

# The Judiciary in Northern Ireland

# 2008

# Equity Monitoring Report



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## Executive Summary

### Overall Composition

#### Professional standing and age

For appointment to a judicial office in the Courts or Tribunals, there is a statutory requirement that appointees should have a specified number of years professional standing (typically at least 5 years). As professional standing is closely related to age, analysis based on age can be used as an indicator, when detailed information based on professional standing is not available. It is important to note that the representation of females and Catholics is higher among legal professionals in younger age-groups than in older age-groups.

While more than a third (35.2%) of those legal professionals deemed to have at least the minimum requirement of professional standing were aged 40 or under, only 5.4% of judicial office holders in the Courts and 13.1% of judicial office holders in Tribunals were in this age category. This would indicate that judicial office holders are generally older and therefore have much longer professional experience than required by statute. Over three quarters of judicial office holders in the Courts were aged 51 years or over (75.2%). This compares with 31.3% in the legal profession generally.

#### Gender

As the representation of females among legal professionals is much lower in older age categories, female representation among judicial office holders might therefore be expected to be lower than in the legal profession generally.

Female representation in the Courts (20.9%) was lower than in the legal profession generally (33.8%). However, when adjustment was made for the age profile of judicial office holders in the Courts, female representation would be expected to be 15.1%, not 33.8%; less than the actual representation of 20.9%.

For judicial office holders in Tribunals, female representation (46.4%) was much higher than might be expected (18.7%) given the age profile of judicial office holders on Tribunals.

#### Community Background

In terms of community background, over half of judicial office holders in the Courts were Protestant (55.8%); higher than in the legal professions generally (44.4%). However, when adjustment was made for the age profile of judicial office holders in the Courts, Protestant representation would be expected to be 58.0%; broadly in line with the actual representation of 55.8%.

Catholic representation among judicial office holders in Tribunals (40.0%) was lower than in the legal profession generally (53.0%), but broadly in line with the representation which might be expected having taken account of the age profile (42.5%).

#### Disability and Ethnicity

The proportion of judicial office holders who had declared a disability ranged from 2.4% among Lay Magistrates to 4.8% among Tribunal members. No judicial office holders in the Courts were from a minority ethnic background. Minority ethnic representation among Lay Magistrates was 0.8%, while for Tribunal members it was 1.4%. As the numbers involved are small, care should be taken when drawing inferences from the data.

## Executive Summary

### Lay Magistrates

A majority of Lay Magistrates were female (53.1%), while almost three out of every five Lay Magistrates were Protestant (59.6%). The equivalent figures for the economically active population of working age are 43.8% and 55.8% respectively. Compared with judicial office holders in the Courts and Tribunals, a higher proportion of Lay Magistrates were aged 40 or under (27.3%).

### Recruitment Schemes

#### Applicant Pools

More than two-fifths of applications for judicial office in the Courts were from candidates in the 41-50 years age category (43.4%), compared with an expected proportion of 33.4% (based on the available candidate pool). Female representation among applicants (26.4%) was noticeably lower than expected (34.2%), but this may be accounted for by the older age profile of applicants. Protestant representation among applicants (39.6%) was also lower than might be expected (44.4%).

For schemes appointing legal members of Tribunals, a higher proportion of applicants (61.5%) than expected (33.4%) were in the 41-50 years age category. While female representation among applicants (46.2%) was higher than expected (33.8%), the representation of Catholics (46.2%) was considerably lower than what would be expected (53.0%).

#### Shortlisting Stage

Given the applicant pool for judicial appointment in the Courts, the age profile of shortlisted candidates was broadly similar to what would be expected. Fewer Catholics than expected were shortlisted, but the gender profile of shortlisted candidates was similar to what would be expected.

For legal appointments to Tribunals, the gender profile of shortlisted candidates was broadly similar to what would be expected. However more Catholics than expected were shortlisted. The proportion of shortlisted candidates aged 51 or over was also higher than expected.

#### Appointment Stage

The proportion of appointees who were female was lower than expected given the gender profile of shortlisted candidates. However, it must be borne in mind that the number of appointments was relatively small and so small changes can have a large effect on percentages. In terms of community background, Catholic representation among appointees was higher than expected. None of the appointees to the Courts or as a legal member of a Tribunal came from the 51 or over age group compared to an expected proportion of 15.3%.

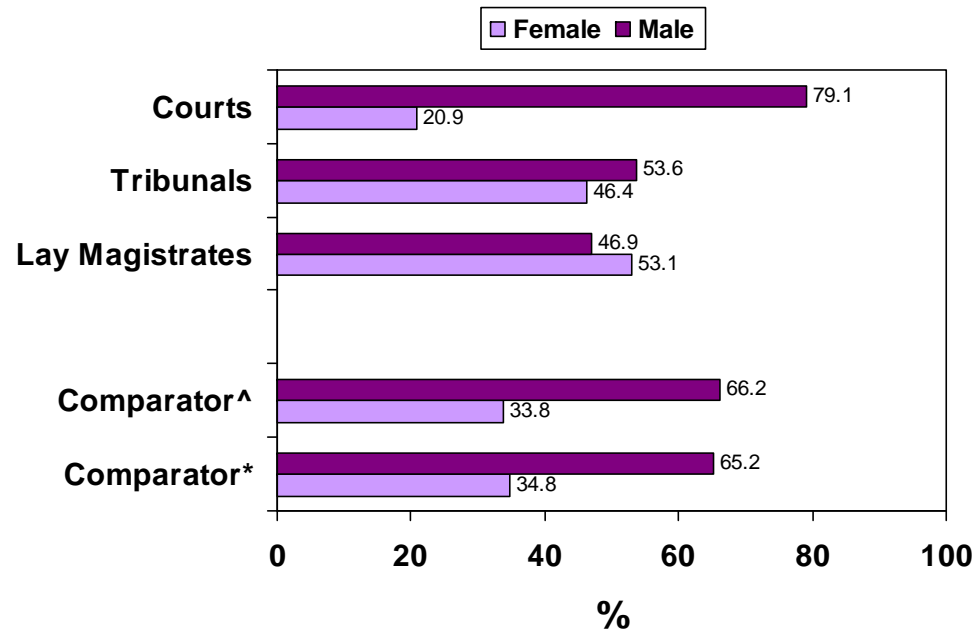
This report is intended to provide an annual update on the baseline position established by the 2007 report. It should be noted that the 2007 report included recruitment schemes for the appointment of non-legal members of Tribunals – no recruitment schemes of this type were run during the time period covered by the 2008 report.

