

# Improving Judicial Diversity

**Progress towards delivery of the ‘Report of the  
Advisory Panel on Judicial Diversity 2010’**

**Final Annual Report (2014) produced by the Judicial Diversity  
Taskforce**

**June 2015**

**A Report on the progress towards delivery of the 'Report of the Advisory Panel on Judicial Diversity 2010'**



Ministry  
of Justice



JUDICIARY OF  
ENGLAND AND WALES



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Ministry of Justice website: [www.justice.gov.uk](http://www.justice.gov.uk)

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[www.judiciary.gov.uk](http://www.judiciary.gov.uk)

Judicial Appointments Commission: [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

The Bar Council: [www.barcouncil.org.uk](http://www.barcouncil.org.uk)

The Law Society: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

The Chartered Institute of Legal Executives: [www.cilex.org.uk](http://www.cilex.org.uk)

# Table of Contents

<b>Foreword</b>	<b>5</b>
<b>1 Executive Summary</b>	<b>6</b>
The Law Society	6
The Bar Council	6
The Chartered Institute of Legal Executives (CILEx)	7
Judicial Appointments Commission (JAC)	7
The Judiciary	9
Ministry of Justice (MoJ)	10
<b>2 Progress on Outcomes: Judicial Diversity Statistics 2010-2014</b>	<b>11</b>
Courts and Tribunals	11
Legal Professions	14
Judicial Appointments	15
<b>3 Progress on Actions since 2010</b>	<b>17</b>
<b>The Law Society</b>	<b>17</b>
Introduction	17
Steps taken to increase diversity in 2014	17
Summary of the work to increase diversity over the last 4 years	17
Next Steps	19
<b>The Bar Council</b>	<b>20</b>
Introduction	20
Steps taken to increase judicial diversity in 2014	20
Summary of the work to increase diversity over the last 4 years	21
Next steps	22
<b>The Chartered Institute of Legal Executives (CILEx)</b>	<b>23</b>
Introduction	23
Steps taken to increase judicial diversity in 2014	23
Summary of the work to increase diversity over the last 4 years	24
Next steps	25
<b>The Judicial Appointments Commission (JAC)</b>	<b>26</b>
Introduction	26
Steps taken to increase judicial diversity in 2014	26
Summary of the work to increase diversity over the last 4 years	27
Next steps	28
<b>Judicial Office (JO)</b>	<b>29</b>
Introduction	29
Steps taken to increase judicial diversity in 2014	29
Summary of the work to increase diversity over the last 4 years	30
Next steps	31

<b>The Ministry of Justice (MoJ)</b>	<b>32</b>
Introduction	32
Steps taken to increase judicial diversity in 2014	32
Summary of the work to increase diversity over the last 4 years	33
Next steps	34
<b>Annex 1 Resources for potential applicants to judicial roles</b>	<b>35</b>
<b>Annex 2 Advisory Panel Recommendations – Progress Update</b>	<b>36</b>
A Fundamental Shift in Approach	36
Encouraging new entrants to the Judiciary	40
The Selection and Recommendation Process for Judicial Appointments	50
Developing a Judicial Career	63
Judicial Culture, Terms and Conditions	67
<b>Appendix 3 – Glossary of Terms and Abbreviations</b>	<b>70</b>

## Foreword

The Judicial Diversity Taskforce (the Taskforce) comprises the Ministry of Justice, senior members of the judiciary, the Judicial Appointments Commission, the Bar Council, the Law Society and the Chartered Institute of Legal Executives. It was established in 2010 to oversee implementation of the recommendations in the Report of the Advisory Panel on Judicial Diversity, chaired by Baroness Neuberger.

Significant progress has been made over the last five years towards increasing judicial diversity. This progress has been driven by a fundamental shift in our approach to improving diversity, and supported by new ways of working collaboratively across the judiciary, government, the legal professions and the Judicial Appointments Commission. We have refined the selection and recommendation process for judicial appointments. We are continuing to improve data collection and management, and to develop systems to monitor and evaluate progress. We are also continuing our work to encourage new entrants to the judiciary, develop mentoring and appraisal schemes, modernise judicial culture and update terms and conditions of appointment.

Judicial diversity is an ongoing priority. Whilst considering how future work would be taken forward, it was identified that there were many similarities between the work of the Taskforce and that of the ongoing Judicial Diversity Forum (the Forum). The Forum comprises several of the same organisations as the Taskforce and has similar aims. It was therefore decided to combine the work of these two groups in order to coordinate existing activity, identify new opportunities for action and enable greater efficiency.

The Taskforce held its final meeting in November 2014 and this will be its final annual report. The Taskforce's oversight function of reviewing progress against the recommendations listed at the end of this report will now be the responsibility of the Forum.

The Forum will produce an Action Plan that incorporates the outstanding recommendations from the 2010 Advisory Panel report, the Barriers to Application research action plan and the 'Forum's Forward Look'. This revised action plan will then be taken forward in addition to each organisation's own plans.

We would like to thank everyone who has contributed to the work of the Taskforce over the last five years and for the significant progress that has been made towards achieving a more diverse judiciary.

# 1 Executive Summary

## The Law Society

- 1.1 The Law Society (the Society) remains convinced of the need to improve diversity within the judiciary. Steady progress has been made, and continues to be made in this area, and the Society is heartened to see more solicitors continue to successfully apply for judicial appointment.
- 1.2 During the last year, the Society has invested in a series of events aimed at encouraging solicitors from all areas of the profession to consider a judicial career. The Society's 'Meet the Judges' events, at which attendees can meet current solicitor-judges in an informal setting, remain popular with applicants and have taken place across the country. The Society has continued to run workshops and training programmes aimed at Black, Asian and Minority Ethnic (BAME) applicants and other under-represented groups. These events were heavily over-subscribed this year, suggesting that there is a strong appetite for judicial appointment amongst minority groups. It is hoped that this keen appetite can be transformed into successful judicial careers for those applicants.
- 1.3 Latest statistics published by the Ministry of Justice show that solicitors have been particularly successful in applying for appointment at the level of Deputy District Judge, District Judge and Tribunal Judge. Indeed, the figures show that solicitor-judges outnumber barrister-judges at those levels. However, there are still no solicitor-judges in the Court of Appeal and only one High Court judge is a solicitor. Only a small proportion of circuit judges and recorders are solicitors. The numbers of BAME and female solicitor-judges remain disappointingly low. Whilst progress has been made, there is clearly still work to do in improving judicial diversity.
- 1.4 **Law Society President, Andrew Caplen, said:**

*"I believe diversity in the judiciary is so intrinsic to a fair and representative justice system that I have made it one of the top priorities for my presidential year. All walks of life pass through our courts and we need a judiciary that understands and empathises with the people it serves. Clearly, we are not there yet, but I am optimistic that this can and will change.*

*I encourage our members, especially those from under-represented groups, to apply for judicial appointment. The Law Society offers assistance and support to solicitors throughout the application process with interview training, workshops and outreach events, as well as a large amount of online resources."*

## The Bar Council

- 1.5 One of the Bar Council's strategic aims is "to promote equality and diversity across the Bar". Our diversity objectives focus on widening access to the Bar, improving retention (particularly of women) and supporting the progression of under-represented groups to take Silk and obtain judicial appointments. To achieve our objectives we provide information, training, advice and positive action/outreach programmes.
- 1.6 Over the last year, the Bar Council has introduced a new Bar Mentoring Service, with a scheme dedicated to supporting Silk and judicial appointments. We have successfully piloted the programme and will be looking to roll out and expand this service in 2015. The Bar Mentoring Service supports our existing programme of judicial outreach events which are designed to encourage barristers from under-represented groups to consider a judicial career.

1.7 Over the last year, we have also significantly expanded our flagship social mobility programme, Bar Placement Week. We have doubled the number of participating students to 120 and extended the programme from London to Leeds, Manchester and Birmingham. We are currently developing an e-mentoring programme to complement our Bar Placement Weeks. This will enable us to provide participating students with ongoing support at key decision-making points in their education. E-mentoring will match students on social mobility programmes with members of the Young Bar with recent experience of university, the Bar Professional Training Course and gaining pupillage/tenancy.

1.8 **Nicholas Lavender QC, Chairman of the Bar Council said:**

*“Diversity is good for our profession. We want to attract the best talent and we recognise that it comes from different backgrounds. We also want a legal profession which reflects the diversity of the society which we serve. Our vision is of ‘...a profession representative of all, for all’. To achieve this we must be constantly vigilant about diversity at the Bar, and respond when it is under threat. Our focus on retention and progression, as well as on tackling barriers faced by women and BAME barristers, means that we have been delighted to support the important work of the Judicial Diversity Task Force and Steering Committee.”*

### **The Chartered Institute of Legal Executives (CILEx)**

1.9 CILEx has always represented a diverse membership, with a proud, established history of making a career in law accessible to all, regardless of background. The 2010 Advisory Panel recommendations offered us an opportunity to work more closely with colleagues from other legal professions, the Judicial Appointments Commission and Judicial Office to support the delivery of common goals and shared aspirations. We are committed to continuing these activities as part of a longer-term vision to enhance judicial diversity. Our second Deputy District Judge was appointed in 2013. Of course we would like to see many more succeed. We hope that a new mentoring scheme will go some way towards this. Our two new apprenticeship qualifications are thriving, both offering new routes to entry into the legal profession. In 2014 we joined the second phase of the government’s trailblazer project aimed at offering apprenticeships to young people, under the campaign of ‘Get in. Go far.’ We are committed to developing sustainable apprenticeships in law.

1.10 **Fran Edwards, President of The Chartered Institute of Legal Executives said:**

*“CILEx is totally committed to maintaining a diverse membership as part of its long-term goal and the open-door policy for membership supports this fact. I believe that the CILEx qualification route and the legal apprenticeship qualifications will widen the talent pool and encourage people from a range of backgrounds into the legal profession. This in turn will increase the range of diverse candidates available to apply for judicial appointment and encourage judicial diversity. This is more important than ever bearing in mind the findings in the report on social mobility recently published by The Social Mobility and Child Poverty Commission. I concur that it is essential that the judiciary is represented by those with the right aptitude and ability to face today’s challenges. CILEx will want to do all it can to encourage its members to apply for judicial appointment.”*

### **Judicial Appointments Commission (JAC)**

1.11 Over the past four years, the JAC has completed all of the 15 Advisory Panel recommendations assigned to it and has worked closely with other members of the Taskforce ensuring progress is made against other recommendations. Of particular note for the last year are the following:

- The research on barriers to making an application for judicial appointment, originally carried out in 2008, was refreshed in 2014. This was funded by the JAC with contributions provided by the Law Society, the General Council of the Bar and the Chartered Institute of Legal Executives. Support was also provided by the Ministry of Justice (MoJ) and the Judicial Office. A priority action plan was developed based on the findings of the updated research. Progress against the action plan (published on the JAC website) is regularly monitored and reviewed by the Forum. [Recommendation 40]
- A key diversity related measure introduced through the 2013 Crime and Courts Act – the Equal Merit Provision – was implemented in 2014. The provision allows for a candidate to be selected for the purposes of improving diversity, where there are two or more candidates of equal merit for selection to judicial office. The JAC published a policy on using this provision in April 2014, which has been applied to all selection exercise campaigns launched from 1 July 2014. A review of the policy will be undertaken in 2015. [Recommendation 21]
- The JAC has arranged for their selection process to be externally reviewed to ensure they adopt current best practices. The work of the selection panels, and the consistency and transparency of the process, were recognised as strong aspects of the JAC process, but there were a number of areas where further improvements could be made and these have been incorporated into the JAC's selection process review. Discussions are underway with partner organisations and pilots of proposals such as introducing person specifications, developing new selection tools and streamlining the references process, are all anticipated to run during 2014/15. [Recommendation 25+26]

1.12 **The Chairman of the JAC, Christopher Stephens, said:**

*“It is important that the JAC, government, the judiciary and the legal profession continue the work of the Taskforce, including through the Judicial Diversity Forum – it is only through our joint efforts that we will achieve a more diverse judiciary.*

*Since the report was published the JAC has effectively completed all of its 15 allocated recommendations. The final two have been incorporated into our internal change programme, through which we are making improvements to our selection processes. Furthermore the quality of applications remains high and judicial diversity has continued to improve at all levels.*

*In the last four years (to 31 March 2014) the JAC has recommended 2,890 candidates for judicial office – 44% of them women, 11% Black, Asian and Minority Ethnic candidates and 6% with a self-declared disability.<sup>1</sup> Women made up a third of recommendations for the 2013 High Court exercise and 40% of the previous Chancery Division exercise which has resulted in the highest ever number of women in the High Court. And there is good news for the future as women have shown that if they apply they are often very successful – and even outperform their male colleagues.*

*Additionally, we now collect and publish data on sexual orientation and religious belief, and are now turning our attention to whether we should monitor social mobility.*

*We all acknowledge there is further work to be done, but the JAC is very encouraged by the results to date”.*

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<sup>1</sup> Recommendation figures from JAC Official statistics



## The Judiciary

1.13 When it published its findings in 2010 the Advisory Panel laid strong emphasis on the importance of all those with a responsibility for promoting diversity playing their part within a coherent and comprehensive strategy. The judiciary's role within that strategy focuses on certain key elements: replacing the misconceptions about judicial appointment that deter good candidates from applying with clear understanding of the opportunities that are available; providing support and a structure that will enable successful applicants to develop to their full potential; and supporting the development of the concept of a judicial career. A more detailed account of how the judiciary has played its part in addressing these issues within the overall strategy is set out below. Suffice to say at this stage, that the judiciary has worked closely with its Taskforce partners in addressing the challenges set by the Advisory Panel; it has made significant achievements in the region of outreach to lawyers from diverse and non-traditional backgrounds; and it has laid down innovative and comprehensive future plans for turning aspirations into reality.

1.14 **Lord Chief Justice of England and Wales, the Right Honourable The Lord Thomas of Cwmgiedd has said:**

*"Encouraging judicial diversity has been one of my key priorities since my appointment as Lord Chief Justice in October 2013. It is essential that we should be actively involved in promoting the development of a judiciary which is seen to be open to able lawyers whatever their background or personal characteristics.*

*Achievements to date are much greater than is often reported. There are now more women in the Court of Appeal than ever before; there has been a steady increase in the number and percentage of female Circuit Judges; and nearly one in 10 of all courts and tribunals officeholders is from an ethnic minority background. But of course, there is much more to be done. I am therefore determined to do everything I can to achieve further improvements, both through the use of tried and trusted methods and also by seeking out new and innovative approaches.*

*Encouraging diversity is a responsibility that falls not only to me as Head of the Judiciary of England and Wales; nor just to my colleagues on the Judicial Executive Board in the executive and leadership decisions they make. It is a responsibility which falls also to leadership judges in courts and tribunals across England and Wales; and it is one that is picked up by the diversity and community relations judges whose tireless efforts to improve knowledge and understanding are set out elsewhere in this report. But the responsibility for challenging the status quo, encouraging potential applicants and supporting new entrants is one that falls to every member of the judiciary. It is with this thought in mind that I have set up a judicial diversity committee, representative of the judiciary as a whole, which will not only assist me in setting the direction for the future but will bring together those from each jurisdiction with the knowledge and experience to make things work better."*

1.15 **The Senior President of Tribunals, Sir Jeremy Sullivan, has said:**

*"I fully share the Lord Chief Justice's commitment to improving diversity. The Advisory Panel set a challenging task for all those of us with a leading part to play in improving judicial diversity. The tribunals' judiciary is already diverse in terms of professional background and gender, less so in respect of ethnicity. Opportunities for tribunal appointments are broad; the work is both interesting and challenging for able lawyers from a wide range of professional backgrounds; and the prevalence of fee-paid and part-time appointments makes the roles attractive to many with other commitments. But it would be foolish of us to rest on our laurels. There is still much to do at all levels, particularly to attract applicants from an ethnic minority background. I am pleased that tribunals judges*

*who have so much to contribute by way of experience and expertise are actively engaged not only through the excellent work many do as diversity and community relations judges but also as full participants in the judicial diversity committee that the Lord Chief Justice has established.”*

## **Ministry of Justice (MoJ)**

- 1.16 Together with partner agencies, the MoJ is committed to ensure that the Judiciary is as diverse as the society it serves. Over the past four years, a significant amount of effort has gone into implementing the 53 recommendations made by the Advisory Panel on Judicial Diversity in 2010.
- 1.17 Through establishing the Taskforce and carrying the Crime and Courts Act 2013 through Parliament, the MoJ had implemented the majority of the Advisory Panel recommendations assigned to it by 2013. Over the past year, the focus has been on supporting the JAC and the judiciary in implementing these legislative changes, especially in relation to the equal merit provision and allowing for part-time working in the High Court and above. Our analysts have also continued to work closely with JAC and JO to improve their statistical reporting.
- 1.18 The analysis in section 2 of this report demonstrates that some progress has been made on diversity outcomes, especially with regards women in the courts and tribunals up to high court. However, MoJ recognises that more needs to be done, in particular to improve diversity in the High Court and above and in respect of BAME groups. Moving forward, MoJ will continue to work with partner agencies to ensure real progress is made in these areas.
- 1.19 ***Rt, Hon Shailesh Vara MP, Parliamentary Under-Secretary of State, Ministry of Justice has said:***

*“While progress has clearly been made I am fully committed to the work still to be done.*

*We have already begun to make changes and introduced extended salaried part-time working, a new system for appointing deputy high court judges and implemented the equal-merit provision, but I know there is still some way to go, and now is not the time to take our foot off the pedal. A more diverse judiciary is important in retaining the public's confidence and trust in justice, and better reflecting the society it serves and I am committed to improving this while still appointing the best people for the job.*

*I believe real strides can be made towards enhancing the diversity of our judiciary.”*

