

## Equality Impact Assessment Initial Screening – Judicial Appointments Consultation

Under the Equality Act 2010 section 149, when exercising its functions, Ministers and the Department are under a legal duty to have 'due regard' to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and
- Foster good relations between different groups.

Paying 'due regard' needs to be considered against the eight 'protected characteristics' under the Equality Act - namely race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, pregnancy and maternity<sup>1</sup>.

MoJ has a legal duty to consider how the policy proposals are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the adverse ones and advance the positive ones. MoJ records its fulfillment of its equality duties by completing an Equality Impact Assessment (EIA).

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed.

Appointments and Diversity, 'A Judiciary for the 21 <sup>st</sup> Century', A Public Consultation
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2. Individual Officer(s) & unit responsible for completing the Equality Impact Assessment.

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3. What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?

Aims/objectives	Outcomes
1. Continuing fairness, openness and transparency.	1. Improve clarity, transparency and openness.
2. Efficiency, effectiveness, and responsiveness to demand.	2. Deliver speed and quality of service to applicants, the courts and tribunals and value for money to the taxpayer.
3. Clear accountability and effective governance.	3. Achieve the proper balance between executive, judicial and independent responsibilities.

<sup>1</sup> Public authorities also need to have due regard to the need to eliminate discrimination against someone because of their marriage or civil partnership status.

Aims/objectives	Outcomes
4. Continued progress towards a more diverse judiciary.	4. Create a more diverse <sup>2</sup> judiciary that is reflective of society and appointed on merit.

4. What are the existing sources of information that identify the likely equality impacts on different groups of people?

In developing the proposals contained within the consultation document the following published research and analytical information has been considered and incorporated into the development of the policy proposals.

### Published Statistical Data

#### Legal Profession

The legal profession acts as the pool of people for which appointments to the judiciary are made.

Research in 2005 suggested that diversity in the legal profession was improving but that 'inequalities continue to exist between white males and both women and ethnic minority solicitors in relation to pay, prestige jobs and promotion'. (See Thomas, C. (2005). Judicial Diversity in the United Kingdom and Other Jurisdictions: a Review of Research, Policies and Practices, The Commission for Judicial Appointments).

Table 1 (Annex A) shows the position of solicitors working in private practice and holding a practising certificate by gender for 2008 and 2009. This shows that in 2009 43% of private practice solicitors were female. Table 2 (Annex A) shows that in 2009, 33% of barristers were female.

Tables 3 and 4 (Annex A) show that in 2010, 10% of private practice solicitors and barristers were from a minority ethnic group.

These figures compare with most recent estimates of women representing around 51% of the population and Black, Asian and Minority Ethnic (BAME) groups representing 12% of the population. (These estimates are based on ONS Mid year population estimates 2010 and ONS Population Estimates by Ethnic Group (PEEGS) 2009. Calculations are based on figures available on the ONS website which were rounded to the nearest 100.)

#### Judicial Appointments Commission

The Judicial Appointments Commission publishes diversity data about its selection exercise, broken down by gender, ethnicity and, more recently, disability.

Since its creation, the Judicial Appointments Commission has made almost 2,500 selections. Over 35% of these were women and at least 9% were BAME candidates. Of those selections for the courts, approximately 34% were women and 7% were BAME. While those selections for tribunals, approximately 39% were women and 11% were BAME candidates.<sup>3</sup>

In July 2010 and January 2011, the JAC together with the Ministry of Justice jointly published a report comparing judicial appointments across a 10-year period between 1998/99 to 2008/09. The two reports presented an analysis of judicial appointments before and after the inception of the JAC, focusing upon women, BAME and 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. These included women applicants for

<sup>2</sup> Diversity within this consultation covers all of the protected characteristics detailed within the Equalities Act 2010, namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.

<sup>3</sup> Management Information taken from the Judicial Appointments Commission Equitas database.

Circuit Judge, Deputy District Judge, Deputy District Judge (Magistrates Courts) and Legal member of the Social Security and Child Support Appeals Tribunal (SSCSAT)<sup>4</sup>; and BAME applicants for Deputy District Judge (Magistrates Courts). This information can be found in the 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>).

### The Judiciary of England and Wales

The Judiciary of England and Wales publishes diversity data on the gender and ethnicity of members of the judiciary.

