

Judicial Selection and Recommendations for Appointment Statistics, October 2012 to March 2013

**Judicial Appointments Commission
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Executive Summary

Below are summary statistics on the diversity profile of applicants and recommended candidates for exercises which led to 10 or more recommendations being made¹.

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

- 44 per cent of the eligible pool were women and 10 per cent were from a Black, Asian and Minority Ethnic (BAME) background.

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants increased from 50 per cent to 61 per cent and male applicants decreased from 46 per cent to 35 per cent; the remaining applicants did not declare their gender, and
- Applicants from BAME backgrounds decreased from 19 per cent to 7 per cent, and white applicants increased from 76 per cent to 88 per cent; information regarding ethnicity was not available for the remaining applicants.

Deputy District Judge (Civil)

- 44 per cent of the eligible pool were women and 10 per cent were from a Black, Asian and Minority Ethnic (BAME) background.

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants decreased from 48 per cent to 44 per cent and male applicants increased from 48 per cent to 51 per cent; the remaining applicants did not declare their gender, and
- Applicants from BAME backgrounds decreased from 15 per cent to 6 per cent, and white applicants increased from 77 per cent to 87 per cent; information regarding ethnicity was not available for the remaining applicants.

District Judge (Magistrates' Court)

- 29 per cent of the eligible pool were women and 6 per cent were from a Black, Asian and Minority Ethnic (BAME) background.

As candidates progressed from application to recommendation for appointment, the proportion of:

¹ For details of the methodology underpinning these statistics, including the eligible pool please see the Definitions and Measurement paper that accompanies this bulletin.

- Female applicants increased from 38 per cent to 47 per cent and male applicants decreased from 59 per cent to 53 per cent; the remaining applicants did not declare their gender, and
- Applicants from BAME backgrounds decreased from 18 per cent to 7 per cent, and white applicants increased from 78 per cent to 93 per cent; information regarding ethnicity was not available for the remaining applicants.

Salaried Employment Judge of the Employment Tribunals

- 35 per cent of the eligible pool were women and 5 per cent were from a Black, Asian and Minority Ethnic (BAME) background.

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants increased from 46 per cent to 54 per cent and male applicants decreased from 51 per cent to 46 per cent, the remaining applicants did not declare their gender; and
- Applicants from BAME backgrounds decreased from six per cent to four per cent, and white applicants increased from 91 per cent to 96 per cent; information regarding ethnicity was not available for the remaining applicants.

High Court Judge (Queen's Bench and Family Divisions)

- 29 per cent of the eligible pool were women and 6 per cent were from a Black, Asian and Minority Ethnic (BAME) background.

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants increased from 17 per cent to 36 per cent and male applicants decreased from 83 per cent to 64 per cent; and
- Applicants from BAME backgrounds decreased from 2 per cent to none, and white applicants increased from 98 per cent to all.

Fee-paid Medical Member of the First-tier Tribunal Health, Education and Social Care Chamber, Mental Health

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

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants decreased from 28 per cent to 27 per cent and male applicants decreased from 67 per cent to 65 per cent; the remaining applicants did not declare their gender, and
- Applicants from BAME backgrounds decreased from 39 per cent to 37 per cent, and white applicants remained the same at 49 per cent; information regarding ethnicity was not available for the remaining applicants.

Fee-paid Medical Member of the Mental Health Review Tribunal for Wales

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

As candidates progressed from application to recommendation for appointment, the proportion of:

- Female applicants increased from 18 per cent to 20 per cent and male applicants decreased from 73 per cent to 70 per cent; the remaining applicants did not declare their gender, and
- Applicants from BAME backgrounds increased from 27 per cent to 30 per cent, and white applicants remained the same at 50 per cent; information regarding ethnicity was not available for the remaining applicants.

Introduction

This bulletin presents statistics on recommendations for the appointment of judges for completed selection exercises. The statistics are used to monitor and evaluate the diversity of JAC selections for judicial office. This bulletin reports on selection exercises and recommendations for appointment that were completed between October 2012 and March 2013.