## 2 Progress on Outcomes: Judicial Diversity Statistics 2010-2014

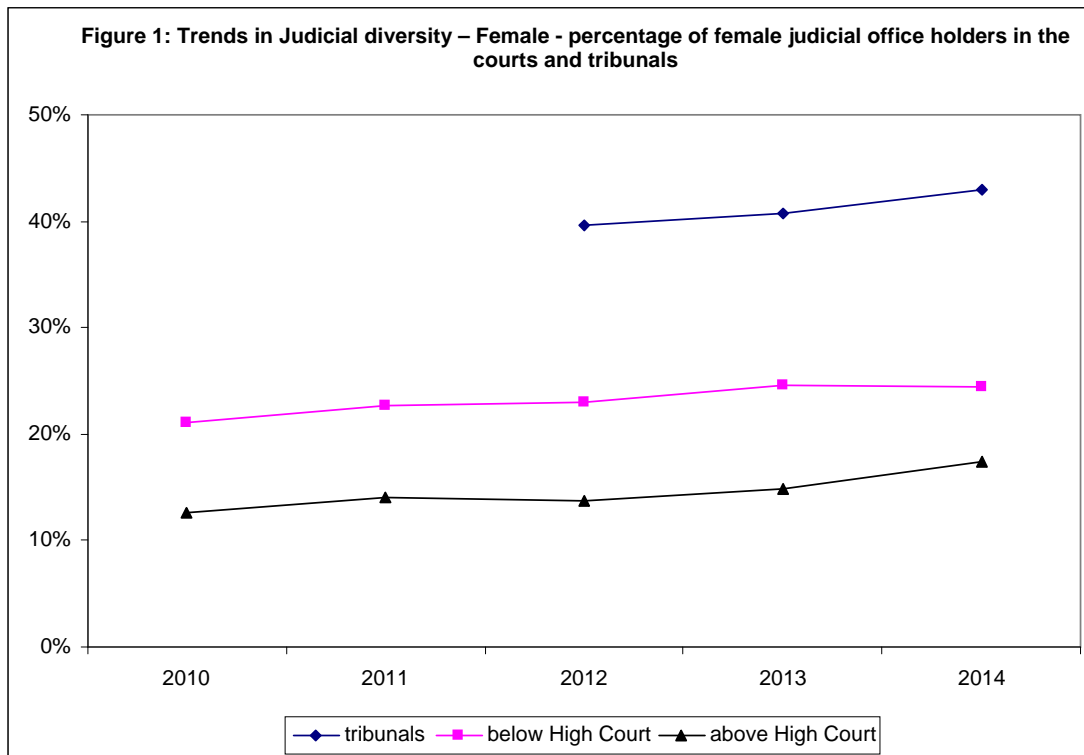
- 2.1 The Advisory Panel on Judicial Diversity identified several challenges in collecting and analysing data on judicial diversity. As a result, Ministry of Justice (MoJ) analysts have continued to work closely with Judicial Appointments Commission (JAC) and Judicial Office (JO) to improve their statistical reporting.
- 2.2 However, more remains to be done. Across agencies, there are differences in both the types of data collected and the methodologies employed for collecting and analysing that data. In addition, reliance on self-identification of protected characteristics impacts on data accuracy. To address these concerns, the MoJ, JAC and the JO will work together to develop standardised ways of collecting and analysing data.
- 2.3 Judicial diversity data is owned and managed by the JO on behalf of the judiciary. As part of the work currently underway to replace the database on which records are stored, consideration is being given to what measures might be taken to improve the collection, recording and analysis of the data.
- 2.4 Work to improve the collection and analysis of data on judicial diversity will continue and will be on the Forum's agenda going forward.

### Courts and Tribunals

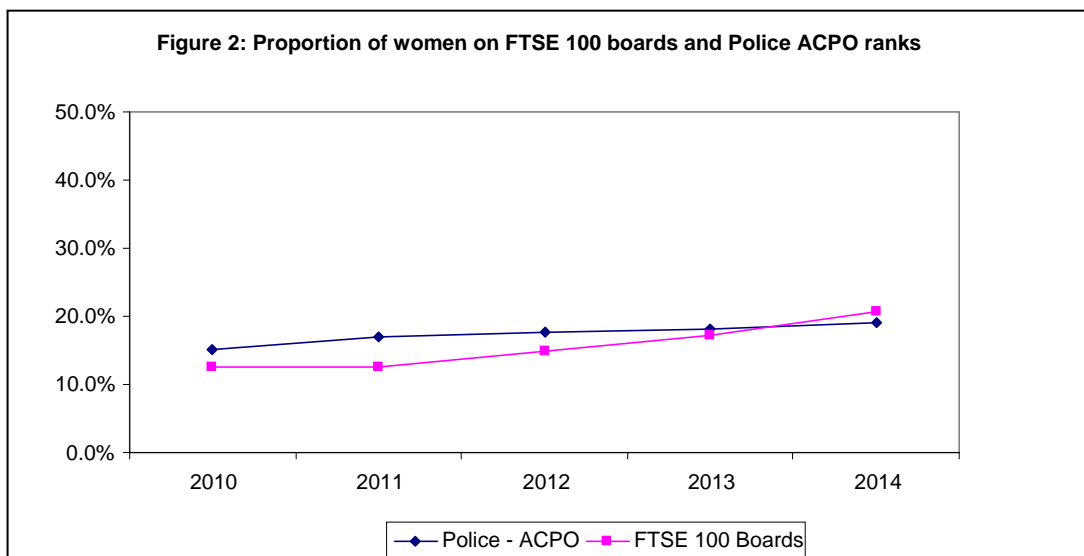
- 2.5 While acknowledging the concerns raised above about data accuracy, the diversity figures set out below show the current picture. Whilst there have been increases in female and Black, Asian and Minority Ethnic (BAME) numbers across all levels of the judiciary, the statistics indicate that much more progress is needed in improving judicial diversity in the higher courts, and the lack of 'visibly' diverse senior judges means that we need to progress urgently, particularly to increase the number of BAME judges in the senior judiciary.
- 2.6 Progress has been made in the courts and tribunals up to the High Court since 2010 in respect of gender. As of the 31 March 2014, women form 43.0% of the tribunals' judiciary, and 24.5% of the judiciary below High Court.
- 2.7 In the High Court and above<sup>2</sup>, 17.4% of the judiciary are women as of 31 March 2014.
- 2.8 Figure 1 below demonstrates recent trends. There have been year on year increases in the proportion of the judiciary who are women in both tribunals and judicial posts in the High Court and above since 2010. Below the High Court there have been year on year increases between 2010 and 2013, with the proportion remaining stable into 2014.

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<sup>2</sup> Judicial diversity statistics as of 31 March 2014 <http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014>



2.9 Although there is still some way to go to get parity, progress on diversity for women is similar to that seen in a number of other organisations, including the Association of Chief Police Officers (ACPO) ranks<sup>3</sup> and Financial Times Stock Exchange (FTSE) 100 boards<sup>4</sup> as figure 2 demonstrates:

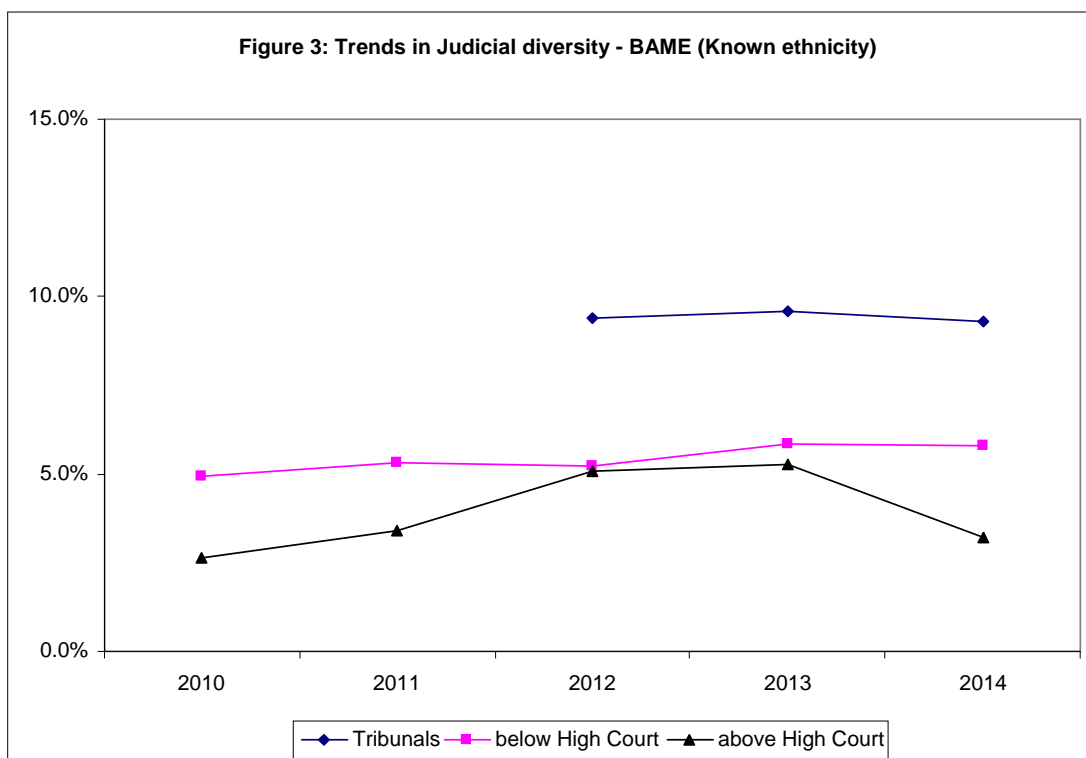


<sup>3</sup> Home Office *Police Workforce, England and Wales* <https://www.gov.uk/government/publications/police-workforce-england-and-wales-31-march-2013/police-workforce-england-and-wales-31-march-2013>

<sup>4</sup> Women on boards Davies Review Annual Report 2014.

2014 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/320000/bis-women-on-boards-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320000/bis-women-on-boards-2014.pdf)

- 2.10 As of 31 March 2014, 3.2% of the judiciary in the High Court and above, 5.8% of the judiciary below the High Court and 9.3% of the tribunals' judiciary declared they were from a BAME background<sup>5</sup>. This is lower than the 12.3% of 25 to 74 year olds from a BAME background in the general population of England and Wales<sup>6</sup>. In comparison, in 2013, 3% of ACPO ranks who declared their ethnicity were from a BAME background. Similar figures are unavailable for FTSE 100 boards.
- 2.11 There have been small year on year increases in the proportion of judges from a BAME background below the High Court while the proportion in the tribunals, although higher than in the court judiciary, has remained stable. The latest data shows a fall in the proportion of the judiciary declaring they are from a BAME background in the High Court and above; this represents a change from 5 to 3 individuals. Figure 3 below shows trends in BAME diversity data:



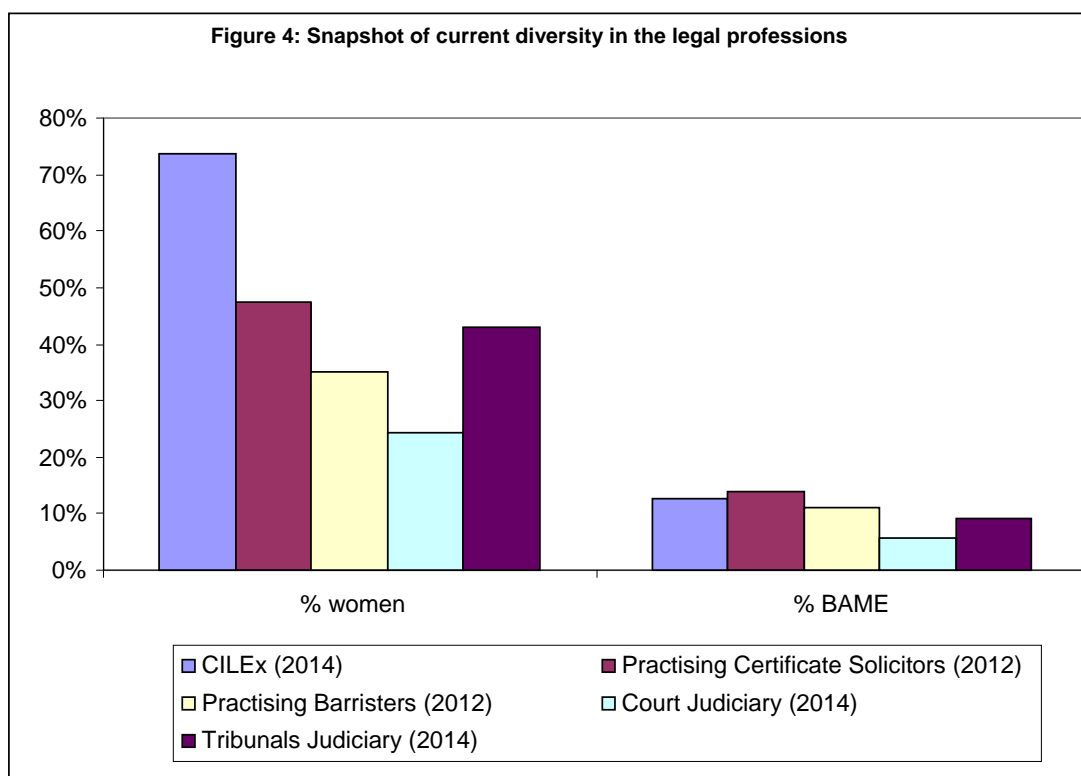
\*Not all judges declare their ethnicity and so the ethnicity figure has been calculated as a percentage of known ethnicity.

<sup>5</sup> Judicial diversity statistics as of 31 March 2014 <http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014> Police data from Police Workforce, England and Wales statistics: <https://www.gov.uk/government/publications/police-workforce-england-and-wales-31-march-2013/police-workforce-england-and-wales-31-march-2013>. The database of the ethnic origin of the judiciary used to compile these figures may be incomplete as judicial office holders are asked to provide the information on a voluntary basis and not all judges have declared their ethnicity, therefore percentages have been calculated using number who have chosen to declare their ethnicity.

<sup>6</sup> 2011 Census data; ONS.

## Legal Professions

2.12 There is considerable variation in the diversity profiles between the different legal professions and the judiciary<sup>7</sup>. The Chartered Institute of Legal Executives (CILEx) has the highest level of women members (74%). It also has a level of members who declare they are from a BAME background (12.6%) which is comparable to the level in the general population. Care must be taken when comparing across the professions due to differences in the methods and quality of data used to calculate the BAME proportions<sup>8</sup>. Figure 4 provides a snapshot of the current diversity landscape among the legal professions:

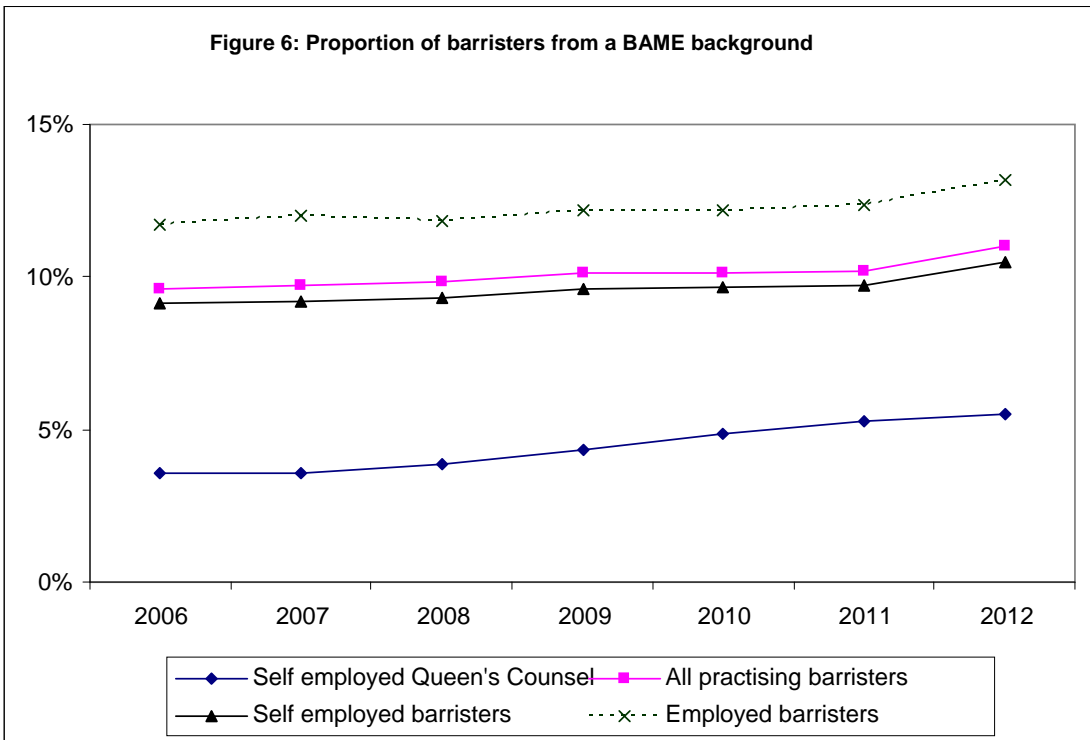
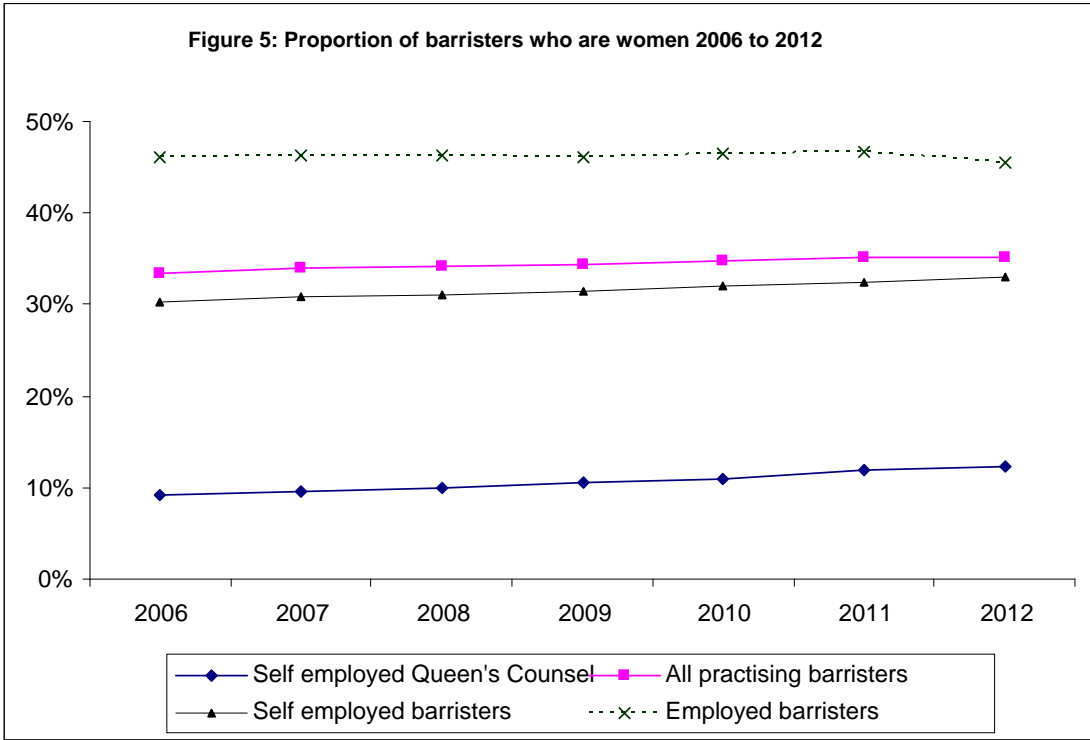


2.13 The Bar Council and the Bar Standards Board published the third Bar Barometer report in 2014 reporting on the trends in the demographic profile of the Bar and the profile of Bar Professional Training Course students between 2007 and 2011/12.<sup>9</sup> There are fewer female barristers than male barristers in the profession and retention of female barristers remains a challenge (this impacts on the pool from which the judiciary might be recruited). There has been an increase in BAME barristers with 11% recorded in 2012, up from 9.8% in 2007. Figure 5 demonstrates the variation between different categories of barrister:

<sup>7</sup> CILEx - [http://www.cilex.org.uk/about\\_cilex/equality\\_and\\_diversity/diversity\\_statistics/cilex\\_membership\\_diversity.aspx](http://www.cilex.org.uk/about_cilex/equality_and_diversity/diversity_statistics/cilex_membership_diversity.aspx); Law society <http://www.lawsociety.org.uk/advice/articles/diversity-in-the-profession/>; Bar - [http://www.barcouncil.org.uk/media/287767/bar\\_barometer\\_report\\_updated\\_-\\_june\\_2014\\_.pdf](http://www.barcouncil.org.uk/media/287767/bar_barometer_report_updated_-_june_2014_.pdf); Judiciary - <http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014>

<sup>8</sup> Individuals can choose to declare their ethnicity or not and within all professions data is incomplete as individuals choose not to declare their ethnicity. Additionally there are methodological differences in how the proportion of BAME is calculated, some organisations base their calculations on the total number of members while others use only the members who provide information on their ethnicity.

