

Commissioner Diversity Work Shadowing Scheme

Introduction

Our work over the next few years will take place in a challenging constitutional, technical, economic and social climate. Our Law Commissioners are at the heart of this endeavour.

For the law to be effective and fair, it must be representative of the communities it covers. Therefore, we are keen to look to as broad and diverse a pool of talent as we possibly can to find our Commissioners of the future. The Law Commission is now offering its Diversity Work Shadowing Scheme to prospective Commissioners, who may not previously have considered a career at the Commission. The scheme aims to increase the diversity of the Commission's senior management, by giving candidates an opportunity to learn more about the role, helping them to decide whether they wish to take their interest further – be it now, or in the foreseeable future.

The scheme is specifically aimed at encouraging applications for the role of Law Commissioner from candidates belonging to traditionally under-represented groups at the Commission. This includes people who are:

- Women
- Ethnic minorities
- Socially or economically disadvantaged
- Those who consider themselves to have a disability under the Equality Act 2010

Candidates must be from one or more of the above groups. The intersectionality of candidates will be considered.

We will make every effort to make reasonable adjustments for participants who have a disability.

The Diversity Work Shadowing Scheme

Work shadowing spans a range of opportunities, from a shorter more focused discussion to a more comprehensive shadowing experience. We will discuss options with you following receipt of your application on the basis of your experience and professional background. There are no formal selection criteria, however, please check the eligibility requirements before applying. If there is high demand, we will prioritise applications from those with the most relevant skills and experience.

In particular, we seek to provide opportunities for individuals who have the skills, experience and interest in working at the Commission in the longer term. Those applying will need to consider that the work shadowing ought to be mutually beneficial.

Scheme eligibility

In order to be considered for Commissioner work shadowing, you must meet the Commissioner appointment criteria in section 1(2) of the Law Commissions Act 1965, which requires you to be the holder of a judicial office, or a person who has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, or a teacher of law in a university.

Diversity Work Shadowing Scheme FAQs

What may the scheme involve?

Work shadowing spans a range of opportunities, from a short, focused discussion, to a more comprehensive shadowing experience. Shadowing opportunities are short-term and tailored to the individual on the basis of your professional background and experience. We will discuss options with you following receipt of your application.

Is there any cost to me or my Chambers, firm or institution?

The Scheme is free of charge, but participants must cover their travel and subsistence costs.

I am not a British citizen; am I eligible to be considered for the Scheme and potential future appointment as a Commissioner?

Appointment as a Law Commissioner is open to British or Commonwealth citizens; British Dependent Territories citizens; British Nationals (overseas); British protected persons; European Economic Area (EEA) (including EU) nationals, and to certain non-EEA family members. You must have rights of residence in the UK.

When is the next likely appointment for Law Commissioner?

There are five Law Commissioners, but one, the Chair of the Commission, must be a High Court or Court of Appeal Judge. The appointments of the four other Commissioners expire as follows (although in some instances current post-holders may be reappointed so this is a guide only):

- Nicholas Paines KC, Public Law and the Law in Wales – October 2023
- Professor Sarah Green, Commercial and Common Law – December 2024
- Professor Penney Lewis, Criminal Law – December 2024
- Professor Nicholas Hopkins, Property, Family and Trust Law – September 2025

Where is the Law Commission based?

The Law Commission is based in central London and work shadowing placements will take place in these offices, where possible. Remote shadowing opportunities may also be available.

When can I expect to hear back from you?

Given the Law Commission is a relatively small organisation, we are only able to cater for a small number of work shadowing placements, so it is possible that it will take some time to arrange. However, we aim to respond to each application within 10 working days.

The Role of a Law Commissioner

Overview of the role of a Commissioner

The role of Commissioner is a unique opportunity to contribute to law reform to ensure that the law is fair, effective, accessible and satisfies the requirements of modern society and commerce. Reflecting the scale and pace of social, technological and economic change, our projects cover areas as diverse as: Automated Vehicles; Surrogacy; Smart Contracts and Digital Assets; Residential Leasehold; Online Communications; Immigration Rules; and Electronic Trade Documents. Proposals generated by these projects have the potential to provide practical benefits to individuals, businesses and society in general, as well as helping to ensure that the law of England and Wales is at the forefront of technological development.

