Definitions and measurement

Judicial Selection and Recommendations for Appointment Statistics bulletin

The Constitutional Reform Act 2005 (CRA) enshrined in law the independence of the judiciary and changed the way judges are appointed. As a result of the Act, the Judicial Appointments Commission (JAC) was set up in April 2006 to make the appointments process clearer and more accountable. Under the CRA, the JAC's statutory duties are to:

- select applicants solely on merit
- select only those with good character
- encourage a diverse range of applicants

As part of its diversity strategy, the JAC has published the diversity profile of applicants at application, shortlisting and recommendation stage.

The first Official Statistics bulletin was published in February 2010. Prior to that, the diversity results of selection exercises were published online. The reason for publishing these data as Official Statistics was to improve users' confidence in the information, as the statistics are produced according to the UK Statistics Authority's Code of Practice for Official Statistics.

This document accompanies the Official Statistics bulletin and provides users with detailed information on the concepts and methods used in compiling the bulletin. This document covers the following areas:

1. selection process

2. data sources

3. methodology

4. confidentiality and disclosure

5. dissemination

6. pre-release list

1.   Selection process

Inclusion of an exercise in the bulletin

The JAC makes recommendations for appointment to one of 3 Appropriate Authorities (the Lord Chancellor, Lord Chief Justice or Senior President of Tribunals). For the purpose of presenting information in the Official Statistics bulletin, the date of the report to the Appropriate Authority marks the point at which the JAC's involvement in the selection exercise is considered to have ended.

Those exercises for which recommendations have been considered by the Appropriate Authority (see Recommendations on Page 3) within the financial year are included within the published annual statistics. In the event that a recommended candidate approved by the Appropriate Authority subsequently turns down the offer of a post, further recommendations may be made to fill the vacancy request.

Where additional recommendations come from the same pool of candidates who applied initially and are appointed within the financial year, these will also be reported in addition to those made previously. Should further recommendations be made after the end of the financial year, these will not be included within the annual statistics. In the event of 10 or more additional recommendations being made in any single selection exercise after the end of the financial year, the additional recommendations may be published in the following year's statistics bulletin.

The bulletin presents information on the outcome of selection exercises by the date of the report to the Appropriate Authority. This has implications for revisions (see Revisions on Page 14).

There are 3 stages within each selection exercise where the diversity of applicants is officially monitored: application, shortlisting, and recommendation for appointment.

a) Applications

In exercises prior to December 2012, applicants were screened to ensure they met the eligibility criteria when they first applied. Ineligible applicants did not continue through to the next stage of the selection process. For exercises that completed from October 2013, information regarding applicants relates to all those who applied for a particular post, regardless of eligibility.

The number of applicants excluded because of eligibility concerns is generally low, largely confined to entry-level roles and should, in most cases, make little substantive difference. Some caution should be taken when comparing the profile of applicants in exercises carried out at different times because of this difference.

b) Shortlisting

Shortlisting is the process used by the JAC to determine who is invited to attend a selection day. The main tools used, either together or separately, are currently:

1. An online qualifying test, more likely to be used when the volume of applications is large, or

2. A paper sift, which considers applicants' self-assessment and other information (for example, independent assessments) and is more likely to be used for those exercises with a smaller number of applicants.

These tools may be used in conjunction with other shortlisting tools, such as a telephone assessment or written scenario test. The same types of selection tool are used for both legal and non-legal exercises.

On rare occasions, when applicant numbers are very low, no shortlisting process is undertaken and all eligible applicants are invited to attend a selection day, which will involve an interview and may also involve situational questioning, a leadership presentation or role play.

c) Recommendations

The Commissioners of the JAC, sitting as the Selection and Character Committee, first assure themselves that applicants are '*of good character'*. The Selection and Character Committee then makes selection decisions based on the panel's assessment of all the available evidence, and the result of statutory consultation with the judiciary, before making recommendations to the Appropriate Authority.

The Lord Chancellor, Lord Chief Justice or Senior President of Tribunals can reject a recommendation, although do so only on a very exceptional basis. In such a case, the JAC would make a further recommendation to the Appropriate Authority in line with legislation. If such recommendations occurred prior to the publication of the bulletin they would be included in the published statistics, unless it was immediately prior to publication, thus making their inclusion impractical. If they occurred after the publication of the bulletin, then any amendment to the published statistics would be considered a revision (see Revisions on Page 14).

