

Increasing judicial diversity

Annexes

A Report by JUSTICE

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ANNEX I. TABLE OF JUSTICE WORKING PARTY’S RECOMMENDATIONS

Key

- **BM** = G. Bindman & K. Monaghan, *Judicial Diversity: Accelerating Change*, (2014)
- **AP** = Advisory Panel on Judicial Diversity (chair, Baroness Neuberger CBE), *The Report of the Advisory Panel on Judicial Diversity*, (2010)
- **HL** = House of Lords, Select Committee on the Constitution, *Judicial Appointments*, 25th Report of Session 2010-12
- **MJ** = Ministry of Justice, *Modernising Judicial Terms and Conditions: Consultation on proposals to introduce a new tenure for fee paid office holders, provide for fixed term leadership positions, and modernise judicial terms and conditions*, (September 2016)
- **PP** = A. Paterson & C. Paterson, *Guarding the Guardians?, towards an independent, accountable and senior judiciary*, (Centre Forum, 2015)

JUSTICE’s Working Party Recommendations (2017)	Other reports that recommend this?	Statutory change required for implementation?
1. Appoint the senior judiciary from a wider talent pool than just the senior Bar.	AP; BM; HL; PP	NO
2. Include, among the various selection criteria, a candidate’s ability to contribute to a diverse judiciary by reason of his or her background.	<p>BM: <i>“In assessing the ‘merit’ of candidates for judicial appointment, the ability of the candidate to contribute to a diverse judiciary should be included as a factor to be taken into account”</i> (p.70).</p> <p>PP: <i>“one relentlessly individualised understanding of merit is inappropriate for appointments of the Supreme Court (as it would be for any collective court or body) ... [A candidate] will be the best candidate because they best reflect what would be most beneficial to the Court and, as a result, the society it serves”</i> (p. 6-7).</p>	<p>MAYBE</p> <p>“Merit” is not defined in statute. This criterion would recognise that candidates from underrepresented backgrounds bring valuable, fresh perspectives to the bench and address the institutional need for diversity. This would only be <i>one</i> criterion among others.</p> <p>However, given their response to the Bindman and Monaghan report, the JAC may claim that this is inconsistent with their statutory duty to appoint solely on merit. As such, statutory change may be required.</p>
3. Place reasonable time-limits on appointments as Recorders and DHCJs.	MJ	<p>NO</p> <p>Changes to judicial terms and conditions should be accompanied by an appropriate period of notice.</p> <p>Recent Deputy High Court Judge appointments have been offered on a fixed-term basis (4 years): see e.g. https://jac.judiciary.gov.uk/044-deputy-high-court-judge-s94fixed-term-information-web-page [accessed March 2017]</p>
4. The judiciary should continue and increase public outreach efforts.	AP	NO

5. Encourage Crown Prosecution Service lawyers to get part-time judicial experience (other than Recorder); remove the requirement of Recorder experience before appointment to the Crown Court bench for experienced Crown Prosecutors.	BM; HL: <i>“The GLS and CPS must take all possible steps to enable prospective candidates to obtain judicial experience in areas of law where no conflict of interest arises”</i> (p.42).	NO The requirement of previous fee-paid experience to be appointed a Circuit judge is not statutory, but an expectation of the Lord Chancellor.
6. Encourage retiring solicitors’ partners to join the senior judiciary. Employers that release lawyers for pro bono work should also allow time for fee-paid appointments.	AP: <i>“Law firms should regard part time judicial service as positive for their practices and should encourage part-time service...”</i> (p.8). BM: <i>“Employers should encourage employed lawyers to undertake fee –paid judicial service and provide release time for this purpose as well as for training to prepare them for judicial office”</i> (p.72). HL: <i>“The promotion of judicial diversity will be greatly enhanced if solicitors are able to take time off to hold part-time fee-paid judicial posts”</i> (p.41).	NO
7. For fee-paid appointments recruit for potential rather than particular prior experience.	HL, AP	NO
8. Support/training: a. Extend targeted support programmes e.g. the “Diversity Support Initiative”. b. Targeted pre-appointment training for women, BAME people and those from less advantaged socio-economic backgrounds.	a. AP; BM: <i>“much better facilities for training and mentoring should be available through the Judicial College and otherwise, so as to improve the opportunities of other qualified lawyers from more diverse backgrounds”</i> (p.6). b. New: NB draws on the Judicial Office’s work: https://www.judiciary.gov.uk/about-the-judiciary/judges-career-paths/appointments-diversity/ [accessed March 2017]	NO Appropriate, targeted programmes are necessary and amply justifiable to redress the continued, significant underrepresentation of certain groups; c.f. section 158 of the Equality Act 2010.
9. Senior judges should provide sponsorship and/or mentoring to lower-ranking judges.	BM (see rec 8a above)	NO

