

Judicial Appointments Commission:

Religious Belief and the Judicial Appointments Process

1. The Judicial Appointments Commission (JAC) is the body which has been responsible for operating the process of selecting and recommending candidates for judicial office in England and Wales since 2006. This includes both senior judiciary and many categories of Tribunal Judges, Chairmen, Adjudicators, etc. Anything up to 100 appointments or more are made each year, the great majority (but not all) being barristers or solicitors.

2. The JAC had already published statistical information about some of the protected characteristics under the Equality Act 2010, i.e. gender, ethnicity, profession and age, but this did not include the characteristic of religious belief or non-belief (Section 10). In 2013 we contacted the JAC to ask whether they collected data on this characteristic, and whether they would publish it. They responded helpfully that they had not hitherto collected the data but were beginning to do so, and in due course would publish statistics based on it.

3. In December 2014 the JAC confirmed to us that they have begun producing this information in respect of applications and appointments, beginning with the period October 2013 – March 2014. Here is a link to the spreadsheet:

<http://jac.judiciary.gov.uk/about-jac/diversity-data.htm>

They will presumably continue to publish similar figures in future.

4. The JAC does not publish data about the religion/belief of members of the judiciary in post, so it is not possible to compare this published data on applicants with figures for existing judges.

5. In this particular batch (mainly at Circuit Judge level), from 309 applications received, only 47 (15%) had declined to indicate their religion. 54 applicants (17%) said None; 128 (41%) said Church of England; 31 (10%) said Roman Catholic; 17 (6%) were Other Christian; 17 (6%) Jewish; and there were 15 others (5%).

6. Given that there is significant reluctance of ‘Nones’ to reveal that fact, especially in relation to a group of persons where religious conformity plays a strong part as evidenced by the annual Judges’ Service in Westminster Abbey, we consider it reasonable to assume that, of those declining to answer the question, the percentage who would really be ‘Nones’ was significantly higher than the 21% in the case of those who answered the question. This suggests that the percentage of all applicants with no religion could be 25% or even more.

7. 44 of the 309 applicants (14%) were eventually recommended for appointment. The success rates turned out to be as follows:

Nones – 9	rose from 17% to 20%
Church of England – 20	rose from 41% to 45%
Roman Catholic – 7	rose from 10% to 16%
Other Christian – 4	rose from 6% to 9%
Jewish – 0	dropped from 6% to 0%
Other religions – 1	dropped from 5% to 2%
Declined to say – 3	dropped from 15% to 7%

8. Some of the numbers are obviously too small to be susceptible to meaningful analysis statistically, but it is possible to note the following.

8.1 The JAC now takes the issue seriously, has responded helpfully, and seems to be doing well to monitor and publish the facts on religion/belief.

8.2 85% of applicants were willing to disclose their religious belief or lack of it, so the statistics are meaningful (assuming that replies were truthful, for religion/belief or lack of it is not as easy to verify as gender, ethnicity, profession and age).

8.3 The ‘Nones’ do not appear to be disadvantaged in comparison to those who declared religion/belief, which offers some reassurance that there is no discrimination against them.

8.4. The applicants who did not answer the question fared badly – perhaps their lack of candour told against them.

9. The JAC does not provide reasons why applicants are not appointed. Some may have been unable to meet the basic criteria as advertised, so would have been excluded for that reason regardless of all other considerations.

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