JAC
JUDICIAL APPOINTMENTS COMMISSION

Judicial Selection and Recommendations for Appointment Statistics, April 2013 to September 2013

**Judicial Appointments Commission
Statistics Bulletin**

Published 5 December 2013

Contents

Executive Summary

Women candidates
Results for the diversity of recommendations made by the JAC have been published from April 2009. The results between April and September of this year are the first in which more than half the recommendations are for women.

Among exercises which ended between April 2009 and September 2011, the overall proportion of recommended candidates ranged between 38% and 42%. Among exercises which ended between October 2011 and March 2013 the proportion ranged between 48% and 49% and among exercises which ended between April and September of this year 52% of recommended candidates were women.

The high proportion of recommended candidates who are women from exercises between April and September of this year was particularly driven by results from two non-legal exercises: Fee-paid Disability Member of the First-tier Tribunal, Social Entitlement Chamber and Fee-paid Specialist Lay Member of the First-tier Tribunal, Health Education and Social Care Chamber (Mental Health). For these two exercises women made up 72% and 63% of recommendations respectively.

The analysis summarised in Annex A examines trends in the diversity of recommendations between the creation of the JAC and 2012. The analysis confirms there has been an increase in the proportion of recommended candidates that are women across most legal posts in that time-period.

Candidates from a BAME background
10% of recommended candidates of all exercises between April and September were from a BAME background. This is in line with the results of past bulletins in which the proportion has varied between 8% and 15%.

The analysis summarised in Annex A shows there has been an increase in the proportion of recommended candidates from a BAME background across most legal posts between the creation of the JAC and 2012.

This trend is not apparent in the most recent results for legal posts. Looking at legal posts that ended between April and September of this year, 2% of recommended candidates came from a BAME background.

Candidates with a professional background of solicitor
When looking at the results for solicitors it makes sense to only look at those of legal posts. Looking at the one large legal post presented in this bulletin (Fee-paid Employment Judge), 50% of recommended candidates were from a professional background of solicitor. This was lower than the proportion for equivalent exercises carried out in previous years.

The analysis summarised in Annex A confirms there has been a decrease in the proportion of recommended candidates who were solicitors across most

legal posts between the creation of the JAC and 2012, and the result for Fee-paid Employment Judge is in line with that trend.

A closer look at the results shows that this is because, compared to previous exercises, the number of applicants who are solicitors has fallen moderately. At the same time, the number of applicants who are not solicitors has risen substantially.

Disability
16% of recommended candidates had a disability. In previous bulletins, the proportion of recommended candidates with a disability varied between 2% and 8%. The higher figure in this bulletin reflects the large number of candidates with a disability who applied for the post of Fee-paid Disability Member of the First-tier Tribunal, Social Entitlement Chamber. Excluding this exercise, 6% of recommended candidates had a disability, in line with the overall results from previous bulletins.

Age
Results for age were published for the first time twelve months ago so results cannot be compared with those from earlier exercises. Looking at the exercise for Fee-paid Employment Judge, this is the fourth fee-paid, large legal exercise that the JAC has run since starting to report results by age. In all four recruitment exercises, candidates aged 35 or less were either the most successful of any age-group in gaining recommendation or else were tied as the most successful age-group along with those aged 36 to 45.

Introduction

This bulletin presents statistics on applications and recommendations for the appointment of judges for selection exercises that were completed between April 2013 and September 2013. The statistics are used to monitor and evaluate the diversity of JAC selections for judicial office.

There are three stages in each selection exercise when the diversity of applicants is officially recorded: application, shortlisting and recommendation for appointment. The **Results** includes an overview of each selection exercise by diversity group[1] at each of the three stages. This includes eligible pool[2] figures and the number of applicants, shortlisted candidates, and candidates recommended for appointment. It also includes the corresponding proportions for each of the three stages of selection exercises.

Tables are presented that supplement the commentary. They contain absolute numbers and proportions of applications, shortlisted candidates and recommended candidates segmented by group. The tables also show each group as a proportion of the total number at each stage of the selection exercise, and as a proportion at previous stages, showing how each group has progressed through the exercise.

For the next bulletin, we are planning on presenting results for sexual orientation and religious belief for the first time.

All the diversity statistics in this report are based on self-declared information applicants have provided on the JAC Application Monitoring Form. Completion of this is voluntary and is not considered in the selection process. Some applicants have chosen not to declare their diversity group or filled in the form incorrectly, and these applicants have been placed in the "Incomplete" group in the tables.

