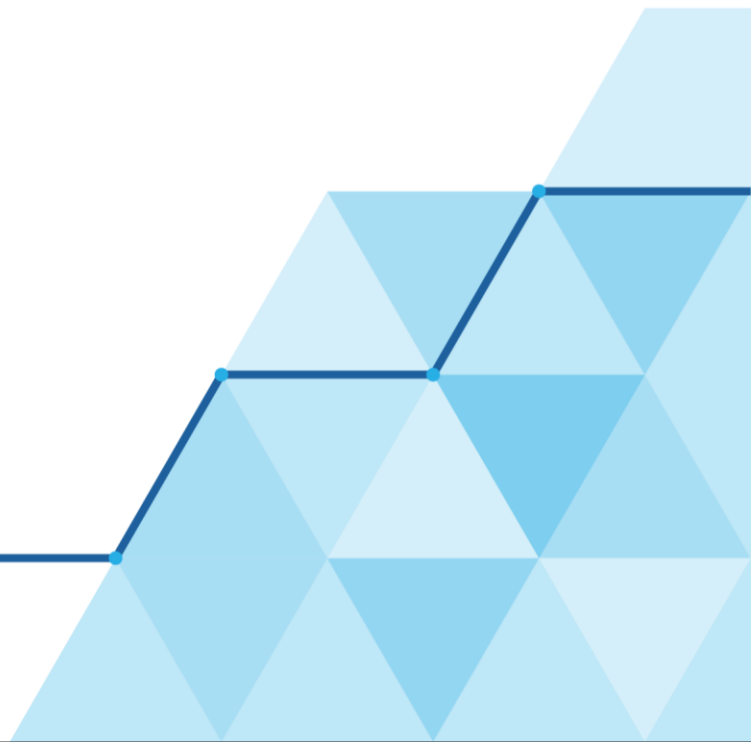




Ministry
of Justice

Ministry of Justice Evidence Pack: Judicial Pay 2023/24

21 February 2023



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1. Introduction

1. The Lord Chancellor has commissioned the Senior Salaries Review Body (SSRB) to undertake the 2023/24 judicial pay review.
2. This document constitutes the Ministry of Justice's (MoJ) evidence to the SSRB.
3. The purpose of this document is to:
 - a. provide evidence on the Government's key policy considerations in determining judicial pay for 2023/24.
 - b. set out strategic context.
 - c. explain the financial position of the MoJ and His Majesty's Courts and Tribunal Service (HMCTS), and
 - d. provide a summary of the policy and operational changes affecting the judiciary since the last review was undertaken.
4. This document, and the associated 'Core Data Pack' (Annex A), includes evidence for all salaried judicial office holders in the courts and tribunals of the United Kingdom for whom the Lord Chancellor sets the rate of remuneration. Information has also been included from the Northern Ireland Courts and Tribunals Service about the work of the judiciary in Northern Ireland (Annex B).
5. The MoJ has worked with Judicial Office, the Judicial Appointments Commission (JAC) and the judicial payroll administrator (Liberata) to ensure the best available data is used in this evidence. There is no single, comprehensive data source for the judiciary, and this results in differences in categorisation and collection criteria that lead to some discrepancies between data sets.

2. Background

6. Our UK judiciary is world-renowned because of its reputation for excellence, objectivity, and impartiality. Every day, judges take decisions which have a profound impact on people's lives: whether they are deciding care arrangements for vulnerable children, hearing serious criminal cases, giving citizens redress, or determining commercial cases of all scales. Our strong, independent judiciary is fundamental to maintaining the Rule of Law, the bedrock of our democracy, and has a key constitutional role as one of the three branches of the state.
7. The reputation of our judiciary also attracts international business to the UK, with foreign firms and individuals looking to our judges to hear their cases fairly and without favour. Legal services are a major contributor to the UK economy. The ONS approximates that the Gross Value Added to the UK economy of legal activities is around £29bn a year. Given the importance of a high-quality judiciary to our society and economy, it is vital that the very best talent from the legal professions is attracted to join the bench.

Organisational Structure

8. The courts structure operates throughout England and Wales and the tribunals system covers England, Wales and in some cases Northern Ireland and Scotland (some tribunals in Wales, Scotland and Northern Ireland are devolved). Salaried judicial office holders are typically assigned to a region, but some office holders are assigned nationally, or to more than one region. The MoJ do not publish data on the regional location of tribunal judges, who are organised by chamber.

Previous Reviews

9. In 2018, the SSRB's Major Review of the Judicial Salary Structure provided clear evidence of recruitment and retention problems within the judiciary, particularly in the High Court and Circuit Bench. The SSRB highlighted that changes to judicial pensions and pensions tax, and the period of public sector pay restraint following the banking crisis had made a judicial career less attractive in comparison to remaining in private practice. This is said to have led to some members of the judiciary feeling undervalued by Government.
10. In 2019, to address the recruitment issues raised in the Major Review, the Government committed to:
 - a. delivering a sustainable, long-term pension reform for the whole judiciary, which subject to successful passage of legislation, would lead to implementation of a new judicial pension scheme.
 - b. introducing a new Recruitment and Retention Allowance (RRA) to mitigate the most acute recruitment problems until a long-term solution was in place.
11. In 2020/21, the Government was able to implement all the SSRB's recommendations including:
 - a. a 2% pay award for all judicial office holders.
 - b. a new salary group placement for Upper Tribunal Judges and the Senior Masters.
 - c. introduction of a leadership allowance for Circuit Judges in leadership positions.

12. The SSRB recommended a 2% increase for 2020/21 on the basis that the Government would deliver on its commitment to implement pension reforms, and that without such reforms a more significant pay increase would be required.
13. In November 2020, the Chancellor of the Exchequer announced a public sector pay freeze for 2021/22, with the exception of the NHS, in response to the unprecedented economic pressures brought about by the Covid-19 pandemic. As a result of this, the MoJ did not commission the SSRB to provide recommendations on judicial pay for 2021/22. The MoJ's evidence gave an update on the implementation of the SSRB's 2020/21 recommendations and further information on recruitment and retention in the judiciary.
14. The last review of judicial pay was undertaken by the SSRB for the 2022/23 pay year. As result of the 2021 Spending Review, the MoJ gave evidence that a 2% pay increase to all judicial office holders was affordable. However due to recurrent recruitment challenges in the Circuit and District Bench as well as inflationary pressures, the SSRB recommended a flat rate increase of 3.5%. Having carefully considered the SSRB's recommendation, the Lord Chancellor awarded a 3% increase taking into account affordability and comparable senior workforces in public service.

Judicial Attitudes Survey

15. The Judicial Attitudes Survey is designed, administered and analysed for the Judiciary by Professor Cheryl Thomas, Co-Director of the University College London Judicial Institute. The most recent published report (February 2021) draws on survey data from 2020. The results from this survey showed an increase across all judicial posts in the proportion of judges who feel that they are paid a reasonable salary for the work they do. A majority or close to a majority of judges in all judicial posts, with the exception of Circuit Judges and District Judges, said they were paid a reasonable salary for the work they did. There was a significant difference in the response from First Tier Tribunal Judges and District Judges to this question, both in Salary Group 7.
16. The survey also showed that two-thirds of all salaried judges feel that their pay and pension entitlement combined does not adequately reflect the work they have done and will do before retirement; this is an improvement since 2016 and predates the implementation of the reformed judicial pension scheme (JPS2022).
17. The results of the next Judicial Attitudes Survey are due to be published in early 2023. This will include fee-paid judges for the first time.

