President of the Queen’s Bench Division 2019

Information Pack
1 Background

The Lord Chancellor has asked the Judicial Appointments Commission (JAC) to convene a selection panel to recommend a new President of the Queen’s Bench Division, as successor to Sir Brian Leveson who is retiring in the summer.

The vacancy will arise on 24 June 2019.

The panel will comprise:

- **Lord Burnett**, Lord Chief Justice (Chairman)
- **Baroness Hale**, President of the United Kingdom Supreme Court
- **Lord Kakkar**, Chairman of the JAC
- **Ms Jane Furniss CBE**, JAC Lay Commissioner JAC
- **Professor Emily Jackson OBE**, Professor of Law and former JAC Commissioner

The panel determines the selection process to be applied which will include consultation with the Lord Chancellor, senior 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 exercise including the selection process that the panel has chosen to use, 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. Your attention is drawn to the requirements set out in the Good Character Guidance available on the JAC website which can be found by following this link: https://jac.judiciary.gov.uk/good-character. Details of the rest of the application process are on page 7.

The salary for this post is £221,757
2 About the post

Job description for the President of the Queen’s Bench Division (PQBD)

The President is one of the four Heads of Division, providing leadership to the judges in the Queen’s Bench Division (constituting two thirds of the High Court bench) and presiding over some of the most difficult criminal, civil and administrative law cases in the Court of Appeal and the Divisional Court. The PQBD also has a key role in supporting the Lord Chief Justice in discharging his responsibilities as Head of the Judiciary.

Responsibilities
Some of the main duties and responsibilities the PQBD will be expected to undertake are:

Criminal justice

Whilst the Lord Chief Justice will, by statute, be Head of Criminal Justice he will expect the PQBD to be involved in the following aspects:

- Presiding over some of the most difficult and high profile cases in the Court of Appeal (Criminal Division) and the Divisional Court.
- Working with the Senior Presiding Judge on matters relating to the effective operation of the criminal justice system at all levels and across the country.
- Working with the Vice President of the Court of Appeal (Criminal Division).
- Be involved in the appointment of Divisional leadership judges in the Crown Courts.
- Work with the Deputy Senior Presiding Judge on reform issues that affect the criminal justice system.
- Engage with criminal justice policy to such extent as is requested by the LCJ.

Deployment and Pastoral

This is an important part of the PQBD’s role and includes:

- Supporting the Judges of the Division in pastoral care and career development and overseeing their deployment.
- Engaging with the JAC as a statutory consultee in relation to the most senior judicial appointments including to the Supreme Court, the Court of Appeal and the High Court.
- Acting for the Lord Chief Justice in relation to the deployment of new deputy judges to the Division under s9(1) and s9(4) and providing induction and pastoral care to those appointed.

The Administrative Court, including the Divisional Court

- Effectively assuming responsibility for the administration of public law and, in conjunction with the Lead Judge, the Administrative Court Liaison Judges for the circuits and the staff of the Administrative Court, supervising the allocation of the leading cases and the just and timely despatch of the business of the Court.
- Presiding in some of the highest profile or difficult Administrative Law cases in the Divisional Court and out of London.
- Working with the Senior President of Tribunals, providing leadership in relation to the interface between the Administrative Court and Tribunals.
**Business and Property Courts and Civil business**

- Working with the Chancellor of the High Court on matters relating to the structure and operation of the Business and Property Courts while retaining leadership responsibilities for Queen’s Bench judges and for the Commercial Court and the Technology and Construction Court.
- In conjunction with the judges in charge of the Commercial Court, Circuit Commercial Courts and TCC ensuring the just and timely despatch of the business of these courts and deployment of Judges for this purpose.
- Presiding in some of the highest profile or difficult cases in the Civil Division of the Court of Appeal.

**Judicial Leadership**

- As a member of the Judicial Executive Board (JEB) and a member of the Judges Council, taking an informed and broad view on matters relating to the responsibilities of the Lord Chief Justice as Head of the Judiciary; advising objectively; supporting him in the interests of justice.

**Requirements**

The PQBD must be a lawyer of the highest calibre and personal integrity, who commands confidence in his or her ability to preside over the type of case referred to above. He or she must have strategic and leadership capability and deep understanding of the operation of the criminal justice system and the factors which shape it. The following requirements are of particular importance:

- The judicial skills, experience, energy, resilience and authority to fulfil with distinction the office of the PQBD.
- An interest and understanding of the long term and immediate fiscal, strategic and political context in which the justice system operates, and the ability to advise and plan on the basis of this.
- The ability to lead the judges of the QBD, to improve performance and to lead and manage modernisation and change. The ability to develop priorities and to inspire the judges to follow the lead given.
- The ability to engage outside, including members of the Government, the Ministry of Justice and the professions; to understand their perspectives and influence their thinking.
- The ability to progress diversity in the judiciary and encourage the development of careers and leadership capabilities.

Participation in corporate decision making and a willingness to take corporate responsibility on matters which affect the justice system and judiciary as a whole.

