

Background statistics

The latest published figures indicate that the percentage of women within the judiciary has increased to 29%, while 6%¹ are BAME. Within the most senior courts judiciary (High Court and above, not including the Supreme Court) the percentage of women is 14%, while the percentage of BAME is 3%. This compares with most recent estimates of women representing around 51% of the population and BAME groups representing 12% of the population². However, in the pool of lawyers eligible to apply for High Court positions women are 29% and BAME lawyers are 6%. For entry-level judicial roles the eligible pool is 44% for women and 10% for BAME lawyers.

In July 2010 and January 2011, the JAC together with the Ministry of Justice jointly published two reports comparing judicial appointments across a 10-year period between 1998/99 to 2008/09. The first report focused on women and BAME, and the second on solicitor applicants. Numbers were in some cases too small for statistically significant differences to be determined. However, in a number of areas where the comparisons were statistically significant, it was established that improvements had been made.³ These included women applicants for Circuit Judge, Deputy District Judge, Deputy District Judge (Magistrates Courts) and Legal member of the Social Security and Child Support Appeals Tribunal (SSCSAT); and BAME applicants for Deputy District Judge (Magistrates Courts).

Year	Total number of courts judges	Women		BAME		Total number of Tribunals judges	Women		BAME	
		%	Number	%	Number		%	Number	%	Number
1998	3,174	10.3%	327	1.6%	51					
2012	3,575	22.6%	807	5.2%	150	2,060	40%	816	9%	179

The above table shows the number of courts judges in office (as recorded at 1 April each year) by women and ethnic background in England and Wales.⁴ Similar data for

¹ <http://www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview>

² These estimates are based on ONS Mid year population estimates 2010 and ONS Population Estimates by Ethnic Group (PEEGs) 2009. Calculations presented are based on figures available on the ONS website, which were rounded to the nearest 100.

³ Statistical digest of judicial appointments of women, BAME and solicitor candidates from 1998/99 to 2008/09 – published July 2010 and January 2011, <http://www.judicialappointments.gov.uk/about-jac/1005.htm>

⁴ The database of the ethnic origin of the judiciary may be incomplete as (a) candidates 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 judiciary 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 the help of Ministry of Justice. Figures from 2008 onwards are not directly comparable with earlier years as the data has been widened to include four new types of judicial post. From 2009, the black and minority ethnic figure is calculated as a percentage of those members of the judiciary who provided ethnicity data. See the accompanying Equality Impact Assessment for further details.

Tribunal judges became available for the first time in 2012. Of the 2,060 tribunal legal office-holders 40% are women, and 9% are BAME.⁵

The available statistics on the diversity of the judiciary suggest that, in spite of improvements made, overall there are low levels of representation of ethnic minority groups and women, in the courts judiciary, particularly at the higher levels.

Source – Historical data from Judicial Office website and archived websites of the Department for Constitutional Affairs (<http://www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview> and <http://www.dca.gov.uk/dept/depstrat.htm>).

⁵ <http://www.judiciary.gov.uk/Resources/JCO/Documents/Stats/tribunal-diversity-breakdown-sept12.xls>