

## **Changes to the Judicial Appointments process resulting from the Crime and Courts Act 2013**

### **Consultation on diversity considerations where candidates are of equal merit**

---

**A consultation produced by the  
Judicial Appointments Commission**

**Consultation paper CP 01/13  
Published on 17 May 2013**

**This consultation will end on 5 August 2013**

**This information is also available on the Judicial Appointments  
Commission website: <http://jac.judiciary.gov.uk>**

---

## About this consultation

The Judicial Appointments Commission (JAC) is interested in views on potential approaches to the application of the provisions in Part 2 of Schedule 13 to the Crime and Courts Act 2013 (CCA) relating to diversity considerations where candidates for judicial office are of equal merit. The provisions in the CCA clarify that the JAC's duty to make selections 'solely on merit'<sup>1</sup> does not prevent it from selecting one candidate over another for the purpose of increasing judicial diversity where there are two candidates of equal merit.

This consultation is aimed at those with an interest in judicial appointments, including the judiciary, potential candidates, legal professional bodies and groups with an interest in diversity.

The Commission will consider responses to this consultation in the development of its policy.

The consultation **commences on 17 May 2013 and closes for responses on 5 August 2013**

We welcome online responses to this consultation which can be found at this link:

<https://consult.justice.gov.uk/digital-communications/equal-merit-provision>

Please send any enquiries (including requests for the paper in an alternative format) to this email address:

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

---

<sup>1</sup> S63(2) Constitutional Reform Act 2005

## Contents

1	About the JAC	4
2	Our selection processes and selection on merit	6
3	A more diverse judiciary and the JAC's diversity duty	8
4	The Crime and Courts Act provisions	9
5	Proposals for consultation	10
6	Questions for consultation	13
7	Appendix 1 – Background statistics	14
8	Contact details and further information	16
9	Impact Assessment Process	17

---

## 1 About the JAC

1. The JAC was launched on 3 April 2006. Its creation was one of the major changes brought about by the Constitutional Reform Act 2005 (CRA), which also reformed the office of the Lord Chancellor and established the Lord Chief Justice as head of the judiciary of England and Wales. The JAC's primary function is to select judicial office-holders in England and Wales and for some tribunals with a UK-wide jurisdiction.
2. The JAC is an executive non-departmental public body, sponsored by the Ministry of Justice. Its aims and objectives are agreed with the Lord Chancellor and set out in its business plan.
3. As set out in the CRA, the Commission must consist of a lay Chairman and 14 other Commissioners: five judicial members, one barrister, one solicitor, five lay members, one tribunal member and one lay justice member. Each Commissioner is appointed in his or her own right, not as a delegate or representative of his or her profession. Twelve Commissioners, including the Chairman, are selected through open competition and three by the Judges' Council. Following the enactment of the CCA, it is proposed the membership of the Commission will be amended under secondary legislation.
4. The Commission has responsibility for ensuring that the JAC fulfils its role, achieving its aims and objectives, and for promoting the efficient and effective use of staff and other resources. JAC Commissioners work closely with JAC staff, the Chief Executive and Directors.
5. The JAC selects judicial office-holders in England and Wales and for some tribunals which also have jurisdiction in Scotland or Northern Ireland, where the Lord Chancellor is responsible for the appointment of members. Scottish appointments are primarily made by the Judicial Appointments Board for Scotland and those in Northern Ireland by the Northern Ireland Judicial Appointments Commission. The JAC does not select judicial office-holders for the UK Supreme Court.
6. Selections for all judges of the High Court (known as puisne judges) and for those judicial offices listed at Schedule 14 to the CRA must be made by the JAC following a request from the Lord Chancellor. The JAC may be required to select a candidate for immediate appointment under section 87 of the CRA, or to identify candidates for future vacancy requests under section 94.
7. The JAC has three key statutory duties: to select candidates solely on merit<sup>2</sup>; to select only people of good character<sup>3</sup>; and to have regard to the need to encourage diversity in the range of persons available for selection for appointments<sup>4</sup>.
8. The JAC selects one candidate for each vacancy, providing there are sufficient numbers of selectable candidates available for each vacancy, and recommends that candidate to the Lord Chancellor. The Lord Chancellor can accept or reject a

---

<sup>2</sup> s63(2) Constitutional Reform Act 2005

<sup>3</sup> s63(3) Constitutional Reform Act 2005

<sup>4</sup> s64(1) Constitutional Reform Act 2005

recommendation, or ask the Commission to reconsider it. If the Lord Chancellor rejects a recommendation or asks for reconsideration he must provide written reasons to the JAC.

