

JAC'S FIRST FULL YEAR SHOWS ENCOURAGING SIGNS ON DIVERSITY

The Judicial Appointments Commission (JAC) today published data on 27 selection exercises completed from 1 April 2007 to 31 March 2008. The JAC received a total of 2535 valid applications and 458 selections were sent to the Lord Chancellor. All of the JAC recommendations were accepted.

The selection exercises include recruitment for the High Court, members of the Mental Health Review Tribunal and District Judges. Selections include both legal and non-legal posts. Each exercise had its own minimum entry requirements.

Baroness Usha Prashar, Chairman of the JAC, said today:

“The overall number of applications received is encouraging and I am pleased that, in our first full year, many women and black and minority ethnic candidates successfully put their names forward.

“We are working closely with the Bar Council, Law Society and other partner organisations to encourage the best possible candidates to apply.

“Some minimum entry requirements can, however unintentionally, reduce the diversity of the candidate field. They create an additional barrier. I very much hope there can be changes in this area.”

The JAC has a duty under the Constitutional Reform Act 2005 to “have regard to the need to encourage diversity in the range of persons available for selection for appointments”.

The data published today shows that for non-legal and legal appointments in 2007-2008:

- 891 women applied (35% of all applicants) of whom 156 were selected (34% of the total number selected);
- 328 people of black and minority ethnic origin applied (13% of all applicants), of whom 37 were selected (8% of the total number selected); and
- 208 people with disabilities applied (8% of all applicants), of whom 33 were selected (7% of the total number selected).

The data also shows that for fee paid appointments (often seen as a judicial entry point) 46% of the selections sent to the Lord Chancellor were for women, 51% were for solicitors and 9% were black or minority ethnic candidates.

For this data, and for salaried legal appointments and non-legal appointment figures, see Annex A.

There are statutory minimum entry requirements for all judicial posts. For example, anyone wishing to be a Recorder must have at least seven years' experience. These rules have an immediate impact on who is able to apply. On top of the minimum entry requirements laid down by Parliament there are additional non-statutory requirements for particular posts.

The JAC's analysis is that a key limiting factor on being able to make a significant impact on a greater diversity within the judiciary is the requirement for candidates for most salaried judicial posts to have had fee paid experience.

JAC would welcome a change in current policy so that instead of being a 'normal' requirement for salaried judicial office, fee paid experience can be regarded as 'desirable' rather than 'essential'. This will help many groups including women, solicitors and those in the employed Bar. The JAC would also like to see barriers to

appointment for members of the Government Legal Service and the Crown Prosecution Service reduced, if possible.

The JAC has raised these issues with the Lord Chancellor who has promised to give our proposals careful consideration.

The tables published today include information on the 'eligible pool' – the number of people who meet the job-specific minimum entry requirements. This figure is also broken down wherever possible to also show its diversity composition. The JAC is grateful for the support of the legal profession in developing this new data and will work with them and other partners to develop this further.

Notes to editors

1. For full details of 27 selection exercises at High Court level and below completed in 07-08 and the summary tables please see www.judicialappointments.gov.uk. These tables include recommendations made for specific vacancies and also those selections put forward as part of a list which does not guarantee appointment.
2. An explanation of the eligible pool is attached as part of Annex A
3. In future, data on each selection exercise will be published on the JAC website as soon as the exercise is completed and the information verified.
4. The JAC completed seven selection exercises in 06-07 to fill a total of 62 vacancies. The numbers involved are too small to draw statistically valid comparisons with this year. Of those seven exercises, only one involved JAC processes. The rest were conducted under DCA or transitional arrangements. The details are included in our 2007 Annual Report.

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ANNEX A

Fee Paid Legal Selections

The JAC made 115 selections for fee paid positions selecting 62 men and 53 women. This included 10 people from a black or minority ethnic background and 5 people who identified themselves as having a disability.

The eligible pool used for this group is derived from data supplied by the Law Society (July 2007) and Bar Council (March 2008) for minimum seven years' professional qualification, which is the minimum statutory requirement specified by Parliament for many of these roles.

| | Eligible Pool | Applicants | Selections |
|-------------|---------------|------------|------------|
| | % | % | % |
| Men | 65 | 55 | 54 |
| Women | 35 | 45 | 46 |
| BME | 7 | 17 | 9 |
| Disability | n/a | 5 | 4 |
| Solicitor | 85 | 73 | 51 |
| Barrister | 15 | 25 | 39 |
| Judicial OH | n/a | 2 | 10 |

Salaried Legal Selections

The JAC made 250 selections for salaried legal appointments. The JAC selected 180 men and 70 women. This included 11 people from black and minority ethnic backgrounds and 16 people who identified themselves as having a disability.

The Lord Chancellor normally requires applicants to have part-time experience before a salaried appointment i.e. the eligible applicants for these positions are typically drawn from the current fee paid pool.

| | Eligible Pool | Applicants | Selections |
|-------------|---------------|------------|------------|
| | % | % | % |
| Men | 79 | 75 | 72 |
| Women | 21 | 25 | 28 |
| BME | 4 | 7 | 4 |
| Disability | n/a | 6 | 7 |
| Solicitor | 39 | 42 | 35 |
| Barrister | 61 | 42 | 53 |
| Judicial OH | n/a | 16 | 12 |

Non-legal Selections

106 selections for non-legal positions were made to the Lord Chancellor. 60 men and 33 women were selected and included 16 people from a black or minority ethnic background and 12 who identified themselves as having a disability.

The eligible pool is the ONS Labour Force Survey Oct-Dec 2007 for people of working age in England and Wales. The BME figure includes 'any other' ethnic group.

| | Eligible Pool | Applicants | Selections |
|------------|---------------|------------|------------|
| | % | % | % |
| Men | 52 | 62 | 65 |
| Women | 48 | 38 | 36 |
| BME | 12 | 21 | 17 |
| Disability | 19 | 26 | 13 |

* NB Percentages may not sum to 100% due to rounding

