



TRIBUNALS  
JUDICIARY



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# CANDIDATE INFORMATION PACK

NON-LEGAL MEMBERS OF THE EMPLOYMENT TRIBUNALS



# WELCOME

As the President of Employment Tribunals in England and Wales and the President of Employment Tribunals in Scotland, we are pleased to provide this joint message of welcome to all those considering applying to become a non-legal member of the Employment Tribunals.

The role of a non-legal member is a judicial office. It is an important role, which has helped to deliver workplace justice for over 50 years. Together, two non-legal members (someone with workplace experience from an employer perspective and someone with workplace experience from an employee perspective) will sit alongside an Employment Judge (an experienced lawyer) to decide various types of dispute. Non-legal members are a valued part of this panel of three people. They contribute to an independent decision-making process, deciding cases about alleged discrimination, harassment, victimisation, unlawful detriments during employment, equal pay and many other issues.

The balance of perspectives that non-legal members provide helps to ensure that the Employment Tribunals' judgments take proper account of workplace realities. That balance enhances the credibility of the Tribunals' decisions in the eyes of employers and employees alike, as well as managers and business owners, trade unions and the public. It furthers the appearance of impartiality.

This is the first recruitment of non-legal members to the Employment Tribunals since 2009. The workplace has not stood still during the last ten years. Although many traditional occupations remain in the public and private sector, we have seen new forms of working based on web platforms (often called the "gig economy"), an increase in agency work, an increase in both migrant and cross-border working, the growing influence of social media in the workplace and the emergence of complex disputes at the interface of religious belief and sexual and gender identity. Difficult cases on issues such as these require serious, careful and impartial thought, so that justice is served, and the rule of law supported.

If you think you could perform this important role, we hope you will consider applying to become a non-legal member. This may be the opportunity "to give something back" that you have been looking for.

If your application is successful, you will add new experiences and new perspectives to the Tribunals' decision-making and, we hope, enhance the diversity of this important part of the judicial family.



Judge Brian Doyle  
President, Employment Tribunals  
(England and Wales)



Judge Shona Simon  
President, Employment Tribunals  
(Scotland)

## WHAT'S INCLUDED IN THIS PACK?

Within this pack you will find guidance and information including:

- An introduction from the President of Employment Tribunals (England and Wales) and President of Employment Tribunals (Scotland);
- Some background about the Judiciary and Employment Tribunals;
- An overview of the role of a non-legal member;
- Details of the recruitment process;
- Links to important reference documents.

It is important that you read the Memorandum of terms and conditions ([here](#)) alongside this document, as you will be asked to confirm that you have read and understood both within your application.

This pack is also available in Welsh ([here](#)).

If you require this pack in a different format please email: [ETNLM@Resourcing-Support.co.uk](mailto:ETNLM@Resourcing-Support.co.uk)

## WHO TO CONTACT FOR SUPPORT?

ManpowerGroup Solutions is an external partner that is supporting this campaign and will manage both your application and any queries. If you need any assistance with the application process or have any queries, then please contact them on: [ETNLM@Resourcing-Support.co.uk](mailto:ETNLM@Resourcing-Support.co.uk)

The team will endeavour to respond within 24 hours (Monday to Friday). Due to the volume of applications anticipated there will be no telephone number to deal with queries.



# SOME BACKGROUND

Please find below some information about Employment Tribunals. Further reading links have also been provided below.

## EMPLOYMENT TRIBUNALS JURISDICTION

The jurisdiction of the Employment Tribunals (ET) involves a wide range of employment-based disputes involving employees, workers, employers, trade unions and professional and regulatory bodies.



There are currently more than 90 different causes of action that can be brought to the ET. The most common complaints involve allegations of unfair dismissal, discrimination, breach of contract, deductions from wages, transfers of undertakings and detriments for making disclosures in the public interest. A small number of rights differ in Scotland and Wales as a result of devolution arrangements.

## WHAT DOES AN EMPLOYMENT TRIBUNAL LOOK LIKE ?



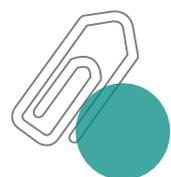
An Employment Tribunal may consist of an Employment Judge sitting alone or sitting with two non-legal members. When non-legal members are sitting on the panel, one is drawn from the panel of those whose experience is from an employee or trade union perspective (the ‘employee panel’) while the other is drawn from the panel of those whose experience is from an employer or management perspective (the ‘employer panel’).

## EQUAL OPPORTUNITIES

The Lord Chief Justice and the Senior President of Tribunals are convinced of the benefits of a more diverse judiciary and are committed to supporting the development of the judiciary in ways that support greater diversity. Appointment to judicial office is based solely on merit. The judiciary is therefore committed, not only to encouraging suitable applicants to apply, but also to ensuring that principles of equality and fair treatment apply to all aspects of judicial life.



## FURTHER READING



The Judiciary’s website at [this link](#) contains lots of useful information that you may wish to explore, including a chart on the structure of the courts and tribunals ([here](#)) and a detailed breakdown of tribunals ([here](#)). A visitors’ guide to the judiciary, prepared a few years ago, contains information of value and can be found ([here](#)).

## WHY APPLY

This role allows those with experience of workplace norms and practices an opportunity to use their expertise in an interesting, challenging and rewarding way, by joining the Tribunals lay judiciary and playing a crucial part in delivering a fair hearing and a just outcome to those involved in employment disputes.

Being a non-legal member provides you with an opportunity to give something back and serve your community as a holder of judicial office. Judicial office-holders must take an oath/affirmation of allegiance to the Crown and must swear to do right to all manner of people, without fear or favour, affection or ill will. A copy of the oath/affirmation is provided at [Annex A](#). An obvious aspect of this is to treat people equally under the law. You may find it helpful to read the Bangalore Principles ([here](#)), the Guide to Judicial Conduct ([here](#)) and the Equal Treatment Bench Book ([here](#)), to bring to life what this means.

