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Statistical digest of judicial appointments of women and BME candidates from 1998/99 to 2008/09

Supplementary analysis prepared by the Equality and Fair Treatment Team (Judicial Appointments Commission) and Justice Statistics Analytical Services (Ministry of Justice)

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Executive summary

Annual reports have been regularly produced with summary figures about judicial appointments that have completed in the year. However, the types of judicial posts for which competitions are held are not consistent every year.

Therefore, year on year comparisons can be distorted because the candidate's base in any given year will inevitably be affected by the specific mix of recruitment exercises that take place. Therefore an analysis has been carried out to look at certain types of judicial posts for which comparable time series could be constructed.

This report examines the time series in applications and appointments for these posts, with regard to women and BME applicants, and in addition compares the two periods before and after the inception of the Judicial Appointments Commission (JAC).

Key findings:

- Comparisons between the pre and post JAC periods would suggest that there has been an improvement in the proportions of women applying and gaining appointments for these posts in the period since the creation of JAC. The change for black and minority ethnic groups (BME) seems to be varied, with an increase in applications but not necessarily appointments.
- Analysis by judge type has meant that the resultant numbers are often too small for statistically significant differences to be determined. And so we cannot be confident that the various changes in the proportions of women and BME are genuine. This applies to all the comparisons about appointments for women and BME applicants, and most comparisons about BME applicants.
- Those where the comparisons between the two periods were statistically significant were as follows: women applicants for Circuit Judge, Deputy District Judge, Deputy District Judge, Deputy District Judge (Magistrates Courts) and Legal member of the Social Security and Child Support appeals Tribunal SSCSAT); and BME applicants for Deputy District Judge (Magistrates Courts).

- In addition, these apparently significant differences between pre and post JAC periods need to be considered in conjunction with the relevant time trends. As analysis of these show that an upward trend can often be seen which arguably would have continued even if the recruitment process had not changed (see for example the trends for women applicants for Circuit Judge and Deputy District Judge)?
- In conclusion, the analysis in report does not shed any light on whether the trends identified are as a consequence of changes in the recruitment process.
- In future, comparison between the pre and post JAC periods will be more robust as additional JAC competitions are completed.

Introduction

This report presents analysis of judicial appointments before and after the inception of Judicial Appointments Commission (JAC). It examines completed selection exercises conducted from 1998/99 to 2008/09 using results published by the Lord Chancellor's Department (LCD), Department for Constitutional Affairs (DCA) and JAC.

These can be found on the archived DCA website (<http://www.dca.gov.uk/dept/depstrat.htm#part3>) maintained by the Ministry of Justice, and the JAC website (<http://www.judicialappointments.gov.uk/about-jac/823.html>).

Historically the Lord Chancellor appointed (or recommended appointments to the Sovereign) to all posts in the High Court and below. Heads of Division, Law Lords and Judges of the Court of Appeal were appointed by the Sovereign on the advice of the Prime Minister, who in turn was advised by the Lord Chancellor.

Since 1998, the processes for judicial selection have changed remarkably. Until 1997, appointments were made to the High Court by invitation only, and for many judicial posts only barristers could apply. The first Judicial Appointments Annual Report was produced in 1999, enabling trends on judicial appointments to be tracked. In the same year the question on the judicial application form regarding sexual orientation was removed. In 2002 the minimum age requirement for judicial office of 35 was removed. In 2003 assessment centres were set up for some appointments.

The Lord Chancellor appointed judges on merit, based on the following criteria:

- legal knowledge and experience
- intellectual and analytical ability
- sound judgement

- decisiveness
- communication and listening skills
- authority and case management skills
- integrity and independence
- fairness and impartiality
- understanding of people and society
- maturity and sound temperament
- courtesy
- commitment, conscientiousness and diligence

From 2001 to 2006, the Commission for Judicial Appointments maintained oversight of the appointments process. It had access to all papers relating to appointments and its officials could observe any candidate assessment.

Nevertheless, it should be stressed that although judicial posts were increasingly advertised, and although interviews and role plays began to be used, these were carried out by the Lord Chancellor's officials. The sole authority for appointing or recommending judges for appointment for the High Court or below rested with the Lord Chancellor. He had absolute discretion in determining who the most meritorious candidates were, and appointing them to or recommending them for judicial office.

In 2005 the Constitutional Reform Act established the Judicial Appointments Commission which began work in April 2006. The JAC is an independent body made up of 15 Commissioners, some judicial, some lay, which makes recommendations to the Lord Chancellor for all appointments up to and including Heads of Division. The process for selecting Heads of Division and Lord Justices of Appeal is set out in the Constitutional Reform Act. The JAC is able to devise its own processes for selections for the High Court and below.

The Judicial Appointments Commission (JAC) was created by the Constitutional Reform Act 2005 and began work in April 2006. It selects candidates for judicial office through fair and open competition. It is responsible for making appointment recommendations to the Lord Chancellor. Its statutory responsibilities are:

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

Merit, assessed through the demonstration of five qualities and abilities, under the following headings:

- Intellectual capacity
- Personal qualities
- An ability to understand and deal fairly
- Authority and communication skills
- Efficiency

The selection process includes self assessment, references, and statutory consultation. For larger exercises a qualifying test is often used as a short listing tool. Shortlisted candidates are invited to a selection day which includes an interview and for entry level posts, often a role play. Full details of the selection process can be found on the JAC website.

The most significant change brought by the creation of the JAC has been that the Lord Chancellor asks the JAC to recommend a certain number of candidates for appointment. The JAC sends one name per vacancy. The Lord Chancellor can then accept, reject or ask for the JAC to reconsider a recommendation. Appointments therefore continue to lie with the Lord Chancellor, but his discretion is heavily curtailed. It is important to note that all figures before the JAC was established refer to appointments, and since the creation of the JAC to selections, 'appointments' to cover the whole period, when used, is got the sake of brevity only.

Since the creation of the JAC there have continued to be changes. For example, the Tribunal, Courts and Enforcement Act reduced the number of years of experiences required for a candidate to be eligible to apply for certain posts. Years of experience for some posts have gone down from 10 years to 7 years and some from 7 years to 5 years. The implication of these changes is that year to year comparison can be distorted.

The report covers judicial posts in which JAC has at least completed one selection exercise since its inception. The completed exercises covered are:

- High court Judge
- Circuit Judge
- Recorder, NE, Wales
- Recorder Midland
- District Judge
- Deputy District Judge
- District Judge (Magistrates' court)
- Deputy District Judge (Magistrates' court)
- Part-time Legal member of the Mental Health Review Tribunal
- Senior/Designated Immigration Judge/Adjudicator, Asylum and Immigration Tribunal
- Chairman of the Employment Tribunals
- Legal member of the Social Security and Child Support Appeals Tribunal (or the Appeals Service or Appeals Tribunal)

Completed competitions by type of judicial post

This section presents trends in the completed competitions by type of judicial post. It shows the time series in applications and appointments for women and BME applicants from before the inception of JAC (1998/99 to 2005/06) and since the creation of JAC (2007/08 to 2008/09). It also reports on any differences in the proportion of applicants and appointments made in the two periods - pre-JAC and since JAC.

It should be noted that throughout the report:

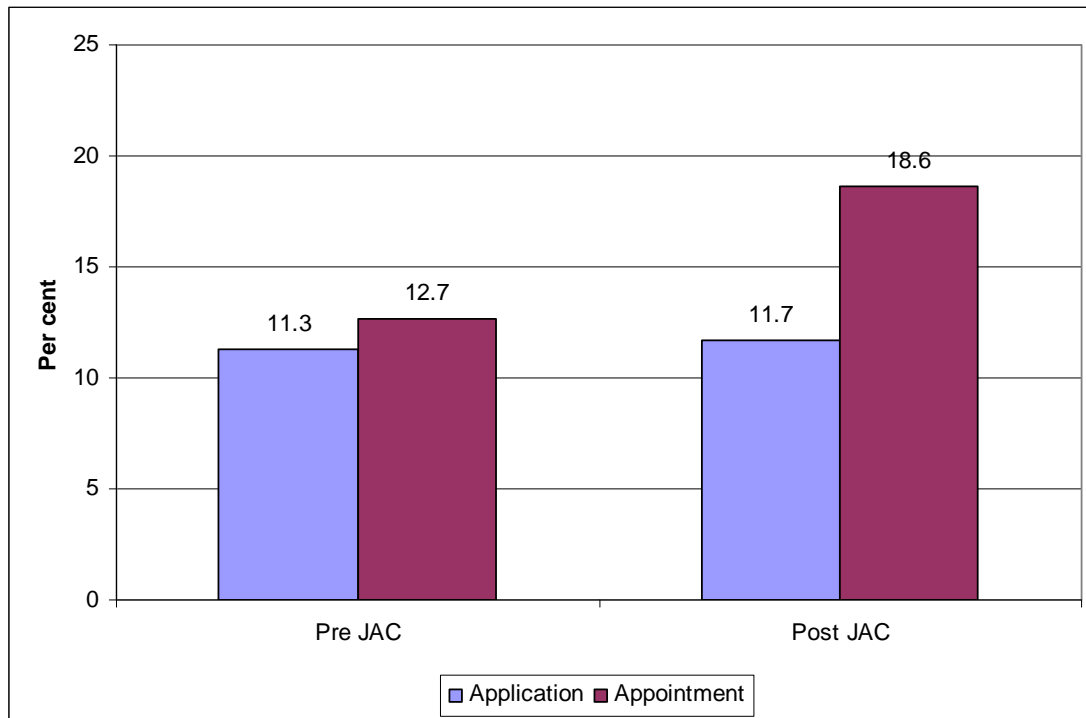
- Pre and post-JAC comparison charts are only included for those competitions where the total number of applicants in both periods was at least 25.
- Differences in the proportions of applications and appointments between the periods are indicated as to whether they are statistically significant or not.
- Percentage figures based on a number of appointments less than 10 in both periods are shown alongside their respective case numbers, to highlight that they should be interpreted with care.

1. High Court Judge

There were three completed competitions for High Court Judge before the inception of JAC and two since the creation of JAC.

There is a fairly stable trend in the proportion of women applicants over the two periods. Trends in the proportion of women appointees through competitions between 1998-09 2008-09 were fairly unstable (see Table 1).

Chart 1: Proportion of women applicants and appointments for High Court Judge, before and since inception of JAC, 1998/99 to 2008/09



The chart above suggests that the percentage of women applicants was very slightly higher in JAC run competitions than pre JAC. The percentage of women selected/appointed as High Court Judges in all competitions increased slightly since the creation of JAC from nearly 13% (7) of all appointees made in pre JAC competitions to nearly 19% (8) of all appointees, although the difference is not statistically significant. In both periods the percentages of women appointed exceeded the percentage of women who applied.

The number of Black, Minority Ethnic group (BME) applicants for High Court Judge competitions in both periods was very small (6 pre-JAC and 5 for JAC). And there was equally very few appointments – only one BME appointee between the two periods (Table 1).

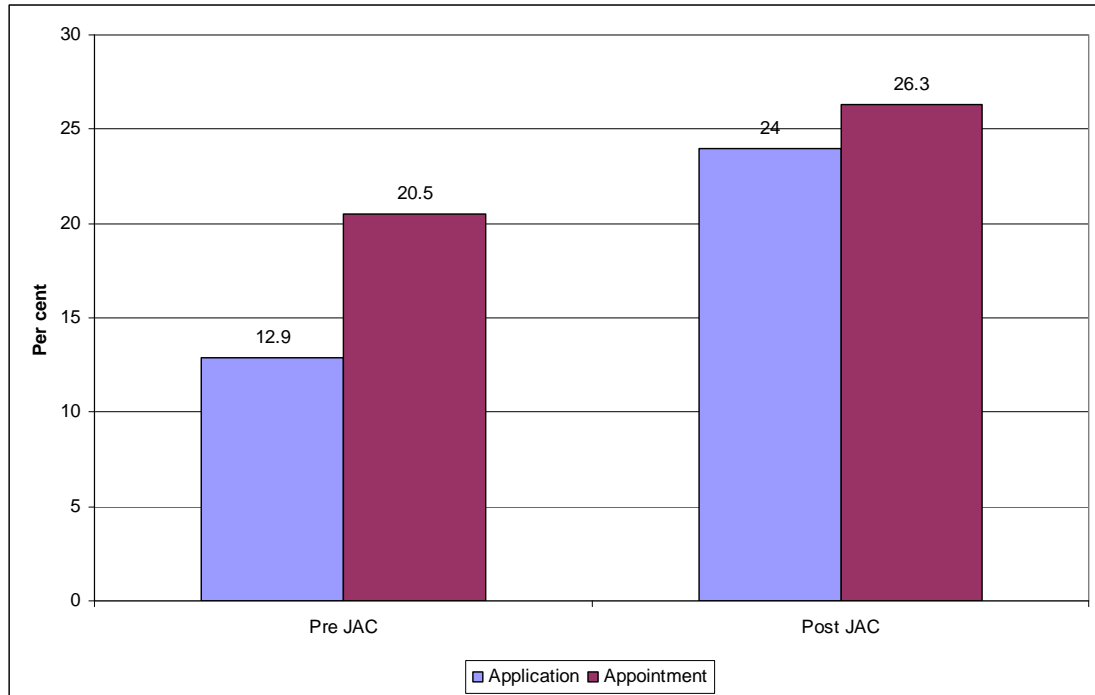
2. Circuit Judge

There were seven completed competitions for Circuit Judge in the pre JAC period and two since the inception of JAC. When comparing the total proportions of applications between the two periods, chart 2.1 below shows that the proportion of women applicants in all pre-JAC competitions was 13%, compared with 24% in the competitions since the period of JAC's existence. This observed difference is statistically significant.