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 group² at each of the three stages. This includes eligible pool³ 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 selected 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.

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.

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.

² Each diversity group refers to: gender, ethnic background, professional background, the disability status and age of applicants.

³ 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 Judge of the First-tier Tribunal, Social Entitlement Chamber
- Deputy District Judge (Civil)
- District Judge (Magistrates' Court)
- Salaried Employment Judge of the Employment Tribunals
- High Court Judge (Queen's Bench and Family Divisions)
- Fee-paid Medical Member of the First-tier Tribunal Health, Education and Social Care Chamber, Mental Health
- Fee-paid Medical Member of the Mental Health Review Tribunal for Wales

Sixteen small exercises were also completed for eleven legal posts and five non-legal posts. Each of these exercises had less than 10 recommendations for appointment. For the purpose of this report their figures have been grouped together into legal and non-legal posts 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:

- Fee-paid Chairman of the Competition Appeal Tribunal
- Costs Judge of the Senior Courts (Taxing Master)
- Deputy Costs Judge of the Senior Courts (Taxing Master)
- Fee-paid Appointed Person, Appeal Tribunal, Trade Marks
- Chamber President of the First-tier Tribunal, Property Chamber
- Regional Tribunal Judge of the First-tier Tribunal Social Entitlement Chamber (SSCS)
- Senior Circuit Judge
- Senior Circuit Judge - Resident Judge (Sheffield)
- Specialist Circuit Judge - Civil (TCC/Mercantile)

- Specialist Circuit Judge (Mercantile and Chancery)
- The Common Serjeant of London

In addition to these posts, two posts are also included that were completed between April and September 2012. These should have been included in the previous publication but were unintentionally omitted. These posts are:

- Deputy Judge of the Upper Tribunal, Administrative Appeals Chamber
- Salaried Judge of the Upper Tribunal, Administrative Appeals Chamber

Grouped non-legal posts:

- Landowner Member, Agricultural Land Tribunal, Wales
- Farmer Member, Agricultural Land Tribunal, Wales
- Land Drainage Member, Agricultural Land Tribunal, Wales
- Fee-paid Lay Member of the Upper Tribunal Tax & Chancery Chamber
- Salaried Surveyor Member of the Upper Tribunal Lands Chamber

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 Judge of the First-tier Tribunal, Social Entitlement Chamber (Tables 1 and 10)

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 per cent were male and 44 per cent female. Around 10 per cent of the eligible pool were from a BAME background. Some 85 per cent of the eligible pool were solicitors, 11 per cent were barristers and five per cent are fellows of CILEX. The disability status and age profile of the eligible pool was not available.

Of the 974 applicants in this selection exercise, 464 (48 per cent) were shortlisted and 199 (43 per cent) of these were recommended for appointment.

Gender

489 (50 per cent) of the 974 applicants were women and 446 (46 per cent) were men. Of the 464 shortlisted applicants, 247 (53 per cent) were women and 202 (44 per cent) were men. Of the 199 applicants recommended for appointment, 122 (61 per cent) were women, 70 (35 per cent) were men and seven did not declare their gender.

Summary statistics for the only previous recruitment exercise in this post the JAC has carried out, in 2011, are presented in Table 10. Compared to that exercise, the proportion of applicants who were women was the same in the 2012 exercise (50 per cent). The proportion of recommended candidates who were women was higher in the 2012 exercise (61 compared to 54 per cent).

Ethnicity

743 (76 per cent) of the 974 applicants were white and 184 (19 per cent) were from a BAME background. Of the 464 shortlisted applicants, 384 (83 per cent) were white and 61 (13 per cent) were from a BAME background. Of the 199 applicants recommended for appointment, 176 (88 per cent) were white, 14 applicants (7 per cent) were from a BAME background and nine 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 higher in the 2012 exercise (19 compared to 14 per cent). The proportion of recommended candidates who were from a BAME background was very slightly lower in the 2013 exercise (seven compared to eight per cent).

