

## Information for prospective applicants

This sheet first explores some myths and then goes on to provide questions and answers to give further information on the JAC's selection processes and policies. Much more can be found at the JAC website <http://jac.judiciary.gov.uk/>

### Myth busting

#### **Myth 1 - *You have to be an advocate to apply for judicial appointment.***

**Fact** – Experience in courtroom advocacy is not a pre-requisite for appointment – the JAC will identify the merit of candidates through the application of its published qualities and abilities and advocacy is not one of them. A good judge will demonstrate keen listening skills and the ability to make sound judgements among many other qualities and abilities. There may be some examples arising from your advocacy experience, but this is by no means the only evidence you should present.

#### **Myth 2 – *You have to be a lawyer in private practice to be selected for judicial office.***

**Fact** - There is no requirement to be in private practice or even currently practising as a lawyer to apply for judicial office, as long as you meet the eligibility requirements for the post in question. A number of successful candidates – including some to senior appointments – have been employed lawyers in the private and public sectors or academics. The JAC is keen to widen the range of applicants, and would like to encourage even more lawyers outside of private practice to apply.

#### **Myth 3 - *Court appointments are more highly ranked in the hierarchy of judicial office than tribunal appointments.***

**Fact** - There is no hierarchy between courts and tribunals, they are just different kinds of appointments and branches of the judiciary. Tribunals handle more cases each year than the ordinary civil courts, many involving the most vulnerable people in our society. Increasingly, courts judiciary will take up a tribunal appointment at some stage in their career, and vice versa.

#### **Myth 4 – *You need to know or be seen by judges to stand a chance of being appointed.***

**Fact** – Your referees do not need to be judges. Referees can be drawn from any walk of life. It's the content of a reference, and evidence of the extent to which you satisfy the qualities and abilities, which is more relevant than who writes it. For example, if you nominate a High Court Judge who cannot offer much information about you, it is a waste of their time and a wasted opportunity for you. The best referees will be able to vouch for your abilities, whether they are judges, fellow professionals or someone you know from your private life.

#### **Myth 5 - *You must be over 40 to be a judge.***

**Fact** - As long as you have the minimum service for the post (currently five or seven years general qualification) you are old enough to apply for all fee-paid appointments. Candidates aged under 30 have been selected.

**Myth 6 – *Oxbridge educated middle-aged white males are most or least likely to be successful in applying for judicial office.***

**Fact** – The JAC selects on merit and merit alone. We are committed to selecting the best possible candidates, regardless of race, gender, disability, sexual orientation, or any of the protected characteristics under the Equality Act, or professional background. We are not concerned with quotas or with engineering hypothetical proportions. By widening the range of candidates applying for judicial office we open the field to the highest possible calibre of candidate.

**Myth 7 – *A judge's life is a lonely one.***

**Fact** – New judges who had expected to feel lonely and isolated often actually feel that they are working as a team with other judges with different expertise and experience. Many also feel that their working environment improves, becoming friendlier and more collegiate.

There are lots of support networks - both official and unofficial – to tap into and for some roles (such as Deputy District Judges) there are mentors who offer support and advice. Finally it is also worth remembering that a large proportion of judicial offices are fee-paid or part-time in their nature and so can be combined with other work.

## **Questions and answers**

### **Eligibility**

#### ***Do applicants need to be a certain age to apply?***

There is no upper or lower age limit for candidates for judicial appointments apart from the statutory retirement age of 70 for all judges.

The Lord Chancellor has said that he expects a reasonable length of service should be attainable on appointment (currently five or seven years general qualification depending on the post).

Candidates as young as 29 have been appointed for positions.

#### ***Are people who have qualified and practised in Scotland and Northern Ireland eligible to apply?***

All our posts are open to citizens of the United Kingdom, the Republic of Ireland or a Commonwealth country. You need to meet the other statutory requirements, which vary from job to job.

If you are interested in applying you should study the requirements for the particular job you are thinking of applying for. These can be found in the selection exercise information pack, which will be available on our website when the selection exercise launches.