<p>10. Create a “Senior Selections Committee”.</p>	<p>PP: <i>“Rather than a system of ad-hoc panels convened as and when a vacancy arises, a more permanent senior judiciary JAC should be established ... This body should be responsible for appointments for... Supreme Court and Court of Appeal judges, the Lord Chief Justice and the Heads of Division... [It] should be composed of 9 individuals: 3 senior judicial members, 3 parliamentary members and 3 lay members.”</i> (p.65).</p>	<p>YES</p> <p>Statutory change:</p> <p>Amendments to the Constitutional Reform Act 2005 (various) and/or new, tailor-made legislative provisions.</p>
<p>11. “Targets with teeth”</p>	<p>HL: <i>“If there has been no significant increase in the numbers of women and BAME judicial appointments in five years’ time, the Government should consider setting non-mandatory targets for the JAC to follow”</i> (p. 63).</p>	<p>MAYBE</p> <p>In our view, there is nothing to stop selectors adopting targets immediately. Targets are not legally binding, but they have been embraced by other sectors as a way of measuring progress against clear, transparent, public commitments.</p> <p>However placing targets on a statutory footing may be helpful e.g. to set out a clear reporting procedure and ultimately to give the power to introduce quotas in the senior judiciary, should targets persistently fail to be met within a reasonable period.</p>
<p>12. Improved data-collection and transparency</p>	<p>AP; BM</p> <p>HL: <i>“Meanwhile, a list of those currently authorised or appointed to act as deputy High Court judges should be published, and those authorised or appointed under the new protocol should be monitored for diversity with the resulting data being made publicly available”</i> (p.53).</p>	<p>NO</p>

<p>13. The judiciary and the selectors should take further steps to discharge their shared responsibility to make the field of applicants much more diverse. For example, the judiciary should engage in targeted talent-spotting.</p>	<p>BM; HL</p> <p>AP: <i>“There is a big difference between the old days of the “tap on the shoulder” appointment (which we reject) and a pat on the back of a potential candidate from an under-represented group to encourage them to put in an application. The Canadian experience suggests that this approach has been a crucial element of their progress in appointing women to the bench... this needs to become the norm in the UK” (p.26).</i></p>	<p>NO</p> <p>JAC, Section 64 (1) CRA 2005: The Commission, in performing its functions under this Part, must have regard to the need to encourage diversity in the range of persons available for selection for appointments.</p> <p>Lord Chief Justice and Lord Chancellor, Section 137A CRA 2005 - Each of the Lord Chancellor and the Lord Chief Justice of England and Wales must take such steps as that officeholder considers appropriate for the purpose of encouraging judicial diversity.</p>
<p>14. The senior judiciary should be supported by a properly-resourced human resources function e.g. to provide appraisals and support programmes.</p>	<p>AP: <i>“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” (p.8).</i></p>	<p>NO</p>

<p>15. Encourage direct recruitment of exceptional, non-traditional candidates to the UK Supreme Court and the Court of Appeal. Reform selection criteria for academics.</p>	<p>BM: <i>“The pool from which candidates for judicial office are drawn should be widened to include legal academics”</i> (p.72).</p>	<p>YES</p> <p>Statutory change:</p> <p>To remove “post-qualification” requirement in section 25(1)(b) of the Constitutional Reform Act 2005.</p> <p>The definition of “qualifying practitioner” which is set out in section 50(3) of the Tribunal, Courts and Enforcement Act 2007 requires one to have a “relevant qualification” which in section 50(4) is taken to mean a qualified solicitor or barrister. This excludes many academics who do not hold formal legal qualifications; moreover, “qualifying period” (per section 50 (2)) only takes in to account “experience in law” (section 50 (3) (b)) gained during the period from when one acquires the relevant qualification, which has the effect of cancelling out any relevant experience (section 52 (4)) gained prior to qualification.</p>
<p>16. There should be open and constructive coordination between the judiciary and selectors to create a diverse field of applicants, and to help the JAC and SSC to meet targets.</p>	<p>New <i>N.B.</i> building on the existing work of all relevant actors through <i>e.g.</i> the Diversity Forum.</p>	<p>NO</p>