9. The JAC is also involved in the selection of the Lord Chief Justice, Heads of Division, and the Lords Justices of Appeal. Under the CRA, the JAC's role is to convene a selection panel, which will be a committee of the Commission. The members are specified in the relevant sections of the CRA and it is for the panel to determine the selection process and make a recommendation. The provisions in Part 2 of Schedule 13 to the CCA relating to diversity considerations will also apply to these roles.

---

## 2 Our selection processes and selection on merit

The detail below describes the current selection process. The CCA introduces amendments to the CRA which will have an operational impact on parts of the selection process. Our continuous improvement programme will also result in some changes to the current process.

In line with our statutory duty to select 'solely on merit' the Commission has developed a set of Qualities and Abilities<sup>5</sup> against which to measure merit that are used throughout our selection process. These are adjusted as appropriate for different appointments.

### 2.1 Early stages

10. The selection process typically starts when a vacancy request is received from the Lord Chancellor, who must have consulted the Lord Chief Justice or the Senior President of Tribunals. This includes minimum eligibility requirements for appointment laid down by statute, and any selection criteria applied additionally by the Lord Chancellor.
11. The JAC ensures the application form and accompanying information pack provide all that is required for each selection exercise. The pack includes information about the post concerned, the selection process to be used, and the qualities and abilities (competencies) against which an assessment will be made. Candidates submit their application forms electronically. At pre-determined stages in the exercise each application is checked to see whether the candidate meets the eligibility and character requirements.

### 2.2 Shortlisting

12. A shortlist of candidates who will go forward to the next stage of the selection process is made. Shortlists are created following either a qualifying test or a paper-based sift.
13. Qualifying tests are online tests usually prepared by judges from the relevant jurisdiction. The JAC uses qualifying tests for larger selection exercises; generally those below Senior Circuit Judge. A paper-based sift involves the assessment of written evidence supplied by the candidate and their referees, and is typically conducted by a panel consisting of a lay panel chair, judicial member and independent member.

### 2.3 Selection day

14. Shortlisted candidates are invited to a selection day, which may consist of an interview only (possibly including a presentation), or an interview using another assessment tool, such as a role-play exercise in a court or tribunal setting and/or questions based around specific legal scenarios. These are conducted and assessed by a panel usually consisting of a lay panel chair, a judicial member and an independent member.

---

<sup>5</sup> Intellectual Capacity, Personal Qualities, an Ability to Understand and Deal Fairly, Authority and Communication Skills, Efficiency, and for posts requiring particular leadership skills, the Efficiency quality is replaced by Leadership and Management Skills

## **2.4 Panel assessment**

15. The panel members consider all the information about each candidate (their performance in the interview and any role-play, the candidate's self-assessment and references) and assess them against the qualities and abilities. The panel chair then completes a summary report, providing an overall panel assessment. This forms part of the information presented to Commissioners when they make their selection.

## **2.5 Statutory consultation**

16. For all candidates likely to be considered for selection, the CRA requires that the JAC consults the Lord Chief Justice and one other person who has held the post or has relevant experience. These 'statutory consultees' are asked to give a view on the suitability of each candidate so referred.

17. When they consider candidates to recommend for appointment, Commissioners take into account the responses from statutory consultees with all the other information about a candidate. They may decide not to follow the views expressed by the consultees, but must give reasons for doing so when making recommendations to the Lord Chancellor.

## **2.6 Checks**

18. In accordance with the JAC's statutory duty the good character of the candidates is also assessed. Guidance to enable candidates to decide whether there is anything in their past conduct or present circumstances that would affect their application for judicial appointment is available on the JAC website.

19. If the potential recommendation includes an existing salaried judicial office holder, the Office for Judicial Complaints is asked to check whether there are complaints outstanding against them. For other potential recommendations financial, criminal and professional background checks are carried out.

## **2.7 Selection**

20. Commissioners make the final decision on which candidates to recommend to the Lord Chancellor for appointment. In doing so, they consider those candidates that selection panels have assessed as the most meritorious for the role, having been provided with information gathered on those individuals during the whole process.

## **2.8 Quality assurance**

21. Quality assurance measures are applied throughout the process to ensure that the proper procedures are applied and the highest standards are maintained. The quality checks include:

- assigning a Commissioner to each exercise, who works closely with the JAC selection exercise team to ensure standards are met. For example, the Assigned Commissioner will oversee development of tests and role-plays, review results to check for anomalies or signs of bias, and help brief panel members to ensure they are fully prepared;
- reviewing the progression of candidates through each stage of the process for any possible unfairness;
- observing interviews to share good practice across panels; and overseeing the operation of tests and the results of panel assessments to ensure consistency (because of the number of candidates, many exercises will use more than one panel).

