



LORD CHIEF JUSTICE
OF ENGLAND AND WALES



SENIOR PRESIDENT
OF TRIBUNALS

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Judicial Diversity Statistics 2018

Key Findings

29% of court judges and 46% of tribunal judges were female	<p>Among court judges, senior roles showed lower representation of female judges than in less senior roles. This was less evident among tribunal judges, with more variation in female representation across tribunal appointments.</p> <p>Around half of court judges aged under 50 were female. Females outnumber males among tribunal judges at all age groups under 60.</p> <p>Since 2014, female representation has increased by 5 percentage points among court judges, and 3 percentage points among tribunal judges.</p>
7% of court and 11% of tribunal judges were BAME; non-legal tribunal members 17%	<p>BAME representation among court judges aged 40 or over (98% of judges) was only slightly below that of the working age general population in each age band. BAME representation among tribunal judges was higher than that of the working age general population at all age bands from 40 and over. Non-legal members have considerably higher BAME representation than that of the working age general population at all age groups.</p> <p>Since 2014, BAME representation has increased 1 percentage point for court judges and 2 percentage points for tribunal judges.</p>
A third of court judges and two thirds of tribunal judges were from non-barrister backgrounds	<p>Representation of those with a non-barrister background varied by appointment for both courts and tribunals, with higher proportions of judges in lower courts from a non-barrister background. Non-barrister representation has fallen by 3 percentage points since 2014 for court judges, and by 1 percentage point since 2015 for tribunal judges.</p> <p>Virtually all declaring their background as non-barristers were formerly solicitors.</p>
Considerable regional variation in gender and ethnicity representation	<p>The percentage of female court judges was highest in the South East (39%), with the lowest female representation in the South West (21%).</p> <p>London and the Midlands had the highest representation of BAME court judges (9% and 8% respectively), with the lowest in Wales at 1%.</p>
More than half of magistrates were female (55%)	<p>12% of magistrates declared themselves as BAME.</p> <p>There were very few magistrates aged under 40 (4%) compared with 55% of magistrates who were aged over 60.</p>

This publication provides an overview of the diversity of appointed judges in the courts and tribunals, non-legal tribunal members, and magistrates, as at 1 April 2018. It is possible for an individual to hold more than one role; figures reflect the primary appointment of each individual on a headcount basis.

Technical details and explanatory notes can be found in the accompanying *Guide to Judicial Diversity Statistics*.

Coverage: Courts - England and Wales, Tribunals - All Tribunals administered by HMCTS and Welsh Tribunals not administered by HMCTS. This includes Employment Tribunal Scotland, in addition to Tribunals in England and Wales. Tribunals that are the responsibility of the devolved Welsh Government are not included. Magistrates - England and Wales.

1. Diversity in the Courts and Tribunals – Gender

29% of court judges and 46% of tribunal judges were female

Among court judges, senior roles showed lower representation of female judges than in less senior roles. This was less evident among tribunal judges, with more variation in female representation across tribunal appointments.

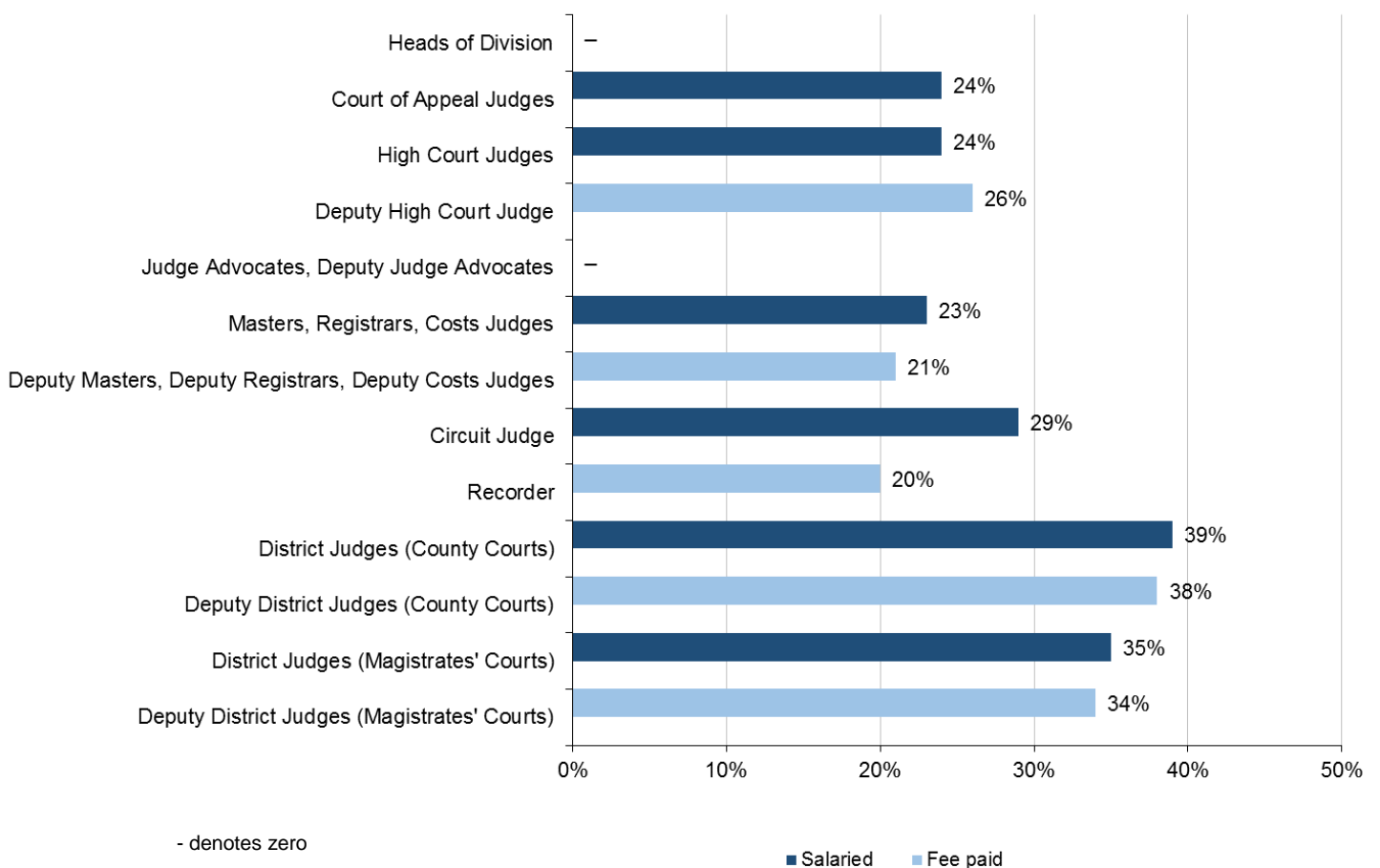
Around half of court judges aged under 50 were female. Females outnumber males among tribunal judges at all age groups under 60.

Since 2014, female representation has increased by 5 percentage points among court judges, and 3 percentage points among tribunal judges.

As at 1 April 2018, there were 2,978 judges (on a headcount basis) with a primary appointment in judicial roles in courts. Of these, 29% of court judges were female. Considerable variation was evident in the level of female representation across the different judicial roles in courts, with senior roles tending to have lower representation of female judges than in less senior roles. Some caution is advised in interpretation of trends relating to seniority given the relatively low numbers in senior positions.

