



LORD CHIEF JUSTICE
OF ENGLAND AND WALES



SENIOR PRESIDENT
OF TRIBUNALS

Judicial Diversity Statistics 2016

Judicial Office Statistics Bulletin

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Contents

Contents	2
Introduction	3
Key Findings.....	5
Diversity in the Courts.....	6
Diversity in the Tribunals.....	12
Primary and secondary roles.....	15
Magistrates	16
Data Quality.....	17
Contacts.....	17

Introduction

This bulletin provides an overview of the diversity of appointed judges in the courts and tribunals on 1 April 2016. Where a judge holds more than one appointment the statistics are compiled for the appointment considered to be their primary appointment, i.e. the appointment they hold most of the time.

This bulletin gives a summary of the results and commentary on the following characteristics:

- Gender
- Ethnicity
- Professional background
- Salaried/ fee paid judges
- Age (first published in 2015)

The accompanying tables give a more detailed breakdown of these characteristics.

Diversity characteristics of groups may change year on year due to promotions, recruitment, retirements and resignations. The recruitment exercises run over the last year by the Judicial Appointments Commission will also impact on diversity.

The Judicial Career Progression Chart provides an overview of progression through the judiciary in England and Wales <https://www.judiciary.gov.uk/about-the-judiciary/judges-career-paths/judicial-career-progression-chart/>

For an explanation of judicial roles see: <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/>

Any feedback, questions or requests for further information about this statistical bulletin should be directed to the **contacts** given at the end of this report.

Revision notice

A revision notice to this publication was issued on 29 November: <https://www.judiciary.gov.uk/wp-content/uploads/2016/07/judicial-diversity-statistics-bulletin-nov2016-1.pdf>

For this release, there was a change in the methodology used to calculate the proportion of judges from minority ethnic backgrounds.

Ethnicity information is known for 84% of court judges and 88% of tribunal legal and non-legal members. In previous years, the proportion of judges that identify as Black, Asian and Minority Ethnic (BAME) was calculated as a percentage of those with a known or declared ethnicity. In 2016, this was calculated as a percentage of all appointments, i.e. including those judges whose ethnicity was undeclared or unknown.

This change was made to bring these statistics in line with other reported statistics on judicial diversity, but the introduction of this was not made clear to users. The bulletin has now been reviewed and the following changes made:

1. To enable like for like comparisons between years and to demonstrate the impact of the change in reporting, figures for 2016 have been provided on both the old and new methodology within the tables accompanying this publication, i.e.
 - i) as a percentage of those members of the judiciary with known or declared ethnicity; and
 - ii) as a percentage of all appointments i.e. including those with unknown or undeclared ethnicity
2. Due to the errors identified, the bulletin text and accompanying statistical tool were removed from the publication website and revised versions made available on 2 December.

Users

The main users of these statistics are ministers and officials in central government, the Judicial Appointments Commission and Judicial Office responsible for developing policy with regards to judicial diversity. Other users include judges, lawyers and academics, and the professional bodies such as The Bar Council, The Law Society, and The Chartered Institute of Legal Executives.

Date of next publication

The next bulletin is due to be published in July 2017.

Related publications

Statistics on the diversity of recommendations for appointment are published by the Judicial Appointments Commission <https://jac.judiciary.gov.uk/jac-official-statistics>

Key Findings

- The percentage of female judges in courts increased from 25% in 2015 to 28% in 2016; in tribunals, it increased from 44% to 45% over the same period.
- More than half of all court judges (51%) and tribunal judges (64%) aged under 40 are female.
- Of those judges that declared their ethnicity, 6% of court judges and 10% of tribunal judges declared their background as Black, Asian or Minority Ethnic (BAME). This rises to 9% for courts and 16% for tribunals for those judges aged under 40.
- A third of court judges (34%) and two thirds of tribunal judges (65%) are from non-barrister backgrounds. However, this varies by jurisdiction for both courts and tribunals, with judges in lower courts being more likely to come from a non-barrister background.
- There are slightly more female than male magistrates (53%), and this proportion has gradually increased from 51% in 2012.
- Although magistrates can be appointed from age 18, there are very few magistrates under 30 (<1%) and 86% of magistrates are over 50. The average age has remained in the late 50s for the past 5 years.
- Ten per cent of magistrates declared themselves as BAME in 2016, compared with 8% in 2012

Diversity in the Courts

Judges by gender (Table 1.1)

There were 3,202 judges in the courts on 1 April 2016, of which 882 (28%) were female, up from 25% last year. Figure 1 shows that the percentage of judges who are female tends to be higher in the fee paid positions (shaded bars) than in the salaried positions. Figure 1 shows judicial roles in order of seniority of court.

