



Judicial Selection and Recommendations for Appointment

**Official Statistics
1 April 2016 to 31 March 2017**

**Judicial Appointments Commission
Statistics Bulletin**

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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 2016 and 31 March 2017. 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; and
- have regard for 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 the High Court. It 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 characteristic¹.

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 which accompany this bulletin.

Information relating to the use of the Equal Merit Provision policy is included in this bulletin. This 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; and
- 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).

¹ Characteristics covered in this report include: gender, ethnicity, current legal role, disability status, age of applicants, sexual orientation and religion/belief.

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. Completion of the Diversity Monitoring Form is voluntary. Some applicants choose not to declare their diversity characteristics or do not complete the form correctly – these applicants are grouped together and included in the “Unknown” group.

Changes to reporting

The following are presentational changes, using standard methodologies to best extract meaning from the data. There is no impact on the numbers themselves.

Percentage calculation

Declaration rates are the proportion of those that provided their diversity information out of the total, providing context of the coverage of the characteristic.

Representation rates are the proportions of groups at each stage of the selection process, for example, the proportion of applicants who were women.

Representation percentages are now calculated excluding unknowns. This allows for meaningful comparisons of representation across stages and across time where levels of declaration may vary. In previous years, the JAC Official Statistics had included unknowns in calculations of percentages.

Adoption of this methodological change to the presentation of percentages brings the JAC Official Statistics into line with the standard approach used widely across government, the Ministry of Justice, Judicial Office, and the private sector.

Relative Rate Index (RRI)

In this publication we have introduced the Relative Rate Index (RRI) in addition to presenting representation percentages and recommendation rates. The RRI is an increasingly widely used metric that gives a standardised, comparable measure of disparity between groups, independent of variation in the overall recommendation rates.

An RRI of 1 indicates no disparity, and as a rule of thumb, RRI values that fall within a range of 0.8 to 1.25 are not likely to be indicative of a disparity in outcomes resulting in adverse impact.

More details on both these matter can be found in the Definitions and Measurements document.

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.gov.uk/publication-type/statistics/>

Further information

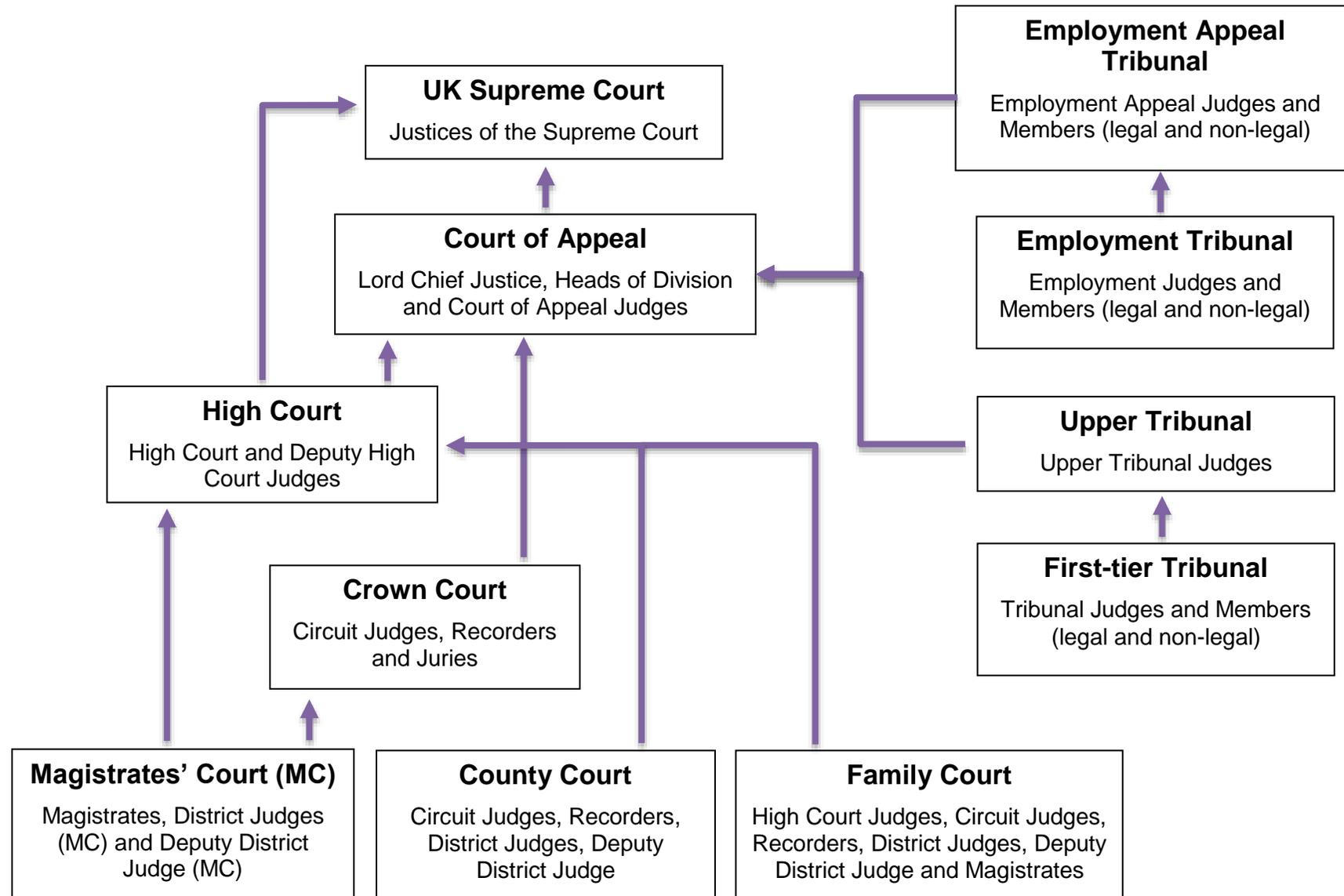
Further information about data sources, statistical methodological revisions, any forthcoming changes and stages in the selection process is provided in the Definitions and Measurement document that accompanies this statistical bulletin.

The next annual statistics bulletin, for the financial year 2017–18, is due to be published on 7 June 2018. This will include additional information about social mobility.

The dates for future Official Statistics publications are announced in the statistics release calendar: <https://www.gov.uk/government/statistics/announcements>

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 report.

The Structure of the Courts and Tribunals



Key findings

24 selection exercises (excluding senior judicial) completed between 1 April 2016 and 31 March 2017.	5 of these exercises were for non-legal posts and 19 were for legal posts. There were 17 exercises for court posts and 7 for tribunals.
12 recommendations were made following application of the Equal Merit Provision policy.	10 of these were women and 2 were BAME candidates. There were also 12 occasions when the policy was considered, however not applied, due to equal diversity characteristics of the candidates.
No apparent disparity in the likelihood of being recommended for appointment based on gender except, notably, in the smaller grouped exercises.	Women were more than twice as likely as men to be recommended in the small grouped court exercises. None of the 7 recommendations for appointment among the small grouped tribunals exercises were women.
The gender representation among applicants closely reflects the gender split of those recommended for appointment.	While the Deputy District Judge and Chairmen and Members of the Valuation Tribunal for England exercises had representation of women in excess of 50% at all stages, other exercises had a lower representation of women among applicants. However, this was generally at similar levels to the eligible pool, where this information was available.
Greater representation of BAME applicants than eligible pool in all 4 large legal exercises.	The proportion of candidates recommended for s9(4) Deputy High Court Judge who were BAME was also higher than in the eligible pool.
BAME candidates were less likely to be recommended for appointment in 3 of the 6 larger exercises.	This was more evident in the s9(1) authorisation to act as a judge of the High Court, Deputy District Judge (Magistrates' Court) and Circuit Judge exercises. The small differences in likelihood of being recommended by ethnicity in the Chairmen and Members of the VTE, Fee-paid Medical Members of the FtT (Mental Health) and the MHRT (Wales), and s9(4) Deputy High Court Judge exercises are less suggestive of disparity.
Solicitors less likely than barristers to be recommended for appointment in 3 large legal exercises and the small grouped court exercises.	While 43% of applicants in legal exercises were solicitors, solicitors represented only 10% of recommendations. None of the recommendations in the small tribunal exercises were solicitors.

Annual summary

This annual publication presents statistics on recommendations for judicial posts made between 1 April 2016 and 31 March 2017.

