool from which we attract new members to our profession. Most notable is our Apprenticeship development work at Level 3 and Level 4. Through widening access to our profession via alternative routes, we hope to contribute to the overall diversity of the legal profession which in turn has a positive impact on the eligible pool for judicial appointment.

**The Bar Council:** The Bar Council is working to widen access to all with the ability and potential to be successful at the Bar, and to strengthen and retain diversity within the profession. Our Social Mobility Committee is working to increase understanding and awareness of the importance of improving social mobility at the Bar, both within and outside of the profession, to identify and monitor challenges to social mobility within the Bar and to develop and implement practical solutions where possible. Our equality objectives are published on the Bar Council's website and reflected in the Bar Council's Strategic Business Plan. Our timetabled plan to increase the diversity profile of applicants for judicial appointment is set out at Appendix 3.

**Forecast completion date:** Ongoing. Details of activities planned by the Legal Professions over the coming year are detailed within [Appendix 3](#).

## Recommendation 13

The legal professions and the judiciary should put in place systems for supporting suitable and talented candidates from under-represented groups to apply for judicial appointment.

### Contextual paragraph from Advisory Panel report

(Para. 71) - The professions and the judiciary should actively encourage gifted suitable candidates to apply for judicial office and for promotion.

### Organisation taking forward: Judiciary and Legal Professions

#### Actions completed and future actions planned

**CILEx:** We continue to support activities with our colleagues across the legal profession and more widely through the guidance and support that is available. We continually strive to ensure that everyone has access to relevant, timely information.

**Law Society:** The Law Society hosted the Judge for Yourself event on 22 November aimed at lawyers who have not previously considered a judicial career and enabling them to mix and mingle with judges. The Society sponsored two bursaries at the Understanding Judging course at the University College London Judicial Institute in April 2013.

**Bar Council:** The Bar Council will continue to hold information events linked to all major first tier judicial competitions and to particularly encourage members of underrepresented groups to attend these. Practitioners who have been successful in a recent appointment are encouraged to attend also and to offer informal advice and mentoring to those considering applying. Career planning events with a view to judicial appointment will continue to be held jointly with the Law Society and CILEx and with diverse lawyer groups.

Information about mentoring opportunities together with information about advancing careers at the Bar will be compiled and placed on the Bar Council's website. Mentoring policy will be reviewed with the aim of widening opportunities for mentoring to assist career progression.

**Judiciary:** This past year, Mrs Justice Nicola Davies and Mr Justice Hickinbottom, the Senior Liaison Judges for Diversity<sup>4</sup>, have:

- Organised a networking event for female lawyers in Wales, entitled 'A Career in the Judiciary: Courts and Tribunals, a Women's Perspective'. Seventy five lawyers attended the event and all 22 who completed the post event feedback said they had been encouraged to apply for a judicial appointment as a result.
- Put a system in place to provide practical advice and support to Deputy High Court Judges sitting at the Royal Courts of Justice and the Rolls Building. This will include a guide to mentoring developed by the Judicial Office.
- Held meetings with female judges to identify and understand the barriers that may exist and that would prevent them from applying to senior posts in the judiciary.
- Met with partners in city law firms to discuss the prospect of judicial appointments.

The Senior Liaison Judges for Diversity will be working with the Judicial Office to develop a programme of work for 2013/14 that supports the Judicial Diversity Strategy (Summer 2013).

### Forecast completion date: Ongoing

<sup>4</sup> <http://www.judiciary.gov.uk/about-the-judiciary/judges-magistrates-and-tribunal-judges/judiciary-within-the-community/senior-liaison-judge-diversity>

## Recommendation 14

The Judicial Diversity Taskforce should promote the availability of bursaries for people from under-represented groups to undertake Developing Judicial Skills courses.

### Contextual paragraph from Advisory Panel report

(Para. 71) - The professions and the judiciary should actively encourage gifted suitable candidates to apply for judicial office and for promotion.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

**Law Society:** The Law Society agreed to provide the same funding this year for two solicitors from less obvious backgrounds. The choice as to the award of the bursaries will be down to UCL, providing that they comply with agreed eligibility criteria.

**Ministry of Justice:** The Ministry of Justice agreed to provide funding for two places for the course which took place in April 2013. The choice as to the award of the bursaries was down to UCL, providing that they comply with agreed eligibility criteria, which includes reference to protected characteristics and social mobility.

**CILEx:** CILEx provided funding for one bursary for a CILEx member for the UCL course in April.

### Future actions planned

**Law Society:** The Law Society will consider funding further bursary places should the UCL course be repeated in future.

**Ministry of Justice:** The Ministry of Justice will provide two bursaries for the next UCL course. We will also undertake a review to evaluate the effectiveness of this course and its ability to help meet our objective of increasing diversity in the judiciary.

**CILEx:** CILEx will consider funding another bursary, subject to reviewing the feedback from the previous course and CILEx attendees.

**Forecast completion date:** January 2014 review of effectiveness of course with UCL

## Recommendation 15

The Judiciary should expand the judicial job shadowing scheme.

### Contextual paragraph from Advisory Panel report

(Para. 79) - The scheme needs to be extended, promoted more consistently and targeted more specifically at under-represented groups who may not have had the exposure to court based work of other potential applicants. It will also need to be evaluated.

**Organisation taking forward:** Judiciary

### Action completed to date

From April 2012 to August 2012, the scheme received 247 applications; 82% were solicitors, 3% legal executives, 64% were female, 11% from a BAME background and 1% had declared a disability.

The Judicial Office has completed a process mapping exercise to identify wastage and ways of making the process more streamlined and user friendly for both applicants and administrators. The outcomes of this exercise will feed into the review being planned for Summer 2013.

**Future actions planned:** A review of the scheme will be carried out in the summer of 2013 to assess the efficiency and effectiveness of the scheme and make recommendations on how it might be improved.

**Forecast completion date:** Summer 2013 – review of scheme

## Recommendation 17

- a) Law firms should regard part time judicial service as positive for their practices and should encourage part-time service as proposed by the Solicitors in Judicial Office Working Group.
- b) A simplified payment regime should be introduced for solicitor fee-paid judges.

### Contextual paragraph from Advisory Panel report

(Para. 85) - Solicitors and Legal Executives have not viewed applying for judicial office as the natural extension of a legal career in the same way as barristers. Firms have not always encouraged a judicial career or supported those applying for fee paid judicial office... The answer to this problem lies as much with law firms as with the JAC and the criteria for appointment.

**Organisation taking forward:** Legal Professions and Judiciary

### Action completed to date

**Law Society:** 21 City firms have subscribed to the Society's commitment to the promotion of judicial appointments. The President hosted a dinner on 28 May for representatives from a range of firms to discuss the obstacles confronting City practitioners who want to consider applying for judicial office and the support which firms can give to them. The Society will be contacting the firms over the summer for feedback on the positive action which they have taken in the year since the commitment was launched in 2012.

A meeting was organised of senior representatives from a range of City based firms with a view to persuading them to adopt a more positive and supportive attitude towards colleagues who wish to apply for judicial office. Subsequent to the meeting, 20 leading firms have signed up to a declaration of commitment to [promote judicial appointments](#).

**CILEx:** We continue to promote judicial appointments in our employer-facing literature and messages. Should we be successful in becoming an entity regulator, then we will work closely with ILEX Professional Standards (IPS) to ensure that this message reaches those entities who wish to be regulated by us.

**Judiciary:** Joint Senior Liaison Judge for Diversity, Mr Justice Hickinbottom has been meeting with City law firms that have signed the Law Society's Statement of Commitment to discuss how to inform and attract solicitors to judicial posts, including identifying any particular hurdles that solicitors face in applying for and obtaining judicial appointment. The judge is planning more meetings with City firms next term.

**Forecast completion date:** Ongoing. January 2014 – Evaluate progress on City firm initiative

## Recommendation 18

Employed lawyers in the public sector with the relevant skills should be encouraged to apply for fee paid roles in jurisdictions where it is less likely that an actual or perceived conflict of interest will arise. They should also be encouraged to consider other opportunities to develop their skills, such as Developing Judicial Skills courses. The Panel looks to professional bodies to play their part in encouraging employers to permit this development.

### Contextual paragraph from Advisory Panel report

(Para. 92) - Such part time roles should be encouraged and permitted, not only in the [GLS](#) and [CPS](#) but also by those lawyers employed in Local Authorities, and as legal academics. The professional bodies should work with their employed lawyer groups to promote part time judicial service, including as a magistrate, and take up of the Developing Judicial Skills courses available.

**Organisation taking forward:** Legal Professions

### Actions completed and future actions planned

**Law Society** - A number of employed solicitors have been appointed full time judges in the past year. It is hoped that they will stand as role models to encourage other employed solicitors to consider a judicial career. The Society has instituted the In-House Division to provide support and advice on key issues facing in-house lawyers, working in both the corporate and public sectors. It can serve as a channel of information about judicial appointments to that sector of the profession.

**Bar Council** - A number of senior employed barristers have volunteered to act as mentors to advise colleagues applying for judicial appointment. The Bar's Employed Bar Committee members met with JAC Commissioner Martin Forde QC to discuss what could be done to improve application rates from the employed bar.

**Judiciary** - Invitations to the Judge for Yourself event were extended to employed lawyers from the public sector. From the 162 people who attended the event, 21% were employed lawyers from the public sector (including GLS & CPS lawyers and lawyers employed by local authorities). A number of attendees were invited to shadow a judge in court or tribunal following the event.

**Forecast completion date:** Ongoing



## Recommendation 19

The terms and conditions for all employed lawyers should permit a part time judicial role.

### Contextual paragraph from Advisory Panel report

(Para. 90) - In the past, Serious Fraud Office (SFO), other Government Legal Services lawyers and CPS lawyers were eligible to apply for appointments only in jurisdictions where the State was not habitually a party. In June 2003 the Attorney General and Lord Chancellor announced a revised policy meaning that:

- CPS and SFO lawyers are eligible to sit in tribunals where the Government is a party.
- CPS, SFO and GLS lawyers are eligible to sit as Recorders in civil work, except in civil matters that involve their own Department.
- CPS and SFO lawyers are eligible to sit on criminal matters as Deputy District Judges in cases not involving their own department.