Below, current non-legal members have briefly described the value that they gain from this office. Six further non-legal members have also summarised what they enjoy about this role in [Annex B](#) and further full profiles are available ([here](#)).



Each case still brings its own surprises and challenges. I enjoy analysing the evidence, asking appropriate questions and being part of a panel that has considered all relevant evidence and applied the law to come to a fair conclusion. On a professional level, I have been able to apply my experience from the workplace to the role, by drawing on examples of a wide range of issues. On a personal level, I have gained new opportunities to contribute more widely to civil justice, such as sitting as a Lay Assessor in the County Courts; I was recently appointed to work as a Non-Legal Member in the Social Entitlement Chamber as well. I still feel very privileged to be a Non-legal member in the Employment Tribunal, and to be able to undertake these wider roles. - [Diane Hill](#)



Of course, it did take time to become familiar with formal protocols, terminology, judicial behaviours, the main case authorities, and so on. But this learning reflects the importance of the role, and that learning is continuous – even 30 years later. What was invaluable (and still is) was the encouragement and collaboration of the 3 members of the Tribunal panel. Each of us brings different experience, knowledge and opinions, which we genuinely listen to, challenge and respect. What I enjoy most about the role is listening to people's accounts not only of the dispute before us, but also their perspectives on its context. - [Val Lockhart](#).



I enjoy working as part of a Tribunal team undertaking analytical and problem-solving tasks to ensure the appropriate legal outcome. I am keen to ensure that both represented and unrepresented parties have a fair opportunity to present their case. As a person with Multiple Sclerosis, I have a particular perspective on working with a disability and the issues that can arise. - [Brian McCaughey](#)

# IMPORTANT CONSIDERATIONS BEFORE APPLYING

## AGE

The compulsory retirement age in this role is seventy years. The minimum period of reasonable service is three years prior to compulsory retirement. Therefore in order to be eligible for this role, you must be no older than sixty seven at the time of being offered a role. For this campaign, you must be no older than sixty-seven on the 30<sup>th</sup> of September 2019.



## NATIONALITY AND RIGHT TO WORK

In order to be eligible you must either be a citizen of :

- Great Britain;
- A Commonwealth country;
- Northern Ireland.

You must also have the right to live and work in the UK.

## THE FLEXIBILITY REQUIRED BY THIS ROLE

Non-legal members are paid a daily fee for the days on which they actually perform judicial work (sitting on cases or being trained). This role requires a high level of flexibility. You would need to make yourself available for a minimum of 30 days a year; however, there is no guaranteed minimum level of days (or sittings) that you will be offered. It is important that you carefully consider the information below before you apply:

- If you are employed, self employed or have any work commitments, please consider how this role would align to your current commitments;
- Cases decided by Employment Tribunals are often cancelled at very short notice, due to a claim being settled or withdrawn. You could therefore have a sitting cancelled at very short notice, such as the afternoon of the day before it is due to begin;
- Typically you will be required to sit on hearings that last from two to five consecutive working days;
- Some hearings may last several weeks and there is a particular need for members who can offer that level of flexibility;
- You should consider carefully, and before you apply, whether your lifestyle and current commitments offer you the flexibility required by this role.

## REMUNERATION AND TERMS

The daily fee payable to non-legal members of the Employment Tribunals for sitting and training, as at 1 April 2018, is £187.30. The rate applicable from 1 April 2019 has not yet been set. Please click ([here](#)) for a copy of the Memorandum of terms and conditions for further information.

**Please note:** if you are a Crown Servant (Civil Servant) please ensure that you have read and understood [Annex C](#) before you apply.

# YOUR CONDUCT AND CHARACTER

## GOOD CHARACTER

Good character is essential for this role. This is because it is important for holders of judicial office, in and out of office, to maintain public confidence in their own impartiality and in the impartiality of the judiciary in general. Those who aspire to such office should maintain the highest standards of behaviour in their professional, public and private lives.

Please follow the below link to a guidance document that provides details of the policies which apply to this role. [Good character guidance](#)



In your application you will be asked to provide information and make declarations with regard to your good character, including but not limited to; any convictions or cautions, bankruptcy and professional misconduct. You will also be asked to supply reference details of a person of good standing who has known you within a professional or private capacity for at least five years. Your referee will need to be able to comment on your good character, conduct and suitability for this role (if you are shortlisted).

## CONDUCT

Non-legal members are holders of judicial office and, as such, subject to the same guiding principles as Judges and Magistrates as detailed within the Guide to Judicial Conduct, which can be viewed here: [Guide to judicial conduct](#)

In summary, there are three basic principles guiding judicial conduct:

- Judicial independence;
- Impartiality;
- Integrity.



As the Guide makes clear, judicial office-holders are required to act in a way which maintains and enhances the confidence of the public in the impartiality of the judiciary. With that in mind, those appointed as non-legal members must immediately declare to the relevant President their involvement in any present and ongoing litigation of any kind. They are not allowed to appear before the Employment Tribunal as a representative in the area in which they sit in England and Wales or, in the case of those appointed to Scotland, anywhere in Scotland. Similarly, they should not be named as representative or case contact in any correspondence sent to the Employment Tribunal, including the claim and response forms. If they are providing background assistance or support to a party in a case which is being dealt with by the Employment Tribunal or consider that they may be involved as a witness in a case, they must report that fact to their leadership judge as soon as it is known; the leadership judge will provide advice about how to proceed.

**Please note:** If appointed, you will need to disclose your involvement in any current or recent Employment Tribunal litigation.

# WHERE ARE THE ROLES BASED ?



## INTRODUCTION

Roles are anticipated for non-legal members in England and Wales and Scotland, the locations and number of roles by area are outlined on the following page. The senior leadership judges of the Employment Tribunals are the President of Employment Tribunals (England and Wales) and President of Employment Tribunals(Scotland).

## ENGLAND AND WALES

In England and Wales, the Employment Tribunals are divided into 10 administrative areas, each led by a Regional Employment Judge. There are 28 hearing centres as well as many other ad hoc venues such as the local County Court or Magistrates' Court. You would be assigned by the President to one area or, occasionally, part of a area. You would need to sit anywhere in the area when called upon to do so and may occasionally be asked to sit outside of your assigned area when such a need arises.

