

Judicial Selection and Recommendations for Appointment Statistics, April 2014 to September 2014

**Judicial Appointments Commission
Statistics Bulletin**

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Executive Summary

This six monthly bulletin presents statistics on 44 recommendations made for judicial posts between April 2014 and September 2014, across 12 exercises. The 44 recommendations comprise 43 for legal posts and one for a non-legal post.

The statistics are presented in two batches:

- recommendations made to the post of Circuit Judge
- combined recommendations made to 11 other exercises

The combined exercises were for posts that required fewer than 10 recommendations (10 legal and 1 non-legal). These exercises have been combined to maintain candidate confidentiality.

In total the 12 exercises attracted 309 applicants (232 of whom applied for the Circuit Judge exercise).

Compared to the last time a Circuit Judge exercise was run (2012) a similar proportion of women applied (31% in 2012 and 2014) and were recommended - 48% (2012) and 47% (2014). The proportion of applicants from a BAME background was also similar (10% in 2012, 12% in 2014) but there was a fall from 9% to 3% between exercises in the proportion of BAME candidates recommended.

For the next bulletin we are planning to publish the first set of statistics following implementation of the Equal Merit Provision policy earlier in 2014. The policy applies to all exercises that launched from 1 July 2014.

Introduction

This bulletin presents statistics on applications and recommendations for the appointment of judges for selection exercises that were completed between April 2014 and September 2014. 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** section includes an overview of each characteristic¹.

To maintain confidentiality and to ensure candidates may not be personally identified, exercises for posts with fewer than 10 recommendations are amalgamated and presented as a grouped exercise.

Recommendations can take two forms. In most cases, recommendations are for an appointment to an immediate post, so the appointment can take place following the recommendation (Section 87 recommendations). In some cases, recommendations are also made to a list under Section 94² where the Lord Chancellor gives the Commission notice of a request he expects to make under Section 87.

Results from both forms of recommendations are presented in this bulletin.

All the diversity statistics in this report are based on self-declared information applicants have provided on the JAC Application Monitoring Form – none of this information is considered at any stage of the selection process. Completion is voluntary and not all applicants choose to declare their diversity characteristics so there is some missing information, others do not complete the form correctly - these applicants are grouped together and included in the “Incomplete” group.

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

Further information about data sources, statistical methodological revisions, any forthcoming changes and stages in the selection process is provided in the **Definitions and Measurement bulletin** that accompanies this statistical bulletin.

¹ Characteristics covered in this report include gender, ethnic background, professional background, disability status, age of applicants, religious belief and sexual orientation.

² Regulation 36 of the Judicial Appointment Regulations 2013 (SI 2013/2192) which replaced old Section 94 of the Constitutional Reform Act 2005

Results

Selection Exercises

Between April 2014 and September 2014, 309 candidates applied and 44 recommendations were made to the post of judicial office holder.

Diversity characteristics of applicants are presented for:

a) Circuit Judge exercise (Table 1), which received 232 applications and 32 recommendations were made.

Of the 32 recommendations to the post of Circuit Judge, 21 (66%) were to direct appointment and 11 (34%) were to a list from which a vacancy can be filled in the foreseeable future.

b) Eleven other exercises that have been combined to maintain candidate confidentiality. These exercises led to 12 recommendations (11 legal and 1 non-legal, see Table 2) and comprised:

Table i – Grouped small selection exercises

Selection Exercise	No. of Applications Received	No. of recommendations made
Deputy Regional Valuer of the First-tier Tribunal (Property Chamber, Residential Property)	10	1
Chamber President of the First-tier Tribunal (Social Entitlement Chamber)	8	1
Senior Circuit Judge	5	1
Senior Circuit Judge (Designated Family Judge)	2	1
Chamber President of the First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber)	12	1
Senior Circuit Judge	5	2
Senior Costs Judge	8	1
Deputy Chairman of the Agricultural Land Tribunal	11	1
Senior Master, Queen's Bench Division	5	1
Deputy Chamber President of the First-tier Tribunal (Health, Education and Social Care Chamber (SEND))	10	1
Fee-paid Chairman of the Competition Appeal Tribunal	1	1
Total	77	12

