Judicial Selection and Recommendations for Appointment

Official Statistics
1 April 2017 to 31 March 2018

Judicial Appointments Commission
Statistics Bulletin

Published 7 June 2018
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Introduction

The official statistics publication presents statistics on applications, shortlisting and recommendations for the appointment of judges in selection exercises that were completed between 1 April 2017 and 31 March 2018. The statistics are used to monitor and evaluate the diversity of applications and Judicial Appointments Commission (JAC) recommendations for judicial office.

The JAC is an executive non-departmental public body (NDPB), sponsored by the Ministry of Justice (MoJ). As a result of the Constitutional Reform Act 2005 (CRA), the JAC was set up on 3 April 2006 to make the appointments process clearer and more accountable. Under the CRA, the JAC’s key statutory duties are to:

- select candidates solely on merit
- select only people of good character
- have regard to the need to encourage diversity in the range of persons available for judicial selection

The JAC is responsible for running selection exercises for judicial posts up to and including for High Court Judges. The JAC is also required to convene panels that recommend candidates for appointment to senior posts including Lord Chief Justice, Heads of Division, and Lord and Lady Justices of Appeal. In addition to statistics relating to selection exercises run by the JAC, diversity statistics for these senior appointments are also published in this bulletin. The President and Justices of the UK Supreme Court are selected under a separate process set out in the Constitutional Reform Act 2005.

The diversity of candidates is officially monitored at several stages during recruitment: application, shortlisting (which consists of 1 or more stages) and recommendation for appointment. The Results section includes an overview of each diversity characteristic.

To maintain confidentiality and ensure candidates may not be personally identified, exercises for posts with fewer than 10 recommendations are aggregated and presented in meaningful groups – small courts exercises, small tribunals exercises, and senior judiciary selection exercises.

Recommendations can take 2 forms. The majority are for immediate appointment, which takes place following the recommendation (section 87 of the Constitutional Reform Act). In some cases, the JAC is requested to identify candidates for possible future appointments (section 94 of the Constitutional Reform Act). Results from both forms of recommendations are presented in the tables that accompany this bulletin.

Information relating to the use of the Equal Merit Provision policy is included in this bulletin. This statutory provision enables the JAC to select a candidate for the purpose of increasing judicial diversity where 2 or more candidates are considered to be of equal merit. It is used at the final decision-making stage of the selection process and only where:

- 2 or more candidates are judged by the Commission to be of equal merit when assessed against the advertised requirements for a specific post
- there is clear under-representation on the basis of race or gender (determined by reference to national census data and judicial diversity data from the Judicial Office)

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1 Characteristics covered in this report include gender, ethnicity, current legal role, disability status, age of applicants, social mobility, sexual orientation and religion/belief.
A distinct but similar approach is taken at shortlisting stage\(^2\).

The diversity statistics in this report are based on self-declared information that applicants have provided on the JAC Diversity Monitoring Form. This information is not considered in the selection process unless the Equal Merit Provision is applied at the final recommendation stage in line with Commission policy, or the similar approach is applied at shortlisting stage. Completion of the Diversity Monitoring Form is voluntary. Some applicants choose not to declare their diversity characteristics or do not complete the information on the form – these applicants are grouped together and included in the ‘Unknown’ group. This is not a meaningful category, and accordingly those who do not declare their information cannot be included within analysis of the outcomes.

**Methods of reporting**

**Eligible pool**

Reference is made in this report to the ‘eligible pool’ for legal exercises. In such cases, eligible pool data represents those individuals that meet the minimum eligibility requirements based on information held and provided by the professions and the Judicial Office.

Eligible pool data is available for gender and ethnicity, and in certain cases professional background – publicly available Judicial Office data for tribunals does not distinguish between salaried and fee-paid judges. As such, the salaried judicial office holder line cannot be completed where judicial experience would include both those holding fee-paid and salaried judicial roles. The professional bodies (Bar Council, Law Society and CILEx) and Judicial Office are not currently able to provide data for other diversity characteristics.

Eligible pool information is provided for the 7 legal exercises completed between 1 April 2017 and 31 March 2018 that had 10 or more recommendations each. Comparisons with the eligible pool are made where relevant to provide additional context. There are different eligibility requirements for these exercises:

- High Court Judge and Recorder: the eligibility requirement was 7 years experience as a solicitor or barrister
- Circuit Judge: the eligibility requirement was 7 years experience as a solicitor or barrister with previous judicial experience
- District Judge (Civil) and the District Judge (Magistrates’ Court): the eligibility requirement was 5 years experience as a solicitor, barrister or fellow of CILEx, with judicial experience
- Salaried Judge of the First-tier Tribunal: the eligibility requirement was 5 years of experience as a solicitor, barrister or fellow of CILEx

The detailed and specific requirements for the Fee-paid Judges of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel role mean that it is not possible to calculate an eligible pool.

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It is not possible to calculate a meaningful eligible pool for the grouped exercises due to differences in the eligibility criteria between posts. Eligible pool data is not available for non-legal roles.

Strong caution is advised for any comparisons to eligible pool figures. It does not suggest that such individuals within the eligible pool have an interest in taking up judicial office, nor does it suggest that such individuals have the talent and experience to be ready to apply, likely to consider making an application, or to be successful.

It is particularly important to use caution and consider the wider context in interpretation of comparisons based on ethnicity, as ethnicity varies considerably with age in the general population. Individuals meeting the minimum 5 years of legal experience may be aged 26 and upward, however almost all judges are aged 40 or over, with nearly half over 60. As such, direct comparison is likely not to be valid. Diversity of ethnicity in the general population is considerably lower among older age groups – among the working age population of England and Wales aged 60 or more, only 5% were BAME\(^3\). As at 1 April 2017, 98% of judges were aged 40 or over, and almost half of judges were aged over 60\(^4\). Similarly, eligible pool figures for ethnicity represent the diversity of those meeting the minimum eligibility requirement; those among the eligible pool with a higher level of professional experience more representative of the level of experience of successful candidates, would be likely to be less ethnically diverse.

**Representation percentages among applicants, shortlist and recommendations**

Within the bulletin, representation percentages are presented for applicants and those recommended for immediate appointment. These are complemented by rates of recommendation that illustrate the outcomes for those that applied from each group (for example: outcomes for women that applied compared to men that applied), along with the Relative Rate Index (RRI), a standardised measure of disparity of outcomes. The narrative highlights any areas of disparity for each characteristic. These relate solely to the characteristic and do not control for any effects of other reported characteristics.

The diversity characteristics presented within this bulletin are self-declared characteristics and not all applicants provide their diversity information. To accommodate this, where calculating percentages, the standard approach (based on survey methodology) is used, separately identifying the level of uncertainty resulting from non-declaration, and identifying the best estimate of representation of all applicants, using known data.

To do so, a **declaration rate** is calculated (total number of valid declarations / total), and where declaration of a diversity characteristics is in excess of 60%, we also present a **representation percentage** of known declarations (number of declarations from the particular group / total valid declarations of the characteristic). This represents the best estimate of the true level of representation among all candidates. Should declaration be below the 60% threshold, there would be insufficient certainty over representation to present meaningful representation percentages

Representation percentages allow comparison of the distribution of each diversity characteristic at the application, shortlist and recommendation for appointment stage. This is particularly useful for the application stage, providing a clear picture of the diversity of the pool of applicants, and how closely they represent the general population, and, where applicable, the eligible pool. It is also particularly useful at the

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recommendation stage to illustrate the end result from a diversity perspective. However, representation among those recommended for appointment is the combined result of the representation among applicants and rates of success for each group in being recommended for appointment. Consideration of whether there is any disparity of outcomes in progress through a particular selection exercise can be viewed independently of initial level of applications by considering rates of recommendation for appointment.

Rates of recommendation

The rate of recommendation is a simple measure of the proportion of applicants in one group that were recommended for appointment, derived from the total number of applicants as the denominator, and the number of those applicants that were recommended for appointment as the numerator. Direct comparison can be made between the rate of recommendation for one group (such as women) compared to the rate of recommendation for the other group (such as men) to determine, of those from each group that applied, whether there were equal outcomes for both groups (concordant rates of recommendation for both groups), or whether there was a disparity of outcomes, with one group being recommended at a notably lower rate than the other group.

While the rates of recommendation for each group allow direct comparison within a characteristic, these rates are entirely dependent on both the number of applicants to an exercise and the number of vacancies being recruited for in the exercise. As such, while comparisons can be made within a single exercise, it would not be meaningful or valid to make simple comparisons across different exercises or across time, where the scale of applicants relative to the number of vacancies would differ.

To make valid comparisons across time or across different exercises requires a measure of disparity of outcomes on a standard scale. This standardised measure of disparity of outcomes is described as the Relative Rate Index (RRI).

Relative Rate Index (RRI)

The RRI is a label applied to a standard statistical metric, the ‘Relative Risk’\(^5\), which provides a standardised, comparable measure of disparity of outcomes between groups independent of variation in the overall rate of recommendation in different time periods in binary comparisons (such as male versus female). The JAC used the RRI in the last annual bulletin, and it was subsequently widely used within the Lammy Review\(^6\). These statistics use this metric to give a standardised, meaningful and straightforward view of any disparity of outcomes on selection exercises by diversity characteristics wherever possible within the data.

The RRI is calculated by dividing the rate of recommendation for one group by the rate of recommendation for the other group, thus creating a single standardised ratio measure of relative disparity. If the rates were the same, the result would be a value of 1, which would indicate identical rates for both groups (that is a parity of outcomes). Deviation from 1 in either direction suggests a difference in the rates of outcomes.

Considering differences in the 2 rates on a relative basis on a standard scale, enables direct comparison of any disparity of outcomes between groups across exercises and across time. By convention, the RRI has been calculated with the under-represented group as the numerator, with the baseline reference group as the denominator. However, calculation in the reverse direction is equivalent and would result in the same interpretation.