<sup>9</sup> [http://www.barcouncil.org.uk/media/287767/bar\\_barometer\\_report\\_updated\\_-\\_june\\_2014\\_.pdf](http://www.barcouncil.org.uk/media/287767/bar_barometer_report_updated_-_june_2014_.pdf)



**Judicial Appointments**

2.14 Analysis of trends in the diversity of applicants to JAC selection exercises indicate that, compared to applications made in the 9 years before the formation of the JAC, there has been an increase in the number of applications from women and BAME candidates for all posts. This increase is statistically significant for 6 out of 7 types of judicial post.

- 2.15 The number of candidates recommended by the JAC who are women or from a BAME background has also increased for all 7 types of judicial post, with a statistically significant increase in respect of 3 out of 7 posts for women, and 1 out of 7 for BAME candidates.
- 2.16 In the period from April 2014 to September 2014, the JAC report that for the Circuit Judge exercise, the proportion of applications received from women matched the proportion of women in the eligible pool; almost half (47%) of the 32 recommendations were women. Those recommended to direct appointment when compared to the reserve list were more likely to be female (52% compared to 36%). This maintained the proportion of women recommended in the previous exercise for this post. Within the combined small exercises, four (33%) of the 12 recommended candidates were female. In both sets of statistics the proportion of women increased through the process from application to recommendation. For the Circuit Judge exercise 31% of applicants, 35% of shortlisted candidates and 47% of recommendations were female. For the small exercises 21% of applicants, 29% of shortlisted candidates and 33% of recommendations were female.
- 2.17 In the same period, the proportion of people from a BAME background applying for Circuit Judge was similar to the previous exercise for this position, i.e. 12% (n=28) compared to 10% (n=30) in 2012, and higher than the proportion in the eligible pool (6%, n = 345).<sup>10</sup> One candidate was recommended (to an immediate appointment), representing a fall from 6% of recommended candidates declaring themselves to be from a BAME background to 3%. Within the combined small exercises, five applicants (6%) were from a BAME background. None of these candidates were recommended.

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<sup>10</sup> N = number of individuals.



## **3 Progress on Actions since 2010**

### **The Law Society**

#### **Introduction**

- 3.1 The Law Society of England and Wales (the Society) is the independent professional body, established for solicitors in 1825, that works globally to support and represent its 141,000 members, promoting the highest professional standards and the rule of law.
- 3.2 The Society remains convinced of the need to improve diversity within the judiciary and continues to invest in events to encourage and support potential applicants. We have done this through initiatives to encourage a more diverse range of applicants, investing in events and training for the profession, and online resources. We will continue to explore opportunities for our members to gain greater understanding and experience of judicial careers.

#### **Steps taken to increase diversity in 2014**

- 3.3 Judicial diversity has been a key area of work for the Society in 2013 and 2014. The Society has delivered, or assisted in delivering, several events aimed at solicitors who are interested in joining the judiciary, including outreach and Meet the Judges events. It has started initiatives to encourage City solicitors to consider a judicial career - such as asking leading City firms to sign a 'declaration of commitment' to support solicitors who wish to apply for judicial appointment, and continued training workshops aimed at Black, Asian and Minority Ethnic (BAME) applicants. Further work in this area will be carried out in 2015, including a review of website content on judicial appointment, new training videos and updated leaflets.

#### **Summary of the work to increase diversity over the last 4 years**

##### *Encouraging a more diverse range of applicants*

- 3.4 The Society continues to encourage City firms to support solicitors in applying for judicial appointment. Despite many solicitors serving as District Judges and Tribunal Judges, few of those judges come from large corporate firms. In 2012, the Society invited firms to sign up to a 'declaration of commitment' to the promotion of judicial appointments; twenty leading firms have signed up so far, including three Magic Circle firms. The Society also sponsored two bursaries at the Understanding Judging course at the University College London Judicial Institute in April 2013.

##### *Events and Training*

- 3.5 The Society has delivered, or been part of the delivery of, several events aimed at solicitors who are interested in joining the judiciary. The Society has worked closely with the Judicial Appointments Commission (JAC) on outreach events, and has provided venues and sourced speakers for these events in 2014.

- 3.6 The Society introduced its 'Meet the Judges' events in 2011. These events involve presentations from several solicitor judges, Q&A and informal networking, and are aimed at providing opportunities for solicitors to meet existing judges and gain the benefit of their experience in an informal setting. In 2012, these events were combined with solicitor judges division events. The Society is continuing to develop these events in response to feedback from attendees.
- 3.7 The Society has also supported various events aimed at encouraging applications, such as the 'Judge for Yourself' event, which was held at the Law Society's offices in November 2012. This event was hosted by the Society and attended by 162 solicitors, chartered legal executives and barristers. These attendees were able to meet 56 host judges, including several diversity and community relations judges, in order to ask questions about life in the judiciary.
- 3.8 As part of their commitment to promoting greater diversity in the judiciary, the Society, Bar Council, the Chartered Institute of Legal Executives (CILEx) and the JAC run targeted events to raise awareness of opportunities in the judiciary. At these events, a representative from the JAC provides step-by-step guidance on how to make an effective application. They are joined by positive role model judges who share their personal stories and offer practical advice to those considering a judicial career. This is followed by light refreshments and networking. In addition to practical advice on the application and recruitment process, these events provide encouragement from positive role models who have been through the process. The event is open to under-represented groups (women, BAME and disabled lawyers) who are interested in a career in the judiciary, and is relevant to both junior members of the professions and those with a several years' post-qualification experience.
- 3.9 The outreach events take place in Birmingham, Leeds and London. Attendance is open to anyone who is interested in a judicial career and averages at around 30 attendees at each event. The annual outreach events have been running since 2008.
- 3.10 As part of its positive action strategy, the Law Society also runs two free workshops a year on judicial appointments. The workshops are interview training for solicitors, and these having been running since 2009. They are aimed at Black and Asian solicitors, who are currently under represented in the judiciary. The attendance is capped at ten solicitors for each workshop and is heavily oversubscribed. The workshops aim to help candidates with their application and interview performance and have been designed for solicitors with a minimum of 5 years' post-qualification experience who are considering applying for a judicial appointment. Feedback on the courses shows that at least two BAME solicitors who have attended the workshop have gone on to successfully obtain a judicial appointment. Three diversity outreach events have been held, or are going to be held, in 2014 (July, October and November) and two BAME Becoming a judge workshops have been held this year (July and September). These events remain extremely popular with the profession.
- 3.11 Finally, the Society offers interview training for solicitors applying for judicial appointments. This intensive training course has been developed specifically for solicitor applicants and provides practical advice on completing the application and interview practice. In 2013, three of these courses were held, two in London and one in Bristol. These courses also ran from September to November 2014.

#### *Online resources*

- 3.12 The Society website has a huge amount of information for prospective solicitor-judges, including interviews with, and articles written by, current judges, FAQ about the selection process, case studies, and all articles from the solicitor judges division newsletter.

- 3.13 The website also includes information guides and a video that demonstrates the role-playing exercise that features in the judicial selection process, and which is accompanied by a separate commentary provided by two solicitor judges. There is also a video showing the assessment of a judicial role play exercise, with commentary on the candidate's performance.
- 3.14 The Society also produces a leaflet, 'Becoming a Judge', which is available online.

### **Next Steps**

- 3.15 Solicitors continue to successfully apply for judicial appointment, particularly at Deputy District Judge, District Judge and Tribunal Judge levels. Indeed, latest figures published by the Ministry of Justice show that solicitor-judges outnumber barrister-judges at those levels. However, there are still no solicitor-judges in the Court of Appeal and only one High Court judge is a solicitor. Only a small proportion of circuit judges and recorders are solicitors. The numbers of BAME and female solicitor-judges remain disappointingly low. Clearly, this means there is still work to do in improving judicial diversity.
- 3.16 The Society is aiming to produce new training videos on different aspects of the judicial appointments process in autumn and winter 2014. The Society will also run another round of interview training courses in September to November 2014 and update its 'Becoming a Judge' leaflet and website content within the next year. Promoting judicial diversity will remain a priority for the Society, which will continue to encourage solicitors to pursue a career on the bench.

## The Bar Council

### Introduction

- 3.17 The Bar Council is the governing body and the Approved Regulator for all barristers in England and Wales. It represents and, through the independent Bar Standards Board, regulates over 15,000 barristers in self-employed and employed practice. Its principal objectives are: to ensure access to justice on terms that are fair to the public and practitioners; to represent the Bar as a modern and forward-looking profession which seeks to maintain and improve the quality and standard of high quality specialist advocacy and advisory services to all clients, based upon the highest standards of ethics, equality and diversity; and to work for the efficient and cost-effective administration of justice.
- 3.18 The Bar Council has a specific strategic aim, “to promote equality and diversity across the Bar”, and our diversity objectives are clear, being (i) to widen access to the Bar; (ii) to improve retention (particularly of women); and (iii) to support the progression of under-represented groups to take Silk and into the Judiciary. We work to achieve our objectives via the provision of information, training, advice and positive action/outreach programmes.

### Steps taken to increase judicial diversity in 2014

- 3.19 Improving judicial diversity requires profession itself is sufficiently diverse and that all members of the Bar’s diverse community are encouraged to consider a judicial career.
- 3.20 To ensure the profession is diverse, the Bar Council that the monitors the profile of the profession and based on findings, introduces programmes to address identified areas of under-representation.
- 3.21 In 2014 the Bar Council has:
- ‘Extended Bar Placement Week’ from London to Birmingham, Leeds and Manchester providing 120 students with quality work experience and contact with the profession. Students are identified through our partners, the Social Mobility Foundation, and programmes such as Pathways to Law
  - participated in five careers’ days and 20 law fairs at UK universities
  - through our ‘Speak up for Others’ programme, supported barristers to deliver more than 300 talks in schools, explaining the rule of law and the work of a barrister
  - alongside the Inns of Court and Circuits, sponsored the Citizenship Foundation’s ‘Bar Mock Trials Competition’ (with over 1,700 students from 160 non fee paying schools and Further Education colleges across the UK taking part)
  - delivered fair recruitment training across the profession to ensure chambers adopt fair recruitment practices in appointing pupils and tenants
  - delivered equality and diversity training monthly for the profession, including barristers’ clerks and practice managers, and
  - created a network of equality and diversity officers to support the implementation of the Regulator’s Equality and Diversity rules and to support the development of good practice with respect to recruitment and retention within chambers.
- 3.22 We have also sought to encourage members of our diverse community to consider a judicial career.

3.23 In 2014 the Bar Council has:

- run outreach events targeting women and BAME lawyers in London, Leeds and Birmingham (both on our own and with partners, the Law Society and CILEx), to encourage women and BAME barristers to consider a judicial appointment and to explain the appointments process
- set up the Bar Mentoring Service, piloting a scheme designed specifically to support silk and judicial applications, encouraging women and BAME barristers to sign up, and
- advised the JAC on tackling barriers to judicial appointment, including testing and reviewing changes to the appointments process to ensure they are free of bias.

### **Summary of the work to increase diversity over the last 4 years**

3.24 The Bar Council has devoted considerable resources to increasing diversity within the profession, with a dedicated Equality and Diversity Committee and executive team. However, despite making some progress increasing diversity in the profession remains difficult.

3.25 Work to improve access to the profession in our schools and universities' outreach work has focused on socio-economic background and in ensuring fair recruitment processes are adopted within chambers. In our outreach work, the Bar Council has focused on tackling the three key barriers to access; 'Cash, Confidence and Contact'. We have sought to ensure high achieving students from lower socio-economic backgrounds have access to information on the profession and opportunities to gain experience and confidence through shadowing barristers.

3.26 With respect to gender and race the numbers are encouraging. In 2013, half of all students on the Bar's training course were women<sup>11</sup>, whilst 44% of all Pupils<sup>12</sup> were women. There has also been significant progress in the ethnic diversity of First Six pupils over a 12 month period (up from 13.1% in 2010-2011 to 20.5% in 2011-2012)<sup>13</sup>.

3.27 Retention of women and BAME barristers remains a key challenge; the Bar continues to lose significant numbers of women circa eight to 12 years Call<sup>14</sup> (around the time they are likely to have a family). Our studies consistently indicate barristers struggle to balance family life with self-employed practice and this particularly affects women. Here our activity has focussed on better supporting chambers in implementing effective working practices with respect to maternity policy, flexible working, fairer work allocation and managing career breaks.

3.28 Poor retention of women and BAME barristers inevitably impacts on the progression of these groups as the Bar becomes increasingly male and white with experience. Women make up just 12.4%<sup>15</sup> of Queen's Counsel (QCs), whilst BAME barristers make up 5.5%<sup>16</sup> of QCs. Although year on year the statistics are improving, the loss of talented women barristers around 12 years' Call makes it difficult to ensure those appointing QCs and judges have a representative pool from which to draw candidates.

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<sup>11</sup> 50.01% in 2011/12 (Bar Barometer, 2013)

<sup>12</sup> Bar Barometer 2013

<sup>13</sup> Bar Barometer 2012; Bar Barometer 2013

<sup>14</sup> 48% of leavers were called to the Bar more than 12 years ago (Bar Council Exit Survey, 2011)

<sup>15</sup> Bar Barometer 2013

<sup>16</sup> Bar Barometer 2013

3.29 In addition to our work on improving retention which seeks to address this, the Bar Council also runs information events explaining the appointment process and encouraging women, BAME and other under-represented groups of candidates to apply. We have also recently introduced a mentoring service to support judicial and silk applications and continue to advise the Queen's Counsel Appointments and the JAC on inclusion initiatives.

### **Next steps**

3.30 In 2015, the Bar Council will work to improve the quality of data we have on the profession, (across all protected characteristics) and to evaluate the impact of current programmes. In particular, we plan to:

- continue to work closely with the MoJ, the JAC and JO in identifying and addressing barriers to access for under-represented groups
- continue to hold information events linked to all major first tier judicial competitions and to encourage members of under-represented groups to attend these events
- review and revise careers guidance available on our website, including information on accessing scholarships provided by the Inns of Court
- extend our 'Bar Placement Week' (work experience) programme on the circuits
- enhance the 'Bar Placement Week' (work experience) programme through the introduction of e-mentoring for participating students. It is hoped mentoring when key decision are being made with respect to university, further legal training etc. will provide the contact and support those from non-traditional backgrounds would otherwise be unable to access
- roll out the 'Bar Mentoring Service' programme for silk and judicial appointments, monitoring the profile of those supporting and using the service as mentors and mentees, and
- explore the viability of introducing Bar nursery facilities outside London to support the retention of women barristers.

# The Chartered Institute of Legal Executives (CILEx)

## Introduction

- 3.31 CILEx is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 22,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers.
- 3.32 CILEx's role is to enhance the position and standing of Chartered Legal Executive lawyers in the legal profession. CILEx is an Approved Regulator under the Legal Services Act 2007 and an awarding organisation regulated by the Office of Qualifications and Examinations Regulations.
- 3.33 CILEx is focused and committed to equality and diversity, both in relation to the members it represents, the staff it employs and the stakeholders with whom it interacts. CILEx will continue to increase accessibility to a career in law through its qualifications and training programmes, offering an alternative route to the traditional higher education process.

