Information Pack

Lord Chief Justice 2017
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Lord Chancellor’s Introduction
1 Lord Chancellor’s Introduction

The forthcoming appointment of the Lord Chief Justice comes at a very important time for our country as we leave the European Union and undertake major reforms to our justice system and courts.

Our independent, impartial and incorruptible judiciary is vital to our constitution and free society. It is also a huge asset internationally and a key part of our economic strength. I look forward to working closely with the next Lord Chief Justice to build a legal system which draws from all the talents and represents the great vitality of modern Britain; as well as maintaining its strong international reputation.

The Lord Chief Justice will need to lead the judiciary in reform to the justice system and drive the transformation of our court system. They will need to bring new talent into the judiciary as well as developing and supporting judges and magistrates across the country in their vital roles.

The successful candidate must be an exceptional legal mind as well as a dynamic and visible leader. They will need to be a strong public advocate for the importance of the rule of law and communicate effectively with the public about the judiciary’s role. They must hold the confidence of Parliament, the legal profession and wider society.

I can think of no higher calling and I encourage applications from talented individuals of all backgrounds.

Elizabeth Truss MP

Lord Chancellor
Background
2 Background

The Lord Chancellor has asked the Judicial Appointments Commission (JAC) under s67 of the Constitutional Reform Act 2005 (CRA) as amended by the Crime and Courts Act (CCA) 2013 (the Act) to convene a selection panel to recommend a successor to Lord Thomas of Cwmgiedd who is retiring as Lord Chief Justice this year.

The successful candidate will take up the post in the Autumn of 2017. The closing date for expression of intent to apply is noon on 30 March 2017.

The panel will comprise:

- Professor Lord Kakkar - Chairman of the JAC and Chair of the panel;
- Lord Neuberger, President of the Supreme Court;
- Dame Valerie Strachan, Lay JAC Commissioner;
- Professor Noel Lloyd, Lay JAC Commissioner;
- Lord Justice Fulford, Senior Presiding Judge.

The panel determines the selection process to be applied which will include consultation with the Lord Chancellor, the First Minister of Wales, the judiciary and other key interested parties. At the end of the process the panel will report to the Lord Chancellor with details of the candidate it is recommending for appointment.

This pack contains the information about the appointment process. It describes the selection process that the panel will follow, with relevant dates, as well as advice on how to prepare for the various stages of this process.

The selection panel is also required to ensure candidates are of good character and will carry out a range of checks. Before applying you should read the requirements set out in the Good Character Guidance available on the JAC website: https://jac.judiciary.gov.uk/sites/default/files/sync/good-character-guidance-2016.pdf

Details of the rest of the application process can be found on page 14.
About the post
3 About the post

The Lord Chief Justice (LCJ) is Head of the Judiciary of England and Wales and President of the Court of Appeal, of the High Court and of all the other Courts of England and Wales. The office is one of the most ancient offices in the Judiciary of England and Wales and over the centuries has been held by judges of the highest standing and distinction.

3.1 The functions and responsibilities of the LCJ

The responsibilities and functions of the office can be summarised under four headings.

Judicial work

The LCJ spends a substantial part of his or her time presiding in the leading and most significant cases which are heard by the Court of Appeal and drafting judgments. In more recent times, the LCJ has generally presided in the Criminal Division of the Court of Appeal (as the LCJ is also specifically President of the Criminal Division of the Court of Appeal) and in the Divisional Court of the Queen’s Bench Division, but the LCJ also presides in cases covering the whole spectrum of criminal, civil, public, administrative and family law. The LCJ may sit in the Supreme Court at the invitation of the President.

Hearings are for the most part undertaken in London, but the LCJ regularly hears appeals in major English cities and in Wales.

Governance of the Judiciary and the administration of justice

The Constitutional Reform Act 2005 as amended (the 2005 Act), the Concordat agreed in 2004 between the LCJ and the Lord Chancellor, the Framework Agreement in respect of HMCTS (as revised in 2013) and other instruments have formally vested in the LCJ very extensive powers and responsibilities for the governance of the judiciary and the administration of justice. These powers and responsibilities have continued to increase significantly over the past 10 years.

By convention, the LCJ exercises all the powers and responsibilities for the governance of the judiciary and for the administration of justice formally vested in the LCJ through the Judicial Executive Board (JEB) (which the LCJ chairs) and with the advice of the Judges Council (which the LCJ also chairs). The JEB has a main meeting once a month in addition to two or three short meetings each month; the full Judges Council meets three or four times a year; its subcommittees meet as necessary.