When comparing rates and the RRI, it is important to consider uncertainty, to avoid the overinterpretation of fluctuations in outcomes that may be the result of chance alone.

Tests of statistical significance have been conducted to ensure the interpretation of the RRI values take full account of the probability that the observed outcome may be the result of chance alone. In addition to consideration of the extent to which chance variation is involved in any apparent difference in the rates, it is important to consider what is known as the effect size – whether the actual magnitude of the apparent difference in the rates is sufficient to have a material impact, or whether the difference is small and of little material impact. To represent a meaningful disparity of outcomes, an apparent difference must be both statistically significant (unlikely to be the result of chance alone), and of sufficient magnitude to be of material effect.

This bulletin has adopted a simple rule of thumb with a long history of use with the RRI in establishing whether an apparent disparity may be of sufficient magnitude to be representative of evidence of adverse impact. From the basis of a 1971 US Supreme Court ruling, in 1978 the US government adopted the “Uniform Guidelines for Employee Selection Procedures” that were developed by the Technical Advisory Committee for Testing (TACT) for testing employment and personnel processes for disproportionality, taking into account the likelihood that effects were not the result of chance variation, and that the magnitude of such effects were sufficient to represent disadvantage. This is the 4/5 rule of thumb for adverse impact.

From this rule, an RRI within the range of 0.8 to 1.25 should generally not be considered as evidence of an adverse impact. This sets a range around parity, within which fluctuations at least in part due to natural variation would not be taken as evidence of a disparity of outcomes representative of adverse impact to one group.

An important note is that while values falling within the range 0.8 to 1.25 are not considered as evidence of adverse impact, it does not necessarily follow that values outside of this range would be considered evidence of adverse impact, should the RRI not differ significantly from parity. This is particularly pertinent with smaller samples, where the margin of error (the range of natural volatility that would be anticipated due to chance variation alone) will be wider. As such, both statistical significance and an effect size where an RRI falls outside of the range 0.8 to 1.25 should be generally required to establish evidence of a disparity.

Findings suggestive of adverse impact do not necessarily imply issues within the selection exercise process and may reflect other differences between groups, such as level of experience. As rates are the combined result of representation among applicants and recommendations, it is essential that a disparity of outcomes is

8 http://uniformguidelines.com/uniformguidelines.html#18
9 http://adverse-impact.com/research/
interpreted in conjunction with a view on representation among applicants and recommendations.

This is a framework within which to consider outcomes. However, it should not be applied prescriptively without fully considering the context. Systematic trends in one direction, where significant results of small effect are found, may also be considered evidence of an underlying issue.

Changes to reporting

This is the first time that data on social mobility has featured in these statistics. This publication introduces 2 measures of the social mobility of candidates:

- type of school attended aged 11 to 18 years
  - UK independent/fee-paying school
  - UK state school
  - attended school outside UK
- if attended university to study, did either or both parents
  - yes: one or both went to university
  - no: neither went to university
  - I did not attend university

Related statistics – Judicial Office

Statistics on the diversity of current judicial office holders including magistrates are published by the Judicial Office at [https://www.judiciary.uk/publication-type/statistics/](https://www.judiciary.uk/publication-type/statistics/)

Further information

Further information about data sources, statistical methodological revisions, any forthcoming changes and stages in the selection process is in the Definitions and Measurement document that accompanies this statistical bulletin.

The next annual statistics bulletin, for 2018–19, is due to be published on 6 June 2019. This bulletin will include new information on professional background in addition to existing current legal role information.


Any feedback, questions or requests for further information about this statistical publication should be directed to the appropriate contact given at the end of this bulletin.
The Structure of the Courts and Tribunals

UK Supreme Court
Justices of the Supreme Court

Court of Appeal
Lord Chief Justice, Heads of Division and Court of Appeal Judges

High Court
High Court Judges and Deputy High Court Judges

Crown Court
Circuit Judges, Recorders and juries

Magistrates’ Court (MC)
Magistrates, District Judges (MC) and Deputy District Judge (MC)

County Court
Circuit Judges, Recorders, District Judges, Deputy District Judge

Family Court
High Court Judges, Circuit Judges, Recorders, District Judges, Deputy District Judge and Magistrates

Employment Appeal Tribunal
Employment Appeal Judges and Members (legal and non-legal)

Employment Tribunal
Employment Judges and Members (legal and non-legal)

Upper Tribunal
Upper Tribunal Judges

First-tier Tribunal
Tribunal Judges and Members (legal and non-legal)

Annual summary

This annual publication presents statistics on recommendations for judicial posts made between 1 April 2017 and 31 March 2018. Statistics relating to the diversity of applicants and recommendations are presented for the following posts:

- High Court Judge
- Circuit Judge
- Recorder
- District Judge (Civil)
- District Judge (Magistrates’ Court)
- Salaried Judge of the First-tier Tribunal
- Fee-paid Judge of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel
- Fee-Paid Medical Member of the First-tier Tribunal, Social Entitlement Chamber

Exercises with fewer than 10 recommendations are grouped to maintain candidate confidentiality. Aggregated exercises are grouped separately for court, tribunal posts, and senior judicial exercises to enable meaningful consideration.

Table i: Summary outcomes for all exercises completed between 1 April 2017 and 31 March 2018

<table>
<thead>
<tr>
<th></th>
<th>Applicants</th>
<th>Shortlisted</th>
<th>Recommended for immediate appointment (s87)</th>
<th>Recommended to a list (s94)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Courts</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaried</td>
<td>995</td>
<td>523</td>
<td>233</td>
<td>13</td>
</tr>
<tr>
<td>Fee Paid</td>
<td>2,425</td>
<td>356</td>
<td>150</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3,420</td>
<td>879</td>
<td>383</td>
<td>13</td>
</tr>
<tr>
<td><strong>Tribunals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaried</td>
<td>1,102</td>
<td>264</td>
<td>84</td>
<td>1</td>
</tr>
<tr>
<td>Fee Paid</td>
<td>603</td>
<td>394</td>
<td>262</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>1,705</td>
<td>658</td>
<td>346</td>
<td>3</td>
</tr>
<tr>
<td><strong>2017/18 Total</strong></td>
<td>5,125</td>
<td>1,537</td>
<td>729</td>
<td>16</td>
</tr>
<tr>
<td><strong>Ineligible applicants (2017/18)</strong></td>
<td>22</td>
<td>18</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

Ineligible applicants: 46
Withdrawn before shortlisting: 16
Withdrawn after shortlisting: 61

In total, the 28 selection exercises (excluding senior judicial exercises) completed between 1 April 2017 and 31 March 2018, attracted 5,125 applicants, of whom 3,420 applied for court posts and 1,705 applied for tribunal posts.

A total of 729 recommendations for immediate appointment were made during this period, of which 383 were for court posts and 346 were for tribunal posts.

The JAC Annual Report and Accounts for 1 April 2017 to 31 March 2018 presents the number of applications submitted and recommendations made, while this statistics bulletin counts the unique individuals within each selection exercise for diversity purposes. As there are certain exercises within which one individual may submit more than one application, numbers published in the Annual Report and Accounts may not directly correspond to those in this statistics bulletin for this reason.
Exercises included within this publication are those which closed within the financial year, with closure of an exercise being defined as the point at which the appropriate authority has made its decision on the recommendations made by the JAC, see the accompanying Definitions and Measurement document for more details.

**Senior judicial exercises**

In addition to the exercises shown in figure 1, a total of 22 applications were received and 9 recommendations made for the following senior judicial exercises completed between 1 April 2017 and 31 March 2018:

- Lord Chief Justice
- President of the Family Division
- Court of Appeal Justices

**Equal Merit Provision**

Where 2 or more candidates are assessed as being of equal merit, the JAC can select a candidate for the purpose of increasing judicial diversity using the Equal Merit Provision (EMP) introduced by the Crime and Courts Act 2013.

Between 1 April 2017 and 31 March 2018, 3 recommendations were made following the application of the EMP, all of whom were women. In no other instances were candidates considered to be of equal merit for the purpose of this provision, as the recommended candidates were all demonstrably more meritorious than the remaining candidates.

Table ii, below, gives details of the smaller selection exercises, with fewer than ten recommendations made, which have been grouped together to enable statistical comparison.

Figure 1, below, shows the representation of candidates by diversity characteristics, summarised for all exercises in total, and summarised for legal and non-legal exercises separately. There is considerable variation in representation between individual selection exercises (as illustrated by the minimum and maximum range figures), and as a result, overall annual total figures should be considered with caution.
Table i. Grouped small selection exercises completed between 1 April 2017 and 31 March 2018

<table>
<thead>
<tr>
<th>Selection Exercise</th>
<th>Applicants</th>
<th>Recommendations for immediate appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs Judge</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Chief Bankruptcy Registrar</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Chancery Master</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Specialist Civil Circuit Judge</td>
<td>26</td>
<td>3</td>
</tr>
<tr>
<td>Senior Circuit Judge, Designated Civil Judge, Manchester</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Specialist Civil Circuit Judge</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Senior Circuit Judge, Resident Judge</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td><strong>Small Court Exercises total</strong></td>
<td><strong>67</strong></td>
<td><strong>12</strong></td>
</tr>
<tr>
<td><strong>Tribunal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Regional Judge of the First-tier Tribunal, Property Chamber</td>
<td>22</td>
<td>3</td>
</tr>
<tr>
<td>Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber</td>
<td>21</td>
<td>3</td>
</tr>
<tr>
<td>Deputy Judge of the Upper Tribunal, Administrative Appeals Chamber</td>
<td>152</td>
<td>9</td>
</tr>
<tr>
<td>President of the First-Tier Tribunal, Tax Chamber</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Salaried Judge of the Upper Tribunal, Administrative Appeals Chamber</td>
<td>38</td>
<td>5</td>
</tr>
<tr>
<td>Fee-paid Judge of the Upper Tribunal, Tax and Chancery Chamber</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Chairperson of the Agricultural Land Tribunal for Wales</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Salaried Judge of the Upper Tribunal, Tax and Chancery Chamber</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>Regional Judge of the First-tier Tribunal, Social Entitlement Chamber</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Chamber President of the First-tier Tribunal, General Regulatory Chamber</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Fee-paid Legal Members for the Special Educational Needs Tribunal for Wales</td>
<td>72</td>
<td>2</td>
</tr>
<tr>
<td>Salaried Surveyor, Upper Tribunal, Lands Chamber</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Regional Valuer of the First-tier Tribunal, Residential Property, Property Chamber</td>
<td>24</td>
<td>3</td>
</tr>
<tr>
<td><strong>Small Tribunal Exercises total</strong></td>
<td><strong>381</strong></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>
Figure 1: Representation rates for total applicants, shortlisted candidates and recommendations for appointment for exercises (excluding senior judicial exercises) completed between 1 April 2017 and 31 March 2018

