

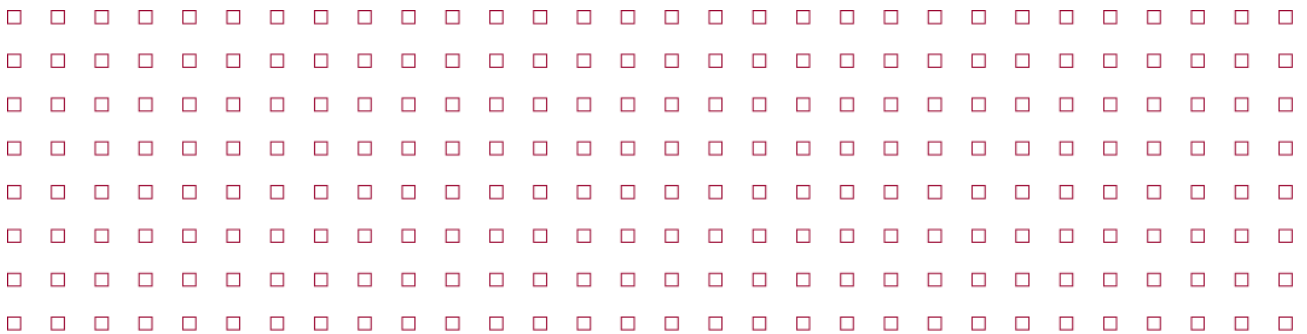


Ministry  
of Justice

# Senior Salaries Review Body

## Judiciary: Annual Written Evidence

October 2016





Ministry  
of Justice

## **Senior Salaries Review Body**

Judiciary: Annual Written Evidence

This information is also available at [www.gov.uk/moj](http://www.gov.uk/moj)

## Contents

Introduction	3
Proposals for 2017/18	11
The Remit Group	12
Pay and Reward Details	14
Retention and Outflow	19
Recruitment	21
Motivation and Morale	24
The Impact of Past Pay and Reward Decisions	25
Annex A: Appointments, Outflow and Judicial Remit Group Numbers as at 31 March 2016	26
Annex B: 2016/17 Judicial Salary Schedule	33
Annex C: Judicial Retirement Data	39
Annex D: Non-jury ('Diplock') cases (Northern Ireland)	43
Annex E: Judicial Pay Bill Northern Ireland (2015/16)	45

---



## Introduction

1. This document constitutes the Ministry of Justice's (MoJ) evidence submission to the Senior Salaries Review Body (SSRB) for its 2017/18 pay review for full-time and part-time salaried judicial office holders (the remit group) in the courts and tribunals of the United Kingdom.
2. This section provides a summary of the wider context of decisions informing judicial pay, including: information on the government's public sector pay policy; the financial position of the MoJ and Her Majesty's Courts and Tribunals Service (HMCTS); and details of policy and operational changes that have affected the work of the judiciary.
3. The government's preferred approach is to award a 1% increase in salary to all members of the remit group, as detailed further throughout this document.
4. If the SSRB feels that an alternative approach is required, the MoJ will consider such recommendations carefully.
5. This submission also incorporates information provided by the Northern Ireland Courts and Tribunals Service about the work of the judiciary in Northern Ireland.

## Strategic approach

6. The UK has the most open and trusted legal system in the world. This is why we are so often the first choice of legal venue for international litigators. Underpinning this system is our highly skilled judiciary with a reputation for excellence, incorruptibility, objectivity and independence. The judiciary fulfils a fundamental constitutional role as one of the three branches of the state; their security of tenure and appropriate remuneration is essential to the effective functioning of our justice system.
7. On 15 September 2016 the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals jointly announced plans to reform the justice system, taking forward the biggest transformation and the biggest investment in our courts and tribunals for a generation. The Lord Chancellor committed to Government investment of more than £700m to modernise courts and tribunals, and an additional £270m reserved for the Criminal Justice System.
8. This programme of reform will provide much needed investment to the courts' and tribunals' estate, and deliver new and modern ways of working for the judiciary by supplying upgraded I.T and revising procedures. Court and judicial time will be reserved for cases which require the full majesty of the court, and less time will be spent on cases that do not need to come to court. There will be far-reaching enhancements to technology in and out of courts and hearing rooms, improving public accessibility to, and efficiency of, the system itself. These reforms will also lead to a smaller but improved and properly maintained estate providing better value for the taxpayer. The proposed reforms will have a major impact on the work of judges. It will call for adaptability and a willingness to take full advantage of new technology.