Table 5 (Annex A) shows that, since 1998, there has been gradual but slow progress in the percentage of women and Black, Asian and Minority Ethnic (BAME) members of the judiciary. The latest figures for April 2011 indicate that the percentage of women within the courts based judiciary has increased to 22.3%, while 5.1% were BAME. This ethnicity figure has been calculated as a percentage of the Judiciary who provided ethnicity data. In 2011, 19% of ethnicity data for the judiciary was unknown.

Within the most senior courts judiciary (High Court and above) the percentage of women is 13.7%, while the percentage of BAME is 3.1%. This ethnicity figure has been calculated as a percentage of the Judiciary who provided ethnicity data. This compares with most recent estimates of women representing around 51% of the population and BAME groups representing 12% of the population. (These estimates are based on ONS Mid year population estimates 2010 and ONS Population Estimates by Ethnic Group (PEEGS) 2009. Calculations are based on figures available on the ONS website which were rounded to the nearest 100.)

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

### **Existing Research**

There is limited research on judicial diversity in this country. A review of the historical research evidence has shown that low levels of representation may have a negative impact on public perceptions of the courts among ethnic minorities (See Thomas, C. (2005). *Judicial Diversity in the United Kingdom and Other Jurisdictions: a Review of Research, Policies and Practices*, The Commission for Judicial Appointments. [www.ucl.ac.uk/laws/socio-legal/docs/Review\\_of\\_Judicial\\_Diversity.pdf](http://www.ucl.ac.uk/laws/socio-legal/docs/Review_of_Judicial_Diversity.pdf)).

Research on the legal profession often consists of small/ partial samples. These studies have, however, highlighted perceived obstacles for women and BME respondents (See, for example, British Market Research Bureau (2009). *Barriers to Application for Judicial Appointments Research*, Judicial Appointments Commission <http://jac.judiciary.gov.uk/about-jac/165.htm> and Sommerlad et al (2010). *Diversity In The Legal Profession In England and Wales: A Qualitative Study of Barriers and Individual Choices* Funded by the Legal Services Board. Available at: [www.legalservicesboard.org.uk/what\\_we\\_do/Research/Publications/pdf/lsb\\_diversity\\_in\\_the\\_legal\\_profession\\_final\\_rev.pdf](http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/lsb_diversity_in_the_legal_profession_final_rev.pdf)).

For example, the recent study commissioned by the JAC (BMRB, 2009) reported perceptions of prejudice in the application process by eligible barristers and solicitors. Women and BAME respondents were found to perceive these attributes as a distinct disadvantage (white respondents and men perceived these as positive influences), although statistical analysis suggested that such demographic characteristics were not the most important characteristics affecting propensity to apply.

### **Advisory Panel on Judicial Diversity**

The Advisory Panel on Judicial Diversity, which was published in February 2010 ([www.justice.gov.uk/publications/docs/advisory-panel-judicial-diversity-2010.pdf](http://www.justice.gov.uk/publications/docs/advisory-panel-judicial-diversity-2010.pdf)) considered the equality impact of the appointments process on different groups of people. We have drawn from the Panel's work.

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4 This judicial office holder is now a First Tier Tribunal Judge following the abolition of the SSCSAT.

The proposed changes have been considered in light of the Panel's recommendations. As part of the Department's review of the appointments process, we considered the responses to previous consultations, lessons from other jurisdictions and historical models for appointments. We have sought views on equality impacts identified and on any further ways in which these proposals might impact positively or adversely on people with protected characteristics during the judicial appointments process.

We hope the public consultation which this equality impact assessment accompanies will provide further information.

5. Are there any gaps in information that make it difficult or impossible to form an opinion on how the proposals might affect different groups of people? If so what are the gaps in the information and how and when will this additional information be collected?

The Judicial Appointments Commission collects information on age, gender, ethnicity and disability. In September 2011 the Judicial Appointments Commission started to collect data on religion and belief, and sexual orientation

The Judiciary of England and Wales collects data on the age, gender and ethnicity of members of the judiciary. There are gaps in the data relating to disability, sexual orientation, religion and belief, marriage and civil partnership, gender reassignment, pregnancy and maternity in relation to members of the Judiciary.

