

Background

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

The JAC was established by the Constitutional Reform Act 2005 (CRA). It has responsibility for selecting candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals with a UK-wide jurisdiction.

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.

The JAC runs a selection exercise in response to a vacancy request from the Lord Chancellor setting out the number of posts, the jurisdiction and/or the circuit or region. Each year the JAC agrees with the MoJ, HM Courts & Tribunals Service and Judicial Office which selection exercises are to be programmed for the following financial year.

Table C1: Applications for JAC exercises and selections made in England and Wales from 2011-12 to 2020-21 by year

Time series from 2011-12 to 2018-19	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Applications	5,490	4,637	5,591	2,323	2,439	2,190	5,125	4,917	8,148	3,574
Recommendations (immediate appointments)	-	-	-	-	308	282	729	1,013	964	848
Selections (to a future list)	-	-	-	-	22	2	16	14	15	21
Total (immediate appointments and to a future list)	746	597	806	305	330	284	745	1,027	979	869
Ratio of applicants to recommendations and selections	7:1	8:1	7:1	8:1	7:1	8:1	7:1	5:1	8:1	4:1

Prior to 2015-16 selections for immediate appointment and for a list for possible future appointment (under s94 CRA) were not separated for reporting purposes.

The number of vacancies the JAC has been asked to fill has gradually increased over the years. In 2017-18 the requests were significantly higher than the 3 subsequent years and higher again in 2018-19. In 2019-20 the overall vacancy request marginally increased again. However, in 2020-21 the request decreased by 14%. The overall ratio of applicants to recommendations and selections was higher in 2019-20 than in the two previous years but dropped by almost 50% in 2020-21. It should be taken into consideration that in 2019-20 a large proportion of the applications came from two large exercises that did not report in 2020-21; Deputy District Judge and Fee-paid First-tier Tribunal Judge and Employment Judge. It should also be noted that the COVID-19 pandemic would have impacted the applicant figures.

Table C1(a): Salaried and Fee Paid Courts Selection Exercises in 2020/21

This data has been compiled using the published tables.

Exercise Number	Exercise Title	Number of Vacancies	Number of Applicants	Recommendations: immediate vacancies (shortfall)	Selections: possible future vacancies (shortfall)
<i>Salaried Exercises</i>					
149	High Court	25	45	17 (8)	0
147	Judge Advocate General	1	12	1	0
145	District Judge	75	141	24 (51)	0
00001	Senior Circuit Judge, Designated Family Judge	6	14	6	0
00002	Specialist Civil Circuit Judge	6	25	6	0
00003	Chancery Master	1	6	1	0
00018	Senior Circuit Judge, Resident Judge	2	9	1 (1)	0
00013	Senior Circuit Judge, Designated Civil Judge	2	4	1 (1)	0
00043	Senior Circuit Judge, Central Criminal Court	3	20	3	0
00055	Senior District Judge (Chief Magistrate)	1	8	1	0
00034*	Assistant Judge Advocate General	2	35	1	1
00006*	Circuit Judge	63	175	53 (10)	0
<i>Fee Paid Exercises</i>					
133	Recorder	121	1,001	121	0
144	s9(1) – Authorisation to act as a judge of the High Court	35	54	20 (15)	0
149	s9(4) – Deputy High Court Judge			2**	0
00004	Deputy Chancery Master	9	62	9	0
00028	Fee-paid Deputy Insolvency and Companies Court Judges	6	40	5 (1)	0
Total			1,651	272	1

*In each of these exercises, one recommendation was made in April 2021, soon after the financial year ended, and is included here to report on the exercises in full.

**The Vacancy Request for the salaried High Court selection exercise (ref. 149) provided opportunity for the recommendation of candidates to the position of deputy High Court judge. This was the case where candidates were assessed as not yet ready for a salaried position but were considered by the Commission to demonstrate potential to be effective as a salaried High Court judge in the future.

