

## Report on progress against the DCA's action plan on disability equality and judicial appointment

December 2005

### **By 30 November 2005:**

- **We said we would:** Develop, publish, promote and implement a policy which sets out very clearly the DCA's positive approach and addresses, both in principle and practice, how issues of reasonable adjustment will work during the appointments process and for serving judges:

***What has happened:** We have developed a policy on reasonable adjustment, which will be circulated shortly for consultation to external members of the joint working group on disability equality and judicial appointment. The new policy will be published, implemented and promoted early in 2006.*

- **We said we would:** Ensure the DCA's Disability Equality Scheme includes the judiciary, so the impact of the positive duty to promote disability equality on judicial appointment and the judiciary in courts and tribunals is clear.

***What has happened:** We have included the judiciary and judicial appointments in the DCA's Disability Equality Scheme. A first draft of the Scheme will be issued in spring 2006, a second draft will follow, and a final version will be published by December 2006. External members of the joint working group will be consulted on the draft.*

- **We said we would:** Consider how to gather monitoring information from existing judges on impairments or long term medical conditions.

***What has happened:** We have considered this. The Judicial Office for England and Wales is highly likely to carry out an information-gathering exercise once it has been established in April 2006. This exercise will cover a number of issues alongside the gathering of monitoring information on disability and other issues. External members of the joint working group will be consulted on the questions.*

- **We said we would:** Explore with the Judicial Studies Board, and particularly the Equal Treatment Advisory Committee, what training judges receive in disability equality.

***What has happened:*** We will meet the Judicial Studies Board in January 2006 to discuss equality and diversity training more widely. We will report back to the joint working group on disability equality and judicial appointment and consider what follow up is needed.

- **We said we would:** Ensure that absence connected to an impairment or long term medical condition does not count against an individual's eligibility for the purposes of the new statutory criteria.

***What has happened:*** We have ensured that provision is made for this in the legislation to be introduced when Parliamentary time allows.

- **We said we would:** Ensure that information is consistently advertised as being available in alternative formats throughout the appointments process.

***What has happened:*** All advertisements placed since November have included the statement that the application form and guidance can be made available in large print, Braille or on cassette, and this will now be standard practice. The page of the DCA's website which sets out current competitions will from January 2006 contain a similar statement, as will the page for each competition from which the application form can be downloaded.

- **We said we would:** Ensure so far as possible that judicial role models who appear at outreach events include judges with a declared impairment or long term medical condition.

***What has happened:*** We will ensure that, just as we make an effort to secure judicial speakers who show the diversity of the judiciary in terms of gender and race, we also make an effort to secure judges with a disability who will be asked to speak generally about becoming and being a judge, not with specific reference to having a disability. We have to recognise, however, that some judges who are disabled may not wish to be held up as examples in this way, and will respect their wishes.

- **We said we would:** Ensure that we include disability organisations when publicising all outreach events.

***What has happened:*** We will send the organisations represented on the joint working group on disability equality and judicial appointment a copy of every advertisement which publicises outreach events held under the Judicial Diversity Programme, and ask them to cascade the information to their contacts. The plans for handing this work over to the Judicial Appointments Commission will ask that this practice be continued.

- **We said we would:** Review how we gather monitoring information for attendees at outreach events.

***What has happened:** We have reviewed the wording of the monitoring information on the feedback form; no changes have been necessary, as the form already asks attendees whether they consider they have a disability, and makes it clear that information is requested for statistical purposes only.*

- **We said we would:** Investigate an informal information-gathering exercise to ensure that judges who have an impairment or long term medical condition (whether or not this is declared) are included as judicial role models.

***What has happened:** We will send an e-mail early in January 2006 to all judges renewing the request for judges to consider registering themselves as being available to speak at events. The e-mail will highlight that we welcome role models from groups currently under-represented in the judiciary, including judges with a disability. The same e-mail will be circulated to DCA Disability Network members.*

- **We said we would:** Review the judicial work shadowing scheme materials to ensure they ask about reasonable adjustment.

***What has happened:** The form already follows good practice by asking about adjustments, rather than requesting details of the impairment or condition. However, we will improve it when the forms are next reprinted early in 2006 by ensuring it says instead "Disabled applicants are welcomed. We will make reasonable adjustments to ensure that all applicants can take part in the judicial work shadowing scheme. Please identify any particular arrangements you might need in order to take part. These will be discussed with you by local staff when they contact you to arrange when and where your shadowing will take place." The form is also available in text only on the DCA's website.*

- **We said we would:** Review the list of organisations approached in targeted marketing exercises to ensure it includes organisations with access to networks of disabled lawyers.

***What has happened:** We have reviewed the list, which now includes the Disability Rights Commission, the Group for Solicitors with Disabilities, the Society of Visually Impaired Lawyers, Deaf Lawyers UK, and the Bar Council Disability Committee. These organisations will be asked to draw judicial competitions to the attention of their members or contacts, and to suggest potential candidates who should be sent an application pack.*

**By 31 December 2005:**

- **What we said we will do:** Gather information on current practice from throughout courts and tribunals in England and Wales on staff training; physical accessibility and the provision of appropriate facilities for lawyers and judges; and the provision of information on facilities at every court and tribunal.

***What has happened:** We are gathering information on current examples of good practice and areas for improvement in relation to these three issues.*

- **What we said we will do:** Ensure clear responsibilities for disability equality issues within the Judicial Appointments Commission (JAC), the Judicial Office for England and Wales (JOEW) and across tribunals.