Professional background

576 (59 per cent) of the 974 applicants were solicitors and 202 (21 per cent) were barristers. Of the 464 shortlisted applicants, 269 (58 per cent) were solicitors and 106 (23 per cent) were barristers. Of the 199 applicants recommended for appointment, 112 (56 per cent) were solicitors, 52 (26 per cent) were barristers, three (two per cent) were judicial office-holders, 15 (eight per cent) had another professional background and 17 did not declare their professional background.

Compared to the previous recruitment exercise the JAC carried out for this post, the proportion of applicants who were solicitors was in line with the 2012 exercise (59 compared to 60 per cent). The proportion of recommended candidates who were solicitors was higher in the 2012 exercise (56 compared to 48 per cent).

Disability status

51 of the 974 applicants had a disability (five per cent). Of the 464 shortlisted applicants, 19 (four per cent) had a disability. Of the 199 applicants recommended for appointment, six (three per cent) had a disability.

Compared to the previous recruitment exercise the JAC carried out for this post, the proportion of applicants with a disability was in line with the 2012 exercise (five compared to six per cent). The proportion of recommended candidates with a disability was lower in the 2012 exercise (three compared to six per cent).

Age

469 (48 per cent) of applicants were aged 45 or less and 464 (48 per cent) were aged between 46 and 65. Of the 464 shortlisted applicants, 245 (53 per cent) were aged 45 or less and 204 (44 per cent) were aged between 46 and 65. Of the 199 applicants recommended for appointment, 114 (57 per cent) were aged 45 or less, 80 applicants (40 per cent) were aged between 46 and 65, and five 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.

Deputy District Judge (Civil) (Tables 2 and 10)

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 per cent were male and 44 per cent female. Around 10 per cent of the eligible pool were from a BAME background. Some 85 per cent of the eligible pool were solicitors, 11 per cent were barristers and five per cent are fellows of CILEX. The disability status and age profile of the eligible pool was not available.

Of the 1,017 applicants in this selection exercise, 255 (25 per cent) were shortlisted and 98 (38 per cent) of these were recommended for appointment.

Gender

489 (48 per cent) of the 1,017 applicants were women and 491 (48 per cent) were men. Of the 255 shortlisted applicants, 109 (43 per cent) were women and 134 (53 per cent) were men. Of the 98 applicants recommended for appointment, 43 (44 per cent) were woman, 50 (51 per cent) were men and five candidates did not declare their gender.

Summary statistics for the two previous recruitment exercises for this post the JAC has carried out are presented in Table 10. Compared to those exercises, the proportion of applicants who were women was in line with previous results (48 per cent compared to 43 and 48 per cent). The proportion of recommended candidates who were women was also in line with previous results (44 per cent compared to 42 and 58 per cent).

Ethnicity

779 (77 per cent) of the 1,017 applicants were white and 149 (15 per cent) were from a BAME background. Of the 255 shortlisted applicants, 216 (85 per cent) were white and 19 (seven per cent) were from a BAME background. Of the 98 applicants recommended for appointment, 85 (87 per cent) were white, six (six per cent) were from a BAME background and seven did not declare their ethnicity.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were from a BAME background was exactly the same in the 2012 exercise as in the previous exercises (15 per cent). The proportion of recommended candidates who were from a BAME background was slightly lower in the 2012 exercise (six compared to eight and nine per cent).

Professional background

658 (65 per cent) of the 1,017 applicants were solicitors and 240 (24 per cent) were barristers. Of the 255 shortlisted applicants, 139 (55 per cent) were solicitors and 91 (36 per cent) were barristers. Of the 98 applicants recommended for appointment, 51 (52 per cent) were solicitors, 43 (44 per

cent) were barristers, one (one per cent) had another professional background and three 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 2012 exercise (65 per cent compared to 69 and 78 per cent). The proportion of recommended candidates who were solicitors in the 2012 exercise was in the middle of the three results (52 per cent compared to 49 and 68 per cent).

Disability status

26 of the 1,017 applicants had a disability (three per cent). Of the 255 shortlisted applicants, five (two per cent) had a disability. Of the 98 applicants recommended for appointment, one (one per cent) had a disability.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants with a disability was lower in the 2012 exercise (three per cent compared to five per cent). The proportion of recommended candidates with a disability was also lower in the 2012 exercise (one per cent compared to two and three per cent).