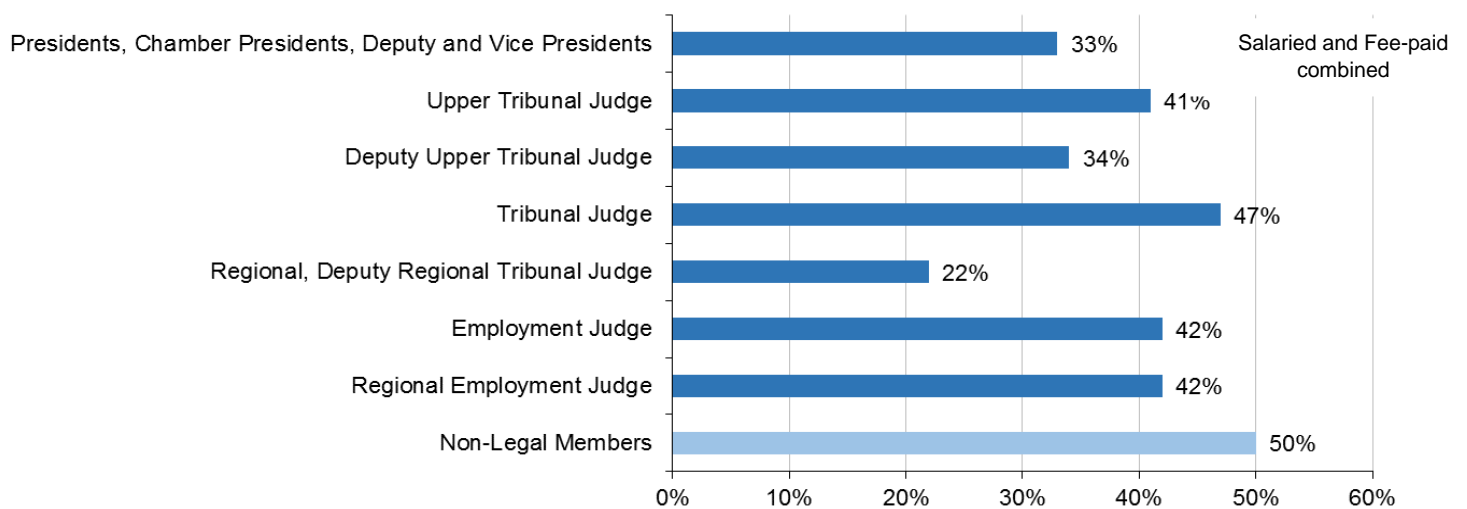
Figure 1 shows the representation of females, as a percentage, at each court judicial role (in order of seniority).

Figure 1: Female representation among court judges, by appointment, 1 April 2018



Source: Table 1.1

Figure 2: Female representation of judges and non-legal members of tribunals, by appointment, 1 April 2018



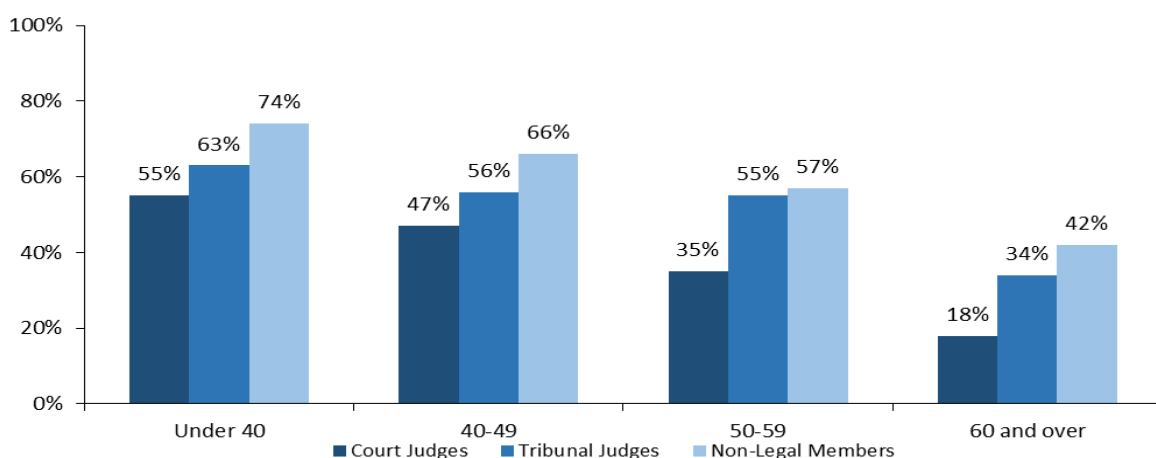
Source: Table 2.3

As at 1 April 2018, there were 1,703 tribunal judges (on a headcount basis by primary role). 46% of tribunal judges were female, with considerable variation in female representation across appointments. Females accounted for a third of the most senior roles in tribunals (Presidents, Chamber Presidents, Deputy and Vice Presidents).

In addition to tribunal judges, there were 3,122 non-legal members of tribunals. Half (50%) of non-legal members of tribunals were female. Of non-legal members, 44% of medical members were female, 77% of disability members were female, and 49% of other non-legal members were female.

As seen in Figure 3, at all age groups, tribunal judges and non-legal members showed higher female representation than court judges. In general, younger age groups had higher levels of female representation. Over half of court judges under 40 were female (55%), and almost half (47%) of court judges aged 40-49 were female. Notably, tribunal judges had greater representation of female judges than male judges at all age groups except those aged 60 or over, of whom just over a third (34%) were female.

Figure 3: Female representation among court judges, tribunal judges and non-legal members, by age band, 1 April 2018

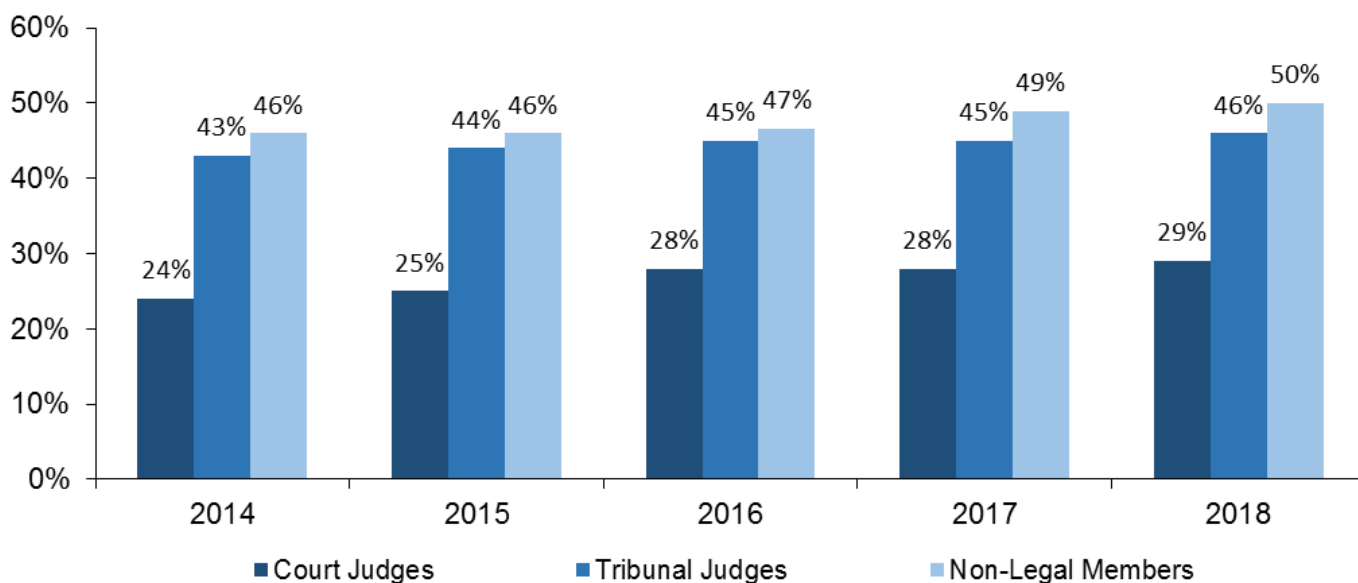


Source: Tables 1.2 and 2.4

Caution is advised in making direct year on year comparisons of percentages for interactions of gender by age group. Simple percentages in this form may not be directly comparable to other years due to variation in the age distribution in each year. A time series by gender and age group is not presented in this publication for this reason.

