



LORD CHIEF JUSTICE
OF ENGLAND AND WALES



SENIOR PRESIDENT
OF TRIBUNALS

Judicial Diversity Committee of the Judges' Council

Report on Progress

2013 - 2016

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Introduction

As Chair of the Judicial Diversity Committee of the Judges' Council, I am very pleased to present the Committee's first progress report.

The judiciary has long been engaged in activities designed to improve diversity in the judiciary but the establishment of the Diversity Committee by Lord Thomas has provided an increased focus for our work. We have expanded established projects and introduced new initiatives that we hope will make a real difference in attracting high quality candidates from a non traditional background.

Our activities include judicial work shadowing, mentoring (with training for mentors), outreach (including networking events) by our dedicated group of Diversity and Community Relations Judges and Judicial Role Models, career progression, monitoring feedback, and a comprehensive support programme for aspiring judges and judges interested in promotion.

The support programme consists of outreach, work shadowing, a positive action mentoring scheme and an application workshop which, together, will hopefully dispel misconceptions and encourage, support and guide lawyers from under-represented groups to apply for a judicial appointment. After the first programme last year I spoke to a number of those who attended to discuss with them what we had got right and what wrong. The feedback has shown us that we are reaching some of those who may not otherwise have thought of applying to sit, and encouraged us in our general approach.

I hope that this report demonstrates the Judiciary's commitment to improving judicial diversity and, in so doing, assures lawyers from all backgrounds that a judicial appointment is open to them.

The Lord Chief Justice, the Senior President of Tribunals and I would like to thank all the courts and tribunals judges who have supported the Committee's vision and are helping to make it happen.

This is by no means the end of the Committee's programme of work. We will continue to monitor, evaluate and improve existing initiatives and consider what more might be done.

The Rt Hon Lady Justice Heather Hallett DBE

Background

The Judicial Diversity Committee

The Judicial Diversity Committee was set up at the end of 2013 to support the Lord Chief Justice in encouraging judicial diversity¹ by bringing together all the different aspects of diversity work within the judiciary.

The Committee consists of representatives from all jurisdictions in the courts and tribunals who are responsible for and committed to diversity and are currently active in diversity work. The present members are:

- Lord Chief Justice
- Lady Justice Heather Hallett (Chair)
- Mrs Justice Ingrid Simler (Senior Liaison Judge for Diversity)
- Mr Justice Jeremy Baker (Senior Liaison Judge for Diversity)
- His Honour Judge Marc Dight (Lead Diversity & Community Relations Judge)
- His Honour Judge Roger Dutton (representing the Circuit Bench)
- District Judge Marilyn Mornington (representing the District Bench)
- District Judge (Magistrates' Court) Tanweer Ikram (representing the District Bench (Magistrates' Court) and also the Deputy Lead Diversity and Community Relations Judge)
- District Judge Yvonne Gibson (representing High Court Masters)
- Tribunal Judge Alison McKenna (representing Judges of the Upper-Tribunal)
- Tribunal Judge Rachael Vasmer (representing Judges of the First-Tier Tribunal)
- Jude Lancaster (representing Tribunal Members)
- Jo King JP (representing the Magistracy)

They are supported in their work by an excellent team in the Judicial Office (JO).

The Committee approved its Strategic Plan in April 2014 and decided to focus its main efforts on targeting women, BAME and social mobility and to concentrate on the areas of appointment, mentoring and career progression. It established a small steering group that meets on a very regular basis to monitor progress.

A summary of all the Committee's initiatives is provided below.

¹ The Crime and Courts Act 2013 amended the Constitutional Reform Act 2005 and placed a duty upon the Lord Chancellor and the Lord Chief Justice to take such steps as each considers appropriate for the purpose of encouraging judicial diversity.

Networking events

The Judicial Office has worked with the Judicial Appointments Commission (JAC), the Law Society, the Bar Council and the Chartered Institute of Legal Executives to host at least two outreach events a year. In addition, Lady Justice Hallett regularly attends diversity events organised by other groups such as academic institutions, the Government Legal Service and the Crown Prosecution Service.

Since 2013, events have taken place in Cardiff, Leeds, Manchester, Bristol, Portsmouth, Birmingham and London and have attracted over 600 delegates who were women lawyers, BAME² lawyers, legal academics, CPS and government legal services lawyers, legal advisers and lawyers working in local government.

The events usually take the form of a panel of judicial speakers who describe their background, a representative from the JAC to explain the appointments process and a networking session where delegates put questions to a wide variety of courts and tribunal judges. The focus has been on encouraging all those who attend to consider applying for their first judicial appointment.

