

Judicial Diversity Forum – Priorities and actions for 2021/2022

The Judicial Diversity Forum (JDF) has a public commitment to publish an annual action plan outlining the forum’s priorities and activities for the next 12 months. The plan is structured into four key strategic actions, which mirror the judicial career path. From developing and honing skills at a professional level, to applying for judicial appointment, and finally securing a judicial role. For 2021/2022 there is also a fifth activity area relating to the development of a monitoring and evaluation framework, which the JDF will collaborate on together, with the support of the Bridge Group, to enable future activity planning and prioritisation to measure impact more fully. Activities and priorities may be subject to change during the course of 2021/2022 in recognition of the need to respond dynamically to emerging diversity issues; the needs of members, candidates and judges; and wider contextual matters, including the continuing Covid 19 pandemic.

While JDF members work in collaboration and support of each other’s activities and initiatives; the professions, Judicial Appointments Commission and Judiciary also have distinct areas of focus and activity in recognition of the different roles each play in the candidates’ journeys to judicial appointment.

Activity Area 1: To support a diverse pool of professionals who have the skills and experience to apply for judicial appointment at all levels		Timeline for completion
Led by: The Legal Professions		
Lead: The Law Society	<p>The Law Society is the independent professional body for solicitors in England and Wales. We’re run by our members, and our role is to be the voice of solicitors, to drive excellence in the profession and to safeguard the rule of law. Diversity and inclusion in our profession are at the heart of our mission. Similarly, our longstanding commitment to increase judicial diversity is strongly related to our core values.</p> <p>Diversity in our profession</p> <p>In 2021, ‘Creating a modern, diverse and inclusive profession’ has been a priority theme in our business plan. Our current president, I. Stephanie Boyce, is the first Black office holder and the first person of colour to become president, and one of her aims is to leave a profession that is more diverse and inclusive than the one she entered.</p> <p>Diversity in the profession has significantly improved in recent years, and statistics indicate potentially even greater diversity in the future¹. However, there are still barriers that make it harder for some to get in and get on. As a representative body, we can set expectations, encourage and advise firms and other employing organisations on how to increase diversity and create more inclusive cultures, but cannot set recruitment or employment practices.</p> <p>We regularly engage with the D&I leads in the largest law firms and in-house departments through our D&I Forums and we host discussions with senior leaders on effectively addressing challenges. We also</p>	

¹ Diversity Profile of the Solicitors’ Profession 2019 (published: November 2020) <https://www.lawsociety.org.uk/en/topics/research/diversity-profile-of-the-solicitors-profession-2019>

work with our Women Lawyers, Ethnic Minority Lawyers, Lawyers with Disabilities and LGBT+ Lawyers Divisions and Social Mobility Ambassadors to raise awareness, to improve support and create a greater sense of belonging in the profession for underrepresented groups. As noted in the 2021 combined report, representation of female and Black, Asian and minority ethnic individuals in our profession is overall very encouraging, but drops amongst the senior positions and those with more than 20 years PQE. Recent projects (Women in Leadership in Law, Race for Inclusion, Legally Disabled? and Pride in the Law) have all helped develop the evidence base around key barriers to entry and progression, and they are leading to further guidance or sharing of good practice recommendations.

A common theme that is emerging from the research supporting these projects is the need to focus on addressing the retention, progression and well-being gaps in the profession.

Diversity and Inclusion strategy (2021-2024): We will launch a new Diversity and Inclusion strategy (2021-2024) with greater focus on remaining barriers to entry (socio-economic background, disability and some ethnicities); retention, progression and an inclusive culture. We recognise that we can support diversity and inclusion in 5 main ways: Inform (Carry out research and share data); Guide and convene (set expectations, provide support and guidance); Support and engage (with groups and individuals through networks, visible role models and targeted programmes); Advocate and influence (to keep greater diversity and inclusion on the agenda with other); and Lead by example (as an employer and professional membership body).