Figure 4 shows the time series available on a comparable basis for female representation among court and tribunal judges and non-legal members of tribunals. Since 2014, there has been a 5 percentage point increase in female representation among court judges, from 24% to 29% in 2018. Similarly, there was a 3 percentage point increase in female representation among tribunal judges from 43% to 46% over the same period. The representation of female non-legal members has risen by 4 percentage points since 1 April 2014, with females representing half of all non-legal members of tribunals (50%) as at 1 April 2018.

Figure 4: Female representation among court and tribunal judges and non-legal members, 1 April 2014 to 1 April 2018



Source: Tables 1.3 and 2.5

2. Diversity in the Courts and Tribunals – Ethnicity

7% of court and 11% of tribunal judges were BAME; non-legal tribunal members 17%

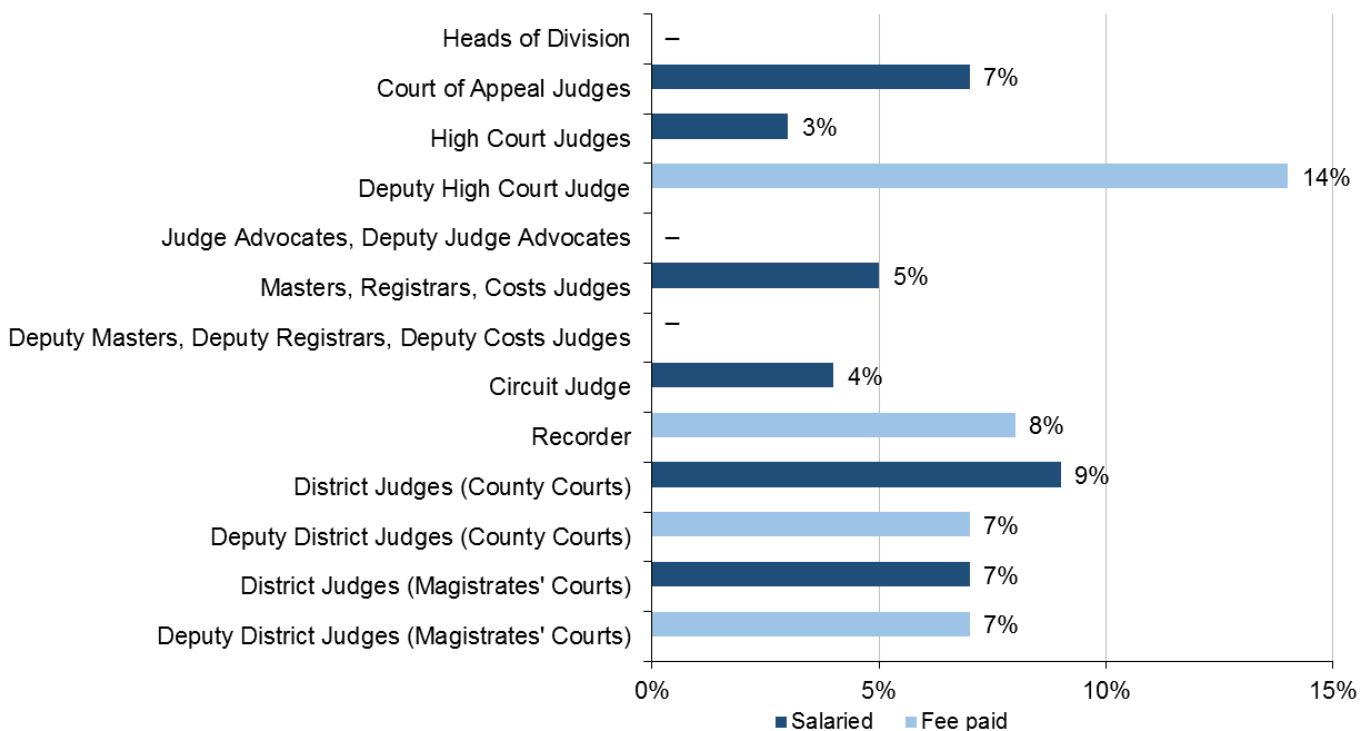
BAME representation among court judges aged 40 or over (98% of judges) was only slightly below that of the working age general population in each age band. BAME representation among tribunal judges was higher than that of the working age general population at all age bands from 40 and over. Non-legal members have considerably higher BAME representation than that of the working age general population at all age groups.

Since 2014, BAME representation has increased 1 percentage point for court judges and 2 percentage points for tribunal judges.

Ethnicity is self-declared on a non-mandatory basis. In the most recent period, 84% of court judges, 92% of tribunal judges and 90% of non-legal members declared their ethnicity. Non-response results in a degree of uncertainty around the figures. Assuming no inherent bias in those that do not respond, this level of non-response is unlikely to generate any material uncertainty around summary figures (the margin of error is negligible). When looking at lower level breakdowns, such as by role, declaration rates vary. In cases of low declaration combined with smaller numbers in groups (this is of particular note with regards to BAME representation among Deputy High Court Judges), uncertainty may be greater.

As at 1 April 2018, 7% of court judges were Black, Asian or Minority Ethnic (BAME). Of these, Asian and Asian British accounted for 3%, Mixed Ethnicity for 2%, and the remaining groups, Black and Black British, and Other Ethnic Group at around 1% each. Due to the numbers involved when considering ethnicity below the total level, the commentary focuses on non-white ethnic groups in aggregated form as BAME only. Further breakdowns would be less meaningful due to low numbers, and may in some cases pose a disclosure risk.

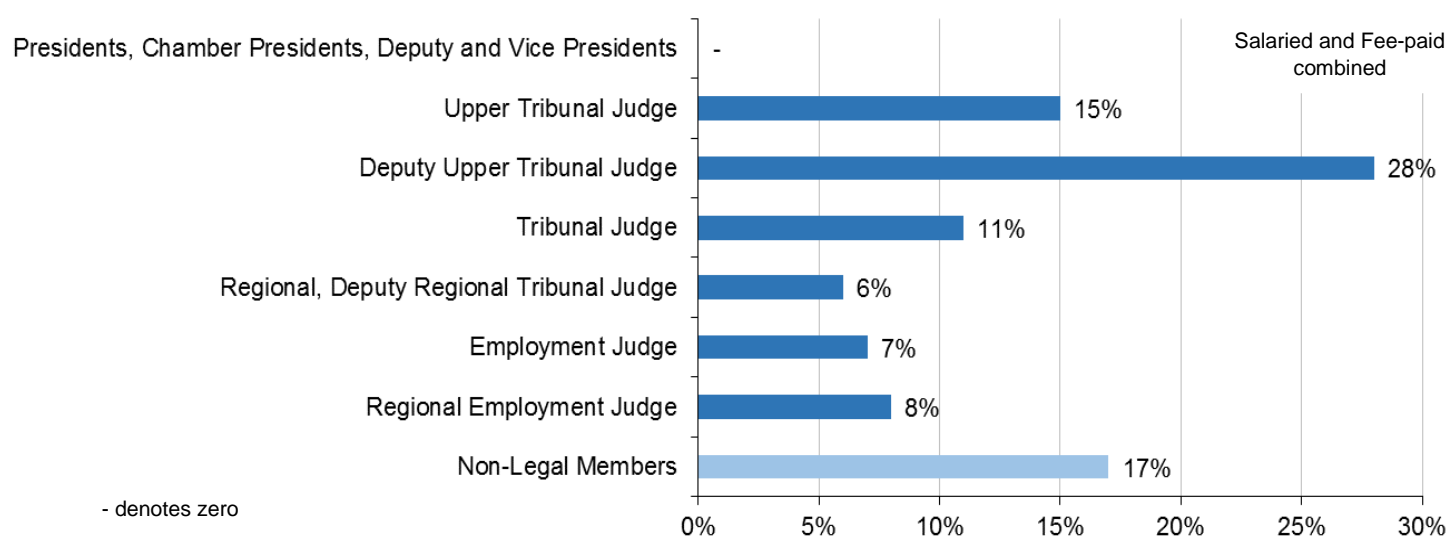
Figure 5: BAME representation among court judges, by appointment, 1 April 2018



- denotes zero

BAME representation was broadly consistent among positions at Recorder level and below, at 7% or over. Circuit Judges had lower BAME representation, at 4%. Although Deputy High Court Judges had the highest BAME representation, at 14%, this figure is based on low numbers, and the declaration rate for this figure is very low (just at the minimum 60% threshold for reporting). As a result, this figure has a very wide margin of error and it should be considered with caution. There were 3 BAME High Court Judges (3%). Ethnicity information is not presented for other senior roles due to the low numbers involved.