Annex A summarises research that has been carried out into trends regarding applications and recommendations made by the JAC since its formation regarding court and tribunal judiciary. It was also included in the previous bulletin in this series and has not been updated. We are planning to update it for the next bulletin.

Any feedback, questions or requests for further information about this statistical bulletin can be directed to the appropriate **Contact** given at the end of this report.

Information about data sources, statistical revisions, any forthcoming changes and stages in the selection process are given in the **Definitions and Measurement bulletin** that accompanies this document.

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[1] Each diversity group refers to: gender, ethnic background, professional background, the disability status and age of applicants.
[2] Eligible pool refers to: the approximation of the number of people who are able to meet the formal job-specific entry requirements (including the Additional Selection Criteria) laid down for that particular judicial post.

Statistics

This bulletin provides statistics relating to the following selection exercises run by the JAC:

- Fee-paid Disability Member of the First-tier Tribunal, Social Entitlement Chamber

- Fee-paid Specialist Lay Member of the First-tier Tribunals Health Education and Social Care Chamber (Mental Health)

- Fee-paid Employment Judge of the Employment Tribunals (England and Wales)

- Fee-paid Medical Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support)

- Fee-paid Medical Member of the First-tier Tribunal, War Pension and Armed Forces Compensation Chamber 2013

Twelve small exercises were also completed for legal posts. Each of these exercises had less than 10 recommendations for appointment. There were no non-legal posts with less than 10 recommendations. For the purpose of this report their figures have been grouped together in order to protect applicant confidentiality and to provide more robust counts and percentages. It should be noted that if any individual was an applicant for more than one of these exercises, then they will be counted in these statistics more than once.

Grouped legal posts:

- President of the Competition Appeal Tribunal

- Deputy Chamber President, Upper Tribunal (Lands Chamber)

- Regional Chairman of the First-tier Tribunal, Property Chamber, Residential Property

- Specialist Circuit Judge (Chancery)

- Circuit Judge of the Employment Appeals Tribunal

- Fee-paid Chairman of the Copyright Tribunal

- Senior Circuit Judge - Resident Judge

- Designated Civil Judge - Manchester

- District Judge (Magistrates' Court) Wales 2013

- Deputy Regional Chairman of the First-tier Tribunal, Property Chamber (Residential Property)

- Specialist Circuit Judge - Judge of the Patents County Court

- Fee-paid Lawyer Chairman of the Residential Property Tribunal (Wales)

Results

Results of the selection exercises with 10 or more recommendations are presented individually below and posts with less than 10 recommendations are presented with their results grouped together.

Fee-paid Disability Member of the First-tier Tribunal, Social Entitlement Chamber (Tables 1 and 7)

Eligible pool
As this was a non-legal selection exercise there was no eligible pool.

Of the 1,637 applicants in this selection exercise, 365 (22%) were shortlisted and 151 (41%) of these were recommended for appointment.

Gender
1,052 (64%) of the 1,637 applicants were women and 469 (29%) were men. Of the 365 shortlisted applicants, 256 (70%) were women and 88 (24%) were men. Of the 151 applicants recommended for appointment, 108 (72%) were women, 33 (22%) were men and 10 did not declare their gender.

Summary statistics for the only previous recruitment exercise in this post the JAC has carried out, in 2009, are presented in Table 7. The proportion of applicants who were women was higher in the most recent exercise (64% compared to 57%). The proportion of recommended candidates who were women was lower in the most recent exercise (72% compared to 77%).

Ethnicity
1,364 (83%) of the 1,637 applicants were white and 159 (10%) were from a BAME background. Of the 365 shortlisted applicants, 321 (88%) were white and 25 (7%) were from a BAME background. Of the 151 applicants recommended for appointment, 136 (90%) were white, six applicants (4%) were from a BAME background and nine did not declare their ethnicity.

The proportion of applicants who were from a BAME background was lower in the most recent exercise (10% compared to 13%). The proportion of recommended candidates who were from a BAME background was also lower in the most recent exercise (4% compared to 13%).

Professional background
None of the applicants had a background in the legal profession.

Disability status
783 of the 1,637 applicants had a disability (48%). Of the 365 shortlisted applicants, 172 (47%) had a disability. Of the 151 applicants recommended for appointment, 67 (44%) had a disability.

The proportion of applicants with a disability was slightly higher in the most recent exercise (48% compared to 46%). The proportion of recommended

candidates with a disability was also slightly higher in the most recent exercise (44% compared to 43%).