<p>17. Switch to a proactive, efficient recruitment system: “appointable pools”. This is a talent pool of candidates who meet the very high standard of appointability to a particular court. Selectors would appoint from a pool as and when vacancies arise taking into account institutional needs, <i>including</i> for greater diversity.</p>	<p>New <i>N.B.</i> a variant on talent pools that are used in other sectors.</p>	<p>YES</p> <p>Statutory change:</p> <p>JAC needs broader powers to recruit proactively <i>i.e.</i> in anticipation of vacancies, to build a talent pool for future as well as current needs.</p> <p>Broader powers may include a range of ancillary measures, for example, a relaxation of the maximum numbers on particular courts to allow more flexibility around timing of appointments. (See further recommendation 30 below).</p>
<p>18. All senior judges should give a reasonable period of notice before they retire.</p>	<p>MJ</p>	<p>NO</p> <p>Changes to judicial terms and conditions should be accompanied by an appropriate period of notice.</p>
<p>19. Selection processes should be designed to avoid implicit biases e.g. reviewing and refining processes.</p>	<p>BM: <i>“There should be an urgent review of the on-line tests used by the JAC. Steps should be taken to identify why it is that BAME candidates are failing in disproportionate numbers. If the tests are found to be discriminatory, directly or indirectly, they must be withdrawn”</i> (p.72).</p>	<p>NO</p>

<p>20. Selection process reforms to assist selectors:</p> <ul style="list-style-type: none"> a. Ensure ethnic, gender and social diversity on selection panels. b. Apply the “tie-break provision” (the “equal merit” provision) at sift and short-list stage. c. Review the role of judicial consultees. d. Evidence-based training i.e. that builds capacity rather than merely raising awareness about bias. e. Use evidence-based “decision aids”. 	<ul style="list-style-type: none"> a. AP: <i>“The JAC must assemble diverse selection panels. There should always be a gender and, wherever possible, an ethnic mix”</i> (p.38). b. BM: <i>“The JAC should change its policy on the ‘tie-break’ provision so as to apply it at the sift/shortlist stage where there is significant underrepresentation of women or BAME judges holding the judicial office to which the selection process relates”</i> (p.70). c. New d. New e. New 	<p>NO</p>
<p>21. Selection process reforms to assist candidates:</p> <ul style="list-style-type: none"> a. Refine selection criteria. b. Increase transparency. c. Reform the competency framework. d. Review adverts. e. Provide better, targeted feedback. f. Give ample notice of vacancies and re-advertise if too few suitable candidates apply. 	<ul style="list-style-type: none"> a. New b. AP: <i>“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... there should always be a gender and, wherever possible, an ethnic mix on the selection panel”</i> (p.11); c. New d. New e. New f. New but <i>NB</i> the JAC’s 2013 survey found that 68% of those interviewed would prefer early notice of vacancies. 	<p>NO</p>
<p>22. Create a genuine “upward” career path from the District Bench and tribunals to the senior courts.</p>	<p>AP; HL</p> <p>BM: <i>“There should be greater progress towards the concept of a judicial career in which promotion can take place from the lower levels of the judiciary (including from tribunals) to the High Court”</i> (p.72).</p>	<p>MAYBE (<i>see rec 24</i>)</p>

23. Create an inclusive “Talent Management Programme” to support, appraise and fast-track talented junior judges, within which BAME people and women are well-represented.	New	MAYBE (<i>see rec 24</i>)
24. Introduce a formal and objective system of appraisals for salaried and fee-paid judges.	AP; BM; HL	MAYBE While establishing a career path and proper talent management are a normal part of human resources management in other industries, the judiciary has not historically benefited from such approaches. Statutory changes may be sensible to ensure a permanent, fair and independent appraisals system (which is key to the success of other “career path” measures).
25. Hold special recruitment rounds for Upper Tribunal judges and Circuit judges who want to become High Court judges.	New	NO In the early 2017 High Court exercise, there were two “tracks”: https://jac.judiciary.gov.uk/vacancies/041A [accessed March 2017]. By analogy, the JAC could offer a special recruitment round (or “track”) specifically aimed at those with prior salaried judicial experience at a senior level, reflecting their particular experience (as distinct from fee-paid judges/practitioners).
26. Publish a formal policy and make clear in job advertisements that High Court judges will not be required to go on Circuit.	AP: “[<i>The circuit</i>] system was much more flexible than we had expected ... The devolution of the Administrative Court should mean that even more could be done to bring about a more flexible approach in the future. Additionally, this flexibility should be made much clearer to potential applicants” (p.50). BM: “ <i>The circuit system should be abolished and replaced with regional appointments</i> ” (p.45).	NO