## SCOTLAND

In Scotland, there is a Vice-President and five hearing centres. Hearings can take place across the whole of Scotland, including island locations, where the Employment Tribunals sit in venues such as the local Sheriff Court. Non-legal members are assigned by the President to a hearing centre. Non-legal members may occasionally sit at other hearing venues, including remote locations, if they are willing to do so. Expenses are paid for travel and subsistence, further details are provided ([here](#)) within the Memorandum on conditions of appointment and terms of service.

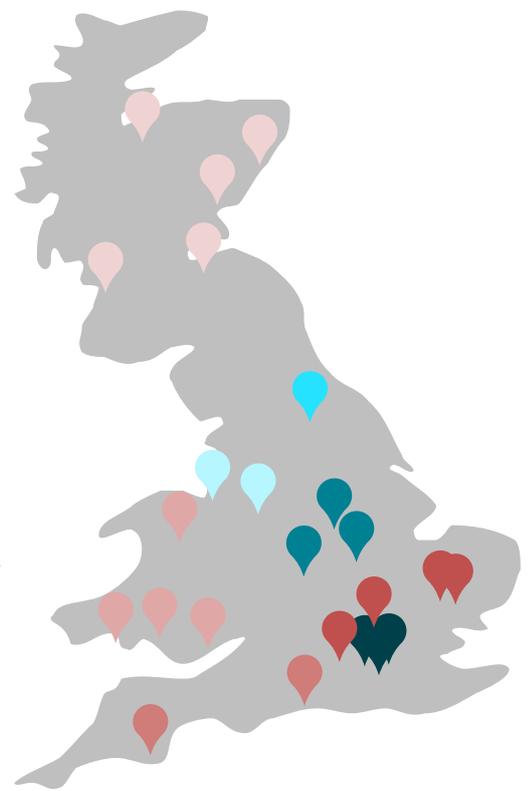
## LOCATION PREFERENCES AND MERIT LISTS

In your application you will need to state if you are applying for: **England and Wales OR Scotland.** You may apply for both. However you would need to attend two separate interviews if shortlisted for roles in Scotland as well as in England/Wales. Whilst your location preferences within Scotland or within England/Wales cannot be guaranteed, you will be asked to state a preference for a particular sitting location within your application form.

A separate merit list will be drawn up for the employer panel and the employee panel in respect of each of these eight areas, with two further merit lists for Welsh-speakers applying for the employer panel and the employee panel in Wales. Your application will be managed based upon your preferences including employee or employer panel and the area /country you select. Depending on application volumes for each panel by area/country, different benchmark scores may be used to determine who is appointable.



# WHERE ARE THE ROLES BASED ?



## EMPLOYMENT TRIBUNAL AREAS

For the purposes of this exercise, there will be recruitment into eight parts of Great Britain:

- London
- South East England
- Midlands
- South West England
- North East England
- Wales
- North West England
- Scotland

## ANTICIPATED ROLES BY LOCATION

It is anticipated that there will be 340 people appointed as non-legal members across the employee panel and the employer panel, with the split by country/area and panel as detailed in the tables below. Please see the following page for details of the key locations.

SCOTLAND	EMPLOYER PANEL	EMPLOYEE PANEL
	13	26
ENGLAND	EMPLOYER PANEL	EMPLOYEE PANEL
London	64	66
Midlands	20	9
North East	0	4
North West	19	15
South East	36	47
South West	4	4
WALES *	EMPLOYER PANEL	EMPLOYEE PANEL
	9	4

### \* WELSH LANGUAGE

There are at least four roles in Wales (two on each panel) available for those who can hear cases involving spoken and written Welsh. These roles will be the subject to two further merit lists, one for each panel. If you wish to sit in Wales, you will be asked in your application form if you are able to conduct a hearing fully in Welsh. If you confirm that you can, your Welsh language ability will be tested through conversation either at or, following your interview.

Please email: [ETNLM@Resourcing-Support.co.uk](mailto:ETNLM@Resourcing-Support.co.uk) if you would like to complete your application in Welsh.

# KEY LOCATIONS

Provided below are the key locations it is anticipated that non-legal members will be asked to sit on a regular basis and the locations where sittings may also take place within the area /country. If successful you would be appointed to one of these locations however you may be asked to sit anywhere within the area /country.

## ENGLAND AND WALES

	KEY LOCATIONS	SITTINGS ALSO TAKE PLACE IN
London	<ul style="list-style-type: none"> <li>London Central - Victory House (Kingsway)</li> <li>London East - Anchorage House (East India Dock)</li> <li>London South – Croydon</li> </ul>	Ashford
Midlands	Lincoln, Boston, Birmingham, Leicester & Nottingham	Newcastle-under-Lyme & Telford
North East	Leeds, Sheffield, North Shields (potentially moving to Newcastle)	Teesside & Hull
North West	Manchester & Liverpool	Carlisle, Burnley, Blackpool and Preston
South East	Bury St Edmunds, Cambridge, Reading & Watford	Norwich
South West	Bristol, Exeter & Southampton	Bodmin, Havant, Plymouth & Truro
Wales	Sittings in Wales are mostly in Cardiff, however approximately 15% are in North Wales and 10% in varied locations around the rest of the country. Travel/subsistence is paid accordingly.	Tribunals also sit regularly in Mold, Pontypridd and Swansea and occasionally at Haverfordwest, Carmarthen, Llanelli, Abergele, Wrexham, Prestatyn, Llandudno and Aberystwyth

## SCOTLAND

Please find detailed below the \*key locations in Scotland and the number of roles anticipated in each. There is a particular requirement for non-legal members who can sit in the north of Scotland.

	EMPLOYER PANEL	EMPLOYEE PANEL
Aberdeen	7	6
Dundee	0	3
Edinburgh	3	4
Glasgow	0	10
Inverness	3	3

\* Sittings in Scotland are mostly in the locations listed above, however Tribunals also sit from time to time in other locations including Lerwick, Kirkwall and Stornoway.