Age

496 (30%) of applicants were aged 45 or less and 1,008 (62%) were aged between 46 and 65. Of the 365 shortlisted applicants, 138 (38%) were aged 45 or less and 207 (57%) were aged between 46 and 65. Of the 151 applicants recommended for appointment, 57 (38%) were aged 45 or less, 85 applicants (56%) were aged between 46 and 65, and nine candidates did not declare their age.

Age was not recorded in the Official Statistics when the comparator exercise was carried out, so current age results cannot be compared to those of past exercises.

Fee-paid Specialist Lay Member of the First-tier Tribunal, Health Education and Social Care Chamber (Mental Health) (Tables 2 and 7)

Eligible pool
As this was a non-legal selection exercise there was no eligible pool.

Of the 561 applicants in this selection exercise, 84 (15%) were shortlisted and 40 (48%) of these were recommended for appointment.

Gender
317 (57%) of the 561 applicants were women and 174 (31%) were men. Of the 84 shortlisted applicants, 52 (62%) were women and 21 (25%) were men. Of the 40 applicants recommended for appointment, 25 (63%) were women, 11 (28%) were men and four did not declare their gender.

Summary statistics for the only previous recruitment exercise in this post the JAC has carried out, in 2012, are presented in Table 7. Compared to that exercise, the proportion of applicants who were women was slightly higher in the most recent exercise (57% compared to 56%). The proportion of recommended candidates who were women was also higher in the most recent exercise (63% compared to 51%).

Ethnicity
421 (75%) of the 561 applicants were white and 64 (11%) were from a BAME background. Of the 84 shortlisted applicants, 68 (81%) were white and five (6%) were from a BAME background. Of the 40 applicants recommended for appointment, 34 (85%) were white, two applicants (5%) were from a BAME background and four did not declare their ethnicity.

Compared to the previous recruitment exercise the JAC carried out for this post, the proportion of applicants who were from a BAME background was the same as in the 2012 exercise (11%). The proportion of recommended candidates who were from a BAME background was slightly higher in the most recent exercise (5% compared to 4%).

Professional background
None of the applicants had a background in the legal profession.

Disability status
34 of the 561 applicants had a disability (6%). Of the 84 shortlisted applicants, three (4%) had a disability. Of the 40 applicants recommended for appointment, none had a disability.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants with a disability was slightly lower in the most recent exercise (6% compared to 8%). The proportion of recommended candidates with a disability was also lower in the most recent exercise (none compared to 5%).

Age
114 (20%) of applicants were aged 45 or less and 371 (66%) were aged between 46 and 65. Of the 84 shortlisted applicants, 16 (19%) were aged 45 or less and 57 (68%) were aged between 46 and 65. Of the 40 applicants recommended for appointment, five (13%) were aged 45 or less, 31 applicants (78%) were aged between 46 and 65, and four candidates did not declare their age.

Age was not recorded in the Official Statistics when the comparator exercise was carried out, so current age results cannot be compared to those of past exercises.

Fee-paid Employment Judge of the Employment Tribunals (England and Wales) (Tables 3 and 7)

Eligible pool
The eligible pool for this selection exercise contained around 112,000 people; this represents an estimate of the number of people who meet the eligibility requirement that a candidate should have at least five years' experience in the legal profession. Of this pool, 56% were male and 44% female. Around 10% of the eligible pool were from a BAME background. Some 85% of the eligible pool were solicitors, 11% were barristers and 5% are fellows of CILEX. The disability status and age profile of the eligible pool was not available.

Of the 723 applicants in this selection exercise, 158 (22%) were shortlisted and 58 (37%) of these were recommended for appointment.

Gender
318 (44%) of the 723 applicants were women and 333 (46%) were men. Of the 158 shortlisted applicants, 61 (39%) were women and 86 (54%) were men. Of the 58 applicants recommended for appointment, 25 (43%) were women, 30 (52%) were men and three did not declare their gender.

Summary statistics for the previous recruitment exercises the JAC has carried out for this post, in 2009 and 2010, are presented in Table 7. Compared to those exercises, the proportion of applicants who were women was higher in the most recent exercise (44% compared to 40% and 42%). The proportion of recommended candidates who were women was lower in the most recent exercise (43% compared to 45% and 56%).

Ethnicity
497 (69%) of the 723 applicants were white and 140 (19%) were from a BAME background. Of the 158 shortlisted applicants, 134 (85%) were white and ten (6%) were from a BAME background. Of the 58 applicants recommended for appointment, 51 (88%) were white, two applicants (3%) were from a BAME background and five did not declare their ethnicity.