Feedback has been excellent. It has shown that many delegates leave the events encouraged to apply for a judicial appointment. Some of those who attended have stayed in contact with a speaker to discuss their personal applications.

Careful attention has been placed on analysing feedback so that we continue to improve future events and provide information that supports under-represented groups.

Here are a few quotes from the feedback we have received -

“I didn’t think it was possible for ordinary people but I’m going to give it a go now”

“Every speaker had a positive and ground breaking story to tell and provided rare insight into the truth beyond the headline”.

“The networking session dispelled myths about judicial appointments and the judges were very keen and proactive in speaking to delegates. Very informative evening. I attended just to gather some general information and left feeling that I knew considerably more about a judicial career and how to go about investigating it further. The speakers were all excellent”

2 Black, Asian & Minority Ethnic

Judicial Work Shadowing Scheme (JWSS)³

About the scheme

The JWSS provides the opportunity for qualified legal practitioners who are considering a career in judicial office and judges wishing to move up the judicial ladder to spend up to three days observing the work of judges in the courts in England and Wales and the tribunals in the UK. It aims to widen the pool of applicants applying for judicial office by de-mystifying the judicial role and the experience of being a judge.

The Judicial Office relies on the goodwill of colleagues in Her Majesty's Courts and Tribunals Service (HMCTS) to ensure that all applicants are given placements within good time and in the chosen jurisdictions and locations. Since its launch in 1999 the scheme has received over 5,600 shadowing applications⁴ and, following the recent introduction of a new IT system the Judicial Office will be conducting a survey of applicants to establish how successful the scheme has been in practice.

Applications and diversity

Applications to the scheme have grown substantially since 1999. Following the review and re-launch of the scheme in 2008, a total of 720 applications were received in 2009, the highest since the scheme was set up in 1999. Between 2009 and 2015 application numbers have ranged from 300 to 600 a year.

The scheme is particularly popular amongst solicitors, with District Judge (Civil) being the most popular role to shadow. Practitioners are also attracted to the wide variety of jurisdictions available in the tribunals.

The scheme is becoming better known amongst practitioners thanks to publicity run by the JO itself, and additional publicity from the JAC and professional organisations. It is noticeable that the JO normally receives a surge of applications from interested practitioners when the JAC is due to run a selection exercise.

Of those that have declared their gender (4802), 55% of applications were from women and on the ethnicity front, 21% of the 3927 who declared their ethnicity, were from a BAME background. The new IT system will provide the Judicial Office with improved tools for monitoring these numbers on a year by year basis.

³ Data provided in this section is the best available data on the scheme. It has been drawn from the previous and current Judicial Work Shadowing Scheme databases. Due to the way the old database was designed, we are unable to provide a year on year breakdown on the diversity categories.

⁴ The scheme introduced work shadowing in the Tribunals in 2006

Judicial role models scheme

In October 2014, the Committee launched a judicial role model scheme to identify judges to support outreach events as speakers or networking judges and/or act as mentors.

There are currently 165 judicial role models, including 79 (48%) women and 22 (13%) BAME judges. They bring a wide range of experiences and include judges who are:

- fee-paid or salaried
- previously or still practicing as solicitors, barrister or legal executives
- from different educational backgrounds (including many who were state educated);
- have taken career breaks whilst in practice; or have or have had caring responsibilities in their legal or judicial careers.

They are all keen to offer their experiences to guide and support others from similar backgrounds.

The role models have played an active role in supporting events, they have acted as mentors (see below) and have also given interviews on their role as judge.

Judicial mentoring scheme and application workshop

The judicial mentoring scheme went live on 26th February 2015 and the first application workshop for mentees (seeking to apply for their first appointment) was held in March 2016. The combined initiative supports women, BAME lawyers and lawyers from low socio-economic backgrounds to apply for their first judicial appointment and judges to progress to higher office.

Mentors

At the launch, the scheme had the support of 92 judicial mentors. In January 2016, to meet the rising demand for mentors in particular jurisdictions and locations, the Committee published a second expressions of interest exercise. The exercise attracted interest from 73 judges from the district and circuit benches, tribunals, High Court and Court of Appeal. As a result the scheme now has 165 mentors across different jurisdictions and locations. All mentors are invited to attend a training day which provides guidance on mentoring and an opportunity to ask questions about the JAC's application process.

Mentees

The scheme is currently supporting 96 mentees; 78 (81%) are women, 46 (48%) are from a BAME

background and 81(84%) were able to demonstrate social mobility⁵.