Each Commissioner takes the lead on a number of projects and this accounts for a substantial amount of their time. In addition, Commissioners are expected to peer review the projects of other law reform teams across the Commission. Commissioners have a collective responsibility for ensuring that the Commission's reputation for its quality, impartiality and independence is maintained. Commissioners also play a key part in meeting with stakeholders – including Ministers, media, senior Government officials, judiciary, Parliamentarians and interest groups – to build project proposals and generate suggestions for future law reform work. Commissioners also sit on the Law Commission Board and are therefore expected to contribute towards strategic decisions affecting the organisation.

"I have greatly valued the opportunity to talk about law reform with a broad spectrum of people, from government, the judiciary, the professions, and those whose lives are directly affected by the proposals we make".

Professor Nick Hopkins, Law Commissioner, Property, Family and Trust Law

Skills of a Law Commissioner

Those considering becoming a Law Commissioner will need to demonstrate that they have excelled in their chosen field of law. You will be able to show an interest in law reform, with the ability to think creatively to resolve complex legal problems and to take reasoned decisions. You will have excellent oral and written communication skills and the ability to present complex ideas to a diverse range of audience, including members of the public.

Key characteristics of a Law Commissioner

- Commitment to the importance of delivering effective law reform.

- An open-minded approach with a willingness to think flexibly and consult widely before reaching firm conclusions.
- Awareness of the diverse needs and backgrounds of those affected by the work of the Commission and of colleagues and staff within the Commission.
- A desire to learn about and engage with Whitehall, Parliament, Ministers and a diverse range of stakeholders.
- A keen interest in leadership, both of people and the strategic direction of the organisation.

Conditions of appointment

The following is a brief overview of the terms of office, although the list is not exhaustive and is subject to change:

- Commissioners are appointed on a full-time basis.
- The appointment is made by the Lord Chancellor for an initial period of five years.
- Re-appointment may be considered for a further term of up to five years, subject to the discretion of the Lord Chancellor.
- The salary is currently £123,460.
- Annual leave, excluding public holidays, is 30 days per year.
- As the office of Commissioner is full-time, paid outside work may be undertaken only with the agreement of the Lord Chancellor.

The role of Commissioner is a demanding full-time position, however, we are keen to offer flexibility wherever possible, for example through competitive annual leave and elements of homeworking.

A week in the life of a Commissioner

A Commissioner doesn't spend all their time desk bound. The role is incredibly varied. The extract below details a week in the life of one of our Commissioners:

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	10	11	12	13	14
06					
07					
08					
09				Launch of new report	Attend Crime conference, speaking at 2pm
10					
11		Meet w NCA		Interview: BBC R4	
12					
13				Interview: The Times	
14	Meet DCMS Minister: Online Comms		Peer Review Meeting		
15					
16					
17				Stakeholder roundtable on report	
18					
19					

In any given week the Commissioner could be doing some or all of the following:

- Meeting Government ministers (or other politicians) to discuss a project and the Commission's recommendations.
- Liaising with senior judiciary.
- Meeting a range of stakeholders to understand how proposals would affect them.
- Attending, hosting and speaking at roundtables or conferences to engage with and explain our proposals to various interested parties.
- Taking part in media interviews for TV, radio and newspapers. This is especially important when launching a report but is also required during other times.
- Peer reviewing the Commission's work to ensure all published work is of the highest quality, protecting the reputation of the Commission.

Background to the Law Commission

The Law Commission was established in 1965 and is an independent arm's length body operating under the auspices of the Ministry of Justice. Our statutory function is to keep the law of England and Wales under review and to recommend reform where it is needed. The aim of the Commission is to ensure that the law is fair, modern, simple, and cost effective. We achieve this by conducting law reform projects looking at areas of law that are causing problems to individuals, businesses, the third sector or Government. We examine the law, consider options for reform in consultation with stakeholders and finally make recommendations to Government and Parliament.

