

Statistics of the Employment Tribunals Members selection and recommendations for appointment exercise, showing diversity, held across Great Britain from August 2009 to February 2010.

A statistical bulletin produced by the Tribunals Service

Introduction

This report presents comprehensive statistics on the judicial selection process and recommendations for Employment Tribunal Members. This exercise ran from August 2009 to February 2010.

Employment Tribunal Members are judicial officers appointed by the Lord Chancellor. A panel of three is required for most Employment Tribunal hearings, comprising an Employment Tribunal Judge and two Members. There is further information on the role of the Member in **Annex B** below.

Most judicial recruitment exercises are run by the Judicial Appointments Commission (JAC). However, Employment Tribunal Members are not listed in schedule 14 of the Constitutional Reform Act 2006, and this exercise was therefore able to be run by the Tribunals.

This report covers the progress of applicants at each stage of the selection process, being through a two stage short-listing process of a test and then Judicial sift of skills and experience, and then recommendations for appointment. These are not legal posts and therefore there is no eligible pool based on possessing a legal qualification.

This is the first presentation and analysis of detailed statistics from an exercise run by the Tribunals Service. The Tribunals Service has followed the same approach in presenting these statistics as was developed for the JAC. It is intended that statistics from future exercises run within the Tribunals Service will also be presented in this way.

Full tables are at **Annex A**. **Annex B** provides brief explanatory notes, along with a discussion of data source.

Key Findings

- Men and women passed through the first stage shortlist in nearly the same proportions (35% of men, 35% of women). A greater proportion of white applicants passed through the first shortlist than Black and Minority Ethnic (BME) candidates (35% and 28% respectively). A greater proportion of people with disabilities also progressed through this stage, being 44% compared to 34% of people who did not indicate a disability.
- A much greater proportion of people with a disability also progressed through the second stage of the short-list, being subsequently invited to interview

(27% compared to 16% of people who did not indicate having a disability). A greater proportion of white applicants than BME candidates also passed this second stage of the short-list (17% and 15% respectively), and a greater proportion of women than men (18% and 16% respectively).

- 10% of women who applied were recommended for appointment, compared to 7% of men. A slightly greater proportion of BME applicants were recommended for appointment (9%), compared to white applicants (8%). A much greater proportion of people with disabilities were recommended for appointment than those who did not indicate having a disability (15% and 8% respectively).

Full Findings

Diversity of applications received, shortlist and recommendations for appointment

This section reports on the diversity between groups of applications completed, passed the first and second-stage short-list and were recommended for appointment.

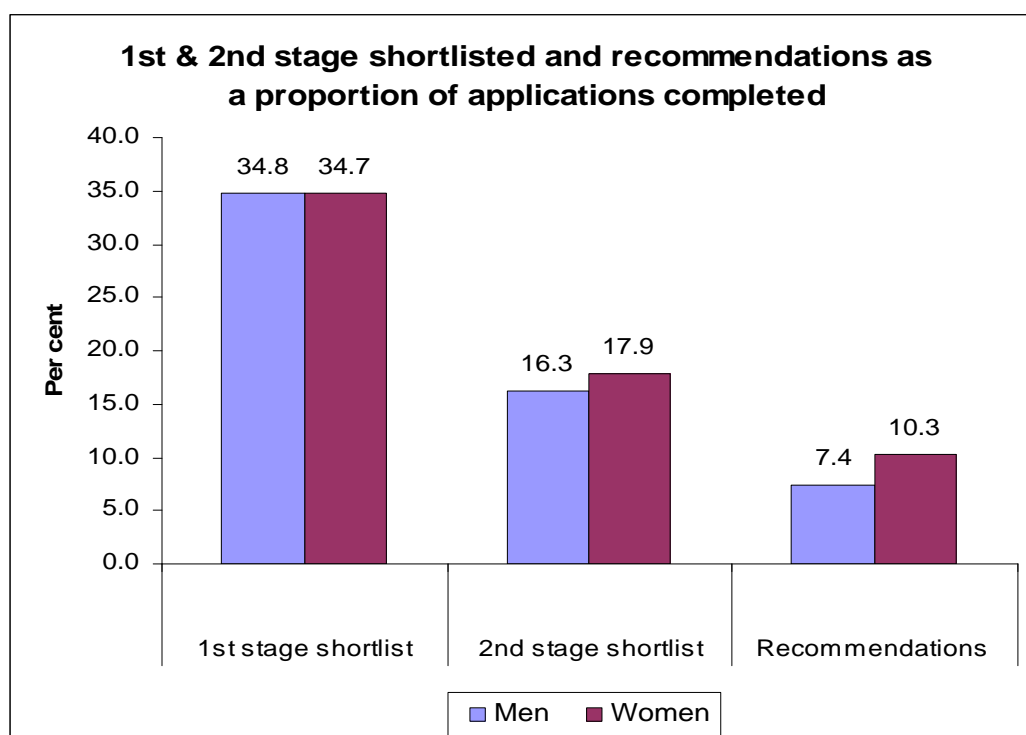
Of the 3998 applications that were completed, 1390 (35%) passed the first-stage shortlist, 676 (17%) passed the second stage shortlist and 341 (9%) were recommended for appointment.