Applicants and recommendations by diversity characteristic

For the Circuit Judge exercise, data is also presented on characteristics of:

- a) The eligible pool, where available. This reflects the additional selection criteria that candidates should have judicial experience, therefore the eligible pool necessarily consisted of people who are already serving judges (Table 1).
- b) Recommendations made for exercises run by the JAC between 2007 and 2012 to provide context.

It is not possible to calculate an eligible pool for the grouped exercises due to differences in the eligibility criteria between posts. Comparisons with previous grouped exercises were also not possible due to variation in number and type of exercise.

Female candidates

Table *ii* shows the number of recommended candidates who were women. For the Circuit Judge exercise, the proportion of applications received from women matched the proportion of women in the eligible pool; almost half (47%) of the 32 recommendations were women. Those recommended to direct appointment when compared to the reserve list were more likely to be female (52% compared to 36%). This maintained the proportion of women recommended in the previous exercise for this post.

Within the combined small exercises, four (33%) of the 12 recommended candidates were female.

In both sets of statistics the proportion of women increased through the process from application to recommendation. For the Circuit Judge exercise 31% of applicants, 35% of shortlisted candidates and 47% of recommendations were female. For the small exercises 21% of applicants, 29% of shortlisted candidates and 33% of recommendations were female.

Candidates from a BAME background

Table *iii* shows the number of recommended candidates who declared they were from a BAME background in each exercise, with eligible pool and past exercise comparisons for the post of Circuit Judge.

The proportion of people from a BAME background applying for Circuit Judge was similar to the previous exercise for this position, i.e 12% (n=28) compared to 10% (n=30) in 2012, and higher than the proportion in the eligible pool (6%, n = 345). One candidate was recommended, (to an immediate appointment), representing a fall from 6% of recommended candidates declaring themselves to be from a BAME background to 3%.

Within the combined small exercises, five applicants (6%) were from a BAME background. None of these candidates were recommended.

Candidates from a professional background of solicitor

Table *iv* shows the proportion of recommended candidates from a professional background of solicitor in each exercise, with eligible pool and past exercise comparisons for the post of Circuit Judge.

The proportion of applications from people from a professional background of solicitor was the same as in previous years, namely 12% (n=28). The proportion of the eligible pool with a professional background of solicitor was 48%.

Three such candidates were recommended for appointment in this exercise, representing an increase of three percentage points (from 6% to 9%). This is the highest proportion of solicitors for this post since 2007.

Within the combined small exercises, one of the recommended candidates had a professional background of solicitor. The one non-legal post was excluded from this analysis as candidates were not required to provide this information.

Table ii. Recommended candidates who were women

Exercise	Total number of recommendations for appointment	Proportion of women in the eligible pool	Proportion of applicants who were women	Number and proportion of recommended candidates who were women	Proportion of recommended candidates in exercises between 2007 and 2012 who were women
Circuit Judge	32	30%	31%	15 (47%)	8%-48%
Small exercises	12	-	21%	4 (33%)	-

Table iii. Recommended candidates from a BAME background

Exercise	Total number of recommendations for appointment	Proportion of people from a BAME background in the eligible pool	Proportion of applicants who were from a BAME background	Number and proportion of recommended candidates who were from a BAME background	Proportion of recommended candidates from a BAME background in exercises between 2007 and 2012
Circuit Judge	32	6%	12%	1 (3%)	0%-9%
Small exercises	12	-	6%	0 (0%)	-

Table iv. Recommended candidates with a professional background of solicitor (legal posts)

Legal exercises	Total number of recommendations for appointment	Proportion of solicitors in the eligible pool	Proportion of applicants who were solicitors	Number and proportion of recommended candidates who were solicitors	Proportion of recommended candidates who were solicitors in exercises between 2007 and 2012
Circuit Judge	32	48%	12%	3 (9%)	0%-12%
Small exercises	11	-	25%	1 (9%)	-

Candidates with a disability

Table v shows the proportion of recommended candidates who declared a disability, and past exercise comparisons where available (due to low numbers, trends over time may be subject to random fluctuation). Eligible pool information is not available for disability.