We have produced more than 350 sets of law reform recommendations over more than 50 years; less than 10% of our reports have been rejected in that time and, more recently, only 3 reports have been rejected in the last 15 years. We tackle any area of law that is suitable for consideration by an independent body of legal policy experts. Our work ranges from the highly technical, such as the repeal of obsolete enactments and the streamlining of over-complicated law, to formulation of new legal approaches to high-profile social policy issues. Our projects generally address relatively broad and complex areas of law rather than narrow legal issues.

We employ, and work with, some of the best legal minds in the country and have an excellent track record of building consensus so that Government can have confidence that our recommendations can be implemented effectively.

The archetypal Law Commission end-products are our detailed law reform reports. Our reports are often accompanied by draft legislation and are backed up by impact assessments. We also have experience in providing advice to Government and in proposing draft regulation or non-legislative solutions, including official guidance and explanatory legal clarification, often for a non-legal audience. The Law Commission's expertise is not suitable for projects where the answer is required in weeks. Our commitment to thorough research and analysis, in-depth consultation and the Law Commissioners' detailed peer review of our law reform teams' work means our projects are likely to take in excess of twelve months.

The Commission has five statutory Commissioners. The Chair is a serving Court of Appeal

or High Court Judge. Each of the other four Commissioners is a leading legal expert and oversees a team of lawyers and researchers working in one of four teams: Criminal Law; Property, Family and Trust Law; Public Law and the Law in Wales; and Commercial and Common Law.

Consultation

The Commission is asked to consider some of the most challenging areas of the law. We have the capacity to work through the issues and understand the differing perspectives before we put forward recommendations for reform. The Commission is wedded to the principles of genuine public consultation with the widest possible audience. This enables thorough scrutiny of our proposals, which will often be developed or adjusted considering the contributions of stakeholders, both in the UK and overseas. Our approach invariably involves a significant amount of face-to-face engagement with expert individuals and representative bodies, as well as formal public consultation. This process is time consuming, but it leads to well-considered recommendations which can be demonstrated to be based on the best possible evidence. The consultation process gives the best possible opportunity for consensus to emerge.

Independence

One of the reasons the Government asks the Law Commission to undertake work is because we are independent. Our recommendations are based on a balanced analysis of options, and our view of the best way to reform the law. To demonstrate our independence, the Commission always publishes its conclusions at the end of a project, laying our final reports in Parliament. The Lord Chancellor has a duty to make an annual statement to Parliament about the implementation of Law Commission reports.

We are, however, responsible in the exercise of our independence. We are acutely aware of the need to put forward realistic and workable solutions. We are often able to frame terms of reference in a way which focuses our work within parameters avoiding controversies or the opening of issues where Government policy is fixed. We have developed Protocols with the UK and Welsh Governments which record that we will only undertake work where Government has a “serious intention” to take forward law reform in the area.

Staff

The Law Commission is a small organisation of approximately 70 staff, the majority of whom are legal experts, specialising in an area of law. Each team is led by a Commissioner and a Legal Team Manager, overseeing several lawyers and research assistants. Our staff have policy, legislative and legal expertise, which results in our recommendations demonstrating not just strong legal analysis but also a deep understanding of policy development and the mechanics of changing the law, and experience of what will work in practice. We bring in external expert lawyers where necessary for specialist projects where we do not already have suitable staff. We also have in-house Parliamentary Counsel (legislative drafters) who not only draft any legislation accompanying the project but also offer advice as to the legislative workability of our proposals from the outset of the project. We also employ an economist who ensures that the costs and benefits recommendations are accurately and robustly assessed through the provision of accompanying Economic Impact Assessments.

There is a small Corporate Services Team, providing communications, HR, finance and diversity and inclusion advice.

Budget

The Law Commission receives all of its funding from the Ministry of Justice – approximately £4.5m per year. This model replaced a previous model in which the Commission had to rely on income generation from Whitehall Departments to supplement its core funding from the Ministry of Justice. The new model, introduced in 2020, represents an improvement upon the current arrangements. It steers a balance between protecting the Law Commission's independence and the day-to-day practicalities of supporting an effective law reform agency.