Gender

Men comprised 60% of applications and women 39% of applications (0.3% applications were from applicants who preferred not to disclose their gender).

Figure 1 shows the proportion of men and women who passed the first and second stage shortlist and were recommended for appointment.

Figure 1: First-stage and second-stage shortlist applications and recommendations for appointment as a proportion of applications by gender



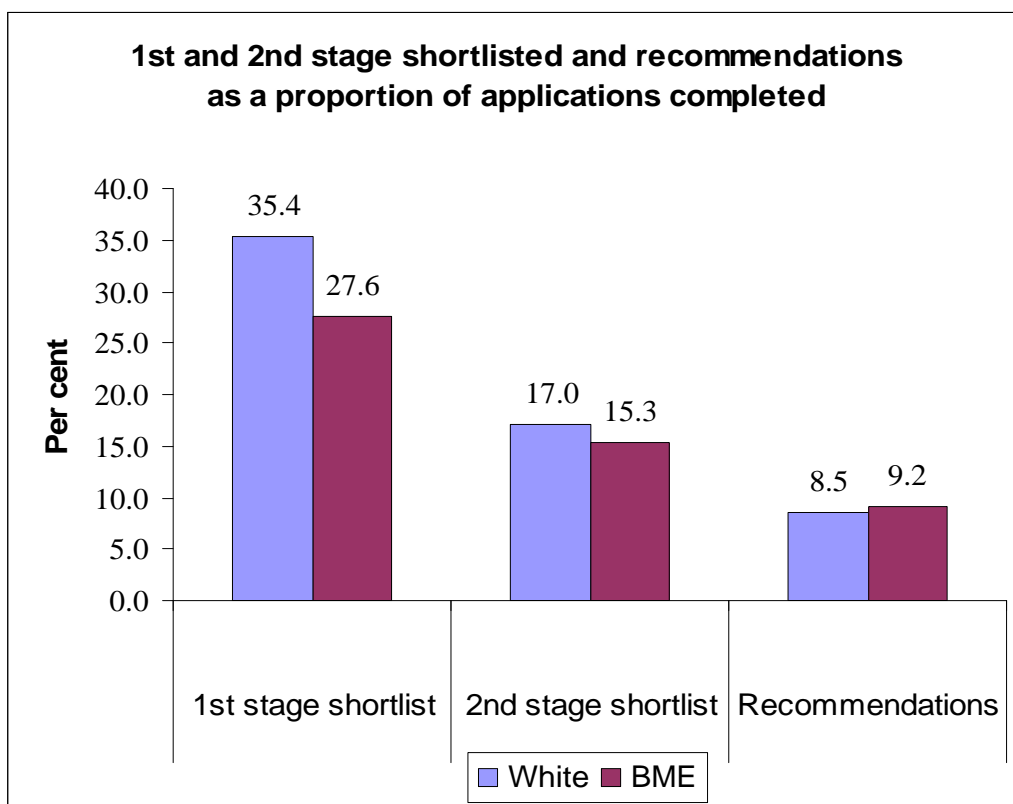
The proportion of women that applied and passed the first-stage shortlist was almost exactly the same as the proportion of men. However, the proportion of women who passed the second stage shortlist was a marginally greater proportion of female applicants than the proportion of men were for male applicants.

The percentages of applicants recommended for appointment as a proportion of applications received show that the percentage of women recommended exceeded men. About 10% of women applicants were recommended compared to 7% of men applicants.

Ethnicity

White applicants made up 92% of applications, while 7% of applications were from BME applicants (0.5% of applications were from applicants who preferred not to disclose their ethnicity). **Figure 2** below show the proportion of white and BME who passed the first and second stage shortlist and were recommended for appointment.