## **The evolution of the judicial organisational structure and roles over the next 3-5 years**

9. Aspects of the way that the judiciary work will also change. The reform programme will look at developing proposals to modernise judicial terms and conditions, bolster judicial leadership and support judicial efforts in respect of career development. This will, for example, help to support the judiciary in strengthening the position of leadership judges and aid the move towards more flexible deployment and operational flexibility.
10. In 2013, a steering group was set up by the then Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals to consider and make recommendations about the future provision of judges. The scope of the Steering Group's work included particular consideration of "the terms and conditions of salaried and fee-paid judicial office holders, the promotion of diversity and the deployment of the judiciary within the modernised courts and tribunals."
11. The steering group's work has informed a consultation paper on "Modernising Judicial Terms and Conditions"<sup>1</sup> which was launched on 15 September 2016. Some of the proposals in the paper (such as those which relate to the terms and conditions of fee-paid judges) would not have any effect on salaried judges. Others would have a direct or indirect impact on all judges, if implemented, and these include:
  - a. A non-renewable fixed term tenure for fee-paid office holders. Fee-paid judges on the new tenure would need to apply for a salaried post or a different fee-paid role at the end of their fixed term. This is intended to increase diversity within the fee-paid judiciary by promoting more regular turnover and recruitment. If fee-paid judges reaching the end of their term then moved into salaried posts, this could have a positive impact on the diversity of the salaried judiciary;
  - b. A fixed-term for judges in leadership positions and associated remuneration for the duration of the post. Current arrangements are varied – some judges continue to receive leadership allowances when their leadership positions have ended, whilst others receive no financial recognition for the leadership roles they perform. This proposal would make the position much clearer. Leadership judges would have greater ability to plan to achieve their goals, more judges would gain leadership experience through increased turnover in leadership positions, and such positions would be more accessible and appealing because there would be consistent remuneration for judges who took them on;
  - c. Amendments to aspects of salaried judges' terms and conditions to modernise business practices and build in the flexibility needed in a reformed HMCTS. If these proposals were adopted following consultation, judges at all levels would be required by their terms of office to give notice of their intention to resign or retire. Although many judges do give such notice, there have been instances where judges have retired with little or no warning, which can make succession planning difficult.

---

<sup>1</sup> <https://www.gov.uk/government/consultations/modernising-judicial-terms-and-conditions>

12. To help support and underpin the reforms, the MoJ wants to move towards an approach to judicial pay policy that continues to support judicial independence and the recruitment and retention of high calibre judicial office holders at all levels and in all jurisdictions. We also want it to incentivise and support judges in leading and delivering change.

### **The need to recruit, retain and motivate people of the right quality**

13. Last year, the MoJ reported that there was an emerging and concerning problem with recruitment and retention in the High Court. This remains a concern for the department both in respect of managing the important work of the High Court but also with regard to the more senior judicial pipeline e.g. Court of Appeal judges of tomorrow.
14. The recruitment and retention of high quality, independent judicial office holders is essential, and having the right approach to judicial pay and reward is a prerequisite for this. The MoJ carefully monitors data and trends on recruitment and retention and the impact the overall remuneration package has upon both factors. The relevant sections of this evidence pack provide data for 2015/16. The MoJ continues to explore options to address any emerging concerns with recruitment and retention.
15. In the Thirty-Eighth Report on Senior Salaries, the SSRB expressed the view that any consideration of changes to the current judicial salary structure should only take place in the context of a thorough analysis of consistent and comparable evidence on all parts of the judiciary. The MoJ understands the need for such assessment, taking into consideration the unprecedented approaches the government has made, as a response to the recession, since 2010, as well as since the undertaking of the last SSRB major review in 2011.
16. There have been substantial changes to the judiciary and the context in which they work over recent years – as this section sets out. The department considers that it is timely and necessary for another major review of the judicial salary structure to take place. The MoJ requested, in October 2016, that the SSRB commence such a major review.
17. The MoJ is awaiting the results of this year's Judicial Attitude Survey of salaried judges. The survey in 2014 provided useful insights into the views and the attitudes of the judiciary. These surveys will continue to inform MoJ's work to reform HMCTS, improve the provision of judges and seek to reward the judiciary for the work they undertake in the best way that we can, both through the annual pay deal as well as through a major review programme.
18. We need to make sure that we continue to attract the best people to join the judiciary and that we have the right judge for the right case. As part of the Provision of Judges work, the department is working with the senior judiciary to make sure that there is greater scrutiny of judicial recruitment so we can achieve those aims. The Judicial Complement group brings together senior judges and HMCTS officials. It analyses regional bids from presiders and HMCTS regional heads, considers whether the existing complement is being utilised as effectively as possible, including through the use of fee-paid judges, and makes recommendations to the Lord Chancellor on business need of the complement.