## Steps taken to increase judicial diversity in 2014

- 3.34 CILEx has continued to deliver against the 2010 Advisory Panel recommendations through regular communication, promotion and profile-raising to a diverse audience, from school children to under-represented groups.
- 3.35 We actively participate in opportunities to refine the application process, led by the JAC, and sponsor tailored events across England and Wales. Our information and guidance has been re-produced and is more prominently accessible via our website (<http://www.cilex.org.uk>) and social media channels (Twitter [@CILExlawyers](#) and Facebook 'CILEX'). [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges.aspx)
- 3.36 We have launched two new legal apprenticeship qualifications which will assist us in strengthening the talent pool from which applicants may be selected in the future.
- 3.37 Working with the Society and the Bar Council we have organised a number of outreach events to members of the legal profession.
- 3.38 Working with the JO, we have contributed to the knowledge of the diversity and community relations judges (DCRJJs) by providing information and guidance on the CILEx route to qualification as a lawyer.

<b>CILEx Membership Data</b>	<b>January 2010</b>	<b>January 2014</b>
<b>Gender:</b>		
Male	25.81%	26.25%
Female	74.19%	73.75 %
<b>Total membership ethnic origin:</b> (Aggregated figures)		
Asian:	3.13%	5.32%
Black:	4.75%	4.86%
Chinese:	0.89%	0.77%
Mixed:	1.15%	1.62%
White:	86.79%	82.21%
White other:	3.09%	3.97%
<b>Disability:</b>		
	2014 only	
Disabled		2.21%
Non-disabled		93.10%
Prefer not to say		4.69%

### **Summary of the work to increase diversity over the last 4 years**

3.39 Over the last four years we have:

- organised and supported numerous outreach events for the legal profession and under-represented groups together with other representative bodies and the JAC across England and Wales
- sponsored a bursary for under-represented groups to attend an ‘Understanding Judging’ course at the University College London Judicial Institute
- co-sponsored several events organised by JO aimed specifically at women both in Bristol and in Wales
- with the lead DCRJ and legal professions, delivered a judicial ‘speed-dating’ event for DCRJs and lawyers
- attended annual DCRJ conferences to raise awareness of the CILEx route
- provided case studies and information for the DCRJ resource manual
- featured articles and interviews with key stakeholders in our monthly Journal membership publication and latterly through our e-newsletter to raise awareness and promote a judicial career



- delivered a live webinar with the JAC and subsequent podcasts via our website about the process, how to apply, work shadowing, preparing and top tips. This can be accessed at:  
[http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges/useful\\_information.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges/useful_information.aspx)
- co-sponsored the JAC publication 'Judicial Appointments – Balancing independence, accountability and legitimacy'
- co-sponsored independent research, project led by the JAC, to identify the barriers to judicial application and participated in a subsequent work programme to address such barriers
- actively participated in the Judicial Diversity Forum (the Forum)
- arranged for member participation in mock test exercises for the Judicial Appointments Commission, and
- provided equality proofing of judicial tests for the JAC.

### **Next steps**

- 3.40 CILEx will continue to build on all the activity it has undertaken over the past four years and remains focused and committed to increasing judicial diversity. We will remain active members on the Forum, continuing our work with the other legal professions to deliver outreach events and address any arising barriers experienced by our members. When possible we will also support other external initiatives such as the University College London (UCL) Judicial Institute training bursary scheme and ad hoc events organised by the Judicial Office.

## The Judicial Appointments Commission (JAC)

### Introduction

3.41 The JAC is an independent commission that selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland. We have a duty to select candidates for judicial office on merit, through fair and open competition, from the widest range of eligible candidates. To fulfil our duty the JAC continues to make significant efforts to ensure our processes are fair and to ensure diversity is considered throughout the whole process, and we are pleased to see that progress is being made. We are currently reviewing our candidate application and selection processes, alongside our website, to ensure the right candidates are encouraged to apply and the most suitable testing methods are applied.

### Steps taken to increase judicial diversity in 2014

3.42 In 2014 the JAC developed policies for the implementation of key changes introduced by the Crime and Courts Act 2013 and associated Regulations, including development of an Equal Merit Provision (EMP) policy and a policy for the selection of deputy High Court judges. The EMP has been applied to all exercises which launched on or after 1 July 2014 and the policy will be reviewed in 2015. Key partners were consulted at all stages throughout the development of the EMP. The EMP policy, along with the responses to the JAC's public consultation, was published in early April 2014. The Crime and Courts Act also provides for the JAC to create a pool of judges from which section 9(1) authorisations to sit as a deputy judge of the High Court will be made.<sup>17</sup> The section 9(1) policy was published at the beginning of March 2014.

3.43 The JAC has thoroughly reviewed its selection processes and commissioned a leading selection consultancy (Work Psychology Group) to undertake an external review of our selection processes. They reported back with recommendations in December 2013. They identified a number of strengths in our current process including the high quality work of our selection panels, the consistency and transparency of our process, and the high level of information available relating to our process. They also suggested enhancements to the process such as introducing person specifications to give more clarity on the key requirements of each judicial role and reviewing the competencies required to become a judge; using scenario questions at shortlisting as well as interview; increasing the use of work-related selection tools – such as assessment of case papers – allowing a more realistic preview of a role and another way of assessing suitability, and reviewing what references are needed and when in the process. We have been discussing these suggestions with partner organisations and will trial them in 2015. To help us take this forward we have recruited an organisational psychologist to provide the JAC with on-going support and advice on this project and the wider selection process.

3.44 The JAC published statistics on sexual orientation and religious belief for the first time in June 2014, which we will continue to do for future publications of the official statistics. We hope this will encourage our partner organisations to publish similar data in due course, to allow us to identify how our recommended candidates compare to the judiciary and professions in respect of representation of these characteristics.

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<sup>17</sup> Section 9(1) of the Senior Courts Act 1981 allows authorisation for a Circuit Judge, Recorder or specific senior Tribunals Judges to sit as a deputy high Court Judge providing they have met the selection criteria and are placed in the pool of judges to deemed suitable.

- 3.45 In partnership with our key stakeholders, the Bar Council, the Society, CILEx, JO, MoJ and the Judiciary, the JAC published research on 'Barriers to application to judicial appointment' which updated research first conducted in 2008. The respondents identified a number of barriers, which included more information about the selection process and judicial roles, part-time or flexible working, work shadowing and mentoring requirements, earlier notice of when vacancies will be advertised and more training on appointment. A working group from the Forum, made up of representatives from key stakeholders, developed a priority action plan on which clear progress has been identified.
- 3.46 We have developed a new website and online recruitment system service to make selection processes more user-friendly for candidates, judges, business partners and JAC staff. This should assist both active candidates and those who are considering applying for judicial posts. It should also speed up the process for candidates. It was due to launch in January 2015.

### **Summary of the work to increase diversity over the last 4 years**

- 3.47 Since 2010, the JAC has made significant efforts to complete actions against all 15 of the recommendations assigned to it and has continued to review the key areas and make additional improvements.
- 3.48 A new system was introduced to allow the JAC to share diversity data for successful candidates with the MoJ and JO so they can continue to work together to share data and improve joint processes. [Recommendation 6]
- 3.49 In assisting the legal professions and the judiciary in supporting suitable and talented candidates from under-represented groups, the JAC introduced webinars as part of its outreach strategy in 2011/2012 with the intention of making the material accessible to a more diverse group of candidates. [Recommendation 13]
- 3.50 The text accompanying the JAC merit criterion 'An ability to understand and deal fairly' was amended following full consultation with key interested parties to include an explicit reference to diversity. This revised criterion amplifies the requirement to demonstrate a commitment to diversity, calling for an awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs. [Recommendation 20]
- 3.51 The JAC's selection processes have been reviewed and, following a successful pilot in 2010, the use of 'situational questioning' has been introduced. This enables candidates without previous judicial experience to be tested for suitability for appointment in the same way as those applying for fee-paid posts. Additionally, the qualifying tests used by the JAC to shortlist candidates were reviewed to ensure they were acting as an effective sift process and all tests are now completed online. This allows candidates more confidentiality and enables them to take tests in a place of convenience. Qualifying tests are subject to continual review, which involves the use of an organisational psychologist to ensure the most appropriate testing and selection methods are adopted and to consider other short listing tools, including behavioural and technical questions, in order to test different attributes of candidates. To encourage applications and to prevent candidates being deterred from applying, references from candidates taking a qualifying test are not requested until after they have been notified that they were successful following the test. While candidates are asked to supply details of the referees as part of the application process, it is made clear that personal referees will only be contacted by the candidate themselves following short listing. Clear guidance on references is available on the JAC website. The JAC continues to conduct regular reviews of the moderation process through a range of quality assurance systems, including close down reports on every exercise.

This ensures that lessons learnt from all exercises are incorporated on a regular basis into the overall selection policy and guidance [Recommendations 24, 25, 26, 29, 30 & 40]

- 3.52 The JAC publishes generic feedback reports alongside the test papers to allow candidates to understand what has previously characterised a successful application. Feedback reports are also provided following paper sifts, which outline the qualities and abilities assessed and information on the overall performance of candidates identifying areas where they performed well or poorly. In addition, further work is in progress to develop graphical representation to identify how an individual performed in relation to the group as a whole following the qualifying test. Following a successful pilot, we now provide individual sift feedback to all candidates. All candidates are able to request feedback following selection day. [Recommendation 27]
- 3.53 A new cadre of JAC selection panel members was recruited in 2011, achieving an improved gender and ethnic mix (37% men, 63% women), which allows for a more even mix when combined with the judicial panel members who are often predominantly male. 8% of panel members are declared as BAME and 10% declared a disability. All panel members received a full induction including diversity training which now occurs on an annual basis. [Recommendations 31, 32 and 33]

#### **Next steps**

- 3.54 The JAC will report in its six-monthly Official Statistics, starting in June 2015, the number of instances where an individual has been selected following application of the Equal Merit Provision policy. A full review of the policy will be carried out in 2015, examining the implementation of the policy and identifying any areas for concern or improvement.
- 3.55 The JAC is undertaking a candidate attraction project to identify candidates from underrepresented groups and encourage them to apply for judicial office by means of more bespoke attraction messages. Work is underway on collating data and information through research and in consultation with stakeholders in the profession. This information is being used in the segmentation of the cohort groups and to develop specific attraction messages. These are being tested on different members of the available candidate pools through outreach work with employers, professional bodies and members of the legal community.
- 3.56 The JAC, together with the senior judiciary, is developing a more transparent process for circuit judges to apply for authorisation to sit in the Court of Appeal Criminal Division. The first exercise launched on the judicial intranet in 2014, and was advertised on the JAC website.

## Judicial Office (JO)

### Introduction

3.57 As Head of the Judiciary, the Lord Chief Justice (LCJ) has a statutory duty to encourage judicial diversity. Together with the Senior President of Tribunals he believes that, whilst merit remains the basis for all judicial appointments, public confidence in the judiciary will be enhanced as it becomes more representative of society as a whole. The LCJ and the Senior President of Tribunals are supported by officials in the JO.

### Steps taken to increase judicial diversity in 2014

- 3.58 At the end of 2013 the Judges' Council endorsed the creation of a Judicial Diversity Committee (the Committee) to support the LCJ in fulfilling his statutory duty to encourage judicial diversity. The creation of a single committee is seen as a means of bringing together all the different aspects of diversity work and ensuring that everything that is being done contributes to the LCJ's statutory duty. To ensure the committee is effective in achieving its aims, its membership comprises of those who are responsible for and committed to diversity and are currently active in diversity work. The Committee is responsible for formulating a strategy for encouraging judicial diversity, approving an annual delivery plan and monitoring and evaluating progress and success. Each member of the Committee is expected to take a personal and collective responsibility for the delivery of the plan. The Committee has approved its plan for the coming year, an outline of which is set out below.
- 3.59 The JO continues to support the lead and deputy lead DCRJs who act as figureheads for diversity and community engagement, for approximately 80 DCRJs across England and Wales. The lead judges review and direct the DCRJ outreach programme.
- 3.60 Throughout the past 12 months DCRJs across England and Wales have taken part in numerous outreach events to schools, colleges and local communities. Highlights have included a meeting with a group of senior imams to explore the best ways of engagement within the Muslim community, marshalling opportunity for a Zimbabwean refugee currently studying in the UK and speaking to Asian police officers at their BAME Positive Action Day. These initiatives help to strengthen relationships between the judiciary and the wider community and to dispel myths about the justice system as a whole and more specifically about the role of a judge and the kind of person who is eligible to become a judge.
- 3.61 DCRJs have also played a key role in the three outreach events held in 2013/14; the first for legal academics at the Supreme Court in London, the second for female lawyers in Bristol and the third for BAME lawyers in Leeds. All three events were introduced by senior members of the judiciary (including the LCJ, Lady Justice Hallett and Lady Justice Macur) and provided opportunities for participants to network with serving judges and get first-hand advice on the nature of the work and whether it was the right time for them to apply. Many courts and tribunals judges, including DCRJs, have continued to contribute to the popular and highly effective 'Judicial Work-Shadowing Scheme' which gives eligible lawyers the opportunity to see judicial life at close quarters before they prepare their own applications for a judicial post.
- 3.62 A key part of the DCRJ outreach programme involves engagement with schools, colleges and universities. In 2013/14, 1,163 university law students received advice, guidance and talks in regard to a career in the judiciary and 1,236 school pupils received talks from DCRJs over the period. Similarly, in excess of 87 schools participated in court visits hosted by DCRJs and 35 schools participated in mock trials. One DCRJ has personally issued 288 certificates to school children who successfully completed his judicial

awareness training course. This work was reported by the BBC as an example of how one of Bristol's judges has gone back to school in an attempt to explain to children how the law works and why it is so important they understand the judicial system. One university has described a DCRJ's lecture as the most popular which has been exceptionally well received for the past 3 years.

- 3.63 DCRJs have given talks to minority groups including Lesbian, Gay, Bisexual and Transgender (LGBT) (90+ attendees), BAME (283+ attendees), faith groups (659+ individuals) and 487 members of the legal profession, who have received advice and guidance on applying for judicial office. 110 lawyers and law students have benefited from work shadowing/marshalling.
- 3.64 In September 2014, the LCJ and the Senior President of Tribunals invited judges to volunteers to act as judicial role models to support outreach events as speakers and networking judges and to act as mentors. The scheme received interest from just under 90 judges. Over half of the volunteers are women and solicitors, and 11% are from a BAME background.
- 3.65 Changes introduced by the Crime and Courts Act 2013 have started to take effect, with responsibility for s9 appointments transferring from Heads of Division to the JAC and opportunities for salaried part-time working now being reflected in competitions for the High Court and Court of Appeal. Two appraisal schemes for Recorders were piloted in 2014 and are currently being evaluated; and a 'Judicial Career Map' has been launched showing the possible judicial career pathway and eligibility criteria for each judicial post. Together these developments should help encourage diversity and promote the concept of a judicial career by giving people a greater insight into their skills and abilities and the confidence to consider what posts they might aspire to in the future.

#### **Summary of the work to increase diversity over the last 4 years**

- 3.66 Efforts to develop the concept of a judicial career have been supported by a number of organisational changes which have broken down the distinction between courts and tribunals. The coming together of the Courts and Tribunal Services to create Her Majesty's Courts and Tribunal Service (HMCTS) in 2011 was accompanied by the merger of the offices which support the courts and tribunals judiciary. The creation of the Judicial College at the same time has ensured that training for judges in courts and tribunals is now delivered by the same body and to the same high standards. Lastly, the creation of a single HR team in the JO has brought together key policy making across both jurisdictions and facilitated the capture of information and the coordination of effort.
- 3.67 DCRJs have continued to lead on engaging both with their local community and with schools and colleges. The work is largely undertaken in their own time and with no additional remuneration. Their efforts have been enhanced by the extension of the role to the District Bench in 2011 and to Tribunals judges the following year. The current number stands at a little over 80 with a further recruitment campaign taking place this autumn.
- 3.68 Outreach work to schools and colleges has continued unabated with judges hosting numerous school visits to their court or tribunal, giving talks on legal and judicial careers, participating in mock trials and judging local student competitions. Their efforts have been aimed at raising the awareness of young people from all backgrounds both of the justice system and of the opportunities available to them for a career in the law. This work, intended to widen young people's horizons and create aspirations, has been supported by a comprehensive resource pack, which the JO has developed with advice from qualified teachers and others.

- 3.69 Judges have established links with universities, particularly new universities where the demographic of students is more diverse. A number of judges have taken part in a Bar Council initiative to act as law schools liaison judges responsible for forging links between the court and local law schools to encourage student court visits, lectures and informal talks. These judges, together with many others, have acted as hosts to students and young barristers gaining experience as marshals. This work will help able young lawyers, regardless of background, to grasp the possibility early in their careers of one day applying for judicial office.
- 3.70 DCRJs have not only been active in their role but have also been reactive to what is going on in their surrounding community. Many have formed links with their local faith or interfaith organisations and community leaders and have been active in sharing crucial knowledge on issues such as forced marriages and in delivering training to their fellow judges on areas such as sexual orientation.
- 3.71 In November 2012, the LCJ and the DCRJs hosted a highly successful event entitled 'Judge for Yourself' at the Law Society. The event, attended by 162 lawyers, was the first in an ongoing series aimed at lawyers from diverse backgrounds who had perhaps never considered the prospect of a judicial appointment. It provided an opportunity for them to hear about judicial life first hand and to discuss their aspirations one to one with serving judges from a wide range of backgrounds and jurisdictions. The subsequent four events have been targeted at women, legal academics and BAME lawyers and have collectively attracted over 250 delegates. More events are planned for 2014/15 in different parts of England and Wales. Outreach events of this kind have been supported by the 'Judicial Work-Shadowing Scheme' which has continued to provide shadowing opportunities for lawyers from all backgrounds thanks to the support of judges and staff in busy courts and tribunals across England and Wales.