Similarly, the percentage of women appointed/selected for the Circuit Bench increased from a total of nearly 21% in the pre JAC period to nearly 26% in the period of the JAC's existence.

The chart also shows that the percentage of women appointed exceeded the percentage of women who applied in both periods.

Chart 2.1: Proportion of women applicants and appointments for Circuit Judge, before and since the inception of JAC, 1998/99 to 2008/09 periods



Although there is an apparent improvement between the pre JAC and post JAC periods, the time series over the period shows that there was a steady increase in both the percentage of women applicants and appointments at the tail end of the pre-JAC period - see Table 2 and Chart 2.2 below.

Chart 2.2: Time series of women applicants and appointments for Circuit Judge, 1998-99 to 2008-09

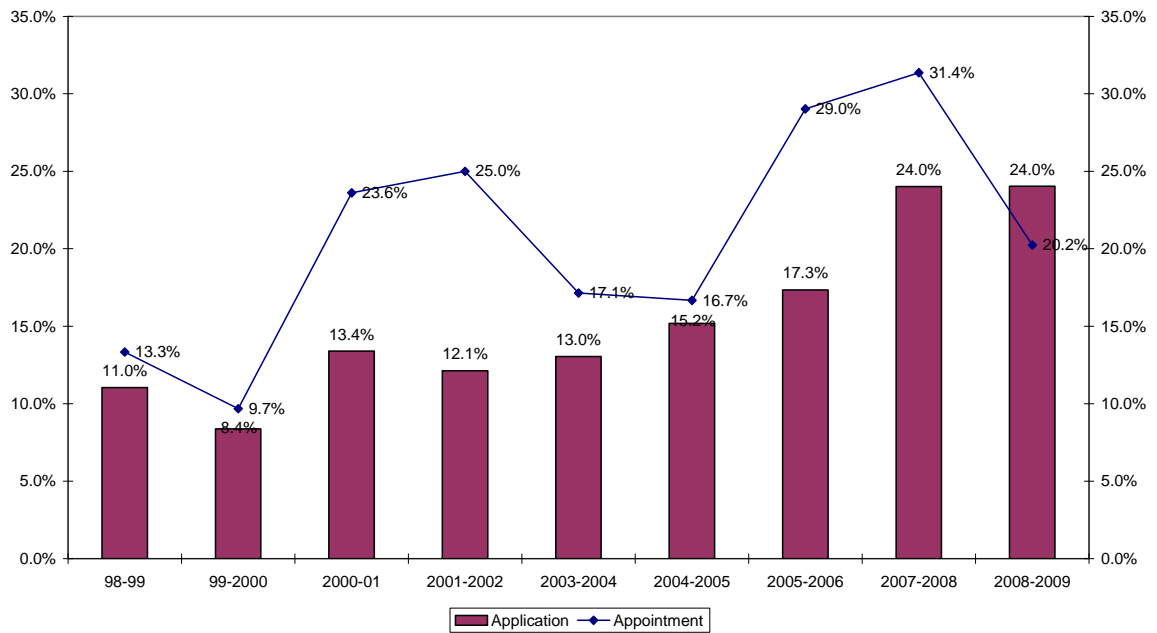
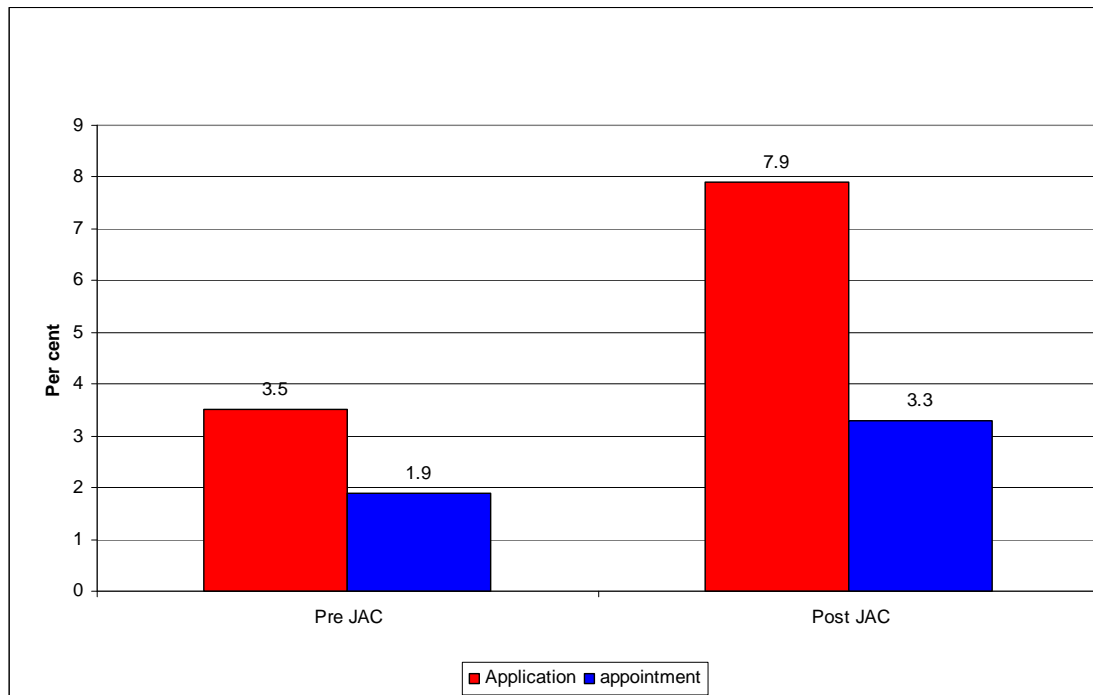


Chart 2.3 shows that the proportion of all BME applicants increased in the period of the JAC's existence to around 8% from nearly 4% in pre JAC period, although the difference is not statistically significant. And the proportion of appointments shows that nearly 2% (4) were appointed in total pre JAC compared to nearly 3% (6) in the period of the JAC's existence.

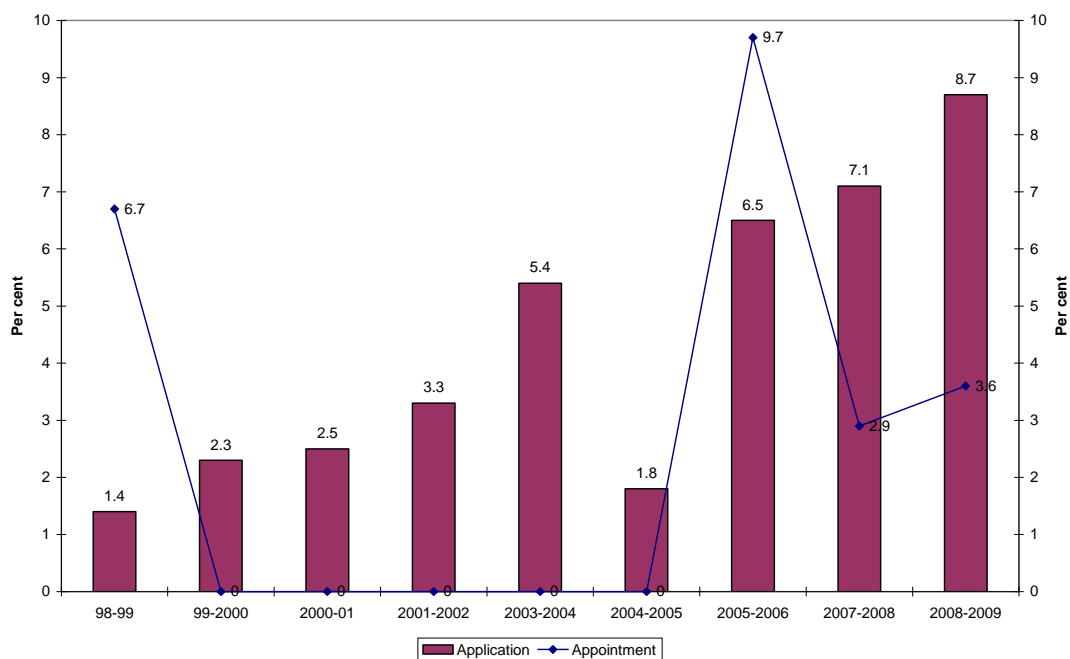
The chart also shows that the percentage of BME candidates appointed was lower than the percentage of BME candidates who applied in both periods

Chart 2.3: Proportion of BME applicants and appointments for Circuit Judge, before and since the inception of JAC, 1998/99 to 2008/09



For BME applicants, the proportion of applications showed a steady increase from 1999/00 (with the exception of 2004/05) to 2008/09, although the numbers were small. There were very few BME appointments over both periods – four in the pre-JAC and five in the post-JAC period (see chart 2.4).

Chart 2.4: Time series of BME applicants and appointments for Circuit Judge, 1998-99 to 2008-09

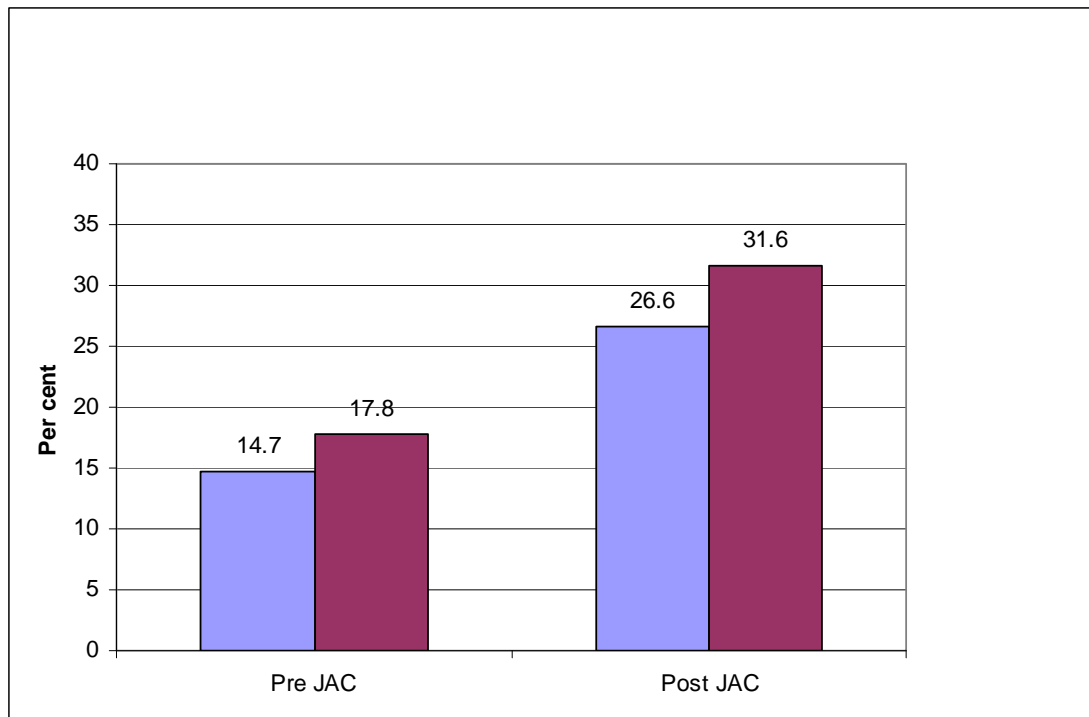


3. Recorders - Northern, North Eastern and Wales Circuits (NNEW)

Results for Recorders NNEW (see table 3) show that six competitions were completed between 1998/99 to 2004/05 and one competition since the inception of JAC.

Chart 3.1 below shows the proportion of applications and appointments of women pre JAC and in the period of the JAC's existence. Women applicants made up nearly 15% of applications received for all completed competitions between 1998/99 to 2004/05 compared to nearly 27% in the period of the JAC's existence. The difference is not statistically significant. The chart shows also that women made up nearly 18% of all appointments made in the pre JAC period compared with nearly 32% of all appointments since the inception of the JAC. The percentage of women appointed exceeded the percentage who applied in both periods.