## **Increasing diversity within the remit group**

19. The MoJ takes judicial diversity very seriously, and is working closely with the judiciary and the legal professions to increase diversity so that the judiciary better reflects the society it serves. Increasing the level of diversity throughout the remit group is one of the department's main goals in the modernisation of the judiciary. The Lord Chancellor has directed the department to work to break down barriers, to make sure that people from all backgrounds can rise through the profession and that merit wins out.
20. As part of this work, the MoJ is working closely with members of the Judicial Diversity Forum, including the judiciary, the Judicial Appointments Commission and representatives of the legal professions. The work of the forum focuses on four key areas: encouraging under-represented groups to apply to become judges; making sure the judicial appointments process is fair to all; exploring ways of improving judicial career development to ensure that there is diversity in all levels of the judiciary; and continually improving the way we monitor and evaluate diversity trends. In relation to the first strand, the Forum has created a sub-group to explore the feasibility and content of a pre-application training programme for members of under-represented groups considering a career in the judiciary.
21. The MoJ has also implemented various initiatives to promote judicial diversity through implementation of provisions in the Crime & Courts Act 2013. These included: introducing salaried part-time working in the High Court and above; giving the Lord Chancellor and the Lord Chief Justice statutory duties to encourage judicial diversity; and implementing the equal merit provision, which allows diversity to be taken into account when there are two or more candidates of equal merit.
22. There is evidence that these changes may be starting to take effect. In terms of recent appointments (from April 2015 to March 2016), statistics show that women made up 45% of those recommended for appointment overall. The numbers of female judges in the High Court and the Court of Appeal are at their highest recorded levels and more than half of all judges in courts and tribunals under 40 years of age are women. As at 1 April 2016, the percentage of women in the courts judiciary is 28%, up from 25% in 2015 and 22% in 2011.
23. Further work needs to be done to make sure this trend continues, and also to make sure that Black, Asian and Minority Ethnic (BAME) Groups and people from lower socio-economic backgrounds are better represented. The percentage of court judges who declared their ethnicity as BAME has remained stable at around 6% since 2013.
24. Data on the gender, ethnicity and age of salaried judicial office holders in England and Wales as at 1 April 2016 can be found at: <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/diversity/judicial-diversity-statistics-2016/>.

## **The broader reward package**

25. There are minor differences in the reward package available to different judicial offices. Judicial office holders are paid a spot rate based on their salary group. Judicial salaries are not subject to incremental progression and judges do not receive bonuses or performance related pay. There is no evidence to show, however, that



any of the components of these packages have either a positive or negative impact on judicial career progression.

26. In the 2015 summer budget, the Chancellor of the Exchequer announced that the annual allowance for pension tax relief would be reduced from £40,000 to £10,000 for those with earnings of over £150,000 per annum (including value of pension contributions). These changes, which came into effect on 1 April 2016, have had an impact on higher earners nationally, including members of the salaried judiciary.
27. MoJ analysis has found that this has reduced the overall remuneration of judicial office holders who are members of the Judicial Pension Scheme 2015 in all salary groups, other than members of salary group 7 who are based outside of London. It has, though, primarily affected salary group 4 and above.
28. In addition to the potential impact of tax allowance changes, some judges within the same salary groups will (depending upon their eligibility to join either judicial pension scheme) have overall remuneration packages which differ in value. Work continues within the MoJ to understand and analyse the potential impact of these changes.