Figure 6: BAME representation of judges and non-legal members of tribunals, by appointment, 1 April 2018



Source: Table 2.3

As at 1 April 2018, 11% of tribunal judges were BAME, with 5% being Asian or Asian British, while Black or Black British, Mixed Ethnicity, and Other Ethnic Group accounted for 2% each. Again, due to the numbers involved, further analysis focuses solely on the aggregated BAME grouping.

There was considerable variation in BAME representation among tribunal judges by appointment type, with the highest BAME representation among Deputy Upper Tribunal Judges (28%), and Upper Tribunal Judges (15%), and the lowest among Employment Judges and Regional and Deputy Regional Tribunal Judges (7% and 6% respectively).

BAME representation among non-legal members of tribunals was 17%. This was particularly driven by medical members, who account for 41% of all non-legal members. Around a quarter (26%) of medical members were BAME (20% were Asian or Asian British).

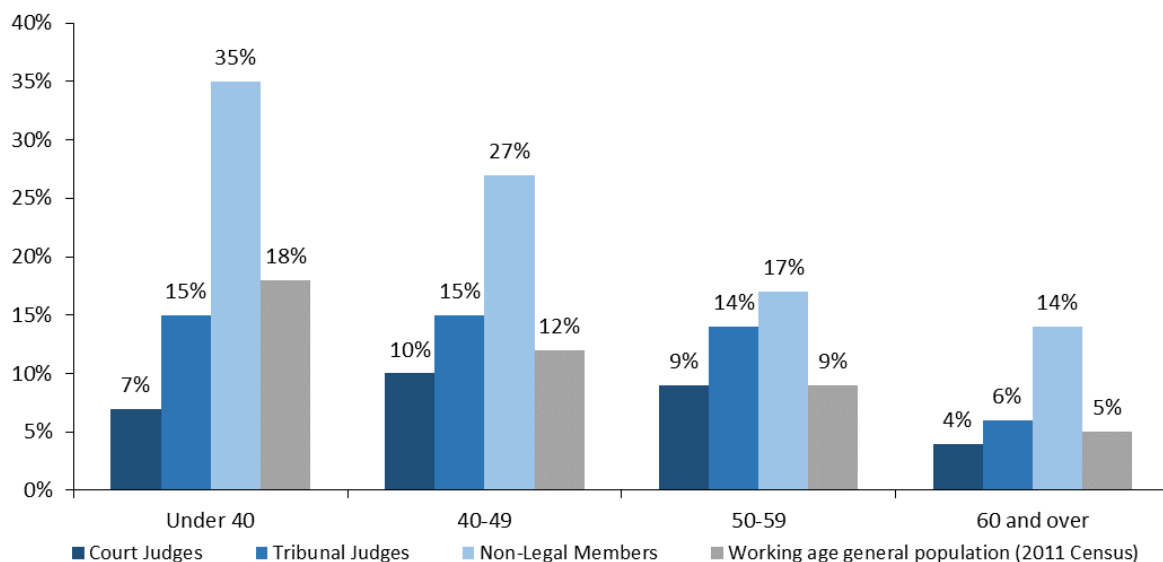
When considering the BAME representation among judges and that of the general population, it is imperative to understand the relationship between age and ethnicity. Although BAME representation in the working age general population of England and Wales from the 2011 Census¹ was 14% overall, there is substantial variation at different age groups, with ethnic

¹ <https://www.ons.gov.uk/census/2011census>

diversity decreasing considerably with age (figure 7). For example, for those aged 18 to 39, BAME representation in the working age general population was 18%, compared with 5% for those aged 60 and over.

The age distribution of judges is very different to that of the working age population, as a direct result of the requirement for considerable professional legal experience. Very few judges are aged under 40 (2% of both court and tribunal judges), but almost half are aged 60 or over (46% of both court judges and tribunal judges). Accordingly, age must be taken into account to meaningfully consider the ethnicity representation of judges relative to the general population. Adjusting the working age general population ethnicity representation to align with the age distribution of judges would result in a general population comparator figure of around 8% BAME - only slightly higher than the figure for court judges, and below that of tribunal judges.

Figure 7: BAME representation among court and tribunal judges and non-legal members by age band, 1 April 2018, compared to the working age general population of England and Wales (2011 Census²)



Source: Tables 1.2 and 2.4

When looking by age group, 4% of court judges aged 60 or over were BAME, broadly comparable to the general population figure of 5%. BAME representation was the same for court judges aged 50-59 as in the general population at this age group (9%). Among those aged 40-49, BAME representation was slightly lower among court judges than in the general population (10% compared to 12%).

Tribunal judges had considerably higher BAME representation than the general population at all age groups other than those under 40, noting that there were only 35 tribunal judges aged under 40. Age groups 40 and above combined account for almost all (98%) of judges.

The ethnicity representation within the general population figure for those aged 18-39 is less suitable for comparison given it includes individuals far younger than the youngest of court or tribunal judges. Given the very low numbers of judges within this age bracket, there is far

² <https://www.ons.gov.uk/census/2011census>

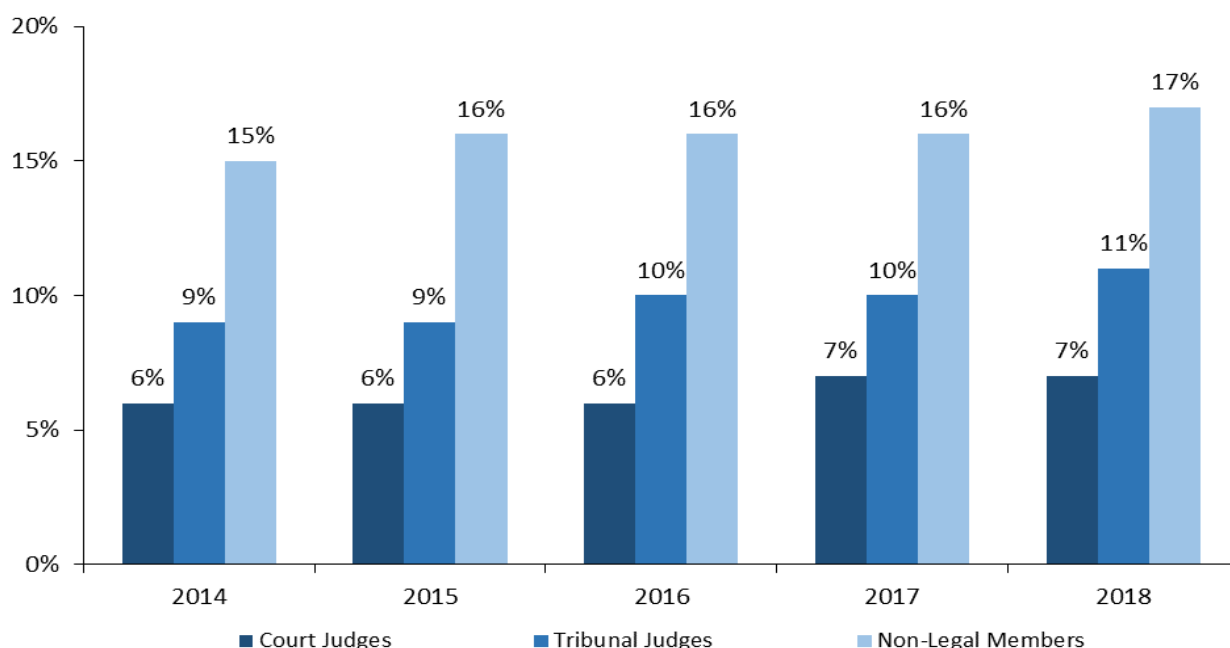
greater volatility due to chance alone. Caution is advised in drawing conclusions about BAME representation of those court and tribunal judges aged under 40 for these reasons.