The proportion of applications for Circuit Judge from people with a disability was similar to the proportion of applicants for the previous exercise for this position; 4% (n=9) compared to 3% (n=10). One recommended candidate declared a disability, which is also comparable to the previous exercise.

Within the combined small exercises, 3% (n=2) of applicants declared a disability. No recommended candidates declared a disability.

Candidates by age

Table vi compares the proportion of recommended candidates in two age brackets: those aged 45 or under, and those aged between 46 and 65 years. Eligible pool and previous exercise comparison data are not available by age.

The results for Circuit Judge show the majority of applicants (81%, n=189) were aged between 46 and 65 years. This proportion is identical to the previous exercise.

The proportion of younger candidates recommended for appointment was 15 percentage points higher than the proportion of younger applicants, i.e. 31% (n=10) of recommendations were aged 45 or under compared to 16% (n=37) of applicants. Of the younger candidates who were recommended, eight were for immediate appointment and two were recommended to a list.

Within the combined small exercises, 79% (n=61) of applicants and 83% (n=10) of recommended candidates were aged between 46 and 65 years.

Table v. Recommended candidates with a disability

Exercise	Total number of recommendations for appointment	Proportion of applicants who declared a disability	Number and proportion of recommended candidates who declared a disability	Proportion of recommended candidates in previous exercises who declared a disability
Circuit Judge	32	4%	1 (3%)	0%-6%
Small exercises	12	3%	0 (0%)	n/a

Table vi. Recommended candidates by age

Exercise	Proportion of applicants aged 45 or less	Proportion of applicants aged between 46 and 65	Number and proportion of recommended candidates aged 45 or less	Number and proportion of recommended candidates aged between 46 and 65
Circuit Judge	16%	81%	10 (31%)	22 (69%)
Small exercises	9%	79%	1 (8%)	10 (83%)

Sexual orientation (all exercises) (Table 3)

Information is presented on the sexual orientation and religious belief of applicants. In order to protect the confidentiality of applicants these results have been grouped across all exercises.

In the absence of eligible pool information, the Household Survey (2012)³ has been used as an approximation for sexual orientation proportions in the general population and compared with the results from the diversity monitoring. This was necessary, as the 2011 Census did not include a question on sexual orientation.

Of the 309 applicants in the exercises presented in this bulletin, 3% (n=8) identified themselves as gay, lesbian or bisexual, compared to 1.5% of respondents in the Household Survey. Ten per cent did not provide a completed answer and the remaining 88% identified themselves as heterosexual. This is in line with previous data.

Of shortlisted candidates, one (<1%) identified themselves as gay, lesbian or bisexual. None of the recommended candidates identified themselves as gay, lesbian or bisexual.

Religious belief (all exercises) (Table 3)

The 2011 Census included a question regarding religious belief⁴ and, in the absence of eligible pool information, has been used as an approximation to compare with the results from the diversity monitoring form.

Compared to the results of the Census, a similar proportion of applicants reported their religion as Christian (57% compared to 59%). They were less likely to report their religion as Muslim (1% compared to 4.8%) and less likely to report they had no religion (17% compared to 25%). They were more likely to report their religion as Jewish (6% compared to 0.5%). Applicants were also more likely not to provide a completed answer (15% compared to 7%).

³ <http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2012/stb-integrated-household-survey-january-to-december-2012.html> provides details of the survey.

⁴ <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/rpt-religion.html> provides details of the Census results.

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/diversity-data.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/diversity-data.htm>

Contacts

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