Chart 3.1: Proportion of women applicants and appointments as Recorders (NNEW) before and since the inception of JAC, 1998/99 to 2008/09



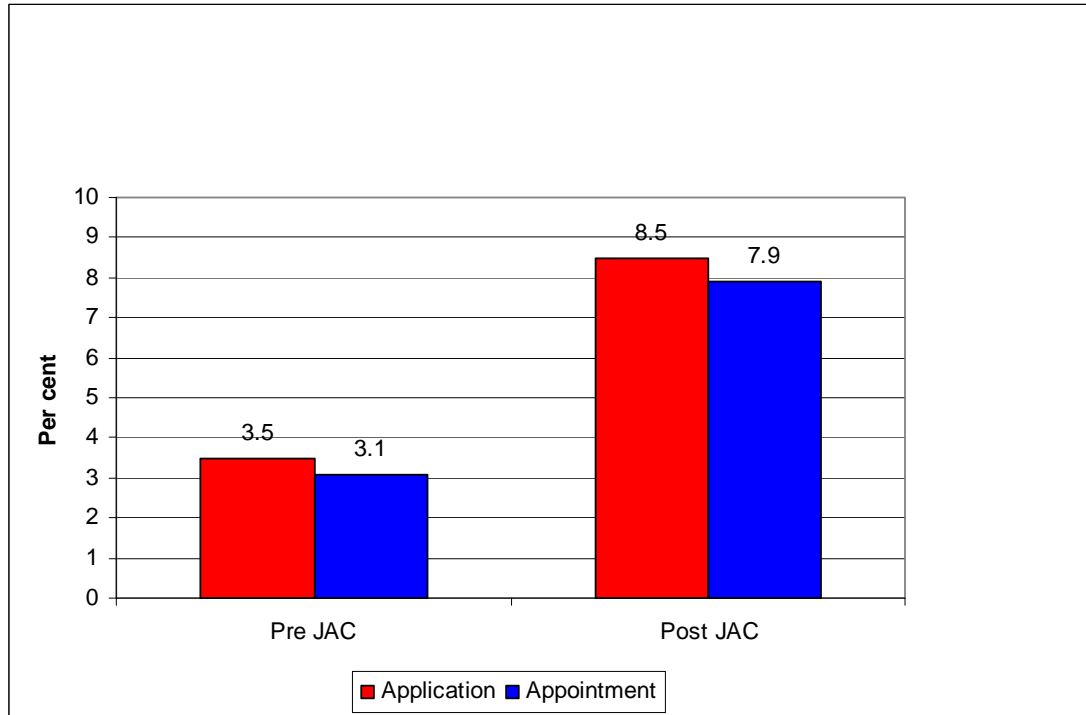
The time series shows that the proportions of women applicants and appointments have shown a fluctuating but overall increase between 1998/99 and 2008/09 (Table 3).

The total proportion of BME applicants in all NNEW Recorder competitions completed between 1998/99 to 2004/05 was 3% compared with nearly 9% for the only completed competition since the inception of JAC (see Chart 3.2 below). And the proportion of BME appointees was 3% (7) in all pre JAC competitions compared with nearly 7.9% (6) of all appointees since the

inception of JAC. The percentage appointed was slightly lower than the percentage that applied in both periods (Table 3).

Similar to women, trends in the proportion of BME applicants and appointments show a fluctuating but an overall increase during the period.

Chart 3.2: Proportion of BME applicants and appointments as Recorders (NNEW) before and since the inception of JAC, 1998/99 to 2008/09

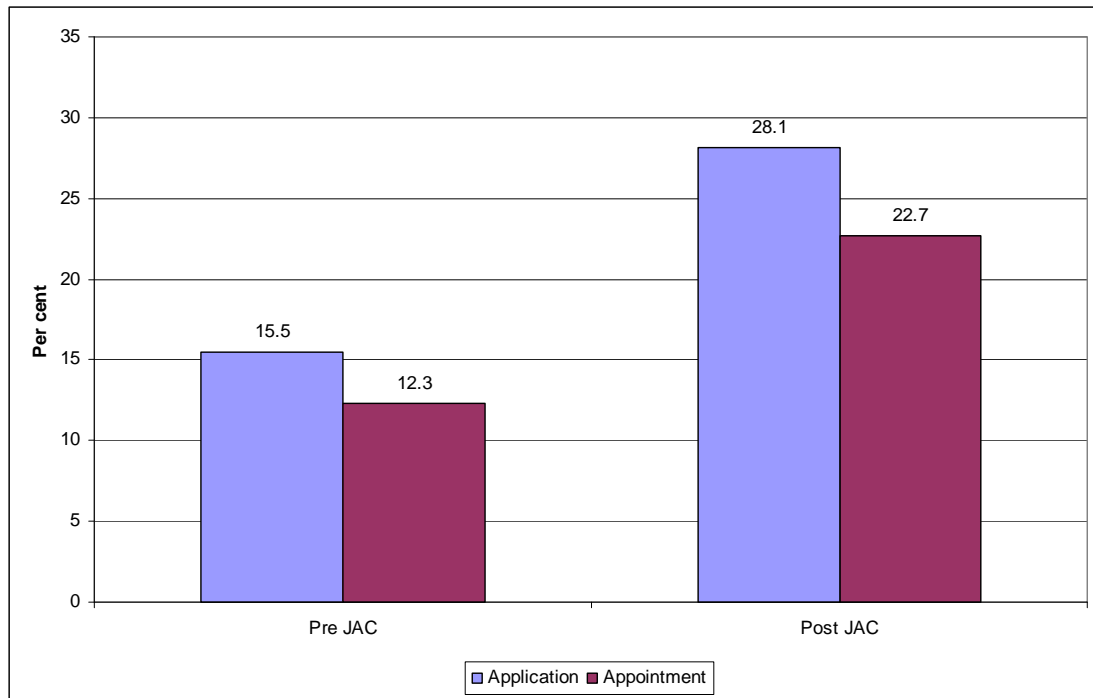


4. Recorders - Midland Circuit

For the Midland Recorder posts there were six completed competitions between 1998/09 and 2004/05 and one completed competition since the inception of JAC.

The comparison of applications received and appointments made in all the completed competitions pre JAC and since the inception of JAC shows that the proportion of women applicants was 28% for the JAC run competition compared to nearly 16% in pre JAC competitions, although the observed difference is not statistically significant (see Chart 4.1). And the percentage of women appointees also increased to nearly 23 % (15) since the creation of the JAC, compared to nearly 13 % (14) in the pre JAC period. The percentage of appointees in both periods was below the percentage of women who applied (Table 4).

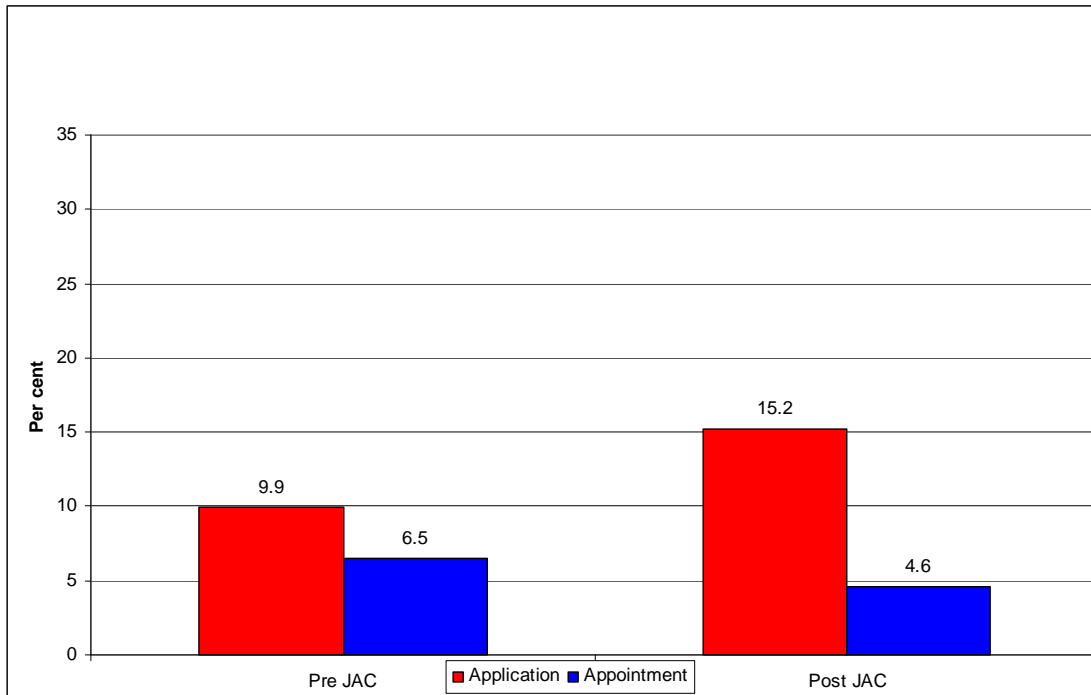
Chart 4.1: Proportion of women applicants and appointments for Recorders Midland, before and since the inception of JAC, 1998/99 to 2008/09



The time series for Midland Recorder competitions shows that the proportion of women applicants was fairly steady between 1998/99 and 2004/05, before a large increase in 2008/09. The proportion of women appointees also showed a similar trend (see Table 4).

The percentage of BME applicants increased to 15% since the establishment of the JAC compared to nearly 10% in the pre JAC period (see Chart 4.2). These figures are not statistically significant. The percentage of appointments since the JAC – at nearly 5% (3) – was however below the pre-JAC period at 7% (8). The percentage of BME appointees was below the percentage of BME who applied for both periods, but more so in the JAC run competition (see Table 4).

Chart 4.2: Proportion of BME applicants and appointments as Recorders Midland, before and since the inception of JAC, 1998/99 to 2008/09



For the BME candidates, the time series for applications was similar to that for women, showing a fairly steady increase in the proportion of applicants between 1998/99 and 2004/05 before a larger increase in 2008/09. The proportion of BME appointees fluctuated between 1998-99 and 2002-03, but remained unchanged in the last two competitions.

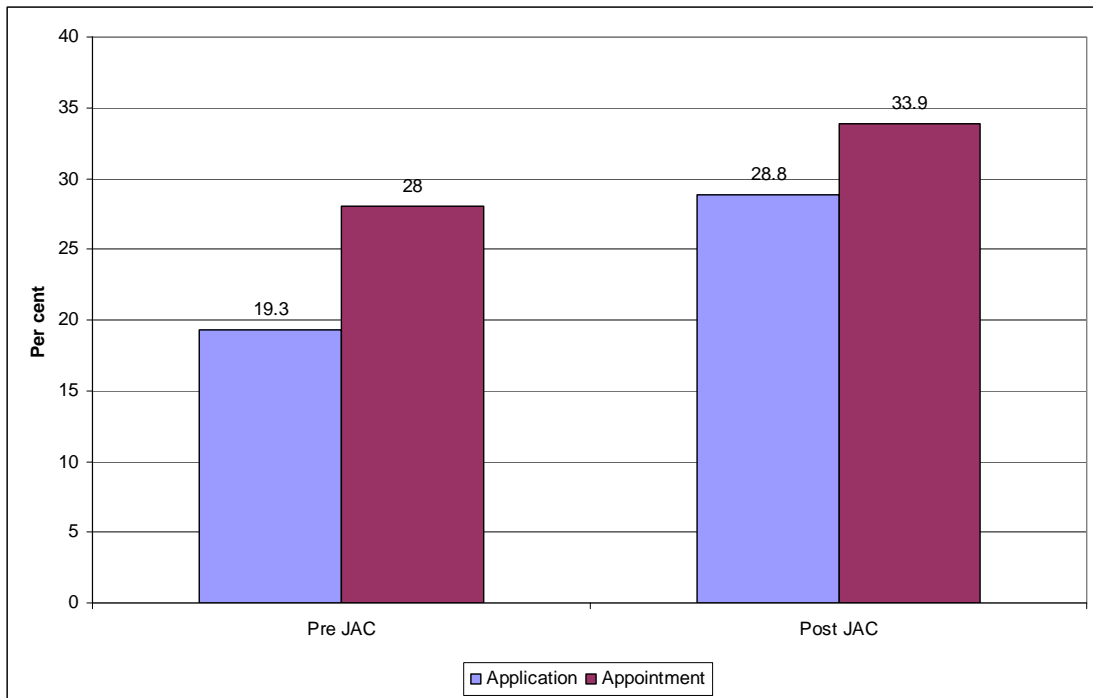
5. District Judge

There were five completed competitions for District Judge between 1998/09 and 2005/06 pre-JAC and one since the inception of JAC.

Chart 5.1 below shows that the proportion of women applicants for all District Judge competitions increased to nearly 29% in JAC competitions compared with nearly 19% in pre JAC competitions, although, the difference observed is not statistically significant. The percentage of women appointments also increased to nearly 34% (20) of all appointees since the creation of the JAC compared with nearly 28% (37) in pre JAC competitions.