Included within the powers and responsibilities so exercised through the JEB are:

- The delivery of the courts and tribunals modernisation programme agreed with Her Majesty’s Government, updating it as necessary, particularly in the light of continuing developments in IT and artificial intelligence.
- The identification and delivery of other priorities for reform to achieve further improvements in the administration of justice.
- The development and implementation of policies to modernise and improve the structure of the courts, the provision of justice out of London, international judicial business, and the relationship between the Courts and Tribunals.
- The consideration of government proposals for reform and other matters relating to the administration of justice.
- The general responsibilities of the LCJ for HMCTS under the Framework Agreement, including the financing of the administration of justice.
- The development and implementation of policies to attract to the judiciary persons of the highest merit, to increase diversity, to develop careers...
within the judiciary and to provide for succession planning.

- The performance of the judiciary in the administration of justice.
- The efficient deployment and planning for the work of the judiciary, and the allocation of work within the courts.
- The welfare of the judiciary, including morale and representations on pay and pensions.
- The training of the judiciary through the Judicial College and the provision of guidance on various issues.
- The development and implementation of communication policies and relations with the media.
- The development of international relations with overseas judiciaries.
- The strategic plan and annual budget for the Judicial Office.

The structure of the JEB is being revised so that each of the members has a specific responsibility for leading and reporting on the functions it undertakes.

The LCJ reports on the governance of the judiciary and judiciary’s work in the administration of justice each year in the LCJ’s Annual Report laid before Parliament under s.5 of the 2005 Act.

**Additional leadership responsibilities**

**Protection of judicial independence and the cohesion of the judiciary**

The LCJ assists, supports and speaks as necessary to protect individual and institutional judicial independence, and the quality and reputation of the judiciary.

The LCJ regularly meets the officers of the judicial associations and leadership judges to maintain a detailed and up to date understanding of the issues facing judges.

**Relationship with Parliament, Her Majesty’s Government and Wales**

- The LCJ, in discharge of the responsibilities of the office including those under s. 6(2) of the 2005 Act, has regular dialogues with senior Ministers, including the Lord Chancellor, the Attorney General and Home Secretary, and their respective senior civil servants in relation to a wide range of matters relating to the administration of justice.

- The LCJ gives evidence to the Justice Committee of the House of Commons and the Constitution Committee of the House of Lords each year and maintains more general relations with Parliament. The LCJ may make representations to Parliament under s.5 of the 2005 Act.

- The LCJ has a dialogue with the Welsh Government through the First Minister and Permanent Secretary and with the Senedd.

**Other representation of the judiciary**

- The LCJ liaises regularly with the President of the Supreme Court and the Heads of the Judiciary of Scotland and Northern Ireland.

- The LCJ has regular meetings with the legal professions and the regulators in relation to a broad range of strategic issues, including the changing nature of the legal services market. The day to day work is delegated.

- The LCJ engages or delegates engagement with others interested in the administration of justice, including City markets and institutions, university institutes, the media and individuals and other bodies interested in the reform and improvement of the administration of justice.

- The LCJ maintains relations with the other judiciaries, in particular those in Europe and the Commonwealth.
The LCJ promotes the work of the judiciary in outreach into the communities and schools.

The LCJ gives lectures on matters relating to the administration of justice both in England and Wales and in other jurisdictions. The LCJ has a particular responsibility for promoting a greater public understanding of the judiciary and the administration of justice and the international standing of the courts and common law of England and Wales.

Appointments to and within the Judiciary

In addition to the work in relation to the development and implementation of policies for judicial appointment, diversity and career development carried out through the JEB, the LCJ has a wide responsibility under the 2005 Act in respect of individual appointments, including reviewing and approving the recommendation for the appointment of all courts judges below the level of the High Court. In large part the LCJ delegates these responsibilities, but undertakes some personally, including:

- Chairing the panel for appointments to the Court of Appeal and of Heads of Division.
- Appointing judges after consulting the Lord Chancellor, to very senior leadership posts, including the Vice-Presidents of the Court of Appeal, the Senior Presiding Judge and Presiding Judges; appointing the President of Welsh Tribunals.
- Appointing judges to undertake Inquiries, reviews or other tasks.
- Sitting on significant appointment panels, including the panel to appoint the Chairman of the JAC.
- Responding to consultations by the JAC on senior appointments.
- Responding to consultations by the Lord Chancellor on a wide range of other senior appointments.