**Organisation taking forward:** Ministry of Justice

### Actions completed and future actions planned

We are keen that Government lawyers take up judicial roles for which they are eligible and agree that this could be a useful route to drive diversity. However, there are Article 6 concerns if a Government lawyer acts in a case where their department is a party so we are not currently minded to relax the restrictions that do apply.

We consider a better approach would be to ensure that opportunities are more widely promoted to those who are eligible, and ensure those applying are supported throughout the process. The MoJ will continue to work with the CPS and GLS and other Taskforce members to better publicise those opportunities.

**Forecast completion date:** Ongoing

## ***The Selection and Recommendation Process for Judicial Appointments***

### **Recommendation 21**

The JAC should make use of the Equality Bill positive action provisions where the merits of candidates are essentially indistinguishable.

#### **Contextual paragraph from Advisory Panel report**

(Para.99) – We (*the Advisory Panel*) welcome the positive action provisions for recruitment or promotion in the Bill whereby possession of a protected characteristic can tip the balance in favour of that candidate where two or more applicants are essentially indistinguishable.

**Organisation taking forward:** Judicial Appointments Commission

#### **Action completed to date**

**Ministry of Justice:** The Crime and Courts Act 2013 completed its legislative passage in April 2013. It included a positive action provision for judicial appointments (including to the UK Supreme Court).

**JAC:** The JAC set up a Judicial Appointments Project Team to take forward implementation of the Crime and Courts Act to consider the equal merit provision as part of the selection process.

#### **Future actions planned**

**Ministry of Justice:** MoJ will support the JAC as they develop and implement this equal merit provision and will carry out a post-legislative assessment of the provision.

**JAC:** The JAC held a public consultation<sup>5</sup> in May 2013 to seek a wide range of views on the application of the equal merit provision. Responses will be presented to the Commission as part of the policy development in September 2013. A full response is expected in October 2013 with a planned implementation (subject to response to consultation) date in Spring 2014.

**Forecast completion date:** Spring 2014

<sup>5</sup> <http://jac.judiciary.gov.uk/about-jac/2333.htm>

## **Recommendation 23**

Those applying for salaried judicial posts should normally be expected to have previous judicial experience. There should be provision for exceptional cases where candidates have demonstrated the necessary skills in some other significant way.

### **Contextual paragraph from Advisory Panel report**

(Para. 106) - There should be a continued expectation that candidates will usually have had some form of judicial experience, preferably fee paid. Such service acts as a necessary probationary period.

**Organisation taking forward:** Judicial Office

### **Action completed to date**

The effectiveness of the revised non-statutory eligibility criteria regarding the requirement for previous judicial experience was evaluated at a meeting held in June 2013. A number of positive changes have been introduced since the introduction of the revised wording back in 2010/11. These include: the flexibility not to include the revised wording if the business so requires it; for exceptional cases the JAC application form asks candidates to set out in 250 words how they demonstrate that they have the necessary skills in some other significant way; exceptional cases are highlighted throughout the selection process i.e. at short listing, selection day and candidates without previous fee-paid experience are brought to the attention of the Selection Character Committee and then to the Lord Chancellor at report stage. It was agreed that although the use of the revised wording is working well the only way to review its effectiveness would be to introduce a post selection measure.

### **Future actions planned**

No further action planned save evaluation of the effectiveness of the changes.

**Forecast completion date: Complete (while remaining under review)**

## Recommendation 25

The qualifying test should be put online.

### Contextual paragraph from Advisory Panel report

(Para. 114) – ...the introduction of an online test. This would allow:

- i) potential applicants to complete the first stage of the process more confidentially,
- ii) feedback to unsuccessful candidates on their test performance to be given automatically (e.g. in which quartile their test results fall),
- iii) the development of more effective self-assessment, so that candidates apply only when they are ready.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

Following successful pilots carried out in 2011/2012, the Commission approved the roll out of online testing where a qualifying test would be administered and has now been incorporated into JAC operational policy.

### Future actions planned

The online delivery of tests will continue to be developed and is now being taken forward as part of the JAC Corporate Change programme.

Feedback on performance following testing is being taken forward as part of the Corporate Change Programme.

**Forecast completion date:** Complete

## Recommendation 26

The qualifying test should be reviewed to ensure it is acting as an effective sift process.

### Contextual paragraph from Advisory Panel report

(Para. 111) - An anonymous test is a transparent means of undertaking a first sift where there are very large numbers of applicants. The key issue is getting the right test.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

Over recent months the JAC has carried out research relating to best practice in recruitment and selection, meeting with representatives from a range of recruiting organisations in the public and private sector. Information obtained in relation to different short-listing methods is being considered as part of the selection process review. We anticipate that we will have completed the work to identify the most appropriate method by October 2013.

### Future actions planned

The JAC's Corporate Change Programme includes a project to review every aspect of short listing including types of test and other supporting methods. This is a long term project, which will be delivered over the next 18 months.

The JAC is now recruiting for an Occupational Psychologist and part of their work will be to take this research forward, and identify the best test (or tests) to use in first stage short-listing for judicial appointments.

**Forecast completion date:** February 2014

## Recommendation 34

There should be a stable pool of high quality, appropriately trained judges available, who have the clear responsibility for sitting on selection panels. This pool should be regularly refreshed.

### Contextual paragraph from Advisory Panel report

(Para.124) - It is extremely important that the judicial members of selection panels are appropriately trained... Few are used more than once because of the pressure of sitting requirements and it has not been the practice for judicial members to receive thorough or timely training for selection processes.

**Organisation taking forward:** Judiciary

### Action completed to date

**Judiciary:** The Judicial Office has invited Circuit Judges and District Judges to declare an interest in assisting with JAC selection exercises. All expressions of interest will be considered by the Senior Presiding Judge. It is hoped that the pool of judges will be confirmed in the summer.

**JAC:** The JAC continues to provide a full panel briefing event to all judicial and independent panel members. This includes specific information about the tribunal/court the post is part of, detailed information about the selection methods and equality training.

### Future actions planned

**Judiciary:** The Judicial Office plan to review the effectiveness of the current pool and possibly refresh the pool with another expression of interest exercise in the first quarter of 2014.

**JAC:** The JAC will continue to provide full panel briefing to judicial and panel members ahead of each selection exercise.

**Forecast completion date:** Ongoing

## Recommendation 37

The Judicial Diversity Taskforce should lead an immediate review of the current forecasting mechanism.

### Contextual paragraph from Advisory Panel report

(Para.136) - Consultees among the judiciary, the JAC, HMCS and the Tribunal Service all expressed dissatisfaction with the current process for forecasting and planning for competitions to fill expected vacancies.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

MoJ have undertaken a joint JAC/HMCTS audit of Demand Management and is preparing a report which is yet to be finalised.

In addition, the judicial recruitment forecasting process has been reviewed, and from September 2013 it will be aligned to the annual business planning process. Initial central analysis will be undertaken using a supply and demand model that is currently being developed. This will be an improved and more detailed process enabling recruitment priorities and requirements to be confirmed alongside the budgetary processes leading to increased accuracy.

### Future actions planned

Finalise report on Demand Management and align judicial recruitment forecasting process to the annual business planning process from September 2013.

**Forecast completion date:** Ongoing. Judicial recruitment forecasting process aligned to the annual business planning process from September 2013

## Recommendation 39

The JAC should operate smaller, more regular selection exercises to aid career planning, with an annual competition for the main tiers of the judiciary wherever possible.

### Contextual paragraph from Advisory Panel report

(Para.136) - In particular it was felt that smaller, more regular competitions would aid career planning. This would reduce the need for people to make applications for vacancies far from home or when they were not yet ready.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The end to end process for judicial appointments is being reviewed by the Judicial Appointments Steering Group (chaired by Lord Justice Gross), and forecasting, planning, JAC, and appointment processes are being thoroughly reviewed and will be reported on over the summer.

Running key exercises regularly helps focus resources and provides more certainty to candidates. The new framework will include the key HMCTS selection exercises expected on an annual basis. This will initially focus on Courts exercises; Tribunals are more complex due to their jurisdictional nature and require further consideration before inclusion. It is important to consider carefully the timing of each exercise to ensure the required resources are available and maintain the pattern of exercises to avoid timing fluctuations.

### Future actions planned

The review of the end to end appointments process will be reported on in the next few months. Some key exercises are already run more frequently and many are now run on an annual basis. MoJ and JAC are currently working towards a longer term programme which will be published shortly.

**Forecast completion date:** Ongoing. End of Summer 2013 – review complete

## Recommendation 41

The selection process for vacancies in the most senior courts should be open and transparent, with decisions made on an evidence base provided by the applicant and their referees in response to published criteria. No judge should be directly involved in the selection of his/her successor and there should always be a gender and, wherever possible, an ethnic mix on the selection panel.

### Contextual paragraph from Advisory Panel report

(Para. 138) - Appointments at the highest level of the court system are of particular importance in signalling that a judicial career is truly open to all. It is therefore essential that processes are not only fair but are seen to be open and fair.

(Para. 139) –The current processes for both the Court of Appeal and the Supreme Court require the significant involvement of the serving judiciary. Given the concern expressed to the Panel that selection panels may subconsciously recruit in their own image, this involvement runs the risk that the process is perceived, rightly or wrongly, as unfair. In particular we believe it is unacceptable for a judge to be directly involved in the selection of his or her successor.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Crime and Courts Act 2013 provides for changes to selection panels for the most senior judicial appointments, which must now consist of an odd number of members with no less than five, with increased lay representation.

### Future actions planned

The changes to the selection process including the composition of selection panels are contained within secondary regulations which were laid before Parliament in June 2013 and were subject to the affirmative resolution procedure. The regulations have now been approved by Parliament and have been made by the Lord Chancellor and Lord Chief Justice. The new selection processes will be reviewed after three years.