# WHAT SKILLS AND EXPERIENCE ARE REQUIRED?

You will need to have experience of dealing with employment relations issues. Your experience could include disciplinary and grievance procedures/appeals, equality and diversity issues, the gender pay gap, individual and collective redundancies, business transfers, whistleblowing, employee remuneration and incentives, pay negotiations, parental rights, employee wellbeing, performance management, managing health and capability, the gig economy and migrant working or other related matters.

**Please note:** It is not necessary to have experience of Employment Tribunal advocacy. You will be provided with full training. Please see page 13 for a summary of the diverse backgrounds that some current non-legal members hold.

## EMPLOYER PANEL OR EMPLOYEE PANEL?

You will be asked to state in your application whether you are applying to sit on the employer panel or the employee panel. **You must choose; you cannot apply to sit on both.**

Your preference is likely to be based on your experience, for example:



**EMPLOYER PANEL** members are likely to hold experience of employment norms, practices and challenges from the perspective of the employer. Your experience may have been gained, for example, from being a business owner, holding a role in HR, investigation officer or operations manager/supervisory roles.



**EMPLOYEE PANEL MEMBERS** are likely to hold experience of employment norms, practices and challenges from the perspective of the employee or worker. Your experience may have been gained for example from being a trade union official, regional trade union officer, workplace representative, companion at disciplinary or grievance hearings or time spent working with an organisation such as Citizens Advice.



# WHAT SKILLS AND EXPERIENCE ARE REQUIRED ?

## SKILLS AND EXPERIENCE

Successful candidates will be those who best demonstrate the skills and abilities set out below:

- Be fair and open-minded, bringing your own workplace experience to bear on issues arising for decision;
- An understanding and experience of handling contentious workplace issues;
- The ability to identify relevant facts and to extract the essence of an argument from oral or documentary evidence, and to make important and difficult objective decisions within fixed timeframes;
- The ability to engage in constructive and reasoned debate with others, to weigh and decide between conflicting facts and arguments, and to explain and justify views and conclusions reached in a clear and succinct manner;
- Knowledge of how employment relationships are managed in the workplace and how such management may be affected by the different size of companies and organisations;
- Knowledge and experience of principles of fair treatment as applied to a diverse range of individuals;
- The ability to recognise potential conflicts of interests between the judicial role and outside interests and act appropriately;
- Basic IT skills in relation to receiving and sending emails and using Microsoft Word and online materials.



## DESIRABLE SKILLS AND EXPERIENCE:

- Deciding or resolving workplace grievances and disputes;
- Knowledge of common workplace practices and policies dealing with issues such as harassment, equality and diversity, whistleblowing, discipline and grievances; and an awareness of social media and how it impacts on the workplace.

**Please note:** the experience and backgrounds of non-legal members are highly diverse. On the following page you will find several short profiles to demonstrate the range of backgrounds of office holders today.

## PERSONAL QUALITIES

You must also be able to demonstrate an appreciation of the diverse range of cultural and socio-economic backgrounds of those appearing before the ET, together with the ability to treat all users (including parties, their witnesses and their representatives) and administrative staff with dignity and respect.

## EXAMPLE BACKGROUNDS

The experience and backgrounds of non-legal members is highly diverse, please find below some profiles of non-legal members of an Employment Tribunal today as a sample of the different backgrounds. Please visit ([here](#)) for further profiles.



I worked for many years at the Citizens Advice Bureau assisting those with employment and other matters before being appointed to the Employee panel some 13 years ago. After being appointed I qualified as a Solicitor. When I first started, I found the prospect of being so closely observed in a public hearing rather daunting. However, I was given the opportunity to observe hearings and to see how confident the sitting Tribunal members were. It did not take long for me to get used to the hearings. - **Celia Edwards**



My background is as a SEND teacher in secondary schools, which I did for about 30 years. I was also a representative for one of the larger education unions and worked to provide advocacy support for members, both collectively and individually. My national work also focused on the development of Union policy - **Nina Franklin**



I was appointed to the Employer panel in 1999 and at this time, I was working as a local government lawyer. Before I started to sit, I had concerns about whether I would have the requisite knowledge to play a full part on the panel. However, we were provided with a thorough induction which included observing how panels operate. This is supplemented by annual training, not just on the law, but also the role of the non-legal members and how they should conduct themselves. - **Yvonne Ramsaran**



I am an Employee member. I have been a member since November 1999. I was a civil servant for 27 years. I spent my entire career in the Valuation Office and I was a member of the PCS union for over 30 years - **Tony Libbard**



I was appointed as an Employer member in 2010, following a career in the police service. I had been responsible for both the human resource and discipline functions within my organisation. Whilst I would never claim to be an expert in either field, my role required me to develop a reasonably detailed understanding of employment issues and best practice. Although the role of a police officer may not seem an obvious grounding for hearing employment cases, some of the key skills are very similar. Both jobs involve listening carefully, identifying relevant points, weighing up conflicting arguments and also being able to justify conclusions in debate with others. **Bill Horne**

# THE KEY COMPETENCIES

The competency framework provides guidance on the skills and qualities required of a non-legal member. This framework is aligned to the Judicial Skills and Abilities framework used by Courts and Tribunals Judiciary, and the Judicial College.

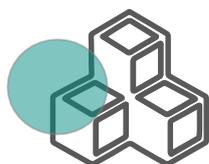
The recruitment process is designed to assess these competencies throughout your application journey. If selected to attend an interview, you will be provided with further detailed guidance on these competencies and how best to prepare for the interview.



## Exercising Judgement

This competency is about demonstrating integrity and applying independence of mind to make incisive, fair and objective decisions within the relevant legal framework. The positive indicators include:

- Brings their own workplace experience to bear on issues arising for judgement, while taking proper account, guided as appropriate by an Employment Judge, of the relevant law and procedure;
- Contributes to timely judgments by the Employment Tribunals which are soundly reasoned, well-structured and easy to follow;
- Demonstrates independence of mind;
- Ensures fairness; demonstrates integrity and acts without bias or prejudice, especially in challenging, complex situations.



