



Evidence from the Judicial Appointments Commission to the
Senior Salaries Review Body

February 2018

This is the evidence of the Judicial Appointments Commission (JAC) to the Senior Salaries Review Body.

The evidence includes the JAC's work to make high quality selections from a wide range of candidates for judicial office over the reporting period 2016–17, and all completed exercises into 2017–18 to ensure that the SSRB has the most current information on judicial recruitment available.

In light of the Senior Salaries Review Body's current Major Review, this evidence provides additional evidence relating to judicial recruitment trends that have emerged since the last Major Review in 2011.

The evidence covers the following points:

Background

- The JAC
- Selections for judicial office

The JAC's work in 2016–17 and up to the end of 2017

- Number and level of competitions held
- Volume of applications
- Success in filling vacancies
- Number of selectable candidates following selection days
- Diversity

Enclosures

1. Annex A: [JAC Annual Report and Accounts 2016–17](#)
2. Annex B: [JAC Judicial Selection and Recommendations for Appointment Statistics, England and Wales, April 2016 to March 2017](#)
3. Annex C: Breakdown of quality data

Background

1. The JAC is responsible for selecting candidates for judicial office on merit, through fair and open competition. It is an executive non-departmental public body sponsored by the Ministry of Justice. An outline of selection processes is provided on its [website](#).

The JAC

2. The JAC was established by the Constitutional Reform Act 2005 (CRA). It has responsibility for recommending candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals with a UK-wide jurisdiction. The JAC previously recommended all candidates to the Lord Chancellor, but since the Crime and Courts Act 2013 (CCA) it makes recommendations to the Lord Chief Justice for court appointments below the High Court, and to the Senior President of Tribunals for most tribunals appointments. Most recommendations are made to these 2 'Appropriate Authorities', with the Lord Chancellor retaining responsibility for appointments at High Court level and above, for some tribunals, and for some devolved tribunals and non-Ministry of Justice tribunals. The Appropriate Authority can accept or reject a recommendation, or ask the Commission to reconsider. If the Appropriate Authority rejects a recommendation or asks for reconsideration, written reasons must be provided to the JAC.
3. The Commission has 3 main statutory duties under the CRA:
 - to select candidates solely on merit
 - to select only people of good character
 - to have regard to the need to encourage diversity in the range of persons available for selection for appointment

Selections for judicial office

4. The level of the JAC's responsibility for selections is provided for by the CRA as amended by the CCA, and in subordinate Regulations¹.
5. For judges and other office holders at High Court level or below², the JAC is responsible for determining the selection process and making selections.

¹ Judicial Appointments Regulations 2013

² CRA, part 4, chapter 2, s.85-88 with the Lord Chancellor's options set out in the Judicial Appointments Regulations.

The JAC's work in 2016–17 and from April 2017

Number and level of competitions held

6. The Ministry of Justice (MoJ) commissions the JAC to run a selection exercise in a vacancy request setting out the number of posts, the jurisdiction and or the circuit or region. Each year the JAC jointly agrees with the MoJ, HM Courts & Tribunals Service and Judicial Office which selection exercises are to be commissioned for the following financial year. The JAC completed a total of 26 exercises in 2016–17: 18 exercises for salaried posts and 8 exercises for fee-paid posts. While this is a higher number than the 22 exercises completed in 2015–16, overall the exercises were smaller. The number of applications received and the number of selections made were lower. There were 297 vacancies in 2016–17 which was a lower number than the 359 vacancies in 2015–16.
7. To inform the most recent picture on judicial recruitment trends, an additional 15 exercises that reported between 1 April 2017 and 31 December 2017 are included in this evidence, covering the first three quarters of 2017–18. Of these, 14 exercises were for salaried posts and 1 exercise for fee paid posts. There were 354 vacancies, and a significant increase in vacancy requests from 2016–17 is anticipated once all ongoing exercises in 2017–18 have reported.
8. In 2016–17, 2,199 applications were received and 290 selections were made. The ratio of applications to selections in 2016–17 was 8:1 and this ratio is the same as in the previous 2 reporting years. We filled all vacancies other than in 4 out of 26 selection exercises, 2 were shortfalls in salaried and 2 fee paid exercises. Further details on these shortfalls are provided in paragraphs 27 and 28 below.
9. For the exercises that reported between 1 April 2017 and 31 December 2017, 2,173 applications were received and 327 selections were made, a ratio of 7:1. The ratio is lower than in previous reporting years. However, this does not represent a complete reporting year, and a significant increase in application numbers is anticipated over 2017–18 once the Recorder exercise reports. Of the exercises that have reported, we filled all the vacancies required in all but 4 out of 15 exercises, all of which were salaried. Further details on these shortfalls are provided at paragraph 30.
10. Of the 18 exercises for salaried courts and tribunal posts completed in 2016–17:
 - there was 1 exercise for posts in pay group 4
 - there were 10 exercises for posts in group 5
 - there were 4 exercises for posts in group 6.1
 - there was 1 exercise for posts in group 6.2
 - there were 2 exercises for posts in group 7 (all lay posts)