---

### 3 A more diverse judiciary and the JAC's diversity duty

22. The JAC has a duty under the CRA to have regard to the need to encourage diversity in the range of persons available for selection. In addition, the Equality Act 2010 applied a general duty to public authorities to:
- eliminate unlawful discrimination, harassment and victimisation;
  - advance equality of opportunity between different groups; and
  - foster good relations between different groups.
23. The JAC has a three-pronged approach to diversity, placing it at the heart of everything it does:
- fair and non-discriminatory selection processes;
  - advertising and outreach; and
  - working with others to break down barriers.
24. 10-year-trends research on judicial appointments since 1998 showed that the number of women applying and being recommended has risen across most levels of the judiciary up to, and including, High Court. Appointments of Black, Asian and Minority Ethnic (BAME) candidates are also increasing but more needs to be done especially at more senior levels.
25. The JAC has selected 1,040 women (38%) and 267 (10%) BAME candidates out of 2,743 selections for legal and non-legal roles from April 2006 to December 2012. However women still only constitute 28.8% of the judiciary, and only 5.8% have a BAME background.
26. The Advisory Panel on Judicial Diversity was established in 2009 “to identify the barriers to progress on judicial diversity and to make recommendations to the Lord Chancellor on how to make speedier and sustained progress to a more diverse judiciary at every level and in all courts in England and Wales.” In 2010 the Panel reported its findings<sup>6</sup> and put forward 53 recommendations for key actions which it considered necessary to increase diversity within the judiciary.
27. The Judicial Diversity Taskforce, formed to oversee implementation of the recommendations, reported in September 2012 that twenty had been implemented and the remainder were underway<sup>7</sup>. Further progress made on the recommendations will be published in the annual progress report scheduled for publication in autumn 2013. The CCA implements several of the recommendations, for which primary legislation was necessary. One of these was Recommendation 21, which stated that the JAC should make use of the positive action or “equal merit” provision in the (then) Equality Bill 2010 where the merits of candidates are essentially indistinguishable.

---

<sup>6</sup> <http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations>

<sup>7</sup> <http://www.justice.gov.uk/publications/policy/moj/improving-judicial-diversity-judicial-diversity-taskforce-annual-report>



---

## 4 The Crime and Courts Act provisions

28. The CCA received Royal Assent on 25 April 2013. The CCA implements a number of recommendations of the Lord Chancellor's Advisory Panel on Judicial Diversity, and was introduced following a Ministry of Justice consultation on *Appointments and Diversity: A Judiciary for the 21<sup>st</sup> Century*<sup>8</sup> (May 2012). That consultation was informed by a House of Lords Constitution Committee report on *Judicial Appointments*.<sup>9</sup>
29. Schedule 13, Part 2, of the CCA provides for measures to promote consideration of diversity in the appointments process. For one of those measures, to be known as the "equal merit" provision, Paragraph 9 clarifies that making selections 'solely on merit' does not prevent a candidate being chosen on the basis of improving diversity when there are two candidates of equal merit.
30. Specifically the Act amends section 63 of the CRA as follows:
- (3) After subsection (3) insert—
- “(4) Neither “solely” in subsection (2), nor Part 5 of the Equality Act 2010 (public appointments etc), prevents the selecting body, where two persons are of equal merit, from preferring one of them over the other for the purpose of increasing diversity within—
- (a) the group of persons who hold offices for which there is selection under this Part, or
- (b) a sub-group of that group.”
31. Other changes made to the judicial appointments framework by the Act include:
- the introduction of flexible and part-time working for judicial appointments to the High Court and above;
  - an independent lay JAC Commissioner as chair of the selection panels for both the Lord Chief Justice and President of the UK Supreme Court, rather than a judge;
  - increasing JAC involvement in the selection of the judges who are authorised to sit as Deputy High Court Judges;
  - the introduction of pre-selection consultation of the Lord Chancellor in appointments to the Lord Chief Justice, Heads of Division, and the Lords Justices of Appeal;
  - reducing the role of the Lord Chancellor in the appointment of less senior judges, by transferring his powers for judicial appointments below the High Court to the Lord Chief Justice or to the Senior President of Tribunals for tribunal appointments;
  - the introduction of flexible deployment so judges can move between working in the courts and tribunals systems, to help judicial career development;
  - the introduction of a statutory duty upon the Lord Chancellor and the Lord Chief Justice to take such steps as that officer holder considers appropriate for the purpose of encouraging judicial diversity;
  - increasing tribunal representation on the JAC Commission; and
  - the introduction of more flexibility regarding the process of statutory consultation.