## Possessing and Building Knowledge

This competency is about possessing knowledge and experience of employment relations and the issues that underlie workplace disputes. Demonstrates an ability and willingness to learn about new workplace practices and the law and procedure relevant to the work of the Employment Tribunals. Key indicators are:

- Demonstrates experience of dealing with a range of employment relations issues;
- Demonstrates an ability to acquire knowledge rapidly, especially of unfamiliar or complex subject matter;
- Keeps abreast of changes to the employment relations landscape (such as issues arising from the spread of the gig economy and increased use of social media);
- Pursues continuous learning and professional development;
- Possesses basic IT skills in relation to receiving and sending emails and using Microsoft Word and online.

# THE KEY COMPETENCIES



## Assimilating and Clarifying Information

This competency is about quickly assimilating information to identify essential issues, develops a clear understanding and clarifies uncertainty where necessary. Key indicators are:

- Effectively assimilates and processes large amounts of complex information from multiple sources;
- Identifies, and ensures the focus remains on, the relevant issues;
- Critically analyses information and applies appropriate weight to it in order to reach a reasoned decision.



## Working and Communicating with Others

This competency is about valuing diversity and shows sensitivity to the different needs of individuals. Demonstrates good communication skills and develops effective working relationships with all. Key indicators are:

- Remains approachable at all times and supportive of colleagues and the pressures they face;
- Contributes effectively to group decision-making, through being willing to make contributions and receptive to the contributions of others;
- Establishes authority and demonstrates courtesy, gaining the confidence of others;
- Able and willing to act as the 'eyes and ears' of an Employment Judge in dealing with conflict in the Tribunals and spotting those who are struggling to participate effectively;
- Communicates effectively both orally and in writing in a manner that ensures understanding by others;
- Listens attentively and probes effectively, ensuring a fair opportunity to all parties to present their case whilst ensuring the efficient disposal of the proceedings;
- Shows an awareness of the importance of diversity and sensitivity to the needs of different communities, groups and individuals.



## Managing Work Efficiently

This competency is about working and planning effectively to make the best use of resources available. Key indicators are:

- Manages time and prioritises tasks to ensure effective contributions to the judgments of the Employment Tribunals;
- Utilises available resources, making full use of the latest technology, to carry out the role in the most efficient way;
- Seeks advice and offers assistance to others when appropriate;
- Demonstrates resilience, responding calmly and flexibly to changing circumstances and pressure;
- Engages with colleagues to maintain high levels of professional standards.

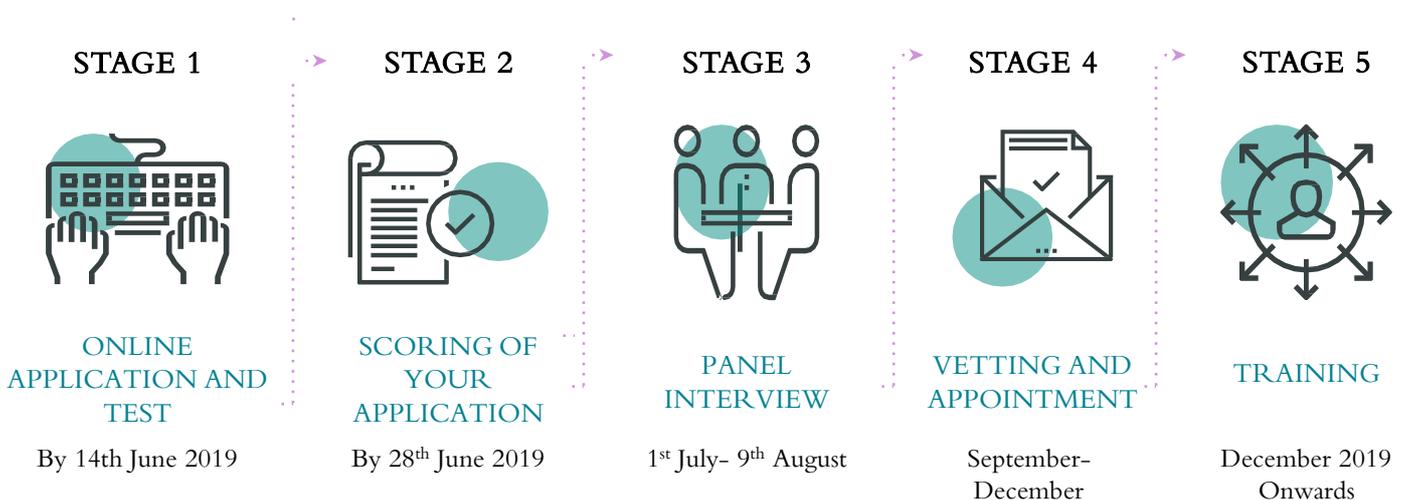
# RECRUITMENT PROCESS

You will undergo a thorough selection process that has been designed to select the best non-legal members. The key stages include:

- Online Application – providing key information about you and your eligibility;
- Online Test – a short assessment to measure your language ability; induction; deduction and logical analytical thinking;
- Personal Statements – three statements which consider your: motivations for the role, the required skills and experience and a competency example;
- Face to Face Interview – which considers all five competencies required for this role assessed through competency based questions and the use of a scenario;
- Pre-appointment checks, offer and appointment;
- Training.

## ANTICIPATED TIMELINES

Please find below the anticipated timelines for each stage of the process. Further information on each stage can be found on the following pages.



**Please note:** The above timelines and process are indicative and subject to change. The timelines may vary dependent upon your preferred area/country meaning that applicants may progress at different times dependent on area/country.

# ONLINE APPLICATION

## STAGE 1



### Online Application And Test

Your application will be managed through an online automated process. Simply click on the 'Our Jobs' page and click the 'Apply Now' button ([here](#)) and you will be able to apply for the roles from the 21<sup>st</sup> of May until the 14<sup>th</sup> of June at 23:59.