When comparing to the general population, it is important to note that this is not the base population from which judges are recruited. Given the requirement for legal qualifications and substantial legal experience to be eligible to apply for a judicial appointment, general population figures are not directly comparable. Working age general population figures from the 2011 Census² are presented to illustrate the relationship ethnicity has with age. Comparisons are not made to the ethnicity representation among members of the legal professions who meet the minimum eligibility requirements. Such figures would not represent the ethnic diversity among those that may be credible candidates, and would be misleading.

Non-legal members in all age groups had far higher BAME representation than judges, and at each age band, BAME representation among non-legal members was considerably higher than in the corresponding age band of the working age general population.

Caution is advised in making direct year on year comparisons of percentages for interactions of ethnicity by age group. Simple percentages in this form may not be directly comparable over time due to variation in the age distribution in each year. A time series is not presented for ethnicity by age group for this reason.

Figure 8: BAME representation among court and tribunal judges and non-legal members, 2014 to 2018



Source: Tables 1.3 and 2.5

Figure 8 presents the time series of BAME representation among court and tribunal judges as at 1 April in each of the last five years, the period for which figures are available on a comparable basis. Small increases have been seen in BAME representation over the period, increasing slightly from 6% to 7% among courts judges, from 9% to 11% for tribunal judges, and from 15% to 17% for non-legal members.

Turnover among judges is low relative to the overall number of judges. As such, changes to the demographics of judges are inevitably gradual.

3. Diversity in the Courts and Tribunals – Professional background

A third of court judges and two thirds of tribunal judges were from non-barrister backgrounds.

Representation of those with a non-barrister background varied by appointment for both courts and tribunals, with higher proportions of judges in lower courts from a non-barrister background. Non-barrister representation has fallen by 3 percentage points since 2014 for court judges, and by 1 percentage point since 2015 for tribunal judges.

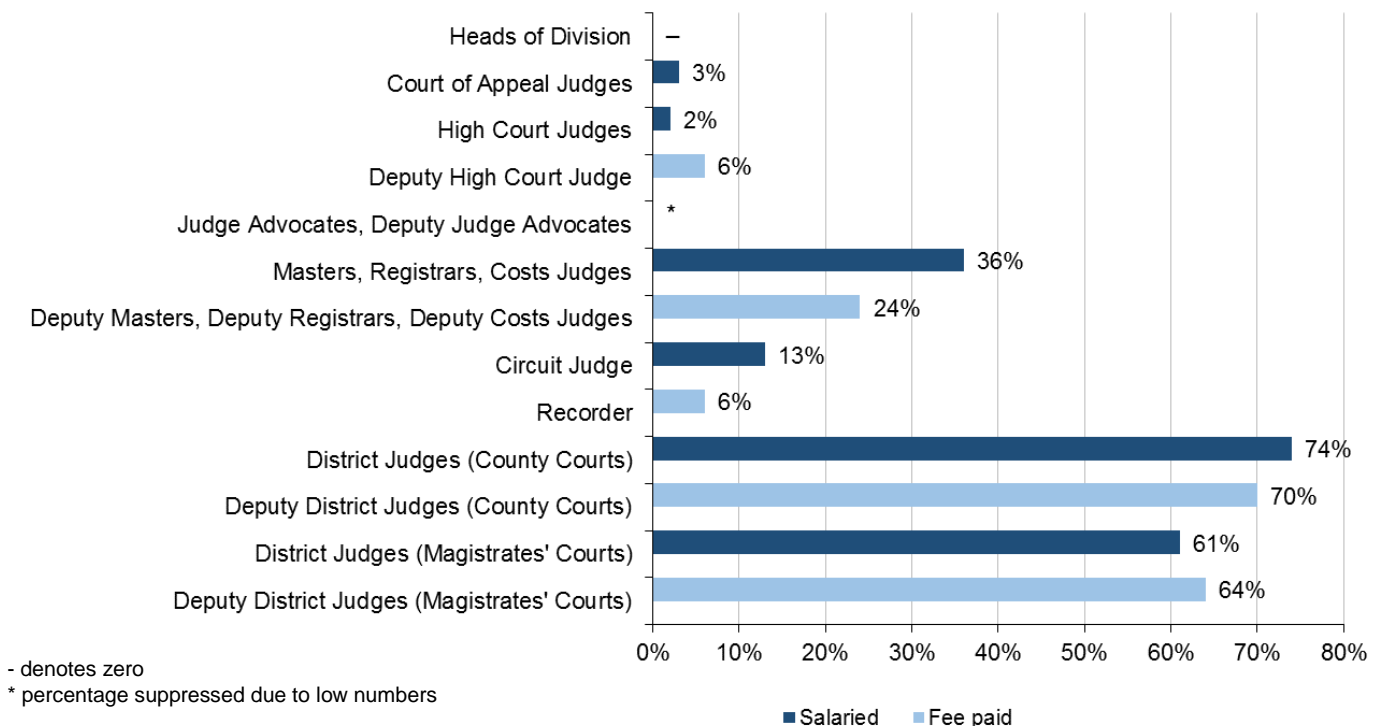
Virtually all declaring their background as non-barristers were formerly solicitors.

As at 1 April 2018, professional legal background information had almost complete declaration among court judges (only six court judges had not made a declaration) and 97% for judges in tribunals. There is no statutory requirement for legal experience for non-legal members.

A third (34%) of court judges and two thirds (66%) of tribunal judges had a non-barrister professional background. The non-barrister group were virtually all solicitors.

Some ambiguity in professional background may exist where individuals have had multiple prior roles. Figures will not capture the full prior professional legal background in such cases, and will represent the most recent legal role at the time of appointment.

Figure 9: The percentage of court judges whose profession is non-barrister, by appointment, 1 April 2018

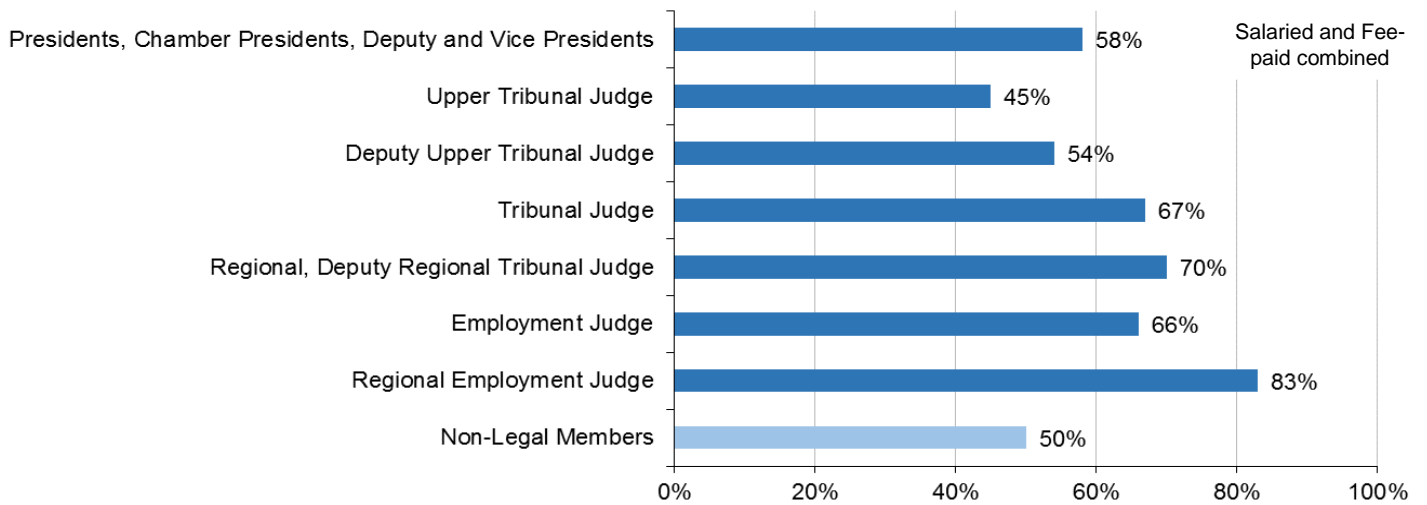


Source: Table 1.1

Representation of those from a non-barrister background among court judges was highest among District Judges and Deputy District Judges in County Courts (74% and 70% respectively) and Magistrates' Courts (61% and 64% respectively). However, 13% of Circuit Judges and 6% of Recorders had not previously been barristers. Given the relatively low

numbers involved for more senior positions, some caution should be taken when interpreting results for positions above Circuit Judge.