Statistics relating to the diversity of applicants and recommendations are presented for the following posts:

- Section 9(1): Authorisation to act as a judge of the High Court²
- Fee-paid Medical Members of the First-tier Tribunal (FtT) (Mental Health) and Fee-paid Medical Members of the Mental Health Review Tribunal (MHRT) (Wales)
- Circuit Judge 2016
- Deputy District Judge (Magistrates' Court)
- Chairman and Members of the Valuation Tribunal for England
- Section 9(4): Deputy High Court Judge^{2, 3}
- Grouped small court exercises (13 exercises)
- Grouped small tribunal exercises (5 exercises)

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. Applications, shortlisted candidates and recommendations for appointments for all exercises completed between 1 April 2016 and 31 March 2017

		Applications	Shortlisted	Recommended for immediate appointment (s87)	Recommended to a list (s94)
Courts	Salaried	346	157	73	2
	Fee-paid	1,540	176	73	-
	Total	1,886	333	146	2
Tribunals	Salaried	73	16	5	-
	Fee-paid ¹	231	209	131	-
	Total	304	225	136	-
1 April 2016 to 31 March 2017 Total		2,190	558	282	2
Senior judicial exercises (2016-17)		22	15	8	-

1. The Valuation Tribunal Chairmen and Members exercise is classed as fee-paid. However Chairmen and Members are lay volunteers, no fees are paid.

Of the total (excluding senior judicial exercises):

10 applicants were ineligible.

17 applicants withdrew prior to shortlisting.

29 candidates withdrew following shortlisting.

In total, the 24 selection exercises (excluding senior judicial exercises) completed between 1 April 2016 and 31 March 2017³ attracted 2,190 applicants, of whom 1,886 applied for court posts and 304 applied for tribunal posts. A total of 282 recommendations for immediate appointment were made during this period, of which

² <https://www.judiciary.gov.uk/publications/section-9-1-senior-courts-act1981/>

³ The s9(4): Deputy High Court Judge exercise was completed in March 2017, recommendations for appointment were made to the appropriate authority on Thursday 6 April 2017.

146 were for court posts and 136 were for tribunal posts. Of these 24 exercises, 5 were for non-legal posts and the remaining 19 were for legal posts.

Applicants in the Fee-paid Medical Member of the First-tier Tribunal (Mental Health) and the Mental Health Review Tribunal (Wales) exercise were able to apply, and be recommended, for either or both of the roles.

Applicants in the Chairmen and Members of the Valuation Tribunal England exercise were also able to apply for both the Chairman and Member roles, however they could only be recommended for either Chairman or Member.

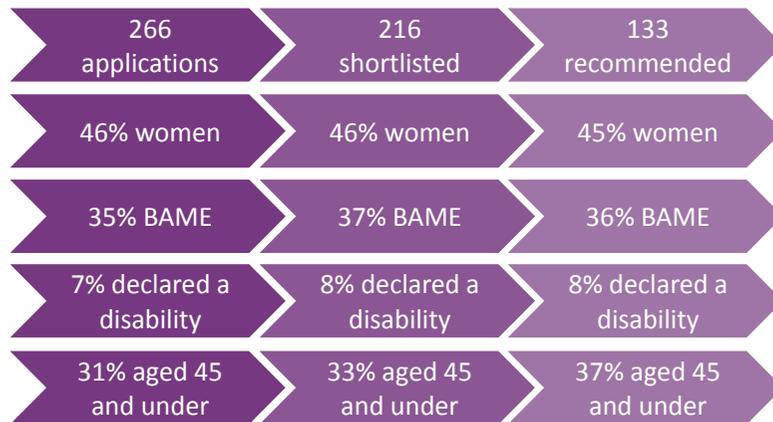
The JAC Annual Report and Accounts for 1 April 2016 to 31 March 2017 presents the number of applications submitted and recommendations made, while this statistics bulletin counts the unique individuals within each selection exercise for diversity purposes.

Figure 1: Representation rates for total applicants, shortlisted candidates and recommendations for appointment for exercises (excluding senior judicial exercises) completed between 1 April 2016 and 31 March 2017
 All percentages are of the totals excluding unknowns.

Legal exercises

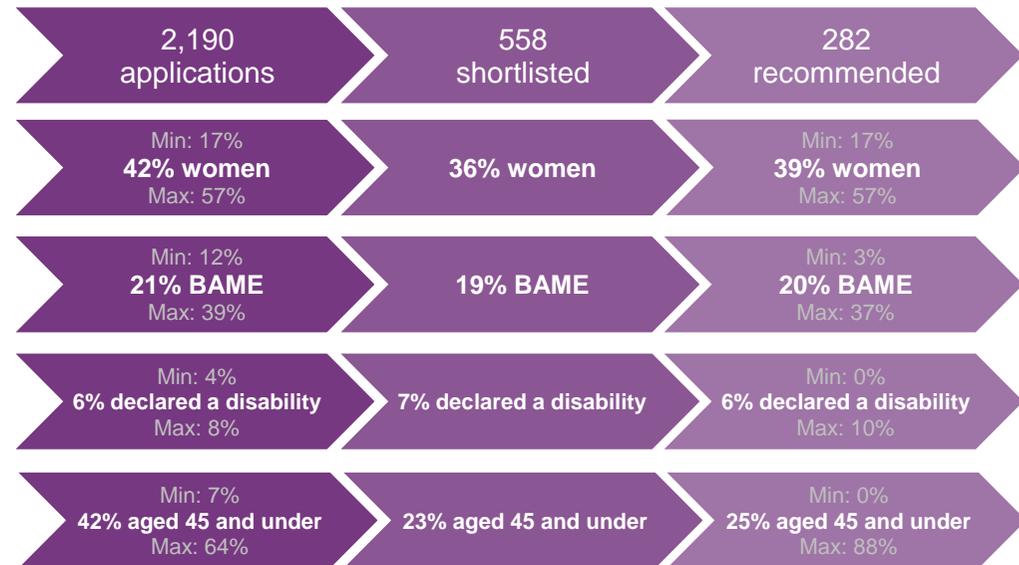


Non-legal exercises



Current legal role is not presented for non-legal exercises as legal experience is not required.

All exercises



Min% – Max% do not include small tribunal or senior judiciary exercises due to the suppression of percentages.

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

Solicitor representation is for legal exercises only. Legal experience is not required for non-legal exercises, and is accordingly excluded from the total graph above.

Figure 1 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.

Candidates who are women

The overall declaration rate for gender was 92%. Out of the applicants who declared their gender, women represented 42% (852) of all applicants, and 39% (104) of all recommendations for immediate appointment, 3 percentage points lower than at the application stage.

Differences were seen within legal and non-legal exercises however. In non-legal exercises overall, the representation of women was fairly consistent at 46% (111) of applicants, and 45% (55) of recommendations. However among legal exercises overall, women represented 42% (741) of applicants, but only 35% (49) of recommendations for appointment, 7 percentage points lower than at the application stage.

Candidates from a Black, Asian and minority ethnic (BAME) background

The overall declaration rate for ethnicity was 92%. Of the applicants who declared their ethnicity, those who declared they were from a BAME background represented 21% (431) of all applicants, a proportion which remained fairly consistent through the stages. 20% (53) of all recommended candidates were from a BAME background. Caution is advised in considering BAME representation in total, as patterns of representation of BAME candidates differed substantially in legal and non-legal exercises.

Among non-legal exercises, BAME representation was high, with 35% (84) of applicants and 36% (44) of recommendations for appointment from a BAME background. However in legal exercises, although 20% (347) applicants were BAME, just 6% (9) of recommended candidates for legal exercises were BAME, 14 percentage points lower than at the application stage.

Candidates who declared current legal role as solicitor

There is no requirement for legal experience in non-legal exercises. Accordingly, solicitor representation figures cover legal exercises only.

The declaration rate for current legal role, where applicable, was 91%. Solicitors represented 43% (746) of applicants to legal exercises, but just 10% (14) of recommended candidates, 33 percentage points lower than at the application stage.

Disability

The overall declaration rate for applicants providing information about disability was 90%. Candidates who declared that they had a disability represented 6% (126) of all applicants; this proportion remained stable through the selection stages and 6% (16) of all recommended candidates for immediate appointment declared they had a disability.

In legal exercises, candidates with a disability represented 6% (109) of applicants and 4% (6) of recommended candidates and in non-legal exercises candidates with a disability represented 7% (17) of applicants and 8% (10) of recommended candidates. As the percentages are based on small numbers, they must be interpreted with caution as they can be highly volatile and potentially misleading.

Age

The overall declaration rate for age was 96%. Out of the applicants who declared their age, candidates aged 45 and under represented 42% (882) of applicants. The proportion of recommended candidates who were aged 45 and under was 25% (69), which is 17 percentage points lower than at the application stage.

In legal exercises, candidates aged 45 and under represented 44% (804) of applicants and 16% (23) of recommended candidates. In non-legal exercises candidates aged 45 and under represented 31% (78) of applicants and 37% (46) of recommended candidates.

Sexual orientation and religion or belief

Consistent with previous years, information relating to sexual orientation and religious belief has been presented in aggregate format across all exercises completed between 1 April 2016 and 31 March 2017 (including senior judicial exercises).