Figure 1: The percentage of court judges who are female (1 April 2016)

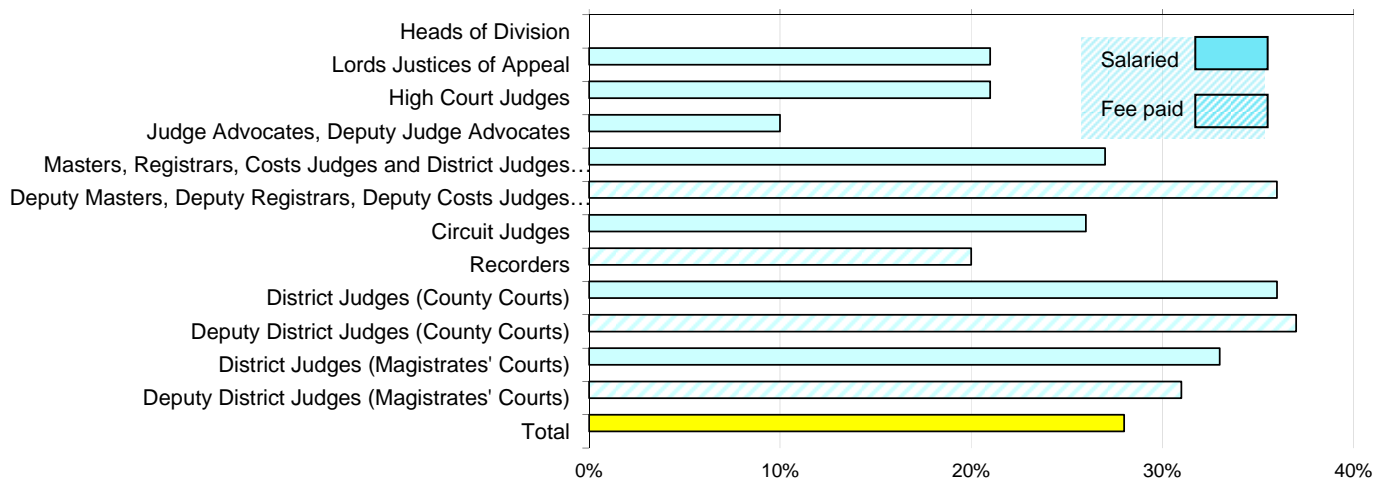


Figure 2 shows that there is greater representation of female judges in the younger age bands - 51% of judges aged under 40 are female compared with 16% of judges aged over 60. This suggests that the overall percentage of female judges will increase over time.

Figure 3 shows the percentage of court judges that were female on 1 April in each of the last 6 years. It has gradually increased year on year with 22% of court judges being female in 2011 compared to 28% in 2016.

Figure 2: Percentage of court judges who are female by age band (1st April 2016)

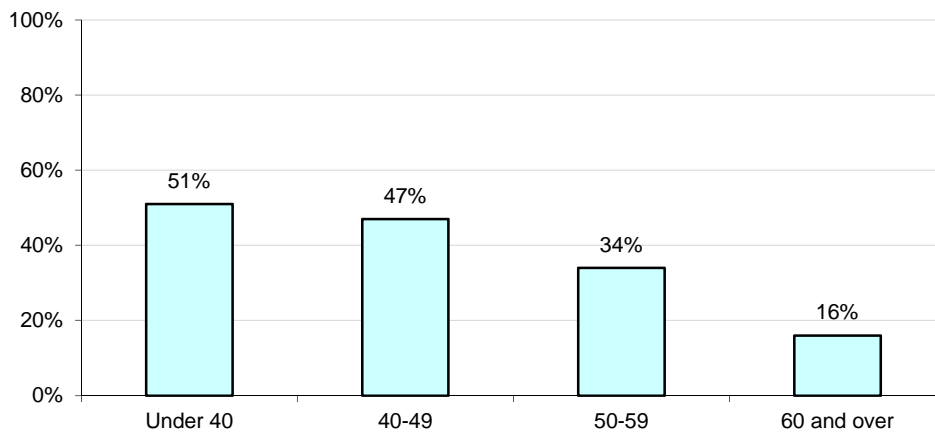
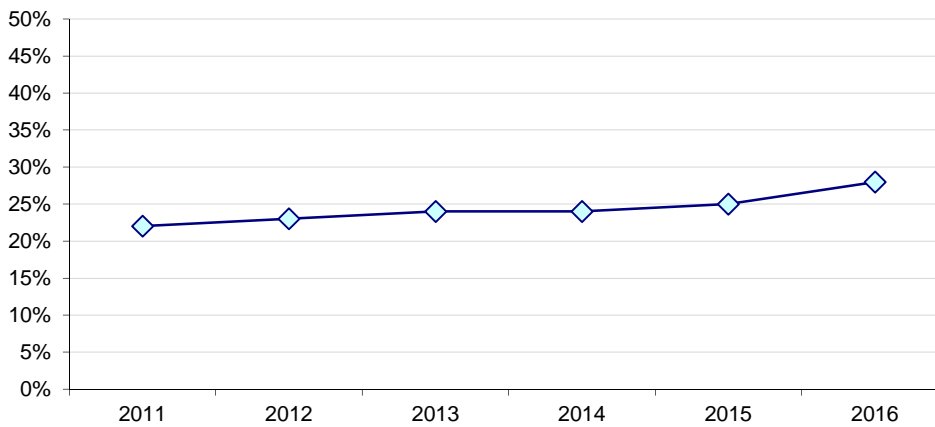