Diversity and inclusion framework: We will develop a new diversity and inclusion framework and online hub of materials to guide and support member firms and organisations. This will include taking learning from the largest organisations and sharing and adapting it to support and encourage action in small and medium-sized firms. It is expected to cover the basic building blocks of good D&I practice: gathering data and evidence to inform and prioritise actions, ensuring equity in recruitment, retention and progression, building an inclusive culture, and ensuring transparency and accountability (for example, by setting targets) 2. It will also build on work we have done in 2021, through our 'D&I evaluation week' for member firms and organisations to encourage a focus on outcomes and an evidence-based approach.

Diversity Access Scheme: We will complete the evaluation of our longstanding Diversity Access Scheme which provides scholarship, mentoring and work experience support to a diverse range of talented individuals from disadvantaged backgrounds. Any recommendations on further support we could offer will be made for implementation in 2022.

January 2022

Winter 2022

February 2022

	<p>Gender Pay Gap: We will publish a review looking at progress made following three years of gender pay gap reporting. This will aim to identify good practice to share across the sector and highlight priorities for action if the gender pay gap is going to be narrowed, particularly following the impact of the pandemic on gender equality.</p> <p>Socio-economic diversity: We will work with the government-commissioned Social Mobility Taskforce to consult with the profession on how to drive socio-economic diversity. Key issues we expect to address include improving data collection on socio-economic background and evidence-based actions, and shifting the focus from school and university outreach to the culture and barriers to progression within the profession and subsequent lack of diversity at senior levels.</p> <p>Disability: We will continue to advocate for aspiring disabled solicitors, building on work we have done with our Lawyers with Disabilities Division to ensure a range of assistive technology and adequate support is provided to disabled candidates taking the SQE.</p> <p>10000 black interns programme: We will support the 10000 black interns programme, having helped secure 118 paid internships in the legal services sector for summer 2022 (the Law Society will provide five paid internships).</p>	<p>December 2021</p> <p>November 2022</p> <p>Ongoing</p> <p>Summer 2022</p>
<p>Lead: The Bar Council</p>	<p>Support programmes: Over the next 12 months we are committed to continuing to develop and deliver the existing support and programmes that we provide to identify and address barriers and assumptions that inhibit the progression of our members. This includes continuing to provide our telephone support helplines and reporting platforms, such as our online Talk to Spot platform that enables members of the Bar to confidentially and anonymously report inappropriate behaviour.</p> <p>Monitoring and analysis: We will build upon the work delivered in 2021 on monitoring and analysing income by sex to develop a methodology for monitoring income (work distribution) by other protected characteristics.</p> <p>Evaluation: Where possible and appropriate, we will introduce evaluation of our varied support programmes in order to enable us to measure the impact of our support and enhance our understanding of the areas of strength and potential further development.</p> <p>Social mobility: We will explore what further support is required by the Bar with respect to addressing issues of social mobility and ensuring that candidates from non-traditional backgrounds are supported and enabled to join the profession and develop and enhance their careers.</p>	<p>November 2022</p> <p>Spring 2022</p> <p>November 2022</p> <p>Summer 2022</p>