First you will be asked to create an account, register your personal details and provide some biographical information. You will then be asked a series of questions and to make declarations regarding your eligibility and understanding of this role.

Next, you will be asked to detail your previous employment history and provide the name, job title and contact details of a referee, who may be approached at a later stage. You will then be asked to provide three statements which will be used to shortlist your application. Please refer to the following pages for further information and guidance on how to prepare your statements.

### Hints & Tips

- The online application is mobile compatible and can be completed on a mobile device;
- You can complete your application in sections, save and return to complete the next section at anytime before the closing date;
- Once you have submitted your application it cannot be amended; only submit your application when you have completely finished and answered all the relevant questions;
- When you reach the declaration section of the application form you will be presented with a list of statements to read and agree to. False declarations may result in your application being rejected or your later dismissal;
- Paper applications will only be considered if you have a disability that prevents you from applying on-line. If this is the case, please email; [ETNLM@Resourcing-Support.co.uk](mailto:ETNLM@Resourcing-Support.co.uk)
- Applications are encouraged from people with disabilities. Please detail any support that you require in your application form. Further details and information are provided in [Annex D](#).



# YOUR PERSONAL STATEMENTS

## STAGE 2



### Scoring Of Your Application

Within your application form you will be asked to answer three questions with personal statements. These will be used to select the best candidates to invite for interview.

Please ensure that you allow yourself sufficient time to develop strong and tailored statements. Broadly, you will be asked to provide statements that best demonstrate:

- Why you are interested in this post (your motivation and aspirations);
- How your skills and experience will support you in this role;
- What strengths you would bring to a judicial role – in particular for the competency Exercising Judgement.

## WHY ARE YOUR PERSONAL STATEMENTS SO IMPORTANT?

An independent panel will review and score your statement on an anonymous basis. This means that they will not be provided with or have access to any other details from your application. The panel will review, score and either progress or reject your application based solely on the three statements you provide.

Your statements will be scored using a 1–7 rating scale. The minimum standard to progress will be a score of 4 out of 7 in each of the three statements. If you do not achieve the minimum score in each statement your application will be rejected. Further information on each of the questions is provided on the following pages.

**Please note:** Your statements will be reviewed and scored in order. If you do not achieve the minimum standard in each statement, the subsequent statement will not be reviewed and scored. Due to the volume of applications anticipated, you will not be provided with any feedback on your statements and this includes the scores that you achieve.



# YOUR PERSONAL STATEMENTS

Please find below some guidance on your personal statements. Please ensure that you check your application for completeness before you submit, no statements will be accepted after the closing date.

**Please note:** The panel will only read and score 300 words for EACH statement. Please consider developing your statements off line and 'paste' them into your application form when you are ready to do so.

## ASPIRATIONS AND MOTIVATION

This statement is to provide details of what aspects of the role interest you and how you will be able to manage the highly flexible sitting arrangements in this role, as detailed on page 6.



### Statement One

In your statement please outline:

- Your reasons for wanting to work in this judicial role;
- What has inspired you to apply;
- How this role will fit with your work or lifestyle choices and the level of flexibility you can offer as a result;
- Please ensure that you address and confirm that you understand the flexible nature of this role, positively detailing your understanding within your statement.

## YOUR SKILLS AND EXPERIENCE

This statement should cover how you meet the essential skills and experience criteria. In your statement, please address the requirements below:

- Why you have chosen to apply for either the Employee or Employer Panel role;
- How your experience will support you in this role.

### Statement Two

Please note the panel reviewing and scoring your statement will not consider any other aspect of your application including your employment history - they will only have access to and consider the statement provided.



# YOUR PERSONAL STATEMENTS



## Statement Three

### COMPETENCY STATEMENT - EXERCISING JUDGEMENT

Competencies are the skills, knowledge and qualities that lead to successful performance. You will be asked to demonstrate evidence of the skills, knowledge and qualities for the Competency Exercising Judgement in your application form.

If you are shortlisted to attend an interview, you will also be asked questions against all five competencies (see pages 14-15) and you will be provided with further guidance at this time.

#### Hints & Tips

Keep the situation and task elements brief, concentrate on the action and the result. If the result was not entirely successful, describe what you learned from this and what you would do differently next time.

- Make sure you include how you overcame any problems or obstacles;
- Keep looking back at the competency and indicators (page 14) and cover the key points;
- Describe your thoughts, actions and feelings rather than just describing what happened;
- Don't forget to include results and show why your actions were effective and / or how you could have improved on what you did;
- Use 'I' not 'we.' This is about your role in the task and how you affected the outcome;
- Use short statements that show the value you added and use your own words;
- Choose your most powerful example or situation that has lots of substance.

Don't get caught up in telling a story in your example. Just give enough to show how you went about the task, why you did it the way you did and any obstacles you encountered.



# YOUR ONLINE TEST



## Online Test

After completing your application form you will automatically be directed to an online test. Please complete this test on a laptop or desktop – not a mobile device.

You can either complete the test straight away or come back to complete the test any time before the close date on Friday the 14<sup>th</sup> of June at 23:59. It is expected that the test will take you no more than 10 minutes. The test will assess your language ability, induction, deduction and logical and analytical thinking.

If you require reasonable adjustments or support, please refer to [Annex D](#) for further information or contact us at your soonest convenience so that the appropriate arrangements can be made.

### BEFORE YOU START YOUR TEST PLEASE NOTE:

- You should be in a quiet environment during the test to avoid distraction and to ensure that you do yourself justice;
- Once you have started the test, you cannot stop;
- Only the highest scoring applicants will progress to the next stage of the selection process.

### IMPORTANT INFORMATION REQUIRED TO ACCESS THE TEST:

- Please use a desktop or laptop to complete your test rather than a mobile device such as a phone or small tablet;
- You will not be able to access this test from a terminal server, typically found in Government buildings;
- HTTPS access and JavaScript must be allowed;
- Pop-up blocker setting should allow pop-ups on the application URL.