### **Measurement of performance**

29. There is currently no consistent or systematic structure for undertaking appraisals of salaried members of the judiciary. Appraisal structures are in place though for newly appointed District Judges sitting in the Magistrates' Courts and for Circuit Judges deployed to sit in the Mental Health tribunal. Additionally, appraisal schemes are in place for fee-paid judges in all tribunals, Deputy District Judges (Magistrates' courts) and Deputy District Judges. There is also a pilot appraisal scheme for Recorders in London and the South East where participants are appraised every three years.

### **MoJ: Overall Financial Context**

30. MoJ previously reduced annual net expenditure by 27% in real terms as part of the Spending Review 2010 (SR10) settlement. The Spending Round 2013 (SR13) settlement for 2015/16 made a 10% real term cut compared with the 2014/15 baseline. In June 2015, the department committed to an additional £249m of in-year savings as part of the Chancellor's summer budget. The outcome of the Spending Review 2015 (SR15) has resulted in a 15% real terms cut to the MoJ budget by 2019/20 as an unprotected department.
31. The financial position for 2016/17 and the rest of the SR is extremely challenging. The SR15 settlement means the department will need to deliver about £1 billion savings by 2019/20. By the end of the spending review, we will have made significant reductions from our administrative spend, as well as the running costs of our courts and prisons. We will also take advantage of the opportunity to further reform our courts and prisons to deliver a one nation justice system which is more efficient and rehabilitative.

## Public Sector Pay Policy

32. The previous Chancellor of the Exchequer announced in the summer budget 2015 that the government would fund public sector workforces for an annual pay award that averaged up to 1% for four years from 2016/17. This policy has not changed. The funding available should be targeted to support the delivery of public services and address pressures with recruitment and retention.

## HMCTS: Financial Context

### *SR15 Settlement*

33. SR15 included stretching budgetary targets for HMCTS, and the agency continues to deliver savings year on year. These savings will primarily be delivered through a variety of HMCTS targeted change programmes, streamlining service and delivering efficiencies across the agency. This drive will continue throughout the spending review until 2020.
34. HMCTS has contributed savings in 2015/16 of £264m. As part of the overall negotiations with HM Treasury in relation to funding for 2016/17 (SR15), HMCTS has been required to find £56m of gross savings on its 2015/16 baseline budget in 2016/17, with further savings to be delivered across the SR period. If any of these efficiency initiatives do not deliver as expected, HMCTS/MoJ will need to find alternative savings to offset these internal pressures.

### *Judicial Remuneration*

35. Judicial pay has increased in line with public sector pay policy in recent years and this has been met from the HMCTS budget. Judicial remuneration, including for fee paid office holders, accounted for £463m in 2015/16 (25% of gross business-as-usual expenditure in the Agency). The requirement is expected to rise to £491m in 2016/17 with the increase of workload in the Social Security and Child Support Tribunal, the planning assumption of a 1% pay award and the impact of the *O'Brien* and *Miller* judgements on fee paid judicial pensions (which has been delayed from 2015/16). Of these judicial costs, 71% relate to salaried judiciary and the remaining 29% to fee paid judiciary for specific sitting days and other commitments such as training and statement writing.

### *Impact of increases in judicial salaries and fees*

36. The impact of increases between 1 and 3 per cent in judicial salaries and fees would be as follows:
- 1% would increase annual spend by £5m;
  - 2% would increase annual spend by £10m; and,
  - 3% would increase annual spend by £15m.

37. Any increase in judicial pay above the planning assumption for HMCTS (1% per annum for the remainder of the SR) would create pressure impacting directly on the operational areas of HMCTS for the SR period. The achievement of HMCTS level of service across the range of jurisdictions is dependent on its ability to fund a sufficient number of sitting days and each 1% increase in judicial pay costs for HMCTS would be equivalent to the average cost of 3,000 court days or 10,500 chairmen days in tribunals.