The JAC makes recommendations under section 87 of the Constitutional Reform Act 2005 (CRA). Recommendations are for a confirmed vacancy. If accepted by the Appropriate Authority, they are guaranteed to be offered appointment.

The JAC may also be asked to identify persons suitable for later selection under section 94 of the CRA. Those identified by the JAC are regarded as suitable for future appointment to specific roles if, and when, an appropriate vacancy arises. Those applicants are not guaranteed an offer of appointment. Applicants recommended under section 87 and 94 CRA are reported separately in the published statistical tables.

In addition, if a vacancy subsequently becomes available for a post for which a selection exercise has recently been carried out, the JAC can make an additional recommendation using the results of that recent exercise. This is the case even if there are no applicants identified following a section 94 exercise for the specific location and/or jurisdiction. If such recommendations occurred prior to the end of the reporting year they would be included within the published statistics (and, otherwise, would be included in the subsequent bulletin).

In addition, on rare occasions and for operational reasons, it is planned that recommendations will be made to the Appropriate Authority through more than one report sent on different dates, such as where requirements for different jurisdictions are separately considered. Under those circumstances, the exercise will be considered to have been completed when the last report has been sent for that exercise. This means that the result of the exercise can be provided in a single, comprehensive presentation, rather than in stages, to support easier understanding for the users of the bulletin.

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

While the JAC Annual Report presents the number of applications for financial accounting reasons, this bulletin counts the number of applicants within selection exercises for diversity purposes. As a result, the number of applications, applicants and recommendations within selection exercises may differ slightly. Furthermore, when counting recommendations, the number of people who were recommended is counted, rather than the number of full-time equivalent vacant posts to which the

recommendations refer. If a recommendation is for one individual for a part-time post, the recommendation counts as one person, not as a fraction of a post.

Senior judicial posts

The JAC is responsible for running selection exercises for posts up to and including the High Court. It also has statutory responsibilities to respond to requests from the Lord Chancellor to convene panels that recommend applicants for appointment to other senior posts. These include the Lord Chief Justice, Heads of Division, and Lord Justices of Appeal. The JAC provides the secretariat for these exercises and, in line with statute, at least 2 JAC Commissioners sit on each 5-member panel.

While senior appointment selection panels are required to determine their own processes, selection exercises may include:

- an application (form or letter)
- independent assessments
- self-assessment
- non-statutory consultation (seeking feedback on applicants from the senior judiciary and others)
- a sift
- selection interviews

This bulletin has also presented information on senior exercises since 2015–16.

Quality assurance in the selection process

The JAC uses quality assurance checks throughout the selection process to ensure proper procedures are followed, standards are maintained and all stages of selection are free from bias. This includes:

- reviewing selection exercise materials, and observing dry-runs of role plays and interviews
- monitoring the progression of candidate groups at key stages in the selection process
- carrying out equality impact assessments on all significant changes to the selection process and
- making reasonable adjustments for applicants who need them

2. Data sources

Candidate information

JARS (Judicial Appointments Recruitment System) is an administrative data system, introduced in January 2015, which stores candidate data. Any data recorded on JARS is subject to specific legislative provisions set out in the CRA, the Data Protection Act 2018 and Freedom of Information Act 2000. User access is strictly controlled and trail logs are kept for security checks and audit purposes.

Data from the JAC's diversity monitoring form (which is part of the broader application form) are used to produce reports and to support statistical analysis. Completing the diversity monitoring form is not compulsory and not all applicants make diversity declarations on some or all items within the form.

Declaration rates

Declaration rates are used to measure the proportion of non-responses. These refer to the percentage of applicants that declare a particular characteristic (total number of declarations / total) x 100. Where this value exceeds 60%, the number of declarations are considered sufficient for a **representation percentage** to be declared for the characteristic in question.

Declaration rates are consistently high overall, but vary by characteristic (over 90% for gender, ethnicity and professional background; around 90% for disability, social mobility and sexual orientation; and around 80% for religion). Should declaration rates fall below 60%, coverage is deemed insufficient to meaningfully consider representation and affected diversity information (percentages and rates) will be withheld.

Definitions of diversity characteristics

Information on the diversity characteristics of applicants are self-reported on the diversity monitoring form. The form includes questions regarding gender, ethnicity, professional legal background, disability, age, socio-economic background, sexual orientation and religious belief. Sexual orientation and religion are presented across the whole financial year only, not by individual exercise. There have been some minor changes made to the diversity monitoring form that will affect the presentation of annual data from 2020 onwards.