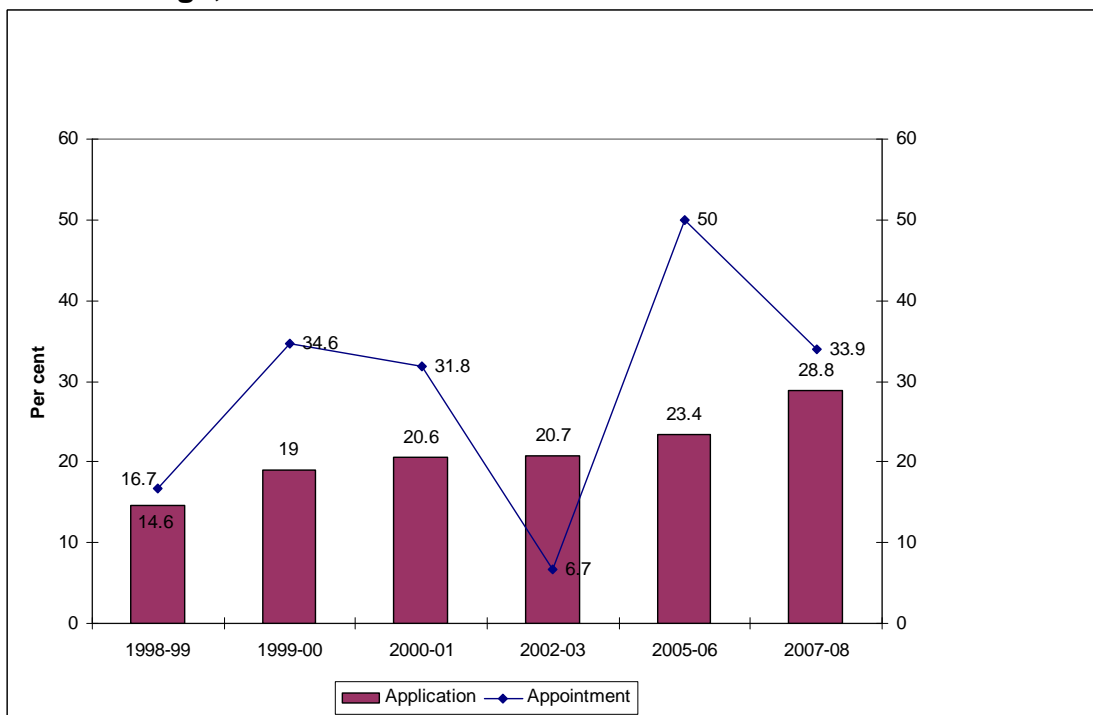
The percentage of women appointed exceeded the percentage of women who applied in both periods (Table 5).

Chart 5.1: Proportion of women applicants and appointments for District Judge before and since the inception of JAC, 1998/99 to 2008/09



The trend chart below shows that over the period there has been a steady increase in the proportion of women applicants for the District Judge posts. The trend for women appointments fluctuates; although the trend is generally upward particularly in the last three competitions (see Table 5).

Chart 5.2: Time series of Women applicants and appointments for District Judge, 1998/99 to 2007/08



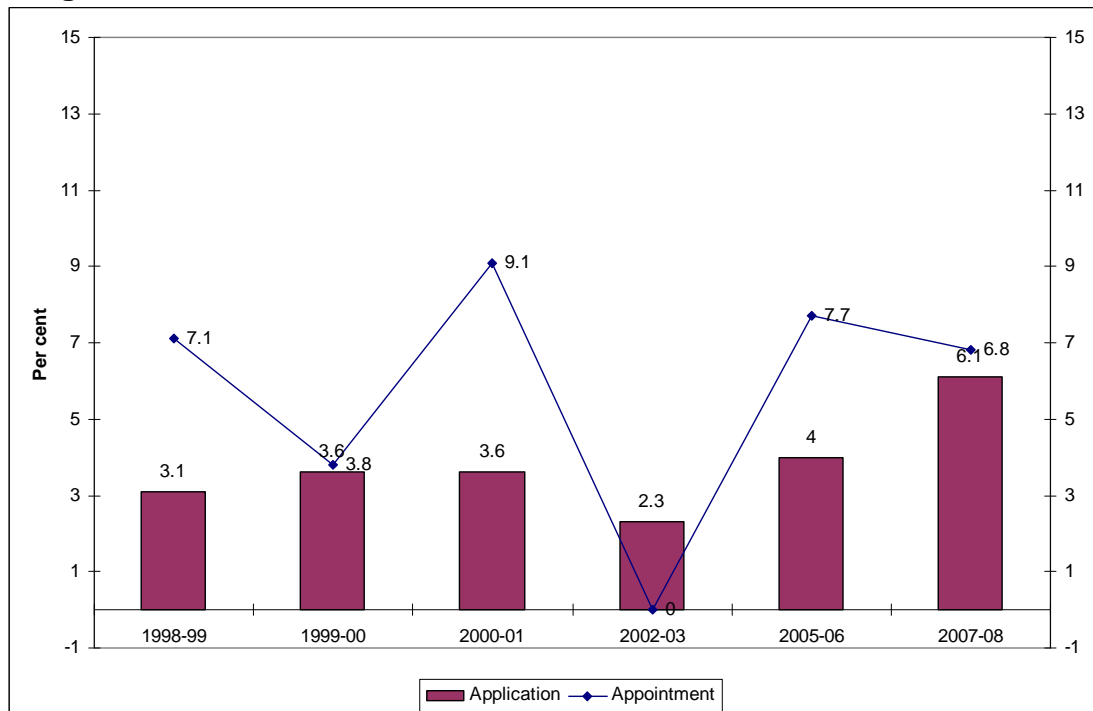
Similar to women, the proportion of BME applicants increased to 6% in the JAC competition compared with 3% in all pre JAC competitions. The difference is not statistically significant. The percentage of BME appointees

increased marginally to nearly 7% (4) since the JAC was established compared with 6% (8) in all pre JAC competitions.

The percentage of appointments exceeded the percentage of BME applicants who applied in both periods (Table 5).

The trend for BME applicants remained steady in the earlier years, dropped slightly in 2002/03 competition before picking up again. The trends for BME appointments fluctuated throughout the period (see Chart 5.3 below and Table 5).

Chart 5.3: Time series of BME applicants and appointments for District Judge, 1998/99 to 2007/08

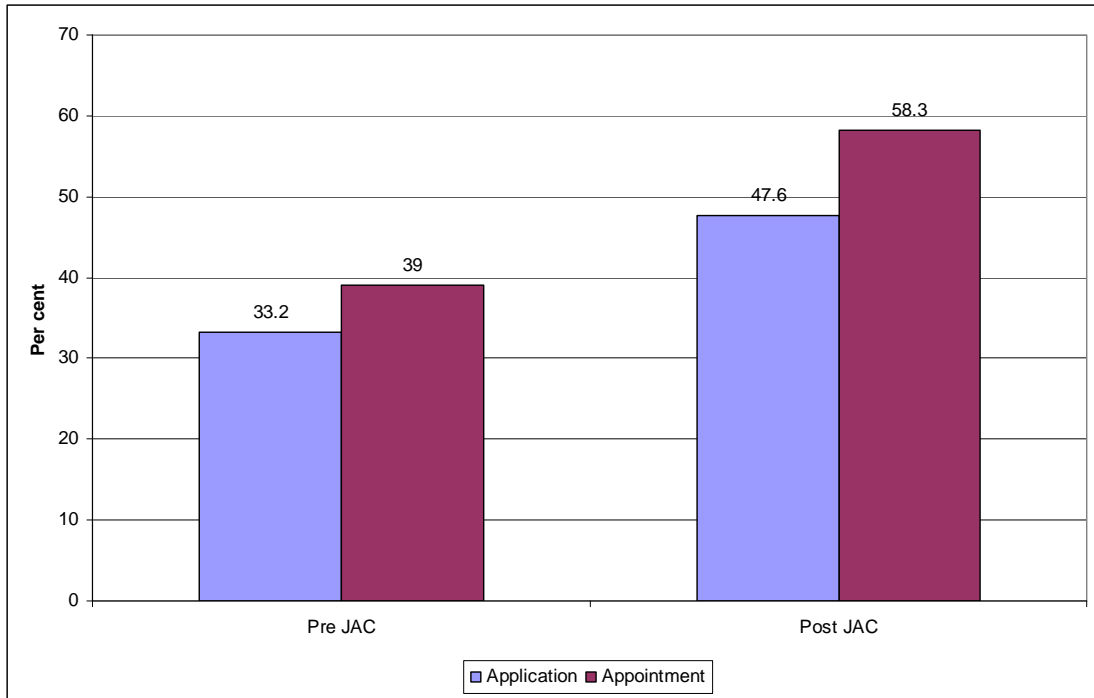


6. Deputy District Judge

Between 1998/99 and 2005/06 there were seven completed competitions for Deputy District Judge posts and one (2007-08) since the creation of JAC. The percentage of women applicants increased from 33% in all the pre JAC competitions to nearly 48% in the JAC competition. And the difference is statistically significant.

The percentage of women appointed increased from nearly 39% of all appointees in the pre JAC competitions to 58% of all appointees in the JAC run competition. In both periods, the percentage of women appointed exceeded the percentage of women who applied (Chart 6.1).

Chart 6.1: Proportion of women applicants and appointments for Deputy District Judge before and since the inception of JAC, 1998/99 to 2008/09



The trends in Chart 6.2 below show that there was a steady rise in the proportion of female applicants and appointments for Deputy District Judge between 1998/99 and 2008/09.

Chart 6.2: Time series of women applicants and appointments for the Deputy District Judge, 1998/99 to 2008/09

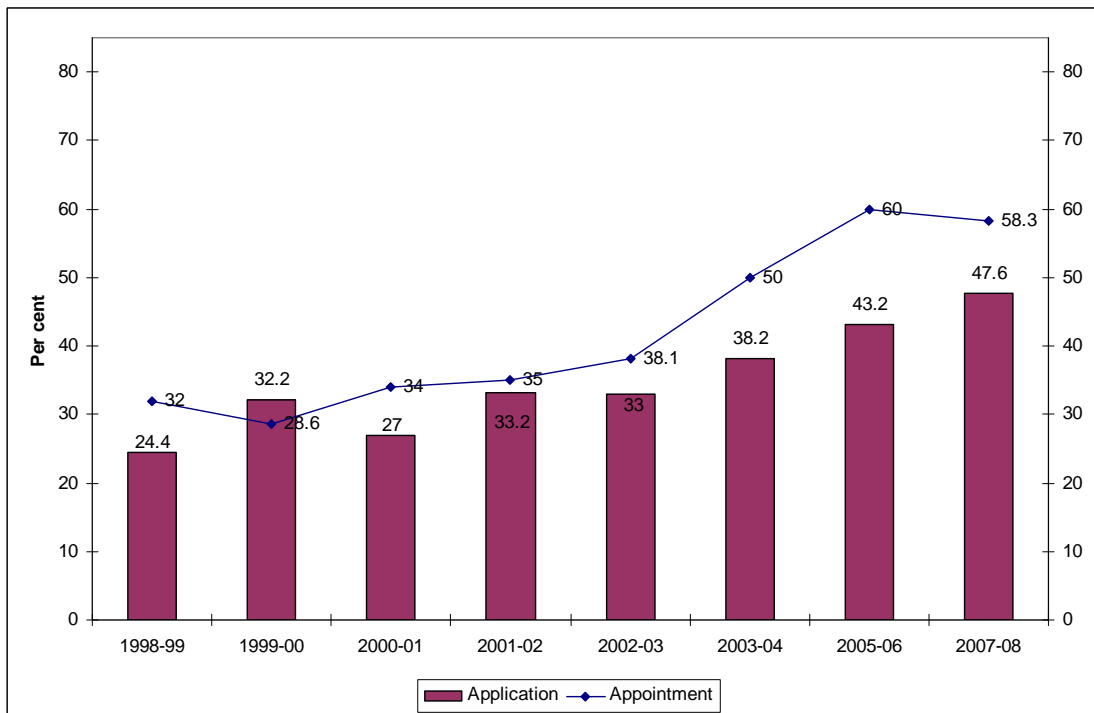
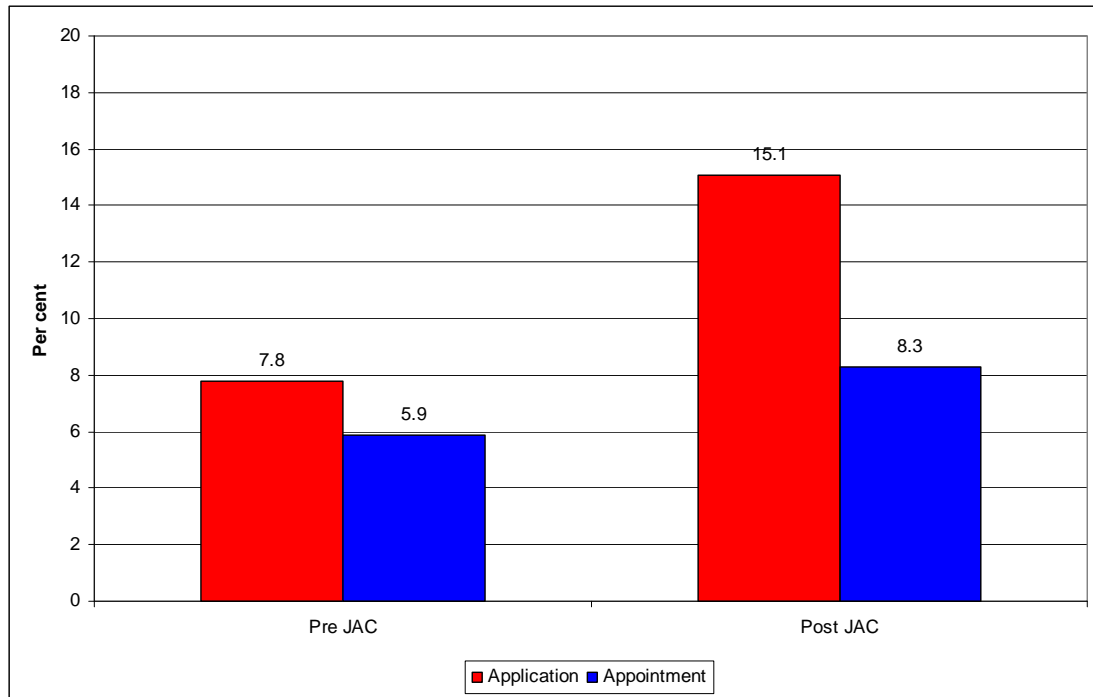


Chart 6.3 below shows that the percentage of BME applicants increased from nearly 8% in all pre-JAC competitions to nearly 15% in the JAC run

competition, though the difference is not statistically significant. The percentage of appointments increased slightly in the JAC run competition to 8% (5) from 6% in all pre JAC competitions.