Judicial conduct and disciplinary decisions

The 2005 Act vests jointly in the Lord Chancellor and LCJ powers in respect of judicial conduct and the discipline of judges which are administered on their behalf by the Judicial Conduct and Investigations Office. Although some decision making is delegated, many decisions are taken by the Lord Chancellor and LCJ personally.

The Lord Chancellor and LCJ are consulted on investigations by the Judicial Appointments and Conduct Ombudsman, but most of this work is delegated.

The Judicial Office

The LCJ, the JEB and Judges' Council are supported by the Judicial Office of England and Wales headed by a senior civil servant who reports directly to the LCJ. The LCJ works closely with the senior members of the Judicial Office and provides overall guidance for the Office.

Criminal Justice

Under the 2005 Act, the LCJ is Head of Criminal Justice, but can appoint a Head of Division or judge of the Court of Appeal to this role in the LCJ’s place. The current LCJ has exercised most of the functions through other senior judges.

The LCJ is President of The Sentencing Council, but it is chaired by a senior member of the Court of Appeal. The LCJ is also Chairman of the Criminal Procedure Rules Committee, but the
chairmanship is undertaken by a senior member of the Court of Appeal.

Incidental responsibilities

The LCJ has a number of other responsibilities which in large part derive from the historic functions of the office, including:

- Swearing-in of the Lord Chancellor, the Attorney General and Solicitor General, Lord Mayor of London, Heads of Division, Lords Justices of Appeal, High Court Judges and some other judges.

- Attendance at national and civic ceremonies.

- Membership of various councils and committees which from time to time have specific state functions.

- Visitor of Darwin College, Cambridge.

- Powers of appointment to various governing bodies.

The salary for this post is £249,583
3.2 The person specification

The role is complex, high profile and demanding, requiring a judge and leader of the highest calibre.

An outstanding judge and leader

- Outstanding intellectual and legal ability and the highest standing as a judge, sufficient to preside over both Divisions of the Court of Appeal (as well as cases in the Divisional Court of the Queen’s Bench Division), to hear the most complex and high profile cases and to draft his or her own judgments clearly and concisely and in a way that accurately reflects the points raised and the reasons for the decision. The LCJ must command the confidence, in particular of the judiciary and the legal profession, to preside over and write judgments in all types of cases.

- A deep appreciation, understanding of and experience of constitutional, political, devolution and European issues and their potential development, particularly those which relate to the administration of justice.

- The long term vision, strategic thinking, energy and personal and inspirational skills required to lead the judiciary and to maintain its standing and attraction, particularly during financial pressures, uncertainty and significant structural and constitutional change.

- The ability to continue to lead and inspire the modernisation of the administration of justice, to build the capability of the judiciary as a whole and develop a clear vision of what is required for a judiciary of the future.

- The ability and experience to engage fully and to deal effectively with members of the Executive, Parliament, the media and professional and other bodies as set out above, representing the judiciary with authority, including at the highest levels of the state.

- An awareness of the diversity of the communities, an insight into their differing requirements and an understanding of the impact of law on society.

- The ability to chair and work through the Judicial Executive Board, to chair and seek the advice of the Judges Council and to deal with contentions, if they arise.

- The willingness and ability to delegate.

- The ability to work collaboratively and collegiately with the Heads of Division, the Senior President of Tribunals and other leadership judges.

- The ability to provide overall guidance of the Judicial Office and to work closely with its officials.

Personal qualities

- Resilience and firmness of purpose when under acute pressure coupled with sureness of touch.

- The stamina required for long (and sometimes difficult) working hours, patience and the ability to listen.

- Decisiveness.

3.3 Eligibility requirements

To be eligible for appointment as the Lord Chief Justice of England and Wales you must meet the following requirements.

Statutory eligibility requirements

No person shall be qualified for appointment as the Lord Chief Justice unless he or she:

- is qualified for appointment as a Lord Justice of Appeal; or
- is a judge of the Court of Appeal; or
- is a judge of the High Court; or

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satisfies the judicial-appointment eligibility condition on a 7-year basis.

3.4 Additional Selection Criteria

Age
There is no upper or lower age limit for candidates apart from the statutory retirement age of 70.

Given the need to deliver significant Court reforms and to steer the judiciary through our exit from the EU, the successful candidate is expected to be able to serve for at least 4 years.

Nationality

In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

You must satisfy the nationality requirements by the time applications close for the exercise.

Disqualification

You should note that the House of Commons Disqualification Act 1975 applies to this office. For further details please refer to the outline terms and conditions.
The selection process
4 The selection process

4.1 Overview
Having reviewed the information in this pack, please email us by 30 March if you intend to apply, and then complete a letter of application which should be with us by 1pm on Thu 27 April. You will also be asked to provide a written paper on your plans as the next Lord Chief Justice.