<table>
<thead>
<tr>
<th>All exercises</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5,125 applicants</td>
<td>1,537 shortlisted</td>
<td>729 recommended</td>
<td>4,772 applicants</td>
</tr>
<tr>
<td>Min: 19%</td>
<td>Max: 59%</td>
<td>44% women</td>
<td>Min: 17%</td>
</tr>
<tr>
<td>19% BAME</td>
<td>14% BAME</td>
<td>Min: 9%</td>
<td>Max: 22%</td>
</tr>
<tr>
<td>10% solicitors</td>
<td>26 solicitors</td>
<td>Min: 0%</td>
<td>Max: 18%</td>
</tr>
<tr>
<td>7% declared a disability</td>
<td>6% declared a disability</td>
<td>Min: 2%</td>
<td>Max: 11%</td>
</tr>
<tr>
<td>8% aged 45 and under</td>
<td>35% aged 45 and under</td>
<td>Min: 3%</td>
<td>Max: 31%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-legal exercises</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>353 applicants</td>
<td>330 shortlisted</td>
<td>236 recommended</td>
<td>353 applicants</td>
</tr>
<tr>
<td>37% aged 45 and under</td>
<td>38% aged 45 and under</td>
<td>Min: 3%</td>
<td>Max: 31%</td>
</tr>
</tbody>
</table>

The minimum and maximum percentages show the range of values, giving an indication of the extent to which figures vary, and how representative the overall figures are of the constituent parts.

Solictor representation is for legal exercises only. Legal experience is not required for non-legal exercises, and is accordingly excluded from the total graph above. Solicitor figures are for current legal role only, and do not include those who may have a solicitor background, but are currently Salaried Judicial Office holders.

Eligible pool comparisons are not meaningful when combining exercises, and accordingly do not appear here. Figures on eligible pool for specific exercises can be found in accompanying tables.
# Key findings

28 selection exercises (excluding senior judicial) completed between 1 April 2017 and 31 March 2018.

<table>
<thead>
<tr>
<th>Recommendations for immediate appointment, and 16 to a list</th>
<th>24 exercises were for legal posts.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12 exercises were for courts and 8 for tribunals.</td>
</tr>
<tr>
<td></td>
<td>4 exercises were for non-legal tribunal member posts.</td>
</tr>
<tr>
<td>The Equal Merit Provision was applied 3 times, in each case on the basis of gender.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Women recommended for appointment in proportion to their level of applications</th>
<th>Overall, women represented 43% of applicants and 47% of those recommended for immediate appointment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In legal exercises representation of women was slightly lower among recommendations at 40%.</td>
</tr>
<tr>
<td></td>
<td>Outcomes varied within individual exercises, with lower representation of women in exercises of increasing seniority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall parity of outcomes for women and men</th>
<th>Recommendation rates, of those that applied, are not significantly different by gender overall.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>High BAME representation among applicants</th>
<th>Across all exercises there was considerably higher representation of BAME among applicants than the representation in the working age population.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>There was also considerably higher representation of BAME among applicants overall than in the eligible pool for 5 out of 6 of the large legal exercises for which eligible pool figures could be calculated.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BAME candidates had lower rates of recommendation than white candidates</th>
<th>Of those that applied, BAME candidates had lower rates of recommendation than white candidates in all exercises where numbers were sufficient for rates to be calculated.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In most cases, where a disparity of outcomes was seen, this at least in part reflects the high BAME representation seen among applicants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lower solicitor representation among recommendations than applicants in all legal exercises</th>
<th>Candidates who are currently solicitors accounted for 21% of all recommendations in legal exercises, compared to 59% who are currently barristers. Solicitor representation reduced with increasing seniority of exercises.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Candidates who are currently solicitors were recommended at lower rates than those currently barristers in all exercises</th>
<th>Significant disparity in the Circuit Judge and Recorder exercises. Solicitors made up around half of recommended candidates in 3 other large legal exercises.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Overall parity of outcomes for applicants with and without disabilities</th>
<th>Overall, outcomes for disabled and non-disabled applicants were equal, with almost total parity of outcomes across all exercises in 2017–18 combined.</th>
</tr>
</thead>
</table>
Candidates who are women

Women recommended for appointment in proportion to their level of applications. Overall, women represented 43% of applicants and 47% of those recommended for immediate appointment. In legal exercises representation of women was slightly lower among recommendations at 40%. Outcomes varied within individual exercises, with lower representation of women in exercises of increasing seniority.

Overall parity of outcomes for women and men. Recommendation rates, of those that applied, are not significantly different by gender overall.

Figure 2: Representation of women at each stage of the exercises completed between 1 April 2017 and 31 March 2018

Eligible pool information is not available for the grouped exercises (where no meaningful pool figure could be presented as eligibility varies by exercise) or non-legal exercises (for which there is no eligibility requirement for professional legal experience), and could not be calculated for the Fee-paid Judge of the First-tier Tribunal HESC Chamber and MHRT for Wales – Restricted Patients Panel due to the detailed and restrictive requirements.

Figure 2 above shows the representation of women at each stage of the selection process, alongside eligible pool figures, where applicable. Representation of women is lower at each stage among senior exercises, with levels at all stages tending to increase with less seniority. In general, representation of women is similar among applicants and those recommended for immediate appointment.

The gender balance is consistent by age in the working age general population, with an equal balance of men and women at all age bands.
All exercises in 2017–18

Overall, in 2017–18 for all exercises combined, 43% of applicants were women, and 47% of those recommended for immediate appointment were women. Declaration rates for gender were high across all exercises, with 94% of candidates overall having declared their gender.

Representation percentages among applicants and recommended candidates presents the gender balance at these stages, which allows consideration of whether there is under-representation. To more clearly see comparative outcomes by gender of those that applied, to determine whether there was any disparity of outcomes, it is helpful to view the rates with which those that applied were successfully recommended for appointment by gender. It is important to note that any disparity of outcomes may be influenced by a variety of factors such as amount and type of experience, and is not necessarily indicative of issues with the selection process.

When considering the rates of recommendation (the proportion of applicants of each gender that were recommended for appointment):

- of those women that applied, 15% were recommended for immediate appointment
- while 13% of men that applied were recommended for immediate appointment

Comparing the rates of recommendation for females and males on a relative basis, using the Relative Rate Index (RRI) as a measure of disparity of outcomes, gives an RRI of 1.16. Although the result is statistically significant, with women being recommended for immediate appointment at higher rates than men, the RRI value falls within the range where the magnitude of the difference is relatively small\(^{10}\), suggesting that the small difference in rates of recommendation is not sufficient to suggest any evidence of adverse impact to men.

There were a further 16 recommendations made to a list (s94), of which 11 were women.

Legal exercises

When comparing legal and non-legal exercises separately across the whole of 2017–18, there were differences in outcomes by gender. In legal exercises combined, women represented 43% of applicants and 40% of recommendations for immediate appointment.

When considering rates of recommendation, of the women that applied to legal exercises, 10% were recommended for immediate appointment, compared to 11% of the men that applied. The women:men RRI was 0.88, with this apparent difference in recommendation rates being within the range where the magnitude of the difference was small\(^{10}\) and the RRI is not significantly different from parity.

There were 15 further recommendations to a list (s94), of which 10 were women.

Outcomes varied within individual exercises, with considerably higher representation of women at all stages among less senior exercises, with representation of women reducing in exercises of increasing seniority. Seven legal exercises in 2017–18 had at least 10 recommendations for immediate appointment, and accordingly have been reported individually.

\(^{10}\) RRI values falling within the range 0.80 to 1.25 are within the range where the magnitude of the difference in rates would not normally represent evidence of adverse impact to one group.
In the High Court Judge exercise, women represented 29% of applications and 29% of recommendations for appointment, and as such, the recommendation rates for men and women were similar (13% of men that applied were recommended for appointment, comparable to 14% of women that applied being recommended for appointment). This resulted in an RRI of 1.04, almost complete parity of outcomes by gender. Representation of women at all stages in the High Court Judge exercise was lower than the representation of women in the eligible pool (of which 45% were women). Eligible pool comparisons should be viewed with strong caution as the gender distribution among strong candidates may differ considerably to those meeting the minimum eligibility requirement.

In the Circuit Judge exercise, 36% of applicants were women, comparable with those recommended for immediate appointment, of which 35% were women. Accordingly, rates of recommendation for men and women were very similar, with 24% of both men and women that applied being recommended for immediate appointment, resulting in an RRI of 0.97, almost complete parity of outcomes by gender. Of the 6 recommendations to a list (s94), 3 were women. Representation of women was comparable at all stages to the eligible pool (34%).

The Recorder exercise was a large exercise, with 150 recommendations made. Representation of women was lower at all stages than the 45% eligible pool figure. 40% of applicants were women, compared to 32% of recommendations for immediate appointment, 8 percentage points lower than among applicants. This difference in outcomes is highlighted within the recommendation rates, as while 7% of men that applied were recommended for appointment, 5% of women that applied were recommended. This gives an RRI of 0.70, which is outside the range of small effect, representing a statistically significant disparity of outcomes for women.