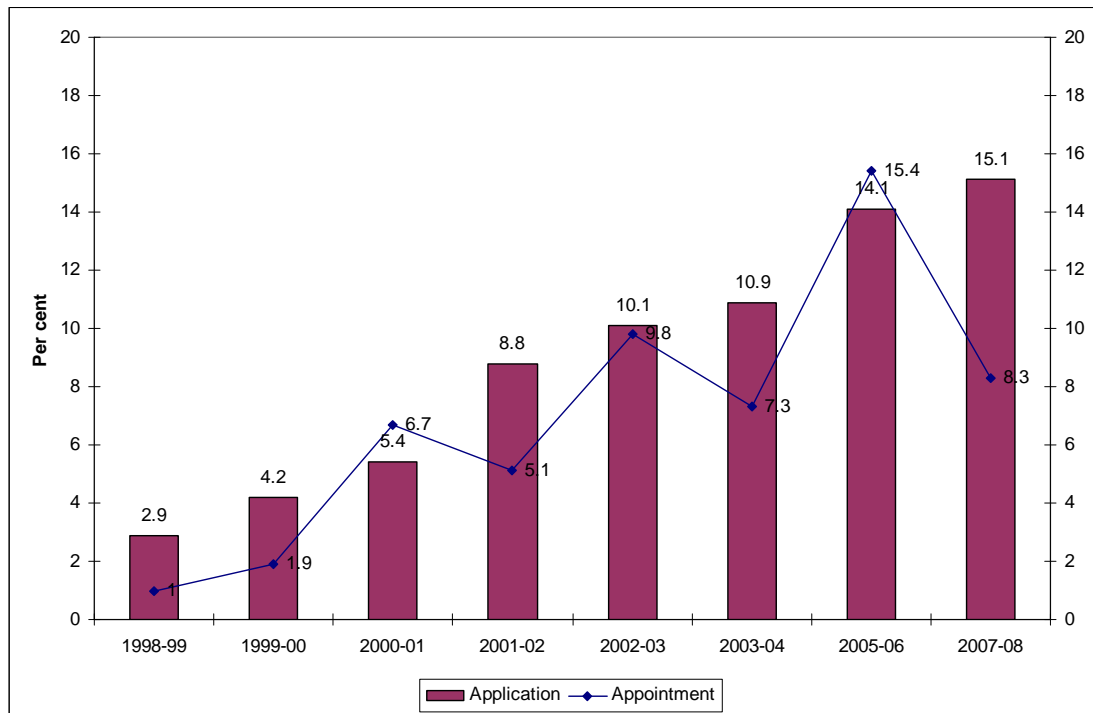
The percentage of BME candidates appointed was below the percentage of BME candidates who applied in both periods (Table 6).

Chart 6.3: Proportion of BME applicants and applications for the Deputy District Judge, before and since the inception of JAC, 1998/99 to 2008/09



The trends in chart 6.4 below show that, there was a steady rise in the proportion of BME applicants over the period. The proportion of BME appointments fluctuates during the period but the trend is overall upward.

Chart 6.4: Time series of BME applicants and appointments for the Deputy District Judge, 1998/99 to 2007/08



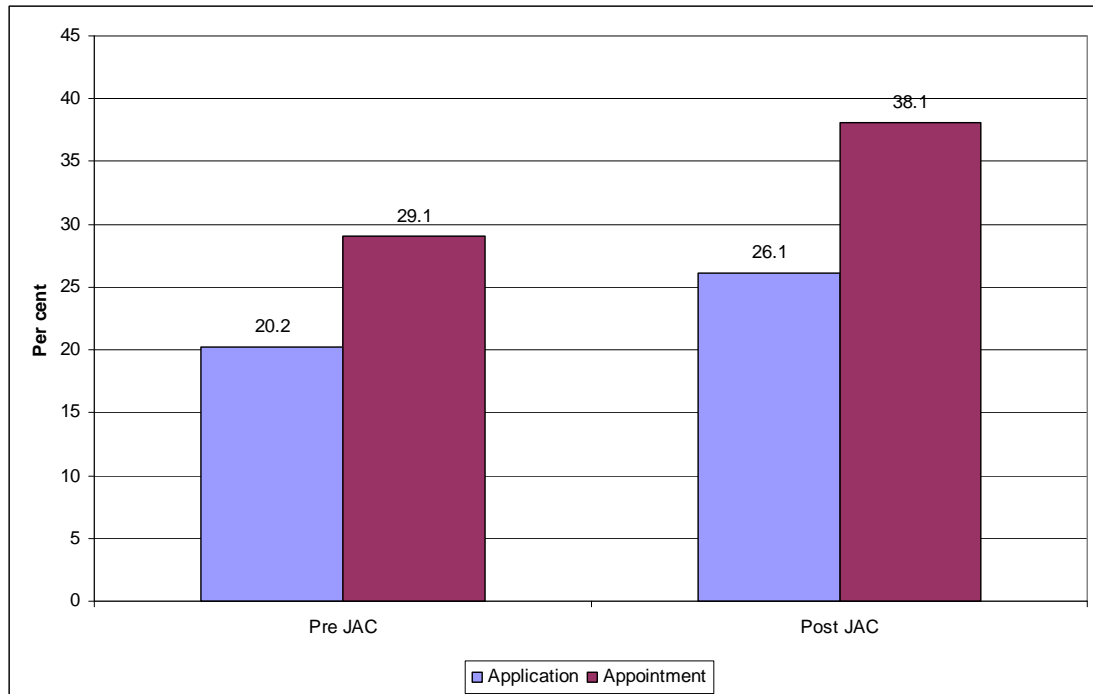
7. District Judge (Magistrates' Court)

There were six completed competitions between 1998/99 and 2007/08 for District Judge (Magistrates' Court). Five of the completed competitions were pre JAC and one under JAC.

Chart 7.1 shows that the percentage of women applicants increased to 26% in the competition run by the JAC, compared to nearly 20% in all pre JAC competitions. The difference however, is not statistically significant.

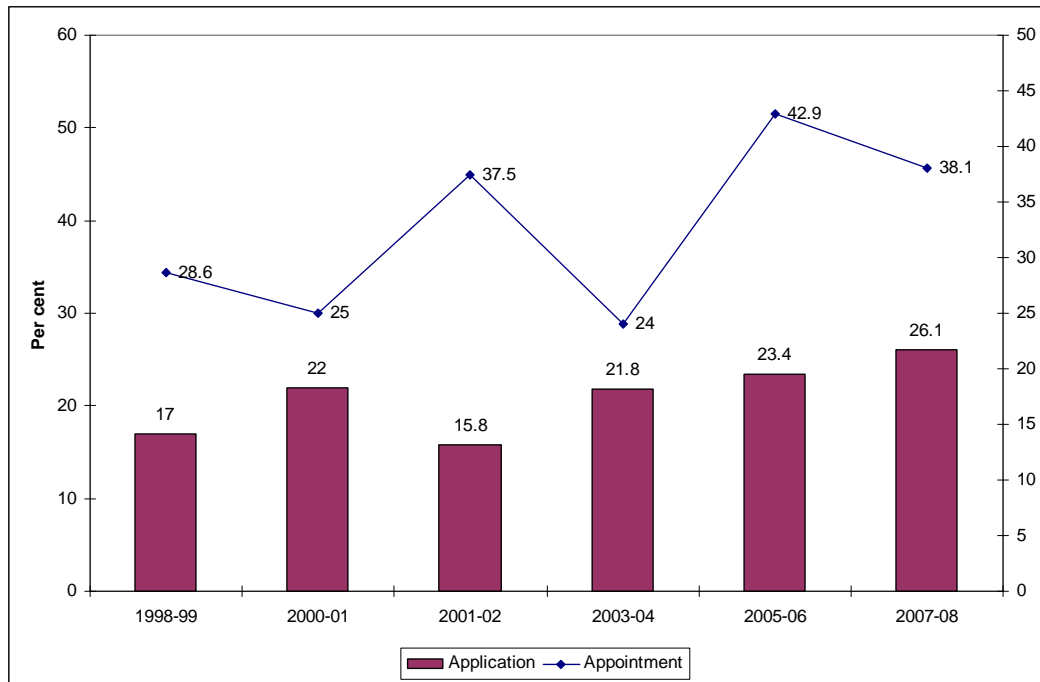
The percentage of women appointees increased from a total of 29% (16) in all pre JAC competitions to 38% (8) in the JAC run competition. The percentage of women appointed was higher than the percentage of women who applied in both periods.

Chart 7.1: Proportion of women applicants and appointments for District Judge (Magistrates' Court) before and since the inception of JAC, 1998/99 to 2008/09



The trends in chart 7.2 below show that over the period there has been a fluctuating but an overall small increase in the proportion of women applicants. The proportion of women appointees also fluctuated throughout the period (Chart 7.2 Table 7).

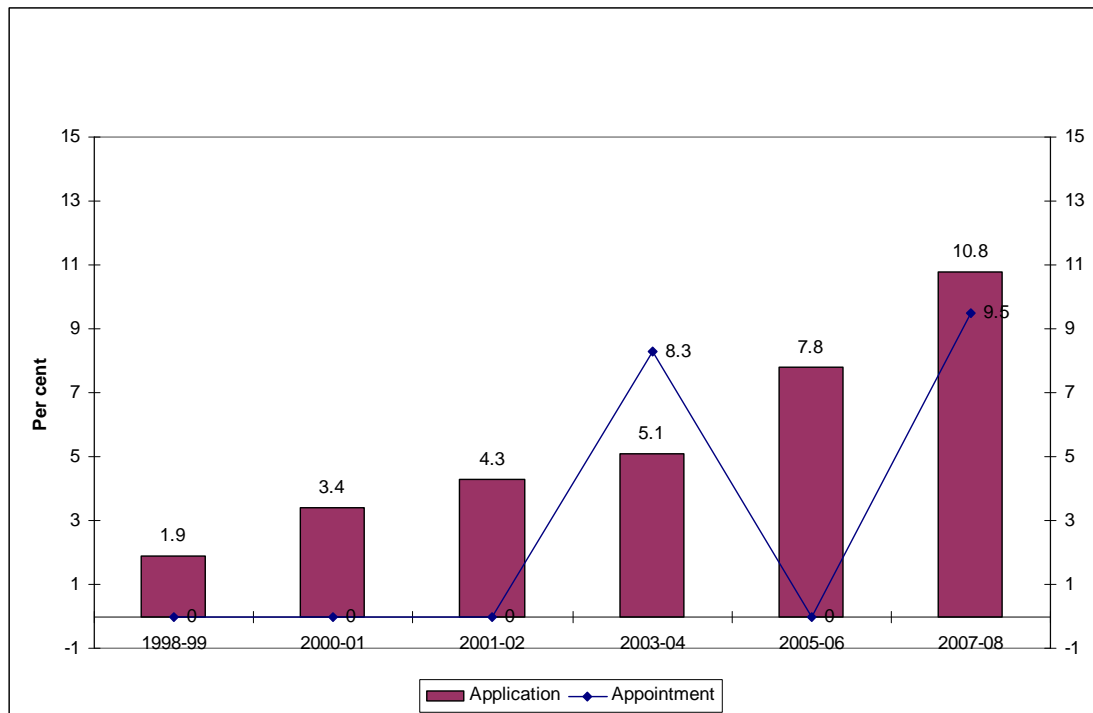
Chart 7.2: Time series of women applicants and appointments for the District Judge (Magistrates' Court), 1998/99 to 2007/08



In the six completed competitions for the District Judge (Magistrates' Court) between 1998/09 and 2008/09, the percentage of BME applicants increased to nearly 11% in the JAC run DJ (magistrates' court) competition from nearly 5% in all pre JAC competitions. The difference is not statistically significant. The percentage of BME appointees increased to nearly 10% (2) in the period since the establishment of the JAC, from nearly 4% (2) in all pre JAC competitions.