27.	Review the effects of pay and pension changes on diversity of applications to the senior judiciary.	New	NO
28.	Introduce a set period, for example two years, within which newly appointed salaried judges could return to practice.	BM: <i>“Judges should not be prohibited from returning to practice after leaving the bench, subject to conditions preventing conflicts of interest”</i> (p. 47).	YES
29.	Review work allocation to ensure that work is being allocated fairly.	New	NO
30.	Make flexible working the default position for all appointments.	AP; BM: <i>“All posts should be available for part-time work and/or job-sharing unless the Lord Chancellor can justify the need for a full-time appointment”</i> (p.72). HL: <i>“the Senior Courts Act 1981 should be amended to remove the limits on the number of individuals able to serve as High Court and Court of Appeal judges at any given time, to enable some appointments to be made on a part-time basis. We regard this as the minimum change necessary.”</i> (p.39).	MAYBE

ANNEX II. LIST OF KEY ACTORS AND TIMELINE OF KEY EVENTS AND PREVIOUS INITIATIVE

Key Actors (2017)

Senior Judiciary is comprised of:

- the judges of the Supreme Court;
- the Lord Chief Justice of England and Wales;
- the Master of the Rolls;
- the Lord President of the Court of Session;
- the Lord Chief Justice of Northern Ireland;
- the Lord Justice Clerk;
- the President of the Queen’s Bench Division;
- the President of the Family Division;
- the Chancellor of the High Court.¹

Judicial Office (JO) was set up following the Constitutional Reform Act 2005. It reports to the Lord Chief Justice and Senior President of Tribunals and its purpose is to support the judiciary in upholding the rule of law and in delivering justice impartially, speedily and efficiently.²

Her Majesty’s Courts and Tribunals Service (HMCTS) is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales. HMCTS is an executive agency, sponsored by the Ministry of Justice.³

Judicial Appointments Commission (JAC) is an independent body that selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals with UK-wide jurisdiction.⁴

Judges’ Council is a body broadly representative of the judiciary as a whole. It will inform and advise the Lord Chief Justice on matters as requested from time to time.⁵

Judicial Diversity Committee of the Judges’ Council was set up at the end of 2013 to support the Lord Chief Justice in encouraging judicial diversity by bringing together all the different aspects of diversity work within the judiciary.

Diversity Forum is chaired by the JAC and brings together organisations to identify ways of improving judicial diversity. Forum members include the JAC, the Bar Council, the Law Society, CILEx, the Ministry of Justice, and the Judiciary and Judicial Office.⁷ The Forum has taken over the responsibilities of the Judicial Diversity Taskforce (which was set up in 2010 and held its final meeting in November 2014).

¹ Section 60(1) of the Constitutional Reform Act 2005.

² Courts and Tribunals Judiciary, *Judicial Office (JO)*, available online at <https://www.judiciary.gov.uk/about-the-judiciary/training-support/jo-index/> [accessed 21 March 2017].

³ HM Courts & Tribunals Service, *What we do*, available online at <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service> [accessed 21 March 2017].

⁴ Judicial Appointments Commission, *What the JAC does*, available online at <https://jac.judiciary.gov.uk/what-jac-does> [accessed 21 March 2017].

⁵ Courts and Tribunals Judiciary, *Judges’ Council: Background*, available online at <https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/how-the-judiciary-is-governed/judges-council/> [accessed 21 March 2017].

⁶ Judicial Diversity Committee, *Judicial Diversity Committee of the Judges’ Council: Report on Progress 2013-2016*, (2016) p.3, available online at <https://www.judiciary.gov.uk/wp-content/uploads/2016/07/judicial-diversity-committee-progress-report-13-16.pdf>

⁷ Judicial Appointments Commission, *Diversity Strategy*, available online at <https://jac.judiciary.gov.uk/diversity-strategy> [accessed 21 March 2017].

Timeline of some key events & previous initiatives to improve judicial diversity

Unless other specified all events/initiatives pertain to England & Wales. This timeline is an adapted and updated version of the timeline that appears at Annex iii of the Advisory Panel's Report (2010); please refer to that timeline for a detailed list of initiatives prior to 2010.

1922

- **First woman called to the bar**, Ivy Williams.