	<p>Disability: We will look to further develop our programme of work to support barristers with disabilities.</p>	<p>December 2021</p>
<p>Lead: CILEX</p>	<p>Member Survey: We will develop an action plan and engagement strategy to address the treatment evidenced by our Member Survey to enhance social mobility/opportunity and enhance diversity within our membership. We will run further surveys/intelligence gathering to complement and build on that intelligence base. In addition we will expanding the equality, diversity and inclusion elements of the survey to achieve a wider reach and exploring collaboration with other bodies to develop joint related initiatives.</p> <p>Raising awareness: We will stage thought-leadership awareness-raising events for members and related stakeholders to come together and share good practice, overcome perceived issues and encourage applications for judicial office.</p> <p>Judicial eligibility: We will continue to liaise with the Ministry of Justice (MoJ) in its review of judicial eligibility criteria with a view to enhancing inclusivity whilst maintaining standards.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>
<p>Activity Area 2: Support diverse professionals to see a judicial career as an attractive option and ensure they are supported and encouraged to apply for judicial careers</p> <p>Led by: Judicial Diversity Forum (JDF), Legal Professions, Judicial Appointments Commission (JAC), Ministry of Justice (MOJ), Judiciary</p>		<p>Timeline for completion</p>
<p>Lead: The Law Society</p>	<p>Support for diverse applicants to the judiciary</p> <p>We are determined to advocate for greater judicial diversity overall, and for the appointment of more solicitors to the bench, and will continue to support JDF colleagues in making refinements to the judicial appointments process to ensure that a diverse cohort of applicants is translated to greater diversity of judicial selections. We believe that increasing the number of solicitor judges could contribute both to greater diversity and to a greater breadth of skills, professional experience and expertise amongst judges. We provide support to aspiring and sitting solicitor judges, including: career-enhancing events, materials and networking opportunities. We will continue this year to focus our efforts on preparing solicitors for the judicial application process and providing targeted support to female and ethnic minority solicitors in particular (this includes those making their first application, as well as solicitors who have already applied previously).</p> <p>We have reviewed our activities in light of the evidence contained in the 2021 combined statistical report, showing that solicitor and black, Asian and minority ethnic candidates, are disproportionately</p>	

failing to secure appointment. While we do not have control over the design of the appointments process, we are focusing our interventions on ensuring that diverse candidates submit strong applications, in order to maximise their chances of appointment. We have introduced a series of new initiatives, primarily through our Solicitor Judges Division, which will better enable us to target our initiatives to those solicitor applicants in most need of our support and in ways evidence shows they require, and will continue to deliver established initiatives which our ongoing evaluation demonstrates are having a positive impact. We commit to reviewing our activity plan throughout the year to consider further analysis of the appointments process and the barriers faced by certain applicants.

Judicial aspirations and experiences survey: To improve our understanding of our members and the support they require from us, we will launch our new judicial aspirations and experiences survey in Autumn 2021 and will review and target our priorities and support schemes in light of its findings, which we will also share with key stakeholders.

Outreach: Based on the positive feedback from our members in response to events held last year, we will expand our outreach and awareness raising to sections of our profession which we know to be less familiar with the judiciary and judicial roles including in-house and small firms. Our data shows that there is greater diversity among in-house lawyers, sole practitioners and small firms, including at partnership level, which means this is a diverse pool to work with. This outreach will include a series of webinars with practical advice to solicitors and judges (with input from the judiciary and the JAC). Our analysis shows that online events are well-attended and serve as an ongoing learning resource. They also seem to be more inclusive and allow solicitors from all regions to join. We will also continue partaking in events and panels relating to judicial appointments and voice our commitment for a diverse judiciary that reflects society.

Becoming a Judge scheme: In order to help improve the number and quality of applications from such solicitors, we have restructured our 'Becoming a Judge' scheme for Black, Asian and ethnic minority solicitors interested in a judicial role. This involves professional coaching as well as support from sitting judges. We now align the scheme with the timelines of big scale judicial exercises; we are breaking the training into four separate workshops; we have recruited successful graduates of the scheme to serve as judicial mentors. In light of the evidence emerging this year about the intersections of ethnicity and gender, and to encourage more female solicitors to apply, we are recruiting more female solicitor judges to partake in this scheme and aim to deliver it once more in 2021-2022.