Sexual orientation

The overall declaration rate for sexual orientation in all exercises completed between 1 April 2016 and 31 March 2017 was 87%. Out of those who declared their sexual orientation, candidates who identified themselves as gay, lesbian or bisexual represented 5% (99) of applicants, 6% (28) of shortlisted candidates and 6% (14) of recommendations for immediate appointment. Although numbers involved are too low to present percentages for legal and non-legal exercises summarised separately, there is no indication of differences between legal and non-legal exercises.

Religion or belief

The declaration rate for religion or belief was 80%. Of those who provided a response for religion, candidates who declared themselves to be Christian (of any denomination) represented 59% (1,031) of applicants, 58% (275) of shortlisted candidates and 59% (141) of recommendations for immediate appointment.

Candidates who declared a religion other than Christian beliefs represented 20% (344) of applicants, 20% (97) of shortlisted candidates and 21% (50) of recommendations for immediate appointment.

Those who declared no religion represented 22% (387) of applicants, 22% (102) of shortlisted candidates and 20% (49) of recommendations for immediate appointment.

Senior judicial exercises

In addition to the exercises shown in figure 1, a total of 22 applications were received and 8 recommendations made for the following senior judicial exercises completed between 1 April 2016 and 31 March 2017:

- Master of the Rolls
- Court of Appeal 2016
- Chancellor of the High Court

Results

Selection exercises

Between 1 April 2016 and 31 March 2017, there were 2,190 applicants, 558 shortlisted candidates and 282 recommendations for immediate appointment (s87) among the exercises (not including senior judicial exercises). Diversity characteristics of applicants are presented for 6 exercises (4 legal and 2 non-legal) with 10 or more recommendations (accompanying tables 1 to 6).

Applicants in the Fee-paid Medical Member of the First-tier Tribunal (Mental Health) and the Mental Health Review Tribunal (Wales) exercise were able to apply for and be recommended for either or both of the roles. Applicants in the Chairmen and Members of the Valuation Tribunal England exercise were also able to apply for both the Chairman and Member roles, however they could only be recommended for either Chairman or Member.

Exercises with fewer than 10 recommendations have been grouped according to whether they are for tribunal or court posts to maintain candidate confidentiality, and are presented in table ii. These exercises led to a total of 7 and 31 recommendations for immediate appointment respectively (see tables 7 and 8 in the accompanying tables document).

Between 1 April 2016 and 31 March 2017, there were 22 applications for senior judicial roles, of which 15 candidates were shortlisted and 8 recommended for immediate appointment (accompanying table 9).

Five of the exercises presented in this report have been run in previous years, the results of which have been provided in accompanying table 11 for comparative purposes, showing the historical time series of those exercises run in 2016–17, dating back to 2006–07, for the years in which those exercises were conducted.

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 2016 and 31 March 2017, 12 recommendations were made following the application of the EMP; 10 were for women and 2 for BAME. There were also 12 instances where candidates were considered to be of equal merit, but the provision was not applied as all candidates shared the same diversity characteristics, for example, both were women.

Eligible pool

Eligible pool data is available for gender, ethnicity and current legal role, however it is not collected for other diversity characteristics.

Eligible pool information is provided for the 4 legal exercises completed between 1 April 2016 and 31 March 2017 which had 10 or more recommendations. Comparisons with the eligible pool are made where relevant, and meaningful, to provide additional context. Four different eligible pools were referred to for these exercises; percentages are of the totals excluding unknowns:

- For the s9(1) and Circuit Judge (tables 1 and 3 in the accompanying tables document), the eligible pool consisted of 5,096 potential candidates with 7 years' experience as a solicitor or barrister and additional previous judicial experience. Of this pool, 34% were women, 8% declared they were from a BAME background. Eligible pool information for current legal role is not presented for these exercises, as the available information is not comparable to the diversity data collected in JAC selection exercises. This is because the eligible pool for these exercises is based on the professional background of the current judiciary. However, candidates who are salaried judges are likely to have declared their 'current legal role' to be 'salaried judicial office holder' on the JAC diversity monitoring form. This means that the eligible pool is more representative of professional background, rather than current legal role for those exercises.
- For the Deputy District Judge (Magistrates' Court) exercise (accompanying table 4), the eligible pool consisted of solicitors, barristers and fellows of CILEx with 5 or more years of legal experience. This accounted for 124,869 potential candidates, of whom 46% were women, 14% declared they were from a BAME background and 84% were solicitors.
- For the s9(4) Deputy High Court Judge exercise (accompanying table 6), the eligible pool consisted of 106,656 potential candidates who have 7 years' experience as a solicitor or barrister. Of this pool, 43% were women, 13% declared they were from a BAME background, and 87% were solicitors.

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 are not available for the Fee-paid Medical Members and the Valuation Tribunal Chairmen and Members posts as they are non-legal exercises.

Table ii. Grouped small selection exercises completed between 1 April 2016 and 31 March 2017

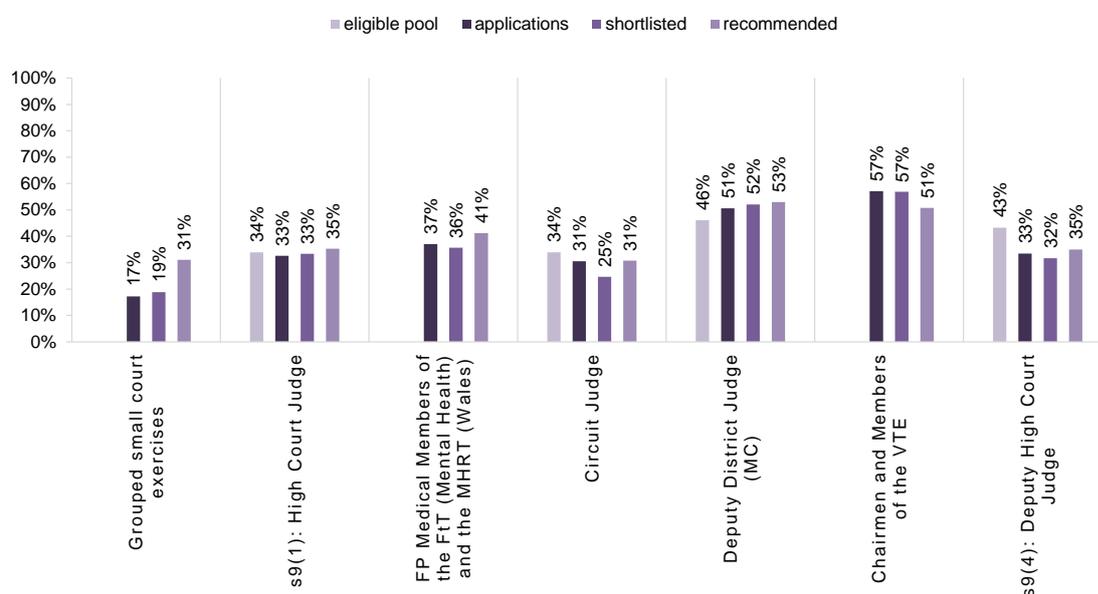
Selection Exercise	Total applications	Total recommendations for immediate appointment
Tribunals		
President of the Valuation Tribunal for England	12	1
Drainage Members – First-tier Tribunal Property Chamber, Agricultural Land and Drainage	12	2
Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber	25	2
Deputy Regional Valuer of the First-tier Tribunal, Property Chamber, Residential Property	23	1
Resident Judge of the First-tier Tribunal, Immigration and Asylum Chamber (Wales and s94)	13	1
Total tribunals	85	7
Courts		
High Court Judge	56	8
Senior Circuit Judge (Resident Judge)	3	1
Senior Circuit Judge (Designated Civil Judge)	2	1
Specialist Circuit Judge	13	2
Senior District Judge (Chief Magistrate)	2	1
Senior Circuit Judge (Resident Judge)	8	3
Specialist Civil Circuit Judge	11	3
Circuit Judge – Senior Circuit Judge of the Court of Protection	14	1
Circuit Judges at the Central Criminal Court	32	7
Senior Circuit Judge, Designated Civil Judge (Thames Valley, Bedfordshire and Hertfordshire)	5	1
Specialist Civil Circuit Judge, Mercantile (Birmingham)	9	1
Senior Circuit Judge, Resident Judge (Southwark)	3	1
Deputy Senior District Judge (Chief Magistrate)	4	1
Total courts	162	31

Candidates who are women

No apparent disparity in the likelihood of being recommended for appointment based on gender except, notably, the smaller grouped exercises. Women were more than twice as likely as men to be recommended in the small grouped court exercises. None of the 7 recommendations for appointment among the small grouped tribunals exercises were women.

The gender representation among applicants closely reflects the gender split of those recommended for appointment. While the Deputy District Judge and Chairmen and Members of the Valuation Tribunal for England exercises had representation of women in excess of 50% at all stages, other exercises had a lower representation of women among applicants. However, this was generally at similar levels to the eligible pool, where this information was available.

