

The combined statistical report 2020

1. The Judicial Diversity Forum's combined statistical report is the first publication of its kind. It brings together data on the diversity of the judiciary, judicial appointments and from the relevant legal professions (solicitors, barristers and legal executives). In doing so it provides a picture not only of the diversity of today's judiciary, but also of the process by which judges are recruited and the diversity of the pool from which much of the judiciary is drawn – the legal professions.
2. The report provides, in one place, data which offers a window into factors which impact upon judicial diversity and brings into focus where positive improvements have been made, and where more remains to be done. For the first time, the report provides data which enables a more in-depth understanding of the make-up of the pool from which much of the judiciary is drawn, and the characteristics of those who apply for, and are successful in their applications to judicial office. In doing so it is a new and important contribution to the debate on how best to bring further improvements to judicial diversity.

What does the report tell us?

3. Although the proportion of judges that are women continues to increase gradually, women remain under-represented in judicial roles in 2020. This is particularly the case in the courts where 32% of all judges, and 26% of those in more senior roles (High Court and above) were women - compared with 47% of all judges in tribunals.
4. The proportion of judges who identify as Black, Asian and minority ethnic (BAME) has also increased in recent years, but remains lower for court appointments compared to tribunals, particularly at senior levels (4% for High Court and above, compared with 8% of all court and 12% of all tribunal judges).
5. The data demonstrates that since its inception in 2006, the Judicial Appointments Commission (JAC) has overseen positive steps shown in the data towards increased diversity in applications and appointments. For judicial selection exercises during 2019-20, the statistics show that overall there was no statistically significant difference in success rates for women or BAME candidates relative to the pool of eligible candidates, though this does vary between exercises. However, when considering the recommendation rates from application, there was disparity in outcomes for BAME candidates in most selection exercises for posts requiring legal qualification.
6. Non-barristers represented 32% of all court judges and 63% of all tribunal judges (a decrease for courts and tribunals, compared with previous years). The data also shows that recommendation rates from application were significantly lower for solicitor applicants compared to barristers, across all legal exercises. The last 18 months has seen the first female Chartered Legal Executive recommended for appointment, but overall legal executives form only a very small number of judicial appointments¹.
7. On average, applicants for judicial roles have far greater than the minimum levels of legal experience required. Within all three legal professions, gender and ethnic diversity decreases as experience and seniority increase.
8. Overall the report shows a complex picture, where a range of factors and influences interact. There is no single issue and therefore solution. This demonstrates the importance of effective diversity initiatives across all JDF partners at all career stages, and the need to work together to continue break down barriers to candidates making successful applications for judicial roles.

¹ Chartered Legal Executives are only eligible by statute to apply for a limited number of judicial roles.

9. The report marks a significant step towards the provision of a comprehensive, single data source; but it is recognised that the picture the report seeks to provide is not fully complete. There are gaps in the data – either as a result of low declaration rates or gaps in data collection. Where there are gaps, Forum members and frontline regulators are all committed to improving their individual data collections and declaration rates so that future reports will provide a fuller range of diversity factors. In addition, the regulators and members of the Forum will look to include more detailed reporting on ethnicity and will include intersectional reporting, further insight into the eligible pool and applicant profile and outcomes for roles in future reports.

What action are we taking?

10. The JDF has published, alongside this statement today, a summary of the wide range of actions that its members are undertaking – at different career stages, either collectively or individually to help increase judicial diversity. We intend to build further on action at all levels: improving diversity in the pool of professionals the judiciary is drawn from; encouraging applications from the widest range of independent practitioners, members of law firms and counsel in the wider private sector as well as government and CPS lawyers; refining the selection process; and supporting progression to the highest levels of the judiciary.

11. We already have a range of work underway and members of the Judicial Diversity Forum will be supplementing this so that:

- The legal professions at all levels of seniority provide an increasingly diverse pool from which judges can be recruited. The legal professions are not only working to enable people of all backgrounds to progress to senior levels but are combining with the JAC and the Judicial Office on initiatives intended to encourage applications to the judiciary and to assist in those being successful. The regulators of the legal professions will meet clearer expectations set by the Legal Services Board in relation to taking action on barriers to entry to and, importantly, progress through professions, with a new focus on evaluation
- There are targeted programmes to encourage and support applications, including the Pre-Application Judicial Education programme which will be expanded to reach over 200 applicants a year.
- We better understand, and increase, the level of interest among senior ethnic minority lawyers in a judicial career at the highest levels through an exercise to engage senior practitioners.
- There is a new specialist out-reach and support unit for senior roles with the aim of securing diverse talent in our senior courts.
- There are tailored programmes of support provided through the judiciary and others for lawyers from under-represented groups ready for a career in the senior judiciary.
- Eligibility criteria are reviewed to ensure that there are no unnecessary bars on application to certain judicial posts.
- Application processes are transparently open and fair with the JAC building on its programme of work to promote diversity, to include the use of the equal merit provision at each stage of the selection process, full name-blind sifting and ensuring ethnic diversity on recruitment panels.

12. In addition, the Judiciary will publish a diversity strategy later this year, strengthening and supporting the role of leadership judges in advancing the career aspirations of judges from under-represented groups, ensuring an inclusive working environment promotes the retention and progression of all judges, and encouraging lawyers from the widest range of backgrounds to apply for judicial office.
13. While the JDF work above is focussed largely on improving diversity for judges recruited from the legal professions, the statistics published today set out the diversity of all judicial office holders, including magistrates. As the largest group of judicial office holders, a diverse magistracy is an essential part of a diverse judiciary. While the magistracy is more diverse than many parts of the judiciary, more can be done so that magistrates better reflect the communities that they serve. To help achieve this MoJ is both funding, and working with the judiciary to deliver a programme to recruit more diverse magistrates.
14. This statistical report will also provide the basis to assess this autumn what further steps are required to drive more rapid progress, to be considered in the Forum's collective and individual plans for 2021 and beyond. The report is important, but not itself the end goal. The data provides the picture that can be used, along with assessments and evaluation, to take action that leads to positive change.
15. To that end the JDF has agreed to strengthen the evaluation of its diversity initiatives to ensure efforts are concentrated as effectively as possible. It has therefore commissioned a Rapid Evidence Assessment which will report shortly. It will assess the available evidence on the effectiveness of current and past initiatives to inform future areas of focus, alongside the insights provided by this report.

The Judicial Diversity Forum

16. The Judicial Diversity Forum (JDF) was established in its current form in 2019 to coordinate efforts to encourage judicial diversity. The JDF brings together leaders from organisations from across the legal sector to provide strategic direction to challenge structural barriers to appointment; analyse and address the reasons behind differential progression; gather and use data and evidence; resolve issues of common concern to coordinate agreed activities aimed at encouraging greater judicial diversity. The members are:
 - Chairman of the JAC (chair)
 - Lord Chancellor
 - Lord Chief Justice
 - Chair of the Legal Services Board (LSB)
 - Chair of the Bar Council
 - President of the Law Society
 - President of Chartered Institute of Legal Executives (CILEx)