Judicial exercise support: In order to help maximise the quality of applications from our members, we aim to provide targeted support to solicitors ahead of large scale/ key judicial exercises similarly to our work ahead of the DDJ exercise this year (guidance relating directly to the role/ exercise and input from a solicitor judge in this role). We will also continue our training workshop preparing solicitors for judicial applications and interviews

Winter 2021

Ongoing

2021 workshops completed in October; 2022 workshops TBC

Ongoing

	<p>Shadowing and support: We will facilitate informal shadowing opportunities through our SJD network, and our pilot scheme with tribunals. We will also continue delivering the PAJE programme and will publish testimonials of past participants of this scheme on our website.</p> <p>Digital resources: We will expand our online and digital resources to include a series of podcasts on judicial appointments; additional case studies from solicitor judges; and gated content to qualified solicitors.</p> <p>Data: On receipt of further data following completion of the data sharing agreement with the JAC, we will review existing initiatives and consider new initiatives based on the insights provided by the data.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>TBA</p>
Lead: The Bar Council	<p>Pre-Application Judicial Education Programme: The Bar Council will also continue our support for the delivery of the Pre-Application Judicial Education Programme with other representatives from the legal professions.</p> <p>Stakeholder engagement: We will continue to support Bar-Based stakeholders to help promote access opportunities, support retention and progression, including mentoring, practice management support and leadership programmes.</p>	<p>Ongoing</p> <p>Ongoing</p>
Lead: CILEX	<p>Mediation Training: We will develop a Mediation Training Scheme for members specifically aimed at building specific competences required for judicial employment in employment, civil and family tribunals. We will also work with the Judicial Office to ensure the outcomes of the training meet current judicial needs.</p> <p>CILEX Judicial Training Programme (JDP): We will run the JDP more regularly to put a further 80 members over the next 12 months through the scheme in readiness for application for judicial appointment.</p>	<p>TBC</p> <p>Winter 2022</p>
Lead: The JAC	<p>Candidate resources: We will continue broadening the range of free resources available to candidates. This will include the publication of a new interactive practice qualifying test and additional guidance to help candidates from all backgrounds prepare for a judicial selection application. We will also continue to grow our suite of case studies to ensure that diverse voices and experiences are amplified.</p> <p>Outreach: We will continue delivering our extensive programme of outreach activities to ensure that candidates from a wide range of backgrounds are able to engage with current and future selection</p>	<p>Autumn 2022</p> <p>Ongoing</p>

	<p>processes. This activity will include providing support for stakeholder outreach events on specific exercises as well as judicial appointments more broadly. We will continue our support to the Pre-Application Judicial Education Programme, as well as other support and development initiatives.</p> <p>Targeted Outreach Programme: We will deliver year two of the Targeted Outreach pilot project programme. We aim to increase the current cadre of 107 candidates already receiving tailored one to one support from former JAC Commissioners and judicial guides and building significantly on the 10 successful appointments in the first 9 months of the programme.</p>	<p>November 2022</p>
<p>Lead: The Judiciary</p>	<p>Leadership judges across the judiciary will provide advice and support to highly qualified individuals from diverse personal and professional backgrounds to apply for salaried judicial roles.</p> <p>Lawyers from under-represented groups will be offered mentoring by a judge. The mentoring will provide a safe environment to discuss issues inhibiting their application to judicial office, establish what skills and experiences are needed to support their application and identify what further development may be required.</p> <p>Judge-led application seminars will be offered to provide up to date guidance and advice on the selection process and judicial role. The seminars will be supported by attendance from a JAC commissioner, panel member or member of staff.</p> <p>The judiciary will undertake outreach across the legal profession and with schools and universities to widen understanding of judicial roles and encourage and support future judicial careers.</p> <p>Eligible legal practitioners who are considering a career in judicial office will be given the opportunity to talk to or shadow a judge and gain an insight into a judicial role.</p> <p>Judges will provide bespoke advice and support to participants of the pilot programme of targeted outreach for key court and tribunal roles launched by the JAC in September 2020. The programme aims to improve outcomes for under-represented groups aiming to apply for senior court and tribunal roles. Judges will assist the programme through involvement with a complimentary Judicial Guide Scheme.</p>	<p>All activities ongoing</p>
<p>Lead: Ministry of Justice (MoJ)</p>	<p>Pre-Application Judicial Education (PAJE) programme: We will continue to fund and support the PAJE programme, alongside the other members of the Judicial Diversity Forum for 2021/22. 76 candidates participated in the virtual judge-led discussion group courses this autumn/winter 2021, which are coordinated by the professional bodies. We will run at least 3 judge-led discussion group courses in the winter/spring 2022 and spring/summer 2022. We will also conduct an evaluation of the impact of the programme at the end of the year.</p>	<p>November 2022</p>