Age

574 of the 1,017 applicants were aged 45 or less (56 per cent) and 403 (40 per cent) were aged between 46 and 65. Of the 255 shortlisted applicants, 175 (69 per cent) were aged 45 or less and 72 (29 per cent) were aged between 46 and 65. Of the 98 applicants recommended for appointment, 65 (66 per cent) were aged 45 or less, 31 (32 per cent) were aged between 46 and 65, and two candidates did not declare their age.

The JAC has now carried out three large (10 or more vacancies) exercises for fee-paid legal posts where age has been reported in this bulletin: Deputy District Judges (Magistrates' Court), reported in the December 2012 bulletin, as well as Fee-paid Judge of the First-tier Tribunal, Social Entitlement Chamber and Deputy District Judges (Magistrates' Court) which are both reported in this bulletin. Interestingly, all three showed that younger candidates were more likely to be successful:

- Deputy District Judges (Magistrates Court) exercise, three per cent of applicants aged 35 or less were successful in gaining recommendation compared to one per cent of those aged between 56 and 65,
- Fee-paid Judge of the First-tier Tribunal, Social Entitlement Chamber, 24 per cent of applicants aged 35 or less were successful in gaining recommendation compared to 13 per cent of those aged between 56 and 65,
- Deputy District Judge (Civil), 15 per cent of applicants aged 35 or less were successful in gaining recommendation compared to three per cent of those aged between 56 and 65,
- In all three posts, 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.

This is particularly noteworthy, given [research](#) that is due to be published shortly carried out by the JAC and its partners, which showed that an important reason why members of the legal profession did not apply for a judicial post was because they felt they were too young and would not be successful in their application. Although results from only three exercises should not be over-interpreted, the perception that youth is a barrier to gaining a judicial post is not supported by the evidence gathered to date.

District Judge (Magistrates' Court) (Tables 3 and 10)

Eligible pool

The eligible pool for this selection exercise contained around 5,600 people; this represents an estimate of the number of people who have judicial experience. Of this pool, 71 per cent were male and 29 per cent female. Around six per cent of the eligible pool were from a BAME background. Some 48 per cent of the eligible pool were solicitors and 52 per cent were barristers and five per cent are fellows of CILEX. The disability status and age profile of the eligible pool was not available.

Of the 151 applicants in this selection exercise, 45 (30 per cent) were shortlisted and 15 (33 per cent) of these were recommended for appointment.

Gender

58 (38 per cent) of the 151 applicants were women and 89 (59 per cent) were men. Of the 45 shortlisted applicants, 24 (53 per cent) were women and 21 (47 per cent) were men. Of the 15 applicants recommended for appointment, seven (47 per cent) were woman and eight (53 per cent) were men.

Summary statistics for the two previous recruitment exercises for this post the JAC has carried out are presented in Table 10. Compared to those exercises, the proportion of applicants who were women was in line with previous results (38 per cent compared to 26 and 40 per cent). The proportion of recommended candidates who were women was at the higher end of previous results (47 per cent compared to 38 and 47 per cent).

Ethnicity

118 (78 per cent) of the 151 applicants were white and 27 (18 per cent) were from a BAME background. Of the 45 shortlisted applicants, 38 (84 per cent) were white and seven (16 per cent) were from a BAME background. Of the 15 applicants recommended for appointment, 14 (93 per cent) were white and one (seven per cent) was from a BAME background.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were from a BAME background was higher in the 2012 exercise than in the previous exercises (18 per cent compared to 11 and 13 per cent). The proportion of recommended candidates who were from a BAME background was between that of previous results (seven per cent compared to zero and 10 per cent).

Professional background

86 (57 per cent) of the 151 applicants were solicitors and 47 (31 per cent) were barristers. Of the 45 shortlisted applicants, 26 (58 per cent) were solicitors and 14 (31 per cent) were barristers. Of the 15 applicants recommended for appointment, seven (47 per cent) were solicitors, six (40 per cent) were barristers, one (seven per cent) was a salaried judicial office-holder and one (seven per cent) had another professional background.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were solicitors was between the previous results (57 per cent compared to 49 and 62 per cent). The proportion of recommended candidates who were solicitors in the 2012 exercise was also in the middle of the three results (47 per cent compared to 37 and 95 per cent).