### ***O'Brien v Ministry of Justice* and other related litigation**

38. Whilst litigation is ongoing, it is difficult to forecast what the final cost of providing equal benefits to eligible fee-paid judicial office holders is likely to be. However, analytical work has identified a range of scenarios up to £2bn, conditional on court decisions such as when entitlement begins, time limitation and the number of claimants.
39. Following the Supreme Court judgment in the case of *O'Brien v Ministry of Justice*, the department has been dealing with more than 1,800 legal claims for pension and pay entitlements from serving and former (including retired) fee-paid judicial office holders.
40. Mr O'Brien's case was remitted to the Employment Tribunal to determine remedy. Following an Employment Tribunal hearing and appeals to the Employment Appeal Tribunal and the Court of Appeal, Mr O'Brien has appealed to the Supreme Court and the matter is listed for November 2016.
41. The Employment Tribunal has also dealt with a series of preliminary hearings from other fee-paid judicial office holders. Some matters have been appealed and have been joined with Mr O'Brien's case at the Supreme Court in November.
42. At an Employment Tribunal hearing on 3 June 2013, the Lord Chancellor accepted that eligible fee-paid judicial office holders are entitled to a pension equivalent to a salaried judge. There are more than 3,900 fee-paid legal members in the courts judiciary and tribunals. To provide a pension to eligible fee-paid judges, the department is creating a fee-paid judicial pension scheme which we aim to have in operation from April 2017. As a result, it is currently estimated that the department will pay increased employer's pension contributions of £30m annually.
43. In addition to pension claims, there are claims for additional pay entitlements. The judgment of the Employment Tribunal in *Miller and Others v Ministry of Justice* is that the department is liable to provide eligible fee-paid judges with equivalent benefits for training fees, sick pay, London weighting, writing up and daily fees. The department has implemented new policies in accordance with the judgment which have given rise to additional resourcing costs of £10m annually, and has established a Judicial Pay Claims team to pay compensation.

## The Judiciary in Northern Ireland

44. The information below, about the work of the judiciary in Northern Ireland, has been provided by the Northern Ireland Courts and Tribunals Service (NICTS).
45. Non-jury ('Diplock') cases continued to be heard in Northern Ireland in 2015 although the number has decreased. This trend is not surprising given the legal aid dispute in Northern Ireland. Although this dispute is now resolved, it had a significant impact on the progression of cases. The non-jury trial provisions are in place until 31 July 2017 at which time there will be a further review. NICTS recommends that the salary uplift for County Court Judges in Northern Ireland continues. Information on the number of 'Diplock' cases in Northern Ireland can be found at **Annex D**.
46. In terms of recruitment, the Northern Ireland Judicial Appointments Commission has confirmed there are no recruitment or retention pressures identified in relation to any judicial offices in Northern Ireland that they will be raising with the SSRB.

## Proposals for 2017/18

47. The government's preferred approach is to award a 1% increase in salary to all members of the SSRB judicial remit group. HMT public sector pay policy provides 1% of funding for pay awards in 2017/18.
48. Last year the government took a targeted approach in its evidence to suggest a higher increase amount (3%) to the High Court as the available evidence showed an emerging recruitment and retention pressure for that group. Such pressure had not emerged elsewhere.
49. Whilst the evidence continues to show this picture, the MoJ heeds the SSRB's view that in order to create a sustainable solution to mitigate such pressures they need to take a more considered, longer term view of the picture. This can, and should, be done through a major review to establish a long term approach to pay, and to make sure that the salary structure sets appropriate differentials between salary groups. Therefore the MoJ feels that a 1% increase to each salary group is the fairest approach to an annual change in salary for this year.
50. The Judicial Attitude Survey remains an important piece of anecdotal evidence for the MoJ about how the judiciary feel. The 2016 report will be as valuable to the department as the 2014 report was in determining our approach to suggested changes to judicial remuneration. The MoJ hopes to be able to reflect on the survey if it has been published at the time of the oral evidence session.
51. **Table 1** provides details of the 1% approach on the pay of the judiciary.