	<p>Targeted Outreach (TO) Programme: We will continue to fund the JAC-led Targeted Outreach programme, for the second year of the pilot project. We will also support an evaluation of the impact of the programme at the end of the year.</p> <p>Combined Statistics: We will continue to support the publication of data across the legal professions, judicial appointments and the judiciary through the annual ‘Diversity of the Judiciary’ statistics.</p> <p>Review the process and barriers to appointment for other parts of the legal profession to ensure we broaden the pool of talent by:</p> <ul style="list-style-type: none"> • Exploring fuller opportunities for Solicitors and Chartered Legal Executives to gain court experience, including advocacy, to support preparation for the judiciary. • Working with the Chartered Institute of Legal Executives, and other legal professional bodies, to explore the necessary steps for increasing CILEX’s eligibility for a wider range of judicial roles. • Reviewing the process and the barriers to diverse lawyers entering the judiciary including from the Crown Prosecution Service and Government Legal Department. <p>Statutory Consultation: We will consider the findings of the JAC commissioned review on statutory consultation and consider whether any changes to the statutory requirements for consultation might be made.</p>	<p>November 2022</p> <p>July 2022</p> <p>July 2022</p> <p>June 2022</p>
<p>Activity Area 3: Ensure application processes are open and fair</p> <p>Led by: The Judicial Appointments Commission (JAC)</p>		<p>Timeline for completion</p>
<p>Lead: JAC</p>	<p>Review of Statutory Consultation: We will deliver our review of Statutory Consultation. The review will consider our approach to Statutory Consultation (within the statutory framework that we are legally required to operate under), and examine whether statutory consultation responses received by the JAC are considered appropriately. It will also consider whether the statutory consultation process impacts disproportionately on recommendations for any group, as part of our commitment to ensure that our processes are fair to candidates from the widest range of backgrounds. Finally, the review will consider whether improvements could be made to the way in which statutory consultation is commissioned, and responses compiled and considered; to make recommendations. The review will</p>	<p>January 2022</p>