In the District Judge (Civil) exercise, the eligible pool figure for the representation of women is 36%, This is considerably lower than the representation of women within the exercise, in which women represented 46% of applicants, and 45% of recommendations for immediate appointment. The recommendation rates by gender were similar, with 34% of women that applied being recommended for immediate appointment, and 35% for men that applied. This resulted in an RRI of 0.95, an outcome that is not statistically significantly different from parity, and well within the range where the magnitude of the effect was small.

In the District Judge (Magistrates' Court) exercise, again the eligible pool figure for women was 36%, considerably below the level of representation in this exercise, where women represented 45% of applicants, and 50% of recommendations. Women had a slightly higher rate of recommendation (11% of women that applied were recommended for immediate appointment, compared to 9% of men). This gives an RRI of 1.22, representing better outcomes for women than men, although within the range where the effect was small and the result was not significantly different from parity.

In the Salaried Judge of the First-tier Tribunal exercise, representation of women was higher than the eligible pool level of 48% at all stages of the exercise. 53% of applicants were women, and women represented 60% of recommendations for immediate appointment. The rate of recommendation for women that applied was higher than for men (8% for women compared to 6% for men), and this resulted in an RRI of 1.33. While this is above the threshold at which it might be considered a disparity of outcomes, the result is not statistically significantly different from parity. Accordingly, caution is advised in interpretation of the result as a disparity of outcomes.

For the Fee-paid Judge of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel, 52% of applicants were women, and 41% of recommendations were women.
Strong caution is urged over consideration of this outcome as the actual difference in men and women recommended for appointment was only 3 more men than women.

The detailed and specific requirements for this role mean that it is not possible to calculate an eligible pool. In this exercise, there were separate tracks for the 2 roles. Both roles had the requirement of being a Recorder; and as at 1 April 2017 20% of Recorders were women. However, in addition specific experience was required, for example in mental health. These are very different and specific requirements than for other exercises.

When looking at the rates of recommendation, 43% of men that applied were recommended for appointment, while the corresponding rate for women was 28%. This results in an RRI of 0.64, well below the threshold, although the result is not statistically significant, and again, caution is advised in consideration of these figures due to the small numbers of recommendations in this exercise, and the actual outcomes in headcount terms for recommendations for appointment only amounting to a small difference (10 men, 7 women, and one who did not declare their gender).

**Non-legal exercises**

In non-legal exercises combined, women represented 56% of applicants and 64% of recommendations for appointment. Those women that applied were recommended at a higher rate than men (57% of men that applied to non-legal exercises were recommended for immediate appointment, compared to a rate of 78% for women), resulting in an RRI of 1.38. This statistically significant result is considerably above the threshold, and accordingly may be considered evidence of a disparity of outcomes, with a significantly lower success rate for those men that applied in comparison to women.

In the Fee-Paid Medical Member of the First-tier Tribunal (Social Entitlement Chamber) exercise, 59% of applicants were women, compared to 64% of recommendations. Women had a higher recommendation rate than men, with 82% of women that applied being recommended, compared to 65% for men. This resulted in an RRI of 1.25, a statistically significant disparity of outcomes just at the threshold at which the result might suggest evidence of adverse impact for men.

**Grouped small exercises**

Small court exercises resulting in fewer than 10 recommendations have been grouped together to prevent disclosure and allow meaningful consideration of figures.

In the grouped small court exercises, 18% of applicants were women, compared to 17% of recommendations for immediate appointment. When looking at rates of recommendation, the rates were broadly comparable, with 20% of male applicants recommended for appointment and 18% for women, resulting in an RRI of 0.93, not statistically significantly different from parity. Although the difference in outcomes among those that applied was small, the level of representation of women in the small court exercises at all levels was notably low.

In the group small tribunal exercises with fewer than 10 recommendations, women represented 43% of applicants, and 41% of recommendations. Looking at the recommendation rates, 9% of both men and women that applied were recommended for appointment, giving an RRI of 0.91, a result not statistically significantly different from parity, although noting some caution is advised given the low numbers of recommendations in these exercises combined.
**Figure 3: Rates of recommendation (proportion of applicants that were successful in being recommended for appointment), by gender**

<table>
<thead>
<tr>
<th>Role</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>15%</td>
<td>13%</td>
</tr>
<tr>
<td>Legal</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>High Court Judge</td>
<td>14%</td>
<td>13%</td>
</tr>
<tr>
<td>Circuit Judge</td>
<td>24%</td>
<td>24%</td>
</tr>
<tr>
<td>Recorder</td>
<td>9%</td>
<td>7%</td>
</tr>
<tr>
<td>District Judge (Civil)</td>
<td>11%</td>
<td>9%</td>
</tr>
<tr>
<td>District Judge (Magistrates' Courts)</td>
<td>34%</td>
<td>35%</td>
</tr>
<tr>
<td>Sal Judge of the FfT</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Ff Judge of the FfT, HESC Chamber and MHRT for Wales - Restricted Patients Panel</td>
<td>28%</td>
<td>43%</td>
</tr>
<tr>
<td>Grouped small Court selection exercises</td>
<td>18%</td>
<td>20%</td>
</tr>
<tr>
<td>Grouped small Tribunal selection exercises</td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>Non-Legal</td>
<td>57%</td>
<td>78%</td>
</tr>
<tr>
<td>Ff Medical Member of the FfT, Social Entitlement Chamber</td>
<td>65%</td>
<td>82%</td>
</tr>
</tbody>
</table>

Figure 3 above compares the rates of recommendation by gender in each exercise. The level of the rates themselves are driven by the number of applicants relative to the number of vacancies to fill. Accordingly, it is of no meaning in the context of outcomes by gender to compare rates across exercises – is the comparison of the rates for women and men within a single exercise or grouped set of exercises that is pertinent.

Figure 4 below presents the RRI by gender, illustrating the relative comparison of outcomes for women compared to men. It would be expected that some variation of outcomes would occur due to chance alone, and small deviations from parity (entirely equal rates of outcomes, represented by an RRI of 1) should not be over-interpreted.

For gender, the majority of exercises fall within the range where the magnitude of the difference is small (RRI values within the range 0.80 to 1.25), and although there are some exercises with RRI values outside of the range, these are in both directions. Accordingly, outcomes overall were broadly similar by gender for those that applied.
Figure 4: Relative Rate Index (RRI) – Relative comparison of outcomes for women compared to men

RRI values that fall in the green zone around the line of no disparity, ranging from 0.8 to 1.25, are not likely to be indicative of a disparity in outcomes.

Trends over time

Figure 5 below collates information together from exercises run during the period prior to the formation of the JAC (collated from published figures from 1998–99 to 2005–06), compared to exercises run since the formation of the JAC (from published figures from 2006–07 to 2017–18).

Figure 5 presents summary comparisons for individual roles separately over long periods of time. This high level view may be helpful in providing a clearer picture of the long-term trend above and beyond the volatility seen in outcomes of individual exercises. However, as the underlying time series spans almost 20 years, comparison of figures collated over longer periods of time should also be seen in context with the societal change occurring over this time.

There has been a clear increase in the representation of women at both the application and recommendation stages in each exercise.
Figure 5: Representation of women among applicants and recommendations for the pre-JAC period (1998-2006) and the JAC period (2006-2018)

No figures are available for comparison for the pre-JAC period for Recorder and Salaried Judge of the First-tier Tribunal.

For each role, the representation of women among recommendations is equal or higher than among applicants in both the pre-JAC and JAC periods.

When looking at more detailed trends over time, for main courts exercises in each year since the start of the JAC, as seen in Table 15 of the accompanying tables file, there is substantial volatility, and no clear pattern emerges.

**Senior exercises in 2017–18 (Court of Appeal and above)**

In the small senior judicial exercises run during 2017–18 combined, there were 22 applicants (not included within the figures above), 4 of whom were women, and 9 recommendations for appointment made, one of whom was a woman. The numbers involved in these exercises combined are too low to consider from a statistical perspective. These figures are not included within the totals referred to above.
Candidates from a Black, Asian and minority ethnic (BAME) background

High BAME representation among applicants. Across all exercises there was considerably higher representation of BAME among applicants than the representation in the working age population. There was also considerably higher representation of BAME among applicants overall than in the eligible pool for 5 out of 6 of the large legal exercises for which eligible pool figures could be calculated.

BAME candidates had lower rates of recommendation than white candidates. Of those that applied, BAME candidates had lower rates of recommendation than white candidates in all exercises where numbers were sufficient for rates to be calculated.

In most cases, where a disparity of outcomes was seen, this at least in part reflects the high BAME representation seen among applicants.

While the gender balance of the working age general population is fairly constant across age groups, the same is not the case for ethnicity. Ethnic diversity among the working age general population varies substantially across different age groups, with older age groups being far less ethnically diverse than younger age groups, as seen in table iii below, which presents figures from the 2011 Census\textsuperscript{11} by ethnicity and age.

Table iii: Working age general population by age and ethnicity (2011 Census\textsuperscript{11})

<table>
<thead>
<tr>
<th></th>
<th>18-24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-39</th>
<th>40-44</th>
<th>45-49</th>
<th>50-54</th>
<th>55-59</th>
<th>60-64</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAME</td>
<td>975,777</td>
<td>760,482</td>
<td>752,036</td>
<td>648,815</td>
<td>570,007</td>
<td>463,246</td>
<td>360,070</td>
<td>264,307</td>
<td>180,475</td>
<td>4,975,215</td>
</tr>
<tr>
<td>BAME %</td>
<td>19%</td>
<td>20%</td>
<td>20%</td>
<td>17%</td>
<td>14%</td>
<td>11%</td>
<td>10%</td>
<td>8%</td>
<td>5%</td>
<td>14%</td>
</tr>
</tbody>
</table>

Judges have a very different age distribution from that of the general working age population. Looking at the age distribution of sitting judges, as at 1 April 2017, 98% of judges were aged 40 or more, around 80% were aged 50 or more, and almost half of judges were aged 60 or more\textsuperscript{12}.