Figure 2: Representation of women at each stage of the exercises completed between 1 April 2016 and 31 March 2017



Grouped small tribunal and senior judiciary exercises are not presented due to the suppression of percentages. Eligible pool information is not available for the group court exercises, FP Medical Members and Chairmen and Members of the VTE

Figure 2 shows the representation of women at each stage of the selection exercises, including eligible pool where available.

The Chairman and Members of the Valuation Tribunal for England (VTE) was the exercise with the highest overall representation of women at all stages. The outcome was that just over half (51%, 34) of recommendations were women; this was 6 percentage points lower than the representation of women among applicants (57%, 64).

In the Deputy District Judge (Magistrates' Court) exercise, just over half (53%, 9) of recommendations were women, a proportion largely comparable with the application stage (51%, 534). Notably, the proportion of applications that were from women was higher than the proportion of women among the eligible pool (46%).

In the Fee-Paid (FP) Medical Members of the First-tier Tribunal (FtT) (Mental Health) and the Mental Health Review Tribunal (MHRT) (Wales) exercise, 41% (21) of recommendations were women, 4 percentage points higher than the proportion of women applicants.

Representation of women in the s9(1) exercise was the most consistent at all stages, with women representing 34% of the eligible pool, 33% (31) of applicants and 35% (12) of recommendations.

The Deputy High Court s9(4) exercise showed a similar proportion of women among recommendations for appointment (35%, 7) to the proportion among applicants (33%, 94), but the representation of women among applicants was 10 percentage points lower than among the eligible pool.

Although representation of women at the application stage and recommendation stage of the Circuit Judge exercise was consistent at 31% (51 applications, 12 recommended candidates), this was slightly lower than the proportion of women in the eligible pool (34%). While this was slightly lower, it is not materially different in outcome to the proportion in the eligible pool.

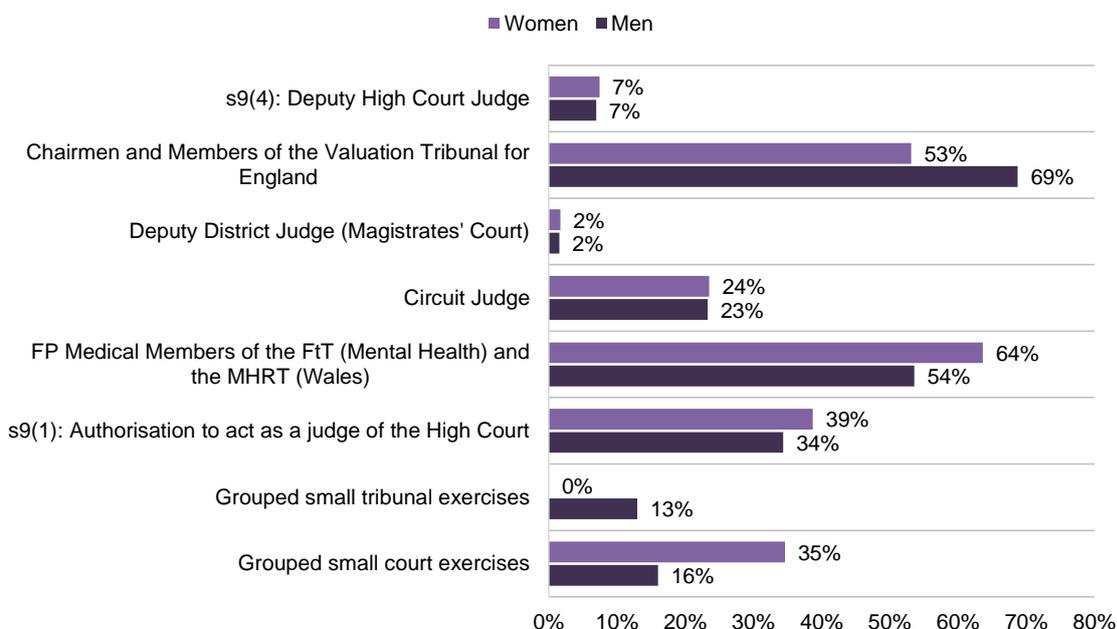
Although the grouped smaller court exercises had comparatively low representation of women among applicants (17%, 26), representation of women among those recommended for appointment was almost double this proportion (31%, 9).

Recommendation rates

Recommendation rates measure the rate at which those that applied were successful in being recommended for appointment, by group (see figure 3). This allows us to compare how likely the women that applied were to be recommended, compared to the likelihood for men, irrespective of the gender representation among applicants, and indeed among recommendations. It does not show gender representation at either application or recommendations stages (which were previously shown in figure 2).

Disparity is assessed by the relative difference between the recommendation rates of each group, irrespective of the actual size of the rates.

Figure 3: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), by gender



Recommendation rates are only presented for exercises where percentages were not suppressed due to low numbers.

Similar recommendation rates were seen for both men and women in the Circuit Judge exercise (where 24% of those men that applied and 23% of those women that applied

were recommended), the Deputy District Judge exercise (where both men and women saw 2% of applicants be recommended), and the s9(4) Deputy High Court exercise (where 7% of men and women applicants were recommended).

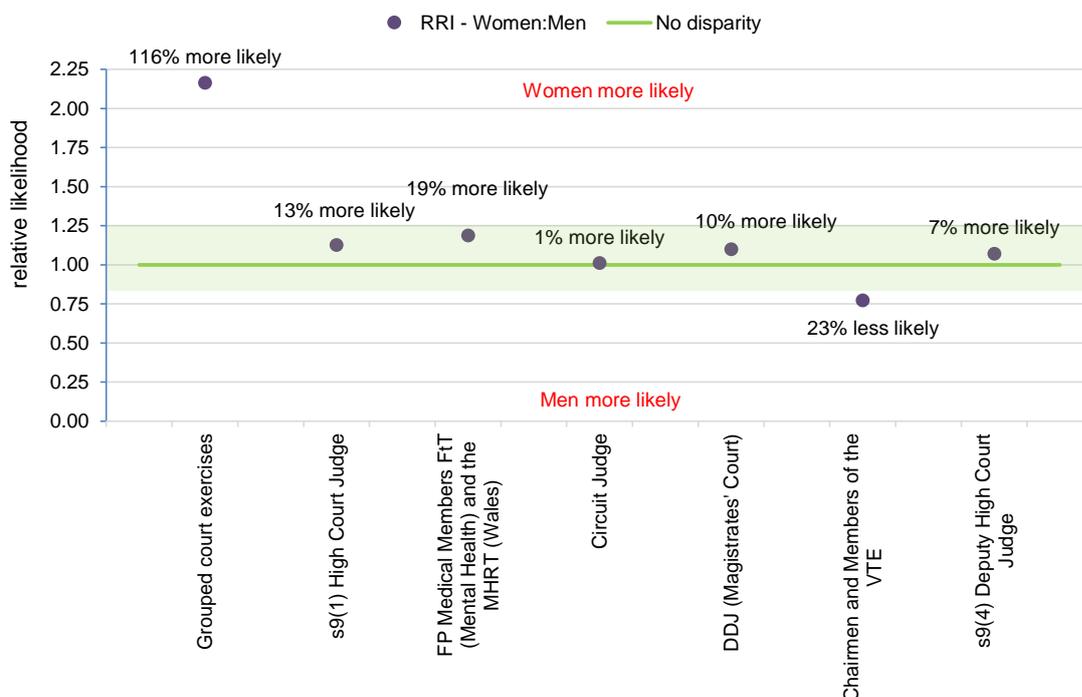
As seen in figure 4, this is further confirmed by consideration of the Relative Rate Index (RRI), as these exercises show RRIs close to the line of no disparity, within the range where any apparent differences are likely to represent chance variation. This suggests no evidence of disproportionality of outcomes based on gender within these exercises. This is further reflected in the concordance of representation of women in these exercises at the application and recommendation stage, see figure 2.

Of those that applied for the grouped smaller court exercises, FP Medical Members of the FtT (Mental Health) and MHRT (Wales), and s9(1) authorisation to act as a High Court Judge, women fared better than men, with women seeing higher recommendation rates. This manifests in the slightly higher representation of women at the recommendation stage compared to the applicant stage.

The RRI figures for the High Court and FP Medical Member exercises are within the range that would not indicate this difference as representing disproportionality. However, in the small court exercises, women were more than twice as likely as men to be recommended for appointment. This is the explanation for the representation of women in recommendations being nearly double that of the application stage (31% compared to 17%). However, this is in context with these small court exercises having the lowest overall representation of women at the application stage across all exercises.

In the Chairman and Members of the VTE, men had a higher recommendation rate than women. Those women that applied were 23% less likely than men to be recommended for appointment; the representation of women fell 6 percentage points from 57% at the application stage to 51% at the recommendation stage. Despite the small apparent disparity in performance in this exercise, because of the high proportion of women applicants, the outcome was an even gender split in the number of recommendations.