The time series chart below suggests that over the period, BME applications showed a steady rise. And the proportion of appointees' remains unchanged (see chart 7.3 Table 7).

Chart 7.3: Time series of BME applicants and appointments for the District Judge, 1998/99 to 2008/09

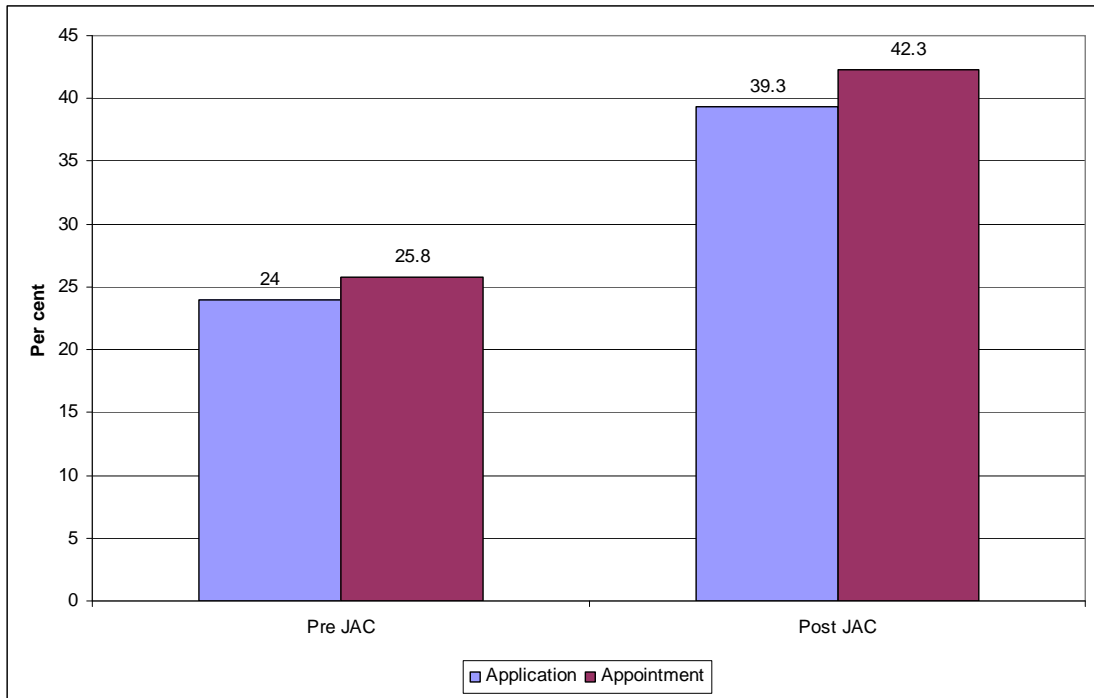


8. Deputy District Judge (Magistrates' Court)

Between 1998/99 and 2008/09, there were five Deputy District Judge (Magistrates' Court) competitions, of which four were run pre JAC and one since the inception of JAC.

Chart 8.1 below shows that the percentage of women applicants increased to 39% post JAC from 24% in all pre JAC competitions. The difference is statistically significant. The percentage of women appointees for the Deputy District Judge (Magistrates' court) increased from nearly 26% in all pre JAC competitions to 42% (11) in the JAC run competition. In both periods, the percentage of women appointed exceeded the percentage of women who applied (Table 8).

Chart 8.1: Proportion of women applicants and appointments for Deputy District Judge (Magistrates' Court), 1998 to 2009 before and since the inception of JAC, 2008/99 to 2008/09



Similar with District Judges (Magistrates' Court), the percentage of women applicants and appointments showed a fluctuating but overall increase over the period (see Chart 8.2).

Chart 8.2: Time series of women applicants and appointments for the Deputy District Judge (Magistrates' Court), 1998/99 to 2008/09

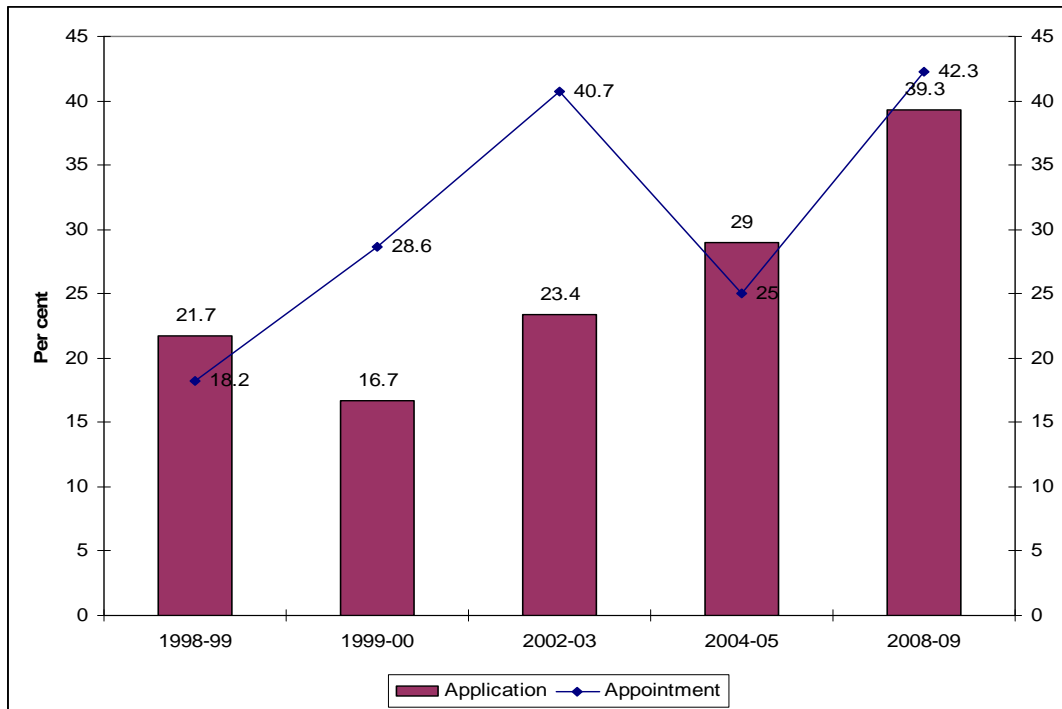


Chart 8.3 below shows that the percentage of BME applicants showed an increase in the JAC run competition from 10% in all pre-JAC completed competitions to nearly 18%. The difference is statistically significant.

The chart also shows that in the JAC run competition for the Deputy District Judge (Magistrates' court), the percentage of BME appointees increased to 12% (3) from 6% (10) in all the pre JAC competitions.

The proportion of BME applicants appointed was below the proportion of applicants who applied in both periods.

Chart 8.3: Proportion of BME applicants and appointments for Deputy District Judge (Magistrates' Court) before and since the inception of JAC, 1998/99 to 2008/09

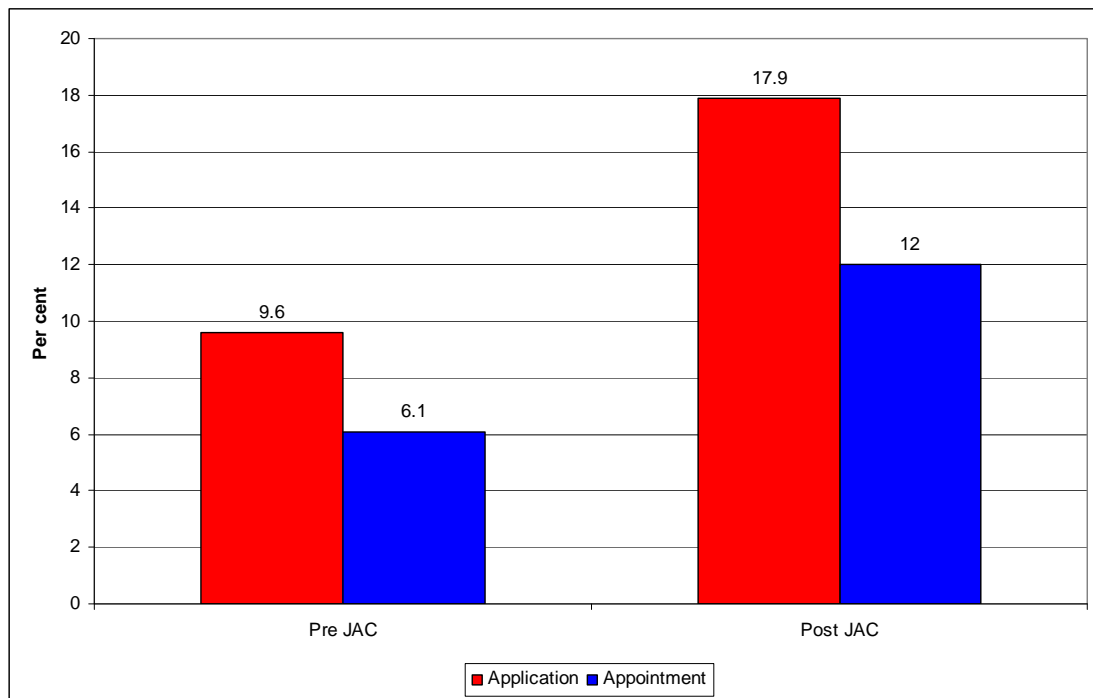
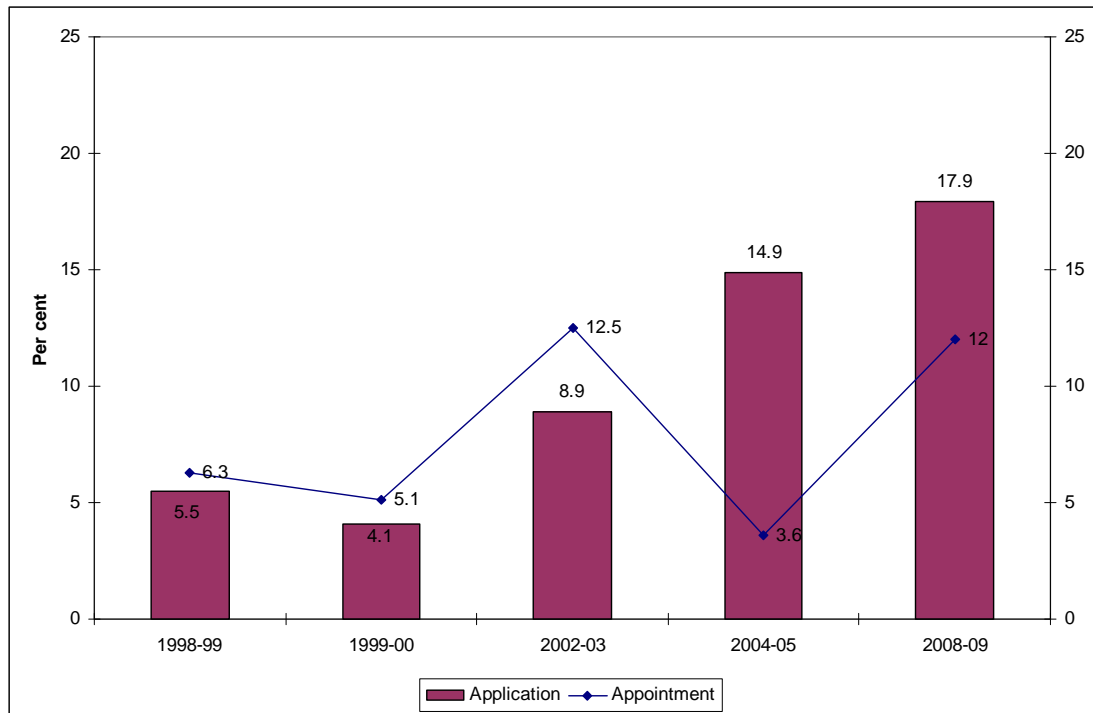


Chart 8.4 shows that there was an overall steady rise in the trend in BME applicants over the period. However, the proportion of BME appointees fluctuated over the period.