Compared to the previous recruitment exercises the JAC has carried out for this post, the proportion of applicants who were from a BAME background was higher in the most recent exercise (19% compared to 13% and 16%). The proportion of recommended candidates who were from a BAME background was lower in the most recent exercise (3% compared to 6%).

Professional background
409 (57%) of the 723 applicants were solicitors and 187 (26%) were barristers. Of the 158 shortlisted applicants, 87 (55%) were solicitors and 50 (32%) were barristers. Of the 58 applicants recommended for appointment, 29 (50%) were solicitors, 23 (40%) were barristers, one (2%) was a legal executive, and five did not declare their professional background.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were solicitors was lower in the most

recent exercise (57% compared to 63% and 72%). The proportion of recommended candidates who were solicitors was also lower in the most recent exercise (50% compared to 55% and 75%).

The reason the proportion of recommended candidates who are solicitors has fallen is that the number of applicants who are not solicitors has risen substantially. Compared to the 2009 recruitment exercise, there were 10% fewer applicants who were solicitors (409 in the most recent exercise compared to 452 in 2009) and there was 80% more applicants who were not solicitors (314 in the most recent exercise compared to 172 in 2009).

The number of recommended candidates who are solicitors is higher in the most recent exercise compared to 2009 (29 compared to 27). But the number of recommended candidates who are not solicitors is also higher in the most recent exercise (29 compared to 9 in 2009).

Disability status
44 of the 723 applicants had a disability (6%). Of the 158 shortlisted applicants, 11 (7%) had a disability. Of the 58 applicants recommended for appointment, three (5%) had a disability.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants with a disability was similar (6% compared to 6% and 7%). The proportion of recommended candidates with a disability was lower in the most recent exercise (5% compared to 6% and 11%).

Age
374 (52%) of applicants were aged 45 or less and 271 (37%) were aged between 46 and 65. Of the 158 shortlisted applicants, 89 (56%) were aged 45 or less and 58 (37%) were aged between 46 and 65. Of the 58 applicants recommended for appointment, 34 (59%) were aged 45 or less, 21 applicants (36%) were aged between 46 and 65, and three candidates did not declare their age.

Age was not recorded in the Official Statistics when the comparator exercise was carried out, so current age results cannot be compared to those of past exercises.

Applicants aged 35 or less were more likely to gain recommendation than applicants of other age-groups. 14% of applicants aged 35 or less gained recommendation compared to 8% of applicants in general. This is the fourth large (with 10 or more recommendations) fee-paid legal exercise that the JAC has run since starting to report results by age. In all four recruitment exercises, candidates aged 35 or less were either the most successful of any age-group in gaining recommendation or else were tied as the most successful age-group along with those aged 36 to 45.

Fee-paid Medical Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support) (Tables 4 and 7)

Eligible pool
As this was a non-legal selection exercise there was no eligible pool.

Of the 408 applicants in this selection exercise, 351 (86%) were shortlisted and 259 (74%) of these were recommended for appointment.

Gender
167 (41%) of the 408 applicants were women and 217 (53%) were men. Of the 351 shortlisted applicants, 152 (43%) were women and 180 (51%) were men. Of the 259 applicants recommended for appointment, 115 (44%) were women, 132 (51%) were men and 12 did not declare their gender.

Summary statistics for the previous recruitment exercises in this post the JAC has carried out are presented in Table 7. The proportion of applicants who were women was in line with previous results (41% compared to between 34% and 48%). The proportion of recommended candidates who were women was also in line with previous results (44% compared to between 36% and 53%).

Ethnicity
278 (68%) of the 408 applicants were white and 99 (24%) were from a BAME background. Of the 351 shortlisted applicants, 248 (71%) were white and 79 (23%) were from a BAME background. Of the 259 applicants recommended for appointment, 197 (76%) were white, 47 (18%) were from a BAME background and 15 did not declare their ethnicity.

The proportion of applicants from a BAME background was at the higher end of previous results (24% compared to between 14% and 25%). The proportion of recommended candidates from a BAME background was also at the higher end of previous results (18% compared to between 12% and 19%).

Professional background
None of the applicants had a background in the legal profession.

Disability status
24 of the 408 applicants had a disability (6%). Of the 351 shortlisted applicants, 21 (6%) had a disability. Of the 259 applicants recommended for appointment, 14 (5%) had a disability.

The proportion of applicants with a disability was at the higher end of previous results (6% compared to between 0% and 7%). The proportion of recommended candidates with a disability was higher than previous results (5% compared to between 0% and 3%).

