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15 February 2018

Dear Ms Witherspoon

### **SSRB Major Review of the judiciary: request for data**

I write in response to your call for evidence to inform your major review of the judicial salary structure. You may recall that last year the JAC provided evidence on recruitment activities for the reporting year 2015–16 plus additional evidence from 1 April 2016 to 30 September 2016 to ensure that the SSRB had the most recent information on emerging recruitment trends.

In the enclosed evidence, we have therefore covered the standard reporting year from 1 April 2016 to 31 March 2017, and also all exercises that finalised up to 31 December 2017 in order to provide the most up-to-date picture possible.

We have also drawn on trend information to cover the period of 2012 to 2017 to better inform the SSRB's Major Review. This includes data on candidate grading and shortfalls broken down by pay group, and also broken down by key salaried roles. It is important to note that gradings are an internal assessment measure of a candidate's performance in a particular selection exercise and against the specific criteria for that role at that time. They do not indicate performance upon appointment. With those caveats, there are a number of emerging trends:

- The number of vacancies requested for *salaried* roles has steadily increased over the full reporting period with the number for 2017–18 (part-year) already significantly higher than for any previous year.
- There have been increasing instances of shortfalls between numbers of candidates selected as being suitable for appointment and vacancy requests in *key salaried* roles including the High Court, Circuit Judge, and for the first time in recent years for District Judge.
- However, there are no discernible issues with the overall numbers of candidates applying for such roles. The 2017–18 High Court competition attracted more candidates at 129 than any previous High Court competition (the 2016–17 High Court

competition attracted 56 applications). The 2017–18 Circuit Judge competition attracted 401 applications (the 2016–17 competition attracted 184 applications).

- The *percentage* of candidates assessed as outstanding or strong (A or B grade) compared to the number of selections in *salaried* roles has been decreasing overall since 2012–13, although in both the Upper Tribunal and the Circuit Judge competition there was an increase in the percentage of A and B candidates in 2017–18 as compared to 2016–17. In High Court exercises during this period, only candidates assessed as outstanding or strong were recommended for appointment.
- The *overall number* of candidates assessed as outstanding or strong (A or B grade) shows no obvious general trend across the full reporting period of 1 April 2012 to 31 December 2017 (noting that this will also be related to variations in the overall number of vacancy requests). In the *three key salaried* exercises with a 2016-17 comparator (High Court Judge, Circuit Judge and Salaried First-tier Tribunal Judge) we assessed a higher number of candidates as outstanding and strong in this year's exercises.
- The number of fee-paid vacancies has fallen over the period 1 April 2012 to 31 December 2017. However, it should be noted that data does not include the 2017–18 Recorder exercise which is due to finalise shortly and where the Commission has been asked to recommend 150 candidates for appointment.
- The percentage of A and B graded candidates compared to the number of selections in fee-paid roles has been increasing over the same period.
- Taking into account the range in the number of fee-paid roles required from the eligible pool since 2012, there is insufficient evidence to state whether the increasing percentage of A and B graded fee-paid appointees represent a future pipeline to salaried judicial roles, or whether fee-paid positions combined with continued professional practice are becoming an increasingly more attractive career path than the salaried judiciary.
- We have previously noted that the lack of a Recorder exercise in the five years prior to 2015–16 may have had an impact on the pipeline to the salaried judiciary, specifically on the numbers of (potential) candidates who have gained the necessary experience to successfully apply for High Court and Circuit Judge. However, because of variations in the numbers of salaried roles required, and because of external factors affecting the increasing shortfalls seen in the High Court and Circuit Judge, the true impact of fewer Recorder exercises in this period cannot be clearly extrapolated.

I note that you have only recently sent a specific request to our analytical team for data, some of which is not covered in this evidence. Given that the public call for evidence closes at the end of this month, and in light of the broad interest in JAC data in relation to the major review, we have decided not to delay submitting and publishing our evidence in order to respond to this recent request. However, our teams are working closely to understand your further requirements and we will provide any additional evidence by 16 March as requested.

Yours sincerely

**Richard Jarvis**  
**Chief Executive**  
**Judicial Appointments Commission**