**Eligibility requirements**

To be statutorily eligible for appointment as the PQBD you must:

- be qualified for appointment as a Lord Justice of Appeal; or
- be a judge of the Court of Appeal; or
- be a judge of the High Court; or
- satisfy the judicial appointment eligibility condition on a 7-year basis.
Selection criteria

Candidates will be assessed in relation to the following criteria:

**The highest judicial competence**

- The highest standing as a judge and lawyer, sufficient to preside in the Queen’s Bench Division and the Court of Appeal.

- Demonstrates the ability to hear the most difficult and high-profile cases, particularly those in the Court of Appeal and Divisional Court.

- Demonstrates the ability to command the confidence and respect of the judiciary, the legal profession and the public, through delivery of the highest quality judgments.

- Demonstrates an understanding of the diverse communities using the justice system, an insight into their differing requirements and an appreciation of the impact of law on society.

**Strategic leadership**

- Demonstrates an understanding of the justice system, the scale of the challenges facing it, and the reforms needed.

- Demonstrates the ability to lead, drive and deliver change and efficiency.

- Demonstrates the ability to engage proactively and collaborate with other bodies working in the justice system including government and the professions.

**Contextual awareness of the administration of justice**

- Demonstrates an appreciation of the constitutional, political and diversity issues which relate to the justice system.

- Demonstrates the ability to deal with ministers, parliamentary committees and the media.

**Personal qualities**

- Demonstrates resilience and firmness of purpose.

- Demonstrates the ability to engage and communicate effectively with the media, public and professional bodies, with judges at all levels and magistrates.

- Demonstrates the ability to delegate through Boards and other bodies.

- Demonstrates the ability to work collaboratively and collegially with the Lord Chief Justice, Senior President of Tribunals, Heads of Division, leadership judges, court users and officials both in and out of Court.
Additional Selection Criteria

While there are no formal additional selection criteria, the panel offers this guidance to prospective candidates:

*Candidates are expected to have directly relevant judicial experience and to be of outstanding ability. “Directly relevant experience” is seen as sitting as a judge in a higher court.*

Age and length of service

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The panel expects the successful candidate to be able to serve for around 4 years before retirement, and will be required to take up the post no later than Monday 24 June 2019.

Nationality

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.
3 Selection process

Overview

Please inform us by 13:00 on 29 November 2018 if you intend to apply and at the same time give the names of two referees of your own choosing. This early notification will allow the panel to request references and also seek input on all candidates from statutory and non-statutory consultees¹ before the sift in February 2019.

Your completed application should be with us by 13:00 on 7 January 2019.

The panel will review the material relating to all candidates to determine whether a shortlisting process is required. If the panel determines that shortlisting is not required, all eligible candidates will be invited for interview which will take place on 15 February 2019.

Notification of intent to apply

Please notify the JAC of your intent to apply by 13:00 on 29 November 2018 giving the names of two referees by emailing PQBD2019@judicialappointments.gov.uk. (Candidates who miss this date should still email us.) This deadline is to give referees and consultees maximum time to provide their views by 7 January 2019 and for the panel to read them before sift.

Timetable

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<thead>
<tr>
<th>Notification of Intent to Apply</th>
<th>By 13:00 on Thursday 29 November 2018</th>
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<tbody>
<tr>
<td>Closing date for application forms</td>
<td>By 13:00 on Monday 7 January 2019</td>
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<tr>
<td>Sift date (if required)</td>
<td>1 February 2019</td>
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<tr>
<td>Closing date for written paper</td>
<td>By 13:00 on Tuesday 15 January 2019</td>
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<tr>
<td>Interview date</td>
<td>Friday 15 February 2019</td>
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<td>Provisional date for results to be announced</td>
<td>Mid-April 2019</td>
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Application process

Letter of application

The letter of application you provide plays an important part in the selection process. In it, please provide an explanation of how you satisfy the selection criteria for the post, and meet the requirements of the job description, using specific and explicit examples. The selection criteria and job description can be found on the JAC website and they are also included in the ‘How to Apply’ guidance document.

Judgments / significant piece of work

You will be asked to cite two of your recent judgments or other pieces of significant and recent work, providing weblinks to these so that copies may be downloaded for the panel.

¹ Consultees will include the Lord Chancellor and key members of the judiciary (except for those applying), and other parties deemed necessary.

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Please do not submit the judgments in full. With these submissions, please explain briefly how they support your application and satisfy the relevant selection criteria.

Noting that the majority of the panel are lay members, your application will be stronger if you provide specific examples that demonstrate how your skills match the job description at the level appropriate for the role of PQBD.

**CV**
You are asked to provide a separate and concise CV.

The letter of application and CV can be in a format of your choosing, but please provide both documents in Word format and not PDF.

**Personal information form**
This is a separate document and includes the following:

- Your name and contact details
- Confirmation that you are eligible to apply
- Your availability if selected for interview and any reasonable adjustments required
- A character declaration
- A declaration of any interest or conflict with the panel members
- A diversity monitoring form

**Written Paper**
Please prepare a written paper for the panel, the topic for which is:

The last Judicial Attitude Survey (2017) reported that a higher percentage of courts judges (37%) than tribunal judges intend to leave in the next five years, with the highest proportions recorded among judges at the High Court (47%). And separately, the Lord Chief Justice has said his main aim is to improve judicial morale.