### **Next steps**

- 3.72 The Committee has approved the proposed design for a new mentoring scheme to support and encourage women and BAME lawyers and lawyers from non-traditional backgrounds who are intending to apply for their first judicial appointment, as well as judges (fee-paid and salaried) who are seeking higher office. The mentoring scheme will seek to provide potential applicants with an opportunity to:
- share issues inhibiting their application to judicial office (e.g. concerns of work/life balance, self confidence, self-perception) and receive confidential advice, support and guidance from a mentor judge
  - learn from someone with greater understanding of the judiciary
  - establish what skills and experience are needed to support their application to judicial office
  - identify areas where further development and experience is required and consider how these maybe acquired, and
  - deselect themselves as potential candidates for judicial office.
- 3.73 All mentors will receive guidance and a days training on mentoring and the JAC application process.
- 3.74 Planning is under way to undertake a programme of work intended to encourage public sector lawyers to consider applying for judicial office. Discussions have taken place with the Crown Prosecution Service and Government Legal Service with a view to encouraging their lawyers to apply for entry-level appointments. We are also

approaching HMCTS and the Justices' Clerks' Society about working with them to encourage legal advisors (Magistrates' Courts) to apply

- 3.75 A further outreach event is planned for Manchester in June and Birmingham in October 2015. The Judicial Office is also supporting an event being planned by the Western Circuit in Portsmouth in February 2015.
- 3.76 More DCRJs will be identified through an expression of interest exercise that launched in December 2014.

## **The Ministry of Justice (MoJ)**

### **Introduction**

- 3.77 The MoJ is committed to improving judicial diversity. The Crime and Courts Act 2013 introduced new statutory duty for the Lord Chancellor and LCJ to encourage judicial diversity by taking 'such steps as that office-holder considers appropriate for the purpose of encouraging judicial diversity'<sup>18</sup>. Together with partner agencies, MoJ are committed to ensure that the Judiciary is as diverse as the society it serves. Over the past four years, a significant amount of effort has gone into implementing the 53 recommendations made by the Advisory Panel on Judicial Diversity in 2010 (the Advisory Panel). The analysis at section 2 demonstrates that progress has been made, although MoJ recognises that more needs to be done, in particular to improve diversity in the High Court and above and in respect of BAME groups.

### **Steps taken to increase judicial diversity in 2014**

- 3.78 Through establishing the Judicial Diversity Taskforce (the Taskforce) and carrying the Crime and Courts Act 2013 through Parliament, the MoJ had implemented the majority of the Advisory Panel recommendations assigned to it by 2013. Over the past year, the focus has been on supporting the JAC and the judiciary in implementing these legislative changes. MoJ has also continued to actively contribute to the 'Barriers to application to judicial appointment' action plan, the Diversity Forum and Taskforce.
- 3.79 The MoJ has worked with partner agencies to formalise the process for appointing Deputy High Court Judges (known as section 9(1) appointments). This process has allowed appointments to be more open and transparent as it has created a pool of eligible candidates via open competition from across the judiciary.
- 3.80 The government has worked with the JAC to introduce an equal merit provision to allow diversity to be taken into account for appointments when two applicants are of equal merit. This launched on 1<sup>st</sup> July 2014 and applies in respect of gender and race.
- 3.81 To facilitate and expand opportunities for flexible working, the MoJ have worked with Judicial Office to implement salaried part time working in the High Court and above.
- 3.82 MoJ Analytical Services have provided focussed resource to support to the JAC in improving the transparency and quality its published statistics. They are also embarking on a programme of work with Judicial Office to benchmark diversity in the judiciary so that the effectiveness of recently implemented provisions and policies can be monitored.

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<sup>18</sup> Schedule 13 part 2 paragraph 11



- 3.83 With a view to establishing areas where more work is needed on diversity, Shailesh Vara MP, Parliamentary Under-Secretary of State has held a series of roundtable discussions with prominent female judges and DCRJs. These discussions have highlighted the importance of encouraging a wider pool of applicants for judicial recruitment exercises.
- 3.84 In accordance with taskforce recommendation 37, the judicial recruitment forecasting process was reviewed by HMCTS and is now aligned to the annual business planning process. Initial central analysis will be undertaken using a supply and demand modelling tool that has been developed by the MoJ. The model allows the user to investigate the use of judicial resource in the courts and some tribunals against the predicted workload demands. The model relies on multiple data sources<sup>19</sup> and a number of underpinning assumptions, which have been agreed by the MoJ, HMCTS and JO. The model is being used to inform recruitment decisions so that judicial capacity can be more closely matched to forecast judicial workload.

### **Summary of the work to increase diversity over the last 4 years**

- 3.85 MoJ has worked continuously to increase diversity over the four years since the Advisory Panel published its report on Judicial Diversity in 2010.
- 3.86 The first action undertaken by MoJ was to set up the Taskforce and ensure a report on progress against the recommendations was published each year. To date, the MoJ has completed the majority of the recommendations assigned to it.
- 3.87 To enable the implementation of many of the Advisory Panel's recommendations, legislative change was required. This led to the MoJ carrying the Crime and Courts Act (the Act) through Parliament in 2013. An element of this Act saw the introduction of a statutory duty for the Lord Chancellor to encourage judicial diversity. This has led to numerous justice ministers within the department engaging with members of the judiciary and academics while also attending outreach events to better understand barriers to increasing diversity.
- 3.88 The Act has been a fundamental vehicle for facilitating several changes over the last four years, including flexible working in the High Court and above, the adoption of a more formal process for the appointment of deputy High Court Judges and the equal merit provision.
- 3.89 The Act provided for changes to the selection process for appointments to the Court of Appeal, including changes to the composition of selection panels which must now consist of an odd number of members with no less than five so the Chair will not have a final casting vote. The selection panels also have increased lay representation to reduce the perception that judges appoint in their own image. Similar changes were made for Supreme Court appointments (recommendations 42 and 43).
- 3.90 To support delivery of recommendation 1, in particular that a judicial career should be able to span roles across jurisdictions, the Act introduced a provision for flexible deployment of judicial office holders between the courts and tribunals.
- 3.91 To support recommendation 14, MoJ provided funding for two places for the UCL course on "Understanding Judging: Roles, Skills and Challenges" which took place in April 2013. This course offered legal practitioners the opportunity to gain a greater understanding of what it means to be a judge.

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<sup>19</sup> Including the Judicial Office database, CREST, FamilyMan, Caseman, OPT and Tribunal performance reports. These datasets are all sourced from administrative data and could contain data recording issues.

- 3.92 MoJ Analytical Services have developed a measurable baseline against which progress in increasing judicial diversity is now gauged. This work was enabled by the agreement to share data collected by the JAC with other organisations, as well as the work completed by Judicial Office to reconcile information relating to the number of judicial office holders working within the Tribunals, together with details relating to protected characteristics.
- 3.93 There are eight Advisory Panel recommendations which the government is responsible for implementing that are ongoing as they involve continuous work and monitoring of progress. The Forum will assume responsibility for these ongoing recommendations to ensure this work does not stop.

### **Next steps**

- 3.94 The analysis in section 2 demonstrates that some progress has been made on diversity outcomes, especially with regards women in the courts and tribunals up to high court. However, MoJ recognises that more needs to be done, in particular to improve diversity in the High Court and above and in respect of BAME groups. We will therefore work closely with our partners in the Diversity Forum to ensure progress on diversity continues.

## Annex 1 Resources for potential applicants to judicial roles

### The Law Society

- The Law Society website has information for prospective solicitor-judges: <http://www.lawsociety.org.uk/careers/judicial-appointments/>
- The Law Society has produced a video overview of the selection process: <http://www.lawsociety.org.uk/law-careers/judicial-appointments/selection-roleplay-exercise/>
- Law Society questions and answers on a judicial career: <http://www.lawsociety.org.uk/law-careers/judicial-appointments/questions-and-answers/>
- Law Society events and interviewing training: <https://events.lawsociety.org.uk/default.aspx?tabid=589>
- The Law Society's Solicitor Judges Division: <http://www.lawsociety.org.uk/communities/solicitor-judges/>

### Bar Council

- Website currently under review.

### CILEX

- The CILEx website has a dedicated webpage of information and resources for prospective CILEx judges: [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges.aspx)
- The CILEx webpage on taking part in mock test: [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges/mock\\_candidates.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges/mock_candidates.aspx)
- The CILEx webpage advising on participation in work shadowing: [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges/work\\_shadowing.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges/work_shadowing.aspx)
- The CILEx webpage on its latest judge: [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges/cilex\\_judge\\_case\\_study.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges/cilex_judge_case_study.aspx)
- The CILEx resources webpage including webinars and useful downloads: [http://www.cilex.org.uk/about\\_cilex\\_lawyers/cilex\\_judges/useful\\_information.aspx](http://www.cilex.org.uk/about_cilex_lawyers/cilex_judges/useful_information.aspx)

### Judicial Office

- Judicial careers information: <http://www.judiciary.gov.uk/about-the-judiciary/judges-career-paths/>

## Annex 2 Advisory Panel Recommendations – Progress Update

### *A Fundamental Shift in Approach*

#### **Recommendation 1**

There should be a fundamental shift of approach from a focus on individual judicial appointments to the concept of a judicial career. A judicial career should be able to span roles in the courts and tribunals as one unified judiciary.

#### **Contextual paragraph from Advisory Panel report**

(Para. 36) – The judiciary differs substantially from other professions in that there is a focus on judicial appointments, not a judicial career. This has meant that efforts to increase diversity have tended to focus on outreach and the selection process in order to affect individual appointments, rather than developing policies and processes to support diversity throughout a judicial career from the time an individual may first consider becoming a judge to progression to the most senior levels.

**Organisation taking forward:** Judiciary

#### **Action completed to date:**

**Ministry of Justice:** Schedule 14 of the Crime and Courts Act 2013 introduces flexible deployment of judicial office holders between the courts and tribunals.

**Judiciary:** The Judicial Office is working on a number of work strands to support the concept of a Judicial Career. Please see the contributions provided in recommendations 10, 13, 44, 46 and 47.

#### **Future actions planned:**

**Ministry of Justice:** Provide support to the judiciary and HMCTS where required.

**Judiciary:** The Judicial Office will continue to monitor and develop the schemes it has in place to support greater judicial progression.

**Forecast completion date: Ministry of Justice – Complete (Will be continued as part of future work) While under review**

#### **Recommendation 2**

The recommendations made in this report must be implemented as an integrated package and sequenced carefully.

#### **Contextual paragraph from Advisory Panel report**

(Para 39) - Significant progress will take a fundamental shift in approach, to embed diversity throughout the system: through attracting, appointing, retaining, developing and promoting the best talent.

**Organisation taking forward:** Ministry of Justice

#### **Action completed to date**

**Ministry of Justice:** Taskforce steering group members meet regularly throughout the year to ensure coordinated action on diversity. The annual report of the Taskforce provides an update on the progress against the 53 recommendations.

#### **Future actions planned**

**Ministry of Justice:** Going forward, diversity actions will be carried forward by The Judicial Diversity Forum.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 3

The tripartite judicial diversity strategy between the Lord Chancellor, the Lord Chief Justice and the Chairman of the Judicial Appointments Commission should be extended to include the leaders of the legal profession (Bar Council, Law Society and Institute of Legal Executives) and the Senior President of Tribunals. It should be refocused on implementing the changes we have recommended.

#### **Contextual paragraph from Advisory Panel report**

(Para 41) - The sustained commitment and leadership required to deliver change will necessitate close working between the judiciary, the Judicial Appointments Commission, the legal professions and Government.

**Organisation taking forward:** Ministry of Justice

#### **Action completed to date**

The Taskforce is a joint body, with equal input and responsibilities across all its members, including the Bar Council, Law Society and CILEx.

#### **Future actions planned**

See recommendation 2

**Forecast completion date: Complete**

### Recommendation 4

This Judicial Diversity Taskforce should oversee an agreed action plan for change and publish an annual report setting out the progress made. The Advisory Panel on Judicial Diversity will meet again in 2011 to take stock of what the Taskforce has achieved.

#### **Contextual paragraph from Advisory Panel report**

(Para 42) – The tripartite group should be re-focused into a body with responsibility for overseeing change, and with a duty to report annually on progress so there can be public and parliamentary scrutiny of what is an area of legitimate public concern.

**Organisation taking forward:** Ministry of Justice

#### **Action completed to date**

**Ministry of Justice:** Each organisation continues to work towards completing their allocated recommendations, while also providing support to fellow Taskforce members.

#### **Future actions planned**

See recommendation 2

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 5

There should not be diversity quotas or specific targets for judicial appointments.

### Contextual paragraph from Advisory Panel report

(Para. 44) - Quotas were firmly and almost unanimously rejected by those we consulted, particularly by those from under-represented groups. Their main concern was that the introduction of quotas would be seen as undermining the position of people from under-represented groups appointed on the strength of their true personal ability.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Judicial Diversity Taskforce members agree with the Advisory Panel that there should not be specific targets or quotas.

### Future actions planned

None

**Forecast completion date:** Complete

## Recommendation 6

The work already under way on the capturing, handling, sharing and regular updating of judicial data between the Ministry of Justice, Judicial Appointments Commission, and the Directorate of Judicial Offices is essential and should be in place within 12 months of this report's publication.

### Contextual paragraph from Advisory Panel report

(Para. 50) – In other instances, different parts of the system are either collecting slightly different data or duplicating data collection. This makes reconciling the figures difficult or impossible.

**Organisation taking forward:** Ministry of Justice and Judicial Office

### Action completed to date

**Judiciary:** Work is continuing on the development of an 'e-HR' system to improve the collection and management of judicial data by establishing a "One Truth" record for each judicial office holder across England and Wales. It is envisaged that the e-HR system will import data from the Judicial Appointment Commission and support HMCTS and other users of the system.

**Ministry of Justice:** The MoJ will continue to support Judicial Office in management of data. Analytical support to assist with the collection and maintenance of data as well as annual publication of diversity statistics has been provided to the Judicial Office since September 2014.

### Future actions planned

**Judiciary:** The procurement process for the 'e-HR' system will commence in 2015

**Forecast completion date:** December 2015/2016

## Recommendation 7

The Judicial Diversity Taskforce should use this information (see Recommendation 6) as a starting point to set a baseline against which it will measure future progress.

### Contextual paragraph from Advisory Panel report

(Para. 52) - This work must ensure: - data is collected in a way that enables the evaluation of the impact of policy and procedural change – we need to be able to track progress and identify more clearly where there are potential blockages.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

**Ministry of Justice:** A baseline measurement has been developed by MoJ Analytical Services to enable the Taskforce to measure progress in increasing diversity.

This baseline was recently updated to reflect the inclusion of Tribunals data. This will enable the Taskforce to more accurately evaluate the effectiveness of our measures by comparing actual data from 2012 with our baseline figures for 2012.

**Judiciary:** As part of the work to develop a Judicial Diversity Strategy, the Judicial Office is exploring the options for expanding the categories of diversity data that are collected and published.

### Future actions planned

None

**Forecast completion date:** Complete (Will be continued as part of future work)

## Recommendation 8

One principal responsibility of the Taskforce must be to ensure that there is systematic, consistent monitoring and evaluation of what works and what does not.

### Contextual paragraph from Advisory Panel report

(Para. 52) - This work must ensure: - data is collected in a way that enables the evaluation of the impact of policy and procedural change – we need to be able to track progress and identify more clearly where there are potential blockages.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

All actions that the Taskforce is taking are continually reviewed and evaluated. Evaluation is included as a key step in any delivery plan.

### Future actions planned

There will be post-implementation reviews of all the measures introduced through the Crime and Courts Act 2013, within three years of implementation.

Going forward, diversity actions will be carried forward by The Judicial Diversity Forum.

**Forecast completion date:** Ongoing

## ***Encouraging new entrants to the Judiciary***

### **Recommendation 9**

Judges and members of the legal profession should engage with schools and colleges to ensure that students from under-represented groups understand that a judicial career is open to them.

#### **Contextual paragraph from Advisory Panel report**

(Para. 54) - As highlighted in the report on “Fair Access to the Professions”, it is important that the idea of a career in the judiciary is planted early no matter what branch of the legal profession an individual intends to enter.

#### **Organisation taking forward: Judiciary & Legal Professions**

#### **Actions taken and planned**

**Judiciary:** As part of the DCRJ outreach programme, schools and colleges are a key priority and relatively accessible entry point for community engagement. In 2013/14, 1163 university law students have received advice, guidance and talks in regards to a career in the judiciary and 1236 school pupils received talks from DCRJs over the period. Similarly, in excess of 87 schools participated in court visits hosted by DCRJs and 35 schools participated in mock trials. The continued relationship building with Schools and Colleges from the DCRJs is an ongoing activity.

**CILEx:** CILEx is a sponsor body for the Inspiring the Future programme which partners volunteer CILEx members with schools and colleges to talk about legal career options. Members and staff volunteer for this service.

CILEx is a founding member of Access to the Professions, a consortium of over fifteen professional and chartered bodies who arrange an annual ‘Professions Week’ series of events. The consortium seeks to raise the profile of professional careers which do not require a university degree.

**Law Society:** Local law societies, firms, individual solicitors and judges engage with local schools and colleges to publicise the possibility of a legal career including the judiciary. The Society will continue to explore opportunities for continuing and expanding our work in this area.

**Bar Council:** Barristers engage with local schools directly via chambers and personal contacts and through Bar Council’s ‘Speak Up for Others’ schools programme which supports approximately 500 visits to schools by barristers per annum. Bar Council produces literature on how to become a barrister. Bar Council organises Careers Days for school children on each circuit annually and attends 27 Law Fairs. Bar Council supports the Citizenship Foundation’s Bar Mock Trials competition where barristers coach school teams in advocacy as they prepare to compete in regional and national heats. Bar Council’s Bar Placement Week programme enables over 100 high potential students on access programmes (e.g. Social Mobility Foundation programmes and Pathways to Law) to experience life as a Barrister shadowing members of the profession for a week.

**Forecast completion date:** Ongoing



## Recommendation 10

Diversity and Community Relations Judges should have responsibility for organising contacts with institutions and the professions to promote a judicial career among those from under-represented groups.

### Contextual paragraph from Advisory Panel report

(Para. 57) - Diversity and Community Relations Judges (DCRJ) act as a bridge between the judiciary and the community so that the public gains a better understanding of the justice system and the role of the judge.

### Organisation taking forward: Judiciary

#### Actions taken and planned

DCRJJs, alongside other judges, have contributed to networking events by providing personal profiles of their judicial career paths (enabling delegates to identify role models) and supported the networking sessions by providing an opportunity for delegates to discuss their aspirations and ask questions about the role that they would not normally get the opportunity to ask.