**Forecast completion date: Complete (while remaining under review)**

## **Recommendation 42**

The selection process for Court of Appeal appointments should be reviewed, with the implementation of a five person panel so there is no need for a casting vote provision.

### **Contextual paragraph from Advisory Panel report**

(Para.140) - In Court of Appeal appointments the Lord Chief Justice has the casting vote if a selection panel comes to a tied result. Although the casting vote provision has never been used, we doubt this is a sustainable position and think an alternative approach with a five person panel should be considered.

**Organisation taking forward:** Ministry of Justice

### **Action completed to date**

The Crime and Courts Act 2013 provides for changes to the selection process for appointments to the Court of Appeal, including changes to the composition of selection panels which must now consist of an odd number of members with no less than five so the Chair will not have a final casting vote. The selection panels also have increased lay representation to reduce the perception that judges appoint in their own image. The Lord Chancellor will now be consulted during the appointments process to ensure that the Executive has an appropriate level of input to these senior appointments.

### **Future actions planned**

The changes to the selection process including the composition of selection panels are contained within secondary regulations which were laid before Parliament in June 2013 and were subject to the affirmative resolution procedure. The regulations have now been approved by Parliament and have been made by the Lord Chancellor and Lord Chief Justice. The new selection processes will be reviewed after three years.

**Forecast completion date: Complete (while remaining under review)**



## Recommendation 43

The selection process to the Supreme Court for the United Kingdom should be reviewed to reduce the number of serving Justices involved and to ensure there is always a gender and, wherever possible, an ethnic mix on the selection panel. This review process should include consultation with the Lord Chief Justices of England & Wales and Northern Ireland and the Lord President of the Court of Session.

### Contextual paragraph from Advisory Panel report

(Para.141) - In the Supreme Court, two members of the Court are involved in the selection process. Again we (The Advisory Panel) think this runs the risk of appointments being perceived to have been made on the basis of whether candidates will fit in rather than on whether they best meet the merit criteria.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Crime and Courts Act 2013 provides for changes to the selection process for appointments to the Supreme Court, including changes to the composition of selection panels. The selection panels can only include one serving judge of the Supreme Court and the President and Deputy President of the Court may not sit on the panels selecting their successors. For the selection of the President, the chair of the selection panel will now be a non-legally-qualified member and will be rotated amongst the three territorial appointments bodies.

### Future actions planned

The changes to the selection process including the composition of selection panels are contained within secondary regulations which were laid before Parliament in June 2013 and were subject to the affirmative resolution procedure. The regulations have now been approved by Parliament and have been made by the Lord Chancellor and President of the UK Supreme Court. The new selection processes will be reviewed after three years.

**Forecast completion date: Complete (while remaining under review)**

## ***Developing a Judicial Career***

### **Recommendation 44**

Clear career paths should be identified and published so that people understand the range of opportunities available within the judiciary. Such career paths should look across the courts and tribunals.

#### **Contextual paragraph from Advisory Panel report**

(Para.143 & 145) - The concept of a judicial career is key to achieving progress on a more diverse judiciary... This means identifying clearer career paths so that those considering joining the judiciary understand their options and know how they can develop the skills and experience required to progress from one section of the judiciary to another.

**Organisation taking forward:** Judiciary

#### **Action completed to date**

**Judicial Office:** Prior to the 'Judge for Yourself' event, delegates were provided with profiles of the host judges to help them identify those whom they might find useful to talk to about seeking a judicial appointment because they had, for example, followed a similar career path or sat in the jurisdiction of interest. At the end of the event, all delegates were provided with information packs that included information on the different judicial roles, the application process, key facts and responses to common myths.

The Judicial Office has commissioned a project to identify possible career paths to help support potential applicants identify the range of opportunities available within the judiciary. This will be presented in a visual format suitable for presentation on websites.

#### **Future actions planned**

**Judicial Office:** Following indications from the JAC's report on 'Barriers to Application to Judicial Appointment' that relatively few lawyers consider themselves to be informed about judicial roles, the Judicial Office will be reviewing the case studies on judicial career paths on the judiciary website.

**Forecast completion date:** Ongoing

### **Recommendation 45**

There should be comprehensive mentoring for all new entrants to the judiciary. This should also be available to established judges who want it.

#### **Contextual paragraph from Advisory Panel report**

(Para.147) - Some judges new to fee-paid or salaried judicial office may also have access to a mentor to support them through their early period in office, although this is not as consistent as we would wish... An established mentoring scheme available for all would make asking for help and support, and receiving it, more "normal".

**Organisation taking forward:** Judiciary

#### **Action completed to date**

**Judicial Office:** The mentoring scheme for Recorders started on 1 January 2009, was evaluated by the College in 2011, revised in 2011 in the light of the evaluation, and approved by the Presiding Judges in January 2012.

#### **Future actions planned**

**Judicial Office:** No immediate further work is planned save the ongoing monitoring and evaluation of the effectiveness of the scheme as introduced.

**Forecast completion date:** Ongoing

## **Recommendation 46**

An appraisal system owned and run by the judiciary should be implemented to cover all levels within the judiciary.

### **Contextual paragraph from Advisory Panel report**

(Para.148) - Judicially led appraisal is key to enabling talented judges from diverse backgrounds to progress in their careers more effectively. Appraisal needs to address diversity specifically so that those with unusual career paths can access the development opportunities and advice they need to progress.

**Organisation taking forward:** Judiciary

### **Action completed to date**

**Judicial Office:** An appraisal process for recorders has been designed and agreed, with a pilot planned for September 2013.

A process for review and providing feedback to High Court Judges in the Chancery Division has been designed and is currently being piloted.

### **Future actions planned**

**Judicial Office:** An exercise will take place to evaluate the outcomes of the pilot and identify the next steps (October 2013).

**Forecast completion date: October 2013 – recorder appraisal pilot evaluated**

## Recommendation 47

Selection processes for opportunities for career advancement should be open and transparent and based on assessment of suitability against published criteria.

### Contextual paragraph from Advisory Panel report

(Para.152) - For those in the judiciary who are interested not just in an initial appointment but in further advancement, there is a range of options available that might help them to develop their career.

- promotion – this will usually be by open competition;
- deployment under section 9(1) of the Senior Courts Act 1981;
- appointment to a particular representative/leadership role, and/or
- The award of a “ticket” to deal with specific types of work such as murder, attempted murder or serious sex offences.

**Organisation taking forward:** a) Ministry of Justice b) Judiciary

### Action completed to date

**Ministry of Justice:** The Crime and Courts Act 2013 contained changes to the process for authorising/selecting persons for deployment under section 9(1) of the Senior Courts Act 1981. This is now subject to a JAC process.

**Judicial Office:** The Crime and Courts Act 2013 transferred responsibility for running s9 competitions from the Heads of Division to the JAC. This will ensure authorisations are made openly and transparently.

### Future actions planned

**Ministry of Justice:** We will work with the judiciary to evaluate the new process for authorising/selecting persons for deployment under section 9(1) of the Senior Courts Act 1981 following implementation by the judiciary.

**Judicial Office:** It is expected that this provision will be implemented in October 2013. The JAC is working in consultation with the Judicial Office to agree the best process for running expressions of interest exercises in time for implementation in October 2013.

**Forecast completion date: Ministry of Justice – Complete, Judicial Office – April 2014 (run first authorisation exercise)**

## ***Judicial Culture, Terms and Conditions***

### **Recommendation 49**

A pro-active and coherent campaign of mythbusting should be undertaken, led by the Judicial Diversity Taskforce. It should be persistent, targeted on talent and started early.

#### **Contextual paragraph from Advisory Panel report**

(Para.164) - One of the most striking factors to emerge from our consultation was the mismatch between how some groups perceive the judicial culture and the reality that applies in many areas. As identified earlier in this report, some talented individuals think that the judiciary is not for them, on the basis of some well established misconceptions.

**Organisation taking forward:** Judicial Diversity Taskforce

#### **Action completed to date**

**Judicial Office:** Mythbusting continues to be an element of all DCRJ engagement activities, whether they are with members of the public, students or legal professionals.

The 2012 DCRJ training event was based on the theme of 'Myth Busting' and the DCRJs undertook an exercise to identify what supportive materials they required for challenging common misconceptions as part of their engagement activities. The Judicial Office has used this feedback to develop the DCRJ resource pack which was launched at the annual DCRJ training event in June 2013.

#### **Future actions planned**

**Judicial Office:** The DCRJ resource pack will be kept under review and continue to be developed in response to feedback from DCRJs on their engagement activities.

**Forecast completion date:** Ongoing

### **Recommendation 50**

All official material should be reviewed to ensure it does not assume a particular previous experience or background.

#### **Contextual paragraph from Advisory Panel report**

(Para. 164) – One of the most striking factors to emerge from our consultation was the mismatch between how some groups perceive the judicial culture and the reality that applies in many areas. ... some talented individuals' think that the judiciary is not for them, on the basis of some well established misconceptions. These include:

- You need to be part of the "club"

(Para.167) – Some simple changes could help in this regard. In particular the language used can seem to assume a certain previous experience.

**Organisation taking forward:** Ministry of Justice

#### **Action completed to date**

The JAC review all documents ahead of each selection exercise to ensure that they contain the relevant information and they are available on the JAC's website. Changes are made to the paperwork each time a selection exercise is run to ensure the details are correct for the advertised post, and their processes are continually reviewed.

#### **Future actions planned**

Planned review of terms and conditions in light of changes arising from the Crime and Courts Act 2013.

**Forecast completion date:** Ongoing

## Recommendation 51

It should be assumed that all posts are capable of being delivered through some form of flexible working arrangement, with exceptions needing to be justified.