Figure 2: First-stage and second-stage shortlist applications and recommendations for appointment as proportion of applications by ethnicity



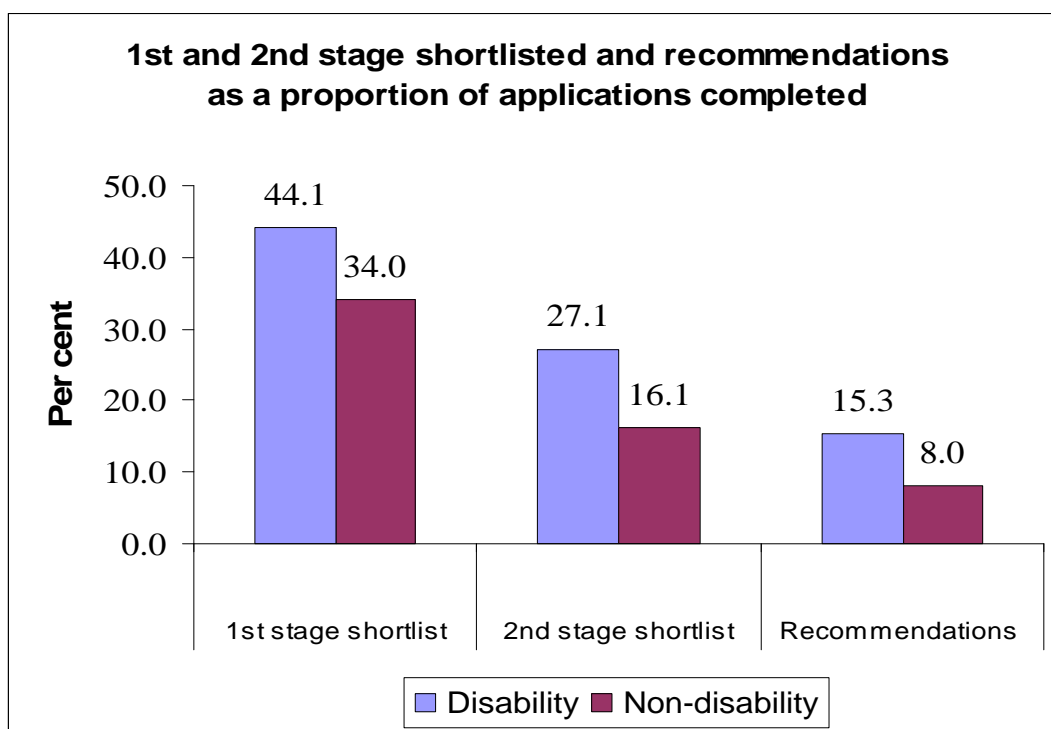
A greater proportion of white applicants who applied passed the first-stage shortlist compared to BME candidates (35% compared to 28%). A greater proportion of white applicants passed the second-stage shortlist too, 17% compared to 15%. However, a greater proportion of BME candidates were recommended for appointment compared to white candidates, being 9% compared to 8.5% respectively.

Disability status

People who indicated having a disability were 7% of completed applications, while those who indicated they did not have a disability were 92% of applications (0.6% of applications disability status was unknown).

Figure 3 show the proportions of people indicating they have or do not have a disability that passed the first and second stage shortlist and were recommended for appointment.

Figure 3: First-stage and second-stage shortlist applications and recommendations for appointment as proportion of applications by disability status



Just over 44% of people who applied with a disability passed the first stage short-list, compared to 34% of those who indicated not having a disability. A greater proportion of people with a disability who applied also passed the second-stage shortlist than those without a disability (27% and 16% respectively). A greater proportion of applicants with a disability were recommended for appointment compared to those without a disability, being 15% and 8% respectively.