3. Strategic Context

18. This section sets out the impact of recent and ongoing reforms on the courts and tribunals system and the role of judicial office holders.

Court Recovery

19. The enormous efforts of the judiciary and courts staff kept justice moving during an unprecedented pandemic. The MoJ are continuing to support court recovery, working with all our justice partners to drive down the backlog and ensure victims see justice served sooner.
20. During the pandemic, the outstanding caseload in the Crown Court reached a high of around 60,400 cases in June 2021. The MoJ were able to reduce it to around 57,300 by the end of March 2022. Since March there has been an increase in the outstanding caseload, partly as a result of the disruptive action carried out by the Criminal Bar Association (CBA); at the end of October, it stood at 62,100 cases (HMCTS MI).
21. Following the end of the CBA action the criminal courts are returning to sitting as normal, and the MoJ are working closely with partners across the criminal justice system to drive down the backlog and ensure victims see justice sooner. Judicial capacity is now the key constraint in the Crown Court.
22. A range of actions are being undertaken to reduce the backlog in the criminal courts. The limit on sitting days in the Crown Court has been removed for the second year in a row, 30 Nightingale courtrooms have been extended beyond the end of March 2022 (each courtroom with a different extension timeline depending on their contract) and opened two new 'super courtrooms' in Manchester and Loughborough. The MoJ have also extended Magistrates' Court sentencing powers from 6 to 12 months of single triable 'either way' offences. Improving productivity across the system remains an important shared interest and forms part of our strategy for court recovery. The MoJ continue to work with the judiciary to identify opportunities to increase the efficiency of court operations.
23. In the Magistrates' courts, the criminal caseload has fallen from 445,000 in July 2020 to 367,700 in October 2022.
24. In the family court, the MoJ sat to its highest ever level in 2021 – just under 56,000 days in public law and just under 83,000 days in private law. This is 2% higher than the MoJ sat in 2020 for public law and 16% higher than the MoJ sat in 2020 for private law.
25. In March 2021 the MoJ launched a Family Mediation Voucher Scheme for those seeking to resolve private law matters relating to a child. The scheme has proven popular and had its funding extended several times with just under £8.7 million invested in 2022/23. As of 3 June 2022, over 8,400 vouchers have been issued.
26. Due to recruitment shortfalls in the Circuit and District Bench, the MoJ has taken action to help increase capacity in areas where the backlog is the greatest. In July the MoJ introduced a Virtual Region pilot scheme in London and the South East. This allows

Deputy District Judges from outside these regions to sit virtually in London and the South East so as many cases as possible can be heard.

27. In the civil courts the MoJ have made greater use of fee-paid judges by lifting the number of days that fee-paid judges can sit and have rolled out technology to allow hearings to take place remotely.
28. The tribunals responded quickly to the challenges presented by the pandemic. In the Immigration and Asylum Chamber the MoJ have reduced the caseload from its peak following the pandemic and are working closely with the Home Office to ensure this continues. The caseload in the employment tribunal has reduced from its pandemic peak of 51,700 in February 2021 to 50,100 in October 2022 (HMCTS MI).
29. Annex C provides information on the number of cases received and disposed in the tribunals, Magistrates' courts, Crown Court and family courts.

Condition of the court and tribunal estate

30. Senior judges believe that the condition of our buildings acts as a deterrent to recruitment. The 2020 Judicial Attitudes Survey found that 47% of judges rated the maintenance of their building as poor, an increase of 4% from 2016. Conversely every other specific measure about each specific working condition has improved (or is less poor). Only 16% consider the physical quality of the building to be poor (15% down on 2016).
31. In recent years, HMCTS has substantially increased the amount it is spending on the maintenance of the courts and tribunal estate and will continue to maximise this acknowledging budgetary constraints. Over £250m was spent in aggregate over 2020/21 and 2021/22, more than double the £110m that was spent in aggregate over the two preceding financial years. This has included additional spending on décor, fixtures and fittings which directly improve the working environment for judicial office holders, as well as on structural works and heavy maintenance of plant and equipment. The MoJ know that the condition and appearance of our buildings is an important issue for judicial office holders, and they will have noted and benefited from this significant investment in our estate.
32. The MoJ have a planned pipeline of future works to improve the resilience and quality of the court estate, and this is kept under regular review. Spending is prioritised to ensure that buildings are safe, secure, meet statutory requirements and protect continuity of service. The MoJ will continue to work closely with local judiciary and operational colleagues to identify and address the areas of the highest maintenance priority.

HMCTS Reform

33. In 2016, the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals released a joint statement regarding the future of HMCTS, announcing an investment of over £1.3 billion in the courts and tribunals system. Court reform has introduced new technology and modern ways of working to the justice system, for the benefit of everyone who uses it.
34. For the judiciary, reform means operating in a modernised court system, using updated and upgraded IT systems, and with revised procedures to ensure judges have the time to

conduct the key role of hearing cases, rather than seeing to administrative tasks or dealing with cases that need not be before them. Eight new services have already been delivered, and the remainder are expected to come live throughout 2023 and so judges will begin to see these benefits. (These Digital services already in place are for Immigration and Asylum, Divorce, Probate, Civil Money Claims, Single Justice Procedure, Common Platform, Social Security, and Family Public Law.)

Judicial HR Support

35. Judicial HR resources have been increased to provide greater support to the senior judiciary, leadership judges and judicial office holders on a regional basis. For instance, strengthened strategy and policy capability, an increase in welfare support and diversity and inclusion resource and insightful planning of resources to shape the size, skills and capabilities of the judiciary.
36. Work is underway to ensure that all judicial office holders have clear and agreed job descriptions, ensuring consistency and clarity about expectations and responsibilities to support appraisals (for fee-paid judges) and career discussions (for salaried judges).

One Judiciary

37. The judiciary and the MoJ have a longstanding shared ambition to create 'One Judiciary'. The principal aim of 'One Judiciary' is to bring the courts and tribunals closer together to make better use of resources and to demonstrate that judges, whether they sit in courts or tribunals, are part of a single judicial family. The Lord Chancellor, Lord Chief Justice and Senior President of Tribunals issued a joint statement in July 2022 to reaffirm their commitment to One Judiciary. This statement included details of ongoing work in MoJ to create a unified leadership structure to bring both the courts and tribunals together under the Lord Chief Justice of England and Wales. The Senior President of Tribunals would continue, through delegated powers, to provide leadership for the tribunals, with a role which has the standing of a Head of Division. Chamber and Tribunal Presidents would continue to lead their respective jurisdictions. This change to the role of Senior President of Tribunals would require primary legislation.