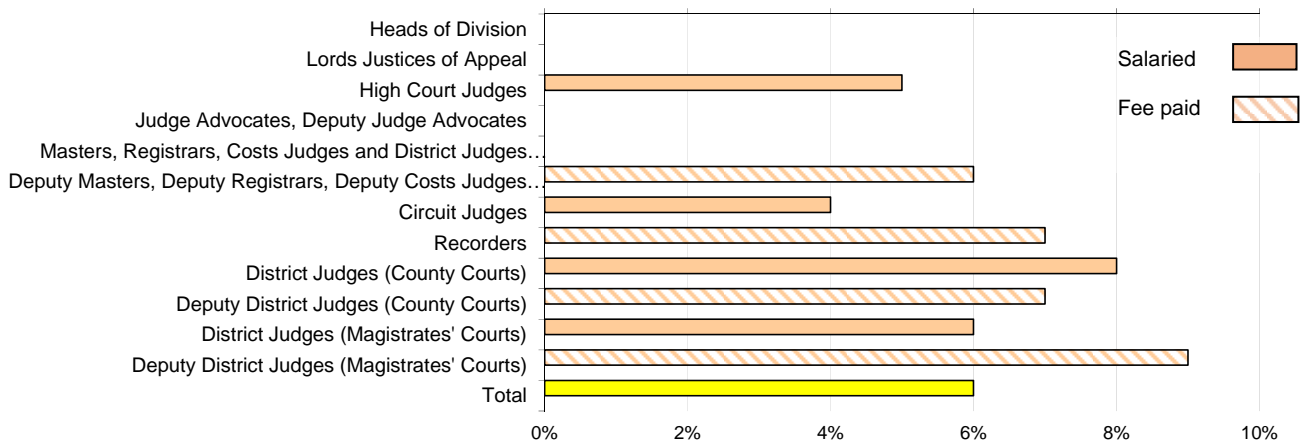
Figure 3: Percentage of court judges that are female 2011 to 2016



Judges by ethnicity¹ (Table 1.1)

Of those 3,202 judges in the courts, ethnicity information is known for 84%. Of those who declared their ethnicity, there were 174 (6%) who declared their background as Black, Asian or Minority Ethnic (BAME).

Figure 4: Percentage of court judges that identify as BAME (1 April 2016)



¹ The database of the ethnic origin of the judiciary may be incomplete as (a) judicial office holders are asked to provide the information on a voluntary basis and (b) such details have only been collected since October 1991. Further ethnicity data was collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity data from all new judicial appointees. With effect from December 2011, the Judicial Appointments Commission has shared diversity data on recommended candidates with the Judicial Office, in those cases where the individual confirmed they were content for the information to be shared.

Not all judges declare their ethnicity - the ethnicity figures within the body of this bulletin are calculated as a percentage of those members of the judiciary who have agreed to provide ethnicity data and from whom we have collected this information. Percentages based on the whole judicial population (i.e. including those with undeclared or unknown ethnicity) are available within the tables accompanying this publication.

Figure 5 shows a greater representation of BAME judges aged under 40 (9%), compared with 4% of those aged over 60.