---

<sup>8</sup> <https://consult.justice.gov.uk/digital-communications/judicial-appointments-cp19-2011>

<sup>9</sup> <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/publications/previous-sessions/Session-2010-12/>

---

## 5 Proposals for consultation

### 5.1 The basic approach to the application of the “equal merit” provision

32. The “equal merit” provision in the CCA is enabling; that is it makes it clear that the Commission’s duty to make selections ‘solely on merit’ does not prevent it from selecting a candidate on the basis of improving diversity where there are two candidates of equal merit.
33. The Commission has considered how this might work in practice. If we take a specific selection exercise, a list of candidates would be prepared solely on the basis of merit. There would necessarily be a “cut off” point relating to the number of vacancies. This would be the point at which all posts would be filled - for example the Commission might prepare a list of 100 candidates it considered to be selectable for appointment, and if it were only asked to fill 50 posts a “cut off” line would be drawn beneath the 50<sup>th</sup> candidate, with the candidate sitting at the 51<sup>st</sup> position not recommended for appointment. While this provides a clear decision, in practice candidates above and below the “cut off” might be of “equal merit”; particularly in larger exercises.
34. On the assumption that the Commission is able to identify more than the required number of selectable candidates for an exercise, the proposition is that it should look slightly above the “cut off” line, and slightly below it and identify the size of the zone of “equal merit”, where candidates within the zone are *demonstrably more meritorious* than candidates below the lower limit of the zone. There might be a dozen candidates within that zone, or there might be none at all, depending on detailed analysis of the information gathered on those individuals during the selection process. The Commission could then select one or more candidates within that narrow range on the basis of diversity considerations.
35. The zone may equally consist of two candidates, potentially more likely within a smaller exercise, and the provision would allow the Commission to identify which candidate would enhance the diversity of the group of people to which the post was to be appointed. If more than one diversity characteristic was under consideration, the area which needed the most attention within the judiciary would be used.

#### **Question 1:**

**Do you agree with this approach to the application of the “equal merit” provision?**

***(Please support your answer with reasons)***

**If you do not agree with this approach to the application of the “equal merit” provision, would you like to recommend an alternative approach?**

***(Please support your answer with reasons)***

### 5.2 Application of the “equal merit” provision at different stages

36. There is a question as to whether the “equal merit” provision should be applied once – at the final selection stage of an exercise - by the Commission’s Selection and Character Committee, or whether there is an argument for it to be used more

than once. For example, while there will be a clear “cut off” point at the final selection stage, perhaps with a zone of equal merit as described above, there is potential for this to arise also at the shortlisting stage. The situation could arise where the JAC receives, for example, 1,000 applications for a selection exercise. If it is asked to make 100 selections the JAC would normally invite around 250 candidates to interview. Following shortlisting (either by qualifying test or paper sift) there will be a “cut off” point around the 250<sup>th</sup> candidate, and it therefore follows that there would be a similar “zone of equal merit” around the “cut off” point in the same way as there would at the final selection stage as described above. There is therefore a question as to whether the “equal merit” provision should be applied at the shortlisting, as well as the final selection, stage.

**Question 2:**

**Should the “equal merit” provision be used more than once in the selection process, perhaps at the shortlisting and final selection stages?**

*(Please support your answer with reasons)*

### **5.3 To which groups of people should the “equal merit” criteria be applied?**

37. The CCA provides for the “equal merit” provision to be used for the purpose of increasing judicial diversity. The Act does not define any specific groups of people to whom it should be applied. The Equality Act 2010 identifies the following nine “protected characteristics”:

- race;
- gender;
- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- religion and belief; and
- sexual orientation.

The Commission needs to decide whether it should apply the CCA “equal merit” provision in relation to all or some of these categories of people in relation to its selection activities.

38. In the event that the Commission does decide to apply the “equal merit” provision, there are some practical difficulties associated with the groups(s) of people to whom it should be applied. For example, application of the provision relies on the availability of reliable data about the characteristics of candidates and the diversity of a particular bench or tribunal with regard to those characteristics to demonstrate that a candidate has a protected characteristic that is under represented. Without reliable data it would be unfair and open to challenge for the Commission to make selection decisions based on application of the “equal merit” provision. The “equal merit” provision would be considered on an exercise by exercise basis; the information pack for each exercise would include the diversity details of the particular bench or jurisdiction where the vacancies exist and how the provision might be applied to that exercise.

39. At present the Commission could only be confident that reliable data is available in relation to the gender and ethnicity of candidates and of judges already in post. It is therefore minded to consider application of the provision in relation to gender and ethnicity. The Commission has made no decision about whether it would be appropriate, even if reliable data could be obtained, to extend the “equal merit” provision to any other protected characteristic.

