

Foreword



There is no better advertisement for the judicial appointments system than the quality of the judges appointed. The standard and integrity of our judiciary are admired all over the world and I am determined to ensure that the appointments system is continually reviewed so that the reputation of our judges is maintained. This, the second Judicial Appointments Annual Report, shows the scale of the appointments process – this is a major part of my Department’s work – and sets out the changes to that process between 1 April 1999 and 31 March 2000.

With the publication of each Annual Report we are able to describe and monitor the changes that have been made to improve the appointments system and the progress that has been made to ensure that applications are received from, and appointments are made to, the best candidates from all backgrounds, irrespective of factors such as gender and ethnic origin.

My commitment to a modern, fair and open process that identifies the best candidates from all backgrounds requires the most effective systems for assessment and selection of candidates. That is why I asked Sir Leonard Peach, as a former Commissioner of Public Appointments with a wealth of experience in both the public and private sectors, to carry out an independent scrutiny of the appointments procedures. Sir Leonard submitted his report to me in December 1999 and I was pleased to note that he was impressed by the quality of the work of my officials in Judicial Group and that the procedures followed compared well with those of other organisations. Sir Leonard made a number of very constructive recommendations for improvements which I have welcomed. My officials have embarked on an ambitious programme to implement those recommendations which you can read about later in this Report.

In last year’s inaugural Report I said that I hoped that the publication would help to increase understanding of the judicial appointments process. I hope that with the publication of this second Report we can help further to dispel some of the myths and rumours that still surround the system. The evidence as shown in this Report is very different to the perceptions one sees in the press and hears from some members of the profession.

For example, this year has seen much criticism of the consultation system or “secret soundings” as some call it, quite incorrectly. As you will read later in this Report, it is not a system of “soundings”. The consultations are extensive and systematic. All consultees are asked to assess candidates objectively against the published criteria for appointment and to provide written evidence in support of their assessments. There is, therefore, breadth and depth to the assessments and I am not interested in hearsay or gossip. The source of comments is not divulged as assessments are provided in confidence, but that is a normal part of any appointments process. However, through the feedback system an applicant can obtain details about the assessments he or she has received on a non-attributable basis.

Sir Leonard described the consultation process as a valuable input into the appointments process but I recognise his concern that not everyone has the same exposure to the consultees. For that reason my officials and I are always looking at ways to ensure that as many assessments as possible are collected on each applicant. It seems to me, therefore, to be a disservice to solicitor applicants that The Law Society decided to withdraw unilaterally from the consultation system. I hope that they will be prepared to reconsider this.

Another common misconception is that the majority of judicial appointments are conferred on barristers. I want to appoint the judges with the best potential – regardless of whether they come from the ranks of barristers or solicitors. I recognise that the skills and experience needed to be a judge may perfectly well be shown as much by a successful litigation solicitor as by a leading advocate. Indeed, today’s judges need to be able to meet the demands of managing cases and to have the personal skills needed to run a court, as well as being first class lawyers. The reality is that the majority of appointments are made to solicitors. As this Report shows, nearly 47% of the main appointments through open competition in 1999/2000 were to solicitors while 38% were to barristers and 6% to Queen’s Counsel. I recognise that the majority of senior appointments are still made to barristers but I am doing everything in my power to ensure that the best solicitor applicants are appointed and promoted at all levels. I hope that both sides of the profession will work with me and my Department to ensure that we continue to have a judicial appointments system that commands widespread respect.

A handwritten signature in black ink, reading "Irvine Blair". The signature is written in a cursive, flowing style with a large, prominent 'B'.

The Right Honourable the Lord Irvine of Lairg

October 2000