Non-Legal Members in Tribunals

38. The SSRB's Major Review of the Judicial Salary Structure, published in 2018 recommended increasing the salary of Salaried (Regional) Medical Members sitting in the Social Entitlement Chamber by 20%. However, in line with usual practice, exclusively fee-paid Non-Legal Members (NLMs) were outside the scope of the SSRB's annual review. In response to the recommendation, the Government committed to review the remuneration for medical members through a wider review of NLM sitting fees.
39. Fees for NLMs have not been reviewed since 2008, before the tribunals were brought into a unified courts and tribunals service in 2010. While remuneration for salaried and fee-paid judges in the tribunals was aligned with the courts' judiciary, the fees paid to NLMs were not. As a result, in contrast to legal members of tribunals, there are a wide range of daily sitting fee rates paid to NLMs, from £201 for Employment Tribunal lay members to £522 for a medical member in the Mental Health Tribunal.
40. In February 2021 the Lord Chancellor commissioned the SSRB to undertake a review of fees for NLMs, of which the MoJ are awaiting the review's recommendations.

Additional Fees for Fee-Paid Judicial Office Holders in Tribunals

41. Additional fees are currently paid for activities undertaken by fee-paid judicial office holders – judges and tribunal non-legal members (NLMs) – beyond sitting and hearing a case. These fees include payments for activities including preparation, writing-up and travel time. Additional fees for fee-paid judicial office holders in tribunals have not been reviewed since the unification of the tribunals.
42. In order to bring greater consistency to the fee arrangements across courts and tribunals, in July 2022, the Lord Chancellor decided to begin a review of additional fees. The review sought to understand whether the current arrangements are fit for purpose, with an aim to have a consistent approach for remunerating fee-paid judicial office holders for non-sitting activities.
43. On 24 November 2022, the MoJ launched a consultation titled: ‘Additional Fees – the case for reform’ to seek the views of the judiciary on the options for reforming the additional fees system. The consultation is set to close on 10 January 2023. Subject to the results of the consultation and with the Lord Chancellor’s agreement implementation will commence in 2023.

4. Financial Context

44. On 17 November the Chancellor delivered the Autumn Statement in which he set out the significant economic challenges faced by a global economy still recovering from the economic impacts of COVID-19. Energy prices are increasing, driving higher inflation against a backdrop of higher levels of government debt and a significant gap is opening between the funds the government receives in revenue and its spending.
45. In this context, the Chancellor announced three priorities within the government's plan to ensure national debt falls as a proportion of the economy over the medium term: stability, growth, and public services. In order to meet these priorities, the Autumn Statement launched a Government-wide Efficiency and Savings Review in which individual departments are being asked to identify savings to manage pressures from higher inflation.
46. At SR21 the Ministry of Justice secured record levels of investment to aid recovery from the impacts of COVID-19 and meet the increased demand from the additional 20k police officers. However, in the current economic context, and as part of the Treasury's Efficiency and Savings Review, the department will have to carefully prioritise within that settlement if we are to continue to deliver vital public services in the context of rising inflation. The MoJ will conduct an allocations process following the ongoing Review to ensure funding is carefully targeted to continue to reduce reoffending, protect the public and ensure swift access to justice in a fiscally responsible manner.

Judicial Pay Costs

47. Judicial remuneration amounted to £603.4 million in 2021/22. The funding requirement rises to approximately £637.1 million in 2022/23 due to the changes in workload across a number of jurisdictions and the implemented pay increase. Of these judicial costs, 68% relate to salaried judiciary and the remaining 32% to fee-paid judiciary for specific sitting days and other commitments such as training and statement writing.
48. Judicial pay is met from the Consolidated Fund (in the case of Circuit Judges and above, and for the District Judge (Magistrates Court)) and the HMCTS budget (in other cases). All judicial remuneration is included in HMCTS accounts for reasons of transparency.
49. Table 1 below provides a breakdown of judicial pay costs for 2021/22.

Table 1: Total judicial pay costs for 2021/22

| | 2021-22 | | | |
|-------------------------------------------------|-----------------------------|----------------------------|---------------------|----------------|
| | Senior judiciary £000 | Other judiciary £000 | Fee paid £000 | Total £000 |
| Wages and salaries | 137,958 | 111,651 | 132,915 | 382,524 |
| Social security costs | 18,528 | 14,825 | 13,798 | 47,151 |
| Employer's pensions contribution | 68,704 | 56,403 | 48,657 | 173,764 |
| Total payroll costs of the judiciary | 225,190 | 182,879 | 195,370 | 603,439 |

5. Judicial Remuneration

50. This section provides a summary of the key elements of judicial remuneration, reward, and benefits.

Pay

51. The Lord Chancellor has the power, under the relevant legislation, to pay salaries to judges in England and Wales. There are a number of posts in Scotland and Northern Ireland where the Lord Chancellor sets the rate of remuneration. Judicial offices are assigned to a salary group in the judicial salary structure. A link to the judicial salary schedules can be found at Annex D.
52. The pay of those in the judicial remit group is not subject to incremental progression, and judges are paid at a spot rate determined by the salary group in which their judicial office is situated. No aspect of judicial pay or judges' overall remuneration package is performance related. A small number of judicial office holders receive a different salary to others in their salary group due to transitional arrangements or legacy pay arrangements (which cease once the individual judicial office holder leaves office).
53. Under statute, a judicial office holder cannot have their salary reduced¹. This makes it particularly important for any changes to judicial pay or salary groupings to be well-evidenced since they cannot subsequently be reversed.
54. Salaried judges are unique in public service in that they are unable to return to private practice after becoming judges. Entering salaried judicial office is, in effect, a 'one-way street'. Annex D provides a comparison with pre-appointment salaries.
55. Table 2 below provides details of previous pay awards from 2015/16.

Table 2: Level of annual judicial pay award from 2015/16 to 2022/23

| Year | Pay award |
|---------|-----------|
| 2022/23 | 3% |
| 2021/22 | 0% |
| 2020/21 | 2% |
| 2019/20 | 2% |
| 2018/19 | 2% |

¹ The statutory provision only applies to courts judiciary, but, for reasons of the constitutional importance of judicial independence, we equally apply this to the tribunal judiciary.

| | |
|---------|----|
| 2017/18 | 1% |
| 2016/17 | 1% |
| 2015/16 | 1% |

Allowances

56. The MoJ have recently legislated through the Public Sector Pensions and Judicial Offices Act 2022 to provide the Lord Chancellor with the power to determine allowances for all judicial office holders he has the power to determine salary and fees for.
57. With statutory pay protection of judicial salaries, allowances enable a more flexible way to reward judicial office holders. It is not possible within the current legal framework to pay an allowance for core judicial work, for example hearing cases, so allowances are used to recognise additional leadership responsibilities or address recruitment and retention issues. The allowances currently paid are:

London Weighting Allowance (LWA)

58. A London Weighting Allowance of £4000 per annum, made up of a £2000 salary lead and an additional London allowance of £2000 is paid to judges in salary groups 7 whose principal court or hearing centre is based in London.

Circuit Judge Leadership Allowance (CJLA)

59. The 2018 Major Review highlighted the issue of unremunerated leadership responsibilities amongst the judiciary. The majority of leadership roles are in a higher salary group than the judges they lead, this is to recognise the extra leadership component of the role. In the courts however, there are key leadership posts of Designated Family Judge, Designated Civil Judge, Resident Judge and Senior Judge in the Court of Protection.
60. These posts are sometimes held by a Senior Circuit Judge and where that is the case, are rewarded through salary. Frequently, this post is held by a Circuit Judge, providing leadership to a court or region, and this work was carried out without any further reward. The SSRB recommended in their 2020/21 annual report that a leadership allowance should be introduced to reward judges who take on these vital local leadership roles. The allowance is taxable but non-pensionable and is payable for as long as the role is being conducted. The allowance set at 4% of the salary was introduced in October 2020.