As diversity characteristics are self-declared, they represent the perspective of the individuals themselves.

a) Gender is recorded as a binary woman/man characteristic. This represents self-determined gender, acknowledging that a binary gender category does not fully encompass the increasingly understood non-binary complexity of gender.

b) Ethnicity – BAME (Black, Asian and minority ethnic)

Ethnicity is recorded on administrative systems using the 2011 Census definitions (18 categories). Owing to the small numbers involved, it would not be meaningful to present disaggregated ethnicity statistics separately by exercise, and would pose serious disclosure risks. Ethnicity is presented in aggregated form, collating non-white ethnicities together under the Black, Asian and minority ethnic (BAME) umbrella term. Those that have declared themselves white of any origin or nationality (including 'white other') are grouped together.

We acknowledge that aggregation of ethnicity to a binary category does not encapsulate the different lived-experience within these categories. The BAME group represents considerable diversity beyond that captured in the 18 categories, which does not coalesce into a single cohesive group. Neither does this approach capture differences in experiences of those within both BAME and white groups with a nationality or origin outside of the United Kingdom, or those from Gypsy/Traveller/Roma communities. However, it is necessary, from a statistical perspective, to consider groups with sufficient numbers to make meaningful comparisons. The BAME/white binary comparison maintains consistency with previous JAC statistics and is widely used in other statistical publications.

c) Legal role is presented using information from a question on the application form regarding the professional background of applicants. Options include, but are not limited to, 'solicitor', 'barrister', 'salaried judicial office-holder', 'CILEx' (Chartered Institute of Legal Executives) and 'other'.

Changes to the questions asked on professional background have enabled us to report more comprehensively on the full professional background of applicants, in addition to their *current* legal role. For the first time in the 2019 bulletin, legal role is reported using 2 methodologies: applicants who have a *current* legal role of solicitor and applicants who have declared *ever* holding the role of solicitor. For comparison, in Section 3.1 of the 2019 bulletin, *ever* solicitor is compared to *ever* barrister which includes those currently holding a legal role of barrister and those who have declared holding the role of barrister in the past.

The original methodology, included in Section 3.2 of the 2019 bulletin, compares applicants who have declared their *current* legal role as solicitor with those declaring their *current* legal role as barrister. A potential change to the methodology was flagged in the 2018 bulletin. A footnote has been added reporting on *ever* CILEx. This is to enable the JAC to better monitor the progression rates of CILEx fellows.

d) Disability is recorded as a binary characteristic of whether individuals have declared that they have, or do not, have a disability. Disability comes in many forms, and the impacts, needs and adjustments that may be required vary from individual to individual. In order to make statistical comparisons, reasonable numbers are required, and while simple binary categories do not reflect these differences, increasing granularity would substantially reduce analytical capability.

e) Age is presented in groups that differ from common groupings used in other statistical publications. An example is that in the Judicial Office publication the age bands are under 40, 40-49, 50-59 and 60 and over whereas in this publication the categories used are 35 and under, 36-45, 46-55, 56-65 and 66 and over. This is due to the nature of the data in relation to eligibility and experience, and reflects the distribution of ages of applicants. Age is recorded at the time of the close of applications. Accordingly, it is possible that age group distributions at the shortlist and recommendation stages may deviate slightly from the age groups presented. Such differences, if any, would be very small and non-material. Age is highly correlated with experience. Accordingly, it would be less meaningful and informative to conduct comparative analyses on outcomes based on those above and below a certain age. As such, although figures are broken down by age group, we do not conduct relative comparisons of rates of recommendation.

f) Social mobility is not a protected characteristic under the Equality Act 2010, however it is an important aspect of diversity. The JAC added questions on social mobility in October 2015, in line with the Social Mobility and Child Poverty Commission's recommendation that government and employers should collect data on the social background of new and existing post holders. This data enables us to understand the diversity of our applicants and monitor our processes to ensure that they are fair. This information has been released for exercises from 2017–18 onwards. Information captures the type of school attended from ages 11-18, identifying whether applicants attended an independent/fee-paying school, went to a state school, or attended a school abroad. It also captures whether applicants attended university, whether either one or both parents went to university, neither went to university, or that the candidate did not attend university.