Disability status

Eight of the 151 applicants had a disability (five per cent). Of the 45 shortlisted applicants, 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 in line with previous results (five per cent compared to three and five per cent in previous exercises). There were no recommended candidates with a disability, which was also in line with previous results.

Age

46 of the 151 applicants were aged 45 or less (30 per cent) and 101 (67 per cent) were aged between 46 and 65. Of the 45 shortlisted applicants, 13 (29 per cent) were aged 45 or less and 32 (71 per cent) were aged between 46 and 65. Of the 15 applicants recommended for appointment, five (33 per cent) were aged 45 or less and ten (67 per cent) were aged between 46 and 65.

Salaried Employment Judge of the Employment Tribunals (Table 4 and 10)

Eligible pool

The eligible pool for this selection exercise contained around 400 people; this represents an estimate of the number of people who have experience as a judge in the Employment Tribunal. Of this pool, 65 per cent were male and 35 per cent female. Around five per cent of the eligible pool were from a BAME background. Some 68 per cent of the eligible pool were solicitors and 30 per cent were barristers. The disability status and age profile of the eligible pool was not available.

Of the 70 applicants in this selection exercise, 62 (89 per cent) were shortlisted and 24 (39 per cent) of these were recommended for appointment.

Gender

32 (46 per cent) of the 70 applicants were women and 36 (51 per cent) were men. Of the 62 shortlisted applicants, 31 (50 per cent) were women and 30 (48 per cent) were men. Of the 24 applicants recommended for appointment, 11 (46 per cent) were woman and 13 (54 per cent) were men.

Summary statistics for the two previous recruitment exercises for this post the JAC has carried out are presented in Table 10, one of which was less than 10 vacancies, which means the results cannot be presented in order to protect the confidentiality of those who participated. Compared to the single larger exercise, the proportion of applicants who were women was greater than in the previous results (46 compared to 40 per cent). The proportion of recommended candidates who were women was also greater than the previous results (54 compared to 44 per cent).

Ethnicity

64 (91 per cent) of the 70 applicants were white and four (six per cent) were from a BAME background. Of the 62 shortlisted applicants, 58 (94 per cent) were white and three (five per cent) were from a BAME background. Of the 24 applicants recommended for appointment, 23 (96 per cent) were white and one (four per cent) was from a BAME background.

Compared to the previous large recruitment exercise the JAC carried out for this post, the proportion of applicants who were from a BAME background was lower in the 2012 exercise than in the previous exercises (six compared to 15 per cent). The proportion of recommended candidates who were from a BAME background was also lower in the 2012 exercise (four compared to nine per cent).

Professional background

39 (56 per cent) of the 70 applicants were solicitors and 18 (26 per cent) were barristers. Of the 62 shortlisted applicants, 34 (55 per cent) were solicitors and 16 (26 per cent) were barristers. Of the 24 applicants recommended for appointment, 11 (46 per cent) were solicitors, nine (38 per cent) were

barristers, two (eight per cent) had another professional background and two did not declare their professional background.

Compared to the previous large recruitment exercise the JAC carried out for this post, the proportion of applicants who were solicitors in the 2012 exercise was lower than in the previous result (56 compared to 68 per cent). The proportion of recommended candidates who were solicitors in the 2012 exercise was also lower than in the previous result (46 compared to 66 per cent).

Disability status

Nine of the 70 applicants had a disability (13 per cent). Of the 62 shortlisted applicants seven (11 per cent) had a disability. Of the 24 recommended candidates three (13 per cent) had a disability.

Compared to the previous large recruitment exercise the JAC carried out for this post, the proportion of applicants with a disability was higher than in previous results (13 compared to five per cent). The proportion of recommended candidates with a disability was also higher than in previous results (13 compared to six per cent).