Using the evidence in your letter of application, your cited judgments, the written paper and the consultees' comments, the panel will conduct shortlisting if candidate numbers make this necessary.

If none is required, all eligible candidates will be invited to interviews on a date to be confirmed; provisionally in June 2017. It is expected that the successful candidate will take up appointment in the Autumn of 2017.

4.2 Notice of intent to apply
Please email us your intent to apply by 30 March. This is to give consultees maximum time to provide their views by 11 May and for the panel to read them before any shortlisting.

4.3 Timetable

| Notification of Intent to Apply | By 1pm 30 March |
| Closing date for letters of application | By 1pm 27 April |
| Closing date for written paper submission | By 1pm 11 May |
| Provisional date for shortlisting (if any) | w/c 6 June |
| Dates for interviews | To be notified, provisionally in June 2017 |

4.4 The letter of application
This is an important source of evidence for the panel. In it, you should explain how you demonstrate the selection criteria for the role of Lord Chief Justice and not reiterate your career history. The criteria required are on page 14 in this pack.

Additionally, in the letter, you will be asked:

- To cite three pieces of work, two of which should be recent judgments, and, one other piece of significant and recent work.
- To explain briefly why they are interesting or important in the development of the law, and how they too demonstrate the selection criteria.
- To provide weblinks to/references for them so that we may download copies for the panel. Please do not submit the judgments in full.

4.5 The written plan
The panel would like you to write a paper of about 2000 words, relating to your plans as Lord Chief Justice. The precise subject will be sent to you after your notice of intent has been received, on 30 March.

Please email your typed paper to our secure inbox jacset3@jac.gsi.gov.uk by 1pm 11 May 2017.

The Senior and International Appointments Team
Judicial Appointments Commission
1st Floor Zone A
102 Petty France
London
SW1H 9AJ

DX 149824 WESTMINSTER 6
Email: jacset3@jac.gsi.gov.uk
Telephone: 020 3334 0548
4.6 Consultees

Introduction
The panel will seek input on all candidates from statutory and non-statutory consultees before any shortlisting.

Additionally, the panel asks you to identify the most senior civil servant with whom you have significant recent contact, and the nature of the work you did together. This consultee should be able to comment, from direct knowledge of you and your work, on how you meet the criteria required to undertake that role.

The JAC will contact this consultee directly via email; please provide an email address for him/her.

Conflict of interest
Please do not nominate as a consultee any member of the panel; they are listed on page 5.

4.7 Shortlisting
If candidate numbers justify it, the first step in the selection process will be shortlisting; otherwise, all eligible candidates will be called for interview. The panel will consider the information provided in your letter of application, written submission and consultees’ comments in relation to the four selection criteria, job description and person specification. Candidates who are not shortlisted for interview will receive feedback, if it is requested, after the exercise has finished.

4.8 Interviews
If you are shortlisted, a single interview will take place on a date to be notified.

The process will involve a short presentation, a discussion with you on your written paper and an interview. Further details will be sent with the invitation to attend. The panel will seek evidence from you in relation to the person specification for the post, distilled into four selection criteria. The overall assessments made by the panel will take account of evidence from your letter of application, cited work, the written paper, interview, and consultees’ views.

4.9 Equal Merit Provision
As a Committee of the Judicial Appointments Commission, the selection panel has decided that it may adopt the Equal Merit Provision at the final selection stage of this exercise, in line with the JAC’s published policy.

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1 Consultees will include the Lord Chancellor and First Minister of Wales, and key members of the judiciary (except for those applying), and other parties deemed necessary.
The selection criteria
5 Selection criteria

The role is complex, high profile and demanding, requiring an outstanding judge and leader.

Candidates will be assessed in relation to the criteria below:

Outstanding judicial competence

- Highest intellectual and legal ability.
- Ability to preside over both Divisions of the Court of Appeal (as well as cases in the Divisional Court of the Queen’s Bench Division).
- Ability to hear the most complex and high profile cases of all types.
- An understanding of the diversity of the communities, an insight into their differing requirements and an appreciation of the impact of law on society.

Outstanding leadership skills including

- Ability to command the confidence of Parliament, the public, the judiciary and the legal profession.
- The long term vision and strategic thinking required to lead the judiciary and to maintain its standing and attraction, particularly during financial pressures, uncertainty and significant structural and constitutional change.
- The ability to lead and inspire the modernisation of the administration of justice.
- The willingness and ability to delegate.
- Visibility to the wider judiciary, including magistrates, and the public.