Figure 5: Percentage of court judges who are BAME by age band (1 April 2016)

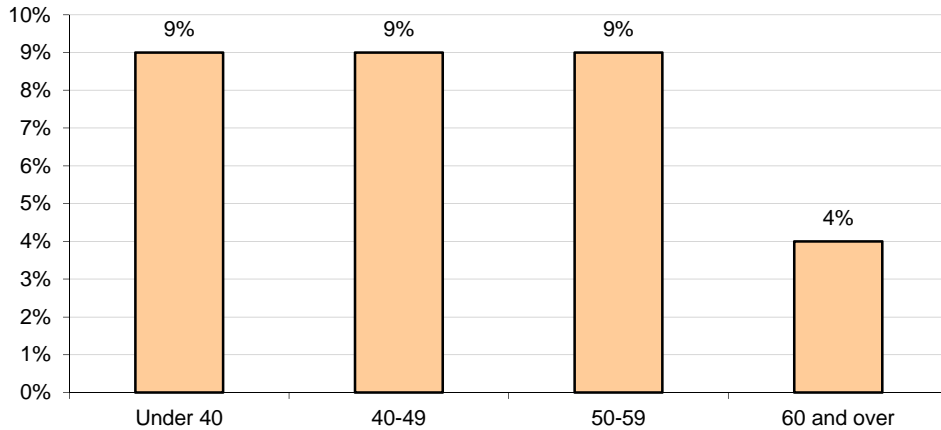
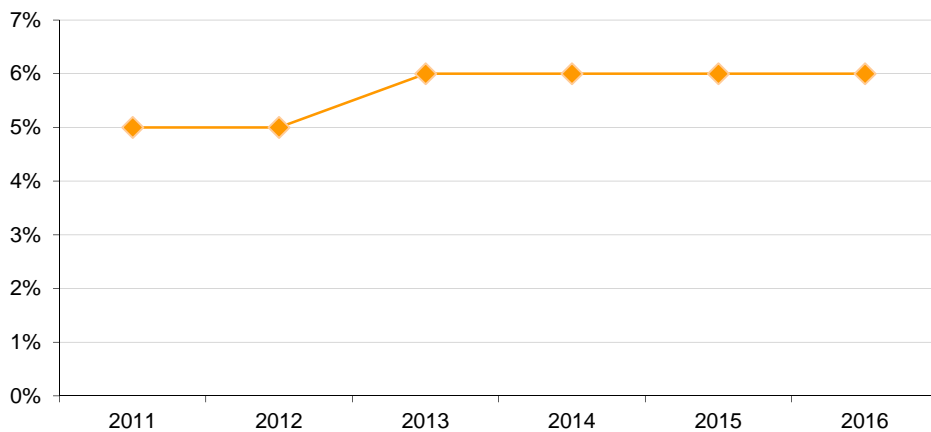


Figure 6 shows the percentage of court judges that are BAME on 1 April in each of the last 6 years. It has remained relatively constant from 2011 to 2016 at between 5 and 6%.

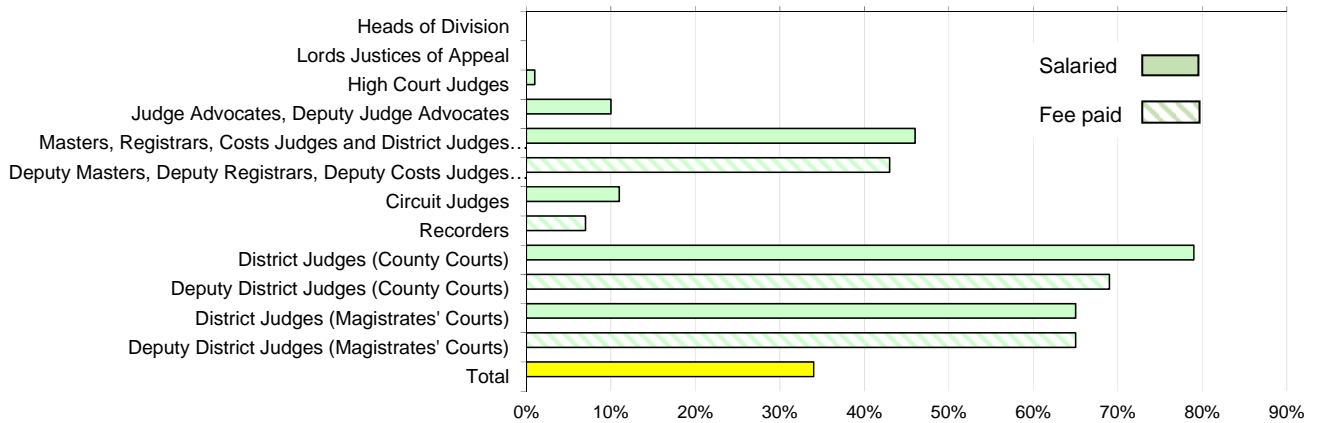
Figure 6: Percentage of court judges that are BAME 2011 to 2016



Judges by professional background (Table 1.1)

There are 1,100 (34%) judges in the courts whose professional background, where it is declared, is not as a barrister. Only 12 court judges did not declare their professional background. Figure 7 shows that this varies by court type. For example, 79% of District Judges in the County Courts have a solicitor background.