Age

30 of the 70 applicants were aged 45 or less (43 per cent) and 38 (54 per cent) were aged between 46 and 65. Of the 62 shortlisted applicants, 27 (44 per cent) were aged 45 or less and 34 (55 per cent) were aged between 46 and 65. Of the 24 applicants recommended for appointment, 16 (67 per cent) were aged 45 or less and eight (33 per cent) were aged between 46 and 65.

High Court Judge (Queen's Bench and Family Divisions) (Tables 5 and 10)

Eligible pool

The eligible pool for this selection exercise contained around 5,600 people; this represents an estimate of the number of people who have judicial experience. Of this pool, 71 per cent were male and 29 per cent female. Around six per cent of the eligible pool were from a BAME background. Some 48 per cent of the eligible pool were solicitors and 52 per cent were barristers. The disability status and age profile of the eligible pool was not available.

Of the 81 applicants in this selection exercise, 28 (35 per cent) were shortlisted and 14 (50 per cent) of these were recommended for appointment.

Gender

14 (17 per cent) of the 81 applicants were women and 67 (83 per cent) were men. Of the 28 shortlisted applicants, eight (29 per cent) were women and 20 (71 per cent) were men. Of the 14 applicants recommended for appointment, five (36 per cent) were woman and nine (64 per cent) were men.

Summary statistics for the four previous recruitment exercises for this post the JAC has carried out are presented in Table 10. Of these, one was too small for results to be presented. Compared to the remaining exercises, the proportion of applicants who were women was in line with previous results (17 per cent compared to between nine and 17 per cent). The proportion of recommended candidates who were women was higher than in the previous exercises (36 per cent compared between 14 and 23 per cent).

Ethnicity

79 (98 per cent) of the 81 applicants were white and two (two per cent) were from a BAME background. Of the 28 shortlisted applicants, all were white.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were from a BAME background was at the low end of previous results (two per cent compared to between two and seven per cent). There were no recommended candidates who were from a BAME background, which was the same as the previous results.

Professional background

44 (54 per cent) of the 81 applicants were barristers and 32 (40 per cent) were judicial office-holders. Of the 28 shortlisted applicants, 21 (75 per cent) were barristers and six (21 per cent) were judicial office-holders. Of the 14 applicants recommended for appointment, 11 (79 per cent) were barristers, two (14 per cent) were judicial office-holders and one (seven per cent) had another professional background.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were solicitors was slightly below previous results (one per cent compared to between five and nine per cent). The proportion of recommended candidates who were solicitors in the 2012

exercise was the same as previous exercises, because no solicitors have been recommended in the exercises shown.

Disability status

One of the 81 applicants had a disability (one per cent). Of the 28 shortlisted applicants, 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 lower than in previous results (one per cent compared to between two and six per cent in previous exercises). There were no recommended candidates with a disability, which was also in line with previous results of between none and five per cent.

Age

43 of the 81 applicants were aged between 56 and 65 (53 per cent) and 38 (47 per cent) were aged between 46 and 55. Of the 28 shortlisted applicants, nine (32 per cent) were aged between 56 and 65 and 19 (68 per cent) were aged between 46 and 55. Of the 14 applicants recommended for appointment, three (21 per cent) were aged between 56 and 65 and 11 (79 per cent) were aged between 46 and 55 years old.

Fee-paid Medical Member of the First-tier Tribunal Health, Education and Social Care Chamber, Mental Health (Tables 6 and 10)

Eligible pool

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

Of the 87 applicants in this selection exercise, 85 (98 per cent) were shortlisted and 51 (60 per cent) of these were recommended for appointment.

Gender

24 (28 per cent) of the 87 applicants were women and 58 (67 per cent) were men. Of the 85 shortlisted applicants, 24 (28 per cent) were women and 56 (66 per cent) were men. Of the 51 applicants recommended for appointment, 14 (27 per cent) were women, 33 (65 per cent) were men and four candidates did not declare their gender.