Figure 4: Relative Rate Index (RRI) – Relative likelihood of women being recommended compared to men



RRIs are only presented for exercises where rates were not suppressed or zero.

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.

Table 11 (in the accompanying tables document) provides summary statistics for previous exercises where information is available. For the Deputy District Judge (Magistrates' Court), there were only 2 prior selection exercises for comparison, in 2008–09 and 2012–13. Across all three comparable financial years, the RRI shows no apparent disparity in the recommendation rates between women and men (meaning no notable disparity has emerged during the selection process). However the 2016–17 exercise shows an increase in the representation of women at both the application and recommendation stages, compared to previous years, with women in the most recent year equally represented (53%) with men among recommendations.

For s9(4) Deputy High Court Judge, the only comparison point is to 2015. The RRIs for both years are within the range of no disparity, however the representation of women at application and recommendation stages are lower in the most recent exercise than the previous one (35% of recommendations were female in 2016–17 compared to 42% in 2015).

For the Chairmen and Members of the VTE, the only period for comparison was also 2015. The RRI for the most recent exercise indicated women were less likely than men to be recommended, whereas the RRI for the previous exercise in 2015 did not suggest any disparity. However, in the most recent exercise, there was an increase in the representation of women at the application and recommendation stages compared to 2015, with women accounting for 51% of recommendations in 2016/17 compared to 44% in 2015.

For the Circuit Judge and FP Medical Member exercises, there are no clear trends between 1 April 2006 and 31 March 2017 (the time series) for the representation of women at the application and recommendation stages, and the RRIs are highly volatile, meaning there is no clear trend.

Senior judicial exercises

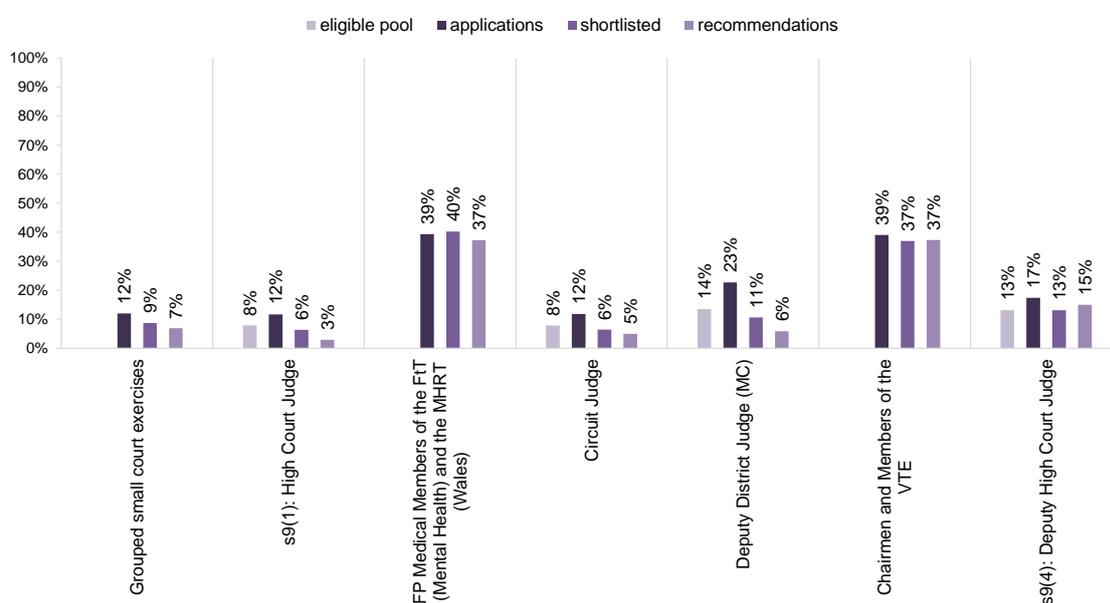
The overall declaration rate for gender in the senior judicial exercises was 86%; out of those who declared their gender, women represented 16% (3) of applicants, 17% (2) of shortlisted candidates and 1 out of 6 recommended candidates. Although there were insufficient recommendations for rates or percentages to be meaningful, this outcome is consistent with the proportion of applicants.

Candidates from a Black, Asian and minority ethnic (BAME) background

Greater representation of BAME applicants than eligible pool in all 4 large legal exercises. The proportion of recommended candidates who were BAME for the Deputy High Court Judge remained higher than in the eligible pool.

BAME candidates were less likely to be recommended for appointment in 3 of the 6 larger exercises. This was more evident in the s9(1) authorisation to act as a judge of the High Court, Deputy District Judge (Magistrates' Court) and Circuit Judge exercises. The small differences in likelihood of being recommended by ethnicity in the Chairmen and Members of the VTE, Fee-paid Medical Members of the FtT (Mental Health) and the MHRT (Wales), and s9(4) Deputy High Court Judge exercises are less suggestive of disparity.

Figure 5: BAME representation at each stage of the exercises completed between 1 April 2016 and 31 March 2017



Grouped small tribunal and senior judiciary exercises are not presented due to the suppression of percentages. Eligible pool information is not available for the grouped court exercises. FP Medical Members and Chairmen and Members of the VTE

Figure 5 shows the BAME representation at each stage of the selection exercises, including eligible pool where available.

Representation of BAME candidates at all stages of both non-legal exercises was higher than representation at any stage within the legal exercises. In both the Chairmen and Members of the VTE and the FP Medical Members of the FtT (Mental Health) and the MHRT (Wales) exercises, 37% (25 and 19 respectively) of recommendations were BAME candidates, just 2 percentage points lower than the representation of BAME applicants (39% for both exercises, 43 and 35 respectively), and the representation of BAME candidates was consistent across all stages.

There was a higher proportion of BAME applicants in all 4 legal exercises when comparing to representation in the eligible pools.

The representation of BAME candidates across all stages of the s9(4) Deputy High Court exercise was fairly consistent where 17% (49) of applicants and 15% (3) of recommended candidates were from a BAME background. Both stages had a slightly higher representation of BAME candidates than the eligible pool (13%).

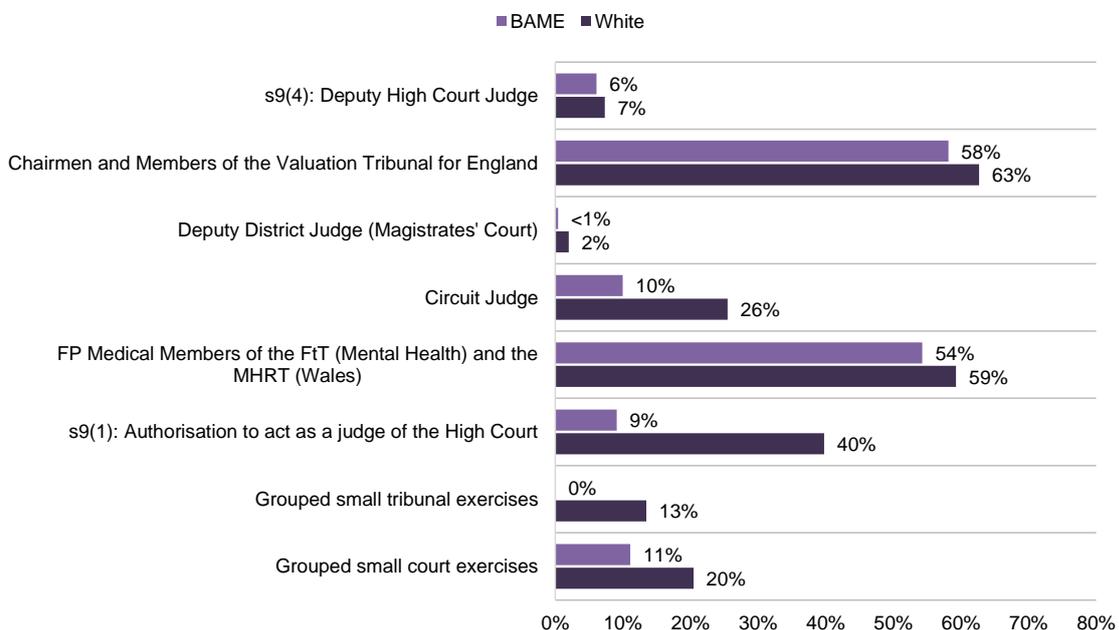
In the s9(1) exercise, 12% (11) of the applicants were from a BAME background which is 4 percentage points higher than the BAME representation in the eligible pool. The proportion of recommended candidates from a BAME background was 3% (1); had the proportion have been the same for recommendations as applicants, this would have amounted to 4 recommendations from a BAME background.

The representation of BAME candidates at the application stage of the Circuit Judge exercise was 12% (20), which is 4 percentage points higher than seen among the eligible pool. The representation of BAME candidates among recommendations for appointment fell to 5% (2), which is lower than both the eligible and applicant pool. Representation equal to the eligible pool would have resulted in one further recommendation.