Temporary Responsibility Allowance (TRA)

61. On October 2022 the Lord Chancellor decided to implement a Temporary Responsibility Allowance (TRA). This was in response to the need to be able to provide a consistent approach for additional remuneration to judges who cover leadership posts in a higher salary group on a temporary basis. The allowance is available for 3-12 months to facilitate cover for circumstances such as vacancy, long term sickness; cover for maternity or parental leave, as well as while a recruitment exercise is ongoing.
62. The allowance is paid at a level of 90% of the difference between the judges' current salary and the salary of the leadership post they are undertaking. TRA payments are

subject to deductions for tax and National Insurance and the payments are non-pensionable.

Judicial Pensions

63. Pensions form a significant part of the remuneration package for the judiciary. The Government's introduction of the Judicial Pension Scheme 2022 (JPS 2022) in April 2022 formed a major part of addressing recruitment issues in the judiciary by making judicial careers more attractive.
64. All judges, salaried and fee-paid, were moved into this scheme, and all other legacy schemes - the Judicial Pension Scheme 2015 (JPS) and the Judicial Pension Scheme 1993 (JUPRA) - were closed for future accrual. From 1 April 2022 this is the only judicial pension scheme that is open. Any benefits accrued in the previous schemes are frozen, but a final salary link of accrued benefits remains. Whatever pension judges may have accrued in JUPRA, Fee-Paid Judicial Pension Scheme or JPS stays in that old scheme (subject to the *McCloud* remedy if a judge is eligible for this) so when they retire as a judge, they may have a combination of judicial pensions from two, three or four different schemes.

The Reformed Scheme (Judicial Pension Scheme 2022)

65. In the MoJ's response to the SSRB's 2018 Major Review, it was indicated that the judicial pension scheme would be reformed. As a result, the MoJ implemented the reformed Judicial Pension Scheme 2022 (JPS 2022), which provides significant improvements on the previous scheme. There are currently 6256 members of JPS 2022.
66. The judiciary have a unique constitutional role. After taking up office, salaried judges cannot return to private practice. Therefore, the value of their pensions is of particular significance. The JPS 2022 offers a long-term solution to the recruitment and retention issues by providing a remuneration package which is both fair to the taxpayer and attractive to potential candidates for judicial office.
67. The JPS 2022's key features are more generous for judges than the 2015 Judicial Pension Scheme, balancing the need to be fair with the need to be affordable in the long term. It has the following features:
- a. Tax-unregistered, where pensions accrued will not count either towards annual or lifetime allowances.
 - b. No service cap, where, unlike some previous schemes, there is no 20-year service cap for members.
 - c. Defined benefit, career average scheme.
 - d. Annual accrual rate of 2.5% of pensionable earnings.
 - e. A uniform contribution rate of 4.26% of pensionable earnings.
 - f. Linked to the state pension age.
68. Table 3 below shows how JPS 2022 compares to the previous judicial pension schemes.

Table 3: Comparison of JPS 2022 to previous judicial pension scheme

| | Fee-Paid Judicial Pension Scheme FPJPS | Judicial Pensions and Retirement Act 1993 Scheme JUPRA | New Judicial Pension Scheme 2015 NJPS or JPS 15 | Judicial Pension Scheme 2022 JPS 2022 |
|---------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------|
| Membership | Fee-paid judges | Salaried judges | Salaried & fee-paid | Salaried & fee-paid |
| Defined benefit category | Final salary | Final salary | Career-average | Career-average |
| Service cap | 20-year reckonable service cap | | No cap | No cap |
| Tax status | Unregistered | Unregistered | Registered | Unregistered |

69. JPS 2022 returned judges to a tax-unregistered pension scheme, which is the position they were in in JUPRA. This means that benefits accrued under the scheme will not count towards either the individual's annual allowance or the lifetime allowance. This particularly benefits judges who were subject to annual allowance charges or those who were near or reached their lifetime allowance².
70. Member contributions in a tax-unregistered scheme do not receive tax relief. Therefore, the contribution rate in JPS 2022 has been set at a lower rate, to ensure members pay roughly the same contribution rates to the scheme, net of tax, compared to NJPS. The contribution rate for JPS 2022 is a uniform contribution rate of 4.26%. This is different from JUPRA, FPJPS and NJPS which have tiered contribution rates where what a member pays depends on how much they earn.
71. Recognising that the uniform contribution rate would result in salary group 7 judges taking a reduction in take home pay, the MoJ gave members of JPS 2022 the option to make reduced contributions (3%) to the scheme in return for a commensurate reduction in the accrual rate (2.42% rather than 2.5%). Members were given until 30th June 2022 to exercise this election. This option will last for a fixed period of three years, after which judges who have taken the option will move to the uniform contribution rate. Providing this option allowed judges to adjust to the new contribution rate, particularly where some members would see an initial reduction in their take home pay when they moved to JPS 2022.
72. The number of judges who chose a lower contribution rate is 503, of which 284 were salaried.

² The current annual allowance limit is £40,000, or lower for higher earners, and the lifetime allowance limit is £1,073,100.

73. The Government Actuary's Department (GAD) estimate (using assumptions used for the 2016 valuation) the cost of JPS 2022 to be 37.2% of judicial payroll in terms of employer contributions in 2024/25. Based on a projected payroll of £380 million per year, this would equate to £141m per year. The new scheme costs £35 million more than if judges had remained in NJPS. This is a sizeable investment in the judiciary and the costs will be borne by the MoJ.³
74. JPS 2022 will benefit judges from every salary group. As Salary Group 7 judges' take-home pay, in particular, was potentially impacted by the move to a uniform contribution rate (set out in para 65) examples a. and b. demonstrate the difference in benefits from making such a choice. However, the option to take the lower contribution rate was open to every salary group.
- a. Based on 2022/23 salaries and for the lower JPS22 contribution and accrual option for the first three years, as described in the scheme guide, a District Judge (Salary Group 7), working for 20 years, would have an annual pension of just over £37,000 if they were to stay in NJPS for that time. By comparison, their annual pension under JPS 2022, would be just under £59,000 if they were to stay in the scheme for that time.
 - b. Based on 2022/23 salaries and standard contribution/accrual option, a District Judge (Salary Group 7), working for 20 years, would have an annual pension of just over £37,000 if they were to stay in NJPS for that time. By comparison, their annual pension under JPS 2022, would be just over £59,000 if they were to stay in the scheme for that time.
 - c. Based on 2022/23 salaries, a Circuit Judge (Salary Group 5.2), working for 15 years, would have an annual pension of just over £31,000 if they were to stay in NJPS for that time. By comparison, their annual pension under JPS 2022, would be over £55,000 if they were to stay in the scheme for that time.
 - d. Based on 2022/23 salaries, a High Court Judge (Salary Group 4), working for 15 years, would have an annual pension of just around £25,000 if they were to stay in NJPS for that time. By comparison, their annual pension under JPS 2022, would be just over £74,000 if they were to stay in the scheme for that time.
75. The MoJ undertook a pro-active communication campaign with the judiciary, including webinars and newsletters, to ensure that the benefits of JPS 2022 were widely known. We also provided materials to the Judicial Appointments Commission, and its equivalents in the devolved administrations to support recruitment campaigns going forward.

