

Annex C

Summary of Sir Leonard Peach's recommendations

Judicial Appointments

The symmetry of approach

1. That deputy High Court Judge posts are filled using the established appointments procedures bringing them into line with other part-time appointments.
2. That a formal meeting is held between the Lord Chancellor and senior judges, notably the Lord Chief Justice, the other Heads of Division – and others – at least every six months and more frequently if required. This should be dedicated to the discussion of candidates for appointment to the High Court, the Court of Appeal and Heads of Division posts.

That succession lists should be drawn up which should be divided into those categories of candidates agreed to be immediately capable of filling the posts and lists of others who will be contenders within a specified period of time (usually two to three years). Candidates will be identified from applications and by nomination and each meeting will include consideration of lists of the best available female and ethnic minority candidates, solicitors and barristers.

The Lord Chancellor will recommend for appointment individuals chosen from the list of short or long term successors and if he wishes to depart from the lists will return to the meeting for further discussion of alternative candidates.

The Commissioner for Judicial Appointments will be a member of this meeting.

Consultation – levelling the playing field

3. Applicants are required to state their own views on their suitability for the appointment which they are seeking against the criteria outlined in the guidance and which should be repeated in summary in the application form. They should produce their own assessments of their experience, knowledge, skills and characteristics.
4. All applicants should be asked to name not less than three, but no more than six, consultees (the nominated consultees) familiar with their work who will be automatically contacted and asked

to provide opinions based on the stipulated requirements of the post. The views expressed should be those of the nominated consultee. Others should not be consulted by that person.

5. The consultation form should be redesigned to ensure that the comments invited are allied to the requirements of the post and not general. So a list of the knowledge, skills and characteristics required should be shown on the form as well as in the guidance.
6. The form be redesigned so that the overall result is an outcome of the comments and the markings in specific areas not vice versa.
7. The form should have a section which requires the consultee to indicate the source of the information contained within the entries: specifically whether it represents solely the consultee's views, those of others (how many and whom) and whether there were disagreements, reconciled or unreconciled.
8. The responses of the nominated consultees will be reviewed separately and receive appropriate weighting in relation to the overall consultation process.
9. The Department should arrange to review the job description for posts at regular intervals, probably yearly. It should also address in detail the skills and characteristics required, probably less frequently.

Experimental programmes

10. That a pilot scheme for a one day Assessment Centre be produced.
11. That psychometric and competences' tests currently available on the market should be tested for relevance and, if necessary, others be commissioned to aid in the evaluation and measurement of judicial skills and qualities.
12. The Department should build a collection of practical exercises for use in interviews and Assessment Centres.

An Ombudsman or a Commission?

13. That the Lord Chancellor creates a Commission for Judicial Appointments where a Commissioner, and a number of Deputy Commissioners provide ongoing, independent monitoring of procedures and act as an Ombudsman for disappointed candidates and organisations.

Appraisal and self-appraisal

14. That the resources are found to enable the extension of the Wales and Chester pilot appraisal scheme to all other Deputy District Judges with a view to a further progressive extension to all part-time judicial post-holders.

15. That a system of annual self-appraisal is introduced for all part-time judges.

Equal opportunity

16. A commentary on the 42 recommendations received from the Joint Working Party on Equal Opportunity (see Annex C).

Disabled people

17. That the Department should make public its informal guidelines which meet the recommendation that the possibility of a disabled person being unable to demonstrate that his or her period in office will not be of maximum or stipulated duration should not be a block to appointment or promotion.

That the Department should make public its informal guidelines which meet the recommendation that appropriate arrangements should be made for the early retirement or loss of office of a disabled person so that the financial requirements of the associated benefits shall not be used as a reason why he or she is not considered for or appointed to such an office which is deserved on merit.

On manpower planning, the reserve list and the pool

18. That consideration be given to extending the reserve list system by maintaining those on the list for a period of two years rather than one.

19. That consideration be given to creating a pool system for tribunals with like requirements, to be refreshed by competitions from time to time rather than annually.

20. That consideration be given to restricting candidates applying for the post of Circuit Judge, and other relevant posts, to two or three circuits or to having a nation-wide competition.

Queen's Counsel Appointments

1. That the assessment for the rank of Queen's Counsel shall be conducted against the professional requirements of that title and not be confused with potential for the judiciary.
2. That the silk assessment form be restructured to improve the quality and facilitate the interpretation of the written assessments provided and to enable it to be used more effectively by all consultees.
3. That the assessors review the nominated consultees' comments as a separate group and give these appropriate weight. Nominated consultees should be limited to between three and six.
4. That the question relating to the applicant's suitability for silk should be mandatory and should require a response which relates to the criteria.

5. That a table of fees for successful candidates be published annually.
6. That the powers should be made available for the officials entrusted with recommending candidates to the Lord Chancellor to interview a candidate in exceptional circumstances where the individual is believed to be a good candidate but further information is required in order to determine finally his or her suitability.

Sir Leonard's full report, – 'An Independent Scrutiny of the Appointment Processes of Judges and Queen's Counsel in England and Wales' is available on the LCD website at www.open.gov.uk/lcd – see 'Judges and QCs'.