The test can operate on the following operating systems:

- Microsoft Internet Explorer v7, or later;
- Mozilla Firefox v3 or later;
- Google Chrome, Apple Safari.

**Please note:** you will not be provided with feedback on your online test and this includes the score that you achieved.

# INTERVIEW

## STAGE 3



If you are one of the top scoring applications you will be sent an email inviting you to a face to face panel interview. You will be able to book an interview slot online. Please ensure that you book your interview as soon as possible for the best possible choice of dates and times. If you require any additional assistance due to a disability, this will be arranged if you are shortlisted to attend an interview.

### *Panel Interview*

The process on the day is expected to take just over an hour in total and will involve:

- Document checks: you will be asked to bring your documents, as listed in [Annex E](#);
- You will be asked to read and consider a scenario before you start your interview which will then form part of the interview questions;
- You will then be interviewed by a panel of two. It is expected that the interview will last no longer than thirty minutes;
- Interview questions will be aligned to all five of the competencies for this role;
- Full guidance will be issued to all applicants who are shortlisted to attend an interview, including details of what to expect on the day and how best to prepare.

# WHAT HAPPENS NEXT?

## STAGE 4



### *Vetting & Appointment*

### PRE-APPOINTMENT CHECKS

If you are in the top scoring applications following your interview, you will be recommended for appointment. This means that subject to successful completion of the appropriate pre-appointment checks, you will be issued with an appointment letter. Due to the volume of applications, you will not be provided with detailed feedback on your interview, feedback will only include the scores achieved and summary feedback.

If you accept the recommendation you will be contacted regarding the vetting and clearance checks which will include but not be limited to: a criminal records check, insolvency checks and a reference. Subject to passing the vetting process, you will then receive a formal offer of appointment.

**Please note:** Appointments are managed by the Lord Chancellor's Office and as such it can take some time to complete.

# WHAT ABOUT TRAINING?

## STAGE 5



### Training

Training for judicial office holders is provided by the Judicial College and covers substantive law and judicial skills as well as understanding of the social context in which judging takes place.

You will receive three days initial training following appointment. The training differs slightly in England / Wales to Scotland - an overview of each is provided below.

## SCOTLAND

You will receive three days training which includes two days of classroom induction training and a day of observation. This will include training on the relevant law as well as some aspects of judicial skills to prepare you for your judicial role. Ongoing training is two separate days each year and is compulsory. All training is paid at the normal daily rate.

**Please note:** If you are appointed you will be expected to attend one of the below sessions and there will not be any further sessions. Successful applicants must be available to attend either: Glasgow on the 3<sup>rd</sup> and 4<sup>th</sup> of December 2019 or Aberdeen on the 5<sup>th</sup> and 6<sup>th</sup> December 2019. You can attend the most convenient location for the classroom training and your observation day at the office that you are assigned.

## ENGLAND AND WALES

In England and Wales, successful candidates will receive three days of induction training, comprising a day of face-to-face training (likely to be located in the Employment Tribunal area to which they have been assigned by the President) and two days of observation. Dates for face-to-face training have yet to be arranged but are likely to be between December 2019 and February 2020. There is one day of continuation training each year, as well as a developing suite of e-learning modules.



# ANNEX INFORMATION

ANNEX A Oath and Affirmations

ANNEX B Office Holder's short profiles

ANNEX C FAQ's for Crown Servants

ANNEX D Reasonable Adjustments

ANNEX E Documents for Pre Appointment Checks



# ANNEX A OATH AND AFFIRMATION

## OATHS/AFFIRMATIONS

When office holders are sworn in they take two oaths/affirmations. The first is the oath of allegiance and the second the judicial oath. These are collectively referred to as the judicial oath.

### Oath of allegiance

“I, \_\_\_\_\_, do swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.”

### Judicial oath

“I, \_\_\_\_\_, do swear by Almighty God that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the office of member of the employment tribunal, and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will.”

### Affirmation – Allegiance

“I, \_\_\_\_\_, do solemnly sincerely and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to Law.”

### Affirmation – Judicial

“I, \_\_\_\_\_, do solemnly sincerely and truly declare and affirm that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the office of member of the employment tribunal, and I will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will.”

### Other acceptable forms of the oaths above

#### **Hindu**

Members of the Hindu faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Gita”.

#### **Jew**

Members of the Jewish faith use the oaths above although some may wish to affirm.

#### **Muslim**

Members of the Muslim faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Allah”.

#### **Sikh**

Members of the Sikh faith will omit the words “I swear by Almighty God” and substitute the words “I swear by Guru Nanak”.

## ANNEX B SHORT PROFILES



I really enjoy hearing cases. It is demanding, requiring listening and concentration, but it is never dull because it is about people. I have learned so much – not just about how employment law works – but also about how people operate in workplaces very different from those I am familiar with. Reaching a judgement with colleagues is also a fascinating process. We are an equal panel and there can be intense discussion, but it is very rare, in my experience, not to arrive at unanimity. – **Kerry George**



I enjoy the fact-finding exercise that we engage to provide the basis for our decision. Sifting through the evidence and comparing notes in order to arrive at the relevant facts has given me my most satisfying moments in a tribunal hearing. A very good team spirit is created and I am able to contribute my experience, enthusiasm and skills to achieve a just outcome. It is very much a team effort. – **Tony Libbard**



I particularly enjoy the variety of cases we deal with. We hear the full range of discrimination cases and I was a member of the first panel to make an award in a sexual orientation discrimination case. The panel work as a team, whilst we get guidance on the law from the Employment Judge, we all contribute to the discussions and findings of fact and have input into the wording of the judgments. – **Yvonne Ramsaran**



I enjoy this role as I learn about different jobs, employers, employees and interactions in the workplace. It is rewarding to use a variety of skills such as critical thinking, communication and listening, as well as applying my own knowledge and experience. – **Celia Edwards**



I joined the service as I felt I could make a valuable contribution given my background in HR. I have very much enjoyed dealing with a wide variety of claims and working with the Judges and fellow members. I learn something new with every sitting. There is an excellent training day at least once a year; it is very well presented and hugely beneficial. The training is informative, interactive and includes group work. – **Hansa Bharadia**



I enjoy working with Employment Judges and other panel members to ensure a fair hearing, especially when the claimant is unrepresented. The work provides many learning opportunities and we also have the benefit of ongoing training given by Employment Judges. I hope that I have been able to contribute my knowledge of the workplace and helped put all parties at ease. – **Nina Franklin**

# ANNEX C: CROWN SERVANTS FAQ'S

Full-time Crown Servants who have been appointed as fee-paid judicial office-holder are not entitled to a fee for judicial work undertaken concurrently with their Crown full-time appointment.