**Table 1: The government's preferred approach to the 2016/17 judicial pay award**

Salary Group	2016/17 Salary	% Change	2017/18 Salary
1	£249,583	1	£252,078
1.1	£222,862	1	£225,090
2	£215,256	1	£217,408
3	£204,695	1	£206,741
4	£179,768	1	£181,565
5	£144,172	1	£145,613
6.1	£133,506	1	£134,841
6.2	£125,689	1	£126,945
7	£107,100	1	£108,171
Salaried medical members	£85,000	1	£85,850

## The Remit Group

52. The MoJ has worked with colleagues across its arm's length bodies (ALBs) to ensure that we use the best data available at each point. As there is no single, comprehensive, data collection system that can provide all of the information requested, this has involved using information from a variety of sources. Each of these sources are referenced throughout.
53. The MoJ has found that differing categorisations and collection criteria utilised by ALBs have, in places, produced discrepancies between data sets. In each case the evidence presented is the most accurate and up-to-date data available at present, and sources have been clearly indicated at every stage.
54. The MoJ expects further consistency between data sets, and the ability to provide data at a more granular level, as new systems bed in and expand further.
55. For this chapter the MoJ has relied on data held by its judicial payroll administrators, Liberata, and information held within the Judicial Office's (JO) e-HR system.

### Groups and headcount/ full time equivalent

56. Judicial grade, headcount and FTE data has been obtained from the judicial payroll administrators, Liberata. **Table 2** shows the number of judicial office holders in post in each salary group in England and Wales on 31 March 2016 in terms of overall headcount and full time equivalent numbers. Further detail of the numbers of judges, and the numbers of those leaving and joining the remit group between April 2015 and March 2016, are provided at **Annex A**.

**Table 2: Headcount and full time equivalent numbers of salaried judicial office holders in post in England and Wales on 31 March 2016**

Salary Group	Number in post	FTE in post
1	1	1
1.1	2	2
2	11	11
3	41	41
4	106	104.6
5+	1	1
5	75	73.9
6.1	604	595.1
6.2	37	36.1
7 (including salaried medical members)	901	856.95
<b>Total</b>	<b>1,779</b>	<b>1,722.65</b>

## Organisation

57. The courts structure operates throughout England and Wales; the tribunals system covers England, Wales, and in some cases Northern Ireland and Scotland. Salaried judicial office holders are typically assigned to a regional location. Some office holders, however, are assigned nationally or to more than one region.
58. The data we have obtained from our payroll administrators shows that as of 31<sup>st</sup> March 2016 there were 1,341 salaried courts judges and 428 salaried tribunal judges.<sup>2</sup>

## Geography

59. **Table 3** displays an approximate indication of the regional location of court judges, rather than an exhaustive breakdown of the location of all salaried judicial office holders. This data has been obtained from the JO's e-HR system. The base location data for Tribunals' judiciary is not collected by this database, as Tribunals' judiciary are segregated by the chamber to which they belong rather than geographically. The number of Tribunals' personnel broken down by geography therefore cannot be provided at this time.
60. The MoJ will seek to provide more comprehensive data on this for future reviews.

**Table 3: Regional location of salaried courts judges in England and Wales (including non-devolved tribunal office holders in Scotland) as of March 2016**

Courts Judiciary by Region	Total
London & South East	664
Midlands	160
North East	145
North West	185
South West	122
Wales	59
<b>Total</b>	<b>1335</b>

---

<sup>2</sup> These figures do not combine to produce the total given in Table 1, because they do not include: Member Lands Tribunal; Surveyor Member Upper Trib (Land); 1st Tier Trib Member, (Prop Chmbr); Chief Medical Member 1st Tier Tribunal; Med Qual Panel Member SSCS AT Pr; Tribunal Member (Med Qualified) 1st Tier, as these are all non-legal posts.

## Pay and Reward Details

61. The position on pay and reward remains unchanged from last year's position.

### Base pay

62. Judges are assigned to a salary group in the judicial salary structure. Members of the remit group are paid a spot rate determined by the salary group in which their judicial office is situated.

### Other reward elements

63. The pay of those in the judicial remit group is not subject to incremental progression. Judges do not receive bonuses or performance related pay.

64. Judges are entitled to certain reward elements with some variability between offices. All salaried judicial office holders are entitled to a pension. Other benefits include: salary sacrifice for childcare vouchers; reasonable adjustments for medical conditions; sick leave; maternity, paternity or adoption leave; special paid leave; and all offices bar High Court Judges are entitled to accumulated leave.

65. Allowances for judicial office holders include: court dress; legal books and publications; official stationary; and travel and subsistence. The travel and subsistence provisions include all basic travel costs, but specifically include air travel for High Court Judges, Circuit Judges and District Judges, and include a provision on overseas travel for Vice-Judge Advocates General.