They continue to give talks and provide advice to under-represented groups, including LGBT, BAME and faith groups. For example, one DCRJ was guest speakers at a dinner of the Pakistan Welfare Association (at which 350 guests were present) talking on 'Diversity & Britishness' at 50 years celebration dinner. The latter was televised on Geo TV a UK based world Pakistani TV station.

### Forecast completion date: Ongoing

## Recommendation 11

Judges' Marshalls and judicial assistant's schemes should be extended, openly promoted, transparent as to process, targeted at under-represented groups, supportive of the work of the courts, and properly evaluated.

### Contextual paragraph from Advisory Panel report

(Para. 59) - The Judicial Office has contacted the Council of the Inns of Court on developing the Inns' marshalling schemes and, in particular, thinking about how the scheme could be targeted at groups under-represented in the judiciary. The Panel would like to see this scheme extended to other branches of the legal profession.

**Organisation taking forward:** Judiciary

### Action completed to date

Whilst there is no formal marshalling scheme, we are aware that local courts and tribunals continue to receive and organise marshalling requests from students on a daily basis.

DCRJ's have been particularly active in this area and some examples provided through their annual returns have included - a DCRJ who has provided ongoing support to a marshal, a Zimbabwean refugee, studying at University of Central Lancashire to enable him to fulfil his ambition to become a solicitor, a number of DCRJ's have hosted a continuous stream of marshals introduced via the Inns of Court, local universities and colleges', and one DCRJ has referred marshals (with no professional connections) to other legal bodies (E.g. Local London Borough legal teams/chambers/solicitor firms) for further work experience.

Marshals have included sixth form/college students, UK and overseas law students and trainee barristers and solicitors. A marshalling guidance note has been included in the DCRJ resource pack to support the marshalling being undertaken.

### Future actions planned

Continue to support the DCRJ's to provide marshalling opportunities.

**Forecast completion date:** Ongoing

## Recommendation 12

The Panel recommends that the Bar Council, the Law Society and ILEX (now CILEx) set out a detailed and timetabled programme of change to improve the diversity profile of members of the professions who are suitable for appointment at all levels. They should bring this plan to the Judicial Diversity Taskforce within 12 months of the publication of this report. This plan should include information on how progress will be monitored.

### Contextual paragraph from Advisory Panel report

(Para. 63) - Diversity in the judiciary must start with diversity in the legal profession. There will only be the potential for diverse appointments if the legal profession can attract and retain gifted men and women from all backgrounds up to the stage when they are ready and suitable for judicial appointment.

**Organisation taking forward:** Legal Professions

## Recommendation 12

### Actions completed and future actions planned

For the past four years, the legal professions have worked collectively and individually on a number of initiatives to improve the diversity profile of the members they serve. As highlighted in recommendation 13 and elsewhere in this report, there has been an annual programme of outreach events aimed at under-represented groups, such as women and BAME lawyers, as well as to students and those entering the legal profession. This year, the Bar Council has introduced a Bar Mentoring Scheme to support members of the profession in judicial applications. This scheme is open to all barristers but members of under-represented groups are actively encouraged to sign up. Similarly the Law Society led on delivering a number of training courses to help those making judicial applications from the solicitor profession. CILEx meanwhile has introduced an apprenticeship route to the legal profession which will further diversify its membership base and those wishing to progress all the way to judicial appointment.

Moving forward, the legal professions will continue, where possible, to work collaboratively on areas of mutual interest for judicial diversity.

**Forecast completion date: Ongoing**

## Recommendation 13

The legal professions and the judiciary should put in place systems for supporting suitable and talented candidates from under-represented groups to apply for judicial appointment.

### Contextual paragraph from Advisory Panel report

(Para. 71) - The professions and the judiciary should actively encourage gifted suitable candidates to apply for judicial office and for promotion.

**Organisation taking forward: Judiciary and Legal Professions**

### Actions completed and future actions planned

**CILEx:** CILEx works with the Law Society and the Bar Council to promote the Improving Diversity - Judicial Appointment Seminars

CILEx invites JAC to attend and exhibit at the annual CILEx graduation ceremony to raise awareness and signpost judicial careers.

CILEx encourages members to attend the UCL Judicial Institute course that offers lawyers the opportunity to gain a greater understanding of what it means to be a judge. CILEx encourages members to participate in the work shadowing scheme organised by Judicial Office. It regularly promotes judicial diversity events through electronic marketing, social media and the Journal magazine.

CILEx has sponsored two 'women in the judiciary' events in collaboration with the Judicial Office.

**Law Society:** As part of our commitment to promoting greater diversity in the judiciary, the Law Society, alongside the Bar Council, CILEx and the JAC, runs targeted events to raise awareness of opportunities in the judiciary. At these events, a representative from the JAC provides step-by-step guidance on how to make an effective application. They are joined by positive role model judges who share their personal stories and offer practical advice to those considering a judicial career. This is followed by light refreshments and networking. In addition to practical advice on the application and recruitment process, these events provide encouragement from positive role models who have been through the process. The event is open to under-represented groups (women, BAME and disabled lawyers) who are interested in

## Recommendation 13

a career in the judiciary, and is relevant to both junior members of the professions and those with a several years' post-qualification experience.

The outreach events take place in Birmingham, Leeds and London. Attendance is open to anyone who is interested in a judicial career and averages at around 30 attendees at each event. The annual outreach events have been running since 2008.

As part of our positive action strategy, the Law Society also runs two free workshops a year – Judicial appointments: Interview training for solicitors – which have been running since 2009. These courses are aimed at Black and Asian solicitors, who are currently under represented in the judiciary. The attendance is capped at ten solicitors for each workshop and is heavily oversubscribed. The workshops aim to help candidates with their application and interview performance and have been designed for solicitors with a minimum of 5 years' PQE who are considering applying for a judicial appointment. Feedback on the courses shows that at least two BAME solicitors who have attended the workshop have gone on to successfully obtain a judicial appointment.

**Bar Council:** Bar Council has run outreach events targeting women and BAME lawyers in London, Leeds and Birmingham (both on our own and with partners, the Law Society and CILEx), to encourage women and BAME barristers to consider a judicial appointment and to explain the appointments process. We have also introduced a Bar Mentoring Scheme to support members of the profession in judicial applications. This scheme is open to all barristers but members of under-represented groups are actively encouraged to sign up.

**Judiciary:** The Judiciary is developing a support system involving targeted outreach events, work-shadowing, focused mentoring and application workshops to support suitable and able candidates apply for their first judicial appointment to office.

The outreach events seek to encourage and instil confidence in potential candidates to undertake further research or apply for a judicial appointment.

Lawyers and academics who have attended these events are invited to participate in the judicial work shadowing scheme to get further insight into the role of interest and to help them decide whether it is the right role for them.

To further enhance the support provided through work shadowing, the judiciary is developing in a mentoring scheme to support women, BAME lawyers and lawyers from non-traditional backgrounds (i.e. low socio-economic backgrounds), intending to apply for their first judicial appointment. The scheme will also support judges from the same background wishing to progress to higher office.

The Judicial Office also plans to offer one day workshops on the judicial application process, providing lawyers who are being mentored an opportunity to practice completing an application form and receive feedback on it from a panel and participate in mock interviews.

**Forecast completion date: Ongoing**

## Recommendation 14

The Judicial Diversity Taskforce should promote the availability of bursaries for people from under-represented groups to undertake Developing Judicial Skills courses.

### Contextual paragraph from Advisory Panel report

(Para. 71) - The professions and the judiciary should actively encourage gifted suitable candidates to apply for judicial office and for promotion.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

**Law Society:** The Law Society agreed to provide the funding for bursaries for this course for two solicitors from less obvious backgrounds. The choice as to the award of the bursaries will be down to UCL, providing that they comply with agreed eligibility criteria.

**UCL:** The UCL Judicial Institute is the only institution that provides a unique two-day course offering practitioners the opportunity to gain a greater understanding of what it means to be a judge. "Understanding Judging: Roles, Skills and Challenges" is intended for practitioners who currently do not hold a judicial post, but who may be interested in taking on a salaried judicial appointment in the courts and tribunals in the future.

The course is open to all solicitors, barristers, CILEx members, employed lawyers and legal academics. Individuals taking the course gain an understanding of the range of judicial roles which can be applied for, the general qualities needed to be a judge, and the differences and challenges faced from moving from legal practice into a judicial post.

**Ministry of Justice:** The Ministry of Justice agreed to provide funding for two places for the course which took place in April 2013. The choice as to the award of the bursaries was down to UCL, providing that they comply with agreed eligibility criteria, which includes reference to protected characteristics and social mobility.

**CILEx:** has funded one 'increasing diversity bursary' for each course over the past two years.

### Future actions planned

**Ministry of Justice:** The Ministry of Justice will continue to fund two places for the course.

**CILEx:** We will continue to sponsor one bursary for each course.

**Forecast completion date:** Complete (Will be continued as part of future work)

## Recommendation 15

The Judiciary should expand the judicial job shadowing scheme.

### Contextual paragraph from Advisory Panel report

(Para. 79) - The scheme needs to be extended, promoted more consistently and targeted more specifically at under-represented groups who may not have had the exposure to court based work of other potential applicants. It will also need to be evaluated.

**Organisation taking forward:** Judiciary

## Recommendation 15

### Action completed to date

The Judiciary has continued to promote the Judicial Work Shadowing Scheme through speeches, outreach events (targeted at under-represented groups) and through local DCRJ engagement activities.

A recent review of the scheme has helped identify changes to create efficiencies and consistency in the operation of the scheme and strengthen the eligibility criteria to ensure greater priority is given to those actively considering applying for a judicial appointment.

### Future actions planned:

None

**Forecast completion date: Complete (while remaining under review)**

## Recommendation 16

Developing Judicial Skills courses approved by the Judicial Studies Board should be developed to help aspiring judicial candidates understand and develop the skills they need for judicial appointment.

### Contextual paragraph from Advisory Panel report

(Para. 81) - We recommend that a course in Developing Judicial Skills be developed. Such a course would combine practical sessions focused on the key skills required in being an effective judge along with a period of sitting in with an experienced judge.

**Organisation taking forward:** Judiciary

### Action completed to date:

The Judicial College (formerly the JSB) supported the setting up by the University College London (UCL) of a new Judicial Institute to develop a new judicial skills course for pre-appointment training. It was agreed that the Judicial College would monitor the outcome of any such training organised by UCL before deciding its involvement in pre-appointment training in the future.

The first course "Understanding Judging: Roles, Skills and Challenges" was run by UCL over the weekend of 12 & 13 November 2011. The Judicial College and Judicial Institute evaluated the pre appointment training undertaken by the Institute in November 2012. The first course was considered to have met its objectives and was well received by the participants.

Developing pre-appointment training is not a priority for the College at the present time.

The UCL Judicial Institute established an 'Increasing Diversity Bursary Scheme' in which at least 25% of course participants who (1) would have difficulty paying the course fee and (2) meet the Bursary's diversity criteria have their full course fees covered.

### Future actions planned

Please see recommendation 13 for information on the one-day application workshops planned by Judicial Office

**Forecast completion date: Complete**

## Recommendation 17

- a) Law firms should regard part time judicial service as positive for their practices and should encourage part-time service as proposed by the Solicitors in Judicial Office Working Group.
- b) A simplified payment regime should be introduced for solicitor fee-paid judges.

### Contextual paragraph from Advisory Panel report

(Para. 85) - Solicitors and Legal Executives have not viewed applying for judicial office as the natural extension of a legal career in the same way as barristers. Firms have not always encouraged a judicial career or supported those applying for fee paid judicial office... The answer to this problem lies as much with law firms as with the JAC and the criteria for appointment.

**Organisation taking forward:** Legal Professions and Judiciary

### Action completed to date

**Law Society:** The Society has worked hard to encourage law firms to support solicitors in applying for judicial appointments. The President hosted a dinner on 28 May 2013 for representatives from a range of firms to discuss the obstacles confronting City practitioners who want to consider applying for judicial office and the support which firms can give to them. The Society has also started an initiative aimed at encouraging City firms in particular to support solicitors who wish to pursue a judicial career; so far, twenty leading firms have signed the Society's declaration of commitment to promote judicial appointments. The Society will continue to explore opportunities to encourage firms to support solicitors who wish to consider a judicial career.

**CILEx:** Continues to support the efforts of the Law Society in raising awareness at entity level. Upon the introduction of new practice rights and entity authorisation for our regulator, ILEX Professional Standards, we will actively promote part-time judicial services to entities which are regulated by IPS.

**Judiciary:** The Judiciary are continuing to support the Law Society in encouraging law firms to support solicitors applying for a judicial appointment.

**Forecast completion date:** Ongoing

## Recommendation 18

Employed lawyers in the public sector with the relevant skills should be encouraged to apply for fee paid roles in jurisdictions where it is less likely that an actual or perceived conflict of interest will arise. They should also be encouraged to consider other opportunities to develop their skills, such as Developing Judicial Skills courses. The Panel looks to professional bodies to play their part in encouraging employers to permit this development.

### Contextual paragraph from Advisory Panel report

(Para. 92) - Such part time roles should be encouraged and permitted, not only in the Government Legal Service and Crown Prosecution Service but also by those lawyers employed in Local Authorities, and as legal academics. The professional bodies should work with their employed lawyer groups to promote part time judicial service, including as a magistrate, and take up of the Developing Judicial Skills courses available.

**Organisation taking forward:** Legal Professions

## Recommendation 18

### Actions completed and future actions planned

**Law Society:** Several in-house solicitors have been appointed as full time judges in recent years and it is hoped that their success will encourage other employed solicitors to consider a judicial career. The Society's In-House Division provides support and advice on issues facing in-house solicitors in the corporate and public sectors and can serve as a channel of information about judicial appointments to that sector of the profession. The Society will also be considering other ways in which it can support in-house solicitors in applying for judicial appointment.

**Bar Council:** The Employed Bar Committee at Bar Council will be taking this forward in the 2015/16 period.

**Judiciary:** We have initiated discussions with the Crown Prosecution Service and Government Legal Service with a view to encouraging their lawyers to apply for entry-level appointments. We are also approaching HMCTS and the Justices' Clerks' Society about working with them to encourage legal advisors (Magistrates' Courts) to apply. Although this work is in its early stages, the response so far has been very positive. This will be a long term piece of work but our short term objective is to encourage applications for a Deputy District Judge (Civil) competition due to run later this year. We intend to offer awareness raising seminars, shadowing and mentoring for potential applicants.

**Forecast completion date: Ongoing**

## Recommendation 19

The terms and conditions for all employed lawyers should permit a part time judicial role.

### Contextual paragraph from Advisory Panel report

(Para. 90) - In the past, Serious Fraud Office (SFO), other Government Legal Services lawyers and Crown Prosecution Service (CPS) lawyers were eligible to apply for appointments only in jurisdictions where the State was not habitually a party. In June 2003 the Attorney General and Lord Chancellor announced a revised policy meaning that:

- CPS and SFO lawyers are eligible to sit in tribunals where the Government is a party.
- CPS, SFO and GLS lawyers are eligible to sit as Recorders in civil work, except in civil matters that involve their own Department.
- CPS and SFO lawyers are eligible to sit on criminal matters as Deputy District Judges in cases not involving their own department.

**Organisation taking forward:** Ministry of Justice & legal professions

### Actions completed and future actions planned

We are keen that Government lawyers take up judicial roles for which they are eligible and agree that this could be a useful route to drive diversity. However, there are Article 6 concerns if a Government lawyer acts in a case where their department is a party so we are not currently minded to relax the restrictions that do apply.

We consider a better approach would be to ensure that opportunities are more widely promoted to those who are eligible, and ensure those applying are supported throughout the process. The MoJ will continue to work with the CPS and Government Legal Service (GLS) and other Taskforce members to better publicise those opportunities.

GLS lawyers are not able to sit on business where their own department is a party, regardless



## Recommendation 19

of the fact that they may work in a different part of the department from that directly in issue.

CPS lawyers are eligible for Recorder/DDJ(MC) posts but opportunities to sit on criminal cases will be limited, as most prosecutions are brought by the CPS. Metropolitan Police Office lawyers are similar to CPS lawyers in that they are also involved in criminal prosecutions.

Home Office Presenting Officers (HOPOs) are unable to sit in the Asylum and Immigration Tribunal.

**Forecast completion date: Ongoing**

## Recommendation 20

The JAC's merit criterion 3, "an ability to understand and deal fairly", should be replaced.

### **Contextual paragraph from Advisory Panel report**

(Para. 97) - There is no incompatibility between the intention to increase judicial diversity and selection on merit: talent is not concentrated in people from one particular gender, ethnic or other background. So fishing for talent in wider pools increases the chances of landing more talented people as long as the definition of merit supports the appointment of the most talented applicants from a wide range of backgrounds.

**Organisation taking forward:** Judicial Appointments Commission

### **Action completed to date**

The wording of the merit criterion of an 'ability to understand and deal fairly' was amended and now reads:

- An awareness of the diversity of the communities which the courts and tribunals serve and an understanding of differing needs.
- Commitment to justice, independence, public service and fair treatment.
- Willingness to listen with patience and courtesy

The changes to the merit criterion has enabled panel members to be more focussed in their approach and ensure candidates are able to demonstrate evidence of their awareness of diversity issues. Statistically, the overall trend in diversity is one of improvement and this measure may have contributed, albeit in a small part, to this. The JAC continues to review its processes to ensure the best methods are used to select candidates.

### **Future actions planned**

None

**Forecast completion date: Complete**

## ***The Selection and Recommendation Process for Judicial Appointments***

### **Recommendation 21**

The JAC should make use of the Equality Bill positive action provisions where the merits of candidates are essentially indistinguishable.

#### **Contextual paragraph from Advisory Panel report**

(Para.99) – We (*the Advisory Panel*) welcome the positive action provisions for recruitment or promotion in the Bill whereby possession of a protected characteristic can tip the balance in favour of that candidate where two or more applicants are essentially indistinguishable.

**Organisation taking forward:** Judicial Appointments Commission

#### **Action completed to date**

**Ministry of Justice:** Brought through the Crime & Courts Act 2013 and supported JAC in its publication of the Equal Merit Provision Policy.

**JAC:** Following a full consultation in 2013, the Equal Merit Provision Policy was published in April 2014 and has been applied to all exercises launched on or after 1<sup>st</sup> July 2014.