11. Of the 14 exercises for salaried courts and tribunal posts completed from 1 April 2017 to 31 December 2017:

- there was 1 exercise for posts in pay group 4
- there were 3 exercises for posts in group 5
- there were 4 exercises for posts in group 6.1
- there were 0 exercise for posts in group 6.2
- there were 6 exercises for posts in group 7 (all legal posts)

Pay groups of salaried judges **Category of judges included**

4	High Court Judges, President, Employment Appeal Tribunal, Presidents of the Upper Tribunal
5	Senior Circuit Judges, Specialist Circuit Judges, Circuit Judges of the Central Criminal Court
6.1	Circuit Judges, Senior Costs Judges, Chief Chancery Master, Chief Taxing Master
6.2	Deputy Senior District Judge (Magistrates' Court), Principal Judge First-tier Tribunal (Property)
7	District Judges, Costs Judges, Employment Judges, Judges of the First-tier Tribunal

12. The pay grade with the highest number of exercises for salaried roles in 2016–17 was pay group 5. The highest number of selections for salaried roles over 2016–17 were for positions in pay group 6.1. There were 48 selections to this pay group of which 44 were to the office of Circuit Judge; 3 to the office of Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber over 2 exercises, and 1 to the office of Circuit Judge/Senior Judge at the Court of Protection.

13. Of the 18 exercises for salaried posts in 2016–17, 14 were for courts, all legal posts, resulting in 75 selections; 4 were for tribunals, 2 legal posts and 2 non-legal posts, resulting in 5 selections.

14. Of the 8 exercises for fee-paid posts in 2016–17, 3 were for courts, all legal posts, resulting in 73 selections; 5 were for tribunal vacancies resulting in 137 selections. All 5 tribunal exercises were for non-legal posts.

15. From April 2017, pay group 7 had the highest number for selections of salaried roles with 96 selections to District Judge (Civil and Family), 64 to Salaried Judge of the First-tier Tribunal, 3 to Deputy Regional Judge First-tier Tribunal Property Chamber, 17 to District Judge (Magistrates' Court), 1 Chancery Master and 1 Costs Judge.
16. Of the 14 exercises for salaried posts from April 2017, 9 were for courts, resulting in 242 selections, and 5 were for tribunal exercises, resulting in 76 selections.

Volume of applications

17. The trend for fewer large exercises evident in 2014–15 largely continued over 2016–17, with application numbers remaining low at 2,199, and vacancies remaining low at 297, compared to pre-2014–15 figures. Of the exercises that reported between 1 April 2017 and 31 December 2017, we received 2,173 applications for 354 vacancies. This is an increase compared to the same period in the previous year, but does not yet represent a complete reporting period.
18. Selection numbers depend on the number of vacancies in the programme each financial year, and are determined by the requirements of the judicial business areas. The ratio of application numbers to selections over 2016–17 has held at the level of the previous reporting year as illustrated by the following table:

Fee-paid and salaried posts

	2008– 09	2009– 10	2010– 11	2011– 12	2012– 13	2013– 14	2014– 15	2015– 16	2016– 17	2017: <i>part</i> <i>year</i>
Applications	3,518	3,084	4,684	5,490	4,637	5,591	2,365	2,588	2,199	2,173
Selections	449	446	684	746	597	806	310	340	290	327
Ratio	8:1	7:1	7:1	7:1	8:1	7:1	8:1	8:1	8:1	7:1