Similarly, those applying for judicial office, in particular for legal roles, also have a different age profile to that of the working age general population. In legal exercises in 2017–18, 95% of those that applied and 97% of those that were recommended for appointment were aged between 36 and 65. Given the relationship between age and ethnicity, consideration of ethnicity representation should take into account the age profile.

A more representative working age population comparator figure for ethnicity, taking into account the age range of candidates, would be 11% BAME. More senior exercises, such as for High Court Judge, attract candidates from an older age range, with virtually all candidates aged 46 and over, for which a comparable general population figure would be 9% BAME.

\textsuperscript{11} http://www.ons.gov.uk/census/2011census
While the working age general population may not reflect the profile of those eligible to apply for judicial roles, it provides some context as to levels that might be suggestive of under or over representation in all exercises at application, shortlisting or recommendation stages.

Eligible pool figures present the ethnic diversity of those in the professions meeting the minimum eligibility requirements for a specific exercise. Eligible pool comparisons should be viewed with strong caution, particularly with increasing seniority of roles. As experience is inevitably highly correlated with age, the ethnicity distribution among strong candidates may differ considerably to those meeting the minimum eligibility requirements.

Figure 6: BAME representation at each stage of the exercises completed between 1 April 2017 and 31 March 2018

Eligible pool information is not available for the grouped exercises (where no meaningful pool figure could be presented as eligibility varies by exercise) or non-legal exercises (for which there is no eligibility requirement for professional legal experience), and could not be calculated for the Fee-paid Judge of the First-tier Tribunal HESC Chamber and MHRT for Wales – Restricted Patients Panel due to the detailed and restrictive requirements.

All exercises in 2017–18

Across all selection exercises that completed in 2017–18 in total, BAME candidates represented 19% of applicants, and 13% of recommendations for immediate appointment.

BAME representation among applicants was considerably higher than the 14% BAME representation in the working age population of England and Wales (2011 Census\(^\text{13}\)), while the level of BAME representation among those recommended for appointment was broadly comparable with levels in the general population. Ethnicity declaration...
rates were high across all exercises, with 93% of candidates overall having declared their ethnicity.

When considering the recommendation rates by ethnicity, 9% of BAME applicants were recommended for immediate appointment, compared to 15% for white applicants. Relative comparison of these rates gives an RRI of 0.60, which represents a statistically significant disparity of outcomes, with BAME candidates having lower rates of success than white candidates.

It is important to note that a disparity of outcomes should be considered with care. There are many factors that may influence outcomes, such as the amount of legal experience and the nature of that experience.

With BAME representation among those recommended for immediate appointment being broadly comparable to representation in the working age general population, the observed disparity of outcomes within the exercise is likely to reflect the high BAME representation seen among applicants.

There were a further 16 recommendations made to a list (s94), of whom all were white.

Legal exercises

When considering all legal exercises completed in 2017–18 combined, 19% of applicants were BAME, notably higher than BAME representation among the working age general population. This is of particular note given the aforementioned relationship between ethnicity and age. Taking into account the age range of candidates in legal exercises, the general population comparator figure within the age range of candidates would be 11% BAME\(^\text{14}\).

Of those recommended for immediate appointment, 9% were BAME. While this is 10 percentage points lower than BAME representation among applicants, there is considerably less difference to the wider population, being 2 percentage points lower than the general population comparator.

Looking at rates of recommendation, among BAME applicants, 5% were recommended for immediate appointment, compared to 12% for white applicants. On a relative basis, these rates give an RRI of 0.40, a statistically significant disparity of outcomes which may suggest evidence of adverse impact to BAME applicants. However, this disparity of outcomes should be seen in context with the high level of BAME applicants, considerably above the level in the wider population.

15 of the 16 recommendations to a list (s94) were made in legal exercises, all of whom were white.

There was considerable variation of outcomes within the 7 legal exercises with sufficient recommendations to consider meaningfully on an individual basis.

In the High Court Judge exercise, 13% of applicants were BAME. This is at a comparable level to the eligible pool (14%), although as mentioned previously, eligible pool figures should be viewed with caution, particularly among more senior exercises. Among recommendations, 6% were BAME. Caution is advised in consideration of recommendation percentages due to low numbers. 94% of applicants to the High Court

\(\text{14} \) [https://www.ons.gov.uk/census/2011census](https://www.ons.gov.uk/census/2011census)
Judge exercise were aged 46 or over, which would suggest a general population comparator figure of 9% based on this age range.

When considering the rates of recommendation among those who applied, BAME applicants had a rate of recommendation of 6%, compared to a rate of 15% for white candidates. Although this produces an RRI of 0.43, the result is not statistically significant. Again, caution is urged in consideration of this result, as there were only 17 recommendations made. Had just one more recommendation been BAME, there would not have been a difference in the rate of outcomes by ethnicity in this exercise.

In the Circuit Judge exercise, 14% of applicants were BAME, higher than both the eligible pool figure of 8%, and BAME representation among recommendations for immediate appointment, at 5%. With 99% of candidates being aged between 36 to 64, the general population comparator figure for this age range would be 11% BAME.

When considering rates of recommendation for those that applied, 9% of BAME applicants were recommended for immediate appointment, compared to 27% of white applicants being recommended. This gives an RRI of 0.35, which represents a statistically significant disparity of outcomes that may suggest evidence of adverse impact to BAME applicants. A further 6 recommendations were made to a list (s94), all of whom were white.

In the Recorder exercise, 17% of applicants were BAME, higher than the 14% BAME seen among the eligible pool, while 9% of recommendations were BAME (no recommendations were made to a list). With almost all candidates aged 36 to 65, the general population comparator figure for BAME representation for this age range would be 11%.

When looking at rates of recommendation among those that applied, 3% of BAME applicants were recommended, compared to 7% of white applicants being recommended. This is an RRI of 0.47, a statistically significant disparity of outcomes. This disparity should be viewed in context with the combined effect of higher levels of BAME representation among applicants than in both the eligible pool and wider population and slightly lower BAME representation among recommendations.

In the District Judge (Civil) exercise, 20% of applicants were BAME, considerably higher than the 7% BAME in the eligible pool. BAME representation was considerably lower at the recommendation stage than among applicants, but higher than the eligible pool figure, with 9% of recommendations for immediate appointment being BAME. With 95% of candidates aged between 36 and 65, the general population comparator figure for BAME representation for this age range would be 11%.

When considering rates of recommendation among those that applied, 15% of BAME applicants were recommended for immediate appointment, while 39% of white applicants were recommended. This gives an RRI of 0.39. Although this is a statistically significant disparity of outcomes, the disparity should be seen in context with the very high levels of BAME representation among applicants relative to the wider population and the eligible pool, with BAME being more highly represented among those recommended than the level in the eligible pool also.

In the District Judge (Magistrates’ Court) exercise, 23% of applicants were BAME, substantially higher than the 7% BAME in the eligible pool. BAME representation was comparable with that of the eligible pool. With 97% of candidates aged from 36 to 65, the general population comparator figure for BAME representation for this age range would be 11%.

When looking at recommendation rates for those that applied, while 12% of white applicants were recommended for immediate appointment, 4% of BAME applicants were recommended, giving an RRI of 0.30. However, this result is not statistically
significant, and accordingly should be considered with caution. A further 5 recommendations were made to a list (s94), all of whom were white.

In the Salaried Judge of the First-tier Tribunal exercise, 26% of applicants were BAME, considerably higher than the level in the eligible pool (15%), while 11% of recommendations were BAME. With 94% of candidates aged between 36 and 65, the general population comparator figure for BAME representation is 11%, the same level as seen among those recommended for appointment in this exercise.

Looking at the rates of recommendation among those that applied, 3% of BAME applicants were recommended for immediate appointment, compared to 8% of white applicants. This gives an RRI of 0.36, a statistically significant disparity of outcomes, although as BAME representation among those recommended for appointment was directly proportionate to the level in the wider population, this disparity is likely to reflect the high levels of BAME representation among applicants.

For the Fee-paid Judge of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel, 9% of applicants were BAME, and 6% of recommendations were BAME. No recommendations were made to a list.

The detailed and specific requirements for this role mean that it is not possible to calculate an eligible pool. In this exercise, there were separate tracks for the 2 roles. Both roles had the requirement of being a Recorder; and as at 1 April 2017 8% of Recorders were BAME\textsuperscript{15}. However, in addition specific experience was required, for example in mental health. These are very different and specific requirements than for other exercises. Numbers were insufficient to calculate rates of recommendation or RRI, and as such no conclusions can be drawn with regards to disparity of outcomes.

Non-legal exercises

In non-legal exercises, 25% of applicants were BAME, and 22% of recommendations for appointment were BAME, considerably higher representation than in legal exercises, and well above the 14% BAME representation seen in the working age general population at all stages. There were no recommendations to a list in non-legal exercises. Looking at rates of recommendation, 60% of BAME applicants were recommended, while 72% of white applicants were recommended, giving an RRI of 0.83, within the range where the magnitude of the difference is small and not significantly different from parity.

In the Fee-paid Medical Member of the First-tier Tribunal (Social Entitlement Chamber) exercise, 26% of applicants were BAME, and 22% of recommendations for appointment were BAME (no recommendations to a list were made). Looking at recommendation rates, 63% of BAME applicants were recommended, compared to 80% for white. This gives an RRI of 0.78, a significant result just outside the threshold, although this should be seen in context with the very high level of BAME representation among both applicants and recommendations, well in excess of levels in the wider population.
Grouped small exercises

In the grouped small court exercises combined, 25% of applicants were BAME, while 8% of recommendations were BAME. With 97% of candidates being aged 46 or over, the general population comparator figure for BAME representation would be 9%, broadly comparable with that seen among those recommended for appointment.