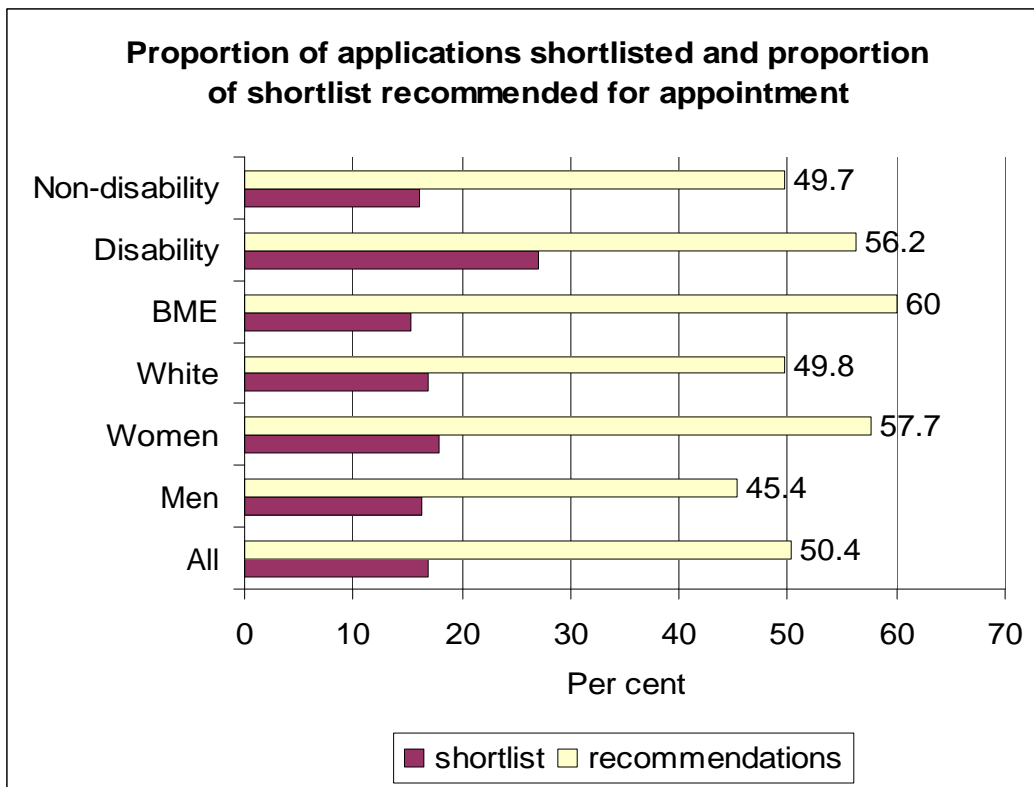
Progress of applicants from short-listing stage to recommendation for appointment

Short-listed candidates were invited to interview where they

- scored sufficiently highly in the test for their applications to be referred to Judicial “sift”, and
- were assessed as having the right match of skills and experience as set out in the application form.

On the basis of the interview panel’s assessment, and the decisions made on good character, the Tribunals Service made recommendations to the Lord Chancellor for appointment.

Figure 4: Proportion of applicants who were short listed and invited to interview and the proportion of the shortlist invited to interview.



Total: 676 applicants were invited to interview, 341 were recommended for appointment.

This shows that a greater proportion of women invited to interview were recommended for appointment than men (58% and 45% respectively). A greater proportion of BME who passed this stage were also recommended (60% compared to 50% White). People with disabilities called to interview were also more likely to be recommended for appointment than those without (56% and 50% respectively).

Annex A:

Table 1.1 Number of applications completed and proportion of applicants by Group who passed the test shortlist, the judge's shortlist and were recommended for appointment in Great Britain from August 2009 to February 2010

There was a two stage short list, which consisted of a verbal reasoning test and a judicial sift of applications. Applicants were ranked according to the score they achieved in the test. The applications of those who scored well in the test were forwarded to Judges to be considered, i.e. through the second stage short list. The second-stage short listing process was an assessment by Employment Judges of having the relevant skills and experience as demonstrated on the application form. All applicants who passed the second stage short list were invited to interview.

Table 1.2 Number of applications short listed and called to interview and proportion of applicants by Group who were invited to interview and subsequently recommended for appointment in Great Britain from August 2009 to February 2010.

Table 1.1: Numbers and percentage of applications completed by group who passed the test shortlist, the judge's shortlist and were recommended for appointment from the selection exercise run between August 2009 and February 2010

Group	Applications		1st stage shortlist		2nd stage shortlist		Recommended for appointment	
	Numbers of applications completed	Percentage applications completed by group	Numbers passed stage	Percentage of applicants from group who passed stage	Numbers passed stage	Percentage of applicants from group who passed stage	Numbers recommended	Percentage of applicants from group who were recommended
Gender								
Male	2,416	60.4%	840	34.8%	394	16.3%	179	7.4%
Female	1,569	39.2%	544	34.7%	281	17.9%	162	10.3%
Prefer not to say	13	0.3%	6	(46.2%)	1	(7.7%)	0	(0%)
Ethnic background								
White	3,685	92.2%	1,305	35.4%	628	17.0%	313	8.5%
BME	294	7.4%	81	27.6%	45	15.3%	27	9.2%
Unknown	19	0.5%	4	(21.1%)	3	(15.8%)	1	(5.3%)
Disability status								
Disability	295	7.4%	130	44.1%	80	27.1%	45	15.3%
Non-disability	3,680	92.0%	1,251	34.0%	593	16.1%	295	8.0%
Unknown	23	0.6%	9	(39.1%)	3	(13.0%)	1	(4.3%)
All	3998	100%	1,390	34.8%	676	16.9%	341	8.5%

Source: Information collected on the Campaign's Application Tracking System database.
Percentages in parentheses are based on very low denominators (i.e. less than 25) and should be treated with caution.