***What has happened:** Disability equality responsibilities are being specifically included in the planning process for the establishment of the JAC and JOEW in April 2006. The JAC will make recommendations for appointments to both courts and tribunals, and the JOEW will have responsibility for supporting the judiciary in courts and tribunals, so separate work on tribunals is not necessary.*

- **What we said we will do:** Consider establishing a single point of contact where judges, applicants and potential applicants can obtain clear information on reasonable adjustments and discuss their options.

***What has happened:** We are considering establishing a single named point of contact within the Judicial Office for England and Wales for serving and newly appointed judges, with a clear system for working with the individual judge, local DisABILITY Advisers, occupational health services and relevant court or tribunal staff to establish what adjustments are needed and whether they are reasonable.*

*We are still considering what system to establish to ensure a consistent approach to issues of reasonable adjustment during the application process for applicants when the JAC takes over the appointments process in April 2006. In addition, we need to provide potential applicants with an opportunity to discuss reasonable adjustments to assist with their decision whether to apply for an appointment.*

- **What we said we will do:** Discuss with the legal professions what is being done to improve access for disabled people to professional qualifications, training contracts and pupillage.

*We will discuss these issues with the professional bodies as part of ongoing discussions on the Government's proposals for increasing diversity in the legal professions.*

- **What we said we will do:** Ensure disability equality is reflected in the Legal Professions Diversity Action Plan in response to the Legal Services Consultative Panel advice on diversity in the legal professions.

***What has happened:*** *We have published (on 23 November) our proposals for increasing diversity in the legal professions; this is the same document that had a working title of the "Legal Professions Diversity Action Plan". Disability equality issues are reflected in this, for example, the Department will discuss with the professional bodies such issues as whether information relating to anti-discrimination legislation should be collected. As part of this, the Minister responsible for the legal profession, Bridget Prentice MP, wrote to firms and chambers asking that they monitor and publish data on their diversity, including information on disability.*

- **What we said we will do:** "Equality proof" application materials in relation to disability, including advertisements, application forms and guidance for applicants, to ensure that disability issues are handled appropriately for both the applicant and the demands of office.

***What has happened:*** *We are now including a clearer diversity statement and clearer wording on disability equality in advertisements and guidance for applicants. We are actively considering further changes to the advertisement, application form and guidance for applicants. Working group members will be consulted on changes to wording before they are finally implemented, which should be for competitions from early 2006 onwards.*

- **What we said we will do:** Review the wording of the generic competency framework.

***What has happened:*** *We are considering this wording.*

- **What we said we will do:** Review guidance and disability equality training currently given to assessors and sifters.

***What has happened:*** *We will be conducting a review of all diversity and equality training given to assessors and sifters.*

- **What we said we will do:** Clarify within HMCS and tribunals how the Access to Work Scheme is used to support judges who develop an impairment or long term medical condition.

***What has happened:** We are preparing a summary of how this operates at present, and considering how we can ensure a consistent approach throughout courts and tribunals.*

- **What we said we will do:** Consider establishing systems or points of contact to ensure a consistent approach by different courts and tribunals when a disabled person is appointed and when a judge develops an impairment or long term medical condition.

***What has happened:** From April 2006, the Judicial Office for England and Wales (JOEW) will have responsibility for supporting judges in courts and tribunals. We are considering establishing a single named point of contact within the JOEW for serving and newly appointed judges, and a clear system for working with the individual judge, local DisABILITY Advisers, occupational health services and relevant court or tribunal staff to establish what adjustments are needed and whether they are reasonable.*

- **What we said we will do:** Consider how to ensure reasonable adjustments are available to disabled applicants for work shadowing; and how to promote work shadowing to disabled lawyers.

***What has happened:** We will raise awareness of reasonable adjustment issues with HMCS staff who administer judicial work shadowing locally, asking them to involve Local Disability Advisers as appropriate.*

*Once we have raised awareness with HMCS staff, we will approach organisations with access to networks of lawyers who are disabled and ask them to promote judicial work shadowing to their contacts.*

**By 31 January 2006:**

- **What we said we will do:** Make any necessary changes to the DCA website and particularly those sections relating to judicial appointment to ensure it is fully accessible to visually impaired users, users of access keys and people with dyslexia.

***What has happened:** We will consult on this early in 2006.*

- **What we said we will do:** Review the wording of letters to ensure that reasonable adjustments are offered at every stage; and review how any response requesting reasonable adjustment is dealt with by officials who may be contacted following receipt of these letters.

**What has happened:** We are implementing changes to the letter inviting an applicant to an assessment centre or interview so that they refer to the availability of reasonable adjustments and invite the recipient to contact the relevant Competition Manager. The same change will be made to the letter informing an applicant that they are to be recommended for appointment subject to a number of checks. The policy on reasonable adjustment covers what action a Competition Manager should take following a request for a discussion on reasonable adjustment.

**Further ahead:**

By 28 February 2006:

- **What we said we will do:** Ensure information on reasonable adjustments is provided on appointment and at regular intervals to all serving judges.

**What has happened:** We will promote the new policy on reasonable adjustment to serving and newly appointed judges as well as to HMCS and tribunals staff. In addition, a new intranet for judges is being established as part of the work establishing the JOEW, and space is being allocated on this for information about reasonable adjustments for serving judges and the system for taking forward a request for reasonable adjustments. Judges will be reminded that they are eligible to join the DCA's Disability Network.

In early 2006:

- **What we said we will do:** Ask the Judicial Appointments Commission to consider reviewing the generic competency framework to promote disability equality and the approach to consultees.

**What has happened:** No action has yet been taken; this is likely to take effect once the JAC is in place in April 2006.