The above table shows a breakdown of vacancies, applicants and selections to court appointments in the period of 2020-21. There was a shortfall against the vacancy request in 7 selection exercises. They are: High Court Judge (exercise no. 149), District Judge (145), Senior Circuit Judge – Resident Judge (00018), Senior Circuit Judge – Designated Civil Judge (00013), Circuit Judge (00006), s9(1) – Authorisation to act as a judge of the High Court (144) and Fee-paid Deputy Insolvency and Companies Court Judges (00028).

Table C1(a): Salaried and fee paid tribunal selection exercises in 2020/21

This data has been compiled using the published tables.

Exercise Number	Exercise Title	Number of Vacancies	Number of Applicants	Recommendations: immediate vacancies (shortfall)	Selections: possible future vacancies (shortfall)
<i>Salaried Exercises</i>					
00009	Judge of the First-tier Tribunal	70	332	50	20
00026	Judge of the Employment Tribunal	25	62	21 (4)	0
00029	Chamber President of the First-tier Tribunal, War Pensions and Armed Forces Compensation Chamber	1	14	1	0
00041	Chamber President of the First-tier Tribunal, Social entitlement Chamber	1	7	1	0
00042 (non-legal post)	Salaried Regional Medical Member of the First-tier Tribunal, Social Entitlement Chamber	1	9	1	0
00053	Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber	3	14	1 (1)	0 (1)
00005	Regional Judge of the Employment Tribunal	2	2	2	0
<i>Fee Paid Exercises</i>					
143*	Chairman of the Valuation Tribunal for England	30	50	28 (2)	0

150 (non-legal post)	Fee-paid Medical Members of the First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health)	80	134	67 (13)	0
151	Deputy Chairperson of the Agricultural Land Tribunal, Wales	2	18	2	0
00011 (non-legal post)	Fee-paid Specialist Member of the Upper Tribunal assigned to the Administrative Appeals Chamber (Disclosure and Barring jurisdiction) and First-tier Health, Education and Social Care Chamber (Care Standards jurisdiction)	10	75	10	0
00015** (non-legal post)	Fee-paid Disability Qualified Tribunal Member of the First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support Appeals Tribunals)	80	456	80	0
00016 (non-legal post)	Fee-paid Financially Qualified Members, First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support)	17	27	12 (5)	0
00023	Fee-paid Chairman of the Competition Appeal Tribunal	4	18	4	0
00008 (non-legal post)	Land Owner Lay Members of the Agricultural Tribunal (Wales)	3	3	1 (2)	0
00025 (non-legal post)	Fee-paid Specialist Lay Members, First-tier Tribunal, Health Education Social Care Chamber (Special Educational Needs and Disability)	100	219	79 (21)	0
00030	Fee-paid Legal Chair of the Residential Property Tribunal for Wales	9	58	9	0
142	Fee-paid Appointed Person, Appeal Tribunal, Trade Marks and Fee-paid Appointed Person, Appeal Tribunal, Registered and Unregistered Design	5	23	5	0
148 (non-legal post)	Fee-paid Medical Members, First-tier Tribunal, Social Entitlement Chamber	202	402	202	0
Total			1,923	576	20

* There is no remuneration for the post of Chairman of the Valuation Tribunal for England, it is carried out on a voluntary basis.

**Eight of these recommendations were made in April 2021, soon after the financial year ended, but are included here to report in full on the exercise.

The above table shows a breakdown of vacancies, applicants and selections to tribunal appointments in the period of 2020-21. There was a shortfall against the vacancy request in 7 selection exercises. They are: Judge of the Employment Tribunal (exercise no. 00026), Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber (00053), Chairman of the Valuation Tribunal for England (143), Fee-paid Medical Members of the First-tier Tribunal, Health, Education and Social Care Chamber (Mental Health) (150), Fee-paid Financially Qualified Members, First-tier Tribunal, Social Entitlement Chamber (Social Security and Child Support) (00016), Land Owner Lay Members of the Agricultural Tribunal (Wales) (00008) and Fee-paid Specialist Lay Members, First-tier Tribunal, Health Education Social Care Chamber (Special Educational Needs and Disability) (00025).