#### ***Do you do anything specifically to encourage applications from disabled candidates?***

The JAC actively encourages disabled people to apply for judicial office. To support candidates, the JAC will seek to ensure that:

- disabled people are not discriminated against at any stage of the application or selection process;
- candidates are aware of their rights in relation to reasonable adjustments and disability discrimination;
- requirements in relation to reasonable adjustments are identified and accommodated wherever possible within the application and selection process.

If you would like to know more about the JAC's reasonable adjustments policy or have any particular requirements you would like to discuss you can contact the Reasonable Adjustment Officer on 020 3334 0123.

#### ***Do you have quotas and targets for under-represented groups?***

No. We select the best candidate for the role through fair and open competition, from the widest range of eligible candidates. Merit remains the bedrock of our selection procedures and we are committed to ensuring that meritorious candidates are secured from the widest possible field. By encouraging more eligible people to apply we are contributing to building an effective and impartial judiciary.

Under the Constitutional Reform Act 2005 we have very specific duties in the selection of judges and tribunal members, both legal and non-legal. Our statutory responsibilities are:

- to select candidates solely on merit;
- to select only people of good character;

- to have regard to the need to encourage applications from a wider range of candidates.

For further information about the specific requirements of the Constitutional Reform Act please see the information available in the Act.

***Why is fee paid experience important?***

The JAC recognises that experience as a judicial office holder can provide valuable insight into judicial life and help candidates for salaried posts decide whether a full-time appointment is likely to suit them. This is particularly useful as by convention judges do not return to practice.

The Lord Chancellor expects that candidates for salaried posts will have sufficient directly relevant previous judicial experience. Only in exceptional cases and if the candidate in question has demonstrated the skills in some other significant way should an exception be made. The JAC Commission Board would waive this only in wholly exceptional cases.

***What difference has the Tribunals, Courts and Enforcement Act (TCE Act) 2007 made to the entry requirements for judicial appointment?***

The Act extends the range of people who may qualify for judicial appointment. It also introduces the judicial-appointment eligibility condition. Where this applies, eligibility for judicial office is no longer based on possession of rights of audience for a specified period. You will have to show that:

- you possess a relevant legal qualification;
- for the requisite period; and
- that while holding that qualification you have been gaining legal experience.

The Act widens the eligibility for many judicial posts by reducing the number of years you need to have possessed the relevant legal qualification before you can apply from 10 to seven years and seven to five years depending on the post in question.

It opens some judicial posts beyond solicitors and barristers for the first time. The Statutory Instrument extends eligibility for judicial appointment to some judicial posts to Fellows of the Chartered Institute of Legal Executives (CILEX), the Institute of Trade Mark Attorneys (ITMA) and Chartered Institute of Patent Attorneys (CIPA).

The Act made the following posts open to suitably qualified CILEX Fellows:

- Deputy District Judge
- District Judge
- Deputy District Judge (Magistrates' Courts)
- District Judge (Magistrates' Courts)
- Road User Charging Adjudicator
- Legally qualified member of the Asylum and Immigration Tribunal
- Member of Panel of Chairmen of the Employment Tribunal
- Judge of the First Tier Tribunal
- Adjudicators (regulation 17 Civil Enforcement of Parking Conventions).

Patent and Trade Mark Attorneys are eligible to apply for the following posts:

- Chairman or Deputy Chairman of the Copyright Tribunal
- Persons appointed to hear and determine appeals under the Trade Marks Act 1994

## Qualifying tests

### ***Why does the JAC use qualifying tests to shortlist candidates?***

Qualifying tests are considered to provide more objective evidence of candidates' abilities, irrespective of their specialism within the legal profession, compared to the alternative shortlisting method of a written application and references.

### ***What are qualifying tests?***

Qualifying tests are used to shortlist candidates for the selection day stage of most selection exercises. They are designed to assess candidates' ability to perform in a judicial role, by analysing case studies, identifying issues and applying the law.