Figure 7: Percentage of court judges whose profession background is non-barrister (1 April 2016)



Judges by region (Table 1.4)

Figure 8 shows that the percentage of female judges is highest in the South East where 34% of court judges are female. In comparison the South West has the lowest percentage of female judges (21%).

Figure 8: Percentage of court judges in each region that are female (1 April 2016)

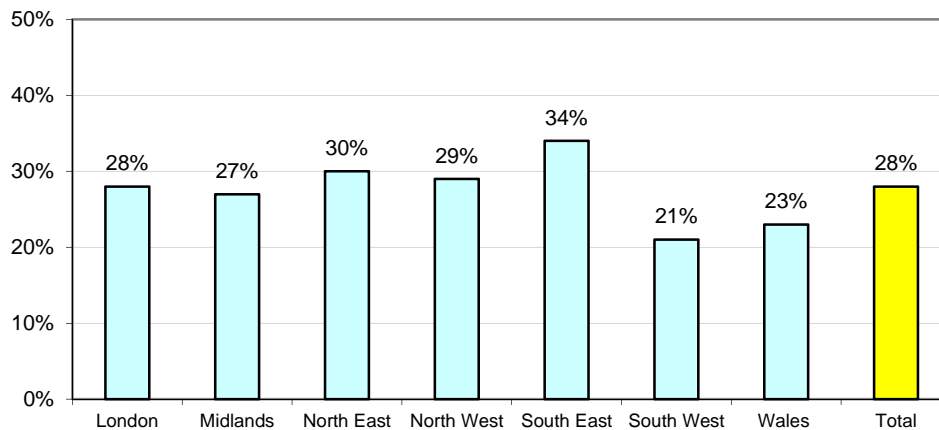
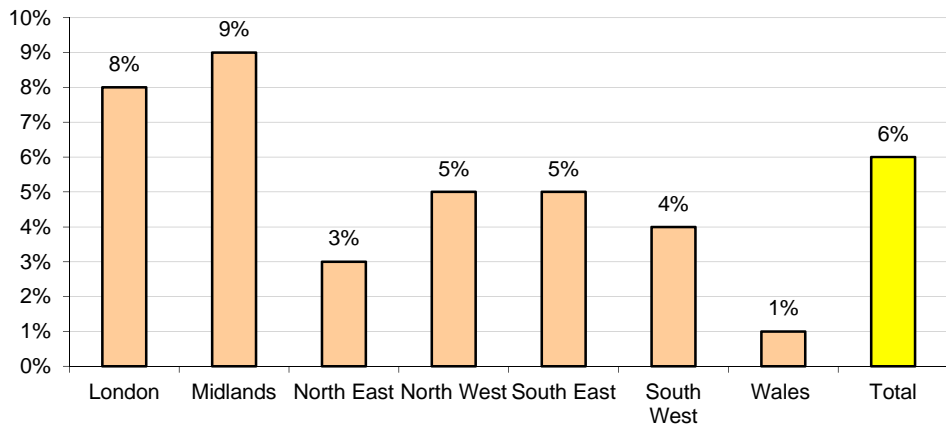


Figure 9 shows that the percentage of judges who identify as BAME is highest in the Midlands where 9% of judges who declared their ethnicity identify as BAME, compared with 1% in Wales.

Figure 9: Percentage of court judges in each region that declared as BAME



Diversity in the Tribunals

Judges by gender (Table 2.3)

There were 1,894 judges in the tribunals on 1 April 2016 (Table 2.3), of which 45% were female.

Figure 10 shows that a higher percentage of younger tribunal judges are female – almost two thirds (64%) of those aged under 40 are female compared with a third (33%) of those aged over 60 (Table 2.4).

Figure 10: Percentage of tribunal judges who are female by age band (1 April 2016)