## 1 About this report

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- The aim of this report is to provide equity monitoring information on the judiciary in Northern Ireland at 1 April 2008. In addition, monitoring information on the outcomes of the various stages of judicial appointment schemes in the period 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008 is presented.
- Information was obtained from two sources. Equity monitoring information was taken from a database managed by staff in the NI Judicial Appointments Commission. Information on the applicant pools for the judicial appointment schemes was taken from summarised information provided by the NI Judicial Appointments Commission.
- Where appropriate the information was contextualised using data relating to the legal professions – information on Solicitors on Roll supplied by the Law Society and on Barristers supplied by the Bar Library. However, this information was limited to gender and so to obtain information relating to age or community background, data from the 2001 Census was employed. For age comparisons, account has been taken of the time lapse since the Census, so for example professionals aged 25-29 at the time of the Census, were taken to be 31-35 at 1 April 2008.
- For the overall composition figures, the judicial offices have been grouped into three categories, relating to judicial office holders in the Courts, Tribunal members and Lay Magistrates. Since the gender and community background compositions for different age bands are different, the external comparators have been adjusted to reflect the age profile of judicial office holders in the Courts or in Tribunals to better contextualise the overall composition. More detailed compositional information relating to classification of the judicial offices into eight categories is provided in Appendix A.
- In terms of appointments to judicial office, one scheme in the Courts and two schemes for Tribunal members were considered. A total of 66 applications were received and 9 appointments were made. Three stages in the recruitment schemes were considered – application, shortlisting and appointment. Each competition was considered individually and results aggregated. Not included in the report are the appointments of the Chairman of the Reserve Forces Committee and the Dep. Social Security & Child Support Commissioner who were appointed directly.
- For each competition, at each stage the actual composition was compared with what would be expected, if candidates from each group were equally likely to apply and were equal in terms of merit. The results were then aggregated. It should be noted that potential candidates in younger age-groups are less likely to apply. This impacts upon not only age comparisons, but also gender and community background comparisons, due to different gender or community background compositions for different age bands.

## 2 Overall Composition: Gender



### Summary

- Approximately one in five judicial office holders in the Courts were female (20.9%). While this proportion was lower than for members of the legal professions eligible to apply for judicial office (33.8%), when adjustment was made for the age profile of judicial office holders in the Courts, female representation would be expected to be 15.1%.

- Female representation among judicial office holders in Tribunals (46.4%) was higher than for legal professionals eligible to apply for judicial office (33.8%). When adjustment was made for the age profile of judicial office holders in Tribunals, female representation would be expected to be 18.7%.

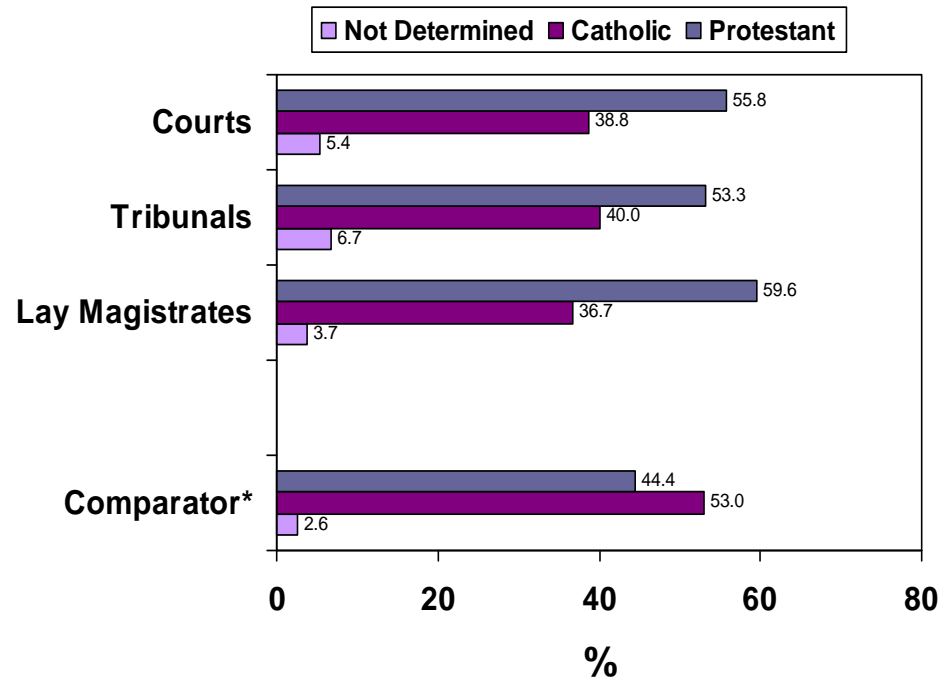
- A majority of Lay Magistrates were female (53.1%).

#### Notes

^Legal Professionals data based on data for Solicitors on Roll supplied by Law Society and for Barristers supplied by Bar Library, each with 7 or more years post-qualification experience.

\*Legal Professionals data based on SOC groups 2411 (Solicitors and Lawyers, Judges and Coroners) and 2419 (Legal Professionals NEC) aged 25-69 at 2001 Census.

## 2 Overall Composition: Community Background



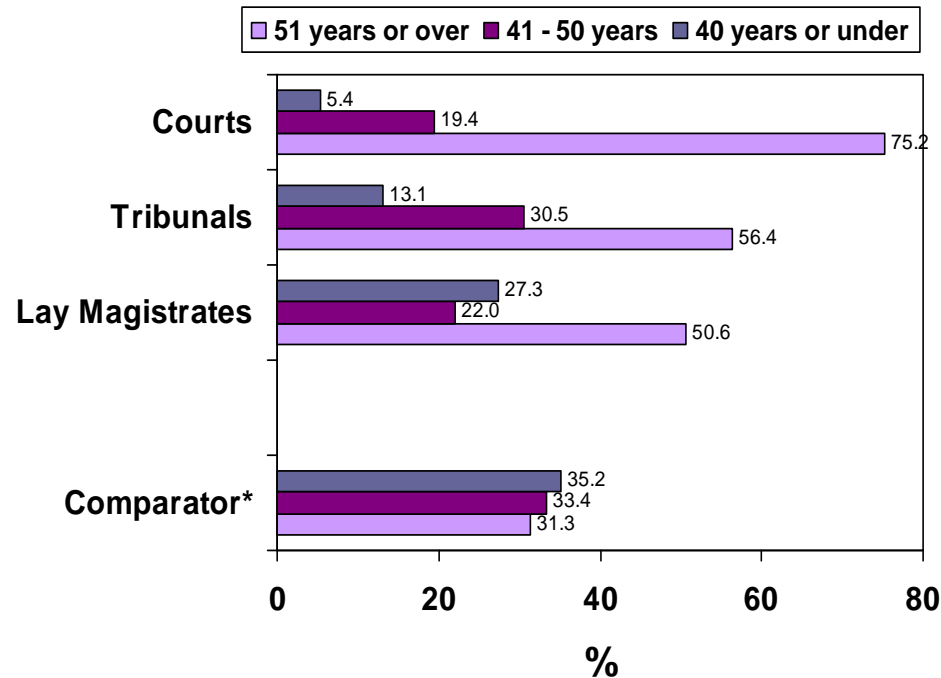
### Summary

- Over half of judicial office holders in the Courts were Protestant (55.8%). While this proportion was higher than in the legal professions generally (44.4%), when adjustment was made for the age profile of judicial office holders in the Courts, Protestant representation would be expected to be 58.0%.
- Catholic representation among judicial office holders in Tribunals (40.0%) was lower than in the legal profession generally (53.0%). Adjustment in accordance with the age profile of judicial office holders in Tribunals yielded an expected Catholic representation of 42.5%.
- Almost three out of five Lay Magistrates were Protestant (59.6%).

#### Notes

\*Legal Professionals data based on SOC groups 2411 (Solicitors and Lawyers, Judges and Coroners) and 2419 (Legal Professionals NEC) aged 25-69 economically active at 2001 Census.