1965

- Elizabeth Lane becomes the **first female High Court judge**, being assigned to the Probate, Divorce and Admiralty Division.

1972

- **“The Judiciary” – Report of a JUSTICE Sub-Committee** recommends that solicitors and academics should be eligible to take up judicial posts; newly appointed judges should have special training before they first sit; and a consultative committee be formed to assist Lord Chancellor with judicial appointments.

1992

- **LCJ Lord Taylor’s Dimpleby Lecture:** publicly acknowledges that judiciary is unrepresentative but states that gender and ethnicity imbalance will be redressed “in the next few years”.
- **“The Judiciary in England and Wales” – Report of the JUSTICE Committee** chaired by Professor Robert Stevens recommends positive action and a commission for judicial appointments to increase diversity.

1994

- **First academic** appointed to High Court (Brenda Hale, now Baroness Hale of Richmond).

1996

- **First woman** appointed a Senator of the College of Justice, *i.e.* a judge in Scotland’s Supreme Courts (Lady Cosgrove).

1997

- **First woman** appointed to Court of Appeal (Dame Elizabeth Butler-Sloss).

2010

- (February) **The report of the Advisory Panel on Judicial Diversity 2010** chaired by Julia Neuberger, commissioned by Lord Chancellor Jack Straw MP makes 53 recommendations calling, among other things, for openness transparency in judicial appointments system, training system for newly appointed judges with little experience, an establishment of Judicial Diversity Taskforce.
- (October) **Equality Act 2010** came in to force imposing obligations on public authorities to have regard to the need to advance equality of opportunity for groups that suffer a disadvantage. It also gives employers the right to favour a candidate for a post who is equally as meritorious as another, on the basis of, for example, their gender, race, disability, if employing them would help bring about greater diversity within such groups.

2011

- (November) Evidence from **Oral Evidence, Constitution Committee Inquiry** shows that 2010-2011, 16% of Queen’s Counsel applications were women, despite them making up 31% of barristers with 15-20 years’ experience at the Bar.
- An **improved gender and ethnic mix at the JAC selection panel** with 37% men and 63% women.

2012

- (March) **“Judicial Appointments”, House of Lords Constitution Committee** report makes a number of recommendations including the introduction of non-mandatory targets if, after five years, there has not been a significant improvement in the numbers of women and BAMES holding judicial office. The report declared that “merit should continue to remain the sole criterion for appointments”.
- (November) Lord Sumption’s **“Home Truths about Judicial Diversity”** speech calls for an honest public debate on positive discrimination being used to increase gender and ethnic diversity in the judiciary. He also suggests it might take more than 50 years to achieve a fully diverse judiciary in England and Wales.

- (November) the Lord Chief Justice and the Diversity and Community Relations Judiciary **host an event entitled “Judge for Yourself”** aimed at lawyers from diverse backgrounds to encourage them to seek judicial appointment.

2013

- (February) Kutton Menon Lecture, **“Equality in the Judiciary”**; **Lady Hale** declares that the UK is “out of step with the rest of the world” when it comes to a diverse judiciary, and suggests positive discrimination may be the remedy.
- (April) **Crime and Courts Act 2013** comes in to force, permitting (among other changes) a ‘tie-breaker’ rule. Where two candidates are considered by the JAC to be of equal merit, one may be given preference over the other in order to increase diversity of an underrepresented group. This is known as the Equal Merit Provision (EMP).
- (July) **JAC’s “Barriers to Application to Judicial Appointment”** report detailed a survey of solicitors, barrister, and legal executives. Respondents revealed that they would benefit from the following: greater availability of information regarding the selection process; advanced notice of vacancies occurring; part-time/flexible working hours; a mentoring and work shadowing system.
- The creation of the **Judicial Diversity Committee** is endorsed by the Judges’ Council. It is responsible for setting strategy, coordinating and evaluating initiatives, and monitoring progress.

2014

- (May) A **Judicial Work Shadowing Scheme**, administered by the Judicial Office and supported by HMCTS, is launched. It offers eligible legal practitioners interested in a judicial career an insight into the work of a judge.
- (June) Lady Hale’s **“Fiona Woolf Lecture”** advocates working towards a “proper judicial career structure with potential to move onwards and upwards and to be identified, mentored, given the right opportunities” to prosper. She does not specifically champion a career judiciary.
- (July) **JAC applies EMP policies** introduced by the Crime and Courts Act 2013 to all selection exercises.
- (September) **Lord Neuberger** suggests in an interview with UK Supreme Court Blog that a career judiciary with a fast-track promotion to higher courts might be the solution to achieving a more diverse judiciary.
- (October) A **Judicial Role Models Scheme** is launched to identify judges to provide support, outreach, networking and mentoring.
- (November) **Sir Geoffrey Bindman QC and Karen Monaghan QC** publish a report entitled “Judicial Diversity: Accelerating Change”. It makes 20 recommendations to improve judicial diversity.
- (December) the **Lord Chief Justice’s report** contains an overview of appointments and diversity, and summarises various initiatives.

