

15 July 2021

## **JDF statement to accompany combined statistical report 2021**

The Judicial Diversity Forum (JDF) welcomes the publication today of the 2021 combined statistical report. Like last year's report, it brings together data about the diversity of the judiciary, judicial appointments and the relevant legal professions (solicitors, barristers and chartered legal executives). This provides not only a picture 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 relevant legal professions.

Covid-19 created unprecedented challenges for the legal sector. The judiciary, Judicial Appointments Commission and relevant legal professions responded promptly and effectively. Through remote and flexible models of delivery, support continued for those considering a judicial career; and the programme for recruiting and training new judges was maintained.

The 2021 report includes the same statistical sets as last year's report, with the inclusion of additional statistics which provide a more detailed analysis of ethnicity and the intersection of diversity characteristics, covering the relevant legal professions, judicial appointments and the judiciary. This more detailed data provides important insight and evidence base to help further target and tailor our support to underrepresented groups in the judiciary.

The main points from this years' statistics are summarised in the report itself and are annexed to this statement.

### **Our proposed next steps**

The JDF, collectively and as individual members, remains strongly committed to taking action that will improve diversity in the judiciary. The JDF recognises that there is more to do to improve the rate of progress of under-represented groups overall and that action is required at all stages of the process and from all members of the JDF.

JDF members are working together to consider what new actions could be taken to increase diversity. This autumn we will publish a one-year update to the JDF action plan we published last year ([JDF Action Plan 2020](#)) which will report on last year's actions, as well as proposed new actions that will be undertaken, both collectively and by individual organisations. This update will form our annual activity report, which we committed to as part of the JDF Terms of Reference.

## Statistician's Comment

These statistics present analyses of diversity for judicial office holders, judicial selection exercises and within the legal professions which provide the eligible pool of candidates for most judicial roles in England and Wales. To enable the detailed breakdown of gender, ethnicity and professional backgrounds, the latest data, as well as an aggregation of data over the previous three years' selection exercises, has been utilised.

One in three court judges and half of tribunal judges are women. Although this is an increase on previous years, women continue to be underrepresented in the courts judiciary in 2021, particularly in the more senior roles.

The proportion of judges who identify as Black, Asian or minority ethnic has also continued its gradual increase from 7% in 2014 to 10% of judges at 1 April 2021. However, within this gradual increase of ethnic minority judges there are different trends depending on the ethnic group. Most of the increase has been in judges of Asian and Mixed ethnicity, while the proportion of Black judges has stayed at 1% during that time. It is worth bearing in mind that changes in representation will always be gradual due to the relatively low numbers of joiners to and leavers from the judiciary each year, compared to the number in post, as well as other, wider factors relating to the eligible pool of legal professionals, selection processes and promotions.

For judicial selection exercises during 2020-21, these statistics show that overall there was no statistically significant difference in recommendation rates from the eligible pool for women or Black, Asian and minority ethnic candidates relative to men and White candidates respectively, though this does vary within specific exercises. However, recommendation rates from application for solicitor candidates were significantly lower than for barrister candidates.

Aggregated data across all legal exercises between April 2018 and April 2021 demonstrates varying disparities and outcomes for the different ethnic groups. For example, the recommendation rates from the eligible pool for Asian candidates were an estimated 36% lower than for White candidates, while rates for Black candidates were an estimated 73% lower than for White candidates. In contrast, recommendation rates from the eligible pool for mixed ethnicity candidates were an estimated 82% higher than for White candidates. All of these rate differences are statistically significant, meaning that we can be confident that there are real differences between ethnicity groups in terms of rates of progression through to the judiciary. These findings demonstrate the importance of looking at ethnicity more closely, as the experiences of different ethnicity groups within the Black, Asian and minority ethnic categorisation are not the same. Looking solely at the broad group can mask underlying disparities.

This year for the first time we include data on the intersection of diversity characteristics: gender with ethnicity, gender with professional background, ethnicity with professional background and the intersection of gender, ethnicity and professional background. The many findings from this analysis can be found in the main body of the report. Alongside figures for court and tribunal judges, this publication also covers non-legal members of tribunals and magistrates, where there is greater representation of women and ethnic minorities overall. In addition to the above characteristics, this publication presents data on age and - for judicial appointments - social mobility, disability, sexual orientation and religion, though further work is required to collect sufficiently robust data on these characteristics for the judiciary and the legal professions.