### ***When will tests be used for shortlisting?***

The JAC uses qualifying tests for most selection exercises but we tailor our processes to each post. That means we might not use qualifying tests for exercises where there is a small number of vacancies or in other limited circumstances. We will always specify in the information pack to candidates if a qualifying test is to be used.

### ***What will the test be like?***

Each test is different, to fit the particular nature of the posts being advertised. Tests are designed to be fair to all eligible candidates, regardless of their specialism or legal background. You will always be told in advance what type of test you will be sitting, told if any special preparation is required, and be provided with any materials and background as necessary.

Tests might consist of case studies and/or technical questions. For instance, one way of testing the ability to perform in a judicial role is to use a hypothetical jurisdiction and test some common principles.

An alternative approach is to supply - as part of the test papers on the day - the specific rules or parts of legislation which are relevant to the test, and ask candidates to apply those to the scenarios in the test.

Another approach sometimes used is to provide detailed jurisdictional material a few weeks in advance to ensure that candidates from outside the jurisdiction can compete fairly with those already working in the jurisdiction.

### ***How do I sit the test?***

The JAC is now running qualifying tests online. The legal professional bodies and the majority of candidates support online testing because it enhances candidate confidentiality by removing the potential for candidates to be recognised by others at our testing centres. You can sit the test in private, at a time of your choosing within a set period, and there is no need to travel. There are also savings in staff time and the length of the selection process.

### ***Do I have to take the test online?***

The expectation that all candidates will take tests online is in accordance with the Government's strategy of 'digital by default'. If you have any concerns about taking the test online, please speak to the selection exercise team detailed in the information pack.

***How long will I have to take the test?***

With online testing, you will have a time period of usually 24-48 hours in which to take the test. The test length varies, but most tests last between 60 and 90 minutes.

***Can I see a test like the one which will be used in the specific exercise I have applied for?***

As a guide to what to expect, we have published examples and descriptions of tests used in previous exercises. When taken together with the detailed guidance in the application pack, you should have an idea of what to expect.

***What do the papers test?***

Candidates are tested on the qualities and abilities required for judicial office, such as intellectual capacity, your ability to absorb and analyse information quickly, your independence of mind and sound judgement, and your ability to explain procedure and the decisions reached succinctly and clearly.

Shortlisting is a competitive process, so the tests are designed to be challenging, in terms of both time pressure and efficiency.

***Will my expenses be paid?***

Unfortunately we are unable to reimburse any expenses incurred taking the test. We will make limited exceptions for those with disabilities and in exceptional circumstances. Please discuss with our Reasonable Adjustment Officer who can be contacted on 020 3334 0123.

***How are the papers set and marked?***

The tests are developed and marked by experienced judges from the relevant jurisdiction, and all answer papers are moderated to ensure consistency in the marking. Marking and moderation is done in such a way that the marker cannot identify the candidate from the answer script.

***When there is a qualifying test, are references and self assessments also taken into account?***

The qualifying test results alone are used to determine which candidates to invite to a selection day. The self assessment and references of those shortlisted will then be considered by the selection panel, along with all of the other evidence gathered at the selection day.

***How does the JAC ensure the test is fair?***

Tests are piloted in advance with a number of people representative of those likely to apply, including people from outside the jurisdiction. Pilots are designed to check - among other things - whether any group of individuals is disadvantaged and whether the time allowed on the day is sufficient for all candidates. Equality impact assessments are also carried out throughout the process to ensure the approach is fair to all candidates.

***Will you make reasonable adjustments for any disability?***

Applications for reasonable adjustments must be made on your application form. The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The application form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

***What should I do if I need reasonable adjustments and didn't request them on my application form?***

You should telephone the JAC's Reasonable Adjustment Officer on 0203 334 0123 as soon as possible to give them as long as possible to consider and respond to your request. If you make the request on the day the JAC staff will do their best to make the adjustments you need, but it will not always be possible if – for example – you need extra time or equipment.