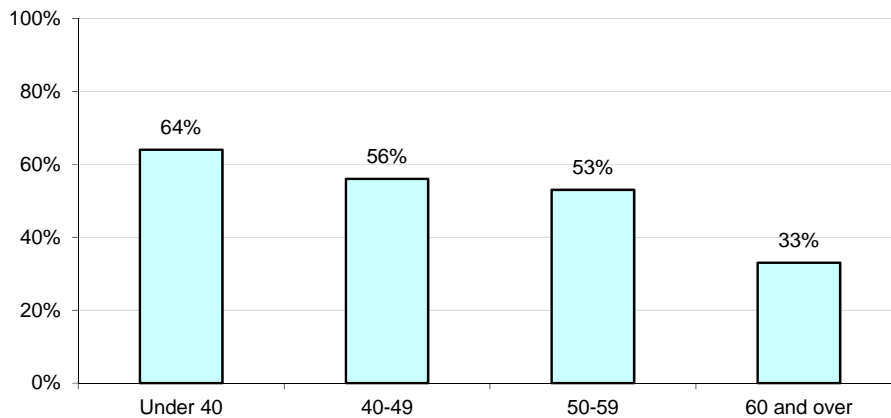
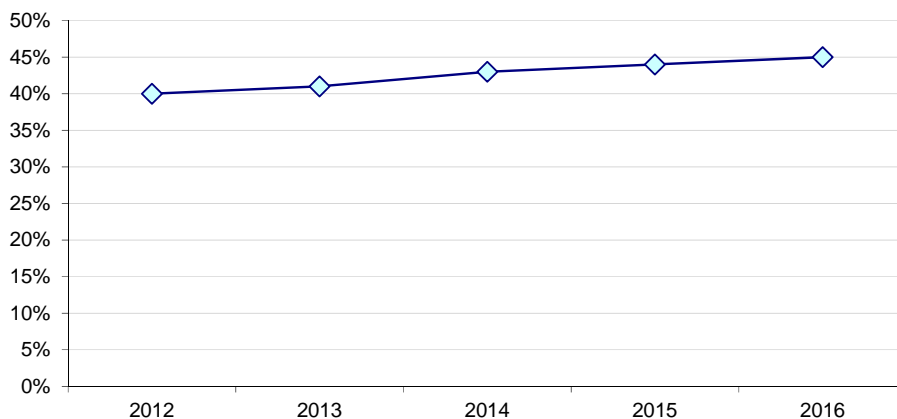


Figure 11 shows the percentage of female tribunal judges on 1 April in each of the last 4 years. It has gradually increased year on year with 40% of tribunal judges being female in 2012 compared to 45% in 2016.

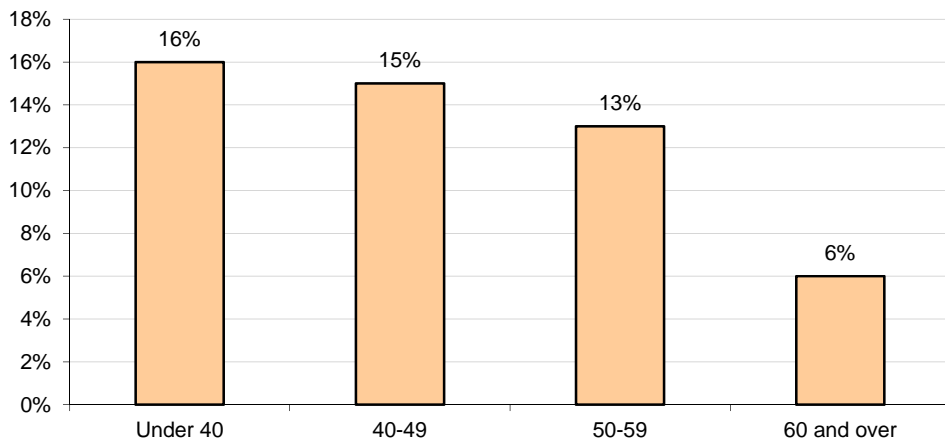
Figure 11: Percentage of tribunal judges that are female 2012 to 2016



Judges by ethnicity (Table 2.3)

There are 1,757 (93%) tribunal judges whose ethnicity is known/declared. Of those judges who declared their ethnicity, 10% declared their background as Black or Minority Ethnic (BAME).

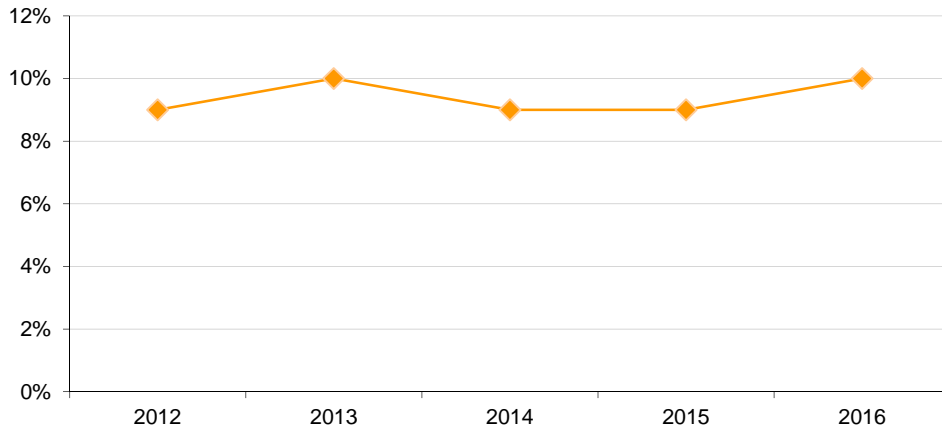
Figure 12: Percentage of tribunal judges who are BAME by age band (1 April 2016)



As in the courts, Figure 12 shows that of those tribunal judges who declared their ethnicity, there is a higher percentage identifying as BAME in the younger age bands – 16% aged under 40 and 15% aged 40-49. In comparison, 6% of tribunal judges aged over 60 identify as BAME.