Looking at rates of recommendation, while 6% of BAME applicants were recommended for appointment, 23% of white applicants were recommended for appointment. Caution is advised in consideration of this outcome, as although this gives an RRI of 0.27, the result is not statistically significant and numbers of recommendations, even when grouped, are very low. This finding should be seen in context with very high BAME representation among applicants, with representation among recommendations being fairly closely aligned to that of the general population within the age range of candidates.

Small tribunal exercises with fewer than 10 recommendations, grouped together, had 19% of applicants that were BAME, and 13% of recommendations that were BAME. Based on the age range of candidates, the general population comparator figure for BAME representation would be 11%. Rates of recommendation showed 6% of BAME applicants were recommended for immediate appointment, compared to 10% for white applicants. This is an RRI of 0.62, although caution is advised in interpretation as the result is not statistically significant, and BAME representation among both applicants and recommendations was in excess of the level seen in the general population within the age range of candidates.

Figure 7: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), by ethnicity

~ denotes numbers too low to calculate rates of recommendation.
While figure 7 above compares the rates of recommendation by ethnicity in each exercise, figure 8 below presents the RRI by gender, illustrating the relative comparison of outcomes for BAME candidates and white candidates. Some variation would be expected by chance alone, although, as figure 7 illustrates, there is a general trend of disparity of outcomes by ethnicity, with lower rates of recommendation for BAME candidates. However, this should be seen in context with the generally high levels of BAME representation among applicants, at, or in excess of the level of the eligible pool and the general population in most cases.

Figure 8: Relative Rate Index (RRI) – Relative comparison of outcomes for BAME candidates compared to white candidates

![Relative Rate Index (RRI) graph](image)

RRI values that fall in the green zone around the line of no disparity, ranging from 0.8 to 1.25, are not likely to be indicative of a disparity in outcomes.

RRI cannot be calculated for the Fee-paid judge of the First-tier Tribunal HESC and MHRT for Wales exercise due to insufficient numbers.

Figure 8 above shows the relative rates of outcomes by ethnicity for those that applied. Where a disparity of outcomes is indicated, this should be viewed in context with the extent to which this may reflect low BAME representation among those recommended, or high BAME representation among those that applied. In most cases where a significant disparity of outcomes was observed based on ethnicity (with the exception of the Circuit Judge exercise), this is likely to reflect high levels of BAME representation among those that applied, as discussed earlier in the chapter.
Trends over time

Figure 9 below collates information together from exercises run during the period prior to the formation of the JAC (1998–99 to 2005–06), compared to exercises run since the formation of the JAC (2006–07 to 2017–18). Presented in figure 9 are summary comparisons for individual roles separately over each time period, to show long term trends without the volatility seen in yearly comparisons.

The proportion of BAME applicants has increased overall when comparing exercises run in the pre-JAC period to those run since the formation of the JAC. The proportion of BAME recommendations has also increased in each exercise, but to a lesser extent.

When considering the large time difference in the periods covered, the changes in BAME representation should be viewed in context with societal change across the lifetimes of candidates in the different periods, and changes in diversity of the general population, which will be reflected in those who apply.

**Figure 9: Representation of BAME among applicants and recommendations for the pre-JAC period (1998–2006) and the JAC period (2006–2018)**

![Figure 9: Representation of BAME among applicants and recommendations for the pre-JAC period (1998–2006) and the JAC period (2006–2018)](image)

No figures are available for comparison for the pre-JAC period for Recorder and Salaried Judge of the First-tier Tribunal.

**Senior exercises in 2017–18 (Court of Appeal and above)**

In the small senior judicial exercises run during 2017–18 combined, there were 22 applicants (not included within the figures above), one of whom was BAME, and 9 recommendations for appointment made, of which one was BAME. The numbers involved in these exercises combined are too low to consider from a statistical perspective.
Candidates with the current legal role of solicitor

Lower solicitor representation among recommendations than applicants in all legal exercises. Candidates who are currently solicitors accounted for 21% of all recommendations in legal exercises, compared to 59% who are currently barristers. Solicitor representation reduced with increasing seniority of exercises.

Solicitors recommended at lower rates than barristers in all exercises. Significant disparity in the Circuit Judge and Recorder exercises. Solicitors made up around half of recommended candidates in 3 other large legal exercises.

Figure 10: Solicitor representation at each stage of the exercises completed between 1 April 2017 and 31 March 2018 (legal posts only)

Care must be taken when interpreting the figures for solicitors. The information collected using the diversity monitoring form in the recruitment process is self-declared and requests information only about applicants’ current legal role. Therefore the professional backgrounds of those currently holding judicial office will not be represented. This may be particularly significant for those exercises where a substantial proportion of applicants and those recommended for appointment, currently hold judicial office and declare that as their current legal role.

For those exercises, in particular, the data reported cannot be used to draw conclusions about the professional background of applicants and those recommended. Changes have been made to the form to enable more detail on professional background to be reported from next year onward.
Current legal role is only pertinent for legal exercises. As non-applicable information is excluded from calculations, figures across all exercises in total cover only legal exercises.

Information about the pool of eligible candidates is not presented in the commentary. The proportion of individuals registered with the respective professional bodies would not be expected to correspond with the current legal role of applicants, in particular those who were judicial office holders at the time of application (particularly pertinent for more senior roles). The number of solicitors meeting the minimum eligibility requirement is around 10 times the size of the population of barristers meeting the eligibility requirement, and as such there is little rationale in considering whether the balance of those applying for judicial appointment aligns with that of members of the different professions. As such the commentary does not make comparison to eligible pool figures for profession.

**Legal exercises**

Across all legal exercises combined, solicitors represented 36% of applicants and 21% of recommendations. Barristers represented 50% of applicants and 59% of recommendations. Declaration rates were high, with 93% of candidates overall having declared their current legal role.

When considering rates of recommendation, of those solicitors that applied, 6% were recommended for immediate appointment. This compares to 12% for barristers, and 18% for salaried judicial office holders. Note that the salaried judicial office holder figure for legal exercises in total does not compare to the solicitor and barrister figures, as exercises such as District Judge (Civil), District Judge (Magistrates’ Court) and Salaried Judge of the First-tier Tribunal would not tend to attract applications from those already holding salaried judicial appointments. Similarly, as explained above, the salaried judicial office holder figure will also include candidates whose professional background is that of a solicitor or a barrister.

On a relative basis, comparing outcomes for solicitors to barristers only, the solicitor:barrister RRI was 0.48, a statistically significant disparity of outcomes. The RRI is a binary comparator, and as such the RRI value above only directly compares outcomes for those with a current legal role of solicitor to those with a current legal role of barrister. It does not incorporate outcomes for salaried judicial office holders, CILEx members or other candidates (such as academics), and neither does it consider any other prior legal roles held. There were a further 15 recommendations to a list (s94), of whom 5 were solicitors, 4 barristers, and 6 salaried judicial office holders.

There was considerable variation in solicitor representation across different exercises, as seen in figure 10 above. Solicitor representation among applicants reduced with increasing seniority, and in all exercises solicitor representation was lower among those recommended for immediate appointment than among applicants. The High Court Judge, Circuit Judge and Recorder exercises showed the most notable difference in the level of solicitor representation between the application and recommendation stages, and lower levels of representation overall. Solicitors were considerably more represented at all stages in the District Judge (Civil), District Judge (Magistrates’ Court) and Salaried Judge of the First-tier Tribunal exercises, with just under half of those recommended for immediate appointment being solicitors in these 3 exercises.

In the High Court Judge exercise, solicitors represented 10% of applicants, none of whom were recommended for appointment. Of the 17 recommendations for appointment, 13 were barristers and 4 were salaried judicial office holders.
In the Circuit Judge exercise, 13% of applicants were solicitors, while 1% of those recommended for appointment were solicitors. Looking at recommendation rates, 2% of those solicitors that applied were recommended for appointment, while 26% of barristers that applied were recommended. This is an RRI of 0.08, a statistically significant disparity of outcomes. 29% of salaried judicial office holders that applied were recommended for immediate appointment, accounting for 45% of recommendations. A further 6 recommendations to a list (s94) were made, all of whom were salaried judicial office holders.

In the Recorder exercise, solicitors represented 28% of applicants, and 4% of recommendations for appointment (no recommendations were made to a list). Of those solicitors that applied, 1% were recommended for appointment, compared to a rate of 9% for barristers and 6% for salaried judicial office holders. Relative comparison of the rates for solicitors to barristers gives an RRI of 0.11, a statistically significant disparity of outcomes.

In the District Judge (Civil) exercise, 55% of applicants were solicitors, and 47% of recommendations for immediate appointment were solicitors. Of those solicitors that applied, 30% were recommended for immediate appointment, compared to a rate of 41% for barristers. This is an RRI of 0.72. Although this is below the threshold, caution is advised as it does not represent a statistically significant disparity of outcomes.

In the District Judge (Magistrates’ Court) exercise, 52% of applicants were solicitors, as were 45% of recommendations for immediate appointment. Considering the rates of recommendation, of those solicitors that applied, 8% were recommended for immediate appointment, compared to 10% for barristers. This is an RRI of 0.81, a non-significant outcome within the range where the magnitude of the difference is small. There were a further 5 recommendations to a list (s94) of whom 3 were solicitors, the other 2 barristers. Accordingly, solicitors were the group most represented among all recommendations made in this exercise.

In the Salaried Judge of the First-tier Tribunal exercise, although solicitor representation was high among applicants at 62%, solicitor representation was 48% among the recommendations for immediate appointment. Although solicitors represented almost half of all recommendations for immediate appointment, this is considerably lower than representation among applicants. This difference in outcomes is more clearly illustrated by the rates of recommendation. Among those solicitors that applied, 5% were recommended for immediate appointment, less than half the recommendation rate of 12% for barristers, giving an RRI of 0.45, a statistically significant disparity of outcomes.

