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7 January 2022

Dear Robin,

SSRB Annual Evidence: request for data – Judicial Appointments Commission

I write in response to your letter dated 17 December 2021, to Alice Ripley, on behalf of the Senior Salaries Review Board (SSRB) asking the Judicial Appointments Commission to submit written evidence for the 2022-23 review.

The enclosed evidence now covers the reporting period from 2011-12 to 2020-21. For completeness, as the JAC was not asked to provide formal evidence last year, it also includes a breakdown of the exercises that reported in 2019-20 as well as 2020-21.

The evidence includes data on shortfalls and candidate grading. 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.

It is also important to note that the number of candidates applying for roles reported in late 2019-20 and 2020-2021 may have been affected by the COVID-19 pandemic.

In response to the challenges of the pandemic, the JAC ran all selection activity remotely between March 2020 and September 2021, in order to meet the needs of the courts and tribunals. This included launching selection exercises, receiving applications, shortlisting and video interviews, and we have been able to ensure selection processes remain robust and fair. Despite the many challenges presented by the pandemic we have seen some positives, such as increased flexibility for candidates due to not needing to travel and information reaching wider audiences via remote outreach events.

However, as you will see below, we noted the number of applications dropped considerably in 2020-21. Another factor that may be relevant here is the relatively large proportion of vacancies for non-legally qualified posts in this period; these exercises generally attract a lower ratio of applicants to vacancies than legal exercises.

With this caveat, the current trends are as follows:

- The number of vacancies the JAC has been requested to fill has continued to increase across all types of role. The JAC made a record number of recommendations for judicial

appointment in 2018-19 (1,013). Recommendations dropped slightly in 2019-20 by 4%, and again by a further 13% in 2020-21 but remain overall at historically high levels.

- The number of applications rose to a record 8,148 in 2019-20 but dropped by more than half in 2020-21.
- There have been continued instances of shortfalls between numbers of candidates selected as being suitable for appointment and vacancy requests for key salaried court roles including High Court, Circuit and District Judge (with only 32% of District Judge vacancies filled in the 2020-21 exercise).
- The shortfall in the last two High Court exercises was consistent at 8 vacancies remaining unfilled. This compares to a shortfall of 15 in 2018-19.
- There have also been shortfalls in two exercises for Senior Circuit Judge leadership positions between 2019-20 and 2020-21.
- Overall, between April 2019 and March 2021 the JAC has been able to meet the high vacancy requests for fee-paid judges, especially Recorders. However, there were shortfalls in three exercises, most notably in the Deputy District Judge exercise run in 2019-20. The other two exercises required specialist knowledge and/or experience: s9(1) – Authorisation to act as a judge of the High Court; and Fee-paid Deputy Insolvency and Companies Court Judges.
- Overall, the number of candidates assessed as outstanding or strong remained high in 2020-21 (535). The percentage (61%) of such candidates as a proportion of those recommended for appointment was higher than in 2018-19 but lower than in the previous five years. This, however, must be considered in the context of the higher number of selections the JAC has been asked to deliver in recent years.

I can confirm that we will be publishing this submission on our website.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Jarvis', written in a cursive style.

Richard Jarvis
Chief Executive