Summary statistics for the three previous recruitment exercises for this post the JAC has carried out are presented in Table 10. Compared to those exercises, the proportion of applicants who were women was in line with previous results (28 compared to between 25 and 32 per cent). The proportion of recommended candidates who were women was slightly lower than in any previous exercise (27 compared between 29 and 50 per cent).

Ethnicity

43 (49 per cent) of the 87 applicants were white and 34 (39 per cent) were from a BAME background. Of the 85 shortlisted applicants, 43 (51 per cent) were white and 32 (38 per cent) were from a BAME background. Of the 51 applicants recommended for appointment, 25 (49 per cent) were white, 19 (37 per cent) were from a BAME background and seven candidates did not declare their ethnicity.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants who were from a BAME background was slightly higher than in previous results (39 per cent compared to between 27 and 38 per cent). The proportion of recommended candidates who were from a BAME background was in line with previous results (37 compared to between 21 and 41 per cent).

Professional background

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

Disability status

Three of the 87 applicants had a disability (three per cent). Of the 85 shortlisted applicants, three (four per cent) had a disability. Of the 51 candidates recommended for appointment, two (four per cent) had a disability.

Compared to the previous recruitment exercises the JAC carried out for this post, the proportion of applicants with a disability was in line with previous results (three compared to between two and eight per cent). The proportion of

recommended candidates with a disability was at the higher end of previous results (four compared to between none and five per cent).

Age

20 of the 87 applicants were aged 45 or less (23 per cent) and 60 (69 per cent) were aged between 46 and 65. Of the 85 shortlisted applicants, 20 (24 per cent) were aged 45 or less and 60 (71 per cent) were aged between 46 and 65. Of the 51 applicants recommended for appointment, 14 (27 per cent) were aged 45 or less, 33 (65 per cent) were aged between 46 and 65 and four candidates did not declare their age.

Fee-paid Medical Member of the Mental Health Review Tribunal for Wales (Tables 7 and 10)

Eligible pool

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

Of the 22 applicants in this selection exercise, 10 (45 per cent) of these were recommended for appointment.

Gender

Four (18 per cent) of the 22 applicants were women and 16 (73 per cent) were men. Of the 10 applicants recommended for appointment, two (20 per cent) were women, seven (70 per cent) were men, and one candidate did not declare their gender.

The JAC previously conducted one large (10 or more vacancies) recruitment exercise for this post. The summary results are presented in Table 10. Compared to that exercise, the proportion of applicants who were female was lower in the most recent exercise (18 compared to 35 per cent). The proportion of recommended candidates who were female was also lower in the most recent exercise (20 compared to 30 per cent).

Ethnicity

11 (50 per cent) of the 22 applicants were white and six (27 per cent) were from a BAME background. Of the 10 applicants recommended for appointment, five (50 per cent) were white, three (30 per cent) were from a BAME background, and two candidates did not declare their ethnicity.

Compared to the previous exercise carried out in this post, the proportion of applicants who were from a BAME background was lower in the most recent exercise (27 compared to 35 per cent). The proportion of recommended candidates who were from a BAME background was the same in both exercises (30 per cent).

Professional background

None of the applicants had a background in the legal profession – all candidates had to have medical experience.

Disability status

Two (nine per cent) of the 22 applicants had a disability. Of the 10 applicants recommended for appointment, one (10 per cent) had a disability.

Compared to the previous exercise carried out in this post, the proportion of applicants with a disability was higher in the most recent exercise (nine compared to six per cent). The proportion of recommended candidates who were from a BAME background was also higher in the recent exercise (10 per cent compared to none).

Age

Six of the 22 applicants were aged 45 or less (27 per cent) and 14 (64 per cent) were aged between 46 and 65. Of the ten applicants recommended for appointment, four (40 per cent) were aged 45 or less, five (50 per cent) were aged between 46 and 65 and one candidate did not declare their age.

Grouped, small legal selection exercises (Table 8)

This subsection relates to the eleven small selection exercises which were completed during this period for legal posts. In addition, two posts are included which completed between April and September 2012 and which should have been included in the previous publication in this series but were unintentionally omitted. All of these exercises 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

89 (32 per cent) of the 274 applicants were women and 167 (61 per cent) were men. Of the 81 shortlisted applicants, 22 (27 per cent) were women and 57 (70 per cent) were men. Of the 23 applicants recommended for appointment, six (26 per cent) were women, 16 (70 per cent) were men and one did not declare their gender.