## 2 Overall Composition: Age



### Summary

- Approximately three quarters of judicial office holders in the Courts were aged 51 years or over (75.2%). This compares with 31.3% in the legal profession generally.
- More than half of judicial office holders in Tribunals were aged 51 years or over (56.4%), compared with 31.3% in the legal profession generally.
- The proportion of Lay Magistrates aged 40 years or under (27.3%) was higher than among either judicial office holders in the Courts (5.4%) or Tribunals (13.1%).

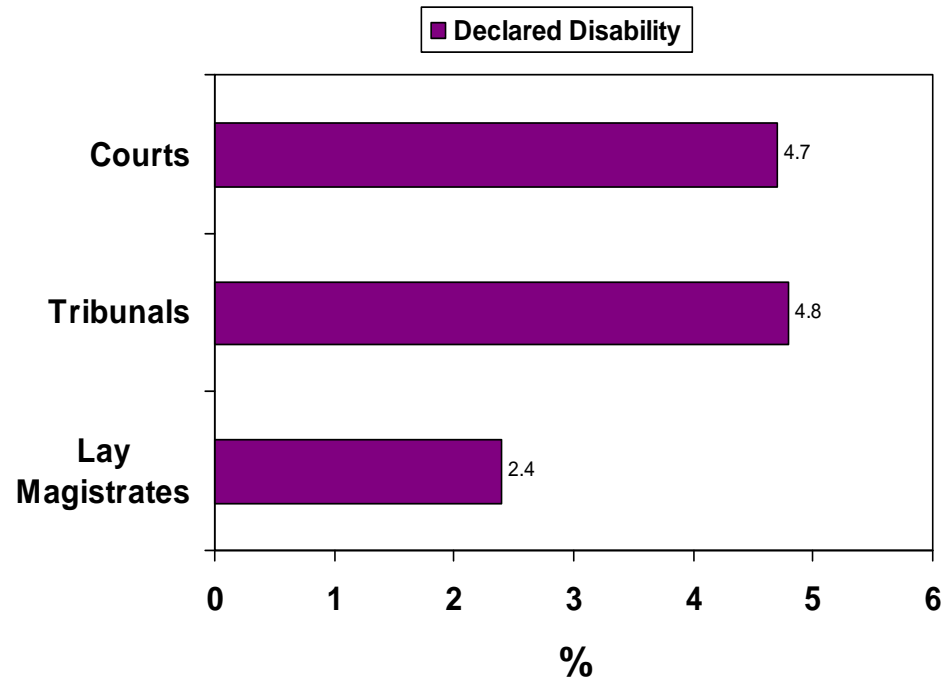
#### Notes

\*Legal Professionals data based on SOC groups 2411 (Solicitors and Lawyers, Judges and Coroners) and 2419 (Legal Professionals NEC) aged 25-69 economically active at 2001 Census.

The comparison from census is in parentheses as follows: 40 or under (25-34) 41-50 (35-44) 51+ (45-69).



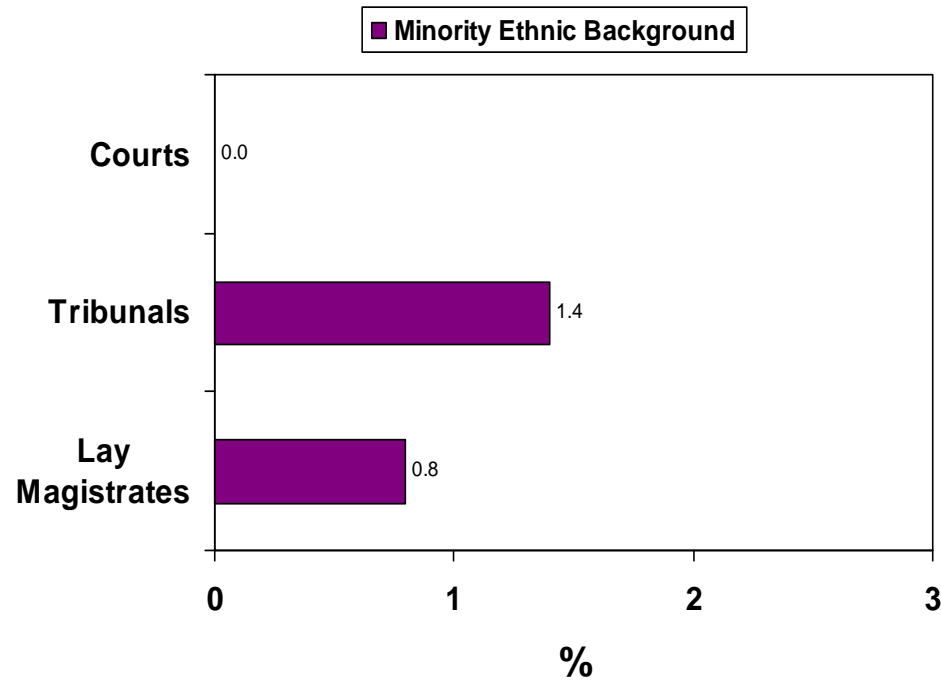
## 2 Overall Composition: Declared Disability



### Summary

- The proportion of judicial office holders who had declared a disability ranged from 2.4% among Lay Magistrates to 4.8% among Tribunal members.
- As the numbers involved are small, care should be taken when drawing inferences from the data.

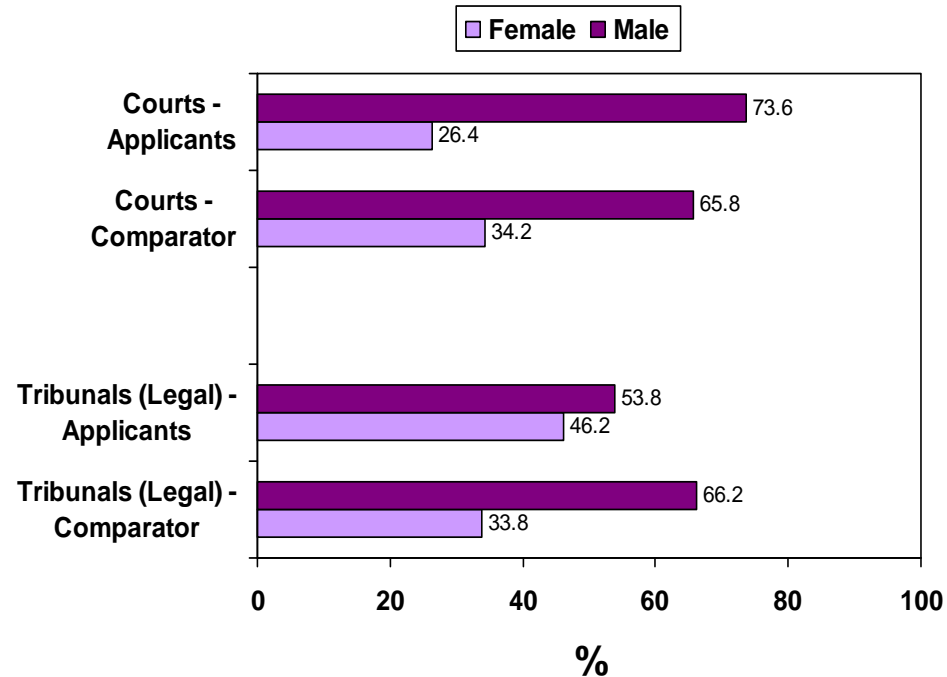
## 2 Overall Composition: Ethnicity



### Summary

- No judicial office holders in the Courts were from a minority ethnic background.
- The minority ethnic representation among Lay Magistrates was 0.8%, while for Tribunal members it was 1.4%.
- As the numbers involved are small, care should be taken when drawing inferences from the data.