The Advisory Panel on Judicial Diversity considered extensively the impact of the appointments process on different groups of people through open forum discussions with invited representatives. We hope to consider further in light of the results of the consultation which this equality impact assessment accompanies. We have sought views on equality impacts identified and on any further ways in which these proposals might impact positively or adversely on people with protected characteristics during the judicial appointments process. We will be updating the EIA as necessary following the responses to the consultation in the light of any new evidence of equalities impact.

6. Having analysed the initial and additional sources of information including feedback from previous consultation, is there any evidence that the proposed changes will have a **positive impact** on any of these different groups of people and/or promote equality of opportunity?

We have put some of these proposals forward with the explicit aim of promoting equality of opportunity. Other proposals have been assessed to ensure compliance with the recommendations of the Advisory Panel on Judicial Diversity. We therefore view all of these proposals as having a positive or neutral impact on equality of opportunity in the appointments process. However we are consulting further to help our understanding of the potential equality impacts of our proposals.

The following proposals are anticipated to deliver positive outcomes to those with Protected characteristics or increase the transparency of the process:

- **Introducing flexible working to the High Court and above** – the Government is proposing to extend the principle of salaried part-time working to judicial office holders in the High Court and above. The Advisory Panel considered this and recommended that the principle should be extended in order to encourage and support those who are either considering a judicial career or are existing office holders with different working patterns.
- **Amending the appointments process to enable the JAC to apply the positive action provisions from the Equality Act 2010** - The Government is consulting on whether the appointments process operated by the JAC should be amended to enable the JAC to utilise the Equality Act positive action provisions where the merits of the candidates are essentially indistinguishable. The application of the Equality Act positive action provisions to the selection process would be a powerful statement and an enabling tool that could support the improvement in the diversity of the judiciary. The selection process would not routinely favour candidates with a

certain protected characteristic, even where there is evidence of under-representation or disadvantage. The fundamental principle is that appointments should always be made on merit. If one candidate is superior to another, the position should be offered to that candidate. However, this does not prevent those involved from having a policy of being prepared to use positive action where it is appropriate for it to do so.

- **Limiting all fee-paid appointments to three renewable 5 year terms** - Fee-paid judicial experience is often an eligibility requirement for some salaried appointments although in exceptional cases where candidates have demonstrated the necessary skills in some other significant way they can be selected and, consequently, is in principle the “training ground” for salaried office. This enables potential applicants for salaried offices to test whether such a career is for them and to gauge their suitability for the office. We are therefore consulting on whether fee-paid appointments should be limited to a maximum of three renewable terms of 5 years, but that there should be sufficient flexibility to ensure that the overall effectiveness of the courts and tribunals can be safeguarded.
- **Increasing the role of the JAC in Deputy High Court Judge Appointments** – No information is publicly available on the identity or diversity of those holding appointments. This is a concern because authorisation as a deputy High Court Judge provides many with an opportunity to gain experience of sitting in the High Court and is viewed as an important stepping stone to appointment to the High Court. We are therefore proposing that the JAC should be involved in a more meaningful way to provide greater transparency, openness and an independent element in these appointments. They should also collect and publish data on the diversity of Deputy High Court judges in the same way that they do for other judicial appointments. This would improve candidates’ confidence in the identification process and should widen the eligible pool for appointments to the High Court Bench.
- **Increasing the independent and lay involvement in the selection of the senior judiciary** –
  - In order to provide openness and transparency, to address concerns around fairness and to deliver real scrutiny to the appointments process, we are proposing that someone who is independent from the executive and judiciary should chair the selection panel. Given the seniority and high profile nature of the positions, it would need to be someone who commands the confidence of the judiciary, executive, legislature and the public. We are therefore proposing that the chair of the Judicial Appointments Commission for England and Wales (JAC), should chair the selection panel for the appointment of the Lord Chief Justice of England and Wales.
  - In relation to the selection panel for the appointment of the President of the UK Supreme Court, we also propose that someone who is independent from the executive and judiciary should chair the selection panel. Given the seniority and high profile nature of the position, it would need to be someone who commands the confidence of the judiciary, executive, legislature and the public. We are therefore proposing that the Chair of the selection panel to identify the President of the UK Supreme Court should be a non-judicial member from either the Judicial Appointments Commission for England and Wales, the Judicial Appointment Board for Scotland or the Northern Ireland Judicial Appointments Commission.