Figure 10: Percentage of tribunal judges whose professional background was non-barrister, 1 April 2018



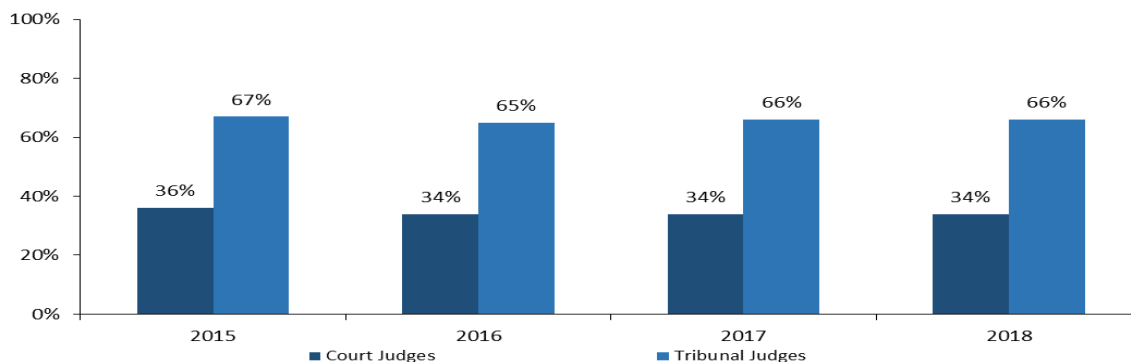
Source: Table 2.3

Figure 10 presents professional legal background representation among tribunal judges (this excludes non-legal members, for whom there is no requirement for legal experience).

Representation of those from a non-barrister background compared to former barristers was more evenly split in higher tribunal positions, however some of these groups comprise a very small proportion of the total number of tribunal judges, so caution is advised in interpreting these results. Presidents, Chamber Presidents, Deputy and Vice Presents (Upper Tribunal Judge; Deputy Upper Tribunal Judge) only accounted for 6% of tribunal judges in total. Non-barrister representation was around two-thirds for Tribunal Judges, Regional Tribunal Judges and Employment Judges, who account for 93% of all tribunal judges. Although the percentage of non-barristers was highest for Regional Employment Judge (83%) and Regional, Deputy Regional Tribunal Judge (70%), these groups only accounted for 2% of tribunal judges.

There has been little change in non-barrister representation since 2015.

Figure 11: Non-barrister representation in court and tribunal judges, 2015 to 2018



Source: Tables 1.3 and 2.5

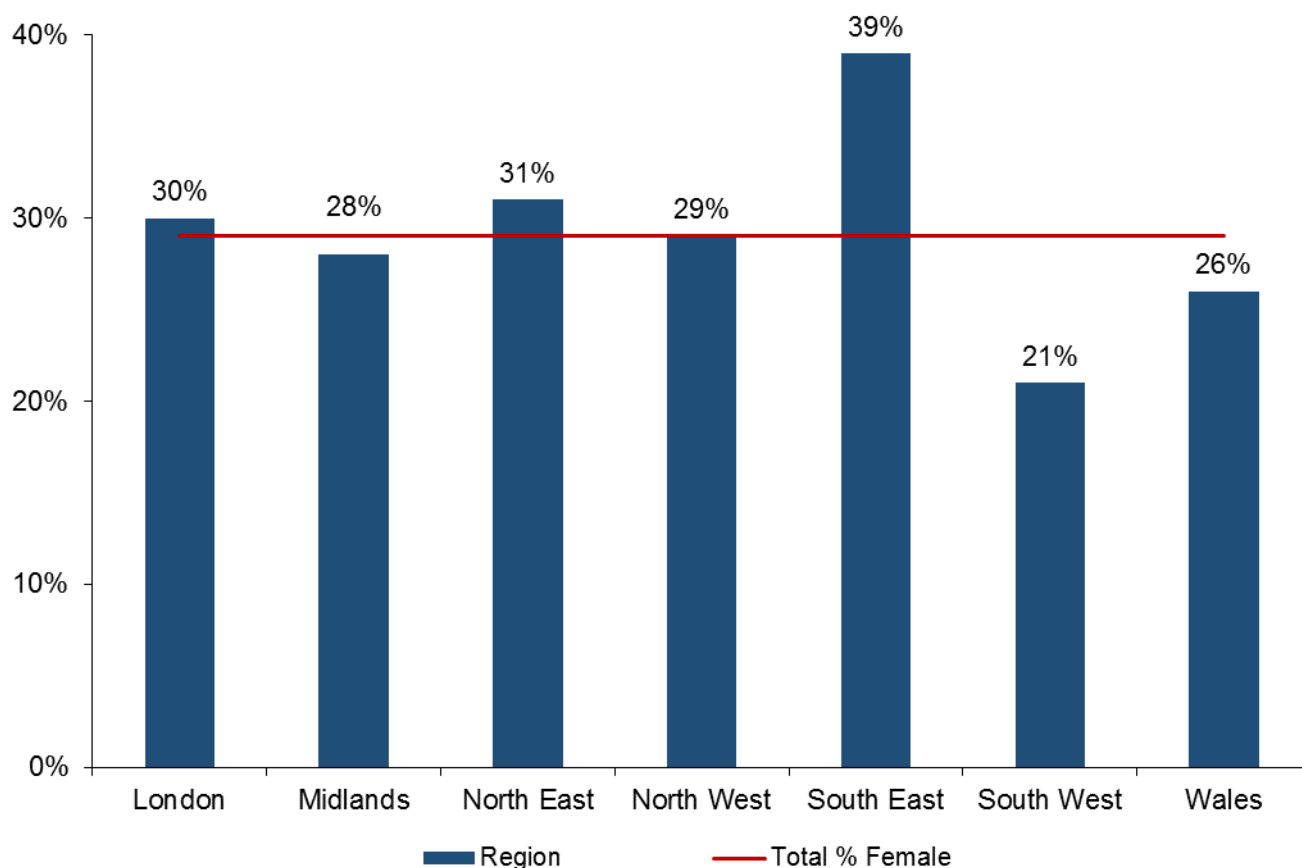
4. Diversity in the Courts – Judges by region

Considerable regional variation in gender and ethnicity representation

The percentage of female court judges was highest in the South East (39%), with the lowest female representation in the South West (21%).

London and the Midlands had the highest representation of BAME court judges (9% and 8% respectively), with the lowest in Wales at 1%.