Table C4: Number of candidates assessed as outstanding or strong as a percentage of total selections

This data has been compiled using the published tables as well as exercise data from JAC programme managers

Time series from 2013-14 to 2020-21	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Number of candidates assessed as outstanding or strong	699	280	332	300	637	587	656	535
Number of selections (immediate and future list)	806	305	351	292	754	1034	979	869
Candidates assessed as outstanding or strong as % of total selections	87%	92%	95%	103%	84%	57%	67%	61%

The JAC assesses candidates as either outstanding, strong, selectable or not selectable. 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.

Overall, the number of candidates assessed as outstanding or strong showed no obvious general trend between 2013 and 2021. However, the percentage of outstanding and strong candidates as a proportion of those recommended for appointment was lower in 2018-19 than in the previous five years, in the context of the highest number of selections during this period. The number of selections the JAC made more than trebled between 2016-17 and 2018-19. Following this, the number of selections decreased marginally but the candidates assessed as outstanding or strong as a total percentage increased in 2019-20, decreasing marginally in 2020-21.

Data Sources

Figures presented for the years 2011-12 to 2013-14 are taken from the JAC's Annual Report for the relevant year whilst figures for 2014-15 onwards are taken from the JAC's Official Statistics and data from the JAC Programme Office.

While the JAC Annual Report presents the number of applications for financial accounting reasons, the Official Statistics bulletin counts the number of applicants within selection exercises for diversity purposes. As a result, the number of applicants and selections within selection exercises may differ slightly.

Aligning the evidence to the statistics provides greater clarity and consistency when cross referencing the two sets of information. Prior to 2014/15 our publication methodology for the official statistics was different; we, therefore, used the annual report figures to ensure the data was still consistent with information in the public domain.

Prior to 2016-17, data relating to candidates who were ineligible or who opted not to share their diversity data was removed from the Official Statistics. From 2016-17 onwards data relating to all candidates is included.

Figures presented refer to individual applicants on a headcount basis, as opposed to the number of posts they apply for within an exercise. For example, individuals may apply simultaneously to both the Fee-paid Medical Members of the First-tier Tribunal (Mental Health) and the Mental Health Review Tribunal (Wales), which are 2 separate posts, where they are run in a single selection exercise. Candidates may apply for both posts but would only participate in the exercise once.

Table C5: Vacancies, Selections and Assessment of Candidates in England and Wales from 2012-13 to 2020-21.

This data has been compiled using the published tables (2012-19) as well as exercise data from JAC programme managers.

High Court Judge	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Vacancies	14	10	11	-	14	25	25	25	25
Number of candidates assessed as outstanding or strong	24	16	15	-	10	19	10	17	17
Number of selections (immediate and future list)	14	10	10	-	8	17	10	17	17
Candidates assessed as outstanding or strong as % of total selections	171%	160%	150%	-	125%	112%	100%	100%	100%

Circuit Judge	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Vacancies	-	54	32	61	55	116.5	94	50	63
Number of candidates assessed as outstanding or strong	-	64	54	48	25	89	53	27	36
Number of selections (immediate and future list)	-	54	53	62	44	104	72	42	53
Candidates assessed as outstanding or strong as % of total selections	-	119%	102%	77%	57%	86%	74%	64%	68%

District Judge	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Vacancies	-	54	-	61	-	100.5	-	92	75
Number of candidates assessed as outstanding or strong	-	45	-	65	-	53	-	28	9
Number of selections (immediate and future list)	-	54	-	61	-	95	-	47	24
Candidates assessed as outstanding or strong as % of total selections	-	83%	-	107%	-	56%	-	60%	37%

Upper Tribunal Judge	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Vacancies	3	8	6	-	-	19	10	-	-
Number of candidates assessed as outstanding or strong	6	10	9	-	-	33	9	-	-
Number of selections (immediate and future list)	3	8	12	-	-	19	10	-	-
Candidates assessed as outstanding or strong as % of total selections	200%	125%	75%	-	-	174%	90%	-	-

The table above shows the breakdown of selections and candidate gradings in certain types of selection exercise. 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. Caution should be exercised when comparing gradings awarded across a period of years.