**Question 3:**

**To which group(s) of people should the Commission apply the “equal merit” provision?**

*(Please support your answers with reasons)*

#### **5.4 A decision not to apply the “equal merit” provision**

40. Parliament has made provision for the application of “equal merit” considerations, as part of the selection process, reflecting a largely positive response to both the Ministry of Justice consultation and the House of Lords Constitution Committee inquiry. However, some may take the view that the Commission should not apply the provision to its processes.

**Question 4:**

**Do you believe the Commission should not apply the “equal merit” provision, and if so why not?**

*(Please support your answers with reasons)*

#### **5.5 Further comments**

41. We would welcome any other comments or suggestions in relation to how best to apply the “equal merit” positive action provision under the CCA.

---

## 6 Questions for consultation

**Question 1:**

Do you agree with this approach to the application of the “equal merit” provision?

If you do not agree with this approach to the application of the “equal merit” provision, would you like to recommend an alternative approach?

**Question 2:**

Should the “equal merit” provision be used more than once in the selection process, perhaps at the shortlisting and final selection stages?

**Question 3:**

To which group(s) of people should the Commission apply the “equal merit” provision?

**Question 4:**

Do you believe the Commission should not apply the “equal merit” provision, and if so why not?

## 7 Appendix 1 - Background statistics

The latest published figures indicate that the percentage of women within the judiciary has increased to 29%, while 6%<sup>10</sup> 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 population<sup>11</sup>. 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.<sup>12</sup> 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.<sup>13</sup> Similar data

<sup>10</sup> <http://www.judiciary.gov.uk/publications-and-reports/statistics/diversity-stats-and-gen-overview>

<sup>11</sup> 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.

<sup>12</sup> 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>

<sup>13</sup> 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.

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>).

for 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.<sup>14</sup>

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.

---

<sup>14</sup> <http://www.judiciary.gov.uk/Resources/JCO/Documents/Stats/tribunal-diversity-breakdown-sept12.xls>

---

## **8 Contact details and further information**

Please respond on the questions set out in this document via this link:

<https://consult.justice.gov.uk/digital-communications/equal-merit-provision>

Please send any enquiries (including requests for the paper in an alternative format) to Carol Morgan at this email address:

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

### **Confidentiality**

The JAC will process your personal data in accordance with Data Protection Act principles.

We do not intend to publish individual responses to the consultation but we may publish group responses.

**Thank you for participating in this consultation exercise**



## 9 Impact Assessment Process

<b>Type of Impact</b>	<b>Response</b>
<b>Impact Assessment</b>	<p>Upon consideration of the proposals detailed within the consultation it has been concluded that an impact assessment will not be required for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposals are not regulatory in nature and do not have direct cost/benefit impact on business or civil society;</li> <li>• The proposals are public sector and essentially internal facing, with estimated costs/benefits of less than £5m per annum;</li> <li>• An impact assessment was carried out by Ministry of Justice on all the diversity measures included in the Crime and Courts Act as part of the legislative process; and</li> <li>• Media and political interest is not expected to be high.</li> </ul>
<b>Competition Assessment</b>	We do not consider these proposals to be pro or anti-competitive. There are no impacts on suppliers or providers.
<b>Small Firms Impact Test</b>	These proposals have no effects on small businesses.
<b>Carbon Assessment</b>	We do not anticipate any significant impact on emissions of greenhouse gases.
<b>Other Environment</b>	We do not anticipate any significant impact on the environment.
<b>Health Impact Assessment</b>	We do not anticipate any significant impact on human health. These proposals will have no impact on the lifestyles of any major subgroup of the population or on the demands for health and social care services.
<b>Human Rights</b>	These proposals are compliant with the Human Rights Act.
<b>Rural Proofing</b>	The impacts of these proposals will be no different in rural areas.
<b>Sustainable Development</b>	The proposed reforms are consistent with the principles of sustainable development. In particular, they are aimed at promoting good governance of the judicial selection process, through a more effective Appointments Commission.
<b>Equality Impact Assessment</b>	The proposals contained in this consultation are aimed at improving the diversity of the judiciary. The Commission will consider responses to this consultation in the development of its policy and an EIA will be completed as part of the development of that policy. The EIA will be published alongside the policy.
<b>Justice Impact Test</b>	Consideration will be given as to whether a Justice Impact Test is needed once the consultation is completed. If it is concluded that one is required, then it will be incorporated into the supporting

	documentation for the policy.
--	-------------------------------