Figure 13 shows that the percentage of tribunal judges that are BAME on 1 April in each of the last 5 years has remained relatively constant at between 9 and 10%.

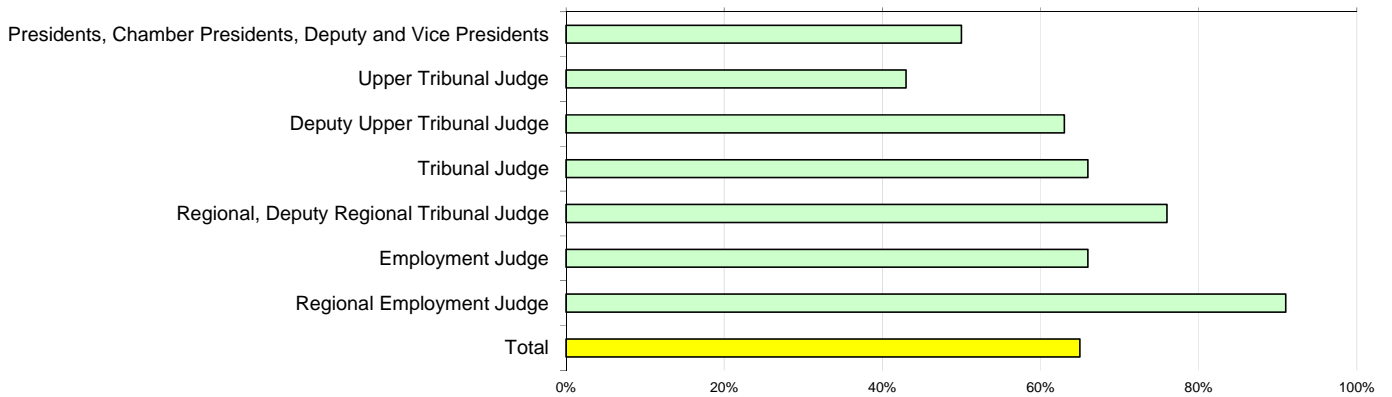
Figure 13: Percentage of tribunal judges that are BAME (2012 to 2016)



Judges by professional background (Table 2.3)

There are currently 1,261 (65%) judges in the tribunals who are from professional backgrounds other than barrister. Figure 14 shows that the percentage of non barristers is slightly lower among the more senior positions, however, given the relatively low numbers in these positions caution should be taken when interpreting the results.

Figure 14: Percentage of tribunal judges whose professional background is non-barrister (1 April 2016)



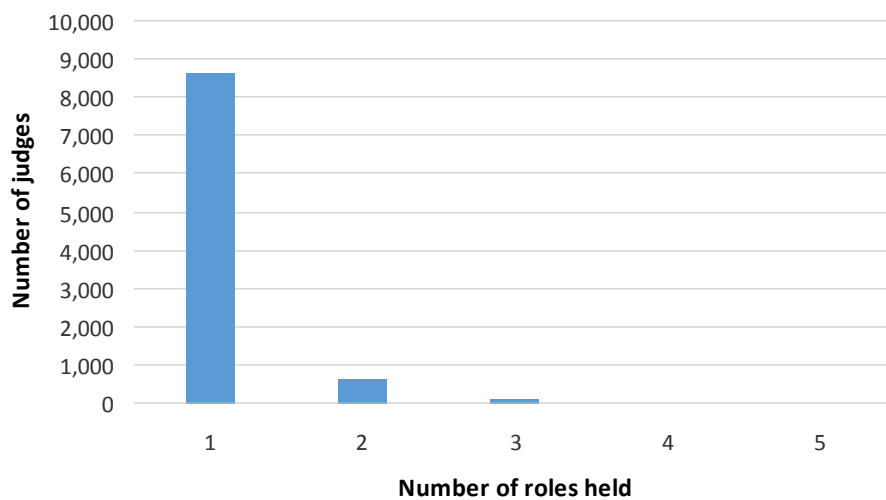
Judges by contract type (Table 2.3)

Currently 21% of judges in the tribunals are salaried. All other positions in the tribunals are fee paid. Fee paid positions are paid according to the number of sittings or days worked. The number of sitting days varies depending on the type of appointment, and will generally be at least 15 days a year.