Ethnicity

217 (79 per cent) of the 274 applicants were white and 35 (13 per cent) were from a BAME background. Of the 81 shortlisted applicants, 73 (90 per cent) were white and three (four per cent) were from a BAME background. Of the 23 applicants recommended for appointment, 20 (87 per cent) were white, one (four per cent) was from a BAME background and two did not declare their ethnicity.

Professional background

95 (35 per cent) of the 274 applicants were solicitors and 73 (27 per cent) were barristers. Of the 81 shortlisted applicants, 15 (19 per cent) were solicitors and 31 (38 per cent) were barristers. Of the 23 applicants recommended for appointment, three (13 per cent) were solicitors, nine (39 per cent) were barristers, eight (35 per cent) were salaried judicial office holders, two were from another profession and one applicant did not declare their professional background.

Disability status

Nine of the 274 applicants had a disability (three per cent). Of the 81 shortlisted applicants, one (one per cent) had a disability. Of the 23 applicants recommended for appointment, none had a disability.

Age

81 of the 274 applicants were aged 45 or less (30 per cent) and 175 (65 per cent) were aged between 46 and 65. Of the 81 shortlisted applicants, 17 (21 per cent) were aged 45 or less and 61 (75 per cent) were aged between 46

and 65. Of the 23 applicants recommended for appointment, five (22 per cent) were aged 45 or less, 16 (70 per cent) were aged between 46 and 65 and two candidates did not declare their age.

Grouped, small non-legal selection exercises (Table 9)

This subsection relates to the five small selection exercises which were completed during this period for non-legal posts. These exercises 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

Six (11 per cent) of the 56 applicants were women and 50 (89 per cent) were men. Of the 29 shortlisted applicants, four (14 per cent) were women and 25 (86 per cent) were men. Of the 13 applicants recommended for appointment, three (23 per cent) were women and 10 (77 per cent) were men.

Ethnicity

50 (89 per cent) of the 56 applicants were white and five (9 per cent) were from a BAME background. Of the 29 shortlisted applicants, 26 (90 per cent) were white and two (seven per cent) were from a BAME background. Of the 13 applicants recommended for appointment, 12 (92 per cent) were white and one (eight per cent) was from a BAME background.

Professional background

None of the applicants had a background in the legal profession as these were non-legal posts.

Disability status

Three of the 56 applicants had a disability (five per cent). Of the 29 shortlisted applicants, three had a disability (10 per cent). Of the 13 applicants recommended for appointment, one had a disability (eight per cent).

Age

11 of the 56 applicants were aged 45 or less (20 per cent) and 44 (79 per cent) were aged between 46 and 65. Of the 29 shortlisted applicants, eight (28 per cent) were aged 45 or less and 21 (72 per cent) were aged between 46 and 65. Of the 13 applicants recommended for appointment, four (31 per cent) were aged 45 or less and nine (69 per cent) were aged between 46 and 65.

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

KEY

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

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



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 in the tribunal.

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>

Contacts

Enquires or comments about the statistics in this bulletin should be directed to:

Adrian Shepherd

Statistician

Judicial Appointments Commission

Steel House, 11 Tothill Street, London, SW1H 9LH

Tel: 020 3334 2483

Email: Adrian.shepherd@justice.gsi.gov.uk

General enquiries on the content of this bulletin should be directed to:

Alan Crouch

Judicial Appointments Commission

Steel House, 11 Tothill Street, London, SW1H 9LH

Tel: 020 3334 0059

Email: alan.crouch@jac.gsi.gov.uk

Press enquiries on the content of this bulletin should be directed to the JAC Outreach Team:

Rebecca Astles

Judicial Appointments Commission

Steel House, 11 Tothill Street, London, SW1H 9LH

Tel: 020 3334 0329

Email: rebecca.astles@jac.gsi.gov.uk

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