Age
137 (34%) of applicants were aged 45 or less and 234 (57%) were aged between 46 and 65. Of the 351 shortlisted applicants, 106 (30%) were aged

45 or less and 215 (61%) were aged between 46 and 65. Of the 259 applicants recommended for appointment, 85 (33%) were aged 45 or less, 155 applicants (60%) were aged between 46 and 65, ten were aged 66 or over and nine candidates did not declare their age.

Age was only recorded for one of the comparator exercises, so current age results can only be compared to that past exercise. The proportion of applicants aged 45 or less was higher than in the previous result (34% compared to 24%). The proportion of recommended candidates aged 45 or less was also higher than in the previous result (33% compared to 28%).

Fee-paid Medical Member of the First-tier Tribunal, War Pension and Armed Forces Compensation Chamber 2013 (Table 5)

Eligible pool
As this was a non-legal selection exercise there was no eligible pool.

Of the 69 applicants in this selection exercise, 26 (38%) were shortlisted and 10 (38%) of these were recommended for appointment.

Gender
25 (36%) of the 69 applicants were women and 42 (61%) were men. Of the 26 shortlisted applicants, nine (35%) were women and 17 (65%) were men. Of the 10 applicants recommended for appointment, three (30%) were women and seven (70%) were men.

This is the first recruitment exercises the JAS has run for this post. As a result, there are no previous results to compare against.

Ethnicity
43 (62%) of the 69 applicants were white and 24 (35%) were from a BAME background. Of the 26 shortlisted applicants, 20 (77%) were white and six (23%) were from a BAME background. Of the 10 applicants recommended for appointment, all 10 were white.

Professional background
None of the applicants had a background in the legal profession.

Disability status
Five of the 69 applicants had a disability (7%). Of the 26 shortlisted applicants, one (4%) had a disability. Of the 10 applicants recommended for appointment, none had a disability.

Age
15 (22%) of applicants were aged 45 or less and 52 (75%) were aged between 46 and 65. Of the 26 shortlisted applicants, three (12%) were aged 45 or less and 23 (88%) were aged between 46 and 65. Of the 10 applicants recommended for appointment, one (10%) was aged 45 or less and nine applicants (90%) were aged between 46 and 65.

Grouped, small selection exercises (all legal) (Table 6)

This subsection relates to the twelve small selection exercises which were completed during this period. They were all for legal posts and had less than 10 recommendations for appointment. For the purpose of this report the figures have been grouped together in order to protect applicant confidentiality and to provide more meaningful counts and results. It should be noted that if any individual was an applicant for more than one of these exercises, then they will be counted in these statistics more than once.

Eligible pool
The small selection exercises were grouped; consequently there was no eligible pool.

Gender
31 (24%) of the 131 applicants were women and 95 (73%) were men. Of the 65 shortlisted applicants, 10 (15%) were women and 53 (82%) were men. Of the 25 applicants recommended for appointment, four (16%) were women, 20 (80%) were men and one applicant did not declare their gender.

Ethnicity
113 (86%) of the131 applicants were white and eight (6%) were from a BAME background. Of the 65 shortlisted applicants, 62 (95%) were white and none were from a BAME background. Of the 25 applicants recommended for appointment, 24 (96%) were white and one did not declare their ethnicity.

Professional background
50 (38%) of the 131 applicants were solicitors and 36 (27%) were barristers. Of the 65 shortlisted applicants, 24 (37%) were solicitors and 17 (26%) were barristers. Of the 25 applicants recommended for appointment, seven (28%) were solicitors, nine (36%) were barristers, six (24%) were salaried judicial office holders and three applicants did not declare their professional background.

Disability status
Nine of the 131 applicants had a disability (7%). Of the 65 shortlisted applicants, six (9%) had a disability. Of the 25 applicants recommended for appointment, five (20%) had a disability.

Age
37 of the 131 applicants were aged 45 or less (28%) and 88 (67%) were aged between 46 and 65. Of the 65 shortlisted applicants, 12 (18%) were aged 45 or less and 51 (78%) were aged between 46 and 65. Of the 25 applicants recommended for appointment, five (20%) were aged all were aged 45 or less, 19 (76%) were aged between 46 and 65 and one did not declare their age.

Annex A: Analysis of the trends in the diversity of applications and recommendations made by the JAC

Summary

Over the last eight months a programme of analysis has been carried out to identify whether there were changes over time in the diversity of applicants and recommendations made by the JAC. This analysis is designed to complement the Official Statistics in the main part of this bulletin, but does not itself come under the Official Statistics umbrella.