For the Fee-paid Judge of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel, 27% of applicants and 24% of recommendations for immediate appointment were solicitors. Of those solicitors that applied, 31% were recommended for appointment, compared to 38% for barristers, giving an RRI of 0.81, the difference in rates being not statistically significant and within the range of values where the difference is small and not generally suggestive of a disparity of outcomes.

**Grouped small exercises**

In the grouped small court exercises combined, 25% of applicants were solicitors, while 8% of recommendations for immediate appointment were solicitors. Of those solicitors that applied, 6% were recommended for appointment, compared to 8% of barristers, giving an RRI of 0.78, which although falls just outside the threshold, should be considered with caution as it is not a statistically significant difference – had just one more recommendation been a solicitor, the outcome would have been reversed. Also of
note is that among salaried judicial office holders that applied, 41% were recommended for appointment.

In the grouped small tribunal exercises, solicitors represented 40% of applicants and 29% of recommendations. Of those solicitors that applied, 6% were recommended for immediate appointment, compared to 8% for barristers, giving an RRI of 0.78, just outside the threshold, although this should be considered with caution as the result is not statistically significant. To note, 15% of the salaried judicial office holders that applied were recommended for appointment.

**Figure 11: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), for solicitors and barristers**

<table>
<thead>
<tr>
<th>Exercise</th>
<th>Solicitor</th>
<th>Barrister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>6%</td>
<td>12%</td>
</tr>
<tr>
<td>Legal</td>
<td>6%</td>
<td>12%</td>
</tr>
<tr>
<td>High Court Judge</td>
<td>2%</td>
<td>25%</td>
</tr>
<tr>
<td>Circuit Judge</td>
<td>2%</td>
<td>30%</td>
</tr>
<tr>
<td>Recorder</td>
<td>1%</td>
<td>9%</td>
</tr>
<tr>
<td>District Judge (Civil)</td>
<td>6%</td>
<td>30%</td>
</tr>
<tr>
<td>District Judge (Magistrates’ Courts)</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Sal Judge of the RT</td>
<td>5%</td>
<td>12%</td>
</tr>
<tr>
<td>Fp Judge of the RT, HESC Chamber and MHRT for Wales - Restricted Patients Panel</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Grouped small Court selection exercises</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td>Grouped small Tribunal selection exercises</td>
<td>6%</td>
<td>8%</td>
</tr>
</tbody>
</table>

~ denotes numbers too low to calculate rates of recommendation.

Figure 11 above compares the rates of recommendation in each exercise for solicitors and barristers. The overall level of the rates is not pertinent, and nor are comparisons of rates across exercises (as this is determined by the size of the applicant pool compared to the number of vacancies). It is the comparisons of the rates for solicitors and barristers within single or grouped exercises that should be considered. Within each exercise, or grouped set of exercises, the rate of recommendation for barristers is higher than the rate for solicitors.

Figure 12 below presents the RRI for relative comparison of rates of outcomes for solicitors compared to barristers across exercises. This illustrates a clear overall trend across all exercises of lower success rates for solicitors among those that applied, although some were not statistically significant or were within the range where the magnitude of the difference is small. The disparity of outcomes was most clear in the Circuit Judge and Recorder exercises. This comparison for the Circuit Judge exercise does not factor in those that already held a salaried judicial role on applying – these
were the second largest group of applicants and recommendations, with the highest rates of recommendation. Some of these may have been solicitors previously.

**Figure 12: Relative Rate Index (RRI) – Relative comparison of outcomes for solicitors to barristers**

![Relative Rate Index (RRI) graph]

RRI values that fall in the green zone around the line of no disparity, ranging from 0.8 to 1.25, are not likely to be indicative of a disparity in outcomes. RRI cannot be calculated for the High Court Judge exercise due to insufficient numbers.

**Trends over time**

Figure 13 below collates information together from exercises run during the period prior to the formation of the JAC (1998–99 to 2005–06), compared to exercises run since the formation of the JAC (2006–07 to 2017–18). Figure 13 presents summary comparisons of the long term trends for individual roles separately over each time period.
Solicitor representation has varied by exercise, with the representation of solicitors in District Judge (Magistrates’ Court) at relatively similar levels in the exercises run in the pre-JAC and JAC periods, but the representation has fallen in District Judge (Civil) exercises.

There has been an increase in solicitor representation among applicants in High Court Judge exercises, but no change in recommendations. The solicitor representation of applicants for Circuit Judge is similar in the pre-JAC and JAC periods, but solicitor representation among recommendations is lower in the JAC period. In recent years, there have been higher levels of salaried judicial office holders recommended for appointment in Circuit Judge exercises, which will have contributed to the difference in representation of solicitors.

Senior exercises in 2017–18 (Court of Appeal and above)
Professional background information was not collected for the senior judicial exercises completed between 1 April 2017 and 31 March 2018.
Candidates with a disability

**Overall parity of outcomes for applicants with and without disabilities.**
Overall, outcomes for disabled and non-disabled applicants were equal, with almost total parity of outcomes across all exercises in 2017–18 combined.

**Figure 14: Disability representation at each stage of the exercises completed between 1 April 2017 and 31 March 2018**

Information on the eligible pool is provided by the professions based on the administrative data they hold on their members, as well as by the Judicial Office on existing judicial office holders. This data was not available for disability.

The 2011 census\(^\text{16}\) data uses a measure based on 'limitation in daily activities because of a health problem or disability'. In the general population aged 21 to 64 (working age), 7.7% stated their daily activities were 'limited a little' and a further 6.2% 'limited a lot', giving 13.8% declaring a disability/long-term health problem in total. Strong caution is urged in consideration of these figures in relation to applicants and recommendations, as these figures include all types of health-related limitation, and are unlikely to relate to the eligible pool for judicial appointment.

All exercises in 2017–18

Across all selection exercises that completed in 2017–18 in total, candidates with disabilities represented 7% of applicants, and 7% of recommendations for immediate appointment. Declaration rates were high across all exercises, with 91% of candidates overall having declared their disability.

When considering rates of recommendation by disability, 14% of disabled applicants were recommended for immediate appointment, compared to 14% for non-disabled applicants. This gives an RRI of 0.99, virtually complete parity. There were a further 16 recommendations made to a list (s94), of which 1 was disabled.

Legal exercises

In all legal exercises combined, 7% of applicants and 7% of recommendations were candidates with disabilities. When looking at rates of recommendation, of those candidates with disabilities that applied, 11% were recommended for immediate appointment, compared to 10% for those without disabilities, giving an RRI of 1.03, representing parity of outcomes. Of the 15 recommendations made to a list (s94), 1 was disabled.

In the High Court Judge exercise, while 5% of applicants had disabilities, none of the 17 recommendations were from candidates with disabilities. Accordingly, no figures can be reported for rates or the RRI. However, this outcome is in proportion with disability representation among applicants (5% of 17 is less than one).

In the Circuit Judge exercise, 7% of applicants and 5% of recommendations had disabilities. The recommendation rate for candidates with disabilities was 19%, compared to 25% for candidates without disabilities. This is an RRI of 0.75, outside the threshold around parity. However, the result is not a statistically significant difference and as such should be considered with caution. A further 6 recommendations to a list were made, none of whom had disabilities. Inclusion of these figures within the statistical test would not change the outcome.

In the Recorder exercise, 6% of applicants had disabilities and 7% of recommended candidates had disabilities. When considering rates of recommendation, 8% of those with disabilities that applied were recommended for appointment, compared to 6% of those without disabilities, giving an RRI of 1.30, above the threshold, but a not statistically significant difference.

In the District Judge (Civil) exercise, 9% of applicants and 9% of recommendations were candidates with disabilities. When considering rates of recommendation, 36% of candidates with disabilities were recommended for appointment, compared to 35% for non-disabled candidates, giving an RRI of 1.05, a non-significant result close to parity of outcomes.

In the District Judge (Magistrates’ Court) exercise, 11% of applicants had disabilities. None of the 12 recommendations for immediate appointment had disabilities, and as such no comparison of rates can be made. A further 5 recommendations were made to a list, one of whom had a disability. Although numbers are too low to present percentages and rates, this outcome is not disproportionate to the level of disability representation seen among applicants (a directly proportionate result would be between 1 and 2 of the 17 recommendations, immediate and to a list combined).

In the Salaried Judge of the First-tier Tribunal exercise, 9% of applicants and 7% of those recommended for appointment had disabilities. Of those disabled candidates that applied, 5% were recommended for immediate appointment, compared to 7% of non-disabled candidates being recommended for immediate appointment. This gives an RRI
of 0.70. Although this is outside of the threshold, the outcome is not statistically significant, and as such should be considered with caution.

In the Fee-paid Judge of the First-tier Tribunal, Health, Education and Social Care Chamber and of the Mental Health Review Tribunal for Wales – Restricted Patients Panel, 9% of applicants had disabilities, none of whom recommended for appointment. Caution is advised in considering this outcome given the low numbers involved.

Non-legal exercises

In non-legal exercises combined, 7% of applicants had disabilities, compared to 6% of recommendations. When considering rates of recommendation 65% of candidates with disabilities were recommended for appointment, and 69% of non-disabled candidates were recommended for appointment, giving an RRI of 0.94, a result that is not statistically significant and is within the range where the magnitude of the difference is small.

In the Fee-paid Medical Member of the First Tier Tribunal (Social Entitlement Chamber) exercise, 6% of applicants and 6% of recommendations for appointment had disabilities. When considering rates of recommendation, 76% of candidates with disabilities were recommended for appointment, compared to 75% for candidates without disabilities. This is an RRI of 1.02, representing parity of outcomes.