g) Sexual orientation is recorded by asking applicants to declare whether they identify as a gay male, a gay female/lesbian, bisexual, or heterosexual. This is collated for statistical purposes into a binary category, grouping gay, lesbian and bisexual individuals together, in comparison to heterosexual individuals, acknowledging this simplifies the diversity of sexual orientation, and does not capture all identities. Consistent with the Equality Act 2010, this protected characteristic is distinct from and independent of gender identity. Accordingly, the familiar acronym LGBT is not appropriate for use when looking solely at sexual orientation as a

protected characteristic. Sexual orientation figures are presented aggregated across all selection exercises conducted within the financial year. This allows for meaningful consideration of this characteristic, based on the numbers involved. For this reason, due regard under the Public Sector Equality Duty is best served by considering sexual orientation on an annual basis.

h) Religion is recorded with a range of options, including Buddhist, Christian (Church of England, Roman Catholic and other Christian traditions are recorded separately), Hindu, Jewish, Muslim, Sikh, other religions and no religion. Religion is presented grouped across all the exercises reporting in a year. While declaration of religion continues to be lower than for other characteristics, it is above the threshold at which we would have concerns about representativeness and bias. It would not be statistically meaningful to present the full granularity of declared religions by selection exercise, given the very low numbers involved for many religions.

Quality assurance

The JAC relies on the information held in the JARS database for operational purposes, and so has a clear incentive to ensure that information is highly accurate. In addition, the data presented in the Official Statistics are also subject to quality assurance procedures to ensure internal consistency and consistency with paper records relating to the selection exercise.

Data relating to exercises that occurred prior to the release of this information as Official Statistics, presented as comparators against which to measure current results, may not have been subject to the same level of quality assurance.

A database of anonymised data has been developed from data extracted from the legacy database, Equitas. The data cover all exercises run by the JAC since its formation in 2006 up to 2015.

Eligible pool

The eligible pool provides context for the diversity statistics of different selection exercises. It presents the gender, ethnicity and professional background of everyone who meets the formal eligibility criteria and certain additional selection criteria for a post. It should be noted that just because a candidate is included in the eligible pool, this does not mean they have a desire to apply for a given role, nor that they have the relevant talent and experience needed.

The data relating to the gender, ethnicity and professional background of the eligible pool is collated from a range of sources on the basis of the selection exercise eligibility criteria. With the exception of specialist posts, selection exercise eligibility criteria fall into 4 main categories:

1. statutory requirement of 5 years or more post qualification experience

2. statutory requirement of 7 years or more post qualification experience

3. statutory requirements of 5 or 7 or more years post qualification experience and subject to additional selection criteria. For salaried posts, additional criteria often include that the Lord Chancellor expects that individuals must normally have served as a judicial office holder for at least 2 years or have completed 30 sitting days in a fee-paid capacity

4. no statutory eligibility criteria, for non-legal posts

1 and 2. For the first 2 categories (which are typically applied to fee-paid legal posts), data are supplied by the Law Society, the Bar Council and the Chartered Institute of Legal Executives (CILEx). The data include solicitors who appear on the roll and barristers who have been called to the Bar and have completed pupillage, and

Fellows of CILEx. This includes information on the number of years individuals have been legally qualified, as well as their age, ethnicity, and gender.

3. For the third category (which is typically applied to salaried legal posts), the data represent the information available on the composition of the pool of judicial office holders in England and Wales. Again, those who do not complete the ethnicity question are not counted as either BAME or white. Court judiciary and tribunal legal members are counted using the most up-to-date published data.

4. Eligible pool figures are not calculated for non-legal posts, because there are no common statutory eligibility criteria.

Eligible pool data was not available for disability from all data sources (the professions and the Judicial Office) and has not been included in this bulletin.

3.   Methodology

a) Representation percentages

Representation percentages are presented for applicants and those recommended for immediate appointment. These are complemented by recommendation rates, which 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). The narrative highlights any differences for each characteristic. These relate solely to the characteristic, and do not control for any effects of other reported characteristics.

Representation percentages allow comparison of the distribution of each diversity characteristic at the application, shortlisting and recommendation for appointment stage. This is particularly useful for the application stage, giving us 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 useful at the 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 significant difference in outcomes for a particular selection exercise can be viewed independently of initial level of applications by considering **recommendation rates**.

b) Recommendation rates

The recommendation rate 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 recommendation rate for one group (such as women) compared to the recommendation rate for the other group (such as men) to determine, of those from each group that applied, whether there were equal outcomes for both groups (similar rates of recommendation for both groups), or whether there was a difference in outcomes, with one group being recommended at a statistically significant lower rate than the other group.