- Thirty eight of the 78 women (49%) are from a BAME background and 33 (42%) were able to demonstrate social mobility
- Forty one of the 46 BAME mentees (89%) were able to demonstrate social mobility.
- In the current group of mentees, 67% are seeking their first judicial appointment and 33% hold a judicial appointment and are seeking to progress to a senior post.
- Of the participants who are seeking to apply for their first judicial appointment, 81% are solicitors, 17% are barristers and 2% are legal executives.

Workshops

All mentees will receive additional support through an application workshop. The first application workshop (under this scheme) was supported by a judge and a JAC representative. It provided guidance and practical exercises to help participants prepare for the qualifying test, self assessment, role play and interview. The feedback from participants was very positive. A second workshop is planned for November 2016 for judges who are seeking to progress to a senior post.

Diversity and Community Relation Judge (DCRJs)

The role of a DCRJ is to act as a link between the judiciary and the community, increasing public trust in the law and encouraging judicial diversity. There are now over 100 DCRJs from the courts and tribunals.

Activities

Over the past 12 months, DCRJs have reached over 7,000 students through their talks in schools, colleges and universities, and just under 600 students through mock trials. Nearly 300 students of varying ages have also been invited into courts and tribunals to learn first hand how the justice system operates. DCRJs have worked with religious leaders, faith groups and charities to create strong links with local communities.

DCRJs have also sought to encourage judicial diversity by hosting marshalling and work shadowing in their courts and tribunal centres, through which they have engaged with students and legal professionals. Some have gone a step further by organising local networking events for lawyers and legal academics who are considering applying for a judicial appointment or by giving talks at events organised by the professional bodies or networking groups such as the Association of Muslim Lawyers and Employment Lawyers Association.

⁵ Low socio-economic background lawyers are identified by two questions –whether they attended a state school and whether they were the first generation in their family to attend university.

Annual training event

All the DCRJs meet once a year at an annual training event. As well as developing their skills and experience, the event provides DCRJs with an opportunity to meet with their counterparts across the country and to share ideas and best practice. This year's event focused on enhancing mutual understanding between different faith communities and the justice system to inform judicial outreach.

A new route to the High Court: Pilot support programme

Support programme

On 7th April 2015, the judiciary launched a pilot programme to support 30 exceptionally high quality lawyers and legal academics seeking to apply to the selection exercise that the JAC was running in July that year to appoint Deputy High Court Judges under Section 9(4) of the Senior Courts Act 1981. As this statutory provision requires no previous judicial experience, the JAC selection exercise provided a route to the High Court for those barristers and solicitors for whom the traditional Recorder route had been a disincentive.

The programme was open to women, candidates from a BAME background and those demonstrating social mobility and included work-shadowing and mentoring to acquaint them with the culture and pace of the High Court and a workshop to prepare them for the JAC application process.

The programme attracted 240 applications and those selected to take part in the pilot included men and women from a BAME, less advantaged social or educational backgrounds and a range of legal academics, solicitors and barristers.

JAC exercise

Following the JAC selection exercise, 18 Deputy High Court Judges⁶ have now been appointed and most have begun sitting after training from the Judicial College. These included 8 (44%) women and 2 (11%) BAME judges.

⁶ A diversity breakdown for this exercise is provided at <https://jac.judiciary.gov.uk/jac-official-statistics>. Note: 19 applicants were recommended for appointment by the JAC; one applicant declined the appointment.

Monitoring and Evaluation

The Committee were keen to ensure that systems were put in place to effectively administer, monitor and evaluate its initiatives and this led to the launch of a new IT system in March 2016. The system currently supports the work shadowing and mentoring schemes and outreach events.

The Judicial Office also collects and analyses feedback from participants in each of the key initiatives.

Next steps

Since its creation, the Committee has been actively exploring opportunities to improve judicial diversity and will continue to develop the initiatives outlined above.

The Committee plans to focus its effort on monitoring, evaluating and improving existing schemes. The new IT system will assist with this endeavor and also help improve communication with participants, e.g. by means of the proposed survey of JWSS participants.

Work is underway to implement a communications strategy to ensure that the Committee's messages and information on its activities are reaching the widest audience and breaking down the misconceptions that are preventing potential candidates from applying.

There are also plans to explore the possibility of developing a Judicial Assistants Scheme in the High Court. This would be an important initiative for the Committee. It is hoped that it will encourage greater diversity and social mobility by inspiring and supporting young people from non-traditional backgrounds early on in their legal careers.