Primary and secondary roles

The figures in this publication reflect a judge's primary appointment i.e. the one they hold most of the time. However, judges can hold multiple appointments. On 1 April 2016, the average number of appointments per judge was 1.09. The vast majority of judges (92%) hold only one appointment as shown in Figure 15. Judges are slightly more likely to have two or more roles if their primary role is within a tribunal (9% of tribunal judges compared to 6% of court judges have two or more appointments).

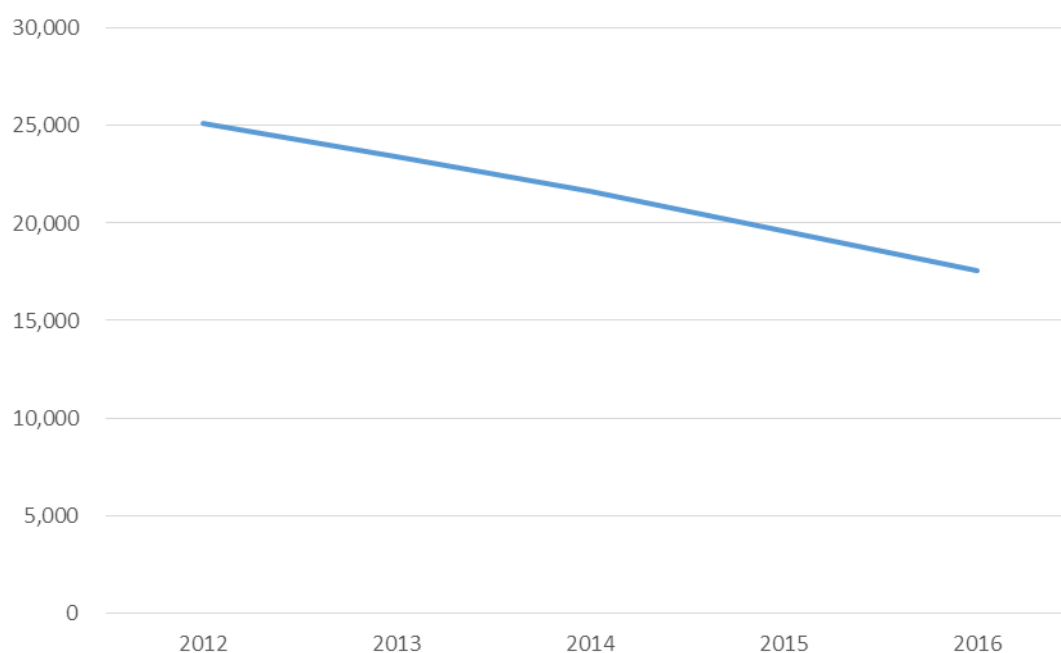
Figure 15: Number of appointments held by each judge



Magistrates

On 1 April 2016, there were 17,552 Magistrates or Justices of the Peace (JPs). There has been a steady decline in overall numbers since 2012 - this has been as a result of reduced recruitment combined with relatively consistent annual levels of resignations and retirements (around 2,000 a year). The downturn in recruitment is a consequence of falling workload in the magistrates' courts, which is itself due to falling crime and increased use of out of court disposals.

Figure 16: Total number of magistrates in England and Wales, 2012 to 2016



There are slightly more female than male magistrates (53%), and this proportion has gradually increased from 51% in 2012. Although magistrates can be appointed from age 18, there are very few magistrates under 30 (<1%) and 86% of magistrates are over 50. The average age has remained in the late 50s for the past 5 years. The minimum time commitment required of magistrates is 13 days / 26 half-day sittings per year plus training.

Ten per cent of magistrates declared themselves as BAME in 2016, compared with 8% in 2012.

The proportion of magistrates who have declared a disability is 4% and this has remained stable for the last 5 years.

Data Quality

A new HR system (e-HR) has been introduced for the judiciary in 2016 and has rationalised a number of existing systems which contained HR and training data. Validation of the data since migration is ongoing.

The database of the ethnic origin of the judiciary may be incomplete as (a) judicial office holders are asked to provide the information on a voluntary basis and (b) such details have only been collected since October 1991. Further ethnicity data was collected from judicial office holders in post through a diversity survey undertaken by the Judicial Office in 2007. In May 2009, the Judicial Office began collecting ethnicity data from all new judicial appointees. With effect from December 2011, the Judicial Appointments Commission has shared diversity data on selected candidates with the Judicial Office, in those cases where the individual confirmed they were content for the information to be shared.

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General information about the official statistics system of the United Kingdom is available from:

<http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system>