While the recommendation rates 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. When considering recommendation rates, it is important to consider these alongside the representation percentages of applicants in the eligible pool, where available.

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

c) Relative Rate Index (RRI)

The RRI gives a standardised measure of difference between groups, independent of variation in the overall rates of recommendation.

However, when considering the RRI, it is important to consider, where available, the representation percentages of applicants relative to the eligible pool (or, if not available, the representation in the relevant working age population).

The RRI is the rate of recommendation for one group divided by the rate for another group within a diversity characteristic, thus creating a single standardised ratio measure of relative difference in outcomes between those 2 groups. This is most suited to binary comparisons (for example: women and men, BAME and white, disabled and non-disabled).

We have also used the RRI to compare outcomes for solicitors relative to barristers, the particular comparison of interest for professional background, while noting this does not account for outcomes of those from other professional backgrounds. As interpretation of the RRI is to see this value as the comparison of outcomes of a group of interest (the group as the numerator in the calculation) to a baseline group (the group as the denominator), it is logical that the baseline should be the historically overrepresented group.

An RRI value of 1 indicates no difference (that is, the recommendation rate of one group is precisely the same as the rate of the other group, so when dividing one by the other, a value of 1 is obtained). An RRI greater than 1 means the group of interest (women, BAME individuals, solicitors, people with disabilities) had a greater likelihood of being recommended for appointment than the baseline group, while an RRI of less than 1 indicates that the group of interest was less likely than the baseline to be recommended for appointment. For example, a gender RRI of 1.5 would be interpreted as women being 1.5 times as likely (50% more likely) to be recommended than men. Similarly, a gender RRI of 0.5 would be interpreted as women being half as likely (50% less likely) to be recommended than men.

To further aid interpretation using the '4/5th rule of thumb for adverse impact'[1,2], **RRI values that fall within a range of 0.8 to 1.25 (the zone of tolerance) are not likely to indicate a difference in outcomes resulting in adverse impact**. This does not imply that an RRI falling outside of this range is indicative of the presence of an adverse impact. The nature of selection exercises inevitably results in low numbers. In some cases, the numbers are too low to calculate the RRI. However, even where an RRI can be calculated, numbers within some selection exercises are low for making meaningful attributions of a potential difference. As such, caution should be taken when considering whether an apparent difference in rates, as measured by an RRI falling outside the range of 0.8 to 1.25, could represent a meaningful difference

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[1] Dan Biddle. Adverse Impact and Test Validation: A Practitioner's Guide to Valid and Defensible Employment Testing. Aldershot, Hants, England: Gower Technical Press. pp. 2–5. ISBN 0-566-08778-2.
[2] Toward a Coherent Test for Disparate Impact Discrimination: Peresie, J.L. 2009
www.repository.law.indiana.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1120&context=ilj

in outcomes. Only in cases where the RRI falls outside the range 0.8-1.25 and is considered statistically significant can a difference in outcomes be considered.

RRI values falling within the zone of tolerance of 0.8 to 1.25 should not be considered evidence of a difference in outcomes.

d) New methodology for reporting solicitor and barrister figures

The 2018–19 publication is the first in which *ever* legal role is reported in addition to *current* legal role. The *ever* legal role measure compares *ever* solicitor (those who have declared *ever* holding a role as a solicitor) to *ever* barrister (those who have declared *ever* holding a role as a barrister).

In the accompanying statistical tables, the values for 'Solicitor in the past' and 'Barrister in the past' are a count of those who have declared previously holding a role as a solicitor or barrister. 'Adjusted solicitor numbers' and 'Adjusted barrister numbers' consider those who have been both a solicitor and barrister in the past. If someone has held both roles they have been assigned a value of 0.5 for both solicitor and barrister to avoid double counting. Numbers are rounded up to the nearest whole number and therefore totals may not match.