19. Court vacancies continue to attract more applications per selection than tribunal legal posts. This has been the case in every reporting year other than 2013–14. Legal posts attracted more applications than non-legal positions as illustrated in the table below. There were 7 exercises for non-legal posts over 2016–17, 2 of which were salaried (Deputy Regional Valuer of the First-tier Tribunal, Property Chamber and President of the Valuation Tribunal for England) and 5 of which were fee-paid. There were no non-legal exercises which were fee-paid reporting between 1 April 2017 and 31 December 2017.

20. The 5 2016–17 fee-paid positions were for 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; Fee-paid Drainage Member of the First-tier Tribunal, Property Chamber, Agricultural Land and Drainage; Valuer Members of the Valuation Tribunal for England; and Valuer Chairman of the Valuation Tribunal for England.
21. In 2016–17, entry-level, fee-paid legal appointments attracted the highest number and ratio of applications overall. The Deputy District Judge (Magistrates’ Court) selection exercise received 1,148 applications resulting in 18 selections, a ratio of 60:1, and the s9(4) Deputy High Court Judge exercise received 297 applications resulting in 21 selections at a ratio of 14:1.
22. In exercises that have reported between 1 April 2017 and 31 December 2017 the highest ratio of applications to selections on the salaried First-tier Tribunal exercise, with 956 applications for 64 selections at a ratio of 15:1. However, the trend is expected to increase over the whole reporting period of 2017–18 once the Recorder exercise reports.

2016–17 numbers of applications

	All legal posts	Salaried legal posts	Fee-paid legal posts	Non-legal posts
Applications	1,924	384	1,540	275
Selections	151	78	73	139
Ratio	13:1	5:1	21:1	2:1

2016–17 total number of applications for legal posts by jurisdiction

	Courts	Tribunals (legal)	Total
Applications	1,886	38	1,924
Selections	148	3	151
Ratio	13:1	13:1	13:1

From April to December 2017, numbers of applications

	All legal posts	Salaried legal posts	Fee-paid legal posts	Non-legal posts
Applications	2,173	2,021	152	-
Selections	327	318	9	-
Ratio	7:1	6:1	17:1	-

From April to December 2017, total number of applications for legal posts by jurisdiction

	Courts	Tribunals (legal)	Total
Applications	981	1,192	2,173
Selections	242	85	327
Ratio	4:1	14:1	7:1

23. The next table summarises the exercises, applications and selections for salaried posts by pay group that we completed in 2016–17. It also shows the ratio of applicants to each position in each pay grade and the comparator for 2015–16. The overall ratio of applicants to selections for salaried posts has increased slightly on the comparator data for pay group 6.1, and decreased for pay group 5.

2016–17 Salaried posts

Pay group	Number of exercises	Number of vacancies	Number of applications	Number of selections	Ratio of applications to selections	2015–16 ratio
4	1	14	56	8	7:1	-
5	10	20	88	21	4:1	17:1
6.1	4	59	236	48	5:1	4:1
6.2	1	1	4	1	4:1	-
7	2	2	35	2	18:1	5:1
Total	18	96	419	80	5:1	6:1

24. The next table summarises the exercises, selections and applications for salaried posts from exercises that have reported between 1 April 2017 and 31 December 2017. The number of applicants increased in pay group 7 owing to the District Judge (Civil and Family) exercise, and the Salaried Judge of the First-tier Tribunal exercise which we ran for the first time. *However, the applications to selections ratio shows a significant decrease from 2016–17 owing to the substantially increased number of selections required from pay group 7.*

From April to December 2017, Salaried posts

Pay group	Number of exercises	Number of vacancies ¹	Number of applications ²	Number of selections ³	Ratio of applications to selections	2016–17 ratio
4	1	25	129	17	8:1	7:1
5	3	6	36	6	6:1	4:1
6.1	4	125.5	462	113	4:1	5:1
6.2	0	0	0	0	-	4:1
7	6	188.5	1,394	181	8:1	18:1
Total	14	345	2,021	317	6:1	5:1

¹Vacancy request figures include both those requested under the Constitutional Reform Act 2005 s87 for immediate appointment and for possible future appointment under s94 to a list. Figures also include part-time roles, and as such may have decimal places.

