

Response to Consultation on changes to JAC Statistics 2015

Judicial Appointments Commission

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Introduction

The Judicial Appointments Commission (JAC) recently held a consultation on proposed changes to JAC statistics publication in relation to recommendations for judicial appointments made by the JAC.

The aim of the consultation was to seek views on the proposal to move from a six monthly publication to an annual publication, as well as gathering wider information on how these statistics are used and if they are fit for purpose. It was made clear there will be no loss of information resulting from these changes to the publication schedule. The consultation was launched on 14 September 2015 and closed on 23 October 2015.

This note summarises the response to that consultation and the proposed way forward in light of this response. This will help the Ministry of Justice (MoJ) and the JAC comply with the Code of Practice for Official Statistics and to meet their commitment to transparency and continuous improvement.

We would like to thank all those who took the time to submit a response to the consultation. Although the closing date for this consultation has now passed, user engagement is a continuous process, and users are invited to submit their comments and suggestions to the team at any time, using the contact details below.

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Summary of responses

There were eight formal written responses to the consultation, of which five were submitted by groups representing legal practitioners, two by teams from within the Ministry of Justice (MoJ) and one individual submission.

The five representative groups responding to the consultation were:

- The Bar Council, who represents 15,000 barristers in England and Wales
- The Judicial College, which is responsible for the training of all 36,000 judicial office holders in England and Wales and tribunals around the UK
- The Chartered Institute of Legal Executives (CILEX), who represents around 20,000 members including approximately 7,500 fully qualified Chartered Legal Executive lawyers
- The Equal Justices Initiative – Executive Committee
- The Association of Women Solicitors (London)

Responses touched on a wide range of issues and aspects of the statistics.

The headline findings from the consultation responses, representing the views of organisations listed above – is that **ALL were in agreement to the proposal to move to an annual publication.**

There were additional comments made alongside the specific responses to the questions asked, which are summarised in the rest of this report.

Question 1: Do you agree that there should be an annual Judicial Appointments Statistics publication?

All respondents agreed with the proposal to move the Judicial Appointments Statistics to an annual publication. The responses suggested this presented an opportunity for more robust conclusions to be drawn from a larger dataset, in particular relation to the use of the Equal Merit Provision. Respondents also mentioned that publishing the statistics alongside the Judicial Appointments Commission Annual Report could give a fuller picture of the performance of the Commission and may improve year-on-year comparisons.

Finally, it was also noted that the change in publication timetable will serve to align the Judicial Appointments Statistics with the Judicial Diversity Statistics, enabling users to assess the diversity of the judiciary as a complete package using the same timescales.

Question 2. Do you believe that the statistics are fit for purpose? Do they provide the required information that would be useful?

The majority of respondents agreed that the statistics are fit for purpose. It was highlighted that the statistics are clear, transparent and provide an indication of improvements to the diversity of candidates.

Comments were made relating to the way the statistics are presented, suggesting that including graphs would facilitate understanding of the results. Whilst it was noted that there is a need to improve the availability of demographic data, the JAC was commended for using available population data in relation to religious belief and sexual orientation, and it was suggested that a similar approach be taken in relation to disability.

Concerns were raised regarding the self-reporting of ethnicity on monitoring forms, where it was felt a more “fine-grained categorisation” was required, and that the age grouping in the statistics is too broad to be meaningful (45 and under, and 46 to 65). There was also a desire to report changes in the composition of the eligible pools, applications and recommendations over time, and to distinguish between:

- non-legal tribunal positions
- legal positions on tribunals
- lower courts judiciary
- senior courts judiciary

Question 3. Is there any new information that you would like to see included in the publication? If so, please provide details.

A number of respondents made suggestions of new information they would like to see in the publication, these included:

- further analysis of the composition of applicants and recommendations, such as providing a breakdown of gender by other characteristics
- the inclusion of social mobility characteristics, such as educational background (private or state schooling) and whether they were the first generation in their family to attend university
- information relating to whether the candidate received any mentoring or took part in shadowing work
- time series breakdowns for each post to enable comparisons to be made, as well as further breaking down the recruitment stages, for example providing details of those who exit the process at the Qualifying Test stage
- disaggregation of the BAME (black, Asian, ethnic minority) grouping was suggested in order for stakeholders to understand whether the BAME figures include applicants from ethnic groups that are not under-represented
- a geographical breakdown of the applicants' base location would be helpful in identifying areas in need of outreach and the publication should identify in which selection exercises Equal Merits Provision was used
- measures to be taken in future exercises where the proportions of applicants and recommendations fall below the proportion of people in the eligible pool with the relevant characteristics (such as solicitors) should be included in the statistical report
- reporting the impact of recommendations on the composition of the judiciary in relation to each exercise was also suggested

Question 4. Do you use the tables that accompany the publications?

All respondents reported that they use the tables. Respondents found the tables useful for looking at comparator exercises from previous years and for reference for academic papers and publications.

Question 5. Do you use the JAC website?

Question 6. Do you find the information you want easily on the JAC website?

All respondents said that they use the JAC website, however not all said that they could easily navigate the site and find what they were looking for. It was suggested that it would be helpful to have a search function or site map.

Other issues raised

Within some of the answers to the set questions, other issues were raised by respondents, these include:

- the JAC should publish statistics following the closure of each exercise
- the regular publication of JAC meeting minutes; these should be published in a timely manner
- there are some broken links on the website
- improvement to the recording and availability of demographic data on the current composition of the judiciary and the eligible legal professional pool would serve to generate richer baseline data

Next steps

Imminent planned changes

As a result of the responses to this consultation we will publish the next JAC Official Statistics Publication in June 2016 (date to be confirmed).

We will also create an action plan to manage the specific comments and will provide an update on these in the next publication in June 2016.

In particular;

- we will look at whether further breakdowns of available data is possible and can be presented in a more meaningful way
- investigate and resolve website issues such as broken links and introducing a search facility

Ongoing user engagement

User engagement should be an ongoing process, enabling users to comment at any time and helping the producers to make continuous improvements to the published statistics. We welcome comments and suggestions to the team at any time, using the contact details below.

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