A worked example using the new methodology has been presented below:

Solicitor in the past	=	340
Barrister in the past	=	126
Both a solicitor and barrister in the past	=	41
Adjusted solicitor numbers	=	340 – (0.5 x 41) = 319.5 (rounded to 320)
Adjusted barrister numbers	=	216 – (0.5 x 41) = 195.5 (rounded to 196)

e) Differences in 2018–19 findings using *current* and *ever* legal role methodologies

Overall recommendation rate
• Using *current* legal role the RRI for solicitor:barrister was 0.50   • Using *ever* legal role, the RRI for solicitor:barrister was 0.55

Smaller difference in success rates by exercise using *ever* legal role but effect dependent on the seniority of the post applied for
• *Senior salaried role*: For the High Court Judge exercise, the RRI was 0.98 for *ever* legal role, compared to 0.56 using *current* legal role   • *Senior fee-paid role*: For the Deputy High Court Judge exercise the RRI was 0.34 using *ever* legal role and 0.24 using *current* legal role   • *Senior salaried role*: For the Circuit Judge exercise the RRIs were 0.88 (*ever* legal role) and 0.71 (*current* legal role)   • *Fee-paid role*: For the Fee-paid Judge of the First-tier Tribunal exercise the RRI was 0.56 using *ever* legal role and 0.51 using *current* legal role   • A smaller difference in success rates between solicitors and barristers was generally observed for senior roles. This is because an applicant's *current* legal role is likely to be a salaried Judicial Office holder and so expanding the definition of legal role is likely to highlight previous experience as a solicitor and/or barrister

Small difference in success rates when comparing methods
• For the Deputy District Judge (*fee-paid*) and Salaried Judge of the Employment Tribunal exercises, there was no large difference in the RRI between *current* legal role and *ever* legal role   • Fee-paid roles are likely to be a candidate's first judicial position and so their *current* role is probably a solicitor or barrister. As a result, expanding the definition of legal role is unlikely to change the RRI

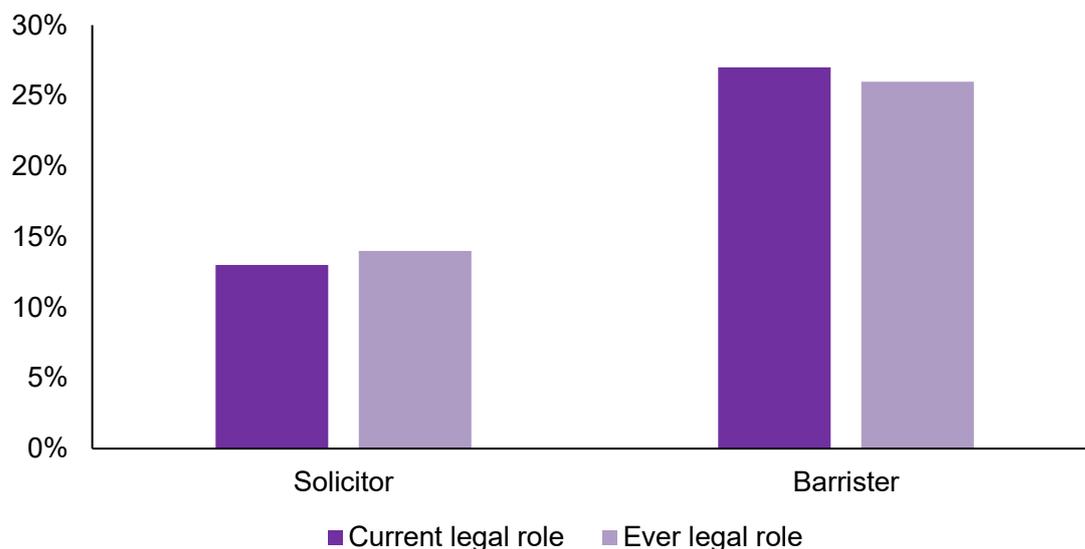| **Difference in solicitor and barrister numbers** |
| :--- |
| • There were 10% (from 2,275 to 2,503) more applicants identified as solicitors using the wider definition of *ever* legal role than *current* legal role
 • There were 15% (from 305 to 351) more solicitors recommended for appointment
 • There were 13% (from 1,368 to 1,541) more applicants identified as barristers using the wider definition and 13% (from 368 to 417) more barristers recommended for appointment |

Figure 1 shows that solicitor representation is greater at each selection stage when considering *ever* legal role rather than *current* legal role.[3] The increase has been relatively consistent between application, shortlisting and recommendation for appointment.

Figure 1: Comparison between solicitor representation at each stage for *current* legal role and *ever* legal role methods

Figure 2 shows that solicitor recommendation rates from application were slightly higher using *ever* legal role compared to *current* legal role. In contrast, barrister recommendation rates from application were slightly lower.