### Contextual paragraph from Advisory Panel report

(Para.176) - As in any profession, some posts will need to be filled by those working fulltime. However, the current restrictions on flexible working in the most senior courts should be tested. More flexible working could require an increase in the judicial establishment in terms of actual numbers, if not full time equivalents, which is set by statute.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Crime and Courts Act 2013 introduces flexible part time working into the senior courts, including the Supreme Court. To achieve this, the Act removes the requirement for a fixed number of full-time judges and instead expresses the number of judges in terms of full-time equivalents.

### Future actions planned

The judiciary will be responsible for implementing part time working into the senior courts however the Ministry of Justice will work to assist the judiciary throughout. The effectiveness of the changes introduced will be evaluated every four years through analysing the numbers of salaried part-time judges working in the senior courts after commencement.

**Forecast completion date: Complete (while remaining under review upon completion of implementation)**

## Recommendation 52

Judicial terms and conditions should reflect the needs of a modern diverse judiciary.

### Contextual paragraph from Advisory Panel report

(Para.177) – A key way of embedding diversity is to ensure that judicial terms and conditions of appointment reflect the needs of a modern diverse organisation.

**Organisation taking forward:** Judicial Office

### Action completed to date

Over the last year, Judicial HR has established itself as a centre of excellence for terms and conditions related enquiries. A strong and transparent working relationship has been established with both central and local business areas falling under the aegis of the Ministry of Justice. Working within the Judicial Office, the HR team has also developed a close relationship with the senior judiciary. The team's understanding of the current terms and conditions, and its growing awareness of various justice partners' interests in relation to these, make it uniquely placed to assist any future reform.

### Future actions planned

The Judicial HR team will continue build a more effective means of communicating information to both potential and current judicial office holders, and to the staff who support them. Dispersing the team's expertise locally, and producing a more structured approach to easily accessible intranet guidance, continues to make up key aspects of the projects envisioned.

**Forecast completion date: To have proposals in place by Autumn 2013 and to implement by end of 2013/14**

## **Recommendation 53**

There should be no change to the current policy on return to practice but there should be more information made available to individuals about what the restriction on return to practice means.

### **Contextual paragraph from Advisory Panel report**

(Para.182 & 183) - We have not identified any substantive evidence that such a change would increase diversity... Those applying for judicial office should, however, be aware that judicial office is a long-term commitment and of the options open to them if they decided to leave their judicial career in the future.

**Organisation taking forward:** Judicial Office

### **Action completed to date**

Over the last year, Judicial HR has established itself as a centre of excellence for terms and conditions related enquiries. Working within the Judicial Office, the HR team has also developed a close relationship with the senior judiciary. In response to queries from judicial office holders the HR team has worked with the senior judiciary throughout the year to advise on the types of activity that can be pursued after retirement from judicial office.

### **Future actions planned**

The Judicial HR team will continue to build a more effective means of communicating information to both potential and current judicial office holders, and to the staff who support them. Dispersing the team's expertise locally, and producing a more structured approach to easily accessible intranet guidance, continues to make up key aspects of the projects envisioned.

**Forecast completion date:** Ongoing

## Appendix 1 – Completed recommendations from previous Reports

The following table documents those recommendations which were directed by the Taskforce as either being completed or closed in the first and second annual Taskforce progress reports.

Recommendation	Description	Approved status
<b>Recommendation 3</b>	The tripartite judicial diversity strategy between the Lord Chancellor, the Lord Chief Justice and the Chairman of the Judicial Appointments Commission should be extended to include the leaders of the legal profession (Bar Council, Law Society and Institute of Legal Executives) and the Senior President of Tribunals. It should be refocused on implementing the changes we have recommended.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 5</b>	There should not be diversity quotas or specific targets for judicial appointments.	<b>Closed</b>
<b>Recommendation 16</b>	Developing Judicial Skills courses approved by the Judicial Studies Board should be developed to help aspiring judicial candidates understand and develop the skills they need for judicial appointment.	<b>Closed</b>
<b>Recommendation 20</b>	The JAC's merit criterion 3, "an ability to understand and deal fairly", should be replaced.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 22</b>	All non-statutory criteria must be justified.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 24</b>	In those rare cases where candidates have no previous judicial experience they must be tested for suitability for appointment in the same way as those applying for fee-paid office.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 27</b>	All candidates for judicial appointment should have access to feedback, including on their performance in the qualifying test.	<b>Completed - (while remaining under review)</b>



Recommendation	Description	Approved status
<b>Recommendation 28</b>	The JAC should capture its statistical data in a way that would allow the monitoring of the number of people who chose to re-apply following a previous unsuccessful application.	<b>Closed</b> - The JAC are currently exploring ways to extract this information from their database and hope to have further information on the number of candidates and their profile who apply more than once by Autumn 2012
<b>Recommendation 29</b>	Candidates should not be asked for references until after they have been notified that they have completed the qualifying test successfully.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 30</b>	Clear guidance should be given to candidates and referees that references must be evidence based and relate to the skills being tested.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 31</b>	The JAC must assemble diverse selection panels. There should always be a gender and, wherever possible, an ethnic mix.	<b>Completed - (while remaining under review)</b> The regulations produced to support the implementation of the changes arising from the Crime and Courts Act 2013 stipulate that: The person making the choice must, in doing so, have regard (alongside all other relevant considerations) to the fact that it is desirable that the members of the selection panel should include (a) both women and men; and (b) Members drawn from a range of different racial groups (within the meaning of section 9(3) of the Equality Act 2010).

<b>Recommendation</b>	<b>Description</b>	<b>Approved status</b>
<b>Recommendation 32</b>	Panel chairs and members must receive regular equality and diversity training that addresses how to identify and value properly transferable skills and also to ensure that they are aware of any potential issues regarding their unconscious bias.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 33</b>	All JAC selection panel chairs and members should be regularly appraised and membership periodically refreshed. Poorly performing panel members should be removed.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 35</b>	Fee paid judges should not normally be appointed for more than 3 renewable terms.	<b>Closed - (while remaining under review)</b>
<b>Recommendation 36</b>	There should be a staged period of induction where the appointed person has little or no experience of sitting judicially or of the relevant jurisdiction.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 38</b>	Judges should be required to give notice of their anticipated retirement date.	<b>Closed - (while remaining under review)</b>
<b>Recommendation 40</b>	The JAC should review the moderation process to ensure that the methods used during large selection exercises can identify effectively and value properly the diversity of talent available.	<b>Completed - (while remaining under review)</b>
<b>Recommendation 48</b>	The Judicial Studies Board should evolve into a Judicial College.	<b>Closed</b>

## Appendix 2 – Judicial Diversity Baseline measurement

### Background

The Report of the Advisory Panel on Judicial Diversity 2010 recommended the setting up of a baseline against which to measure future progress in improving judicial diversity. Ministry of Justice Analytical Services were commissioned by the Judicial Diversity Taskforce to develop this baseline based upon known statistical data.

The baseline represents the change in judicial diversity (gender, and Black Asian and Minority Ethnic status (BAME)) that would happen without the interventions arising from the Report. The Report’s vision is to have a “much more diverse judiciary” by 2020. It is not possible to untangle the impact of interventions arising from the Report from those of other initiatives and wider cultural changes, therefore Analytical Services have produced judicial diversity projections based on a set of assumptions. This table is an update of the results in Appendix 2 of the Annual Report by the Judicial Diversity Taskforce produced in September 2012.<sup>6</sup>

### Key Results (table 1)

	% BAME <sup>7</sup>	% female
1 <sup>st</sup> April 2012 Reported Statistics <sup>8</sup>		
• All Office Holders	8.7%	34.3%
• Tribunals	11.5%	42.4%
• Courts	4.2%	22.6%
1 <sup>st</sup> April 2020 forecast estimates for baseline		
• All Office Holders	9%	40%
• Tribunals	11%	46%
• Courts	5%	31%
General Population <sup>9</sup>	12%	51%

<sup>6</sup> <http://www.justice.gov.uk/downloads/publications/policy/moj/judicial-diversity-taskforce-annual-report-2012.pdf.pdf?type=Finjan-Download&slot=00000114&id=00000913&location=0A644211>

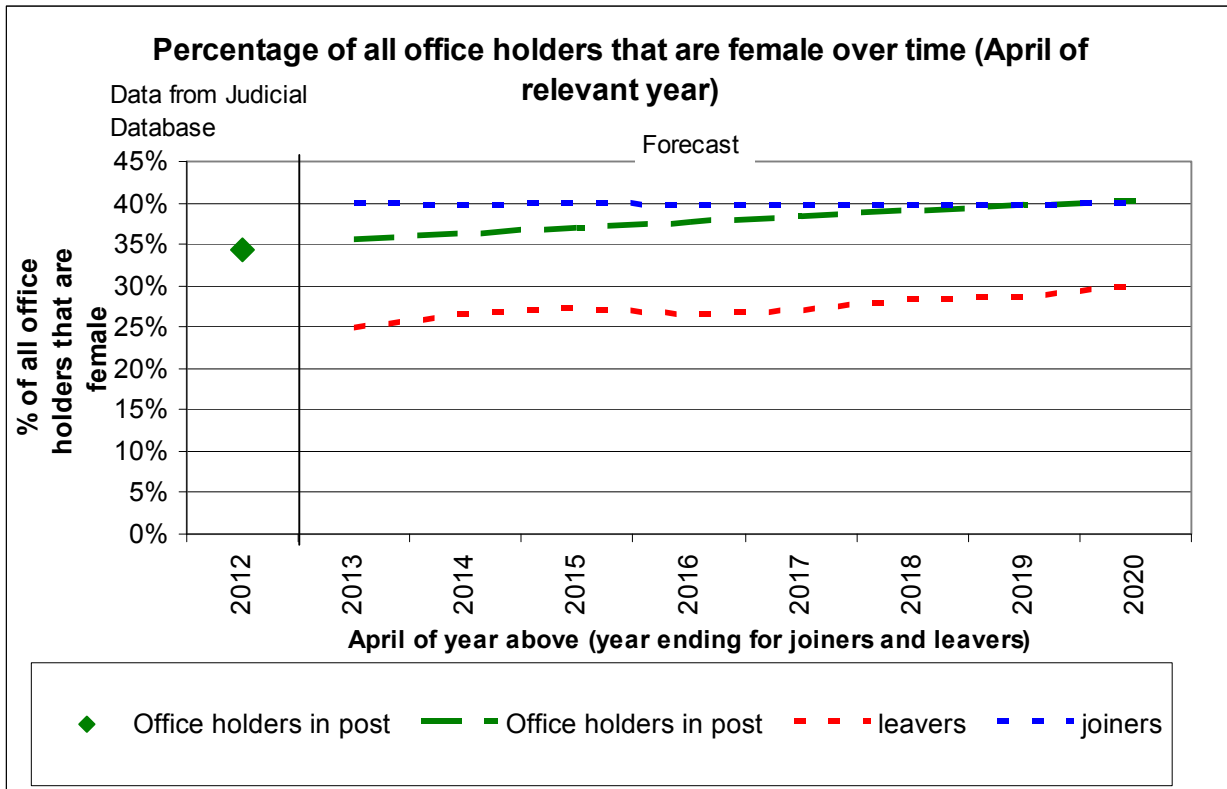
<sup>7</sup> The ethnicity (BAME) percentages are calculated by dividing by all office holders, whether or not their ethnicity status has been declared. This is consistent with the statistics reported by the Judicial Office and Judicial Appointments Commission. If everyone had declared their ethnicity, the BAME percentages would be equal to or higher than what is reported: therefore the reported figures represent the minimum possible BAME values. The BAME results are presented in a different way to the baseline figures in the 2012 Annual Report by the Judicial Diversity Taskforce, i.e. as a proportion of all office holders rather than of those office holders who have declared their ethnicity.