An excellent understanding of and ability to work within the environment in which the administration of justice operates, including:

- A deep appreciation, understanding of constitutional, political and European issues and their potential development.
- An excellent appreciation of the particular needs of the administration of justice in Wales and the implications of the devolution settlement in that context.
- The ability to engage fully and to deal effectively with members of the Executive, Parliament, the media and professional and other bodies as set out above.
- The ability to work collaboratively and collegiately with the President of the Supreme Court, the Lord President of the Court of Session, Lord Chief Justice of Northern Ireland, Heads of Division, the Senior President of Tribunals, the President of Welsh Tribunals and other leadership judges.
- The ability to provide overall guidance to the Judicial Office and to work closely with its officials.

Personal qualities

- Resilience and firmness of purpose under pressure coupled with sureness of touch.
- Interpersonal and inspirational skills.
- The stamina required for long working hours.
- Patience and the ability to listen.
- Decisiveness.

5.1 Good character

The panel is required to select only persons of ‘good character’. In order to make these assessments, the panel will consider character guidance which can be found on the JAC website: https://jac.judiciary.gov.uk/sites/default/files/sync/good-character-guidance-2016.pdf

Character questions and declarations

There will be a number of questions sent to you when you apply; please make the appropriate declarations.

Candidates for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975). You must provide details of all offences for which you
have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process to which you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you must inform us immediately (see the ‘Contacts and Further Information’ section of this information pack). In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the panel should take into account in assessing your character.

**Character checks**

On the panel’s behalf, the JAC will also carry out checks on all candidates who apply. For salaried judges the panel will check with the Office for Judicial Complaints.

For non-salaried judicial office holders, checks will be made with the Association of Chief Police Officers, Her Majesty’s Revenue and Customs, the Solicitors’ Regulation Authority and the Bar Standards Board, as applicable.

Failure to declare any matters that come to light from these checks may prejudice the outcome of your application.

**5.2 Report to the Lord Chancellor**

The panel makes its recommendation to the Lord Chancellor. Under the terms of the statutory process she can accept or reject the recommendation, or ask the panel to reconsider it. She may not select an alternative candidate. The recommendation then goes to the Office of the Prime Minister and ultimately to the Sovereign, for final approval.

**5.3 Results of the selection exercise**

Please note that the panel intends to inform in writing both the successful candidate and the unsuccessful candidates of their results simultaneously. The aim is to do so in July 2017.

If you are unsuccessful at the interview stage of the process, feedback will be provided if you wish, after the exercise has finished.

If you are offered the post by the Lord Chancellor you would be expected to take up the post in the Autumn.

**5.4 Medical examination**

You may be asked to undergo a medical examination before taking up appointment.

**5.5 Complaints procedure**

If you are dissatisfied with any aspect of the handling of your application, please notify the panel, via the Panel Secretary on 020 3334 5989, or at jeremy.brooks@jac.gsi.gov.uk.
Further information and contacts
6 Further information and contacts

6.1 Further Information
For further information about process and the requirements of the CRA 2005 (as amended by the CCA 2013), please consult our website.

6.2 Reasonable adjustments
The panel secretariat will consider any reasonable adjustments needed to ensure that you can participate in the selection process fairly. Please identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, any reasonable adjustments to enable you to take up appointment will be discussed separately with you by Her Majesty’s Courts and Tribunals Service after the panel has made its recommendation.

6.3 Submitting your letter of application
Once completed, your letter should be emailed to our secure mailbox jacset3@jac.gsi.gov.uk.

6.4 Acknowledgement of your application
Once you have emailed your completed letter of application to us, we will email acknowledgement on the same or next day.

If you do not receive an acknowledgement, we have not received your application.

6.5 Future correspondence
All exercise correspondence from us will be via email. This will include any invitation to attend for interview after shortlisting, as well as communication on routine matters.
Summary of actions required

By 1pm 30 March:

- Please email your intent to apply to our secure mailbox:
  jacset3@jac.gsi.gov.uk

By 1pm 27 April:

- Please submit your letter of application to the JAC as explained in paragraph 6.3.

By 1pm 11 May:

- Please email your written paper, as outlined in paragraph 4.5.

Contact details
Panel Secretariat

Jeremy Brooks 020 3334 5989
Secretary to the Panel

Linda McCabe 020 3334 6588
Deputy Selection Exercise Manager

Jacky Fox 020 3334 5139
Panel Support

Email: jacset3@jac.gsi.gov.uk