2015

- (February) A **Judicial Mentoring Scheme** is developed to support women, BAME and those from a less advantaged background. It is open to those who have participated in the Judicial Work Shadowing Scheme.
- (April) A pioneering **Diversity Support Initiative** opens to those without prior judicial experience and supports women, BAME and those from less advantaged backgrounds seeking to apply for the JAC’s selection exercise to appoint **Deputy High Court Judges**. The programme includes work-shadowing, mentoring and a workshop to prepare candidates for the JAC application process. It leads to eight women and two BAME appointees out of a total of 18.
- (July) Bar Council Momentum Measures Report (July 2015) published revealing White Barristers are twice more likely to obtain pupillage in five years than BAME barristers.
- (July) **“Chief Executive’s review of the process followed by Selection Commissions making recommendations for appointment to The Supreme Court.”** The review makes a number of recommendations for the UKSC: drawing up a policy to reflect the Crime and Courts Act 2013; carrying out research agree on most appropriate form of diversity training for selection committee; development of a mentor scheme for those interesting in and qualified for a career as a Supreme Court judge; creating an identification mechanism for individuals with potential to be considered for the Supreme Court.
- (October) the **Lord Chief Justice’s speech at the Temple Women’s Forum** in Leeds points out the importance of diversity and argues that, despite the progress made, much more must be done.
- (October) **First women** appointed to Northern Ireland’s High Court (Madam Justice McBride and Mrs Justice Keegan).

2016

- (July) **Judicial Diversity Statistics 2016** reveals the proportion of female judges in courts has risen from 25% to 28%.
- (November) Following the “Diversity Support Initiative” in April 2015, the exercise was re-run as the **Fast Track to the High Court and support scheme for under-represented groups**. This was in anticipation of 2017 and 2018

High Court judge selection exercises.

- **European Commission for the Efficiency of Justice, “European Judicial Systems”** report (based on data from 2014) states that England and Wales has the fifth least diverse judiciary of the members of the Council of Europe – the others being Azerbaijan, Armenia, Northern Ireland, and Scotland – with women making up just 30%.
- **MoJ’s Modernising Judicial Terms and Conditions** makes a number of proposals relating to judicial terms and conditions.

2017

- (January) The proportion of newly-appointed QCs who are women rises to its highest level ever (at 27%).
- (January) **High Court Judge competition** advertised by the JAC. It is also open to those without previous sitting experience as a judge. Applications from under-represented groups are explicitly encouraged. A table of transferable skills is included in the information.
- (February) **Court of Appeal competition** advertised by the JAC. The JAC states that it may adopt the Equal Merit provision when carrying out the selection exercise.
- (February) **Recorder competition** advertised by the JAC. Applications from solicitors, women, BAME and disabled applicants are encouraged.
- (February) **UK Supreme Court launch selection process** to fill vacancies for two Justices of the Supreme Court and the Presidency of the Court. Applications are sought from a wide range of candidates, and particularly from those who will increase the diversity of the Court.

ANNEX III. DIAGRAM OF TWO STAGES OF APPOINTABLE POOL FROM CANDIDATE'S PERSPECTIVE

STAGE 1: Get into appointable pool (HIGH objective standard. Tests etc. may vary from court to court).



Time in pool accompanied by professional development opportunities – *e.g.* work shadowing, access to Judicial College courses, fee-paid sitting experience.

Appointments from your cohort (*i.e.* all those people who entered the pool at the same time as you) as vacancies arise. Staggered entry and exit; new cohorts enter the pool through regular competitions.



STAGE 2: Get out of the appointable pool – two possibilities:

- 1) Appointable person is offered, and accepts, a post, so leaves the pool.
- 2) Appointable person decides judicial career not for them, so leaves the pool.

It is Stage 2 where the court's needs (including for greater diversity) take precedence. Candidates most needed by the court are prioritised for *immediate* appointment but *everyone* will leave the pool (*i.e.* take up post) within the maximum time period specified on entering the pool.