²Applicant figures include those found to be ineligible, and those that withdrew their application. Applicants who applied for more than one legal jurisdiction in an exercise are only counted once.

³Selection figures are by individual on a headcount basis.

Success in filling vacancies

25. Over 2016–17 the JAC received enough high-quality applications to fulfil the requirements for salaried vacancies in all but 2 out of 18 selection exercises, and for fee-paid vacancies in all but 2 out of 8 selection exercises. One of the fee-paid vacancies was a non-legal post.

26. **These 4 exercises with shortfalls reported in quarter 1 and 2 of 2016–17, and were therefore included with the previous 2015–16 evidence submitted to the Senior Salaries Review Body to provide an up-to-date indication of recruitment trends at that point. To show the entire reporting period of 2016–17, that information is repeated at paragraphs 27 and 28 below and in the following table:**

27. In 2016–17 the 2 unfilled salaried exercises were:

- High Court Judge: there were 14 vacancies overall and 8 selections, leaving a shortfall of 6. For the Queen’s Bench Division, the JAC selected 6 candidates for 10 vacancies, leaving 4 unfilled. For the Family Division, the JAC selected 1 candidate for 3 vacancies leaving 2 unfilled. For the Chancery Division, the JAC made 1 selection for 1 vacancy. 56 applications were received for the 14 vacancies at a ratio of 4:1. In the previous High Court exercise, 73 applications were received for 11 vacancies at a ratio of 7:1.
- Circuit Judge: There were 55 vacancies for Circuit Judge overall. 45 were for immediate appointment (section 87) of which the JAC filled 42 due to the specific geographical locations that were required, and 10 were for future appointment (section 94) of which the

JAC filled 2. 184 applications were received at a ratio of 3:1. In the previous Circuit Judge exercise, 246 applications were received for 61 vacancies, at a ratio of 4:1.

28. In 2016–17 the 2 unfilled fee-paid exercises were:

- Drainage Members, First-tier Tribunal Property Chamber, Agricultural Land and Drainage: there were 4 vacancies overall, of which 2 were unfilled. Although classed as a fee-paid role for reporting purposes, these non-legal positions are unpaid voluntary roles.
- Section 9(1) authorisation to act as judge of the High Court: there were 38 vacancies overall with all vacancies in the Chancery Division and Queen's Bench Division filled, but 4 vacancies out of 24 remained unfilled in the Family Division.

29. In the 14 salaried exercises that reported between 1 April 2017 and 31 December 2017, the JAC received enough high-quality applications to fulfil the requirements for salaried vacancies in all but 4 out of 14 selection exercises. In Circuit Judge, this represents a shortfall over 2 consecutive exercises, and in High Court Judge it represents a shortfall over 3 consecutive exercises.

30. From April to December 2017 the 4 unfilled salaried exercises were:

- High Court: there were 25 vacancies overall and 17 selections, leaving a shortfall of 8. 129 applications were received for the 25 vacancies at a ratio of 5:1. In the previous High Court exercise, 56 applications were received for 14 vacancies at a ratio of 4:1. Although there was a significant increase in the number of applications received for High Court, over twice the number of applications we received for the previous exercise, the corresponding increase in vacancy numbers, the highest ever required for the High Court, in part carried over from the shortfall in the previous exercise, could not be met.
- Circuit Judge: There were 116.5 vacancies for Circuit Judge. 100.5 were for immediate appointment (section 87) of which we filled 98, and 16 were for future appointment (section 94) of which we filled 6. 401 applications were received for the 116.5 vacancies at a ratio of 4:1. In the previous Circuit Judge exercise, 184 applications were received for 55 vacancies at a ratio of 3:1, and in the Circuit Judge exercise before that there were 246 applications for 61 vacancies at a ratio of 4:1. Like the High Court exercise we received the highest number of applications ever for Circuit Judge, but were unable to meet the numbers of vacancies required, which were more than double the previous Circuit Judge exercise.