What is your plan, for your first year as President, to improve retention and morale in the Queen’s Bench Division?

Your answer should not exceed 1500 words and must be emailed to the JAC at PQBD2019@judicialappointments.gov.uk no later than 13:00 on 15 January 2019.

**Submitting your application**
When completed, please save your documents before sending them to PQBD2019@judicialappointments.gov.uk observing the dates outlined above.

If you need any information in a different format, for example Braille, please contact the JAC using the details below.

Senior Appointments Team
Judicial Appointments Commission
5th Floor, 70 Petty France
London
SW1H 9EX
Consultees
The panel will seek input on all candidates from statutory and non-statutory consultees\(^2\) before any interview.

Shortlisting
If there is a large number of eligible candidates, the first step in the selection process will be shortlisting; otherwise, all eligible candidates will be called for interview. The whole panel will consider the information provided in your application together with consultees’ comments, in relation to the job description and its requirements. Candidates who are not shortlisted for interview will be offered oral feedback to take place after the exercise has finished.

Interviews
If you are shortlisted, an interview will take place on 15 February 2019. Please reserve this date.

The process will involve a short presentation and an interview. Further details will be sent with the invitation to interview. The panel will seek to explore further with you evidence in relation to the job description and requirements for the post. The overall assessments made by the panel will take account of evidence from your application, judgments, written paper, the interview and consultees’ views.

\(^2\) Consultees will include the Lord Chancellor and key members of the judiciary (except for those applying), and other parties deemed necessary.
4 Other matters

Assessment
Candidates will be assessed in relation to the qualities for the role which are set out as part of the job description and on the separate selection criteria which are set out from page 3 onwards.

Good character
The panel is required to select only persons of ‘good character’. In order to make these assessments, the panel will follow the JAC’s good character guidance which can be found on the JAC website https://www.judicialappointments.gov.uk/good-character.

The character guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the personal information form. You have a continuing responsibility throughout the selection process for any character matter that may arise up to the date of appointment.

Character questions and declarations
This forms part of the Personal Information document which will be sent with the ‘How to Apply’ guidance letter once we have received your notification of intent to apply and will also be available on the website.

Full details on the criminal offences which must be declared can be found on the ‘Character requirements’ page of the JAC website.

When disclosing a conviction, you must include the nature of the offence, the 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 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 ‘Further Information and Contacts’ section of this information pack).

Character checks
You are required to answer a number of questions related to your character in the personal information form and must make the appropriate declarations as required.

Full details on the criminal offences which must be declared can be found on the ‘Character requirements’ page of the JAC website, which is available by accessing the following link: https://www.judicialappointments.gov.uk/good-character.

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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 whom it intends to recommend for appointment. These checks are carried out with the College of Policing (formerly the Association of Chief Police Officers), Her Majesty’s Revenue and Customs, the Law Society, the Bar Standards Board and the Judicial Conduct and Investigations Office as applicable.

In order to carry out the checks, a consent form is required in advance of the shortlisting; a scanned copy of your form is acceptable. Please download the consent form from the JAC website and email the completed document (a typed signature will suffice) to PQBD2019@judicialappointments.gov.uk by 3 December 2018.

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

**Equal Merit Provision**

As a Committee of the Judicial Appointments Commission, the selection panel has decided that in line with the JAC’s published policy, it may adopt the Equal Merit Provision to this exercise. If the panel considers two or more candidates are of equal merit, it may use the provision based on the data declared by candidates in the diversity monitoring form.

**Report to the Lord Chancellor**

The panel makes its recommendation to the Lord Chancellor. Under the terms of the statutory process he can accept or reject the recommendation, or ask the panel to reconsider it. He cannot select an alternative candidate. The recommendation then goes to the Prime Minister and, on the latter’s recommendation, to the Sovereign for final approval.

**Results of the selection exercise**

Successful and unsuccessful candidates will be informed simultaneously after the panel’s recommendation has been accepted by the Sovereign. The aim is for this to happen by mid-April 2019. If you are unsuccessful at the interview stage of the process, oral feedback will be offered, and will take place after the exercise has finished.

**Medical examination**

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

**Complaints procedure**

If you are dissatisfied with any aspect of the handling of your application, please notify the Panel Secretary on 020 3334 6376, or at jenny.ballance1@judicialappointments.gov.uk.
5 Further information and contacts

Reasonable adjustments

The panel secretariat will consider any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The application form asks you to 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 Judicial Office after the panel has made its recommendation.

Submitting your application documents

Once completed, your application should be emailed to our secure mailbox PQBD2019@judicialappointments.gov.uk.

Acknowledgement of your application documents

Once you have emailed your completed 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.

Future correspondence

Please note that all exercise correspondence from the panel will be by email. This will include any invitation to attend for interview after shortlisting, as well as communication on routine matters.

Contact details

Panel Secretariat

Jenny Ballance 020 3334 6376
Senior Appointments Lead

Joanne Dixon 020 3334 0199
Selection Exercise Manager

Jacky Fox 020 3334 6139
Panel Support

Email: PQBD2019@judicialappointments.gov.uk