Response to McCloud judgment

76. In the *McCloud* case the Court of Appeal held, in December 2018, that transitional protections provided to older judges as part of the 2015 judicial pension reforms constituted unlawful direct age discrimination.

³ The estimate that the cost of JPS 2022 will be £35m (9.3%) per annum higher than the annual cost of NJPS refers to *only* the cost of JPS 2022 benefits for currently serving judges in 2024/25. The 'true' employer contribution rate will be higher, as it would also include McCloud and O'Brien costs relating to pre-2022 service.

77. Since that decision in the *McCloud* litigation, the MoJ have been working with HMT to address discrimination for those affected by the Court of Appeal's judgment.
78. Judges in scope of the *McCloud* remedy will be given the choice of returning to their legacy pension scheme (JUPRA or FPJPS) for the remedy period from 1 April 2015 to 31 March 2022 or remaining in JPS15. It is expected that an options exercise will run during 2023.

Other expenses and benefits

79. Judges are entitled to travel and subsistence costs for travel relating to official judicial business. Where an overnight stay is necessary, judges can claim for the cost of a hotel, as well as a subsistence allowance and a small amount for personal incidental expenditure. The hotel rates were changed in November 2022 due to Judges reporting difficulties in sometimes securing suitable accommodation in rate due to local market pressures. Alongside other changes made in the policy regarding making hotel bookings, judges can claim hotel rates up to those available to MPs.
80. Salaried judges are entitled to reimbursement of relocation costs where they have relocated beyond reasonable travelling distance due to business need or transfer to another Circuit. Judges whose new location is within daily travelling distance may be entitled to an excess fares allowance.
81. Judicial Lodgings are provided for use by the senior judiciary, principally High Court Judges and the Court of Appeal, when sitting on Circuit. Judges staying at Judicial Lodgings are also entitled to a weekly lodgings allowance designed to cover meals and housekeeping.
82. Judicial office holders are entitled to maternity, paternity and shared parental or adoption leave, compassionate leave, sick leave, and free eyecare vouchers. Judges have access to a cycle to work scheme, salary-sacrifice childcare vouchers, official stationery, and are entitled to receive court dress on appointment.

6. Recruitment and Retention

83. In order to ensure the effective administration of justice it is essential that the MoJ are able to attract and retain the individuals with the right level of knowledge, skills, and experience to take up a judicial career.

Recruitment

84. The MoJ continue to closely monitor recruitment into, and retention of, the judiciary. At the time of the last Major Review, the positions of most concern were in the High Court and on the Circuit Bench. The last High Court exercise run in the 2021/2022 recruitment programme met the advertised vacancy request and the High Court is now (as of November 2022) at its statutory headcount of 108. However, given the very large business need, recruitment of Circuit Judges continues to be challenging with the last exercise (in the 2021/2022 recruitment programme) having a larger percentage shortfall (20%) against the advertised number of vacancies than the previous two exercises.
85. Collaboration between the MoJ, the judiciary and the JAC to address recruitment shortfalls has produced positive results for some types of judicial office. This includes a greater focus on a regular rolling programme of recruitment exercises for the key offices. This includes ensuring that the pool of fee-paid offices, where significant gaps had arisen as a result of limited recruitment undertaken for a few years before 2017, has been replenished. The MoJ have also improved supply and demand forecasting to better plan annual recruitment programmes. These plans are structured to accommodate regular recruitment for the key high-volume exercises on an 12/18/24 month basis, still allowing for recruitment to key leadership posts as they arise. Communication of the regular recruitment allows prospective candidates to plan for their applications and for the jurisdictions to understand when 'replacement' judges will be recruited. Spacing out recruitment of salaried/fee-paid offices more systematically improves assessment of future recruitment needs.
86. In its 2022 report, the SSRB highlighted concerns about a recruitment shortfall on the District Bench but did not make a specific recommendation for a different pay award for this group. This is because they considered that they would be unable to do so until further data on the recruitment position following the implementation of the pension changes is available.
87. Whilst it is too early to draw firm conclusions concerning any link between the new pension scheme and District Bench recruitment, recruitment of District Judges as part of the 2021/2022 recruitment programme (reported by JAC in 2022-23) remained a challenge, but with a shortfall of 33% which was smaller than the previous three DJ exercises. Therefore, it would again be helpful for the SSRB to provide any observations on the extent to which the particular recruitment and retention problems apply solely to the salaried District Bench. It would also be helpful to understand what is driving these recruitment issues.
88. Table 4 below shows the District Judge recruitment exercises run since 2017.

Table 4: District Judge (DJ) recruitment exercises run since 2017

| Reporting year | Vacancies (s87 & s94) | Applications | Total selections (s87 & s94) | Shortfall against vacancies |
|----------------|-----------------------|--------------|------------------------------|-----------------------------|
| 2017-18 | 100.5 | 271 | 96 | 5 |
| 2018-19 | - | - | - | - |
| 2019-20 | 110 | 190 | 47 | 63 |
| 2020-21 | 75 | 141 | 24 | 51 |
| 2021-22 | 106 | 249 | 57 | 49 |
| 2022-23 | 100 | 247 | 67 | 33 |

89. The recruitment and retention of the highest calibre of judicial office holders is essential for the continuing excellence of the UK legal sector and our well-respected justice system. Salaried judges are the backbone of our judiciary, supported by fee-paid judges who provide vital flexibility, specialist expertise and a talent pipeline for the future. The recruitment pool for the judiciary is made up of an expert, and often highly paid, group of individuals. To attract these individuals to take up salaried office it is essential to offer an attractive remuneration package, good working conditions, attractive terms and conditions, and a manageable workload. The pay proposals set out in this evidence pack aim to boost the attractiveness of a career as a salaried member of the judiciary. The Judicial Attitudes Survey, conducted in July 2022 and expected for publication in early 2023, included some questions for fee-paid judges on their intentions to apply for salaried office and the factors that influence that decision. The MoJ will be carefully considering the results of the survey alongside wider work in the department to look at all the existing incentives and disincentives around applying for salaried office, to understand where the MoJ can influence these.
90. Since our last evidence was submitted to the SSRB, the MoJ have implemented several policies that aim to increase the attractiveness of salaried judicial office. The new Judicial Pension Scheme 2022 (discussed in detail at page 12 of this evidence pack) improves the remuneration package for judges. The increase (from March 2022) to the judicial mandatory retirement age from 70 to 75 should aid retention of the judiciary whilst at the same time making a career in the judiciary more attractive to legal professionals in the later stages of their careers.
91. A high volume of judicial recruitment has continued since 2019/20, with the 2020/21 programme for 1,100 vacancies and the Lord Chancellor approved the current 2022/23 judicial recruitment programme for up to 1,100 vacancies. Recruitment was constrained in period 2014 to 2018, when fee-paid judges were not recruited. The higher volumes since

2018 reflect the initial focus on replenishing the pool of fee-paid judges, and then to mitigate for shortfalls in previous exercises and to reflect changes in business demand (as case receipts rose, for example, in criminal courts and employment tribunals).