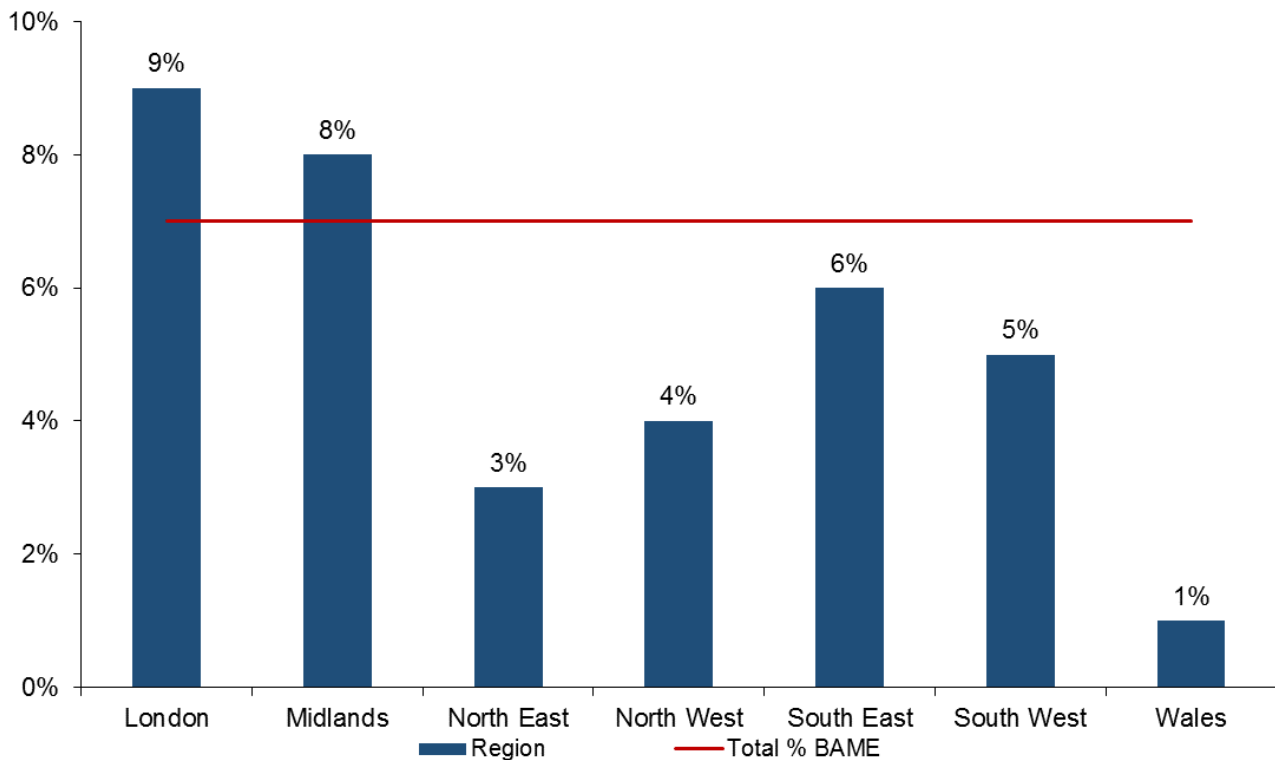
Figure 12: Female representation among court judges, by region, 1 April 2018



Source: Table 1.4

As figure 12 illustrates, there was some variation in female representation among court judges by region. London accounted for 41% of court judges around the country, and 30% of those court judges were female. The South East had the highest female representation, with 39% of court judges being female, however the South East only accounted for 7% of court judges around the country. In contrast, the South West had the lowest percentage of female court judges (21%), although only 9% of court judges overall were located in the South West. As such, the impact of low female representation in the South West on the overall level of female representation among court judges is lower in comparison to the impact of London.

Figure 13: BAME representation among court judges, by region, 1 April 2018



Source: Table 1.4

Figure 13 shows substantial variation in BAME representation among court judges by region compared with the overall rate for court judges. The percentage of court judges identifying as BAME was highest in London and the Midlands where 9% and 8% of judges respectively were BAME. In other regions, BAME representation was considerably lower. Only 1% of court judges in Wales were BAME.

The regional variation in diversity must be seen in context with the substantial regional variation in ethnicity representation in the general population as a whole. While there is considerable ethnic diversity in the general population in the South East, the Midlands, and particularly in London, in other regions ethnic diversity is far lower³.

³ <https://www.ons.gov.uk/census/2011census>

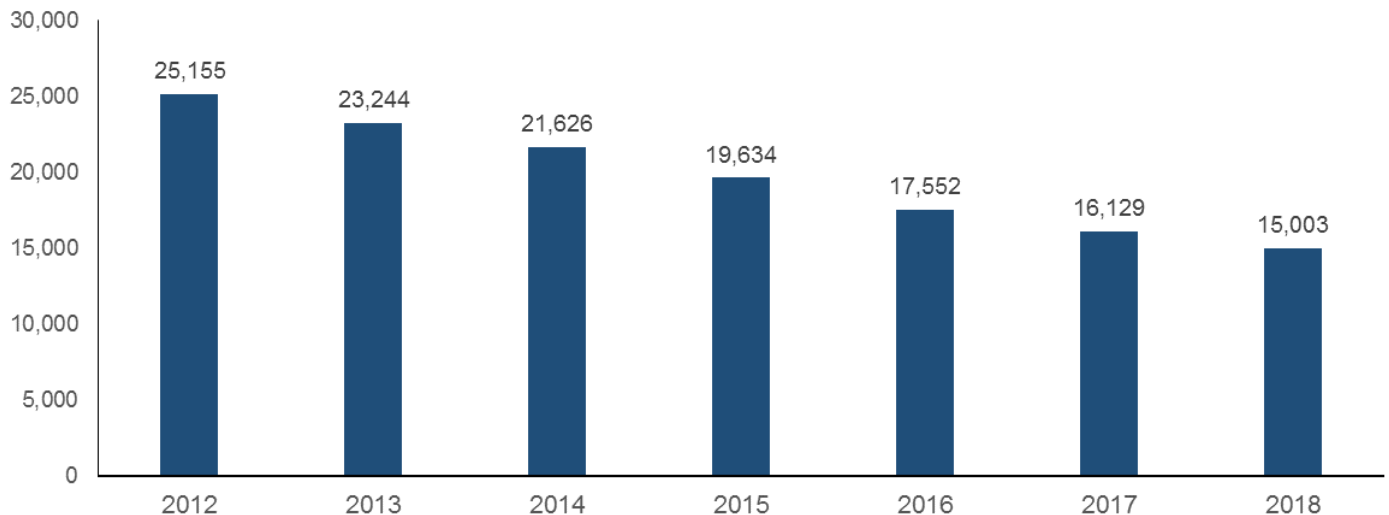
5. Diversity in Magistrates

More than half of magistrates were female (55%)

12% of magistrates declared themselves as BAME.

There were very few magistrates aged under 40 (4%) compared with 55% of magistrates who were aged over 60.

Figure 14: Total headcount of magistrates in England and Wales, 1 April 2012 to 1 April 2018