7. Is there any feedback or evidence that additional work could be done to promote equality of opportunity?

It is clear that additional work can be done to promote equality of opportunity in this area and the Government is committed to this. The recommendations of the Advisory Panel on Judicial Diversity go beyond the proposals outlined in the consultation and the Judicial Diversity Taskforce continues to monitor and promote progress against the wider recommendations. The Taskforce membership includes the Ministry of Justice, the Judiciary, the JAC, Bar Council, Law Society and Institute of Legal Executives. The Taskforce will be providing an update on progress towards delivery of the recommendations in its second annual report, due for publication in Spring 2012.

8. Is there any evidence that proposed changes will have **an adverse equality impact** on any of these different groups of people?

We are consulting further to help our understanding of the potential equality impacts of our proposals.

9. Is there any evidence that the proposed changes have **no equality impacts**?

Some of the proposed changes are likely to have no impact on some of these groups. In some cases, this is because the change is an administrative one which has no potential to affect either the outcome of selection or the diversity of the pool of applicants.

In other cases, particular changes are aimed at improving opportunities for those with protected characteristics (such as creating opportunities for flexible working, which the evidence indicates can be particularly beneficial to women), which might have a neutral impact on other groups. We are consulting further to help our understanding of the potential equality impacts of our proposals.

10. Is a more detailed Equality Impact Assessment Required?

We will be updating this EIA as necessary in light of the consultation responses and any further data. A more detailed Equality Impact Assessment is required where there is evidence that a change will have an adverse negative impact on equality of opportunity that cannot be justified. Upon consideration of the proposals contained within the consultation, the evidence points to a positive impact arising from implementation of the proposed changes. However, subject to the outcome from the consultation, if evidence comes to light that any aspect of our proposals would deliver a negative impact, then an updated more detailed equality impact assessment will be produced.

11. Even if a more detailed EIA is not required, MoJ is legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.

**Basis of the review:**

The principles that underpin the review are that the appointments process must: fully respect and maintain the independence of the judiciary; hold appointment on merit at the heart of the process; deliver openness and transparency throughout the process and create a more diverse judiciary that is reflective of society and appointed on merit.

**Review objective:**

Review of the success of these measures will take place as part of the ongoing wider monitoring of the cost, speed, quality and perception among key groups of the appointments process.

**Review approach and rationale:**

Time and cost data are collected as a matter of course. Views on the quality of the process and of the quality of appointments are obtained at a senior level through dialogue with key interested parties. These will be reviewed on a 6-monthly basis by an assurance board. The Judicial Diversity Taskforce is developing a baseline to monitor progress towards improving judicial diversity. This measure will be used to measure the success of our proposals.

**Baseline:** [The current (baseline) position against which the change introduced by the legislation can be measured]

The judicial appointments review concluded that the quality of appointments is good, but that the process costs too much and takes too long.

**Success criteria:** [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]

The consultation will ascertain whether change is desired among key interested groups. The success of the changes will be measured primarily through dialogue. The cost and duration of the process should also be reduced.

**Monitoring information arrangements:** [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]

Data on the cost and duration of appointments exercises are collected as a matter of course. An assurance board will be created to enable discussion of progress in terms of perceptions of the process among key interested groups.

12. Name of Senior Manager and date approved

Name (must be grade 5 or above): *Sophie Langdale*

Department: Ministry of Justice

Date: 23 November 2011

Note: The EIA should be sent **by email to [analyticalservices@justice.gsi.gov.uk](mailto:analyticalservices@justice.gsi.gov.uk) of the Equality Analytical Programme for publication.**

**Table 1: Position of solicitors working in private practice and holding a practising certificate**

as at 31 July 2008

Headcount			
	Women	Men	Total
Position in firm	%	%	
Partners <sup>1</sup>	24	76	100
Sole practitioners	27	73	100
Associate solicitors	54	46	100
Assistant solicitors	62	38	100
Consultants	21	79	100
Other private practice	55	45	100
<b>All positions</b>	<b>42</b>	<b>58</b>	<b>100</b>

as at 31 July 2009

Headcount			
	Women	Men	Total
Position in firm	%	%	
Partners <sup>1</sup>	25	75	100
Sole practitioners	28	72	100
Associate solicitors	54	46	100
Assistant solicitors	62	38	100
Consultants	24	76	100
Other private practice	53	47	100
<b>All positions</b>	<b>43</b>	<b>57</b>	<b>100</b>