In the Deputy District Judge (Magistrates' Court) exercise, BAME candidates represented 23% (237) of applicants, which is 9 percentage points higher than the representation in the eligible pool. The proportion of recommended candidates from a BAME background was just 6% (1), which is considerably lower than the representation among applicants and the eligible pool.

The recommendation rates for ethnic background show the proportion of applicants from each group that were successfully recommended for appointment. This allows us to compare how likely BAME applicants were to be recommended compared to the likelihood for White applicants. Any apparent differences in likelihood for recommendation must be treated with caution due to there being small numbers of candidates in exercises; we are unable to discount chance alone as being responsible for these differences.

Figure 6: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), by ethnicity



Recommendation rates are only presented for exercises where percentages were not suppressed due to low numbers.

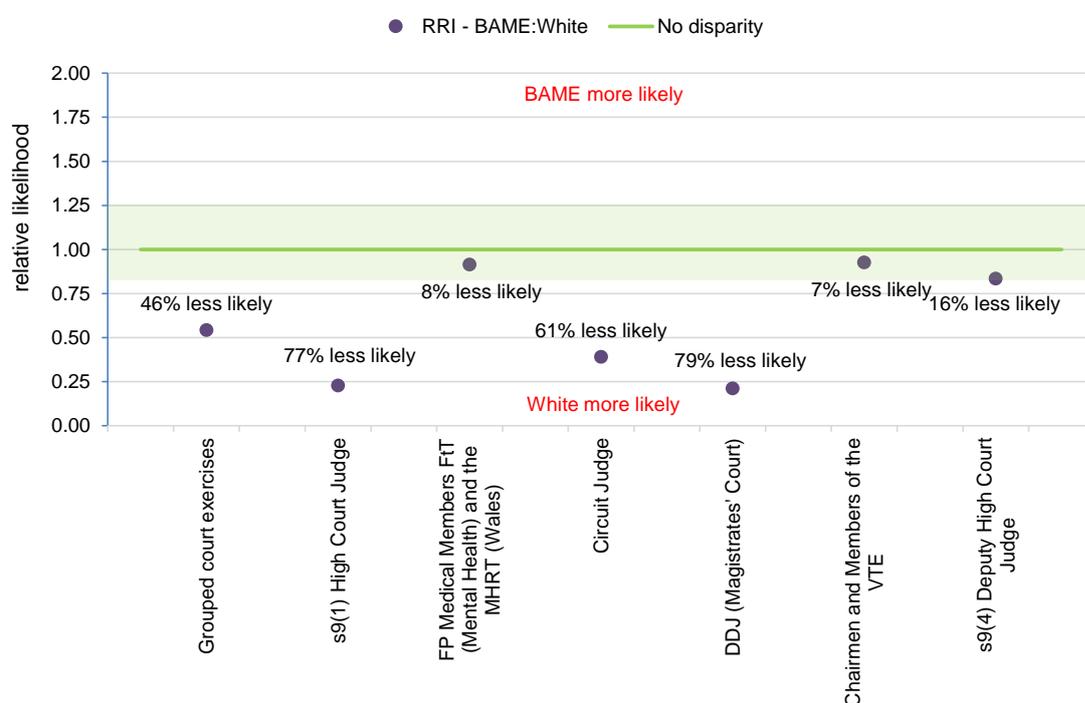
Similar recommendation rates were seen for both BAME and White candidates in the s9(4) Deputy High Court exercise, where 6% of BAME applicants and 7% of White applicants were recommended. The RRI indicates that BAME applicants were 16% less likely to be recommended than White applicants; this is within the range where any apparent differences are likely to represent chance variation.

While White applicants had higher recommendation rates than BAME applicants in the Chairmen and Members of the VTE and FP Medical Members of the FtT (Mental Health) and MHRT (Wales), the RRI figures are within the range that would not indicate this difference as representing disproportionality.

In the small court and Circuit Judge exercises, the recommendation rates for White applicants were considerably higher than those for BAME applicants, which is also reflected in the RRI figures. BAME applicants were 46% less likely than White applicants to be recommended in the small court exercises and 61% less likely to be recommended in the Circuit Judge exercises.

Greater levels of disparity can be seen in the s9(1) and Deputy District Judge (Magistrates' Court) exercises where BAME applicants were 77% and 79% less likely to be recommended than White applicants respectively.

Figure 7: Relative Rate Index (RRI) – Relative likelihood of BAME candidates being recommended compared to White candidates



RRIs are only presented for exercises where rates were not suppressed or zero.

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.

When considering previous exercises (table 11 in the accompanying tables), there are no clear trends across the available time series (1 April 2006 to 31 March 2017) in the representation of BAME candidates at the application stage or the recommendation stage. However, in general, across all selection exercises compared, and in most years considered, BAME representation is lower at the recommendation stage than at the application stage.

The time series trend in relative rates of recommendation for ethnicity must be interpreted with caution, as they are based on small numbers, and are therefore volatile and susceptible to chance fluctuations.

Between 1 April 2006 and 31 March 2017, RRIs for previous Circuit Judge exercises range from 0.35 to 0.82, with BAME candidates consistently having a lower likelihood of recommendation for appointment than white candidates, although to a varying extent across the time series with no obvious trend emerging.

For the Deputy District Judge (Magistrates' Court) exercises, RRIs range from 0.21 to 1.43, showing no consistency across the time series in whether White or BAME candidates were more or less likely to be recommended, noting there have only been three such exercises run since 2006.

Where information is available for Fee-paid Medical Member exercises, the RRIs range from 0.41 to 0.96, with BAME candidates less likely than White candidates to be recommended for appointment in some years, while in other years (including the most recent year) no disparity was seen. However figures across the time series are volatile and do not indicate any trend.

For the Deputy High Court Judge exercises, there was a decrease in disparity in 2016–17, where the RRI was 0.84, compared to 0.41 in 2015 (the only comparison point in the time series). There was also a decrease in disparity in the 2016–17 exercise for Chairmen and Members of the VTE where their RRI was 0.93, compared to 0.80 in 2015 (the only comparison point). These comparisons should be treated with caution given that there are only 2 time points and the general volatility seen in relative rate comparisons for ethnicity in other exercises.

Senior judicial exercises

There were no applicants from a BAME background for the senior judicial roles.

Candidates declaring current legal role as solicitor

Solicitors less likely than barristers to be recommended for appointment in 3 large legal exercises and the small grouped court exercises. While 43% of applicants in legal exercises were solicitors, solicitors represented only 10% of recommendations. None of the recommendations in the small tribunal exercises were solicitors.

Care must be taken when interpreting the representation of applicants who are solicitors. The eligible pool provides information about the proportion of individuals registered with the respective professional bodies.

The information collected using the diversity monitoring form in the recruitment process is self-declared and requests information about current legal role. Therefore the professional backgrounds of those currently holding salaried judicial office will not be represented. This may be particularly apparent in posts which have previous judicial experience as an eligibility requirement.

Figure 8: Current legal role representation at each stage, for exercises completed between 1 April 2016 and 31 March 2017 (legal posts)