92. Table 5 below shows number of exercises reporting in a year compared to total selections

Table 5: Number of exercises reporting in a year compared to total selections

| | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|----------------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Number of exercises reporting in year | 35 | 30 | 22 | 26 | 28 | 23 | 35 | 35 | 31 |
| Total selections made in year | 806 | 312 | 340 | 290 | 749 | 1031 | 979 | 869 | 1244 |

93. The annual recruitment programme is determined with reference to the supply and demand model that enables us to consider judicial recruitment needs over the coming years. The modelling takes account of trends in judicial departures (retirements, promotions and other exits) and changes to demand (as measured by sitting days) arising from the court reform programme and other government departments' known policy changes, which result in new criminal offences or the prospect of administrative appeals against decisions made by government departments or other public bodies. Recruitment planning needs to remain dynamic to react to significant changes, such as impacts of Covid and the strike action in 2022 by criminal barristers on backlogs in the Crown Court. HMCTS workforce planning also draws on jurisdictional and local intelligence to take account of geographical variations.

94. Despite the steps taken by all partners, delivering a recruitment programme of the scale of recent years has consequences for the length of time it takes from vacancies arising / recruitment approval to judges commencing sitting. This is a result of a) large volume exercises having an end-to-end timeline of up to a year, including matching candidates to geographical jurisdictions and for undertaking required induction training and sitting-in; and b) scheduling exercises to efficiently use the JAC's and JO's resources. The accompanying Core Data Pack (Annex A) contains the available detailed data on recruitment, with additional information being provided directly by the JAC in their evidence.

Retention

95. Judicial Office data shows that 62 salaried judicial office holders in England and Wales left the judiciary in 2021/22. Of these 95% were for the reason of retirement. The average age of retirement was 66 for salaried courts judges and 65 for salaried tribunals judges.
96. Further data on judicial retirements, including trends since 2016-17, is provided in the accompanying core data pack, this includes data on the movement between salary groupings, promotions, movement between fee-paid to salaried roles.

Mandatory Retirement Age

97. Unlike most occupations the judiciary is unusual in that there is a mandatory retirement age (MRA). Until recently, this was set at the age of 70 under the Judicial Pensions and Retirement Act 1993 and the Courts Act 2003, with the ability in certain circumstances for judges below the High Court to have their appointment extended annually up to a maximum of 75, with the agreement of the senior judiciary and the Lord Chancellor.
98. However, as of 10 March 2022 the Public Service Pensions and Judicial Offices Act 2022 raised the MRA to 75 across the judiciary (including Scotland and Northern Ireland). All judges who were in office on 10 March 2022 automatically benefitted from the increase to the MRA (though the increase in the MRA did not automatically extend the term of appointment of judges sitting in retirement (see further below)).
99. Given that most individuals leaving the judiciary do so for reasons of retirement, it is expected that increasing the MRA will retain judges for longer (our impact assessment has estimated an additional 400 judges, inclusive of fee-paid judicial office holders, and tribunal members could be retained per year) and may increase the attractiveness of judicial appointments (for example by enabling lawyers to apply for judicial positions later in their legal careers).
100. Concerns have been raised around the impacts on the diversity of the judiciary by extending the MRA, as office holders remaining longer in post might limit opportunities for progression for younger, more diverse, cohorts. These concerns were particularly expressed in relation to the effect on the diversity of the senior judiciary in the passage of legislation through parliament.
101. It is too early at this stage to assess the impact of the increased MRA on recruitment, retention and diversity as the latest statistics published were current as at 31 March 2022 – only 3 weeks after commencement of the new MRA. The MoJ have seen the effect of increased retention in the senior courts where for example, it was anticipated High Court and Court of Appeal retirements and the appointment in 2022 of two retired judges as Supreme Court Justices. A better assessment of the initial impact on retention will be able to be made upon publication of the 2023 Judicial Diversity Statistics as the new MRA will have been in effect for a year at the point the data is captured.

Sitting in Retirement

102. Sitting in retirement (SIR) is the policy that permits relevant judicial office holders to retire from judicial office, draw their judicial pension and where there is a business need, be appointed to a fee-paid office, without a JAC competition. This then allows them to draw their judicial pension whilst continuing to sit as a fee-paid judge.

103. Previously, this policy was only available to salaried judges. The MoJ accepted this constituted unjustified discriminatory treatment under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (PTWR), which was corrected by the Public Service Pensions and Judicial Offices Act 2022 which provided for new 'sitting in retirement' offices as well as a new appointment power to these offices which expressly permits an appointment to sit in retirement be made where "*it appears to the appointing authority that it is expedient to make the appointment to facilitate the disposal of business in any court or tribunal to which a person appointed to the office in question may be deployed*". This in essence means that appointments may only be made where there is a business need to do so.
104. Both the relevant provisions of the Public Service Pensions and Judicial Offices Act 2022 together with the regulations to determine eligibility came into effect on 1 October 2022. A new non-statutory policy covers assessment of business need, time limit for returning to sit in retirement and terms of appointment providing for a single two-year term, no guarantee of sitting days nor an expectation on a judge for minimum sitting days.
105. Most of the new sitting in retirement offices legislated for in the Public Service Pensions and Judicial Offices Act 2022 are eligible to accrue a judicial pension within the new Judicial Pension Scheme 2022 (JPS 2022). Schedule 2 to the Judicial Pensions Regulations 2022 provides for the sitting in retirement offices eligible to accrue a judicial pension in JPS 2022. The ability to draw pre-retirement pension is in line with the rules of the scheme in which the pension benefit was accrued.
106. The first applications for judges to sit in retirement under the new policy were being approved ready for them to sit in the new offices from 1 October. However, it is too early to tell what the impact will be of the changes on retention of salaried and fee-paid judges or to what extent it assists with increasing capacity by utilising previously retired judges in jurisdictions for which there is a capacity deficit. The 2023 Judicial Diversity Statistics will include numbers of SIR office holders.

7. Judicial Diversity

107. The Lord Chancellor and the Lord Chief Justice of England and Wales have a statutory duty to take steps as they consider appropriate for the purpose of promoting judicial diversity. The MoJ continues to work closely with the members of the Judicial Diversity Forum (JDF), which includes the judiciary, the JAC, the legal professions and the Legal Services Board. The Forum provides strategic direction in the areas of; challenging structural barriers to appointment; analysing and addressing the reasons behind differential progression; the gathering and use of data and evidence; resolving issues of common concern and the coordination of agreed activities aimed at encouraging greater judicial diversity.
108. 2022 was the third year that data from the judiciary, the JAC and the relevant legal professions (The Bar Council, The Law Society and CILEX) was brought together in a comprehensive statistical 'Diversity of the Judiciary' report which in 2022 again included detailed analysis of ethnicity and the intersection of diversity characteristics. The MoJ are currently working towards the 2023 statistical report which will include new data sets (judges in the new sitting in retirement offices, magistrates' applications and subject to sufficient declaration rates, disability data).
109. Although it is recognised that there is still much work to be done, 2021-22 was the first year in which over 50% of all new appointments to the judiciary were women. Other key points from the 2022 report:
- a. Gender: as of 1 April 2022, 35% of court judges and 52% of tribunal judges were women: 41% overall. The proportion of court judges who were women increased from 24% in 2014, an increase of 11 percentage points. The proportion of tribunal judges who were women increased by 9 points over the same time period.
 - b. Ethnicity: 14% of all new appointments in 2021-22 were from non-white groups. As of 1 April 2022, 10% of all judges (9% in Courts and 12% of tribunal judges were from ethnic minority groups. Between 2014 and 2022, the proportion of court judges, tribunal judges and non-legal members of tribunals from ethnic minority groups has increased by 3 percentage points in each group.
 - c. Age: the age profile of the judiciary reflects the fact that most join the bench after a successful legal career and 70% of judges in court and 69% of judges in tribunals are aged 50 or over.
110. Overall, on both gender and ethnicity, diversity in the tribunals is stronger than in the courts. Diversity in the senior courts has had much slower progress and the MoJ expect this may remain relatively static for the next few years due to impacts on retention from increasing the mandatory retirement age.
111. The MoJ continued to support the JDF's Pre-Application Judicial Education programme (PAJE), aimed at mid-career lawyers seeking initial information on a judicial career, with around 250 participants in 2022. The initial evidence from the 2022 PAJE evaluation⁴ is encouraging, with analysis of 430 candidates who had attended the course from 2019 and 2021 showing that:

⁴ Microsoft Word - Judicial Diversity Forum Priorities and Actions for 2023 (judicialappointments.gov.uk)

- a. PAJE participants who were ethnic minority candidates with a solicitor background (both male and female) were appointed at a higher rate than those with similar characteristics who had not attended PAJE over the last 3 years.
 - b. Overall, for all lawyer types, Asian and black PAJE participants have been shortlisted and appointed to judicial office at higher rates than those who did not attend PAJE over the last 3 years. Black PAJE participants are appointed at a rate more than double in comparison to the wider pool of black candidates over the last 3 years.
 - c. However, there was no discernible difference in the success rates overall of female PAJE participants and the comparator group.
112. The JDF's 2022 action plan, published in December 2021 included a wide range of actions JDF members have committed to delivering – both individually and collectively – to improve diversity in the judiciary. A second update to this action plan will be published in December 2022. In 2021, the MoJ committed to the following:
- a. Continue to fund and support the PAJE programme.
 - b. Continue to fund the JAC-led Targeted Outreach programme.
 - c. Continue to support the publication of data through the annual “Diversity of the Judiciary” statistics.
 - d. Review the process and barriers to appointment for other parts of the legal profession to ensure the MoJ broaden the pool of talent by:
 - e. Exploring fuller opportunities for solicitors and Chartered Legal Executives to gain court experience, including advocacy.
 - f. Working with the Chartered Institute of Legal Executives to explore the necessary steps for increasing CILEX's eligibility for a wider range of judicial roles.
 - g. Reviewing the process and the barriers to diverse lawyers entering the judiciary including from the Crown Prosecution Service and Government Legal Department lawyers.
 - h. Consider the findings of the JAC review into statutory consultation.

Salaried part-time working

113. In September 2021, the Lord Chancellor revised the Salaried Part-Time Working (SPTW) policy to support the provision of a more flexible working environment within the judiciary, and to support aims on improving diversity. The revised policy's objective is to further encourage and support applications from diverse existing salaried judicial office holders, with the intention of encouraging applications from those for whom a full-time working pattern is not conducive to their personal circumstances. It also aims to encourage applicants to work part-time but do not wish to apply for a fee-paid judicial role. The September 2021 revision removed an already suspended policy which prevented salaried part time judges from undertaking fee-paid roles on their non-working days.
114. The latest judicial diversity statistics (2022) report that 10% of salaried court judges work part time, with the highest figure for District Judges (Civil) at 17%. 34% of salaried tribunal judges work part time with the highest proportion among Employment Judges at 52%. Overall, across the judiciary 320 judges (17% of all salaried judges) worked a salaried part time arrangement on 1 April 2022, a slight reduction from 330 (18% of all salaried judges) the year before.
115. The MoJ will consider the findings of the 2022 Judicial Attitudes Survey for views about availability and importance of salaried part-time working. The 2020 JAS showed that tribunal judges attached more importance to the opportunity to work part time than court

judges and were much more positive about the availability of part-time working. 67% of Employment Judges placed high importance on working part-time and 95% of them considered there was high availability for working part-time. Of those court judges who responded, District Judges (Civil) were the largest group that placed high importance on working part-time (50%) and 48% of District Judges (Magistrates) considered that it was available to them. Women are better represented among the groups of judges attaching importance to availability of part time working than the average of the judiciary; 50% of tribunal judges, 45% of District Judges (Civil) and 38% of District Judges (Magistrates) are women.

8. Proposal for 2023/24

116. The Government proposes that pay for all judicial office holders should **increase by 3.5%** in 2023/24. The rationale for this is based on the following points.

Economic Evidence

117. As set out in HMT's economic evidence to PRBs, public sector earnings growth should retain broad parity with the private sector and continue to be affordable. Public sector pay growth which is significantly over that in the private sector could contribute to higher and more persistent inflation by placing pressure on other parts of the economy to demand higher wages. This may require the Bank of England to raise interest rates even further.

Macroeconomic Context

118. CPI inflation is forecast to have reached 11.1% in 2022 Q4, with the primary driver of above-target inflation continuing to be global energy price increases. These increases represent a terms-of-trade shock to the UK that has made us unavoidably worse-off, and the OBR are now forecasting that we are in a recession which is expected to last until 2023 Q3.
119. The OBR forecast that inflation has peaked and will now fall, averaging 5% over 2023/24 before turning negative in 2024/25. However, high inflation is the key problem facing the UK economy and public finances. Policy makers are taking several steps to address this:
- The Bank of England are increasing interest rates to bring domestically generated cost pressures - namely nominal wage growth - down to levels consistent with their 2% inflation target.
 - The government has set fiscal policy to provide more targeted support for vulnerable households, while ensuring that the public finances are on a sustainable path and contribute to macroeconomic stability – not pushing inflation higher in the short term, and that debt is falling as a share of GDP in the medium term.
120. Median private sector pay settlements, the best comparator to PRB decisions, were 3.5% in the last quarter of 2021/22 and 4% in the first quarter of 2022/23. Whilst the pay increase for the judiciary in 2022/23 was 3%, in addition the government had also delivered on the commitment to introduce a reformed pension scheme, which represented a significant increase in the overall remuneration package for the judiciary.
121. There is not a forecast for settlements in 2023/24. The most comparable figure is the OBR forecast for average earnings growth, which is expected to fall to 3.5% as the labour market loosens. Average earnings growth has historically been higher than settlements, for reasons set out in HMT's economic evidence.

Affordability

122. The MoJ's priority remains to balance the need to have a remuneration package which helps attract individuals with the right skills, knowledge and experience to take up, and

remain in, judicial office, with the need to ensure value for money for taxpayers and meet increasing demands on the justice system.

123. As set out in the Economic Context section of the Department's evidence, the current fiscal backdrop is challenging, both for the MoJ and wider Government. Following initial reprioritisation considerations, this proposal is affordable for the Department.
124. Through these reprioritisation decisions the Department has funding available for 23/24 pay awards of 3.5%. Pay awards above this level would require further trade-offs in the MoJ's budgets, efficiencies in delivery, wider trade-offs for public service delivery or risking the fight against inflation through further Government borrowing at a time when headroom against fiscal rules is historically low and sustainable public finances are vital.