## 3 Applicant Pool for Schemes: Gender



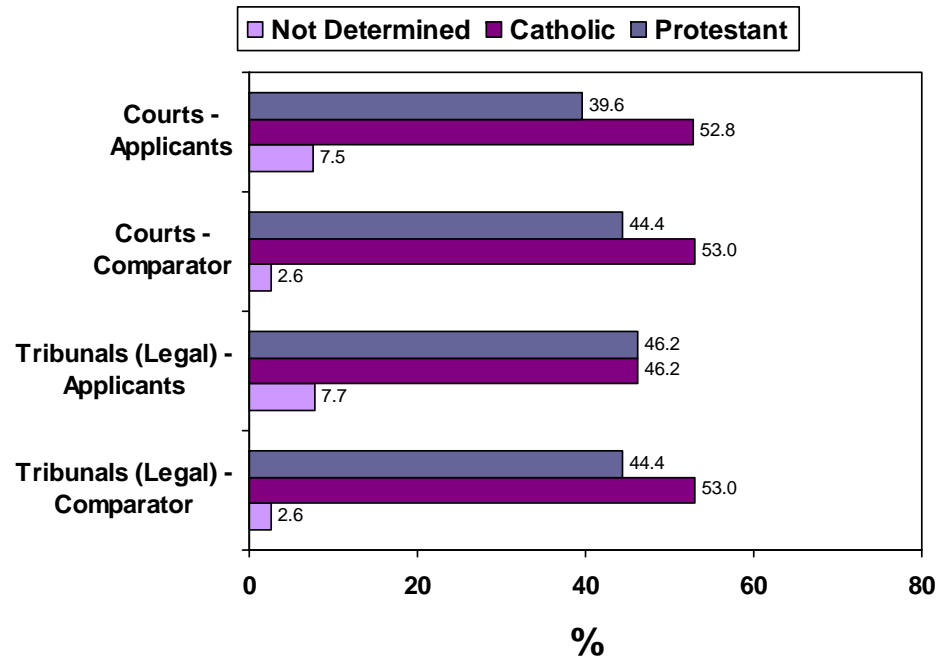
### Summary

- For each competition, the gender composition of the applicant pool was compared with what might be expected based on the eligible pool if males and females were equally likely to apply. These results were then aggregated to obtain the expected compositions reported in the chart. It should be noted, however, that female representation is lower in the older age-bands, from which more applications might be expected.
- For appointment to judicial office in the Courts, overall female representation among applicants (26.4%) was lower than would be expected (34.2%).
- Conversely, for legal appointments to Tribunals, the female representation among applicants (46.2%) was higher than what would be expected (33.8%).

#### Notes

Legal Professionals data based on data for Solicitors on Roll supplied by Law Society and for Barristers supplied by Bar Library, each with the required post-qualification experience.

### 3 Applicant Pool for Schemes: Community Background



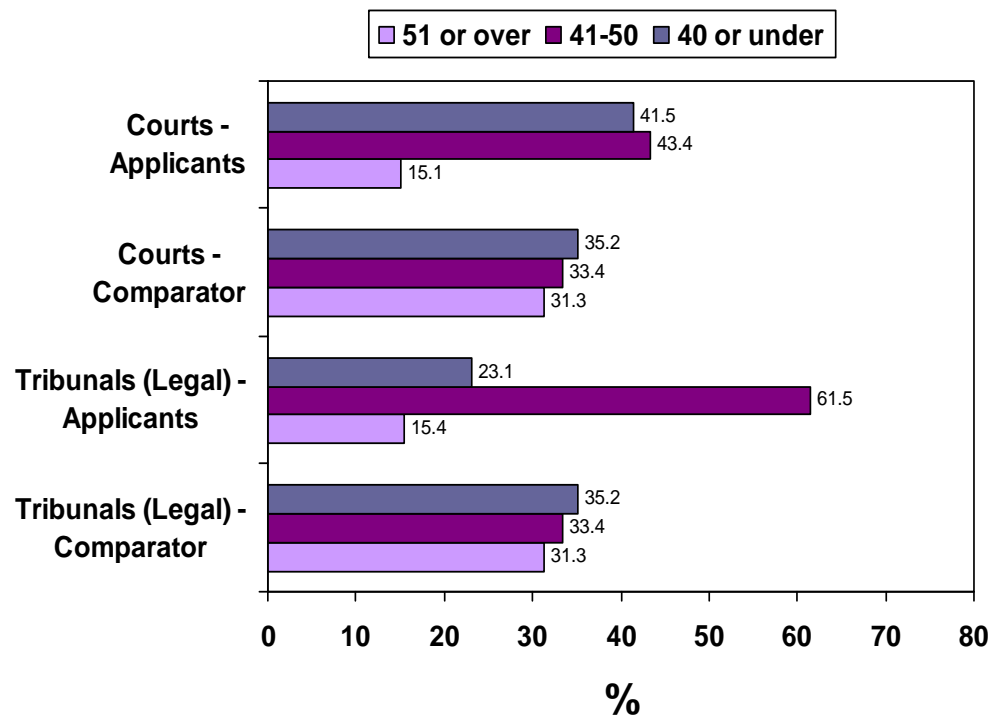
#### Summary

- For each competition, the community background composition of the applicant pool was compared with what might be expected based on the eligible pool if potential candidates from each community background were equally likely to apply. These results were then aggregated to obtain the expected compositions reported in the chart. It should be noted, however, that Catholic representation is lower in the older age-bands, from which applications might be expected.
- For appointments to judicial office in the Courts, Catholic representation among applicants (52.8%) was as expected (53.0%). Protestant representation (39.6%) was lower than would be expected (44.4%).
- For legal appointments to Tribunals, Catholic representation among applicants (46.2%) was lower than would be expected (53.0%).

**Notes**

Legal Professionals data based on SOC groups 2411 (Solicitors and Lawyers, Judges and Coroners) and 2419 (Legal Professionals NEC) aged 25-69 economically active at 2001 Census.

## 3 Applicant Pool for Schemes: Age



### Summary

For each competition, the age composition of the applicant pool was compared with what might be expected based on the eligible pool if potential candidates from each age-group were equally likely to apply. These results were then aggregated to obtain the expected compositions reported in the chart.

The majority of applicants for judicial office in the Courts were in the '40 or under' (41.5%) and '41-50' (43.4%) age bands. The proportion of applicants aged 51 and over (15.1%) was noticeably lower than expected (31.3%).