Source: Law Society, Trends in the solicitors' profession, Annual statistical report 2009,

<sup>1</sup>Partners or partner equivalents

**Table 2: Barristers by gender, 2008 and 2009**

at December 2008

England and Wales			
	Women	Men	Total
Barristers	%	%	
Queen's Counsel in the Self-Employed Bar	10	90	100
Employed Bar (including CPS, GLS etc) <sup>1</sup>	46	54	100
Barristers in the Self-Employed Bar	31	69	100
<b>Total</b>	<b>32</b>	<b>68</b>	<b>100</b>

at December 2009

England and Wales			
	Women	Men	Total
Barristers	%	%	
Queen's Counsel in the Self-Employed Bar	11	89	100
Employed Bar (including CPS, GLS etc) <sup>1</sup>	46	54	100
Barristers in the Self-Employed Bar	32	68	100
<b>Total</b>	<b>33</b>	<b>67</b>	<b>100</b>

Source: Bar Council Annual statistics 2008 and 2009

<sup>1</sup> Includes Crown Prosecution Service (CPS) and Government Legal Service (GLS)



**Table 3: Ethnicity of private practice solicitors as at 31 July**

2006	Self-defined ethnicity					Total
	White	Asian	Black	Chinese or Mixed/Other	Not Stated	
Partners	83%	4%	1%	1%	11%	100%
Sole Practitioners	77%	8%	2%	2%	11%	100%
Associate solicitors	78%	5%	1%	3%	13%	100%
Assistant solicitors	77%	7%	1%	3%	11%	100%
Other private practice	84%	3%	1%	1%	11%	100%
<b>Total</b>	<b>80%</b>	<b>5%</b>	<b>1%</b>	<b>2%</b>	<b>11%</b>	<b>100%</b>

Source: Law Society

2007	Self-defined ethnicity					Total
	White	Asian	Black	Chinese or Mixed/Other	Not Stated	
Partners	83%	4%	1%	1%	11%	100%
Sole Practitioners	74%	9%	3%	2%	12%	100%
Associate solicitors	78%	5%	1%	3%	13%	100%
Assistant solicitors	77%	7%	2%	3%	11%	100%
Other private practice	83%	3%	1%	2%	12%	100%
<b>Total</b>	<b>80%</b>	<b>5%</b>	<b>1%</b>	<b>2%</b>	<b>11%</b>	<b>100%</b>

Source: Law Society

2008	Self-defined ethnicity					Total
	White	Asian	Black	Chinese or Mixed/Other	Not Stated	
Partners	82%	4%	1%	1%	11%	100%
Sole Practitioners	72%	9%	4%	2%	13%	100%
Associate solicitors	78%	5%	1%	4%	12%	100%
Assistant solicitors	78%	8%	2%	3%	10%	100%
Other private practice	82%	4%	1%	2%	12%	100%
<b>Total</b>	<b>80%</b>	<b>6%</b>	<b>1%</b>	<b>2%</b>	<b>11%</b>	<b>100%</b>

Source: Law Society

2009	Self-defined ethnicity					Total
	White	Asian	Black	Chinese or Mixed/Other	Not Stated	
Partners	82%	4%	1%	1%	11%	100%
Sole Practitioners	72%	10%	3%	2%	12%	100%
Associate solicitors	80%	5%	1%	4%	10%	100%
Assistant solicitors	78%	8%	2%	3%	9%	100%
Other private practice	81%	5%	1%	2%	11%	100%
<b>Total</b>	<b>80%</b>	<b>6%</b>	<b>1%</b>	<b>2%</b>	<b>10%</b>	<b>100%</b>

Source: Law Society

2010	Self-defined ethnicity					Total
	White	Asian	Black	Chinese or Mixed/Other	Not Stated	
Partners	83%	5%	1%	1%	10%	100%
Sole Practitioners	71%	11%	4%	3%	12%	100%
Associate solicitors	80%	6%	1%	4%	9%	100%
Assistant solicitors	79%	8%	2%	3%	8%	100%
Other private practice	81%	5%	1%	2%	10%	100%
<b>Total</b>	<b>80%</b>	<b>6%</b>	<b>2%</b>	<b>3%</b>	<b>10%</b>	<b>100%</b>

Source: Law Society

**Notes:**

The Law Society uses its own ethnic classification. This has been aggregated as follows:

- White includes: White European; British-English; British; British-Scottish; British-Welsh; British-Other; Irish; Romany Gypsy; Traveller; White Other

- Black includes: Afro-Caribbean; Black Caribbean; African; Black-African; Black-Other.