	<p>be externally and independently verified by the Work Psychology Group, with the legal professions invited to participate in the review as interviewees.</p> <p>Qualifying Test qualitative research: The JAC is committed to addressing the barriers to a more diverse judiciary identified through projects such as the JDF Rapid Evidence Assessment. The JAC will work with JDF partners to deliver a detailed qualitative research project into the experiences of candidates undertaking the JAC’s qualifying test shortlisting stages for large, fee paid exercises. The research will build upon the quantitative data gathered from the JAC’s deep dive research project in 2020/2021 with the ambition of providing a more detailed picture of candidate experiences across a range of selection exercises. We will use the findings as an evidence-base to consider whether there are any additional improvements required in the qualifying test shortlisting process, or to candidate support more widely.</p> <p>Selection process activity: We will continue with our activities to ensure application processes are open and fair including continuing to deliver diversity checkpoints for the JAC’s four key target groups for all exercises, name blind sifting in all our sifting tools, undertaking equality proofing of all shortlisting and selection materials and employing the equal merit provision at shortlisting and selection stages.</p> <p>Fair selection training: Review fair selection training for JAC panel members and JAC staff.</p> <p>Lay panel recruitment: We will increase our recruitment of lay panel members from Black, Asian and Minority Ethnic backgrounds to support our commitment to securing at least 14% ethnic diversity over all JAC selection exercises.</p> <p>International Research Project: Deliver and publish the research findings from the Targeted Outreach Team’s International Research Project into measures successfully used in other common law jurisdictions to improve judicial diversity. The project will also identify evidence that provides insight on what works, what does not work and what is working best within the selected jurisdictions, and how England and Wales may benefit from learning from other jurisdictions. The research will also be considered to help inform decision-making regarding future judicial diversity monitoring and evaluation frameworks</p> <p>Combined Statistics: Contribute to the publication of a 2022 Combined Statistics Report to ensure continued transparency of JAC selection activity and collaboration between the legal professions, JAC and judiciary in responding to the findings of the statistics.</p>	<p>Summer 2022</p> <p>Ongoing</p> <p>Autumn 2022</p> <p>Ongoing (with annual review of progress Autumn 2022)</p> <p>Summer 2022</p> <p>July 2022</p>
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Lead: Judiciary:	Support for JAC selection panels: The pool of judges for deployment on JAC exercises will be monitored to ensure an appropriate proportion of diverse judges are made available to serve on selection panels.	Ongoing
Activity Area 4: Support retention and progression through the Judiciary Led by: The Judiciary		Timeline for completion
Lead: The Judiciary	<p>Development opportunities: Leadership judges will hold one-to-one conversations with judicial office holders to discuss and identify realistic development options and support for future application to salaried judicial role.</p> <p>Application seminars and support: Judge-led application seminars will be offered to provide up to date guidance and advice on the selection process and judicial role. The seminars will be supported by attendance from a JAC commissioner, panel member or member of staff. Judges will provide bespoke advice and support to participants of the pilot programme of targeted outreach for key court and tribunal roles launched by the JAC in September 2020. The programme aims to improve outcomes for under-represented groups aiming to apply for senior court and tribunal roles.</p> <p>Judicial Diversity and Inclusion Strategy: An update to the Judicial Diversity and Inclusion Strategy will be published late in 2021. The five-year strategy published in November 2020, set an overarching aim to increase the personal and professional diversity of the judiciary at all levels.</p> <p>Work is underway across the judiciary to help implement the strategy and to offer greater support for leadership judges in their efforts to deliver on the ambitions contained within the strategy. This has included the appointment by the Lord Chief Justice of twenty-two Diversity and Community Relations Judges who have taken on a newly created “Focal Point” role. The Focal Point judges will link in with leadership judges and act as a diversity and inclusion resource on a cross jurisdictional basis. Their role includes:</p> <ul style="list-style-type: none"> • Providing a source of good equality and diversity practice. • Proactively supporting the objectives of the Judicial Diversity and Inclusion Strategy. • Assisting with diversity issues in their respective courts and tribunals. • Sharing diversity knowledge, resources and skills as appropriate. • Conveying key diversity messages and to be a critical friend where necessary to help achieve a more inclusive environment. <p>Leadership judges will be responsible for taking actions to achieve greater diversity and inclusion and be required to provide focussed support for the career aspirations of all serving judicial office holders, including those from less traditional backgrounds</p>	<p>Ongoing</p> <p>Ongoing</p> <p>November 2020</p> <p>Ongoing</p>

	<p>Training and support will be provided to all judicial office holders in 2022 to allow them to gain a deeper understanding of diversity and inclusion, to take an anti-discriminatory approach, and to promote positive behaviour and a culture of respect that is sensitive to different needs and intolerant of any discrimination, bullying and harassment.</p>	
<p>NEW ACTIVITY AREA FOR 2021/2022 ACTION PLAN</p> <p>Activity Area 5: Evaluation and Measurement</p> <p>Led by: All JDF members</p>		<p>Timeline for completion</p>
<p>Lead: JDF (<i>with thought leadership from The Legal Services Board and The Bridge Group</i>)</p>	<p>Evaluation Framework: With support from the Legal Services Board and their work with the Bridge Group, the JDF will seek to develop a theory of change framework for the design and evaluation of diversity interventions and initiatives. A common framework will help JDF members better understand the impact of their initiatives on addressing barriers for underrepresented groups, and therefore better tailor and target future work.</p> <p>This new framework will support the JDF in developing a new strategic forward look for 2022-23 in line with a theory of change.</p>	<p>Autumn 2022</p>