The analysis was divided into two parts: comparing the applications and recommendations made by the JAC with those made prior to the formation of the JAC (data was available for court judiciary only), and analyzing the applications and recommendations made for changes during the lifetime of the JAC.

The main challenge for the analysis was to ensure it was on a like-for-like basis – thus enabling comparisons across similar posts. For court judiciary, this was achieved by comparing across each of the several major court judicial posts. For tribunal judiciary, this was achieved by placing tribunal posts into groups and comparing trends within each group.

The analysis showed a general pattern of improving diversity among court judiciary among women and candidates from a Black, Asian and Minority Ethnicity (BAME) background. It also showed there has been a decrease in the proportion of candidates with a professional background of solicitor.

There are no clear trends among upper-tier, regional or leadership positions among the tribunal judiciary. Among first-tier and salaried employment positions, there is a general pattern of improving diversity among women and candidates from a Black, Asian and Minority Ethnicity (BAME) background, and of a falling proportion of candidates with a professional background of solicitor.

Introduction

This analysis summarizes the results into
- whether the diversity of applicants and recommendations of court judiciary has increased since the formation of the JAC compared to the period preceding the formation of the JAC, and
- whether the diversity of court and tribunal applicants and recommendations has increased since JAC managed recruitment exercises to the judiciary.

It focuses on three individual characteristics:
- Gender: the proportion of candidates who are women;

- Ethnicity: the proportion of candidates from BAME background;
- Professional background: the proportion of candidates who are solicitors.

It does not attempt to separate the unique impact of the JAC from the broader effect of wider social and economic forces, such as the state of the economy or from changes in society. It identifies whether the diversity of applicants and recommendations has changed but does not try to explain any changes identified.

There are some limitations to the approach adopted here and these include:
- Diversity data is not available for tribunal judiciary prior to the formation of the JAC. For this reason, court judiciary will be compared a) before and after the formation of the JAC and b) trends will be identified since the formation of the JAC, but for tribunal judiciary, only the second of those analyses will be undertaken.
- Diversity data has been taken from the Judicial Selection and Recommendations for Appointment Statistics series http://jac.judiciary.gov.uk/about-jac/823.htm where the exercise was reported in that series and from internal management data if an exercise occurred prior the series being launched. Data for exercises prior to the formation of the JAC is taken from the 10 years trends publication http://jac.judiciary.gov.uk/about-jac/165.htm. There are moderate concerns about the accuracy of the internal management information, although it is felt that the level of inaccuracy is unlikely to substantially change the results presented.
- This analysis focuses on the proportion of candidates that fall into a particular group – not the actual number. In some cases, the proportion of candidates that fall into a particular group might fall, even if the number of candidates in that group rises, and vice versa. This should be born in mind when reading the analysis.

Methodology

Court judiciary comparing pre- and post- the formation of the JAC

Seven posts are analysed: Recorder, Deputy District Judge (civil), Deputy District Judge (Magistrates' Courts), District Judge (civil), District Judge (Magistrates' Court), Circuit Judge and High Court Judge.

As was the case with the 10 year trends work, data is presented from 2005/06 and before as the pre-JAC era, and for 2007/08 onwards for the JAC era (from April 2007 to September 2012). Results from 2006/07 are not included because it is not clear how they should be categorised.

For Recorders, the 10 year trends work presented results broken down by circuit. In order to increase the compatibility of the pre-JAC with those from the JAC, the results of all Recorder exercises were included, regardless of circuit and were aggregated by year. Results were only included from 2002/03 onwards due to data availability.

The proportion of all applicants or recommendations that fit into each of the three categories of interest (female, BAME, or solicitors) in exercises that occurred prior to the formation of the JAC was then compared to the equivalent figure for exercises that have occurred since the formation of the JAC.

Analysis was done separately for applicants and recommended candidates, separately for females, candidates from BAME background, candidates whose professional background was a solicitor, and for each of the seven posts. As a result, 42 separate pieces of analysis were carried out.

To test for statistical significance, a Pearson's chi-squared test was used. A trend was considered significant if it achieved a probability of 0.05 or less. Given the large number of statistical tests being carried out, some will achieve statistical significance by chance. Because of this, the reader is encouraged, regarding all the results, to focus on the broad pattern of findings rather than on any specific finding.

Court judiciary looking at trends during the lifetime of the JAC

Having grouped exercises together as described above, each exercise was assigned a number: 1 if it was the first exercise for that post since the formation of the JAC, 2 if it was the second, 3 if it was the third etc.