#### **Future actions planned**

**Ministry of Justice:** Continue to monitor the use of the provision with the JAC.

**JAC:** The application of the provision will be monitored on each exercise and a full review will be carried out in 2015 to establish the most appropriate approach going forward.

**Forecast completion date:** Complete (Will be continued as part of future work)

### **Recommendation 22**

All non-statutory criteria must be justified.

#### **Contextual paragraph from Advisory Panel report**

(Para. 101 & 102) - The JAC and others have expressed concern about the use of non-statutory criteria for appointments... This has created a concern that the use of non-statutory criteria restricts the eligible pool, limiting the possibility of candidates from non-traditional backgrounds being appointed.

**Organisation taking forward:** Ministry of Justice

#### **Action completed to date**

All requests for non-statutory eligibility criteria require consideration of a thorough business case. Non-statutory criteria are only applied with the approval of the Lord Chancellor.

#### **Future actions planned**

None

**Forecast completion date:** Complete (while remaining under review).

### Recommendation 23

Those applying for salaried judicial posts should normally be expected to have previous judicial experience. There should be provision for exceptional cases where candidates have demonstrated the necessary skills in some other significant way.

#### Contextual paragraph from Advisory Panel report

(Para. 106) - There should be a continued expectation that candidates will usually have had some form of judicial experience, preferably fee paid. Such service acts as a necessary probationary period.

**Organisation taking forward:** Judicial Office

#### Action completed to date

The effectiveness of the revised non-statutory eligibility criteria regarding the requirement for previous judicial experience was evaluated at a meeting held in June 2013. A number of positive changes have been introduced since the introduction of the revised wording back in 2010/11. These include: the flexibility not to include the revised wording if the business so requires it; for exceptional cases the JAC application form asks candidates to set out in 250 words how they demonstrate that they have the necessary skills in some other significant way; exceptional cases are highlighted throughout the selection process i.e. at short listing, selection day and candidates without previous fee-paid experience are brought to the attention of the Selection and Character Committee and then to the appropriate authority at report stage. It was agreed that although the use of the revised wording is working well the only way to review its effectiveness would be to introduce a post selection measure.

#### Future actions planned

No further action planned save evaluation of the effectiveness of the changes.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 24

In those rare cases where candidates have no previous judicial experience they must be tested for suitability for appointment in the same way as those applying for fee-paid office.

#### Contextual paragraph from Advisory Panel report

(Para. 107, 4<sup>th</sup> bullet) - The process for salaried appointments does not include this test on the assumption that candidates will have been tested when they apply for fee paid appointments. This could mean that candidates without judicial experience are not tested in what is seen as a key element of the selection process.

**Organisation taking forward:** Judicial Appointments Commission

#### Action completed to date

Situational questioning has been used in selection exercises since it was piloted in 2010. Questioning focuses on asking candidates what they would do in relation to a specific situation. The use of situational interviewing has received positive feedback from panel members and candidates.

#### Future actions planned

Further work is in progress as part of the ongoing review of the selection process, which is involving the use of organisational psychologists to ensure the most appropriate testing and selection methods are used throughout the selection process.

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 25

The qualifying test should be put online.

### Contextual paragraph from Advisory Panel report

(Para. 114) – ...the introduction of an online test. This would allow:

- i) potential applicants to complete the first stage of the process more confidentially,
- ii) feedback to unsuccessful candidates on their test performance to be given automatically (e.g. in which quartile their test results fall),
- iii) the development of more effective self-assessment, so that candidates apply only when they are ready.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

Qualifying tests have been carried out online since 2012 following successful pilots and evaluation.

### Future actions planned

Qualifying tests are subject to continual review as part of the JAC's selection process review, which is involving the use of organisational psychologists to ensure the most appropriate testing and selection methods are used. A prototype of a self-assessment tool available to candidates prior to application is in development and will be launched in 2015.

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 26

The qualifying test should be reviewed to ensure it is acting as an effective sift process.

### Contextual paragraph from Advisory Panel report

(Para. 111) - An anonymous test is a transparent means of undertaking a first sift where there are very large numbers of applicants. The key issue is getting the right test.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

In 2013 the JAC commissioned the Work Psychology Group to assess the JAC processes and testing methods. They confirmed that qualifying tests were a suitable testing method but suggested behavioural and technical questions should be devised in order to test different attributes of the applicants.

### Future actions planned

Qualifying tests are subject to continual review as part of the JAC's selection process review, which is involving the use of organisational psychologists to ensure the most appropriate testing and selection methods are used and to consider other short listing tools.

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 27

All candidates for judicial appointment should have access to feedback, including on their performance in the qualifying test.

### Contextual paragraph from Advisory Panel report

(Para. 116) - Feedback can be very important for unsuccessful applicants, particularly those from under-represented groups who have responded to the JAC's outreach events encouraging them to apply, or who have been persuaded to apply by their peers.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

Generic feedback reports are provided to candidates following qualifying tests and papers sifts. Following a successful pilot, all candidates are provided with individual feedback following a short listing done by paper sift.

### Future actions planned

Consideration is also being given to providing graphical representation feedback following a qualifying test, showing which quartile a candidate was placed in.

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 28

The JAC should capture its statistical data in a way that would allow the monitoring of the number of people who chose to re-apply following a previous unsuccessful application.

### Contextual paragraph from Advisory Panel report

(Para. 117) - We (*the Advisory Panel*) have been told by groups representing women and practitioners from BAME backgrounds that unsuccessful applicants with significant judicial potential may currently be deterred from re-applying.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

The JAC already collects and monitors data in this way.

### Future actions planned

The JAC is in the process of installing a new online recruitment system which will create a simpler system for candidates to provide their data as part of the application process and allow more accurate data collation and monitoring.

**Forecast completion date: Complete**

## Recommendation 29

Candidates should not be asked for references until after they have been notified that they have completed the qualifying test successfully.

### Contextual paragraph from Advisory Panel report

(Para.118) - Under the current system, applicants are required to identify referees at the earliest stage in the application process. This requirement may deter some applicants from applying.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

Candidates are now invited to approach their referees after they have been informed that they have been short listed after a qualifying test.

### Future actions planned

Further work is being carried out to streamline the reference process as part of the JAC selection process review.

**Forecast completion date: Complete (Will be continued as part of future work)**

## Recommendation 30

Clear guidance should be given to candidates and referees that references must be evidence based and relate to the skills being tested.

### Contextual paragraph from Advisory Panel report

(Para. 119) - The quality of references remains variable. Determined measures need to be taken to improve the quality of references so that decisions are made on the basis of evidence of the candidate's skills and suitability for judicial office.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

The JAC provides clear guidance on its selection processes. It also undertakes regular analysis of references and the supporting process, ensuring lessons learnt are reflected in selection policy and practice.

### Future actions planned

Further work is being carried out to streamline the reference process as part of the JAC selection process review.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 31

The JAC must assemble diverse selection panels. There should always be a gender and, wherever possible, an ethnic mix.

#### **Contextual paragraph from Advisory Panel report**

(Para.122) - The success of any recruitment exercise depends heavily on the composition and quality of selection panels. It is important that JAC selection panels demonstrate the highest levels of professionalism and are themselves diverse.

**Organisation taking forward:** Judicial Appointments Commission

#### **Action completed to date**

The JAC recruited a new cadre of panel members in 2012 which improved the mix of panel members. Where possible a diverse mix of panel members is allocated to each panel.

#### **Future actions planned**

A diverse mix of panel members will continue to be allocated to each panel where possible.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 32

Panel chairs and members must receive regular equality and diversity training that addresses how to identify and value properly transferable skills and also to ensure that they are aware of any potential issues regarding their unconscious bias.

#### **Contextual paragraph from Advisory Panel report**

(Para.122) - They should be skilful in identifying ability and potential among a diverse pool of candidates and be able to value properly transferable but unusual skills-sets and career histories. Panel members should understand the demands of the judicial role and variety of skills required.

**Organisation taking forward:** Judicial Appointments Commission

#### **Action completed to date**

Briefing events are run ahead of each selection exercise to inform panel members of the roles they are interviewing for. In addition, regular training events are held for all JAC panel members to provide updates on selection processes.

#### **Future actions planned**

To continue with briefing and regular training events to ensure panel members are fully trained and aware of diversity issues.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 33

All JAC selection panel chairs and members should be regularly appraised and membership periodically refreshed. Poorly performing panel members should be removed.

#### Contextual paragraph from Advisory Panel report

(Para.123) - The selection, training and appraisal of members of selection panels should be directed toward achieving these objectives.

**Organisation taking forward:** Judicial Appointments Commission

#### Action completed to date

A new appraisal system was implemented in 2010, providing further training and development for panel members when required and ensuring any poor performers do not have their contracts renewed.

#### Future actions planned

Panel members' contracts are subject to renewal in 2015. Decisions on renewal were taken in October 2014 following discussions with individual panel members.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 34

There should be a stable pool of high quality, appropriately trained judges available, who have the clear responsibility for sitting on selection panels. This pool should be regularly refreshed.

#### Contextual paragraph from Advisory Panel report

(Para.124) - It is extremely important that the judicial members of selection panels are appropriately trained... Few are used more than once because of the pressure of sitting requirements and it has not been the practice for judicial members to receive thorough or timely training for selection processes.

**Organisation taking forward:** Judiciary

#### Action completed to date

**Judiciary:** The Judicial Office has established a pool of judges consisting of Circuit Judges and District Judges to assist with JAC selection exercises. The list has been used with success for recent District Judge, Circuit Judge and Deputy District Judge selection exercises.

**JAC:** All judicial panel members are trained alongside JAC panel members ahead of each selection exercise. This includes specific information about the tribunal/court, detailed information about the selection methods used, and equality briefing.

#### Future actions planned

**Judiciary:** The Judicial Office plan to review the effectiveness of the current pool and possibly refresh the pool with another expression of interest exercise in 2015.

**JAC:** The JAC will continue to provide full panel briefings. If a pool of judges is provided by Judicial Office, the JAC will assist with suitable training if required.

**Forecast completion date: Ongoing**



### Recommendation 35

Fee paid judges should not normally be appointed for more than 3 renewable terms.

#### Contextual paragraph from Advisory Panel report

(Para.129) - To ensure that such fee paid opportunities are made more widely available, and that the pool of fee paid judiciary is regularly refreshed, we recommend that fee paid judges should not be able to stay in post until the statutory retirement age, but should ordinarily be appointable for a maximum of three renewable terms.

**Organisation taking forward:** Ministry of Justice

#### Action completed to date

The Ministry of Justice launched its consultation on Judicial Appointments and Diversity ('*A Judiciary for the 21<sup>st</sup> Century*') on 21 November 2011, which included a proposal that fee-paid judicial office holders should be limited to 3 renewable terms. The Consultation responses received made a strong case that the proposed reform would significantly impact specialist tribunal posts and could impact a relatively more diverse group of judges than had been assumed. Therefore, it was concluded that the policy should not be taken forward.

#### Future actions planned

The Ministry of Justice and Judiciary will continue to review the terms of appointment for fee paid judges

**Forecast completion date:** Complete (Will be continued as part of future work)

### Recommendation 36

There should be a staged period of induction where the appointed person has little or no experience of sitting judicially or of the relevant jurisdiction

#### Contextual paragraph from Advisory Panel report

(Para.130) - Where talented appointees have demonstrated judicial potential but are unfamiliar with the relevant jurisdiction or have had little or no experience of sitting in a judicial capacity we believe that a strengthened induction programme would provide the training and support necessary.

**Organisation taking forward:** Judiciary

#### Action completed to date:

Induction training is provided for newly appointed fee paid judges and if they are to sit in a jurisdiction in which they have little or no experience (as a lawyer), they will receive additional training.

Where appointments are made direct to salaried posts and the individuals have no experience of sitting at all, the Judicial College (formerly the JSB) has to date provided tailored training following such appointments and those involved are supported through mentoring.

#### Future actions planned:

None

**Forecast completion date:** Complete (while remaining under review)

## Recommendation 37

The Judicial Diversity Taskforce should lead an immediate review of the current forecasting mechanism.

### Contextual paragraph from Advisory Panel report

(Para.136) - Consultees among the judiciary, the JAC, HMCS and the Tribunal Service all expressed dissatisfaction with the current process for forecasting and planning for competitions to fill expected vacancies.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

MoJ have completed a joint JAC/HMCTS audit of Demand Management. All recommendations having been fully implemented during 2014.

The Audit identified the need for management information (MI) in order to review performance and trends in forecasting and programme delivery. A six monthly report is now in place with MI reviewed by the monthly joint programme group.

In addition, HMCTS undertook a review of the judicial recruitment forecasting process. As a result, initial central analysis is undertaken using a supply and demand model. The model is being used to inform recruitment decisions so that judicial capacity can be more closely matched to forecast judicial workload.

A governance group is also in place to consider and oversee all recruitment requests; this brings a coherent approach across HMCTS.

### Future actions planned

The next model development will be to include a projection of the BAME diversity characteristics. As the tool can explore different recruitment scenarios, the inclusion of BAME diversity projections will enable the impact of different scenarios on BAME diversity projections to be explored.

A new judicial e-HR database is hoped to improve forecasting information.

**Forecast completion date: Complete (Will be continued as part of future work)**

### Recommendation 38

Judges should be required to give notice of their anticipated retirement date.

#### Contextual paragraph from Advisory Panel report

(Para.136) - The planning issue could also be assisted by more certainty over when judges planned to retire.

**Organisation taking forward:** Ministry of Justice

**Action completed to date:** The terms and conditions of courts based salaried judiciary already provides that judges need to give notice of their anticipated retirement date. However this provision does not extend to the salaried tribunal and fee paid courts and tribunal judiciary.

#### Future actions planned

The Ministry of Justice will be exploring the scope for introducing a notice period of anticipated retirement dates as part of future recruitment exercises taking place for the fee paid judiciary. The Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals have set up a Steering Group to develop proposals for a programme of reform which includes reviewing the terms and conditions of all judicial office holders. This area will fall under the remit of this steering group.

**Forecast completion date:** Ongoing

### Recommendation 39

The JAC should operate smaller, more regular selection exercises to aid career planning, with an annual competition for the main tiers of the judiciary wherever possible.

#### Contextual paragraph from Advisory Panel report

(Para.136) - In particular it was felt that smaller, more regular competitions would aid career planning. This would reduce the need for people to make applications for vacancies far from home or when they were not yet ready.

**Organisation taking forward:** Ministry of Justice

#### Action completed to date

The end to end process for judicial appointments was being reviewed by the Judicial Appointments Steering Group (chaired by Lord Justice Gross), and forecasting, planning, JAC, and appointment processes have been thoroughly reviewed and reported in July. Running key exercises regularly helps focus resources and provides more certainty to candidates. A framework for anticipated regular recruitment was published in 2013, which included the key HMCTS selection exercises expected on either an annual or two yearly basis. It is important to consider carefully the timing of each exercise to ensure the required resources are available and maintain the pattern of exercises to avoid timing fluctuations. Some key exercises are run more frequently and many are now run on an annual basis.

#### Future actions planned

None

**Forecast completion date:** Complete (will be regularly reviewed)

## Recommendation 40

The JAC should review the moderation process to ensure that the methods used during large selection exercises can identify effectively and value properly the diversity of talent available.

### Contextual paragraph from Advisory Panel report

(Para.137) - It is important that the conduct of moderation supports the objective of effectively identifying judicial potential and valuing talent and experience from diverse backgrounds.

**Organisation taking forward:** Judicial Appointments Commission

### Action completed to date

The JAC continues to conduct regular reviews of the moderation process through a range of quality assurance systems in place including close down reports on every exercise. This ensures that lessons learnt from all exercises are incorporated on a regular basis in to the overall selection policy and guidance.

### Future actions planned

Full quality assurance will continue to be applied and refinements made on an ongoing basis.

**Forecast completion date:** Complete

## Recommendation 41

The selection process for vacancies in the most senior courts should be open and transparent, with decisions made on an evidence base provided by the applicant and their referees in response to published criteria. No judge should be directly involved in the selection of his/her successor and there should always be a gender and, wherever possible, an ethnic mix on the selection panel.

### Contextual paragraph from Advisory Panel report

(Para.138) - Appointments at the highest level of the court system are of particular importance in signalling that a judicial career is truly open to all. It is therefore essential that processes are not only fair but are seen to be open and fair.

(Para. 139) –The current processes for both the Court of Appeal and the Supreme Court require the significant involvement of the serving judiciary. Given the concern expressed to the Panel that selection panels may subconsciously recruit in their own image, this involvement runs the risk that the process is perceived, rightly or wrongly, as unfair. In particular we believe it is unacceptable for a judge to be directly involved in the selection of his or her successor.

**Organisation taking forward:** Ministry of Justice / Judiciary

### Action completed to date

The Crime and Courts Act 2013 provided for changes to selection panels for the most senior judicial appointments, which must now consist of an odd number of members with no less than five and with increased lay representation.

### Future actions planned

None

**Forecast completion date:** Complete (Will be continued as part of future work)

## Recommendation 42

The selection process for Court of Appeal appointments should be reviewed, with the implementation of a five person panel so there is no need for a casting vote provision.

### Contextual paragraph from Advisory Panel report

(Para.140) - In Court of Appeal appointments the Lord Chief Justice has the casting vote if a selection panel comes to a tied result. Although the casting vote provision has never been used, we doubt this is a sustainable position and think an alternative approach with a five person panel should be considered.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Crime and Courts Act 2013 provides for changes to the selection process for appointments to the Court of Appeal, including changes to the composition of selection panels which must now consist of an odd number of members with no less than five so the Chair will not have a final casting vote. The selection panels also have increased lay representation to reduce the perception that judges appoint in their own image. The Lord Chancellor will now be consulted during the appointments process to ensure that the Executive has an appropriate level of input to these senior appointments.

### Future actions planned

None

**Forecast completion date:** Complete (Will be continued as part of future work)

## Recommendation 43

The selection process to the Supreme Court for the United Kingdom should be reviewed to reduce the number of serving Justices involved and to ensure there is always a gender and, wherever possible, an ethnic mix on the selection panel. This review process should include consultation with the Lord Chief Justices of England & Wales and Northern Ireland and the Lord President of the Court of Session.