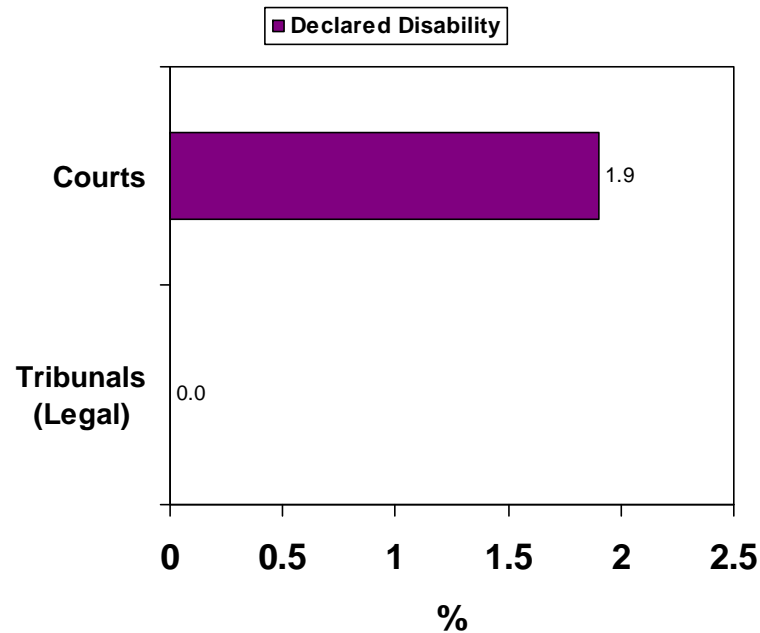
For legal appointments to Tribunals, there was a noticeably higher proportion of applicants in the 41-50 years age-group (61.5%) than expected (33.4%).

#### Notes

Legal Professionals data based on SOC groups 2411 (Solicitors and Lawyers, Judges and Coroners) and 2419 (Legal Professionals NEC) aged 25-69 economically active at 2001 Census.

The comparison from census is in parentheses as follows: 40 or under (25-34) 41-50 (35-44) 51+ (45-69).

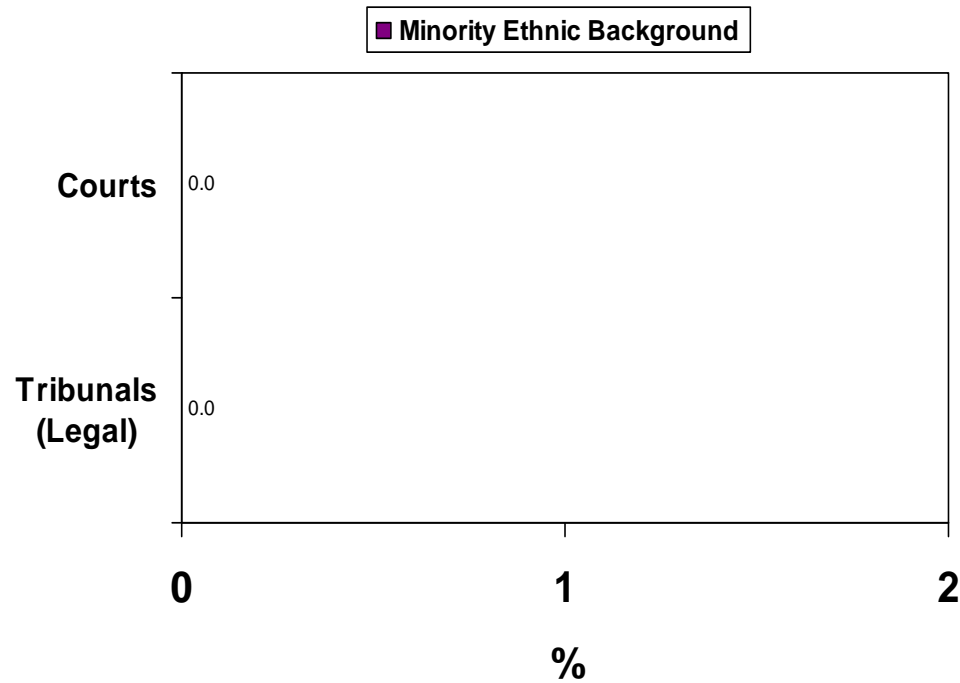
### 3 Applicant Pool for Schemes: Declared Disability



#### Summary

- The proportion of applicants for judicial office holders in the Courts who had declared a disability was 1.9%. None of the applicants who applied for appointment as a legal member of a Tribunal declared a disability.
- As the numbers involved are small, care should be taken when drawing inferences from the data.

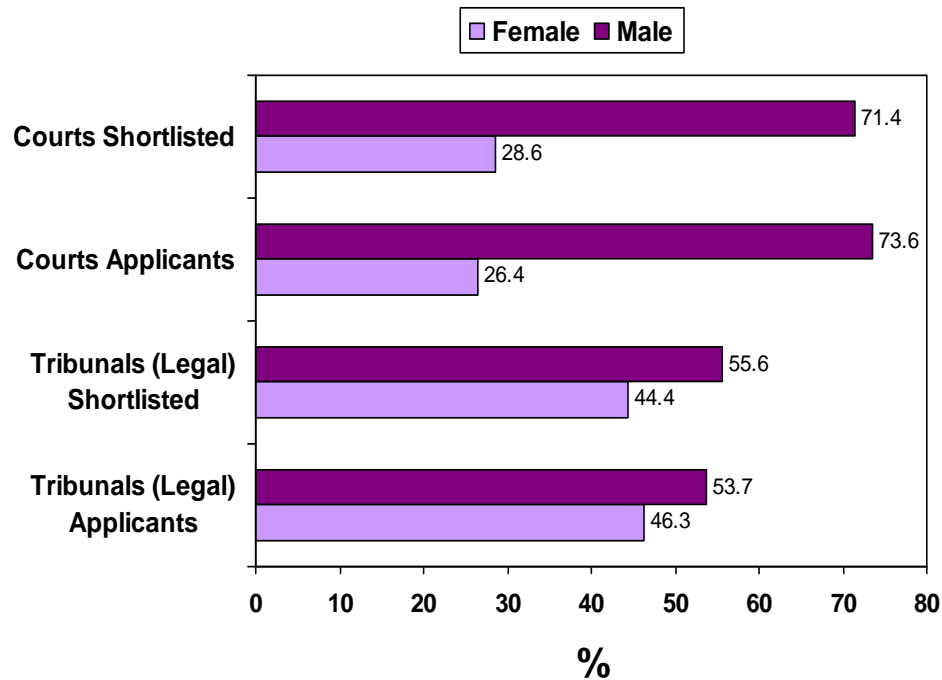
### 3 Applicant Pool for Schemes: Ethnicity



#### Summary

- No applicants for judicial office in the Courts or as a legal member of a Tribunal were from a minority ethnic background.