<sup>8</sup> <http://www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview>

<sup>9</sup> The statistical breakdown on gender and ethnicity are figures for those aged 18 and over based on Mid-2011 Population Estimates: Single year of age and sex for local authorities in England and Wales; estimated resident population; based on the results of the 2011 Census.

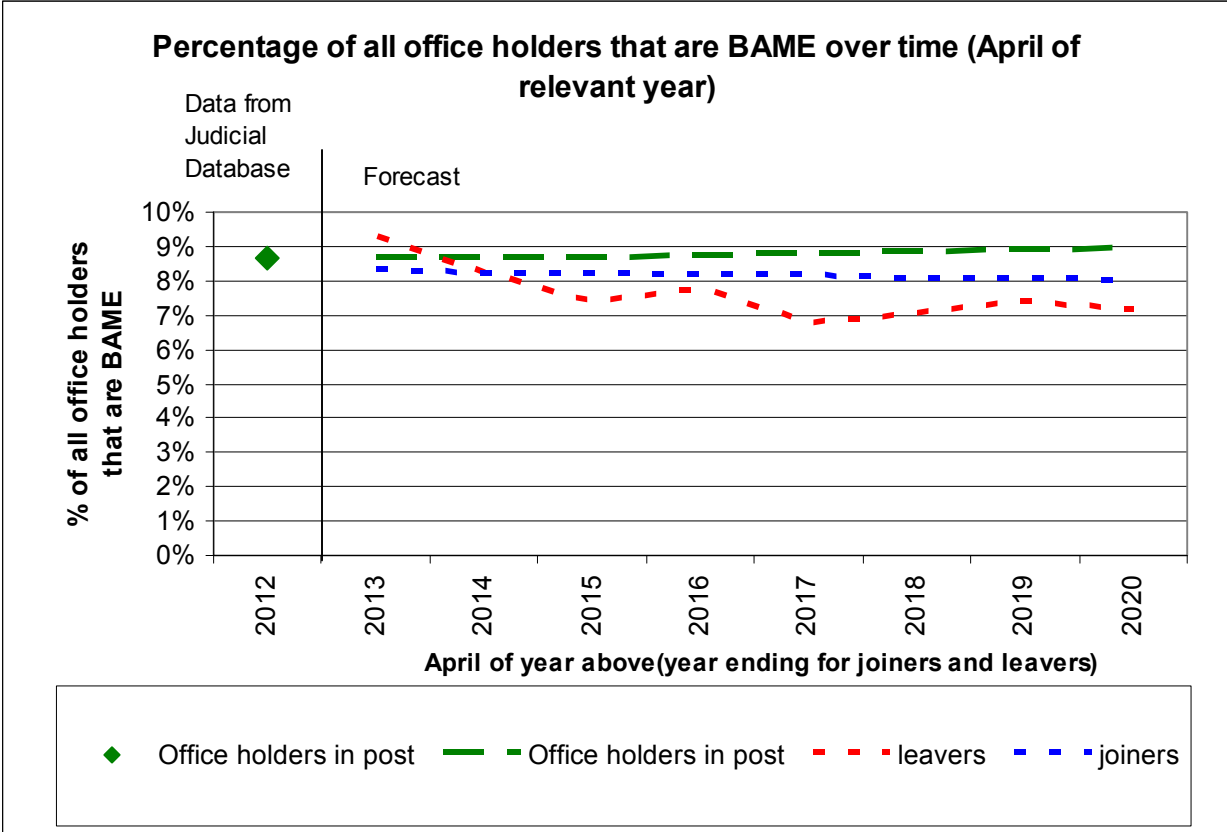
### Percentage of female Judicial Office holders (Courts and Tribunals)

This chart reflects the outcomes produced by the stock-flow model and it shows the projections to 1st of April 2020 for female judicial office holders.



**Percentage of BAME Judicial Office Holders (Courts and Tribunals)**

This chart reflects the outcomes produced by the stock-flow model and it shows the projections to 1st of April 2020 for Black, Asian and Minority Ethnic judicial office holders.



**Analytical Approach (including key assumptions)**

A stock-flow model was used. The likely numbers and diversity of those leaving the judiciary, “leavers” and of those joining the judiciary, “joiners”, was estimated in each future year. The impact of these joiners and leavers on the office holders’ population was calculated for each future year, allowing us to project future diversity. The analysis was derived from the Judicial Database: as with all management information systems, there may be data quality issues.

**Leavers:** The office holder’s age is a good predictor of when they are likely to leave the judiciary (based on the statistical approach of logistic regression) <sup>10</sup>

**Joiners**<sup>11</sup>: The assumption is that the mix of joiners in terms of their age and diversity over the recent years will be the same as the mix of joiners in the future for four categories of office holders; Recorders, Deputy District Judges, legally qualified tribunal members and non-legally qualified tribunal members.

**Judicial Office Holders in post:** While a number of factors could change the future requirements for total number of judicial office holders, for the purpose of the baseline projection it has been assumed that all leavers are replaced by joiners.

<sup>10</sup> See technical paper “Logistic Regression Analysis and Reporting: A Primer” at <http://www.indiana.edu/~jopeng51/teaching-logistic.pdf>

<sup>11</sup> The Judicial Appointments Commission hold and publish eligible pool data. They advised that there was a risk in using the eligible pool data, i.e. that it may not be a good predictor for the diversity of future joiners. Therefore this data was not used.

## Appendix 3 – Legal Professions Timetable

### Recommendation 12

‘The Panel recommends that the Bar Council, the Law Society and CILEx set out a detailed and timetabled programme of change to improve the diversity profile of the professions who are suitable for appointment at all levels. They should bring this plan to the Judicial Diversity Taskforce within 12 months of the publication of the report. This plan should include information on how progress will be monitored.’

**Evaluation and monitoring:** Following each of these events, an evaluation will take place through discussions with attendees to identify whether the event met their objectives, what could be improved, what further support they might require and whether any advice they were given at the event assisted them in preparing for a judicial appointment.

Month	Activity	Organisation
<b>February 2013</b>	Judicial appointments training	<b>Law Society</b>
	Disabled Lawyers - London	<b>Law Society Bar Council CILEx JAC</b>
	Meet the Judges - Birmingham	<b>Law Society</b>
	Women Lawyers - Cardiff	<b>Judicial Office</b>
<b>March 2013</b>	Judicial appointments training	<b>Law Society</b>
<b>April 2013</b>	Judicial appointments training	<b>Law Society</b>
	Understanding Judging Course - UCL London	<b>Law Society sponsored two bursaries</b>
	Interlaw/JAC candidate seminar - Attended by a Judge and a member of staff from the JAC to cover the selection process, encourage applications, and give tips on how to prepare for application.	<b>Interlaw Diversity Forum</b>
<b>June 2013</b>	Work towards monitoring social mobility in applications	<b>Bar Council</b>
	DCRJ training event	<b>Judicial Office</b>
<b>July 2013</b>	BAME outreach - Birmingham	<b>Law Society Bar Council CILEx JAC</b>
<b>September 2013</b>	Judicial appointments training	<b>Law Society</b>
	Free Workshop - Interview skills for solicitors - The workshops will equip attendees with the skills to help enhance their application and interview performance	<b>Law Society</b>

<b>Month</b>	<b>Activity</b>	<b>Organisation</b>
<b>October 2013</b>	BAME outreach - London 15 October	<b>Law Society Bar Council CILEx JAC</b>
	Judicial appointments training	<b>Law Society</b>
	Free Workshop - Interview skills for solicitors - The workshops will equip attendees with the skills to help enhance their application and interview performance.	<b>Law Society</b>
	Regional judicial appointments events in Manchester on 17 October and Newcastle on 23 October - A panel of solicitor judges relate their experience of being a judge followed by an opportunity to meet informally with solicitors who are intending to apply for a judicial appointment.	<b>Law Society</b>
<b>November 2013</b>	BAME outreach - Leeds 20 November	<b>Law Society Bar Council CILEx JAC</b>
	Judicial appointments training	<b>Law Society</b>
	Regional judicial appointments events in Southampton on 6 November and Birmingham on 21 November - A panel of solicitor judges relate their experience of being a judge followed by an opportunity to meet informally with solicitors who are intending to apply for a judicial appointment.	<b>Law Society</b>
	Legal Academics - This will provide approximately 70 legal academics with a unique opportunity to speak directly to judges about their aspirations and concerns about applying and be provided with an insight into the different roles open to them throughout the judiciary.	<b>Judicial Office UKSC</b>
<b>January 2014</b>	Regional judicial appointments events in Bristol on 23 January and London on 30 January - A panel of solicitor judges relate their experience of being a judge followed by an opportunity to meet informally with solicitors who are intending to apply for a judicial appointment.	<b>Law Society</b>
<b>February 2014</b>	Regional judicial appointments events in Leeds on 5 February and Cardiff on 18 February - A panel of solicitor judges relate their experience of being a judge followed by an opportunity to meet informally with solicitors who are intending to apply for a judicial appointment.	<b>Law Society</b>

## Appendix 4 – Diversity Statistics

The following provides background statistical information relating to the current gender and ethnicity make-up of the Legal Professions and the Judiciary.