### **Contextual paragraph from Advisory Panel report**

(Para.141) - In the Supreme Court, two members of the Court are involved in the selection process. Again we (The Advisory Panel) think this runs the risk of appointments being perceived to have been made on the basis of whether candidates will fit in rather than on whether they best meet the merit criteria.

**Organisation taking forward:** Ministry of Justice

### **Action completed to date**

The Crime and Courts Act 2013 provided for changes to the selection process for appointments to the Supreme Court, including changes to the composition of selection panels. The selection panels can only include one serving judge of the Supreme Court and the President and Deputy President of the Court may not sit on the panels selecting their successors. For the selection of the President, the chair of the selection panel will now be a non-legally-qualified member and will be rotated amongst the three territorial appointments bodies.

The Secretary to the selection commissions is undertaking a review of the appointment process and is consulting those who have an interest in the process, or have been involved in the process or who have expertise in appointments. The review will consider a wide range of issues related to how the Selection Commission operates

### **Future actions planned**

We and the Secretary to the selection commissions will continue to keep the appointment process under review.

**Forecast completion date: Complete (Will be continued as part of future work)**

## ***Developing a Judicial Career***

### **Recommendation 44**

Clear career paths should be identified and published so that people understand the range of opportunities available within the judiciary. Such career paths should look across the courts and tribunals.

#### **Contextual paragraph from Advisory Panel report**

(Para.143 & 145) - The concept of a judicial career is key to achieving progress on a more diverse judiciary. This means identifying clearer career paths so that those considering joining the judiciary understand their options and know how they can develop the skills and experience required to progress from one section of the judiciary to another.

#### **Organisation taking forward: Judiciary**

#### **Action completed to date**

A chart which shows a visual representation of the possible judicial career pathway has been created. It includes eligibility criteria for each judicial post and shows the possible entry routes that are open to potential candidates, and career routes that are open to existing judicial office holders.

An event was held in November 2013 at the Supreme Court for 59 legal academics. The panel included the LCJ, the President and Deputy President of the Supreme Court and the Senior President of Tribunals supported by the DCRJs. Evaluation feedback was very positive.

A highly successful networking event entitled 'Women in the Judiciary: Making it Happen' was held in Bristol in June 2014 which demonstrated in a very personal way the career options available to the 76 women delegates who attended, the majority of whom were solicitors (46) along with 10 barristers, three legal executives, three paralegals and four academics. The delegate pack included case studies of female judges as role models and detailed information on the applications process. Post event evaluation indicated that of those who responded

- 99% scored the highest box on how useful it had been
- 100% agreed that the event had encouraged them to apply for a judicial appointment with more than half planning to do so within the next 3 years.

#### **Future actions planned**

The Judicial Career Map has been circulated to the Judiciary and members of the Diversity Forum.

It has been shared with the JAC and Judicial College to assist further work on managing the expectations of potential candidates and those who have identified their development needs respectively. Further work is planned to promote the map more widely.

**Forecast completion date: Complete (while remaining under review)**

## Recommendation 45

There should be comprehensive mentoring for all new entrants to the judiciary. This should also be available to established judges who want it.

### **Contextual paragraph from Advisory Panel report**

(Para.147) - Some judges new to fee-paid or salaried judicial office may also have access to a mentor to support them through their early period in office, although this is not as consistent as we would wish. An established mentoring scheme available for all would make asking for help and support, and receiving it, more “normal”.

**Organisation taking forward:** Judiciary

### **Action completed to date**

Mentor schemes are already in place for recorders, deputy district judges, deputy district judges (magistrates court), magistrates and within most tribunals

### **Future actions planned**

A new positive action mentoring scheme will be launched by the judiciary in March 2015. It will be targeted women, BAME lawyers and lawyers from low socio-economic backgrounds, intending to apply for their first judicial appointment. Similarly, the scheme will also support judges from the same background (both fee-paid and salaried) who wish to progress to higher office.

The scheme will provide a safe environment for lawyers to share issues inhibiting their application to judicial office, learn from someone with greater understanding of the judiciary, establish what skills and experience are needed to support their application and identify areas where further development and experience is required. All mentors will be provided with training and guidance.

**Forecast completion date: 2015**



## Recommendation 46

An appraisal system owned and run by the judiciary should be implemented to cover all levels within the judiciary.

### Contextual paragraph from Advisory Panel report

(Para.148) - Judicially led appraisal is key to enabling talented judges from diverse backgrounds to progress in their careers more effectively. Appraisal needs to address diversity specifically so that those with unusual career paths can access the development opportunities and advice they need to progress.

**Organisation taking forward:** Judiciary

### Action completed to date

An evaluation report of the two pilot schemes of appraisal for recorders was produced, with proposals for implementation of a National rollout, which was agreed by the senior judiciary. Appraisal schemes are already in place for deputy district judges, deputy district judges (magistrates court), magistrates and within most tribunals for fee paid members.

### Future actions planned

Next steps to be agreed subject to funding.

**Forecast completion date:** 2018

## Recommendation 47

Selection processes for opportunities for career advancement should be open and transparent and based on assessment of suitability against published criteria.

### Contextual paragraph from Advisory Panel report

(Para.152) - For those in the judiciary who are interested not just in an initial appointment but in further advancement, there is a range of options available that might help them to develop their career.

- promotion – this will usually be by open competition;
- deployment under section 9(1) of the Senior Courts Act 1981;
- appointment to a particular representative/leadership role, and/or
- The award of a “ticket” to deal with specific types of work such as murder, attempted murder or serious sex offences.

**Organisation taking forward:** Ministry of Justice and Judiciary

### Action completed to date

**Judicial Office and Ministry of Justice:** The Crime and Courts Act 2013 transferred responsibility for running s9 competitions from the Heads of Division to the JAC. This will ensure authorisations are made openly and transparently.

### Future actions planned

**Judicial Office:** The provision was implemented in October 2013. The JAC, in consultation with the Judicial Office, has agreed a process for running s9 exercises.

**Forecast completion date:** Complete (while remaining under review)

## Recommendation 48

The Judicial Studies Board should evolve into a Judicial College.

### Contextual paragraph from Advisory Panel report

(Para.160) - The JSB's role is currently rightly focused on supporting the salaried judiciary in terms of their primary responsibilities in court. It could have a role in supporting wider judicial career development or supporting potential applicants for the judiciary, by helping them develop judicial skills. This would see the evolution of the JSB into a Judicial College, a role that the JSB has already started to shape.

### Organisation taking forward: Judiciary

#### Action completed to date:

The JSB became the Judicial College on 1 April 2011. Since then the College has been responsible for delivering high quality training which meets the needs of courts', tribunals' and coroners' judicial office holders. It provides training of the highest professional standard that:

- satisfies the business requirements of judicial leaders;
- promotes the professional development of judicial office holders;
- strengthens the capacity of judicial office holders to discharge their judicial functions effectively, and
- enhances public confidence in the justice system.

The College strategy for 2011-2014 states that judicial training has three elements:

- substantive law, evidence and procedure and, where appropriate, subject expertise;
- the acquisition and improvement of judicial skills including, where appropriate, leadership and management skills, and
- the social context within which judging occurs.

The Judicial College has no plans to develop training courses or modules to support those who are not existing judicial office holders and as such no further action will be taken on this recommendation.

#### Future actions planned:

None

**Forecast completion date: Complete**

## **Judicial Culture, Terms and Conditions**

### **Recommendation 49**

A pro-active and coherent campaign of myth busting should be undertaken, led by the Judicial Diversity Taskforce. It should be persistent, targeted on talent and started early.

#### **Contextual paragraph from Advisory Panel report**

(Para.164) - One of the most striking factors to emerge from our consultation was the mismatch between how some groups perceive the judicial culture and the reality that applies in many areas. As identified earlier in this report, some talented individuals think that the judiciary is not for them, on the basis of some well established misconceptions.

**Organisation taking forward:** Judicial Diversity Taskforce

#### **Action completed to date**

##### **Judicial Office**

All outreach activities whether they are local DCRJ events or larger networking events contribute to dispelling myths around the justice system and provide greater insight into the working life of a judge. Feedback from events has shown that most if not all delegates have left with a positive view of the judiciary and greater confidence to further explore the opportunities open to them. Feedback has shown that the senior judiciary talking about their personal experiences has been greatly appreciated by the audience. At present there is more demand for such events than we have capacity to deliver.

The DCRJs make themselves very accessible, whether through talking to primary school children and letting them try on their wigs, to addressing the Rotary Club or meeting with a group of senior imams to explore the best ways of engagement within the Muslim community. The exchange has helped to enhance mutual understanding and demonstrated that the justice system is for all and protects everybody including those communities who feel 'under siege' in the current climate. The imams were also able to hear first hand from the judges of their roles and to see how linked they were to their respective communities.

The outreach work has also included meeting with 'hard to reach' and more inaccessible community groups such as travellers. For example, one of the DCRJs has facilitated a one hour workshop on the working life of a judge for a group of teenage travellers at the Young Gypsy Traveller Forum in Llandrindod Wells.

#### **Future actions planned**

Ongoing review

**Forecast completion date:** Ongoing

## Recommendation 50

All official material should be reviewed to ensure it does not assume a particular previous experience or background.

### Contextual paragraph from Advisory Panel report

(Para. 164) – One of the most striking factors to emerge from our consultation was the mismatch between how some groups perceive the judicial culture and the reality that applies in many areas. Some talented individuals think that the judiciary is not for them, on the basis of some well established misconceptions. These include:

- You need to be part of the “club”

(Para.167) – Some simple changes could help in this regard. In particular the language used can seem to assume a certain previous experience.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The JAC reviews all documents ahead of each selection exercise to ensure that they contain the relevant information and they are available on the JAC’s website. Changes are made to the paperwork each time a selection exercise is run to ensure the details are correct for the advertised post, and their processes are continually reviewed.

### Future actions planned

Ongoing review

**Forecast completion date:** Ongoing

## Recommendation 51

It should be assumed that all posts are capable of being delivered through some form of flexible working arrangement, with exceptions needing to be justified.

### Contextual paragraph from Advisory Panel report

(Para.176) - As in any profession, some posts will need to be filled by those working fulltime. However, the current restrictions on flexible working in the most senior courts should be tested. More flexible working could require an increase in the judicial establishment in terms of actual numbers, if not full time equivalents, which is set by statute.

**Organisation taking forward:** Ministry of Justice

### Action completed to date

The Crime and Courts Act 2013 introduced flexible part time working into the senior courts, including the Supreme Court. To achieve this, the Act removed the requirement for a fixed number of full-time judges and instead expresses the number of judges in terms of full-time equivalents.

### Future actions planned

The judiciary will be responsible for implementing part time working into the senior courts however the Ministry of Justice will work to assist the judiciary throughout. The effectiveness of the changes introduced will be evaluated every four years through analysing the numbers of salaried part-time judges working in the senior courts after commencement.

**Forecast completion date:** Complete (While remaining under review)

## Recommendation 52

Judicial terms and conditions should reflect the needs of a modern diverse judiciary.

### **Contextual paragraph from Advisory Panel report**

(Para.177) – A key way of embedding diversity is to ensure that judicial terms and conditions of appointment reflect the needs of a modern diverse organisation.

**Organisation taking forward:** Judicial Office (now Ministry of Justice as responsible body, on behalf of the Lord Chancellor, for judicial terms and conditions)

**Action completed to date:** Judicial HR remains a centre of excellence for terms and conditions related enquiries. A strong and transparent working relationship has been maintained with both central and local business areas falling under the aegis of the Ministry of Justice. Working within the Judicial Office, the HR team has also continued to develop a close relationship with the senior judiciary. The team's greater understanding of the current terms and conditions, and its growing awareness of various justice partners' interests in relation to these, make it uniquely placed to assist any future reform.

### **Future actions planned:**

The Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals have set up a joint Steering Group to develop proposals for a programme of reform which will include the terms and conditions of salaried and fee-paid judicial office holders in the context of recent employment law decisions, the promotion of diversity in the judiciary, and the future deployment of the judiciary within the courts and tribunals]

**Forecast completion date:** Ongoing

## Recommendation 53

There should be no change to the current policy on return to practice but there should be more information made available to individuals about what the restriction on return to practice means.

### **Contextual paragraph from Advisory Panel report**

(Para.182 & 183) - We have not identified any substantive evidence that such a change would increase diversity. Those applying for judicial office should, however, be aware that judicial office is a long-term commitment and of the options open to them if they decided to leave their judicial career in the future.

**Organisation taking forward:** Judicial Office

### **Action completed to date:**

In response to queries from judicial office holders the HR team has worked with the senior judiciary throughout the past two years to advise on the types of activity that can be pursued after retirement from judicial office.

### **Future actions planned:**

This action will be taken forward through the judicial diversity forum and potentially coupled with recommendation 52 for the MoJ to take forward.

**Forecast completion date:** Ongoing

## Appendix 3 – Glossary of Terms and Abbreviations

Term	Definition
Advisory Panel on Judicial Diversity	The Advisory Panel was established in April 2009, and it reflected concerns across the legal community that, despite efforts over many years, significant progress on judicial diversity had not been made ( <a href="http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations">http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations</a> )
Association of Women Solicitors	The <a href="#">Association of Women Solicitors</a> aims to be the essential national network helping to promote the potential and success of each women solicitor at every stage of their career.
Bar Council	<a href="#">The General Council of the Bar (Bar Council)</a> is the Approved Regulator of the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.
BSB	The <a href="#">Bar Standards Board</a> is responsible for regulating barristers called to the Bar in England and Wales.
Black Solicitors Network	The <a href="#">Black Solicitors Network</a> is the primary voice of black solicitors in England and Wales; committed to achieving equality of access, retention and promotion of black solicitors.
CILEx	<a href="#">The Chartered Institute of Legal Executives (CILEx)</a> is the professional and regulatory body which represents 22,000 trainee and practising Chartered Legal Executives. Their role is to enhance the role and standing of Chartered Legal Executives and other members of CILEx in the legal profession.
CPS	<a href="#">Crown Prosecution Service</a> - The Crown Prosecution Service is the Government Department responsible for prosecuting criminal cases investigated by the police in England and Wales.
DCRJ	<a href="#">Diversity and Community Relations Judges</a> form links with their local community in order to provide a better understanding of the justice system and the role of a judge within the criminal, civil and family jurisdictions.
EHRC	<a href="#">Equality and Human Rights Commission</a>
Eligible Pool	The eligible pool is the approximation of the number of people who are able to meet the job-specific entry requirements laid down for that particular judicial post.
Employed Barrister Committee	The <a href="#">Employed Barristers' Committee</a> (EBC) represents and promotes the interests of the employed Bar within and beyond the Bar Council.
GEO	<a href="#">Government Equalities Office</a>
GLS	The <a href="#">Government Legal Service</a> employs around 2000 lawyers and trainees, providing legal services to 30 Government organisations across the entire spectrum of their activities.
HMCS	<b>Her Majesty's Courts Service</b> From 1 April 2011, Her Majesty's Courts Service and the Tribunals Service integrated to form Her Majesty's Courts and Tribunals Service.

Term	Definition
HMCTS	<a href="#">HM Courts &amp; Tribunals Service</a> - HM Courts and Tribunals Service is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.
The InterLaw Diversity Forum	The <a href="#">Interlaw Diversity Forum</a> for Lesbian, Gay, Bisexual and Transgender (“LGBT”) Networks (the “Interlaw Diversity Forum”) is an inter-organisational forum for the LGBT networks in law firms and all personnel (lawyers and non-lawyers) in the legal sector, including in-house counsel (the “LGBT Legal Community”)
JAC	<a href="#">Judicial Appointments Commission</a> - The Judicial Appointments Commission (JAC) is an independent commission that selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland.
JO	<a href="#">Judicial Office – Judiciary of England &amp; Wales</a> – the Judicial Office supports the judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently
JSB	Judicial Studies Board – now known as the Judicial College
Judicial College	The <a href="#">Judicial College</a> ensures that high quality training is provided to enable judicial office-holders to carry out their duties effectively and in a way which preserves judicial independence and supports public confidence in the justice system.
Judicial Diversity Taskforce	Oversight Group convened to manage the implementation of the Advisory Panel recommendations. Membership includes representation from Ministry of Justice, Judiciary of England and Wales, Judicial Appointments Commission, Tribunals Service, Bar Council, Law Society and The Chartered Institute of Legal Executives.
Law Society	<a href="#">The Law Society</a> represents, protects and promotes solicitors across England and Wales.
Lawyers with Disabilities Division	The <a href="#">Lawyers with Disabilities Division</a> is committed to promoting equality of opportunity for people with disabilities - whether they are solicitors, would-be solicitors, or clients.
Legal Professions	Collective for the <a href="#">Bar Council</a> , <a href="#">Law Society</a> and The Chartered <a href="#">Institute of Legal Executives</a>
<a href="#">Lord Chief Justice</a>	Head of the Judiciary of England and Wales and President of the Courts of England and Wales
LSB	The <a href="#">Legal Services Board</a> is responsible for overseeing the regulation of lawyers in England and Wales.
MoJ	<a href="#">Ministry of Justice</a> - The Ministry of Justice works to protect the public and reduce reoffending, and to provide a more effective, transparent and responsive criminal justice system for victims and the public.
Senior Officials Steering Group	Advisory group to the Judicial Diversity Taskforce, created to provide advice to the Taskforce in determining priorities and determine the best way forward for improving the diversity of the judiciary. Its membership reflects that of the Taskforce and is made up of Senior Officials from each of the Taskforce member organisations.

Term	Definition
TJO	Tribunals Judicial Office - the Judicial Office supported the Tribunals judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently
TS	<b>Tribunals Service</b> From 1 April 2011, Her Majesty's Courts Service and the Tribunals Service integrated to form Her Majesty's Courts and Tribunals Service.
UK Association of Women Judges	The focus of the <a href="#">UK Association of Women Judges</a> is on matters of particular concern to women, principally the issues that they face in the law and the justice system, as well as issues of particular concern to women judges.
UKSC	<a href="#">United Kingdom Supreme Court</a> - The Supreme Court is the final court of appeal in the UK for civil cases. It hears appeals in criminal cases from England, Wales and Northern Ireland.