# 4 Shortlisting Stage for Schemes: Gender

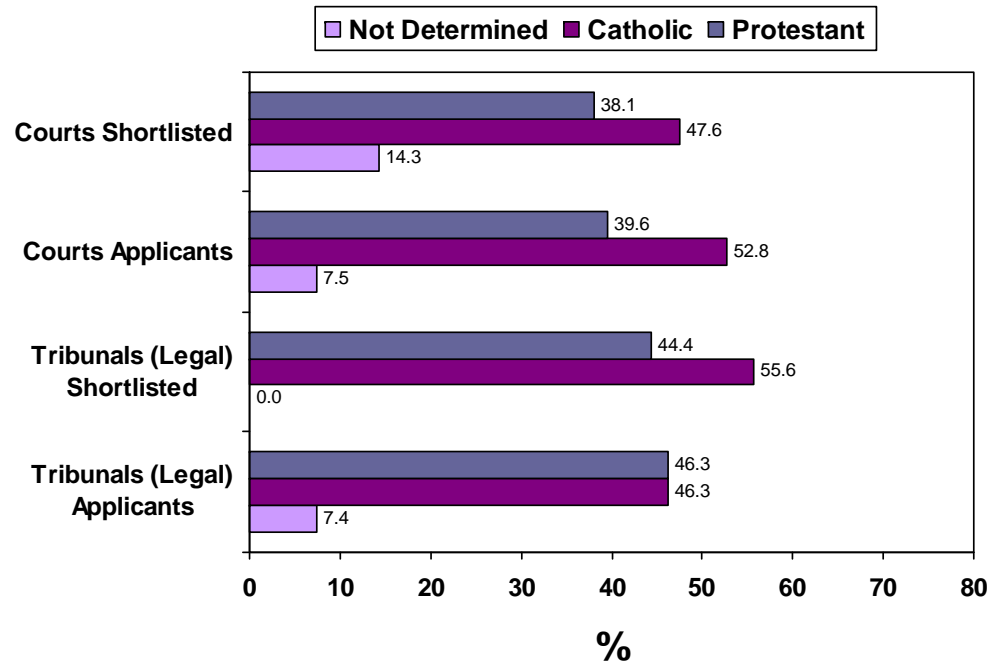


## Summary

- For each competition, the gender composition of the shortlisted pool was compared with what might be expected if males and females were equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart.
- For appointments to judicial office in the Courts, overall female representation among shortlisted candidates (28.6%) was broadly in line with the expected proportion (26.4%).
- For legal appointments to Tribunals, female representation among shortlisted candidates (44.4%) was similar to that expected (46.3%).



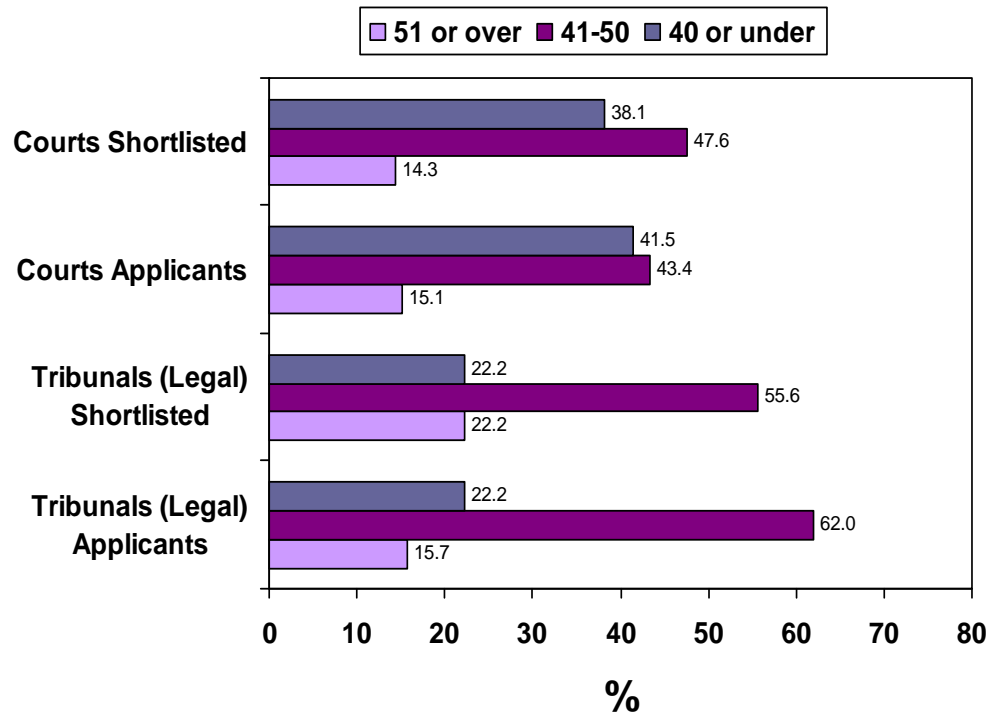
# 4 Shortlisting Stage for Schemes: Community Background



### Summary

- For each competition, the community background composition of the shortlisted pool was compared with what might be expected if candidates from each community background were equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart.
- For judicial appointments to the Courts, Catholic representation among shortlisted candidates (47.6%) was lower than expected (52.8%).
- For schemes relating to legal appointments to Tribunals, the representation of Catholics in the shortlisted pool (55.6%) was noticeably higher than expected (46.3%).

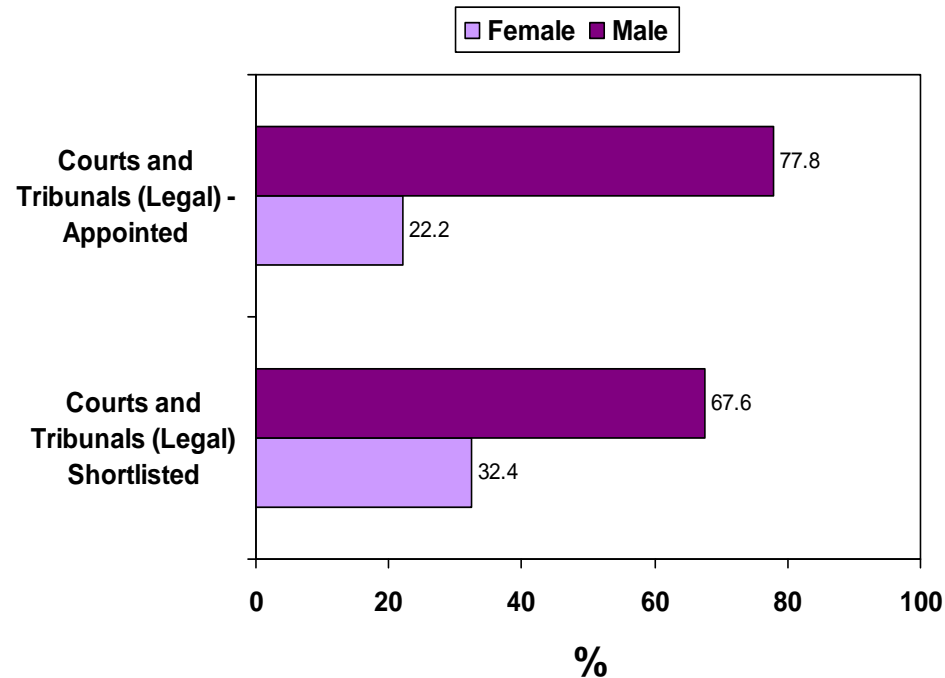
# 4 Shortlisting Stage for Schemes: Age



## Summary

- For each competition, the age composition of the shortlisted pool was compared with what might be expected, if candidates from each age group were equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart .
- For shortlisted candidates for a judicial appointment in the Courts, the age profile was broadly similar to what would be expected.
- For shortlisted candidates for legal appointments to Tribunals, the proportion of shortlisted candidates aged 51 or over (22.2%) was higher than expected (15.7%).