- Salaried Judge of the First-tier Tribunal: There were 65 vacancies. 45 were for immediate appointment (section 87) of which we filled all 45, and 20 were for future appointment (section 94) of which we filled 19. 956 applications were received for the 65 vacancies at a ratio of 15:1. *This was the first time that the JAC had ran an exercise for a generic Salaried Judge of the First-tier Tribunal*, therefore there is no comparator data.
- District Judge (Civil and Family): There were 100.5 vacancies. 69.5 were for immediate appointment (section 87) and the JAC filled all, making 70 selections, and 31 were for future appointment (section 94) of which the JAC filled 26. 271 applications were received for the 100.5 vacancies at a ratio of 3:1. The previous District Judge (Civil and Family) exercise was in 2015–16, where 199 applications were received for 61 vacancies at a ratio of 3:1. This is the first time since 2012–13 that there has been a shortfall in a District Judge competition. The shortfall in 2012–13 was due to a late requirement for Welsh language that none of the candidates could meet.

2016–17 exercises where JAC was unable to recommend sufficient candidates

Salaried exercises

Exercise	Final number of vacancies ¹	Applications ²	Application: Selections	Selections made ³	Short-fall
High Court	14	56	7:1	8	6
Circuit Judge	55	184	4:1	44	11

¹Vacancy request figures include both s87 for immediate appointment and s94 to a list. Figures also include part-time roles, and as such may have decimal places.

²Applicant figures include those found to be ineligible, and those that withdrew their application. Applicants are by individual, and as such are headcount and only count those with multiple applications within the same exercise once.

³Selection figures are by individual on a headcount basis

Fee-paid exercises

Exercise	Final number of vacancies ¹	Applications ²	Application: Selections	Selections made ³	Short-fall
S9(1) authorisation to act as judge of the High Court	38	95	3:1	34	4
Fee-paid Drainage Members of the First-tier Tribunal, Property Chamber	4	12	6:1	2	2

¹Vacancy request figures include both s87 for immediate appointment and s94 to a list. Figures also include part-time roles, and as such may have decimal places.

²Applicant figures include those found to be ineligible, and those that withdrew their application. Applicants are by individual, and as such are headcount and only count those with multiple applications within the same exercise once.

³Selection figures are by individual on a headcount basis

Exercises reporting from April to December 2017 where JAC was unable to recommend sufficient candidates

Salaried exercises

Exercise	Final number of vacancies ¹	Applications ²	Applications: Selections	Selections made ³	Short-fall
High Court	25	129	8:1	17	8
Circuit Judge	116.5	401	4:1	104	12.5
Salaried First-tier Tribunal Judge	65	956	15:1	64	1
District Judge (Civil and Family)	100.5	271	3:1	96 ⁴	5

¹Vacancy request figures include both s87 for immediate appointment and s94 to a list. Figures also include part-time roles, and as such may have decimal places.

²Applicant figures include those found to be ineligible, and those that withdrew their application. Applicants are by individual, and as such are headcount and only count those with multiple applications within the same exercise once.

³Selection figures are by individual on a headcount basis.

⁴The JAC made 70 selections for 69.5 vacancies for s87 immediate appointment, and 26 selections for 31 vacancies for the s94 list.

Numbers of selectable candidates following selection days

31. The JAC assesses candidates as:

- outstanding (A)
- strong (B)
- selectable (C)
- not presently selectable (D)

In salaried exercises over 2016–17, for all but 2 out of 18 selection exercises the candidates selected were graded outstanding or strong at selection day. There were 72 candidates in total graded strong or outstanding for salaried exercises in 2016–17 and a further 35 were assessed as selectable.

32. For fee-paid legal posts in 8 selection exercises there were 92 outstanding or strong candidates for 77 posts. The JAC assessed a further 31 candidates as selectable following selection day.

33. In salaried exercises reporting between April and December 2017 there were 345 vacancies, and the JAC could fulfil requirements with candidates graded outstanding or strong at selection day for 9 of the 14 exercises. In total, there were 245 candidates who achieved strong or outstanding grades, and a further 135 candidates were considered selectable.