Major Review

125. A Major Review of judicial pay usually takes place every 5 years. However, the MoJ understand the SSRB's concerns about starting a Major Review before a new judicial lead and permanent chair of the SSRB are appointed.
126. Since the last Major Review in 2018 in which the SSRB identified significant challenges at High Court, Circuit and District Bench level, the MoJ have delivered on major pension reforms with the successful introduction of the new judicial pension scheme this year. As a result, recruitment has been much stronger over the last few years, but the demands on the courts mean that the MoJ continue to face some shortfalls in the Circuit Bench and the District Bench, and the level of fee-paid judges applying for salaried office continues to be an issue. These areas are likely to be the focus of the next Major Review.

Implementation

127. The MoJ's proposed approach is to make an award at the same level for all judicial office holders. By not differentiating between judges, this demonstrates the value that the Government places on the work of all judges, regardless of their specific responsibilities or jurisdiction. This is consistent with the MoJ's longstanding approach to judicial pay and robust evidence and rationale is likely to be required to depart from this approach.

Proposal Costs

128. A 3.5% increase in judicial pay would cost £23m on budgeted 2022/23 payroll costs (this excludes further NI and Pension contribution adjustments).
129. Table 6 below shows the salaries for each salary group following a 3.5% increase.

Table 6: The impact of the Government's recommended 3.5% percentage increase on the 2023/24 judicial pay award

| Salary Group | 2022/23 Salaries (£) | % Change | 2023/24 Salaries (£) |
|--------------|----------------------|----------|----------------------|
| 1 | 275,534 | 3.5 | 285,178 |

| | | | |
|------------|---------|-----|---------|
| 1.1 | 246,034 | 3.5 | 254,645 |
| 2 | 237,639 | 3.5 | 245,956 |
| 3 | 225,978 | 3.5 | 233,887 |
| 4 | 198,459 | 3.5 | 205,405 |
| 5 | 159,163 | 3.5 | 164,734 |
| 5.1 | 153,285 | 3.5 | 158,650 |
| 5.2 | 147,388 | 3.5 | 152,547 |
| 6 | 138,759 | 3.5 | 143,616 |
| 7 | 118,237 | 3.5 | 122,375 |
| 8 | 93,954 | 3.5 | 97,242 |

Annex A: Core Judicial Data Pack

130. Attached below is the link to the core data pack produced in collaboration with Judicial Office to support our respective independent evidence to the SSRB.

Annex B: Northern Ireland evidence

131. Non-jury ('Diplock') cases continue to be heard in Northern Ireland and information on the number of cases can be found at Annex B, link attached below.
132. The non-jury trial provisions are in place until 31 July 2023 and a Government consultation is currently ongoing to consider whether to extend non-jury trial provisions in Northern Ireland for a further two years. The consultation closes to responses on 26 January 2023. NICTS recommends that the salary uplift for County Court Judges in Northern Ireland continues.

Annex C: Judicial workload

133. HMCTS publish a detailed breakdown of the number of cases received and disposed of in the courts and tribunals. The following tables have been provided only as an indicator of the context in which judges work, rather than a measure of their workload.

Table 1: Annual total number of receipts, disposals and caseload outstanding by tribunals overall, 2019 – 2022 (Source: Tribunals Statistics Quarterly)

| Financial Year | Receipts | Disposals | Outstanding caseload (as at 31 March) |
|----------------|----------|-----------|---------------------------------------|
| 2018/19 | 449,419 | 400,816 | 594,573 |
| 2019/20 | 395,160 | 378,629 | 595,278 |
| 2020/21 | 304,566 | 265,628 | 622,017 |
| 2021/22 | * | * | * |

*The overall total for 2021/22 is unavailable due to migration of some tribunals between systems. These tribunals are being migrated to new case management systems and will be made available as soon as possible. Figures from: [Tribunal Statistics Quarterly: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2022)

Table 2: Annual total number of receipts, disposals and outstanding criminal cases in the magistrates' courts in England and Wales, 2019 – 2022 (Source: Criminal Court Statistics Quarterly)

| Year | Receipts | Disposals | Outstanding (as at end of Q4 or Q2 for 2022) |
|------|-----------|-----------|----------------------------------------------|
| 2019 | 1,443,215 | 1,441,903 | 299,831 |
| 2020 | 1,125,417 | 1,040,931 | 383,018 |
| 2021 | 1,144,047 | 1,170,238 | 355,568 |

| | | | |
|-----------------------|---------|---------|---------|
| 2022 (Q1 and Q2 only) | 603,049 | 624,693 | 333,887 |
|-----------------------|---------|---------|---------|

Figures from: [Criminal court statistics quarterly: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2022)

Table 3: Annual total number of receipts, disposals and outstanding cases in the Crown Court in England and Wales, 2019 – 2020 (Source: Criminal Court Statistics Quarterly)

| Year | Receipts | Disposals | Outstanding (as at end of Q4 or Q2 for 2022) |
|-----------------|----------|-----------|----------------------------------------------|
| 2019 | 104,565 | 99,622 | 38,322 |
| 2020 | 96,970 | 78,187 | 57,145 |
| 2021 | 98,124 | 95,654 | 58,890 |
| 2022 (Q1 and 2) | 49,172 | 47,876 | 59,687 |

Figures from: [Criminal court statistics quarterly: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2022)

Table 4: Cases starting and concluding in family courts in England and Wales, annually 2019 – 2021 (Source: Family Court Statistics Quarterly)

| Year | Total cases started | Total cases disposed |
|------|---------------------|----------------------|
| 2019 | 266,090 | 234,509 |
| 2020 | 265,066 | 226,178 |
| 2021 | 265,648 | 250,350 |

| | | |
|--------------------|---------|---------|
| 2022 (Q1 and 2) | 137,636 | 107,469 |
|--------------------|---------|---------|

Figures from: [Family Court Statistics Quarterly: April to June 2022 - GOV.UK](https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2022)
(www.gov.uk)

Table 5: County court activity, England and Wales, annually 2019 - 2022

| <u>Year</u> | <u>Total claims</u> | <u>Claims defended*</u> | <u>Claims allocated to track</u> | <u>Claims gone to trial</u> |
|------------------------------------------------|---------------------|-------------------------|----------------------------------|-----------------------------|
| <u>2019</u> | <u>2,029,258</u> | <u>298,605</u> | <u>191,725</u> | <u>64,754</u> |
| <u>2020</u> | <u>1,296,188</u> | <u>250,087</u> | <u>147,285</u> | <u>45,200</u> |
| <u>2021</u> | <u>1,582,363</u> | <u>275,904</u> | <u>158,626</u> | <u>53,675</u> |
| <u>2022 (Q1, Q2 and Q3 and provisional Q2)</u> | <u>1,174,192</u> | <u>189,747</u> | <u>114,568</u> | <u>39,451</u> |

Figures from: [Civil justice statistics quarterly: April to June 2022 - GOV.UK](https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-april-to-june-2022) (www.gov.uk)

Annex D: Judicial Salary Schedules

134. Judicial Salaries for 2022/23 are detailed in the Judicial Salary Schedules:

<https://www.gov.uk/government/publications/judicial-salaries-and-fees-2022-to-2023>

OGL

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