Full-time Crown Servants may be able to take paid Special Leave in order to sit as a fee-paid judicial office-holder. If unpaid leave is taken, then you may be entitled to claim suitably documented loss of earnings. Additional fees (such as writing up) are not payable if these arise from a sitting during unpaid leave. Sittings undertaken on a "compressed hours" free day, or a Saturday are also not payable.

Part-time salaried Crown Servants are entitled to fees for sittings undertaken on a nonworking day.

Whether Crown Servants have a full or part time status, all reasonably incurred travelling and subsistence expenses and allowances may be claimed.

## FREQUENTLY ASKED QUESTIONS

### **Am I a Crown Servant?**

A Crown servant is a Civil Servant, Diplomat, serving member of the Armed Forces and certain other employees of non-Departmental bodies. If office holders are not sure of their Crown servant status, they should contact the Finance Support Centre.

### **I am a full-time Crown servant. Can I take a day's unpaid leave to do fee-paid work and claim a fee?**

Taking a day's unpaid leave is discouraged. Crown Servants may be able to apply for special paid leave in order to sit as a fee-paid judicial office-holder. If this is not available, then unpaid leave may be taken. In this circumstance, you can be compensated with a pensionable fee equivalent to your gross loss of earnings, capped at the appropriate sitting fee. Claims should be made on FPJ Fee claim forms and must be supported by documentation from your employer (e.g. the relevant month's pay slip) showing the amount of salary deducted for the unpaid leave.

### **I am a full-time Crown servant. Can I claim a fee for fee-paid work undertaken on a Saturday, or on a day made free by working "compressed hours"?**

No. This would be in breach of the principle that full-time Crown servants paid by the Government will receive no remuneration for any fee-paid judicial offices held concurrently.

**I am a full-time Crown servant. Can I claim additional fees such as providing a written statement or judgment arising from a sitting taken on a day of unpaid leave?**

Regardless of when the writing takes place, no fee is payable. Since the fee entitlement is determined by the terms and conditions in effect at the time of the original sitting, no change of status e.g. from full to part time, or cessation of Crown employment, can alter this.

**I am a part-time Crown servant. I have an irregular work pattern agreed in advance with my Crown employer. I declare my availability to sit in my fee-paid role on days thus made free. Do I need to prove that each such day is a nonworking day?**

You must notify Her Majesty's Court and Tribunal Service (HMCTS) Finance Support of how many days you are contracted to work each year for your Crown employer. It is your responsibility to ensure that you do not accept fees for sittings in contravention of the policy which can be found in the Memorandum on conditions of appointment and terms of service for judicial office holders. Sitting patterns may be subject to scrutiny by HMCTS.

**I am a part-time Crown servant. At short notice the Tribunal/Court I sit for contacted me and asked if I could help them by covering the absence of another fee-paid judicial office-holder on a day on which I normally work or I am required to attend a training session on a day on which I normally work. Can I claim a fee?**

Yes, a fee can be paid. A temporary rearrangement of a part-time working pattern to accommodate the needs of the public service would not prevent the payment of a fee. In exceptional circumstances, you can change your non-working day to accommodate the training session or urgent sitting.

# ANNEX D: REASONABLE ADJUSTMENTS

Applications are encouraged from groups currently under-represented in the judiciary, including candidates with physical, sensory and/or mental health disabilities and long-term health conditions. Reasonable adjustments will be made to ensure that candidates with disabilities are not placed at a disadvantage in the selection process. Reasonable adjustments will also be considered for those suffering from short-term injury or temporary illness. If you require any adjustments for the selection process, ideally you should specify this on your application form, providing as much detail as possible. If you need an adjustment to complete your application, please email: [ETNLM@Resourcing-Support.co.uk](mailto:ETNLM@Resourcing-Support.co.uk). Requests will be considered on an individual basis.

Discussions about reasonable adjustments may include exchanging personal or confidential information. This information will be handled sensitively and will have no effect on your application or on determining your suitability for a judicial post.

HM Courts & Tribunal Service will provide information about reasonable adjustments to successful candidates once they are in post.

Within your application please detail any support you require in:

- Completing your application;
- The online test;
- Your panel interview;
- The workplace.

The information provided in your application will be treated in the strictest confidence and will only be considered to provide appropriate support. Paper applications will only be considered if you have a disability that prevents you from applying online.

# ANNEX E: DOCUMENTS REQUIRED AT INTERVIEW

If you are successful in the online assessment and application sift, you will be asked to attend a panel interview and bring your documents to be verified on the day. The documents required include, but are not limited to:

- Full valid Passport or Driving licence

#### PLUS TWO OF THE FOLLOWING AS ADDITIONAL FORMS OF IDENTITY:

- Bank or Building Society statement at given address - dated within last 3 months;
- Credit Card statement at given address - dated within last 3 months;
- Original Birth Certificate (issued within 42 days of birth);
- Adoption Certificate (issued within 42 days of adoption order);
- Driving Licence;
- Utility Bill (dated with the last 3 months)/Council Tax Bill (dated within the current tax year) at your given address (Mobile Phone Bills are not accepted).

You will also need to provide proof of your National Insurance Number as proof of right to work. This could be your National Insurance Card, P60 or P45 or an original letter confirming National Insurance Number.