

Law Commission Diversity Work Shadowing Scheme

Introduction

It might be a statement of the obvious but our work, over the next few years, will take place in a challenging constitutional, technical, economic and social climate. Law Commissioners will be at the heart of this endeavour.

For the law to be respected, it must be representative of the communities it covers. We are therefore anxious 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 therefore offering this scheme to those who may not previously have considered a career as a Law Commissioner. It will give candidates an opportunity to experience the role, helping them to decide whether they wish to take their interest further – whether now or in the future.

“I saw the advert and thought that’s a fantastic job for someone. I would never have thought of applying myself until someone suggested I should think about doing so.”
Professor Nick Hopkins, Law Commissioner, Property, Family and Trust Law

This scheme is specifically aimed at encouraging applications for the role of Law Commissioner from those from under-represented groups at the Commission, which at present, includes:

- Women.
- Black, Asian and Minority Ethnic (BAME).
- Socially or economically disadvantaged.
- Those who consider themselves to have a disability within the meaning of the Equality Act 2010.

Candidates must therefore be from one or more of the above groups.

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

Eligibility

In order to be considered for appointment as a Law Commissioner, you must meet the 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.

Background to the 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 is not really 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 Law; and Commercial and Common Law.

Role of a Commissioner

The role of Commissioner is a unique opportunity to contribute to law reform and to meet the need for good law which is fair and accessible and which 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; Residential Leasehold; Online Communications; Immigration Rules; and, Search Warrants. 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 also 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

More detail is available on our website at www.lawcom.gov.uk.

Skills and experience

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.

Conditions of appointment

The following is a brief overview of the terms of office, although they are not exhaustive and are 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.
- Commissioners will be expected to spend a majority of their time at the Commission's offices in Central London.
- 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 home-working.

The Scheme

Eligible legal practitioners can spend a day observing the work of any of the four Law Commissioners. The day will focus on their leadership of projects, engagement with stakeholders and peer reviewing the projects of other Law Commissioners. Attendance at a Law Commission Peer Review meeting is encouraged.

All participants will need to complete an application. 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 a placement. There are no formal selection criteria but, if there is excessive demand, we will prioritise applications from those who, on paper, appear to have the most relevant experience and knowledge at this stage of their career. We will also take into account the next Commissioner vacancy and the skills likely to be needed for that position.

In the event of excessive demand, we will try to offer other opportunities to discuss our work with potential applicants, for example, informal one-to-one discussions with existing Commissioners.

FAQs

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):

- Stephen Lewis, Commercial and Common Law – December 2019
- Professor David Ormerod QC, Criminal Law – December 2019
- Professor Nicholas Hopkins, Property, Family and Trust Law – September 2020
- Nicholas Paines QC, Public Law and the Law in Wales – October 2023

We will therefore be seeking to appoint two new Commissioners to take up positions in early 2020, although the specific areas of law above are a guide only.

Where is the Law Commission based?

The Commission is based in central London and work-shadowing placements will take place in their offices there.

Although there is an expectation for those appointed as a Commissioner routinely to work in London, some element of home-working may be available.