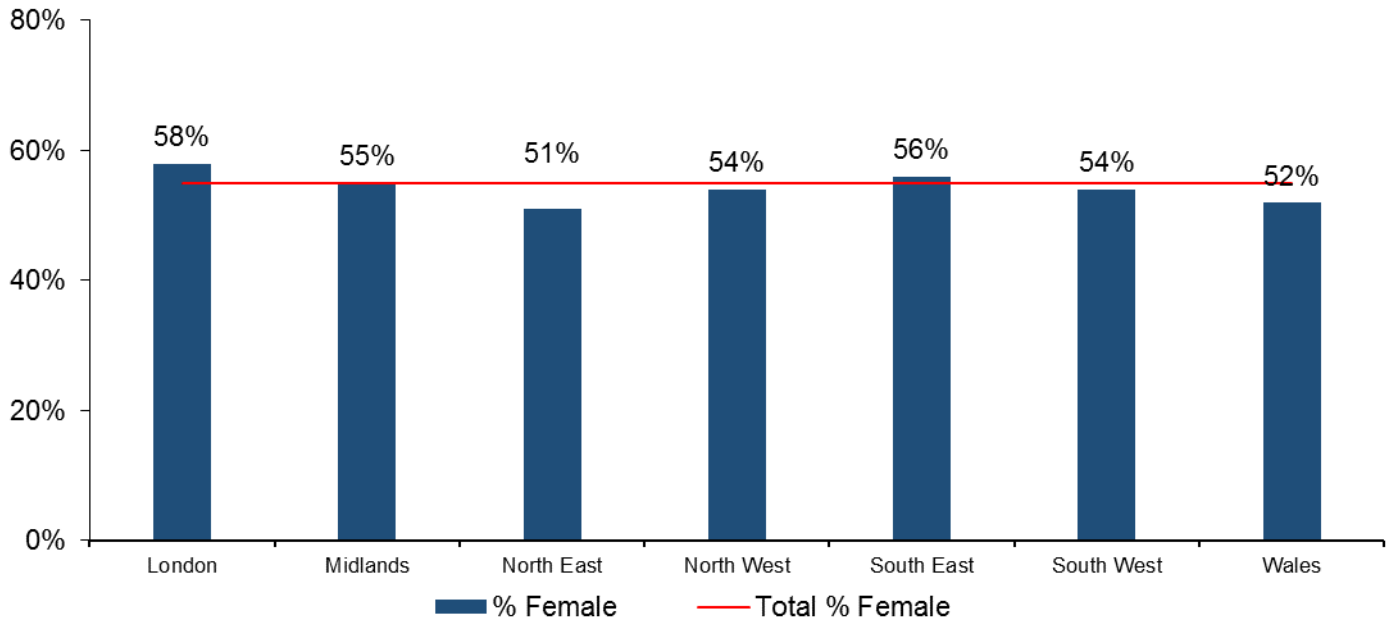
Source: Table 3

There has been a continuing reduction in the number of magistrates, reducing from 25,155 as at 1 April 2012 to 15,003 as at 1 April 2018, down 40% across the period. This reduction was a consequence of falling workload in the magistrates' courts due to increased use of out of court disposals, and downturn in recruitment, combined with relatively consistent annual levels of resignations and retirements.

Slightly more than half of magistrates were female (55%). This proportion has gradually increased from 51% as at 1 April 2012, although caution is advised in interpretation of this apparent trend, as this increase is small relative to the considerable reductions in numbers seen across the same period.

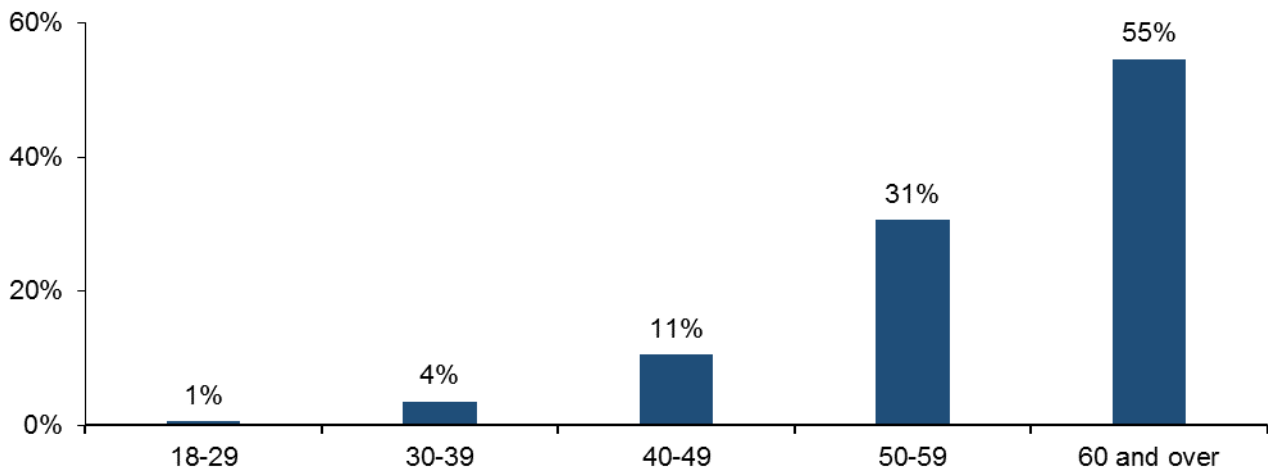
Figure 15 shows small variations in female representation by region. The proportion of females was slightly higher in London at 58%, and was lowest in the North East and Wales at 51% and 52% respectively, while the rest of the regions showed little deviation from the total level of female representation among magistrates.

Figure 15: Female representation among magistrates, by region, 1 April 2018



Source: Table 3

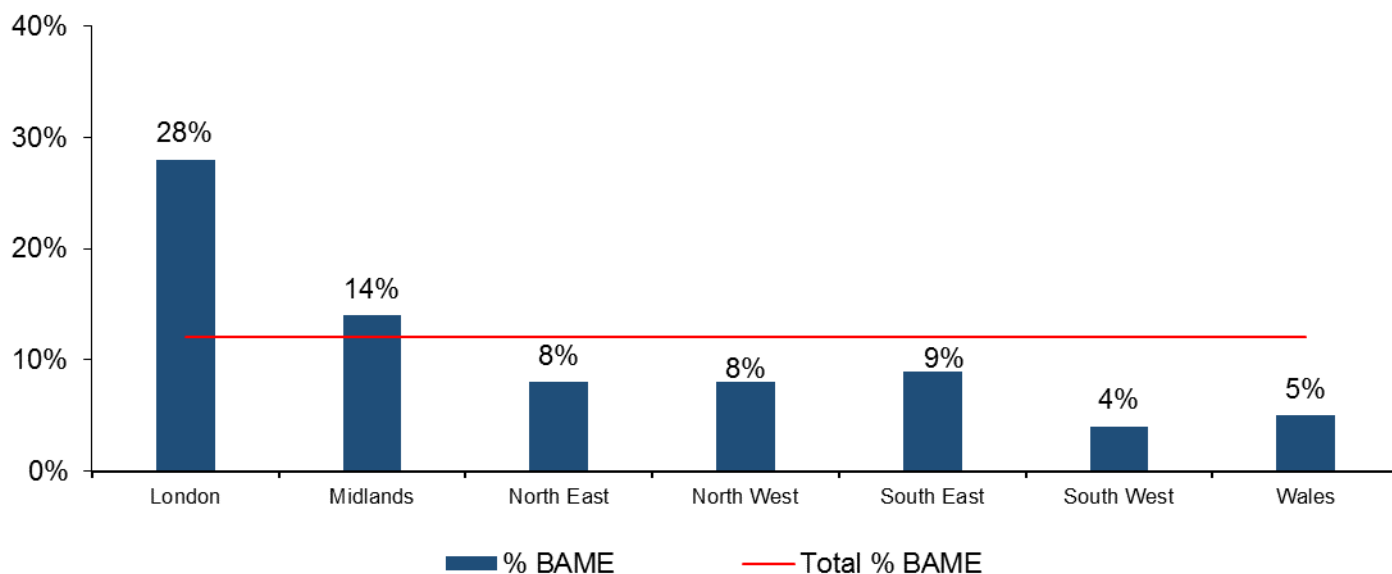
Figure 16: The percentage of magistrates by age band, 1 April 2018



Source: Table 3

Although magistrates can be appointed from age 18, there are very few magistrates under 30 (1%), while 85% of magistrates are 50 and over, and 55% aged 60 and over, see figure 15. The average age of magistrates is 58.8 years old, and has remained at just under 60 since 2012 (the available time series).

Figure 17: BAME representation of magistrates, by region, 1 April 2018



Source: Table 3

As at 1 April 2018, ethnicity information was declared for 96% of magistrates, of which 12% declared themselves as BAME. This represents a 4 percentage point increase in BAME representation since 1 April 2012, when 8% of magistrates declared themselves as BAME.

Figure 17 shows considerable variation in BAME representation by region, in comparison to the overall BAME representation among magistrates. The percentage of magistrates who identify as BAME was highest in London (28%), double the level seen in the Midlands (14%), which was second highest, compared with 4% in South West and 5% in Wales. This regional pattern is not dissimilar to the regional ethnicity distribution of the general population⁴.

In London, representation amongst the Asian or Asian British and Black or Black British groups was similar at 11% and 13% respectively, whereas in the Midlands the proportion was considerably higher for Asian or Asian British (9%) than Black or Black British (4%).

⁴ <https://www.ons.gov.uk/census/2011census>

Accompanying data tables

As well as this bulletin, a set of overview tables, covering each section of this bulletin will be published as part of this release. In previous years a set of tables, including a data tool was also published but due to data disclosure issues this tool is currently being revised and will be published in due course.

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