Grouped small exercises

In the grouped small court exercises, 10% of applicants and 9% of those recommended for appointment had disabilities. Numbers were insufficient to make meaningful consideration of rates of recommendation, although the number of disabled recommendations is directly proportionate to the number of disabled applicants.

In the grouped small tribunal exercises, 8% of applicants and 17% of those recommended for appointment had disabilities. When considering rates of recommendation, 19% of candidates with disabilities were recommended for appointment, compared to 8% for candidates without disabilities. This is an RRI of 2.41, meaning candidates with disabilities were just over 2.4 times as likely to be recommended for appointment as candidates without disabilities, this is a statistically significant disparity of outcomes.
Figure 15: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), for applicants with and without disabilities

~ denotes numbers too low to calculate rates of recommendation.

Figure 15 above shows the rates of recommendation based on disability across exercises. It is not meaningful to compare the overall level of the rates between exercises (this is dependent on the number of applicants relative to the size of the vacancy request), it is only the comparison of the rates for disabled and non-disabled candidates within single exercises, or combined group of exercises, which is meaningful. Where rates cannot be calculated due to low numbers, this should not be interpreted as indicative of an issue. In general, rates of recommendation for candidates with disabilities and those without disabilities are broadly comparable.
Figure 16: Relative Rate Index (RRI) – Relative comparison of outcomes for disabled candidates to non-disabled candidates

RRIs cannot be calculated for the High Court Judge, District Judge (Magistrates), Fee-paid Judge of First-tier Tribunal HESC and MRT for Wales - Restricted Patients Panel, and Small Court exercises, due to insufficient numbers.

Figure 16 above illustrates that although there is some variation in the relative comparison of rates of outcomes by disability in different individual exercises, the variation is small and in both directions. In general outcomes are proportionate based on disability.

Trends over time
There is currently a limited amount of data on the rates of outcomes by disability, which limits what trends and conclusions can be drawn from this data.

Senior Exercises in 2017–18 (Court of Appeal and above)
In the grouped small senior exercises, none of the candidates declared a disability.
Candidates by age

Age is inevitably strongly correlated with experience. As a result, it is less meaningful to make direct or relative comparisons of recommendation rates based on age than for other characteristics, and disparity is a concept less reasonable to attribute to differences of outcomes by age. RRIs have not been calculated for age accordingly. Also, the RRI is used to compare 2 groups, and is less suited for comparison of multiple age groups. Considering outcomes for multiple groups is most usefully done by comparing recommendation rates for particular age groups against the overall recommendation rate in total.

Eligible pool and previous exercise comparison data are not available by age.

All exercises in 2017–18

Across all exercises in 2017–18 in total, the age distributions of applicants and those recommended for immediate appointment were similar, with most applicants and recommended candidates being aged between 36 to 55. Overall, the recommendation rate was 14%. Those aged 35 and under and those aged 56 to 65 were recommended at a slightly higher rate of 17% and 18% respectively, although only 5% of applicants were aged 35 and under.

Legal exercises

In legal exercises combined, outcomes were somewhat different to the overall findings. Applicants aged 35 and under were the smallest group of applicants (5%) and had the lowest rate of recommendation, with just 12 applicants aged 35 and under (2% of applicants) being recommended for appointment, compared to the overall recommendation rate of 10%. Other age groups had outcomes more in line with the overall level, except for those aged 66 and over, where numbers were very small.

Typically it is expected that successful candidates would serve at least 5 years as a judge, and mandatory retirement age is 70, other than in some exceptional circumstances.

Individual selection exercises vary in seniority and the level of experience that may be required. Age is very closely related to both of these factors. As expected, roles such as District Judge (Magistrates’ Court) and District Judge (Civil) have higher proportions of selected candidates in the younger age group (36 to 45), while more senior exercises such as for High Court Judge have higher proportions of successfully recommended candidates in the older age groups (46 to 55 and 56 to 65).

Non-legal exercises

The age distribution for applicants and recommendations in non-legal exercises differed substantially to those of legal exercises. This should be seen in context with the different eligibility requirements for legal and non-legal roles. Overall, 67% of applicants were recommended for appointment, and it was the younger age groups aged 35 and under and aged 36 to 45 that had the highest recommendation rates, at 75% and 76% respectively. 12% of applicants and 14% of those recommended were aged under 35.

Senior exercises in 2017–18 (Court of Appeal and above)

All candidates in the small senior grouped exercises were aged 56 to 65.
Social mobility of candidates

This is the first time that social mobility information has been included within this statistics bulletin, featuring 2 questions about:

- school education: whether candidates had attended a fee-paying school, state school or were educated abroad
- Parental university attendance: did one or both parents attend university, neither parent attended university, or candidate did not attend university

Both questions have 3 valid answers, and as such recommendation rates of each group are compared to the overall recommendation rate, rather than comparing 2 groups.

Figure 17: Representation of those that were state school educated, at each stage of the exercises completed between 1 April 2017 and 31 March 2018

Figure 18: Representation of those for whom neither parent attended university, at each stage of the exercises completed between 1 April 2017 and 31 March 2018
All exercises in 2017–18
In 2017–18, in all exercises combined:

- 66% of applicants attended a state school
- 28% were educated in fee-paying schools
- 6% were educated abroad

Among those recommended for immediate appointment:

- 62% went to a state school
- 34% a fee-paying school
- 4% were educated abroad

88% of candidates overall declared the type of school they attended.

Those that were educated at fee-paying schools had a recommendation rate of 17%, which is higher than those educated in state schools (13%) and those educated abroad (9%).

While 38% of applicants had one or more parents that went to university, 60% of applicants did not have parents that went to university, and 1% of applicants did not attend university themselves.

Among recommendations for immediate appointment:

- 44% had one or more parent who attended university
- 56% were the first to attend university
- less than 1% (3 individuals) did not attend university

90% of candidates overall declared information about their parents’ attendance at university.

When considering rates of recommendation, candidates that had at least one parent who went to university had a recommendation rate of 16%, compared to 13% for those that were first generation university graduates, and a rate of 5% for those who didn’t attend university themselves.

Legal exercises
In all legal exercises combined:

- 28% of applicants went to a fee-paying school
- 67% to a state school
- 5% were educated abroad

Among recommendations for immediate appointment:

- 35% were educated in fee-paying schools
- 63% at state schools
- 2% abroad

When considering rates of recommendation, the recommendation rate for those having attended fee-paying schools was 13%, compared to a recommendation rate of 10% for those that were state school educated and 4% for those educated abroad.

38% of applicants had at least one parent who went to university, 61% were first generation university graduates, and 1% did not attend university.

Among recommendations for immediate appointment:

- 40% had at least one parent who attended university
- 59% did not
- 1% did not attend university
When considering rates of recommendation there was little difference in whether parents attended university or not, with recommendation rates of 11% for those with at least one parent who attended university, compared with 10% who did not have a parent that went to university. Those that did not attend university themselves had a lower recommendation rate of 5%.

When looking at exercises separately, there is a general trend for those who were educated in fee-paying schools to have slightly higher recommendation rates than those who attended state schools, and those educated abroad having lower recommendation rates. The notable exception to this was the Circuit Judge exercise, in which those who were educated in state schools had a higher recommendation rate than those educated in fee-paying schools (25% compared to 21% respectively).

There was no obvious trend for parental university attendance, with most individual exercises showing similar outcomes in recommendation rates. Exceptions were in the High Court Judge and Circuit Judge exercises, where those with at least one parent who went to university had slightly higher recommendation rates than those without. Conversely, the District Judge (Civil) exercise showed the opposite trend, with a slightly higher recommendation rate for first generation university graduates than those who had at least one parent who attended university.

**Non-legal exercises**

Very similar outcomes were seen in non-legal exercises, with proportions of those having been educated at state schools, privately or abroad being largely similar to legal exercises. Overall those that were educated in fee-paying schools saw the highest rate of recommendation (78%), compared to those that were state school educated (70%) and those educated abroad (42%).

However, the distribution was substantially different for parental university attendance, with just over half with at least one parent who attended university both among applicants and recommendations. Notably, there was no real difference in outcomes based on parental university attendance, with the recommendation rates being comparable for those with and without parents that attended university.

**Senior exercises**

Social mobility information was not collected for the senior judicial exercises completed between 1 April 2017 and 31 March 2018.

**Sexual orientation**

Consistent with previous years, results have been grouped across all exercises. In total across all exercises combined, 6% of applicants, 6% of shortlisted candidates and 6% of those recommended for appointment identified themselves to be gay, lesbian or bisexual. 88% of candidates declared their sexual orientation.

When considering rates of recommendation, 15% of gay, lesbian and bisexual applicants were recommended for appointment, compared to 14% for heterosexual candidates.
Religion and belief

Consistent with previous years, results have been grouped across all exercises. Given the numbers involved, presenting figures by exercise would not be meaningful with the full available breakdown of religions. Grouping together very different religions to enable this would result in information that is less meaningful. Declaration of religion/belief was lower than for other characteristics, with 80% of candidates having declared, although this is still sufficient for consideration of representation.

In all exercises in 2017–18 combined, 58% of applicants, 58% of shortlisted candidates, and 57% of recommended candidates were Christian.

Candidates who declared a religion other than Christian beliefs represented 17% of applicants, 15% of shortlisted candidates and 14% of recommended candidates.

Those who declared no religion represented 25% of applicants, 28% of shortlisted candidates and 29% of recommended candidates.

The 2011 Census included a question regarding religious belief[^17], and these figures are broadly comparable to figures in the Census, Caution should be used in making comparisons to 2011 Census figures as these do not account for recent fluctuations in the population and Census figure may not give any indication as to the demographic composition of those eligible to apply.

[^17]: [https://www.ons.gov.uk/census/2011census]
Explanatory notes

For a description of the methodology used to create these statistics, please see the ‘Definitions and Measurement’ document published alongside this bulletin.

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