## 5 Appointment Stage for Schemes: Gender



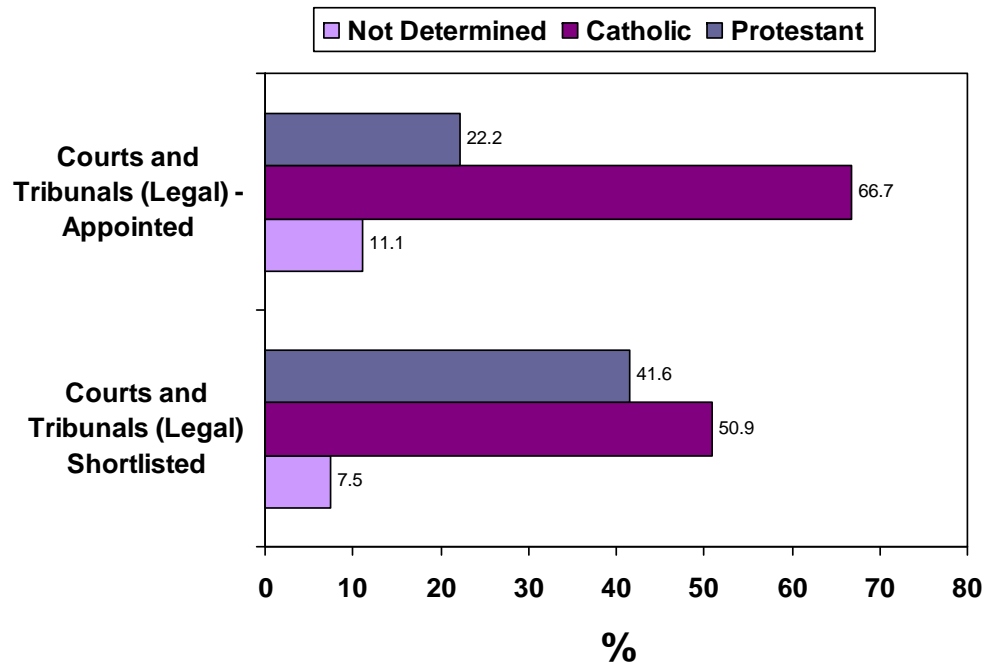
### Summary

- For each competition, the gender composition of appointees was compared with what might be expected, based on if males and females were equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart.
- For judicial appointments in the Courts and Tribunals (Legal), a lower proportion of appointees were female (22.2%) than expected (32.4%).

### Notes

Due to small numbers, appointments to Courts and legal membership of Tribunals were combined.

# 5 Appointment Stage for Schemes: Community Background



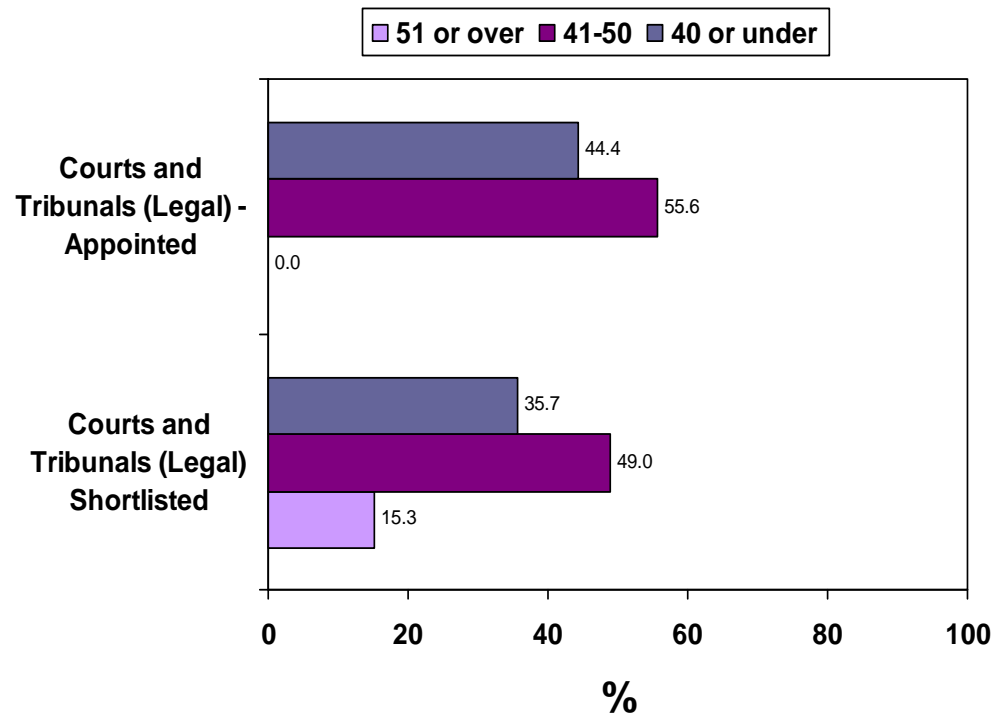
### Summary

- For each competition, the community background composition of appointees was compared with what might be expected, if each group was equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart.
- For judicial appointments to the Courts and legal members of Tribunals, Catholic representation among appointees (66.7%) was higher than the expected proportion (50.9%).

#### Notes

Due to small numbers, appointments to Courts and legal membership of Tribunals were combined.

# 5 Appointment Stage for Schemes: Age



### Summary

- For each competition, the age composition of appointees was compared with what might be expected, if each group was equal in terms of merit. These results were then aggregated to obtain the expected compositions reported in the chart.
- None of the appointees to the Courts or as a legal member of a Tribunal came from the 51 or over age-group compared to an expected proportion of 15.3%.

**Notes**

Due to small numbers, appointments to Courts and legal membership of Tribunals were combined.

## Appendix A: Overall Composition by the eight judicial groupings

- Group 1:** Court of Judicature - Lord Chief Justice, Lord Justices of Appeal, High Court Judges & Temporary judges of High Court
- Group 2:** County Court judges; deputy County Court judges; Chief Social Security Commissioner; Social Security Commissioner & deputies
- Group 3:** Resident magistrates & deputies
- Group 4:** District Judges & deputies; Masters; Coroners
- Group 5:** Industrial Tribunals & Fair Employment Tribunal (President, Vice President, Full & Part Time Chairmen)
- Group 6:** Appeals Tribunals (President, FT Legal Member; PT Legal, Medical, Financial, Experienced Members)
- Group 7:** Care Tribunal; Lands Tribunal – President & Member; Mental Health Review Tribunal; National Security Certificates Appeal Tribunal; Reinstatement Committee, Reserve Forces Act; Special Educational Needs Tribunal; Pensions Appeal Tribunal; VAT Tribunal
- Group 8:** Lay magistrates

### Gender

	Male		Female		Total
	No.	%	No.	%	No.
<b>Group 1</b>	16	100.0	0	0.0	<b>16</b>
<b>Group 2</b>	42	79.2	11	20.8	<b>53</b>
<b>Group 3</b>	31	77.5	9	22.5	<b>40</b>
<b>Group 4</b>	13	65.0	7	35.0	<b>20</b>
<b>Group 5</b>	14	43.8	18	56.3	<b>32</b>
<b>Group 6</b>	97	50.3	96	49.7	<b>193</b>
<b>Group 7</b>	114	58.5	81	41.5	<b>195</b>
<b>Group 8</b>	115	46.9	130	53.1	<b>245</b>