### Population of England & Wales

The statistical breakdown on gender and ethnicity are figures for those aged 18 and over based on Mid-2011 Population Estimates: Single year of age and sex for local authorities in England and Wales; estimated resident population; based on the results of the 2011 Census.

	% BAME	% female
General Population	12%	51%

**Table 1:** Statistical breakdown on gender and ethnicity for the population of England and Wales

Based upon data taken from the 2009/10 Family Resources Survey, the [Office for Disability Issues](#)<sup>12</sup> estimated that 22% of the adult population in Great Britain in 2009/10 had a disability.

### Bar Council<sup>13</sup>

#### Queen's Counsel (Silk) barristers

##### Self employed Queen's Counsel

	2006	2007	2008	2009	2010	2011	2012
Self employed Queen's Counsel	1,278	1,223	1,273	1,318	1,397	1,486	-

##### Self employed Queen's Counsel by gender

	2006	2007	2008	2009	2010	2011	2012
Male	1,160	1,107	1,146	1,179	1,245	1,310	-
Female	118	116	127	139	152	176	-

##### Queen's Counsel by ethnicity

	2006	2007	2008	2009	2010	2011	2012
BAME	46	44	49	57	68	78	-
White	1,169	1,120	1,166	1,207	1,273	1,347	-
No data	63	59	58	54	56	61	-

<sup>12</sup> [http://research.dwp.gov.uk/asd/frs/2009\\_10/index.php?page=intro](http://research.dwp.gov.uk/asd/frs/2009_10/index.php?page=intro)

<sup>13</sup> <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/> - The statistics quoted here relate to 2011. Once 2012 data is available, this report will be updated.



### **All practising barristers**

Barristers are entitled to hold a practising certificate upon their successful completion of pupillage. This is renewed annually and grants barristers the right to practice as barristers. All barristers with practising certificates may work as self employed or employed. The majority are self employed.

	2006	2007	2008	2009	2010	2011	2012
<b>Total barristers in practice</b>	14,890	15,030	15,182	15,270	15,387	15,581	-

#### *All practising barristers by gender*

	2006	2007	2008	2009	2010	2011	2012
<b>Male</b>	9,920	9,924	9,999	10,011	10,033	10,117	-
<b>Female</b>	4,970	5,106	5,183	5,259	5,354	5,484	-

#### *All practising barristers by ethnicity*

	2006	2007	2008	2009	2010	2011	2012
<b>BAME</b>	1,432	1,466	1,493	1,545	1,564	1,594	-
<b>White</b>	11,347	11,421	11,580	11,721	11,885	12,039	-
<b>No data</b>	2,111	2,143	2,109	2,004	1,938	1,948	-

### **Self employed barristers**

#### *All self-employed barristers*

This includes sole practitioners and barristers practising in chambers

	2006	2007	2008	2009	2010	2011	2012
<b>All self employed barristers</b>	12,034	12,058	12,136	12,241	12,420	12,674	-

#### *Sole practitioners*

	2006	2007	2008	2009	2010	2011	2012
<b>Sole practitioners</b>	298	309	351	391	419	427	-

#### *All self-employed barristers by gender*

	2006	2007	2008	2009	2010	2011	2012
<b>Male</b>	8,381	8,327	8,364	8,381	8,443	8,567	-
<b>Female</b>	3,653	3,731	3,772	3,860	3,977	4,107	-

#### *All self-employed barristers by ethnicity*

	2006	2007	2008	2009	2010	2011	2012
<b>BAME</b>	1,098	1,109	1,132	1,175	1,203	1,235	-
<b>White</b>	9,474	9,489	9,573	9,724	9,907	10,114	-
<b>No data</b>	1,462	1,460	1,431	1,342	1,310	1,325	-

#### **Employed barristers**

Employed barristers are practising barristers who are employed by a 'Recognised Body', either under a contract of employment (e.g. with a private company) or by virtue of an office under the Crown (such as the Crown Prosecution Service) or the institutions of the European Communities.

	2006	2007	2008	2009	2010	2011	2012
<b>Employed barristers</b>	2,856	2,972	3,046	3,029	2,967	2,907	-

#### *Employed barristers by gender*

	2006	2007	2008	2009	2010	2011	2012
<b>Male</b>	1,539	1,597	1,635	1,630	1,590	1,550	-
<b>Female</b>	1,317	1,375	1,411	1,399	1,357	1,357	-

#### *Employed barristers by ethnicity*

	2006	2007	2008	2009	2010	2011	2012
<b>BAME</b>	334	357	361	370	361	359	-
<b>White</b>	1,873	1,932	2,007	1,997	1,978	1,925	-
<b>No data</b>	649	683	678	662	628	623	-

#### **Pupil barristers**

Pupillage is a compulsory one-year training period spent in an authorised pupillage training organisation (PTO): either barristers' chambers or another approved legal environment).

#### *Pupil barristers by gender*

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Male</b>	276	250	238	261	280	184	241	-
<b>Female</b>	251	261	264	249	210	223	181	-
<b>No data</b>	29	4	25	52	25	53	22	-

### *Pupil barrister by ethnicity*

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>BAME</b>	88	85	107	105	68	71	58	-
<b>White</b>	434	423	394	402	420	333	349	-
<b>No data</b>	34	7	26	54	27	56	37	-

### *Pupil barristers by university attended*

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>Oxford/ Cambridge</b>	161 (31%)	147 (29%)	161 (32%)	161 (32%)	157 (32%)	109 (24%)	155 (35%)	-
<b>Russell Group (without Oxbridge)</b>	165 (32%)	177 (35%)	174 (35%)	189 (37%)	164 (34%)	103 (22%)	123 (28%)	-
<b>All other universities</b>	197 (37%)	185 (36%)	162 (33%)	158 (31%)	164 (34%)	195 (42%)	122 (27%)	-
<b>No data</b>	n/a	n/a	n/a	n/a	n/a	53 (12%)	44 (10%)	-

## **Law Society for England and Wales**

- As at 31 July 2012 <sup>14</sup>, there were 165,971 solicitors on the Roll, but the figure is affected by transitional arrangements in place at the time for the Roll renewal process.
- In 2011–12, excluding those whose ethnicity was unknown, solicitors from Black Asian and Minority Ethnic (BAME) groups accounted for 14.6% of all solicitors on the Roll, 13.9% of all solicitors with practising certificates, and 11.4% of all solicitors in private practice.
- Over one-third of practising certificate holders in 2012 (36.5%) was employed by organisations based in London. These organisations were responsible for the employment of just under one half (48.4%) of all BAME practising certificate holders.
- Women now account for 47.4% of solicitors with practising certificates. Whereas the total number of solicitors holding practising certificates has grown by 44.6% since 2002, the number of women holding practising certificates has nearly doubled, having increased by 77.6%.
- 71.1% of men holding practising certificates work within private practice, compared to only 64.6% of women.
- In 2012 the average age of a male practising certificate holder was 44.9 years compared to only 38.7 years for female practising certificate holders.
- In 2012, the average age of a female solicitor in private practice was 38.0 years compared with 45.1 years for men. The average age of a sole practitioner was 51.6 years compared with 49.6 years for partners and 41.9 years for all solicitors in private practice.
- Of new admissions, 60.3% were women, and those from BAME groups represented 26.9% of all admissions where ethnicity was known.

<sup>14</sup> *Trends in the Solicitors' Profession: Annual Statistics Report 2012*. The Law Society (forthcoming April 2013)

- Around one third of solicitors (35%) came from families where one or both parents were in a professional occupation <sup>15</sup>. Almost three quarters (73%) came from backgrounds where either mother or father (or both) had occupations falling within the two highest occupational groups.
- Seven percent of solicitors had attended either Oxford or Cambridge, this compares to 14% of PC holders in 1999 <sup>16</sup>.
- Solicitors from professional backgrounds were more likely to have attended an 'Ancient' university (12%), (Universities founded before 1900, including Oxford and Cambridge), compared to those from other occupational backgrounds (8%).
- A higher proportion of solicitors from other occupational backgrounds had attended 'New' universities (established post 1992) or other institutions (colleges or polytechnics) (44%) compared to those from professional backgrounds (33%).

### **The Chartered Institute of Legal Executives**

As at 21 January 2013 <sup>17</sup>, there were approximately 20,000 members of the Chartered Institute, and of those who were willing to share information about their backgrounds:

- 74% were women;
- 17% were BAME (this rises to 36% amongst students)
- 82% of members do not have a parent who attended university, and only 2% of members have a parent who is a lawyer.

### **Government Legal Service<sup>18</sup>**

- 59.8% of the total GLS population are women. At Senior Civil Service level, 48.6% are women. At the most senior levels 43.2% are women.
- Of those who responded to the GLS ethnic monitoring questionnaire, 13.3% of the total GLS population declared that they were from a BAME background. At Senior Civil Service level, 7.8% declared that they were from a BAME background.
- Comparable figures for Black Minority and Ethnic (BAME) representation in the legal profession published by the Bar and the Law Society indicate that in 2012, excluding those whose ethnicity was unknown, solicitors from BAME groups accounted for 12.6% of all solicitors with practicing certificates and BAME barristers comprised 10.2% of the practicing profession.
- The proportion of staff who declared a disability in response to the GLS questionnaire (as a % of those who responded) stands at 4% of the total GLS population.
- Around 21% of the qualified lawyer population (below the most senior levels of the GLS) works on a formal part-time or job share basis. Some 10% of the GLS population, full and part-time workers, work from home, on a regular basis, as part of a formal working arrangement.