34. For the first time since 2014–15 the overall percentage of outstanding and strong candidates decreased. The percentage of outstanding and strong candidates in fee-paid exercises continued to increase up to and including 2017–18, which in turn kept the overall percentages of salaried and fee-paid posts increasing. The decrease in the percentage of outstanding and strong candidates for salaried roles is affected by the increasing vacancy numbers of salaried posts that the JAC is asked to fill.

A and B candidates compared to selections

	2013–14		2014–15		2015–16		2016–17		2017 <i>part-year</i>	
	Total no. of selections	% A+B grades compared to selections	Total no. of selections	% A+B grades compared to selections	Total no. of selections	% A+B grades compared to selections	Total no. of selections	% A+B grades compared to selections	Total no. of selections	% A+B grades compared to selections
Salaried posts										
Legal	168	103% (173) ¹	98	108% (106)	153	91% (139)	78	90% (70)	318	71% (227)
Non-legal	1	100% (1)	-	-	2	50% (1)	2	100% (2)	-	-
Total	169	103% (174)	98	104% (106)	155	90% (140)	80	90% (72)	318	71% (227)
Fee-paid posts										
Legal	134	112% (150)	157	82% (129)	137	107% (147)	73	126% (92)	9	200% (18)
Non-legal	503	75% (375)	55	80% (44)	48	94% (45)	137	99% (136)	-	-
Total	637	82% (525)	212	82% (174)	185	104% (192)	210	109% (228)	9	200% (18)
All posts	806	87% (699)	310	90% (280)	340	98% (332)	290	103% (300)	327	75% (245)

¹Number of outstanding (A) and strong (B) candidates denoted by brackets

Diversity and professional background

35. The JAC has published official statistics on the diversity of applicants and selections made for selection exercises in 2016–17. The information in this section reflects the reporting year from 1 April 2016 to 31 March 2017. Diversity information for exercises that reported after 1 April 2017 will be included in the next annual bulletin of official statistics to be published in June 2018, and is not included in this evidence.

36. In 2016–17, 12 recommendations were made following application of the Equal Merit Provision policy. 10 of these were women and 2 were candidates from a BAME background. There were also 12 occasions when candidates were considered to be of equal merit, but where the provision could not be applied, as they shared the same relevant protected characteristics (for example, both were white women).

37. There were 4 legal exercises with sufficient recommendation numbers to publish diversity data: Section 9(1) authorisation to act as a judge of the High Court, Circuit Judge, Deputy District Judge (Magistrates' Court) and Section 9(4) Deputy High Court Judge.

Diversity of candidates selected for judicial posts

Selected candidates	2013–14 ¹	2014–15 ¹	2015–16 ¹	2016–17 ¹
Black, Asian and minority ethnic (BAME)	86, 11% (17, 6% legal)	41, 13% (20, 8% legal)	29, 9% (20, 7% legal)	53, 20% (9, 6% legal)
Women	405, 50% (135, 45% legal)	135, 43% (112, 44% legal)	144, 42% (125, 44% legal)	104, 39% (49, 35% legal)
Solicitors	(108, 36% legal)	(68, 27% legal)	(11, 3% legal) ²	(14, 10% legal)
Declared disability	97, 12% ³ (15, 5% legal)	11, 4% (10, 4% legal)	10, 3% (8, 3% legal)	16, 6% (6, 4% legal)

Note: The figures represent proportions of total s87 and s94 selections followed by selections in exercises requiring legal qualifications in brackets.

1. Statistics are presented for candidates who agreed to share their diversity data.

2. The 2015-16 figures on professional background must be treated with caution, as over 60% of applicants did not complete the relevant section of the diversity monitoring form. This was due to a technical issue with the recently launched online recruitment system, which was subsequently rectified.

3. The 12% figure reflects the large number of candidates declaring a disability who applied for a specific Disability Member tribunal post reported in the December 2013 JAC official statistics.

Black, Asian and Minority Ethnic (BAME) candidates

38. In 2016–17 there was greater representation of BAME applicants than in the eligible pool in all 4 large legal exercises with more than 10 recommendations: s9(4) Deputy High Court Judge, Deputy District Judge (Magistrates' Court), Circuit Judge and s9(1) authorisation to act as a judge of the High Court. Any apparent differences in likelihood for recommendation must be treated with caution due to there being small numbers of candidates in exercises; the JAC is unable to discount chance alone as being responsible for these differences.