# Appendix A: Overall Composition by the eight judicial groupings

## Community Background

	Protestant		Catholic		Not Determined		Total
	No.	%	No.	%	No.	%	No.
Group 1	8	50.0	6	37.5	2	12.5	16
Group 2	32	60.4	18	34.0	3	5.7	53
Group 3	17	42.5	21	52.5	2	5.0	40
Group 4	15	75.0	5	25.0	0	0.0	20
Group 5	12	37.5	19	59.4	1	3.1	32
Group 6	96	49.7	80	41.5	17	8.8	193
Group 7	116	59.5	69	35.4	10	5.1	195
Group 8	146	59.6	90	36.7	9	3.7	245

## Age

	40 years or under		41-50 years		51 years or over		Total
	No.	%	No.	%	No.	%	No.
Group 1	0	0.0	0	0.0	16	100.0	16
Group 2	0	0.0	6	11.3	47	88.7	53
Group 3	5	12.5	14	35.0	21	52.5	40
Group 4	2	10.0	5	25.0	13	65.0	20
Group 5	4	12.5	14	43.8	14	43.8	32
Group 6	14	7.3	63	32.6	116	60.1	193
Group 7	37	19.0	51	26.2	107	54.9	195
Group 8	67	27.3	54	22.0	124	50.6	245

# Appendix A: Overall Composition by the eight judicial groupings

## Declared Disability

	Declared Disabled		Total
	No.	%	No.
Group 1	0	0.0	16
Group 2	3	5.7	53
Group 3	2	5.0	40
Group 4	1	5.0	20
Group 5	1	3.1	32
Group 6	11	5.7	193
Group 7	8	4.1	195
Group 8	6	2.4	245

## Ethnicity

	White		Other		Total
	No.	%	No.	%	No.
Group 1	16	100.0	0	0.0	16
Group 2	53	100.0	0	0.0	53
Group 3	40	100.0	0	0.0	40
Group 4	20	100.0	0	0.0	20
Group 5	32	100.0	0	0.0	32
Group 6	187	96.9	6	3.1	193
Group 7	195	100.0	0	0.0	195
Group 8	243	99.2	2	0.8	245



# Appendix B: Overall Composition by Geographical Information

## Business Location

	Courts		Tribunals		Lay Magistrates	
	No.	%	No.	%	No.	%
Belfast	76	58.9	191	45.5	72	29.4
Co Antrim	3	2.3	44	10.5	27	11.0
Co Armagh	3	2.3	23	5.5	19	7.8
Co Derry	10	7.8	25	6.0	28	11.4
Co Down	7	5.4	38	9.0	30	12.2
Co Fermanagh	2	1.6	17	4.0	10	4.1
Co Tyrone	6	4.7	27	6.4	12	4.9
Province Wide	10	7.8	25	6.0	18	7.3
Not Indicated	12	9.3	30	7.1	29	11.8
<b>Total</b>	<b>129</b>		<b>420</b>		<b>245</b>	

## Personal Location

	Courts		Tribunals		Lay Magistrates	
	No.	%	No.	%	No.	%
Belfast	57	44.2	140	33.3	49	20.0
Co Antrim	13	10.1	62	14.8	35	14.3
Co Armagh	6	4.7	29	6.9	20	8.2
Co Derry	10	7.8	31	7.4	31	12.7
Co Down	21	16.3	73	17.4	56	22.9
Co Fermanagh	3	2.3	22	5.2	10	4.1
Co Tyrone	8	6.2	36	8.6	16	6.5
Republic of Ireland	0	0.0	1	0.3	1	0.4
Not Indicated	11	8.5	26	6.2	27	11.0
<b>Total</b>	<b>129</b>		<b>420</b>		<b>245</b>	

# Appendix B: Overall Composition by Geographical Information

## Business Location

	Group 1		Group 2		Group 3		Group 4	
	No.	%	No.	%	No.	%	No.	%
Belfast	13	81.3	36	67.9	16	40.0	11	55.0
Co Antrim	0	0.0	0	0.0	3	7.5	0	0.0
Co Armagh	0	0.0	1	1.9	1	2.5	1	5.0
Co Derry	0	0.0	3	5.7	4	10.0	3	15.0
Co Down	0	0.0	1	1.9	5	12.5	1	5.0
Co Fermanagh	0	0.0	0	0.0	2	5.0	0	0.0
Co Tyrone	0	0.0	0	0.0	4	10.0	2	10.0
Province Wide	3	18.8	3	5.7	2	5.0	2	10.0
Not Indicated	0	0.0	9	17.0	3	7.5	0	0.0
<b>Total</b>	<b>16</b>		<b>53</b>		<b>40</b>		<b>20</b>	
	Group 5		Group 6		Group 7		Group 8	
	No.	%	No.	%	No.	%	No.	%
Belfast	25	78.1	73	37.8	93	47.7	72	29.4
Co Antrim	0	0.0	25	13.0	19	9.7	27	11.0
Co Armagh	1	3.1	11	5.7	11	5.6	19	7.8
Co Derry	0	0.0	12	6.2	13	6.7	28	11.4
Co Down	1	3.1	19	9.8	18	9.2	30	12.2
Co Fermanagh	1	3.1	10	5.2	6	3.1	10	4.1
Co Tyrone	1	3.1	14	7.3	12	6.2	12	4.9
Province Wide	0	0.0	10	5.2	15	7.7	18	7.3
Not Indicated	3	9.4	19	9.8	8	4.1	29	11.8
<b>Total</b>	<b>32</b>		<b>193</b>		<b>195</b>		<b>245</b>	

# Appendix B: Overall Composition by Geographical Information

## Personal Location

	Group 1		Group 2		Group 3		Group 4	
	No.	%	No.	%	No.	%	No.	%
Belfast	8	50.0	28	52.8	13	32.5	8	40.0
Co Antrim	2	12.5	4	7.5	5	12.5	2	10.0
Co Armagh	0	0.0	1	1.9	2	5.0	3	15.0
Co Derry	0	0.0	4	7.5	4	10.0	2	10.0
Co Down	5	31.3	6	11.3	8	20.0	2	10.0
Co Fermanagh	1	6.3	1	1.9	0	0.0	1	5.0
Co Tyrone	0	0.0	1	1.9	5	12.5	2	10.0
Republic of Ireland	0	0.0	0	0.0	0	0.0	0	0.0
Not Indicated	0	0.0	8	15.1	3	7.5	0	0.0
<b>Total</b>	<b>16</b>		<b>53</b>		<b>40</b>		<b>20</b>	

	Group 5		Group 6		Group 7		Group 8	
	No.	%	No.	%	No.	%	No.	%
Belfast	15	46.9	62	32.1	63	32.3	49	20.0
Co Antrim	4	12.5	30	15.5	28	14.4	35	14.3
Co Armagh	1	3.1	10	5.2	18	9.2	20	8.2
Co Derry	2	6.3	11	5.7	18	9.2	31	12.7
Co Down	5	15.6	31	16.1	37	19.0	56	22.9
Co Fermanagh	2	6.3	11	5.7	9	4.6	10	4.1
Co Tyrone	1	3.1	19	9.8	16	8.2	16	6.5
Republic of Ireland	0	0.0	1	0.5	0	0.0	1	0.4
Not Indicated	2	6.3	18	9.3	6	3.1	27	11.0
<b>Total</b>	<b>32</b>		<b>193</b>		<b>195</b>		<b>245</b>	