To test for statistical significance for a trend in the pattern of diversity, logistic regression was used. The dependent variable was whether the applicant or recommended candidate fitted into the category of interest and the independent variable was the number of the exercise. The coefficient on the independent variable captured the relationship between how recently the exercise had been carried out and the likelihood of an applicant or recommendation being female, BAME or a solicitor. A trend was considered significant if it achieved a probability of 0.05 or less.

Tribunal judiciary

The particular post that is being advertised has an impact upon the diversity of applicants and recommendations. For courtroom judiciary it is relatively simple to control for this as the same post has generally been recruited for more than once. For tribunal judiciary it is less simple, as many posts have only been recruited for once in the lifetime of the JAC. Thus, to create useful comparisons over time two approaches have been used:

Legal tribunal posts have been grouped into similar types:
- leadership posts,
- regional judges,
- upper tribunal salaried positions,
- upper tribunal fee-paid positions,
- employment judges,
- first-tier salaried positions, and
- first-tier fee-paid positions.

Analysis has then been carried out looking at the diversity trends within these groups. This approach has the benefit of comprehensiveness in that it includes all legal tribunal posts completed between March 2007 and March 2012.

But even within these groups the posts are not identical and so the analysis is not completely like-for-like. Because of that, there is a risk that an apparent trend could emerge as a result of a composition effect. This could arise if a post that typically attracts an unusually high or unusually low proportion of applicants from one of the groups of interest had a recruitment exercise particularly late or particularly early in the life of the JAC, and so tilted the results one way or the other.

To address this concern, another approach has been used: a number of posts have been identified which have been recruited for more than once. For these posts, separate analysis has been carried out looking at the diversity trends. This approach lacks comprehensiveness because it excludes those posts that have been recruited for only once, but it is more rigorous and on a like-for-like basis. If the analyses of the grouped exercises and the like-for-like posts produced similar conclusions then those conclusions have been supported by rigorous analysis and represent the totality of tribunal appointment and recommendations.

A similar process was carried out for tribunal judiciary as for the court judiciary described above. The main difference was that for the tribunal judiciary, an additional check was carried out where the trend in like-for-like exercises was compared to the results of the logistic regression. If they were very different, the data was explored to understand the reason for the discrepancy. This resulted in immigration posts being removed from the logistic regression analysis for BAME applicants because immigration posts tend to receive particularly high number of applicants from a BAME background.

In addition, because of a problem of small numbers, an additional analysis was carried out that combined leadership, regional, and upper tribunal positions into a broader category. This ensured that non-statistical findings were the result of a real lack of strong relationships and not an artefact of low numbers.

Results (Tables A1 – A3)

Each post (for court judiciary) or grouping of posts (for tribunal judiciary) received results for
- women, those with a BAME background, and those with a professional background of solicitor,
- applicants and recommendations,
- comparing before and after the creation of the JAC (for court judiciary only) and any changes over time since the creation of the JAC.

The range of possible results for each of these breakdowns is:

- there is a positive and statistically significant increase over time in the proportion of applicants or recommended candidates who are women, BAME or solicitors among a particular post or grouping of posts,
- there is a positive but not statistically significant increase over time,
- there is no change over time,
- there is a negative but not statistically significant decrease over time,
- there is a negative and statistically significant decrease over time.

Table A1: changes over time in the proportion of applicants and recommendations who are women, by post

		Applications		Recommendations	
		Compared to pre JAC	Within JAC	Compared to pre JAC	Within JAC
Court Judiciary	High Court Judge	Non-significant improvement		Non-significant improvement	
	Circuit Judge	Significant improvement	Non-significant worsening	Non-significant improvement	Non-significant worsening
	District Judge (magistrates)	Significant improvement	Significant improvement	Non-significant improvement	Non-significant improvement
	District Judge (civil)	Significant improvement	Significant improvement	Significant improvement	Non-significant improvement
	Deputy District Judge (mags)	Significant improvement	Non-significant improvement	Non-significant improvement	Non-significant improvement
	Deputy District Judge (civil)	Significant improvement	Significant worsening	Non-significant improvement	Significant worsening
	Recorder	Significant improvement	Significant improvement	Significant improvement	Non-significant improvement
Tribunal Judiciary	Leadership	Data not available	Non-significant worsening	Data not available	Non-significant worsening
	Regional	Data not available	Non-significant worsening	Data not available	Non-significant improvement
	Upper-tier salaried	Data not available	Non-significant worsening	Data not available	Non-significant worsening
	Upper-tier fee-paid	Data not available	Non-significant worsening	Data not available	Non-significant improvement
	Combined (leadership, regional and upper-tier)	Data not available	Non-significant improvement	Data not available	Non-significant improvement
	Employment salaried	Data not available	Significant improvement	Data not available	Non-significant improvement
	First-tier salaried	Data not available	Significant improvement	Data not available	Non-significant improvement
	First-tier fee-paid	Data not available	Significant improvement	Data not available	Significant improvement