Chart 8.4: Time series of BME applicants and appointments for the Deputy District Judge (Magistrates' court), 1998-99 to 2008-09



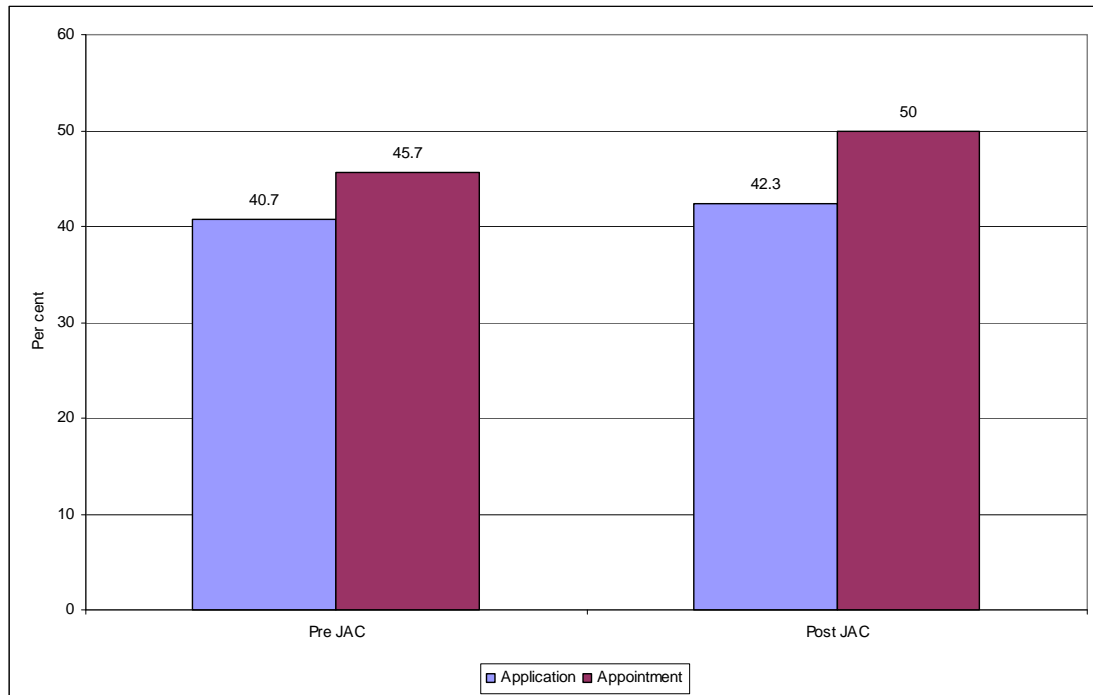
9. Part-time Legal Member of the Mental Health Review Tribunal

There were five completed competitions over the periods (1998/99 to 2008/09); four of the competitions were run pre JAC and one under JAC.

Chart 9.1 below suggests that the percentage of women applicants increased marginally in JAC run competitions to 42% from 41% in all pre JAC run competitions. The difference is not statistically significant.

The percentage of women appointees also increased slightly from an average of 46% of all appointees in the pre JAC period to 50% of appointees in the JAC run competition. The percentage of women appointed in both periods exceeded the percentage of women who applied (Table 9).

Chart 9.1: Proportion of women applicants and appointments as part time legal member, MHRT before and since the inception of JAC, 1998/99 to 2008/09

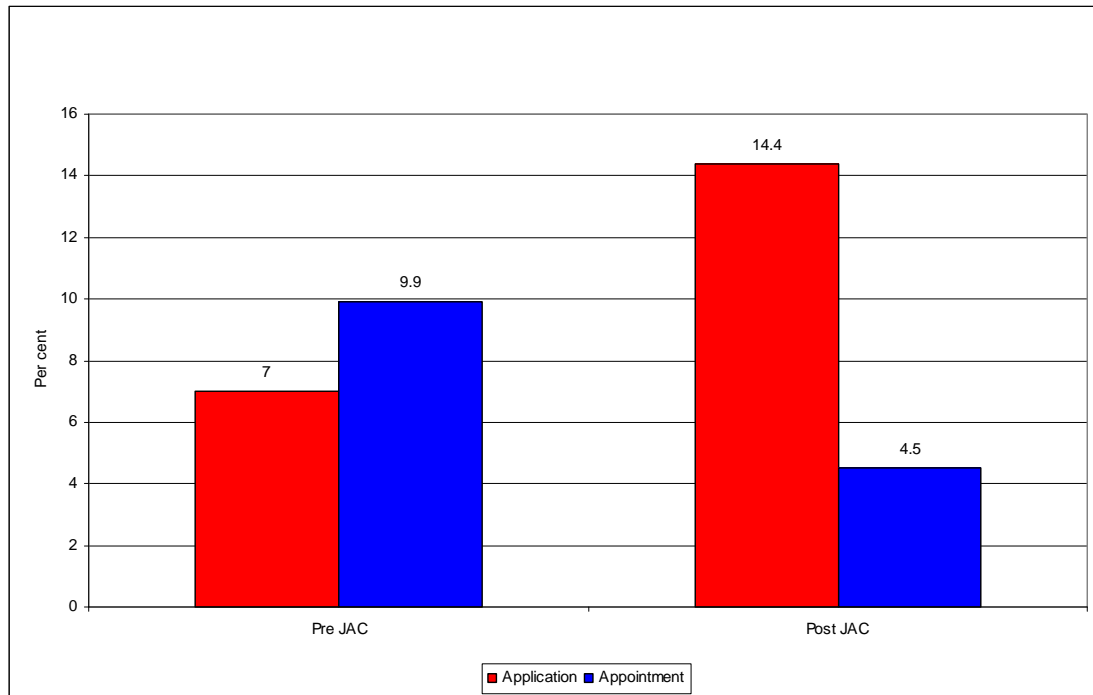


The observed trend in the proportion of women applicants for part-time legal post in the MHRT was fairly stable between 1998/99 and 2008/09, whilst the proportion of eventual female appointments showed a general upward trend (Table 9).

Chart 9.2 below shows that for the BME candidates, the proportion of BME applicants for PTMHRT posts increased to 14% in the JAC run competition from 7% in all the pre JAC competitions. However, the proportion of appointees from BME background fell from 10% (15) in the pre JAC competitions to nearly 5% (1) in the JAC run competition.

The percentage of BME candidates appointed exceeded the percentage of BME candidates who applied in the pre JAC period but not in the JAC period.

Chart 9.2: Proportion of BME applicants and appointments for as part time legal member, MHRT before and since the inception of JAC, 1998/99 to 2008/09



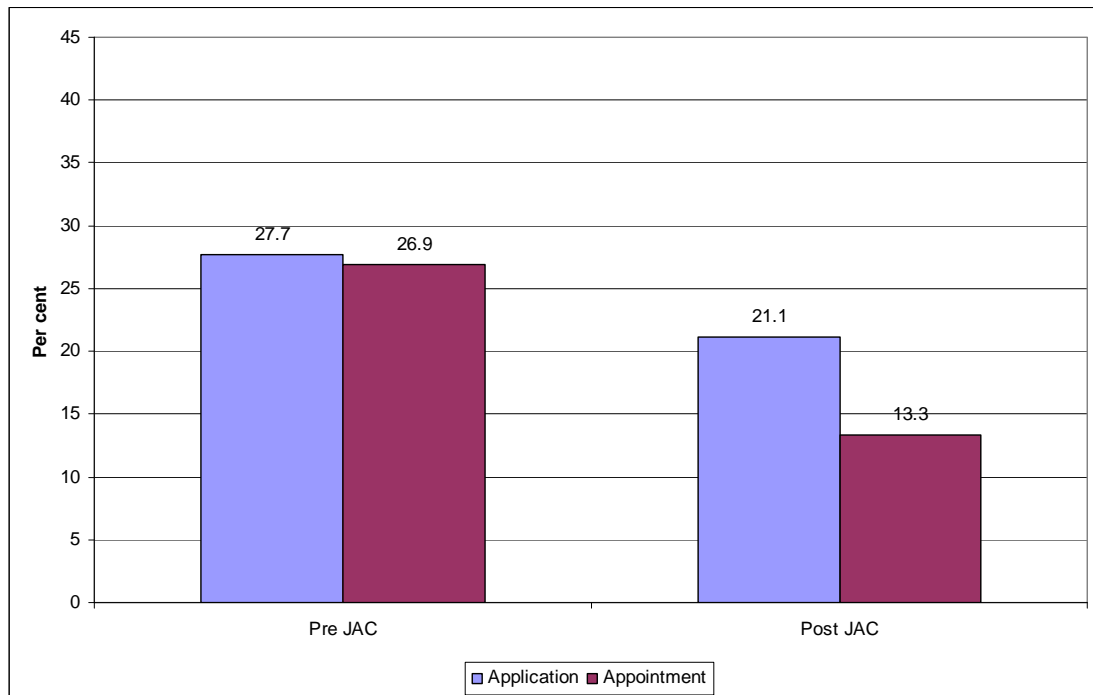
10. Senior/Designated Immigration Judge/Adjudicator, Asylum and Immigration Tribunal

A total of seven competitions were completed for Legal member of the Asylum and Immigration Tribunal (AIM –Full time) posts from 1998-99 to 2008-09; six of the competitions were completed pre JAC and one under JAC.

Chart 10.1 below shows that the proportion of women applicants fell from a total of nearly 28% in pre JAC competitions to 21% in the JAC run competition, although, the difference is not statistically significant (Table 10).

It also shows that the percentage of women appointees fell from 27% in all pre JAC competitions to nearly 13% in the JAC run competition.

Chart 10.1: Proportion of women applicants and appointments for AIM – Full time before and since the inception of JAC, 1998/99 to 2008/09



The time series (see Table 10) shows that the proportion of female applications for senior or designated immigration judge post was downward between 2001/01 and 2005/06, with a small jump up in 2008/09. The proportion of women appointments was fairly steady up to the last two competitions – for which overall numbers were comparatively small.

The percentage of BME applicants increased to nearly 18% since the establishment of the JAC from nearly 11% in the pre JAC period. The difference is not statistically significant. The percentage of appointees fell from a total of nearly 10% (19) in pre JAC competitions to nearly 7% (1) in the JAC run competition.

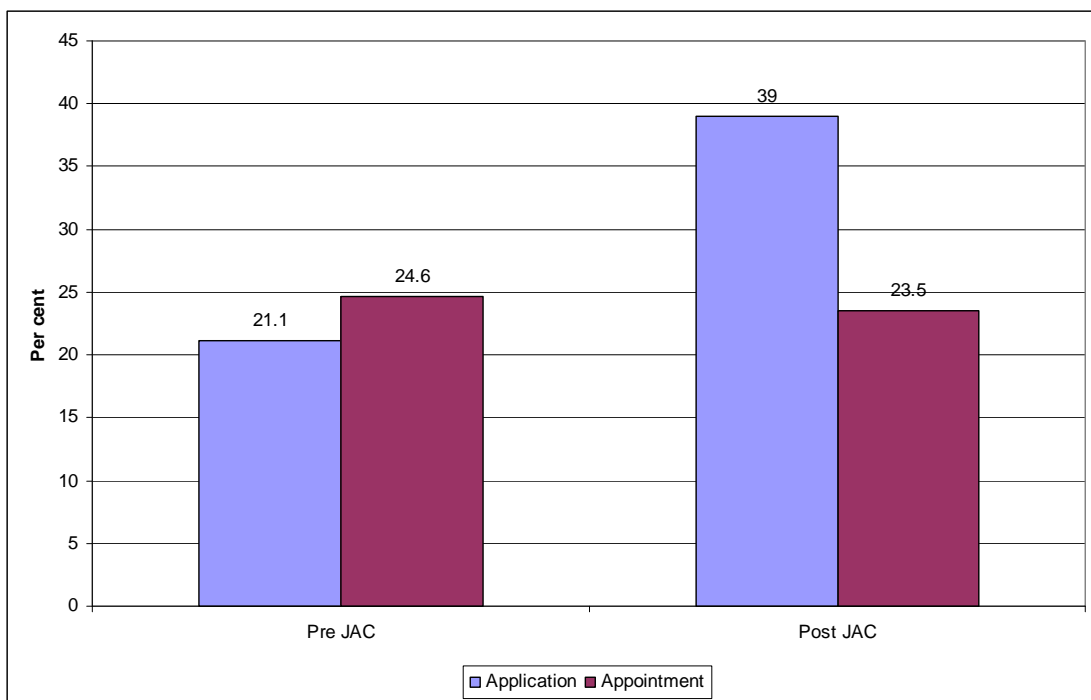
Over the period, the proportion of BME applicants was steady; but the proportion of appointments showed fluctuations (Table 10)

11. Salaried Chairman of the Employment Tribunal

There were eight completed competitions for the Salaried Chairman of the Employment Tribunal from 1998-99 to 2008-09, and seven of these competitions were conducted pre-JAC and one since the inception of JAC.