- Asian includes: Asian-Bangladeshi; Asian-Indian; Asian-Pakistani; Asian.

- Chinese or Mixed/Other includes: Asian-Chinese; Chinese-Other; Chinese; Mixed-Other; White and Asian; White and Black African; White and Black Caribbean.

**Table 4: Ethnicity of Barristers, as at December**

2006	Self-defined ethnicity						Total
	White	Mixed	Asian	Black	Chinese or Other	Not Stated	
QC	91%	1%	1%	1%	1%	5%	100%
Self-employed Bar	79%	1%	4%	3%	1%	12%	100%
Employed Bar	66%	2%	5%	4%	2%	23%	100%
Total	77%	1%	4%	3%	1%	13%	100%

Source: Bar Council

2007	Self-defined ethnicity						Total
	White	Mixed	Asian	Black	Chinese or Other	Not Stated	
QC	92%	1%	1%	1%	1%	5%	100%
Self-employed Bar	79%	1%	4%	2%	1%	12%	100%
Employed Bar	65%	2%	5%	4%	2%	23%	100%
Total	77%	1%	4%	2%	1%	14%	100%

Source: Bar Council

2008	Self-defined ethnicity						Total
	White	Mixed	Asian	Black	Chinese or Other	Not Stated	
QC	92%	1%	1%	1%	1%	5%	100%
Self-employed Bar	79%	1%	4%	2%	1%	12%	100%
Employed Bar	66%	2%	5%	4%	2%	22%	100%
Total	77%	1%	4%	2%	1%	13%	100%

Source: Bar Council

2009	Self-defined ethnicity						Total
	White	Mixed	Asian	Black	Chinese or Other	Not Stated	
QC	92%	1%	1%	1%	1%	4%	100%
Self-employed Bar	79%	1%	5%	2%	1%	11%	100%
Employed Bar	66%	2%	5%	3%	2%	22%	100%
Total	78%	1%	5%	2%	1%	12%	100%

Source: Bar Council

2010	Self-defined ethnicity						Total
	White	Mixed	Asian	Black	Chinese or Other	Not Stated	
QC	91%	1%	2%	1%	1%	4%	100%
Self-employed Bar	80%	1%	5%	2%	1%	11%	100%
Employed Bar	67%	2%	5%	4%	1%	21%	100%
Total	78%	1%	4%	3%	1%	12%	100%

Source: Bar Council

**Table 5: The number of judges in office (as at 1 April each year recorded) by women and ethnic background in England and Wales.**

**Judicial Diversity, Gender and Ethnicity<sup>1</sup>, 1998 - 2011 <sup>2</sup>**

Year	Total number of Judges	%Women	%BAME out of known ethnicity <sup>3</sup>	%BAME out of total number of judges
1998	3,174	10.3%	-	1.6%
1999	3,312	11.2%	-	1.7%
2000	3,441	12.7%	-	2.1%
2001	3,535	14.1%	-	1.9%
2002	3,545	14.5%	-	2.0%
2003	3,656	14.9%	-	2.2%
2004	3,675	15.8%	-	2.5%
2005	3,794	16.9%	-	2.9%
2006	3,774	18.0%	-	3.8%
2007	3,545	18.7%	-	3.5%
2008	3,820	19.0%	5.0%	4.1%
2009	3,602	19.4%	4.5%	3.6%
2010	3,598	20.6%	4.8%	3.9%
2011	3,694	22.3%	5.1%	4.2%

**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>

<http://www.dca.gov.uk/dept/depstrat.htm>

**Note:**

1 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

2 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

3 The black and minority ethnic figure is calculated as a percentage of those members of the judiciary who provided ethnicity data

- Not available