39. In the s9(4) Deputy High Court Judge exercise, the proportion of recommended candidates from a BAME background (15%) remained higher than the proportion in the eligible pool. In Deputy District Judge (Magistrates' Court), Circuit Judge and s9(1) authorisation to act as a judge of the High Court, the proportion of BAME candidates recommended for appointment was lower than the proportion in the eligible pool.

40. In Deputy District Judge (Magistrates' Court) the proportion of recommended candidates from a BAME background (6%) was lower than the proportion in the eligible pool (14%). In Circuit Judge the proportion of recommended BAME candidates (5%) was lower than the proportion of applicants in the eligible pool (8%). In s9(1) authorisation to act as a judge of the High Court, the proportion of recommended BAME candidates (3%) was lower than the proportion of BAME applicants in the eligible pool (8%).

41. Overall, 21% of all applicants, 19% of shortlisted candidates and 20% of recommended candidates declared they were from a BAME background. This represents a consistent proportion throughout the stages. However, while 20% (53) of all recommended candidates were from a BAME background, only 6% (9) of recommended candidates for legal exercises were BAME.

42. Judges from a BAME background now make up:

- 7% of courts judiciary (9% of judges aged under 40)
- 10% of tribunals judiciary (16% of judges aged under 40)

Women

43. Overall women comprised 42% of applicants, 36% of shortlisted candidates and 39% of recommendations in 2016–17. The following points provide an indication of the performance of women candidates in exercises reporting 2016–17:

Women comprised 39% of all recommended candidates:

- 12 women (35%) were selected for s9(1) High Court Judge
- 12 women (31%) were selected for Circuit Judge
- 9 women (53%) were selected for Deputy District Judge (Magistrates' Court)
- 7 women (35%) were selected for s9(4) Deputy High Court Judge

It should be noted that women now make up:

- 28% of courts judiciary, which was the same in 2016, up from 25% in 2015
- 45% of legally qualified tribunals judiciary, which was the same in 2016, up from 44% in 2015

44. In the Deputy District Judge (Magistrates' Court) exercise, just over half (53%, 9) of recommendations were women, a proportion largely comparable with the application stage (51%, 534). Notably, the proportion of applications that were from women was higher than the proportion of women among the eligible pool.

45. Representation of women at the application stage and recommendation stage of the Circuit Judge exercise was consistent at 31% (51 applications, 12 recommended candidates). This was slightly lower than the proportion of women in the eligible pool, but was not materially different in outcome to the proportion in the eligible pool.

46. In the Circuit Judge exercise, s9(4) Deputy High Court Judge exercise and Deputy District Judge (Magistrates' Court) exercise, data shows that the degree of the representation of women was such that any apparent differences could represent chance.

Solicitors

47. In the 4 legal exercises in 2016–17 that were large enough to report on individually, solicitors represented 43% (746) of applicants, and 10% (14) of candidates selected for immediate appointment.

48. Judicial backgrounds of the current judiciary now comprise:

- 34% of court judges are from non-barrister backgrounds
- 66% of legally qualified tribunal judges are from non-barrister backgrounds
- The non-barrister group were almost all solicitors, apart from 2 (0.1%) court judges who were formerly Fellows of CILEx, and 35 (2%) tribunal judges from other professional backgrounds

Disability

49. In 2016–17 the percentage of candidates selected for appointment declaring a disability increased to 6% (16), rising from 3% (10) in 2015–16 and 4% (11) in 2014–15. Other than a 12% high of 2013–14 when an increase came from applications for a specific Disability Member tribunal post, this is in line with previous reporting years where the range has been between 2% and 8%.
50. For the s9(1) authorisation to act as judge of the High Court 7% (6) of applicants and 10% (3) of recommended candidates declared they had a disability.
51. In the Circuit Judge and Deputy District Judge (Magistrates' Court) exercises, the proportion of recommended candidates who declared a disability was broadly consistent with the proportion of applicants.