<sup>15</sup> Law Society's Annual Omnibus Survey 2009

<sup>16</sup> Punt, T. Cole, B. Routes into the solicitors' profession and the utilisation of professional time' Research Study No.36 The Law Society

<sup>17</sup> [http://www.ilex.org.uk/about\\_ilex/equality\\_and\\_diversity/diversity\\_statistics/ilex\\_membership\\_diversity\\_stat.aspx](http://www.ilex.org.uk/about_ilex/equality_and_diversity/diversity_statistics/ilex_membership_diversity_stat.aspx)

<sup>18</sup> <http://www.gls.gov.uk/>

- Flexible working arrangements are also available at the most senior levels in the GLS. 18% of the GLS SCS population works on a part-time basis. 15% of the SCS population works from home on a regular basis as part of a formal arrangement.

### **Tribunals Judicial Office Holders (as at April 2012)**

The number of Tribunals judges in office (as at 1 April each year recorded) by women and ethnic background.

#### **Judicial Diversity, Gender and Ethnicity, 2012 - Source - Judicial Database 2012**

<b>Year</b>	<b>Total number of Judges and members</b>	<b>% Women</b>	<b>% BAME out of total number of judges and members</b>
2013	5823	43.2%	11.9%

*SOURCE – Judicial Database 2012-2013*

**Note:** The figures have been taken from the judicial database and are shown according to an office holders 'primary appointment' i.e. the appointment held for the majority of time.

The database of the ethnic origin of the judiciary may be incomplete as (a) judicial office holders are asked to provide the information on a voluntary basis and (b) such details have only been collected since October 1991. Further ethnicity data was collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity data from all new judicial appointees with the help of Ministry of Justice.

These are figures for all Tribunals office holders, which includes both legal and non-legal Tribunals office holders. There are 5823 Tribunals office holders in total and 1949 of those are legally qualified.

#### *Women*

- The percentage of all women (legal and non-legal office holders) in post in the tribunals has risen from 43.2% in 2012 to 44% in 2013.
- The percentage of legally qualified female Tribunals office holders has risen from 39.6% in 2012 to 40.9% in 2013.
- 77% of legally qualified female Tribunals office holders are fee-paid office holders.

#### *BAME*

- 12.5% (up from 12% in 2012) of all legal and non-legal tribunals' office holders and 8.9% (up from 8.7% in 2012) of legally qualified office holders have declared that they are from an ethnic minority background
- Out of 173 legally qualified office holders who have declared that they are from an ethnic minority background, 27% are salaried and 73% are fee-paid.

#### *Profession*

- 68% of legally qualified office holders are solicitors (1279), of which 43.2% are women
- Nearly one of two legally qualified office holders are barristers(601), of which 35.4% are women

### **Courts Based Judicial Office holders in England & Wales**

The number of courts judges in office (as at 1 April each year recorded) by women and ethnic background in England and Wales.

Judicial Diversity, Gender and Ethnicity, 2000 to 2013 (Source - Judicial Database 2012-2013)

Year	Total number of Judges	% Women	% BAME out of total number of judges
2000	3441	12.7	2.1
2001	3535	14.1	1.9
2002	3545	14.5	2.0
2003	3656	14.9	2.2
2004	3675	15.8	2.5
2005	3794	16.9	2.9
2006	3774	18.0	3.8
2007	3545	18.7	3.5
2008	3820	19.0	4.1
2009	3602	19.4	3.6
2010	3598	20.6	3.9
2011	3694	22.3	4.2
2012	3576	22.6	4.2
2013	3621	24.3	4.8

**Note:** The database of the ethnic origin of the judiciary may be incomplete as (a) judicial office holders are asked to provide the information on a voluntary basis and (b) such details have only been collected since October 1991. Further ethnicity data was collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity data from all new judicial appointees. With effect from December 2011, the Judicial Appointments Commission has shared diversity data on selected candidates with the Judicial Office, in those cases where the individual confirmed they were content for the information to be shared.

#### *Gender*

- The percentage of women in post has seen an increase from 22.6% in 2011-12 to 24.3%. The greatest increase has been at the DDJ(MC) level, where the percentage of women in post has increased by 4.8%.
- 63.6% of female judges (879) are salaried office holders.

#### *BAME*

- The percentage of judges who have declared themselves as falling in the BAME category has also seen an increase from 4.2% to 4.8%. Again, the greatest increase has been at the DDJ (MC) level where there has been an increase of BAME judges from 4.5% to 7.6%.
- 31.4% of BAME Judges are women

#### *Profession*

- Nearly one in two of all courts judges (1328) (salaried & fee-paid) were (or are still) solicitors, of which 29.8% are women.
- 21.1% of Barristers (2290) in the courts are women.

## Appendix 5 – Eligible Pool

The following document the eligibility criteria for some of the fee-paid and salaried judicial office holders, together with details (where known) of the diversity of those posts based upon current JAC eligible pool figures.

Judicial Office	Who is eligible to apply	Diversity of eligible pool	Diversity of current office holders <sup>19</sup>
Deputy District Judge (Magistrates' Court) <sup>20</sup>	<p><b>Statutory eligibility requirements</b></p> <p>Under section 24 of the Courts Act 2003, as amended by paragraph 38(3) of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (TCE), a person must satisfy the judicial-appointment eligibility condition on a 5-year basis.</p> <p>The TCE has introduced the '<i>judicial-appointment eligibility condition</i>'. You will have to show that:</p> <ul style="list-style-type: none"> <li>• you have possessed a relevant legal qualification;</li> <li>• for the requisite period; and</li> <li>• that whilst holding that qualification you have been gaining legal experience.</li> </ul> <p><b>Age</b></p> <p>There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed to the Deputy District Judge (Magistrates' Courts) must allow for a reasonable length of service before retirement, usually for this position about five years.</p>	<ul style="list-style-type: none"> <li>• 44% women</li> <li>• 10% BAME</li> <li>• 85% Solicitors</li> </ul>	<ul style="list-style-type: none"> <li>• 27.6% women</li> <li>• 4.5% BAME (where declared – of the 134 office holders 47 did not declare their ethnicity)</li> <li>• 63.4% Solicitors</li> </ul>
<a href="#">Circuit Judge</a> <sup>21</sup>	<p><b>Statutory eligibility requirements</b></p> <p>Under section 16(3) of the Courts Act 1971, no person shall be qualified to be appointed a Circuit judge unless -</p> <p>(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis;</p> <p>(b) he is a Recorder; or</p> <p>(c) he has held as a full-time appointment for at least 3 years one of the offices listed in Part IA of Schedule 2.</p> <p>The Tribunals Courts and Enforcement Act (TCE) 2007 has introduced the '<i>judicial-appointment eligibility condition</i>'. You will have to show that:</p> <ul style="list-style-type: none"> <li>• you have possessed a relevant legal qualification;</li> </ul>	<ul style="list-style-type: none"> <li>• 20% women</li> <li>• 4% BAME</li> <li>• 37% Solicitors</li> </ul>	<ul style="list-style-type: none"> <li>• 17.1% women</li> <li>• 1.7% BAME (where declared – of the 665 office holders, 66 did not declare their ethnicity)</li> <li>• 12.0% Solicitors</li> </ul>

<sup>19</sup> <http://www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview> - Judicial Office, Diversity statistics and general overview, April 2012

<sup>20</sup> <http://jac.judiciary.gov.uk/about-jac/823.htm> - JAC Official Statistics December 2012

<sup>21</sup> <http://jac.judiciary.gov.uk/about-jac/823.htm> - JAC Official Statistics June 2012

Judicial Office	Who is eligible to apply	Diversity of eligible pool	Diversity of current office holders <sup>19</sup>
	<ul style="list-style-type: none"> <li>• for the requisite period; and</li> <li>• that whilst holding that qualification you have been gaining legal experience.</li> </ul> <p><b>Non-statutory requirement</b></p> <p>The Lord Chancellor expects that candidates for salaried posts will have sufficient directly relevant previous judicial experience. Only in exceptional cases, and if the candidate in question has demonstrated the necessary skills in some other significant way, should an exception be made. The Lord Chancellor expects that candidates for the Circuit Bench to try heavyweight crime will be able to deal with all types of work undertaken by a Crown Court Judge immediately. Candidates for this heavyweight crime post, should have sufficient recent relevant experience either of dealing with serious criminal cases, namely Class 1 or Class 2 as well as serious Class 3 in private practice over at least a five-year period or of trying Class 2 or serious Class 3 offences as a Recorder over at least a three-year period (having met the minimum sitting day requirement). The Lord Chancellor expects that unless already authorised, the candidates should have the capacity to meet the criteria for one or more of the specialist tickets within the near future. This applies immediately to serious sexual offences and within a reasonably short time to tickets for murder and manslaughter.</p>		
Salaried Judge of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support (SSCS)) <sup>21</sup>	<p><b>Statutory requirement</b></p> <p>A person is eligible for appointment under paragraph 1(1) only if the person -</p> <ol style="list-style-type: none"> <li>a) satisfies the judicial-appointment eligibility condition on a five-year basis;</li> <li>b) is an advocate or solicitor in Scotland of at least five years' standing;</li> <li>c) is a barrister or solicitor in Northern Ireland of at least five years' standing; or</li> <li>d) in the Lord Chancellor's opinion has gained experience in law which makes the person as suitable for appointment as if the person satisfied any of paragraphs a) to c).</li> </ol> <p><b>Non statutory eligibility</b></p> <p>The Lord Chancellor expects that candidates for salaried posts will have sufficient directly relevant previous judicial experience. Only in exceptional</p>	<ul style="list-style-type: none"> <li>• 19% women</li> <li>• 5% BAME</li> <li>• 40% Solicitors</li> </ul>	<ul style="list-style-type: none"> <li>• 42.4% women</li> <li>• 10.0% BAME (where declared – of the 1492 office holders, 56 did not declare their ethnicity)</li> <li>• 66.4% Solicitors</li> </ul> <p>This information relates to all tribunal judges, due to data availability</p>



