



Discrimination Law Association

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5th September 2006

Lord Falconer
Secretary of State for Constitutional Affairs
Selbourne House
54 Victoria Street
London SW1E 6QW

Dear Lord Falconer

I am writing in my capacity as a Board Member of the Discrimination Law Association, with regard to the appointment of Mr Justice Elias as President of the Employment Appeal Tribunal.

The Discrimination Law Association is a membership organisation that was established to promote good community relations in the field of anti-discrimination law and practice. With this in mind, the Discrimination Law Association seeks to secure improvements in discrimination law and practice in the United Kingdom, Europe and at an international level. Our membership is made up of around 400 individuals and membership organisations including lawyers, legal advisers, academics, trade unions and others engaged in or interested in discrimination law.

We have a particular interest in encouraging the Courts to adopt the policies and practices that promote equality and diversity within the judiciary. We believe it is important that a body, such as the EAT adopts and is seen to adopt best practice in the promotion of equality of opportunity. With this in mind, we would be grateful if you could provide us with the following relevant information in relation to Mr Justice Elias' appointment as President:

1. Details of the recruitment procedure that was adopted.
2. The selection criteria for appointment to the post including details of when it was devised or agreed and by whom; whether it was put in writing and, if so when; whether it was mandatory that applicants should comply with the said criterion or simply a factor taken into consideration.
3. The procedures for advertising the post and where and when advertisements appeared.

4. Details of all applications received for the post by reference to race, sex, disability, sexual orientation, religion, age, qualifications and previous experience.
5. Of the applications that were received please confirm which of these were shortlisted, and interviews held.
6. Please confirm whether Mr Justice Elias was interviewed for the post by the Commission for Judicial Appointments or any other panel. If so, please confirm the extent of any equal opportunities training received by each member of the panel.
7. Please identify any other person consulted in any way or advised of the decision to appoint or not to appoint interviewees or the appointee.
8. Please confirm how any Equal Opportunities Policy was applied in the appointment.

Please treat this letter as a request under the Freedom of Information Act 2000.

We hope that you accept that this request is not a criticism Mr Justice Elias' appointment per se but is an attempt to find out to what extent his appointment followed the principles of equality and diversity during the recruitment process.

We look forward to hearing from you in this regard.

Yours faithfully

Shah Qureshi
On behalf of the Discrimination Law Association