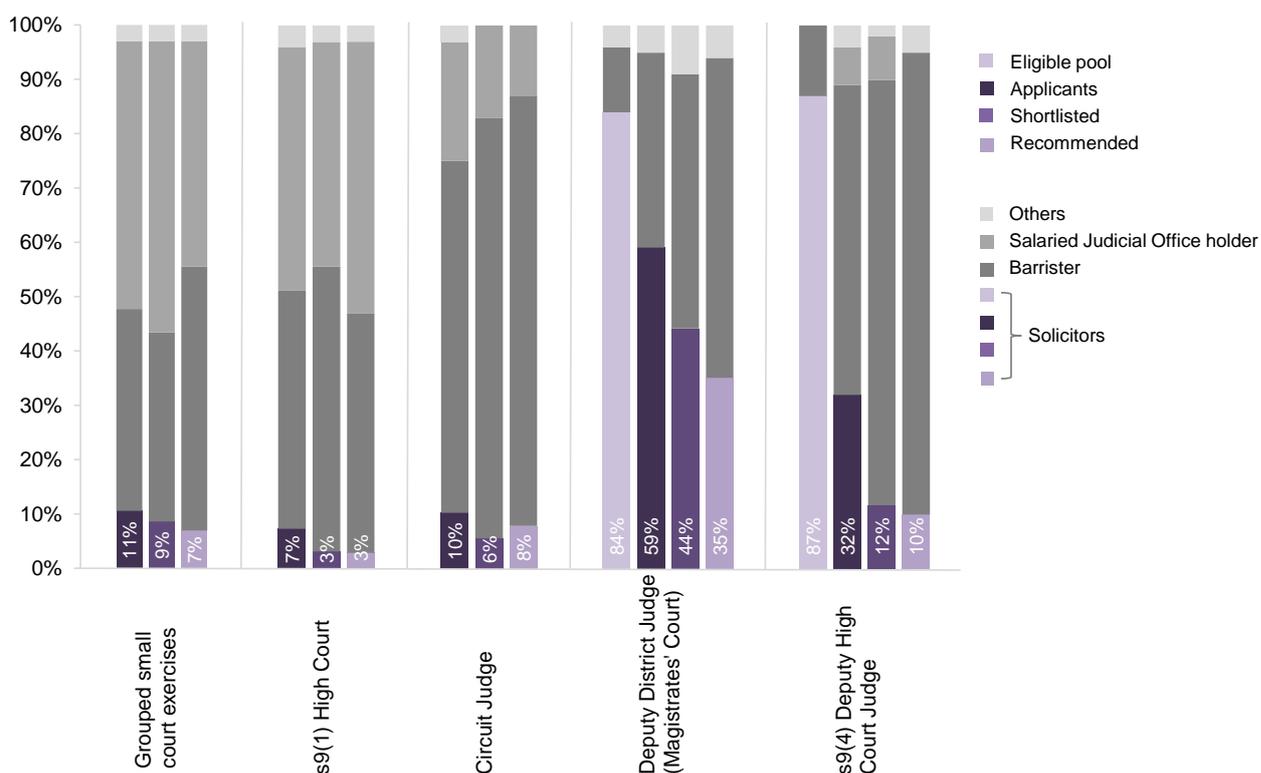


Figure 8 shows current legal role representation at each stage of the legal selection exercises, including eligible pool where available. There is no requirement for legal experience in non-legal exercises. Accordingly, figures cover legal exercises only.

In the Circuit Judge exercise, 8% (3) of the recommendations were solicitors, 2 percentage points lower than, but broadly comparable to, the proportion of solicitor applicants (10%, 16). If the number of recommendations declaring their current legal role as solicitor was proportionate to representation among applicants, this would have resulted in around 3 to 4 of the total 42 recommendations having been solicitors, which is in line with the outcome.

The Deputy District Judge (Magistrates' Court) exercise saw the highest overall representation of solicitors at each stage. The proportion of solicitors in the eligible pool was 84%, which is 25 percentage points higher than the proportion of applicants for this exercise (59%, 610). The proportion of recommended candidates who were solicitors was 35% (6), which is 24 percentage points lower than at application; the representation of solicitors who were recommended was almost 50 percentage points lower than among the eligible pool.

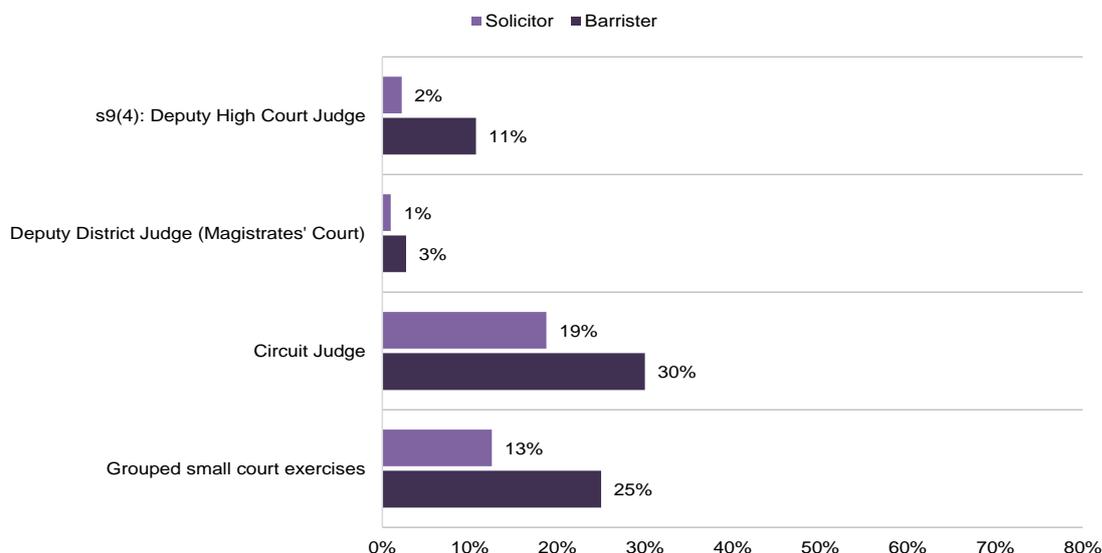
The eligible pool for the s9(4) Deputy High Court Judge also had a high representation of solicitors (87%), however 32% (90) of applicants declared their current legal role as solicitor, which is 55 percentage points lower than the eligible pool. Solicitors represented 10% (2) of recommended candidates in this exercise, a 22 percentage point drop from application stage and 77 percentage points lower than represented in the eligible pool.

In the s9(1) exercise, 7% (7) of applicants and 3% (1) of recommended candidates declared their current legal role as solicitor. If the number of recommended candidates who were solicitors was proportionate to applications, this would have resulted in 2 solicitors recommended; 1 of the recommended candidates was a solicitor so the impact of the difference in representation at these stages is slight in material terms.

The small court exercises had similarly low proportions of solicitors represented at each stage, where 11% (16) of applicants and 7% (2) of recommended candidates were solicitors.

The recommendation rates for current legal role allow us to compare how likely those declaring their current legal role as solicitors were to be recommended compared to the likelihood for those with a current legal role of barrister. Those with a current legal role of salaried judicial office holder are not included within the solicitor/barrister rate comparisons below.

Figure 9: Recommendation rates (proportion of applicants that were successful in being recommended for appointment), by current legal role (solicitor/barrister only)



Recommendation rates are only presented for exercises where percentages were not suppressed due to low numbers. Salaried judicial office holders are not included within these figures.

Lower recommendation rates for those declaring a current legal role of solicitor, when compared to barristers, can be seen across all exercises. The magnitude of disparity can be observed in the RRI figures, the largest of which was in the s9(4) Deputy High

Court exercise, where those with a current role of solicitor were 79% less likely to be recommended than barristers.

Figure 10: Relative Rate Index (RRI) – Relative likelihood of solicitors being recommended compared to barristers



RRIs are only presented for exercises where rates were not suppressed or zero. 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. Salaried judicial office post holders are not included within these figures.

Looking at the available time series comparisons in the accompanying table 11, the representation of solicitors at the application stage of previous Circuit Judge exercises has been fairly consistent between 10% and 13%, apart from the 2011–12 (June) exercise when solicitors represented 5% of applicants. While there is no clear trend in the RRIs for Circuit Judge, where information is available it is possible to see that throughout the time series, those with a current legal role of solicitor have consistently been less likely than barristers to be recommended for appointment (comparisons of the RRIs are of solicitors/barristers, and do not include salaried judicial office holders). Accordingly, solicitors have accounted for lower proportions of recommendations than applicants in every year that a Circuit Judge exercise has been run.

Compared to previous Deputy District Judge (Magistrates' Court) exercises, in the most recent exercise those with a current role of solicitor were less likely than barristers to be recommended for appointment, which can be seen in the lower RRI. While there is no obvious trend in representation of solicitors at application stage, the proportion of recommendations that were solicitors was substantially lower in the most recent year than in other years (35% in 2016–17 compared to 56% in 2012–13 and 69% in 2008–09). This should be viewed cautiously however, as these percentages are based on low numbers, and a small change in the actual numbers can represent a sizeable percentage change.

In the s9(4) Deputy High Court Judge exercise, there has been a slight reduction in disparity between solicitors and barristers in comparison to results in 2015 (the only comparison point), however the RRI indicates that solicitors remain less likely than barristers to be recommended for appointment.

Senior judicial exercises

Current legal role information was not collected for the senior judicial exercises completed between 1 April 2016 and 31 March 2017.

Candidates with a disability

Table iii shows the representation of candidates who declared a disability at application and recommendation stages of the exercises closed between 1 April 2016 and 31 March 2017. As there are small numbers involved in some of the stages for this characteristic, graphs showing recommendation rates and RRIs have not been presented and any percentages must be interpreted with caution as they can be highly volatile and potentially misleading. Eligible pool information is not available for disability.

For both the s9(1) and FP Medical Member for the FtT (Mental Health) and MHRT (Wales) exercises, 7% (6 for both) of applicants and 10% (3 and 5 respectively) of recommended candidates declared they had a disability.

The proportion of applicants and recommended candidates with a disability in the Chairmen and Members of the VTE exercise remained stable at 8% (9 and 5 respectively).

In the Circuit Judge and Deputy District Judge (Magistrates' Court) exercises, the proportion of recommended candidates who declared a disability was broadly consistent with the proportion of applicants.

In the small court exercises, 7% (10) of applicants and 4% (1) of recommended candidates declared a disability. Given the low numbers involved, this apparent difference in percentage is of little material difference.