***What written explanation will I receive following the qualifying test?***

While the sheer number of applications we receive means that we cannot provide individual feedback following a qualifying test, we have, since March 2010, published qualifying test feedback reports for each selection exercise. The feedback report is designed to help candidates understand what characterised a successful test, and to consider that in the light of their experience.

Selection day

***Who is the interview panel made up of?***

Interview panels are usually three members, the Panel Chair, a Judicial Member and an Independent Member. All panels are fully trained.

***What will happen on the selection day?***

There will be an interview and often a role play or situational questioning to assess your qualities and abilities. The information pack for candidates for each selection exercise, and the letter inviting you to the selection day, will give you details of what to expect. The entire panel will discuss and agree the assessment of each candidate against the required qualities and abilities.

***The role play***

A role play simulates a court or tribunal environment. We ask candidates to take on the role of a judicial office-holder and respond to a scenario. These exercises assess how you deal with the situations you may face and decisions you will have to make if you were appointed. It provides the opportunity to demonstrate how well you meet the required qualities and abilities, and whether you can maintain your performance under challenge and pressure. Role play is normally used for exercises where it is expected that a large proportion of candidates will be entering the judiciary for the first time. Further information and videos of example role-plays can be found on the JAC website.

***Situational questioning***

Situational questioning focuses on what a candidate would do in a specific situation. This technique involves questions concerning a hypothetical situation based on challenging, real-life, job-related occurrences and asks the candidate how they would handle the problem. You will be given material related to the hypothetical situation before the interview starts so you will have time to think and prepare your responses.

Selection by the Commission

***Who makes the final selection?***

The Commission considers all the information gathered about candidates to select those who will be recommended to the Lord Chancellor for appointment. He has the power to accept or reject the recommendation, or ask the Commissioners to reconsider. The Lord Chancellor cannot select an alternative candidate.

***What checks will you make?***

The JAC requests financial, criminal and professional background checks on candidates we are considering recommending for appointment. This is in our good character policy.

***What is statutory consultation?***

The Constitutional Reform Act requires the JAC to send summary reports on candidates likely to be considered for selection by the Commission to the Lord Chief Justice and to another person who has held the post or has relevant experience. When it makes selections, the Commission considers these responses together with other information about a candidate, but is not bound by the views expressed by the consultees.

***Do you provide written explanations to unsuccessful candidates?***

If you are unsuccessful at the selection day stage of the process, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within 20 working days.

**Complaints*****What is the complaints procedure?***

Under the Constitutional Reform Act 2005, the JAC is required to investigate complaints regarding the way in which we handle applications for judicial appointment.

If you are not satisfied with the way your application has been handled, you may lodge a complaint with the JAC. Applicants who are invited to a selection day, but are then unsuccessful, may wish to wait for a written explanation before deciding whether to complain.

Complaints should be directed in writing to the Complaints Manager at

[complaints@jac.gsi.gov.uk](mailto:complaints@jac.gsi.gov.uk)

Or

Judicial Appointments Commission,  
Steel House - 1st Floor,  
11 Tothill Street,  
LONDON SW1H 9LH

***What happens next?***

When we receive a written complaint, we will write to you within two working days to confirm that we have received your letter. All complaints are investigated by a dedicated team, independent of the selection exercise teams.

We aim to provide a response to your complaint within 20 working days of receipt. If this deadline cannot be met, we will inform you why this is the case and when you can expect to receive a full reply.

All responses to complaints will include the nature, background and facts of the complaint and the results of the JAC's investigation (specifically setting out the JAC's conclusions and reasons for those conclusions).



***What if I am still not happy?***

Complaints regarding how an application for judicial appointment has been handled must be made to the JAC in the first instance.

If you are not satisfied with the response received from the JAC, you may then ask the Judicial Appointments and Conduct Ombudsman, to further investigate your complaint.

Further information about the Ombudsman and their remit for investigations can be found at <http://www.justice.gov.uk/about/jaco/>