Judicial Office	Who is eligible to apply	Diversity of eligible pool	Diversity of current office holders <sup>19</sup>
	<p>cases and if the candidate in question has demonstrated the skills in some other significant way should an exception be made.</p> <p>The meaning of “directly relevant experience” is sitting as a judge in a salaried or fee-paid capacity, for fee-paid judges this should be for a period of at least two years or 30 sitting days since appointment.</p>		
<p>Fee-paid Judge of the First-tier Tribunal, Immigration and Asylum Chamber<sup>21</sup></p>	<p><b>Statutory requirement</b></p> <p>Under paragraph 1 Schedule 2 to the Tribunals, Courts and Enforcement (TCE) Act 2007 a person is eligible for appointment as a Judge of the First-tier Tribunal if the person:</p> <p>a) satisfies the judicial-appointment eligibility condition on a 5-year basis;</p> <p>b) is an advocate or solicitor in Scotland of at least five years’ standing</p> <p>c) is a barrister or solicitor in Northern Ireland of at least five years’ standing, or</p> <p>d) in the Lord Chancellor’s opinion, has gained experience in law which makes the person as suitable for appointment as if the person satisfied any of paragraphs a) to c).</p> <p><b>Age</b></p> <p>There is no upper or lower age limit for candidates apart from the statutory retirement age of 70 for all judges. The age at which someone is appointed to the office of District Judge must allow for a reasonable length of service before retirement. For the purposes of this selection exercise, this is usually three years.</p>	<ul style="list-style-type: none"> <li>• 39% women</li> <li>• 9% BAME</li> <li>• 86% Solicitors</li> </ul>	<ul style="list-style-type: none"> <li>• 42.4% women</li> <li>• 10.0% BAME (where declared – of the 1492 office holders, 56 did not declare their ethnicity)</li> <li>• 66.4% Solicitors</li> </ul> <p>This information relates to all tribunal judges, due to data availability</p>
<p>Recorder<sup>21</sup></p>	<p><b>Statutory eligibility</b></p> <p>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.</p> <p><b>Age</b></p> <p>There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed must allow for a reasonable length of service before retirement, usually about five years.</p>	<ul style="list-style-type: none"> <li>• 37% women</li> <li>• 8% BAME</li> <li>• 86% Solicitors</li> </ul>	<ul style="list-style-type: none"> <li>• 16.3% women</li> <li>• 5.1% BAME (where declared – of the 1155 office holders, 270 did not declare their ethnicity)</li> <li>• 5.1% Solicitors</li> </ul>

## **Appendix 6 – Statutory Duty to Encourage Diversity**

The Crime and Courts Act 2013 introduced a new statutory duty for the Lord Chancellor and Lord Chief Justice to encourage judicial diversity.

### ***Lord Chief Justice of England and Wales***

The judicial diversity strategy, which will be published later this year, will provide an overall picture of diversity within the judiciary, describe current and planned initiatives and set out how the Lord Chief Justice intends to fulfil his statutory duty. The strategy will cover all aspects of courts and tribunals – including recruitment, career development, deployment, leadership and support – and place them in the wider context of the LCJ's duty and the Advisory Panel's recommendations.

### ***Lord Chancellor, Secretary of State for Justice***

The Ministry of Justice is currently developing a strategy and action plan which will set out the actions the Government intends to take over the next one to two years with the aim of increasing judicial diversity. We will work closely with the judicial office, legal professions and the JAC as we develop this strategy to ensure that the Government is taking the right steps and is delivering the necessary framework which will enable others to take forward their own initiatives. This strategy will include details on how the Lord Chancellor will fulfil his new statutory duty introduced through the Crime and Courts Act, which sends a strong signal that the Government and the judiciary are committed to increasing judicial diversity.

## Appendix 7 – Glossary of Terms and Abbreviations

Term	Definition
Advisory Panel on Judicial Diversity	The Advisory Panel was established in April 2009, and it reflected concerns across the legal community that, despite efforts over many years, significant progress on judicial diversity had not been made ( <a href="http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations">http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations</a> )
Association of Women Solicitors	The <a href="#">Association of Women Solicitors</a> aims to be the essential national network helping to promote the potential and success of each women solicitor at every stage of their career.
Bar Council	<a href="#">The General Council of the Bar (Bar Council)</a> is the Approved Regulator of the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.
BSB	The <a href="#">Bar Standards Board</a> is responsible for regulating barristers called to the Bar in England and Wales.
Black Solicitors Network	The <a href="#">Black Solicitors Network</a> is the primary voice of black solicitors in England and Wales; committed to achieving equality of access, retention and promotion of black solicitors.
CILEx	<a href="#">The Chartered Institute of Legal Executives (CILEx)</a> is the professional and regulatory body which represents 22,000 trainee and practising Chartered Legal Executives. Their role is to enhance the role and standing of Chartered Legal Executives and other members of CILEx in the legal profession.
CPS	<a href="#">Crown Prosecution Service</a> - The Crown Prosecution Service is the Government Department responsible for prosecuting criminal cases investigated by the police in England and Wales.
DCRJ	<a href="#">Diversity and Community Relations Judges</a> form links with their local community in order to provide a better understanding of the justice system and the role of a judge within the criminal, civil and family jurisdictions.
EHRC	<a href="#">Equality and Human Rights Commission</a>
Eligible Pool	The eligible pool is the approximation of the number of people who are able to meet the job-specific entry requirements laid down for that particular judicial post.
Employed Barrister Committee	The <a href="#">Employed Barristers' Committee</a> (EBC) represents and promotes the interests of the employed Bar within and beyond the Bar Council.
GEO	<a href="#">Government Equalities Office</a>
GLS	The <a href="#">Government Legal Service</a> employs around 2000 lawyers and trainees, providing legal services to 30 Government organisations across the entire spectrum of their activities.
HMCS	<b>Her Majesty's Courts Service</b> From 1 April 2011, Her Majesty's Courts Service and the Tribunals Service integrated to form Her Majesty's Courts and Tribunals Service.

Term	Definition
HMCTS	<a href="#">HM Courts &amp; Tribunals Service</a> - HM Courts and Tribunals Service is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.
The InterLaw Diversity Forum	The <a href="#">Interlaw Diversity Forum</a> for Lesbian, Gay, Bisexual and Transgender (“LGBT”) Networks (the “Interlaw Diversity Forum”) is an inter-organisational forum for the LGBT networks in law firms and all personnel (lawyers and non-lawyers) in the legal sector, including in-house counsel (the “LGBT Legal Community”)
JAC	<a href="#">Judicial Appointments Commission</a> - The Judicial Appointments Commission (JAC) is an independent commission that selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland.
JO	<a href="#">Judicial Office – Judiciary of England &amp; Wales</a> – the Judicial Office supports the judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently
JSB	Judicial Studies Board – now known as the Judicial College
Judicial College	The <a href="#">Judicial College</a> ensures that high quality training is provided to enable judicial office-holders to carry out their duties effectively and in a way which preserves judicial independence and supports public confidence in the justice system.
Judicial Diversity Taskforce	Oversight Group convened to manage the implementation of the Advisory Panel recommendations. Membership includes representation from Ministry of Justice, Judiciary of England and Wales, Judicial Appointments Commission, Tribunals Service, Bar Council, Law Society and The Chartered Institute of Legal Executives.
Law Society	<a href="#">The Law Society</a> represents, protects and promotes solicitors across England and Wales.
Lawyers with Disabilities Division	The <a href="#">Lawyers with Disabilities Division</a> is committed to promoting equality of opportunity for people with disabilities - whether they are solicitors, would-be solicitors, or clients.
Legal Professions	Collective for the <a href="#">Bar Council</a> , <a href="#">Law Society</a> and The Chartered <a href="#">Institute of Legal Executives</a>
<a href="#">Lord Chief Justice</a>	Head of the Judiciary of England and Wales and President of the Courts of England and Wales
LSB	The <a href="#">Legal Services Board</a> is responsible for overseeing the regulation of lawyers in England and Wales.
MoJ	<a href="#">Ministry of Justice</a> - The Ministry of Justice works to protect the public and reduce reoffending, and to provide a more effective, transparent and responsive criminal justice system for victims and the public.

Term	Definition
Senior Officials Steering Group	Advisory group to the Judicial Diversity Taskforce, created to provide advice to the Taskforce in determining priorities and determine the best way forward for improving the diversity of the judiciary. Its membership reflects that of the Taskforce and is made up of Senior Officials from each of the Taskforce member organisations.
TJO	Tribunals Judicial Office - the Judicial Office supported the Tribunals judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently
TS	<b>Tribunals Service</b> From 1 April 2011, Her Majesty's Courts Service and the Tribunals Service integrated to form Her Majesty's Courts and Tribunals Service.
UK Association of Women Judges	The focus of the <a href="#">UK Association of Women Judges</a> is on matters of particular concern to women, principally the issues that they face in the law and the justice system, as well as issues of particular concern to women judges.
UKSC	<a href="#">United Kingdom Supreme Court</a> - The Supreme Court is the final court of appeal in the UK for civil cases. It hears appeals in criminal cases from England, Wales and Northern Ireland.





© Crown copyright  
Produced by the Ministry of Justice

Alternative format versions of this report are available on request from the Ministry of Justice,  
please email [graham.mackenzie@justice.gsi.gov.uk](mailto:graham.mackenzie@justice.gsi.gov.uk)