There were 11% (8) applicants who declared a disability in the small tribunal exercises, none of whom were recommended for appointment. This is aligned with the expected outcome based on the proportion among applicants and the small number of recommendations for appointment.

When considering the representation of candidates with a disability at application and recommendation stages in previous exercises across the time series, there do not appear to be any clear trends. The RRI figures for disability must be interpreted with caution as they are based on small numbers and are therefore highly volatile and liable to fluctuate due to chance alone.

Senior judicial exercises

None of the candidates who applied for the senior judicial posts declared they had a disability.

Table iii. Candidates recommended for immediate appointment who declared a disability (1 April 2016 to 31 March 2017)

Exercise	Total applications	Total recommendations for immediate appointment	Disability declaration rate	Applicants with a disability		Recommended candidates with a disability	
				Number	%	Number	%
				s9(1): High Court	95	34	95%
FP Medical Members of the FtT (Mental Health) and the MHRT (Wales)	99	58	89%	6	7%	5	10%
Circuit Judge	184	42	89%	7	4%	1	3%
Deputy District Judge (Magistrates' Court)	1,148	18	90%	69	7%	1	6%
Chairmen and Members of the VTE	120	71	90%	9	8%	5	8%
s9(4): Deputy High Court Judge	297	21	93%	11	4%	-	-
Grouped small Court selection exercises	162	31	90%	10	7%	1	4%
Grouped small Tribunal selection exercises	85	7	84%	8	11%	-	-
Grouped small Senior Judicial selection exercises	22	8	91%	-	-	-	-

- denotes zero.

Percentages are of the total excluding unknowns.

Table iv. Candidates recommended for immediate appointment by age (1 April 2016 to 31 March 2017)

Exercise	Total applications	Total recommendations for immediate appointment	Age declaration rate	Candidates aged 45 and under				Candidates aged 46 and over			
				Applications		Recommendations for immediate appointment		Applications		Recommendations for immediate appointment	
				Number	%	Number	%	Number	%	Number	%
s9(1): High Court	95	34	99%	11	12%	2	6%	83	88%	32	94%
FP Medical Members of the FtT (Mental Health) and the MHRT (Wales)	99	58	93%	21	23%	13	25%	71	77%	39	75%
Circuit Judge	184	42	97%	19	11%	4	10%	159	89%	37	90%
Deputy District Judge (Magistrates' Court)	1,148	18	95%	701	64%	15	88%	395	36%	2	12%
Chairmen and Members of the VTE	120	71	96%	48	42%	33	47%	67	58%	37	53%
s9(4): Deputy High Court Judge	297	21	97%	54	19%	2	10%	233	81%	19	90%
Grouped small Court selection exercises	162	31	95%	11	7%	-	-	143	93%	29	100%
Grouped small Tribunal selection exercises	85	7	93%	17	22%	-	-	62	78%	7	*
Grouped small Senior Judicial selection exercises	22	8	91%	-	-	-	-	20	100%	7	*

- denotes zero.

* percentage suppressed due to small numbers. Where small numbers are present, percentages are highly volatile and potentially misleading.

Percentages are of the total excluding unknowns.

Candidates by age

Table iv shows the representation of applicants and recommended candidates in 2 age brackets: those aged 45 or under, and those aged 46 and over. Age is inevitably strongly correlated with experience. As a result, it would be less meaningful to make direct or relative comparisons of rates based on age. We would expect there to be differences across exercises, particularly those which require more years of post-qualification experience. Eligible pool and previous exercise comparison data are not available by age and for a further breakdown, please refer to the accompanying tables.

The exercise with the highest proportion of applicants and recommended candidates aged 45 and under was the Deputy District Judge (Magistrates' Court), where 64% (701) of applicants and 88% (15) of recommended candidates fell into this age group. The eligibility requirement for this exercise was that applicants had 5 or more years of legal experience and therefore may have attracted younger applicants in the earlier stages of their career compared to exercises requiring 7 years' experience or more.

In the Chairmen and Members of the VTE exercise, 47% (33) of recommendations were candidates aged 45 and under, 5 percentage points higher than the proportion of applicants in this age group. Similarly in the FP Medical Members of the FtT (Mental Health) and MHRT (Wales) exercise, a slightly higher proportion of recommended candidates were aged 45 and under (25%, 13) than the representation within the applicant pool (23%).

In the s9(4) Deputy High Court Judge exercise, 19% (54) of the applicants were aged 45 and under and 10% (2) of the recommended candidates were in this age group.

Although this seems a sizeable percentage drop, due to the small numbers involved this amounts to 2 fewer recommended candidates aged 45 and under than would have been expected based on applicant representation.

The s9(1) and Circuit Judge exercises had eligibility requirements of 7 years' post-qualification experience with the additional requirement of previous judicial experience. The representation of applicants aged 45 and under was 12% (11) in the s9(1) exercise and 11% (19) in the Circuit Judge exercise. The proportion of candidates recommended for the s9(1) appointment who were aged 45 and under was 6% (2); when taking proportion of applicants into account this is a difference of just 2 candidates. For the Circuit Judge, 10% (4) of recommended candidates were aged 45 and under, which is in line with the representation of this age group at the application stage.

The representation of applicants aged 45 and under in the small court exercises was 7% (11), however none of these candidates were recommended for appointment. Applicants aged 45 and under represented 22% (17) of the applicant pool for the small tribunal exercises, however there were no recommended candidates in this age group. Some of the smaller exercises were for more senior roles in the judiciary and would therefore have had requirements for more post-qualification experience and additional requirements of previous judicial experience.

Senior judicial exercises

All applicants for the senior judicial selection exercises completed between 1 April 2016 and 31 March 2017 were aged 46 and over.

Sexual orientation

All exercises completed between 1 April 2016 and 31 March 2017 (including senior judicial exercises), table 11 of the accompanying tables document.

Consistent with previous years, results have been grouped across all exercises. In the absence of eligible pool information, the UK Integrated Household Survey (2014)⁴ has been used as an approximation for sexual orientation proportions in the general population and compared with the results from the diversity monitoring. This was necessary as the 2011 Census did not include a question on sexual orientation. Caution should be used in making comparisons to the Household Survey figures, which may not give any indication as to the demographic composition of those eligible to apply.

The overall declaration rate for sexual orientation in all exercises which completed between 1 April 2016 and 31 March 2017 was 87%. Out of those who declared their sexual orientation, candidates who identified themselves as gay, lesbian or bisexual represented 5% (99) of applicants, compared to 2% of respondents in the Household Survey. Gay, lesbian or bisexual applicants represented 6% (28) of shortlisted candidates and 6% (14) of recommendations for immediate appointment.

The recommendation rate for gay, lesbian or bisexual applicants was 14%, which is comparable to 13% for heterosexual applicants, and is not indicative of any disparity of outcomes.

Religion and belief

All exercises completed between 1 April 2016 and 31 March 2017 (including senior judicial exercises), table 11 of the accompanying tables document.

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. The 2011 Census included a question regarding religious belief⁵ and, in the absence of eligible pool information, has been used as an approximation to compare with the results from the diversity monitoring form. Caution should be used in making comparisons to 2011 Census figures as these do not account for recent fluctuations in the population and may not give any indication as to the demographic composition of those eligible to apply.

Compared to the 2011 Census:

- the same proportion of applicants reported their religion as Christian (59%);
- slightly more applicants reported their religion as Muslim (7% compared to 5%);
- more applicants reported their religion as Jewish (4% compared to 0.5%); and
- slightly fewer applicants reported they had no religion (22% compared to 25%).

Table v shows the proportion of candidates at each stage of the recruitment process broken down by religion, for all exercises (including senior judicial exercises).

⁴<http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/integratedhouseholdsurvey/2015-10-01> provides details of the survey.

⁵ <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/rpt-religion.html> provides details of the Census results.

Table v. Candidates recommended for immediate appointment in April 2016 to March 2017 by religion and belief

Religion and belief	2011 Census	<u>Applications</u>		<u>Shortlisted</u>		<u>Recommended</u>	
		Number	%	Number	%	Number	%
Church of England, Roman Catholic or Other Christian	59%	1,031	59%	275	58%	141	59%
Muslim	5%	124	7%	24	5%	16	7%
Hindu	1.5%	62	4%	22	5%	10	4%
Jewish	0.5%	68	4%	28	6%	12	5%
Sikh	0.8%	54	3%	12	3%	6	3%
Buddhist	0.4%	6	0%	2	0%	1	0%
Other religion	0.4%	30	2%	9	2%	5	2%
No religion	25%	387	22%	102	22%	49	20%

Explanatory notes

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

Glossary of terms

A glossary of terms used in this bulletin is available from the JAC website:
https://jac.judiciary.gov.uk/sites/default/files/sync/basic_page/glossary_of_terms_0.pdf

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