Where the percentage of outstanding and strong grades compared to selections is greater than 100%, there were more outstanding and strong candidates than there were candidates selected. In some competitions there were both more outstanding and strong candidates than the total number of selections, and also a shortfall in vacancies filled. This occurs when outstanding or strong candidates cannot be placed in one or more specific legal jurisdiction or geographical location. In High Court exercises during this period, only candidates assessed as outstanding or strong were recommended for appointment.

Additional information: Exercises completed in 2019/20

In 2019/2020 35 exercises (court and tribunal) were completed.

Salaried and fee paid court selection exercises

This data has been compiled using the published information on the JAC website.

Exercise Number	Exercise Title	Number of Vacancies	Number of Applications	Recommendations: immediate vacancies (shortfall)	Selections: possible future vacancies
<i>Salaried Exercises</i>					
106	District Judge	92	190	47 (27)	0 (18)
107	High Court	25	68	17 (8)	0
108	s9(1) Authorisation	37	86	37	0
112	s9(4) Deputy High Court Judges	20	139	24*	0
113	Circuit Judge	50	164	29	13 (8)
115	District Judge (Magistrates' Courts)	25	95	17 (8)	0
124	Queens Bench Masters	4	6	2	2
125	Judge in charge of the London Commercial Court	1	3	1	0
128	Senior Circuit Judge Designated Civil Judge	1	3	1	0
172	Senior Circuit Judge, Designated Family Judge	2	5	2	0
175	Senior Circuit Judge, Resident Judge	2	6	1 (1)	0
177	Senior Circuit Judge, Designated Civil Judge	2	2	0 (2)	0
176	Senior Circuit Judge, Resident Judge	2	7	2	0
184	Senior Circuit Judge of the Employment Tribunal	1	7	1	0
<i>Fee Paid Exercises</i>					
101	Recorder	160	1233	160	0
104	Deputy District Judge (Magistrates' Court)	30	874	30	0

116	Deputy District Judge	200	1417	151 (49)	0
153	Deputy Queen's Bench Master	3	30	3	0

* This includes 4 who were appointed as Deputies after application to the [High Court 2018](#) exercise.

Salaried and fee paid tribunal selection exercises

This data has been compiled using published tables.

Exercise Number	Exercise Title	Number of Vacancies	Number of Applications	Recommendations: immediate vacancies (shortfall)	Selections: possible future vacancies
<i>Salaried Exercises</i>					
109	Salaried Judge of the First-tier Tribunal	112	767	112	0
129	Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber and Regional Judge of the First-tier Tribunal, Social Entitlement Chamber	6	30	5	0 (1)
130	Salaried Surveyor Member, Upper Tribunal, Lands Chamber	2	19	1	1
141	Deputy Regional Valuer of the First-tier Tribunal, Property Chamber, Residential Property	1	4	1	0
139	Regional Employment Judge	4	9	4	0
146	President of the Employment Tribunal (England and Wales)	1	5	1	0
183	Chamber President of the First-tier Tribunal, Health, Education and Social Care Chamber	1	5	1	0
180	Principal Judge, First-tier Tribunal, (Property Chamber) Land Registration	1	2	1	0
<i>Fee Paid Exercises</i>					
131	Fee Paid Service Members War Pensions Tribunal (non-legal post)	14	95	14	0

132	Fee Paid Valuer Chairmen and Fee Paid Valuer Members of the First-tier Tribunal, Residential Property (non-legal post)	28	31	16 (12)	0
111	Road User Charging Adjudicators (non-legal post)	23	543	23	0
114	Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunals (England and Wales)	219	1764	219	0
134	Chairman, Health Service Products Appeals Tribunal (non-legal post)	4	101	4	0
135	Senior Chairman, Health Service Products Appeals Tribunal (non-legal post)	1	22	1	0
136	Fee-paid Professional Members of the First-tier Tribunal (Property Chamber) Residential Property (non-legal post)	11	62	11	0
138	Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber	25	231	17 (8)	0
140	Fee-Paid (Specialist Information Rights) Member of the Upper Tribunal assigned to the Administrative Appeals Chamber and First-tier Tribunal General Regulatory Chamber (Information Rights) jurisdiction (non-legal post)	10	123	10	0