Figure 2: Comparison between recommendation rates from application between *current* legal role and *ever* legal role methods

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[3] These numbers are not directly comparable as roles other than solicitor and barrister are excluded using the *ever* legal role method but are included in the total for the *current* legal role method. As a result, percentages will be slightly lower using *current* legal role

4.   Confidentiality and disclosure

Exercises with fewer than 10 recommendations are aggregated so that applicants cannot be personally identified and are presented in the following groups:

- Small court exercises (High Court and below)
- Small tribunal exercises
- Senior judicial (above High Court) exercises

In larger exercises, there may be cases where certain breakdowns presented result in low numbers within that breakdown. It is considered that this is an acceptable risk to confidentiality; the applicants' anonymity is still protected because the process of application itself is confidential and applicants can come from a wide range of areas within the legal profession and judiciary. Therefore, even if there is only one candidate with a particular characteristic it should not be possible to identify that person. By contrast, smaller exercises for more specialised posts sometimes accept applicants from a very narrow pool of eligibility, increasing the risk of a particular person being identified in the statistical results. This risk is mitigated by aggregating such exercises together.

In the accompanying statistical tables, percentages have been suppressed and replaced with an asterisk if they are based off a category containing fewer than 10 individuals. This is because percentages are highly volatile for small groupings and are not considered reliable from a statistical perspective. RRIs have also been suppressed if either of their constituent recommendation rates contain numbers too small to be displayed.

5.   Dissemination

Users

Table 1: Users of the bulletin

User	Summary of main statistical needs
Ministry of Justice (MoJ) ministers and senior officials, Judicial Office and Her Majesty's Courts and Tribunals Service and within the JAC	Statistics are used to inform policy development, to monitor the impact of policy changes over time
MPs and House of Lords	Statistics are used to answer parliamentary questions
Candidates and member organisations (the Bar Council, The Law Society, Chartered Institute of Legal Executives) and other groupings	Statistics are used to monitor the diversity profile of successful applicants and to assess the fairness of the selection process
Journalists, particularly in specialist legal publications such as the Law Gazette, but also wider media	Statistics are used to tell a coherent and accurate story on judicial diversity

Next update

We are considering the potential of combining JAC statistics on recommendations for new appointments and Judicial Office statistics on the diversity of the current judiciary. These statistics could be presented alongside membership diversity information from the professional bodies (The Bar Council, The Law Society and CILEx) or their regulatory bodies (the Bar Standards Board, the Solicitors Regulation Authority and CILEx Regulation) as appropriate. This would show the representation of under-represented groups from the professional bodies through the JAC recruitment process and into the judiciary. We will also look to develop the eligible pool into a more meaningful comparator.

As part of the review of the publication to consider the inclusion of wider information, we will also be reviewing the existing content and methodologies. If you have any feedback, please write to us at judicial.statistics@justice.gov.uk

Revisions

The quality assured statistics in this bulletin are provisional and are therefore liable to revision. This could either be because of a late amendment to the database or because of recommendations made by the JAC after the initial report to the Appropriate Authority (see section on Recommendations). The standard process for revising the published statistics to account for these late amendments is to publish them in the next edition of this bulletin if the revision accounts for an additional 10 or more recommendations being made. However, revisions that consist of less than 10 recommendations will not be published. This is because a comparison of the original presentation of the exercise and the revised presentation of the exercise could identify those applicants recommended since the publication of the bulletin. In accordance with the disclosure policy for these data, releasing information on exercises of less than 10 recommendations may constitute a threat to applicants' privacy (see section 4 on Confidentiality and disclosure).

Other published information

Data regarding the diversity of the judiciary in post is published annually by the Judicial Office.

6. Pre-release list

The bulletin is produced and handled by statisticians badged as members of the Government Statistician Group within the MoJ, in conjunction with the JAC's production team. Analytical clearance for the Official Statistics is provided by MoJ Chief Statistician, with formal final sign-off the responsibility of the JAC Chief Executive.

In addition, pre-release access to the provisional diversity statistics of up to 24 hours is granted to the following post-holders:

Ministry of Justice and judiciary:

Lord Chancellor, the Lord Chief Justice, Senior President of Tribunals, MoJ Director of Judicial Policy and policy officials from the Directorate of Judicial Policy (MoJ x4), Private Office of the Lord Chancellor (x1), MoJ Press Office (x1)

JAC:

Chairman and Commissioners (x14), Head of Operations and Digital, Head of Corporate Services, JAC Media Adviser