Table 1.2: Numbers and percentage of applications by group who were short listed and invited to interview, and the number and proportions of those invited to interview who were subsequently recommended for appointment

Group	Passed the 2nd stage shortlist (judicial sift)		Recommended for appointment	
	Number	Percentage in group who passed stage and were invited to interview	Number	Percentage of those interviewed in each group who were recommended for appointment
Gender				
Male	394	16.3%	179	45.4%
Female	281	17.9%	162	57.7%
Prefer not to say	1	(7.7%)	0	(0%)
Ethnic background				
White	628	17.0%	313	49.8%
BME	45	15.3%	27	60.0%
Unknown	3	(15.8%)	1	(33.3%)
Disability status				
Disability	80	27.1%	45	56.2%
Non-disability	593	16.1%	295	49.7%
Unknown	3	(13.0%)	1	(33.3%)
All	676	16.9%	341	50.4%

Source: Information collected on the Campaign's Application Tracking System database.
Percentages in parentheses are based on very low denominators (i.e. less than 25) and should be treated with caution.

Annex B: Data sources and explanatory notes

Data sources: candidate information

Data on gender, ethnicity, disability status and age were collected on the Application Monitoring Form. Data were collected by a third party of the Tribunals Service's behalf, and was held on an electronic Application Tracking System (ATS).

Data were used to produce reports and to support statistical analysis. The Application Monitoring Form is not compulsory but had a completion rate of just over 95%. "Unknown" or "Prefer not to say" figures from this report are derived from those applicants who did not answer gender, ethnicity or disability status questions.

There are two types of Member position and two Employment Tribunal jurisdictions. Candidates could apply for one of four positions only, being Employer or Employee Member England & Wales, Employer or Employee Member Scotland.

Most Employment Tribunal cases are heard by a panel which is chaired by a Judge and includes an "Employer" and an "Employee" Member. They are drawn from two panels appointed by the Lord Chancellor after consultation with organisations representative of employees and employers respectively.

Employment Tribunal Members are not legal posts, and there is no eligible pool based on possessing a legal qualification. The Members are appointed for their expertise in handling industrial grievances and disputes from either an employer or employee perspective. The Tribunal depends on this experience in deciding claims arising from a range of industrial disputes, such as unfair dismissal or work place discrimination.

Any data contained on this is subject to specific legislative provisions set out in the Constitutional Reform Act 2005, the Data Protection Act 1998 and Freedom of Information Act 2001.

In line with the Ministry of Justice's Data Protection Guidance, the data on individuals is destroyed six months after the conclusion of the campaign, which concluded with recommendations for appointment being agreed mid-February.

Revisions

The statistics in this bulletin are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is to publish them in the next edition of this bulletin.

Future Bulletins

No specified date has been set, as there is no regular programme of judicial recruitment by the Tribunals Service. However, as a standard a bulletin would be planned to be issued within 5 months of the completion of any recruitment exercise. A date will be announced on the Tribunals Service website at least four weeks in advance, as required by the Code of Practice for Official Statistics laid down by the UK Statistics Authority.

Details of the Selection process for Employment Tribunal Members

Employment Tribunal Members are appointed by the Lord Chancellor. The positions are not included in schedule 14 of the Constitutional Reform Act 2005, and this exercise was therefore able to be undertaken by the Tribunals and not the JAC. Members are paid-fees and are expected to sit a minimum 15 sitting days per calendar year.

Candidates submitted an application form and then completed a verbal reasoning test. Most applications including the test were completed on-line, though a small number were completed on the papers.

The verbal reasoning test was the first stage in the short-listing of applications. The applications of the top scoring candidates were forwarded to Judges to “sift” for relevant skills and experience as demonstrated on the application form.

Those who were assessed as having the best match of skills and experience were invited to interview. The interview panel assessed each candidate against the JAC qualities and abilities, which were adapted to the nature of the Tribunal’s work and the role of the Member.

Panel reports were completed for each candidate and on the basis of the information provided in their application forms and performance at interview (including a case study at interview in Scotland) they were recommended for appointment to the Lord Chancellor.

As these were not Schedule 14 appointments, references did not have to be sought and they were not, and there was not a statutory consultation.

Contact points for further information

This publication is available for download at <http://www.tribunals.gov.uk>

Press enquiries should be directed to the Tribunals Service press office:
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Other enquiries about these statistics or any future bulletins about reporting selection exercises should be directed to:

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