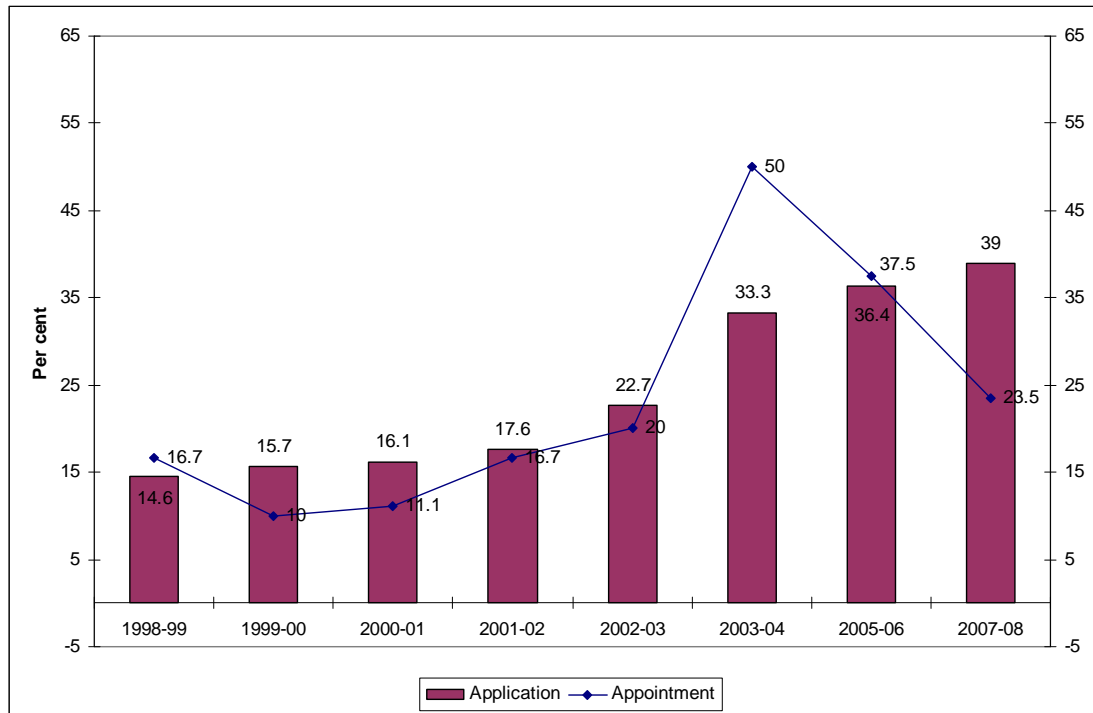
Chart 11.1 below shows that there was an increase in the percentage of women applicants since the JAC was established - from 21% in all pre JAC competitions to 39% in the JAC run competition, although the difference is not statistically significant (Table 11). However, the percentage of women appointees fell slightly from nearly 25% (17) in all pre JAC competitions to nearly 24% (4) in the JAC run competition. The percentage of women appointed exceeded the percentage of women who applied in the pre JAC period but not in the JAC period.

Chart 11.1: Proportion of women, applicants and appointments for Chairman of the Employment Tribunal before and since the inception of JAC, 1998/99 to 2008/09



The time series figures (see chart 11.2) show that the proportion of female applicants for full-time or part-time chairman of the Employment Tribunal was steadily upward between 1998/99 and 2008/09. The proportion of women appointees was also fairly upward during these periods (with the exception of an unusual increase observed in 2003/04)

Chart 11.2: Time series of women applicants and appointments for Chairman of the Employment Tribunal – full time/salaried, 1998/99 to 2008/09

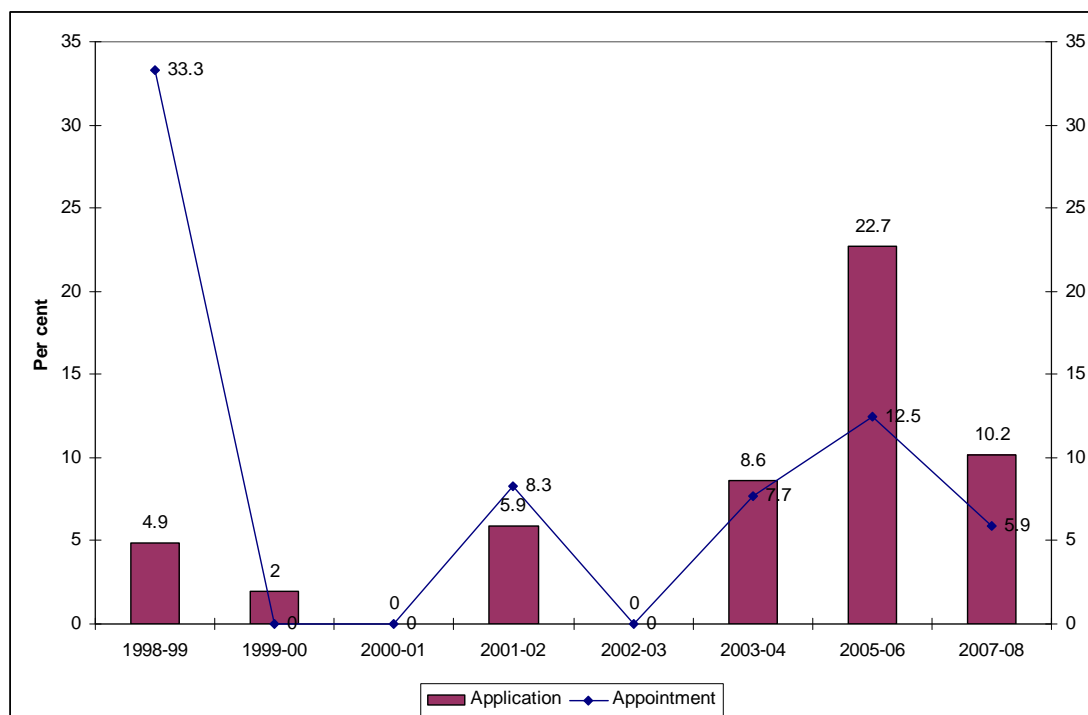


The percentage of BME applicants increased to 10% in the JAC run competition from nearly 6% in all the pre JAC competitions. The difference however, is not statistically significant.

From 1998-99 to 2008-09, the percentage of BME appointees fell slightly from nearly 7% (5) in all the pre-JAC run competition to nearly 6% (1) in the only competition under JAC (Table 11).

Chart 11.3 shows that the proportion of BME applicants and appointments fluctuate greatly; Similar to women, there was an unusual increase in the percentage of BME applicants in 2005-06 (see chart 11.3 Table 11).

Chart 11.3: Time series of BME applicants and appointments for the Chairman of the Employment Tribunal – full time/salaried before and since the inception of JAC, 1998/99 to 2008/09



12. Legal member of the Social Security and Child Support Appeals Tribunal (or the Appeals Service or Appeals Tribunal)

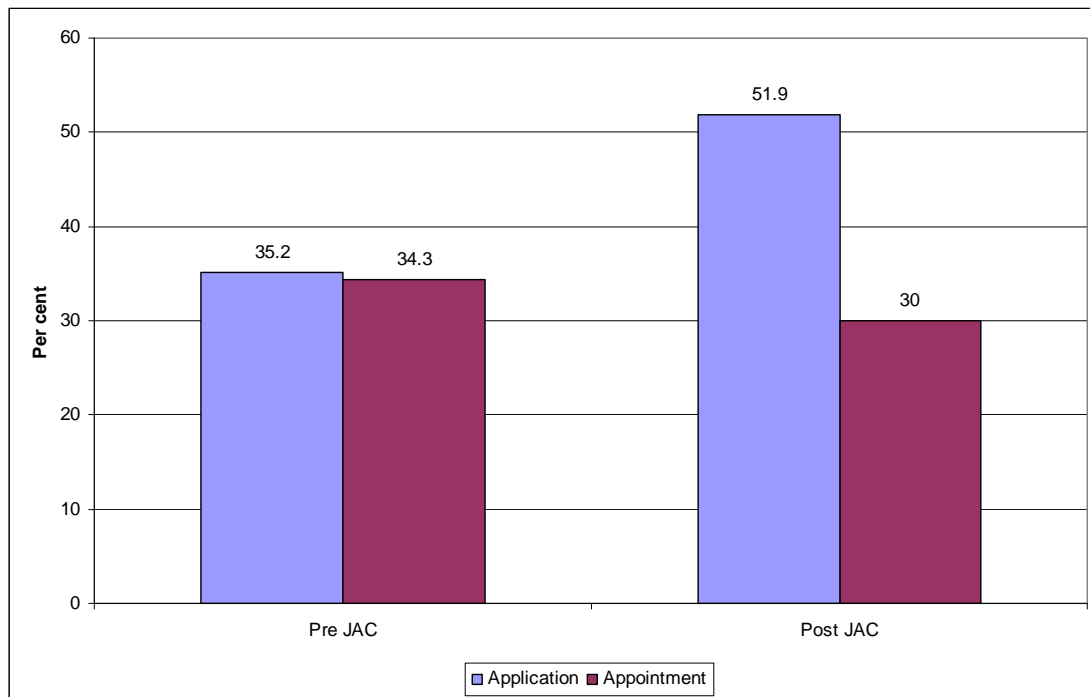
A total of six competitions were completed from 1998-99 to 2008-09, and five of these competitions were run pre-JAC and one under JAC.

Chart 12.1 below shows that there were a greater proportion of women applicants (52%) in the JAC run competition compared with the proportion that applied in the pre JAC competitions (35%). The difference is statistically significant (Table 12).

The percentage of women appointees fell from 34% of all appointees in all pre JAC competitions to 30% in JAC run competition¹. The percentage of women appointees was less than the percentage of women who applied in both periods.

¹ The then Lord Chancellor was required to constitute new panels of persons to act as members of, and experts to, appeal tribunals within the newly unified Appeals Service, which was set up as a shadow unit from April 1999 and formally launched in April 2000. This accounts for the unusual high numbers seen for 1999/2000.

Chart 12.1: Proportion of women applicants and appointments for Legal member before and since the inception of JAC, 1998/99 to 2008/99

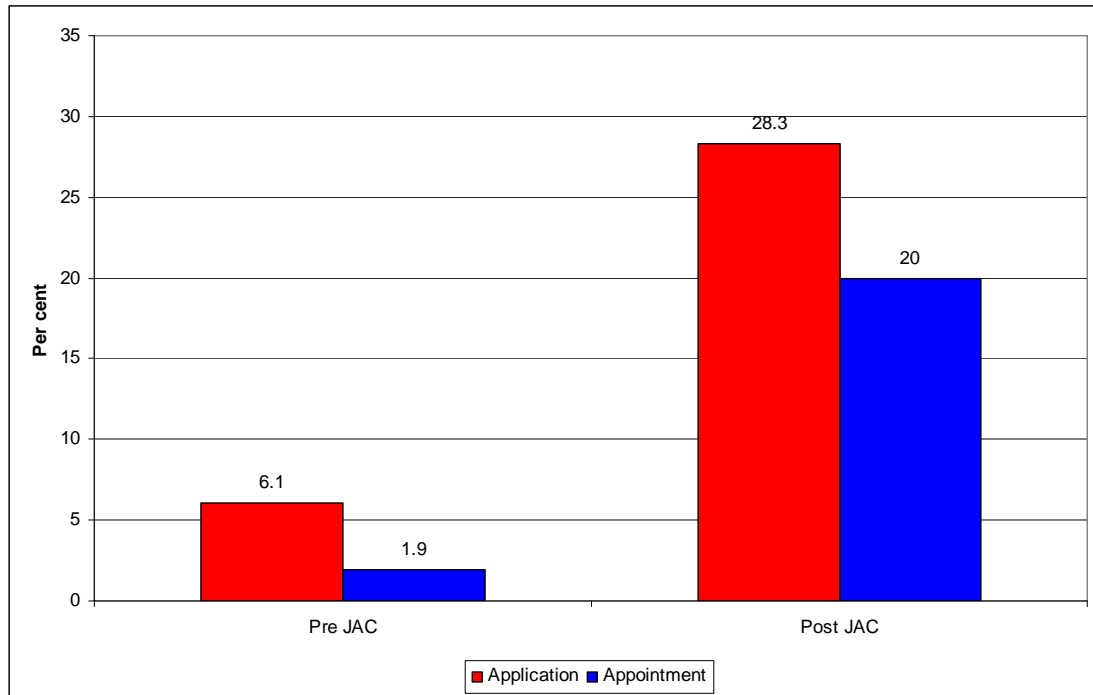


The time series (Table 12) shows a progressive increase in the proportion of women applicants from 2002/03 to 2007-08. With exception of the unusual exercise observed in 1999/00, the trends in women appointees remained steady between 2000/01 to 2002/03 before a sharp increase in 2004/05 and then a drop in 2007/08.

The percentage of BME applicants increased from 6% in all pre JAC run competitions to 28% in the JAC run competition. The difference however is not statistically significant. The percentage of BME appointees was 20% (2) in the JAC run competition compared with 2% (16) in all the pre JAC run competitions (see Chart 12.2).

Chart 12.2 Proportion of BME applicants and appointments for Legal member before and since the inception of JAC, 1998/99 to

2008/99



The time series of the BME applicants fluctuated between 1999/00 to 2002/03 but showed large increases in the last two competitions in 2004/05 and 2007/08. Apart from the unusual appointments made in 1999/00, there were very few BME appointees in both periods.