KEY

- Significant improvement
- Non-significant improvement
- No change
- Non-significant worsening
- Significant worsening
- Data not available

Table A2: changes over time in the proportion of applicants and recommendations from a BAME background, by post

		Applications		Recommendations	
		Compared to pre	Within JAC	Compared to pre	Within JAC
Court Judiciary	High Court Judge				
	Circuit Judge				
	District Judge (magistrates)				
	District Judge (civil)				
	Deputy District Judge (mags)				
	Deputy District Judge (civil)				
	Recorder				
Tribunal Judiciary	Leadership				
	Regional				
	Upper-tier salaried				
	Upper-tier fee-paid				
	Combined (leadership, regional and upper-tier)				
	Employment salaried				
	First-tier salaried				
	First-tier fee-paid				

KEY

- Significant improvement
- Non-significant improvement
- No change
- Non-significant worsening
- Significant worsening
- Data not available

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Table A3: changes over time in the proportion of applicants and recommendations from a professional background of solicitor, by post

		Applications		Recommendations	
		Compared to pre	Within JAC	Compared to pre	Within JAC
Court Judiciary	High Court Judge				
	Circuit Judge				
	District Judge (magistrates)				
	District Judge (civil)				
	Deputy District Judge (mags)				
	Deputy District Judge (civil)				
	Recorder				
Tribunal Judiciary	Leadership				
	Regional				
	Upper-tier salaried				
	Upper-tier fee-paid				
	Combined (leadership, regional and upper-tier)				
	Employment salaried				
	First-tier salaried				
	First-tier fee-paid				

KEY

- Significant improvement
- Non-significant improvement
- No change
- Non-significant worsening
- Significant worsening
- Data not available

Court judiciary comparing pre- and post- the formation of the JAC

The proportion of applicants and recommendations who were women and who were from a BAME background has improved since the formation of the JAC for all of the major court judicial posts. Regarding applicants, the level of improvement for women and for those from a BAME background was significant for all posts except High Court judge. Regarding recommendations, the pattern of significant or non-significant improvement is more mixed.

The proportion of applicants and recommendations from a professional background of solicitor has been lower since the creation of the JAC for five out of the major court judicial posts. The exceptions to that trend are Recorders and High Court Judges.

Court judiciary during the lifetime of the JAC

The proportion of women applicants and recommendations has improved during the lifetime of the JAC compared for five out of the seven major court judicial posts. Regarding applicants, the level of improvement was significant in three posts, and regarding recommendations none of the posts showed a statistically significant improvement.

The proportion of applicants from a BAME background has improved for all of the major court judicial posts and the proportion of recommendations has improved for five out of the seven. Regarding applicants, the level of improvement was significant in two posts, and regarding recommendations none of the posts showed a statistically significant improvement

The proportion of applicants and recommendations from a professional background of solicitor has fallen for five out of the major court judicial posts. For applications, the exceptions to that trend are Recorders and High Court Judges; for recommendations the exceptions are District Judge (Civil) and High Court Judges.

Tribunal judiciary during the lifetime of the JAC

There are no statistically significant findings for upper tier, regional or leadership posts.

Among fee-paid and salaried first-tier posts as well as employment tribunal posts, the proportion of women applicants has improved significantly during the lifetime of the JAC. The proportion of women recommendations has improved significantly during the lifetime of the JAC for first-tier fee-paid posts and non-significantly for the other two groups. The proportion of applicants and recommendations from a BAME background has improved, but not significantly, during the lifetime of the JAC for all three groupings.

Among fee-paid and salaried first-tier posts and employment tribunal posts, the proportion of applicants who were solicitors has fallen significantly during the lifetime of the JAC for all three groupings. The proportion of recommendations has also fallen during the lifetime of the JAC for all three groupings, but only significantly for fee-paid and salaried first-tier posts.

Explanatory Notes

For a description of the methodology used to create these statistics please see the Definitions and Measurement paper at:
http://jac.judiciary.gov.uk/about-jac/823.htm

Glossary of terms

A glossary of terms used in this bulletin is available from the JAC website:
http://jac.judiciary.gov.uk/about-jac/823.htm

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General information about the Judicial Appointments Commission is available from: http://jac.judiciary.gov.uk/about-jac/about-jac.htm