66. A small number of judicial office holders receive a different salary to others in their salary group, due to additional leadership allowances, transitional arrangements or legacy pay arrangements for individual office holders. Further detail is contained in the salary schedule at **Annex B**.

### Performance pay

67. No aspect of judicial pay or judges' overall remuneration package is performance related.

### Pensions: scheme details, contribution rates, value

68. There are two main pension schemes for members of the salaried judiciary: the Judicial Pension Scheme 2015; and the Judicial Pension Scheme 1993. The details of each scheme are set out below.



*Judicial Pension Scheme 2015*

69. The Judicial Pension Scheme 2015 came into operation on 1 April 2015. The scheme was established in response to the previous government's paper *Public Service Pensions: good pensions that last*. That paper accepted in the main the recommendations made by the Independent Public Service Pensions Commission but with the addition of transitional protection for those nearest to retirement age. Judges who were in post on 1 April 2012 and were aged over 55 (which is within ten years of normal retirement age) were given transitional protection enabling them to stay in the 1993 scheme until their retirement. To avoid a 'cliff edge' impact, judges aged 51½ to 55 on 1 April 2012 were given limited protection (tapering protection) enabling them to stay in their existing scheme for an extended, but not indefinite period.
70. 544 (approximately 28%) salaried judicial office holders became members of the Judicial Pension Scheme 2015 when it launched in April 2015. Virtually all other members of the salaried judiciary remained in the 1993 scheme as they were eligible for transitional or tapering protection.
71. The scheme is set out in the Judicial Pensions Regulations 2015: it is for judicial office holders appointed to judicial office for the first time on or after 1 April 2015, and serving judiciary also joined the scheme subject to applicable transitional provisions. Membership is open to both the salaried and the fee paid judiciary. It is a defined benefit scheme based on career average revalued earnings, and is registered for tax.
72. The benefits are earned at a rate of 2.32% per year and there is no limit on the amount of pension that can be accrued within the scheme. The benefits accrued are increased each year in line with the consumer price index (CPI).
73. Judicial office holders are required to pay contributions. The rate payable depends upon the annualised rate of pensionable earnings provided in **Table 4**.

**Table 4: Judicial Pension Scheme 2016 Member contribution rates**

<b>Annualised rate of pensionable earnings</b>	<b>Member contribution rate</b>
Up to but not including £15,001	4.6%
£15,000 to but not including £21,001	4.6%
£21,001 to but not including £47,001	5.45%
£47,001 to but not including £150,001	7.35%
£150,001 and above	8.05%

74. The contribution paid by the employer is 38.45% of the gross earnings of all members of the scheme, of which 0.25% is an administration charge.
75. The normal pension age for the scheme is linked to the individual's state pension retirement age. There is no automatic lump sum, although it is possible at retirement to commute part of the pension into a lump sum. Death in service benefits, medical retirement benefits and early retirement are all features of the scheme. Benefits for surviving adults and eligible children are available. The scheme also offers the ability to buy added pension, and to take partial retirement.

76. The scheme has an employer cost cap of 25.7% of pensionable earnings of members. If the costs of the scheme vary from this figure by a margin of 2% points, the Lord Chancellor must consult the Scheme Advisory Board as to what steps should be taken to return the costs to the cost cap figure.
77. As an alternative to the main scheme members can take out a Partnership Pension Account which is administered by the Prudential, who provide a range of investment funds. The individual contributes a minimum of 3% of salary and the employer 19%.

*The Judicial Pensions and Retirement Act 1993 (the 1993 scheme)*

78. The 1993 scheme is set out in the Judicial Pensions and Retirement Act (JUPRA) 1993 and its regulations. It is a final salary, defined benefit, employer financed retirement benefits scheme; which means that it is not subject to the pensions tax regime (tax reliefs subject to annual and lifetime allowances) that applies to registered pensions schemes under the Finance Act 2005. The scheme is divided into two; Part 1 deals with earnings up to the pension's cap (£150,600 in 2015/16), and Part 2 for earnings above that.

**Table 5 shows the JUPRA contribution rates since April 2015**

<b>Member contributions</b>	<b>Contribution towards dependents</b>	<b>Total Contributions</b>	<b>Salary</b>
2.61%	1.8%	4.41%	0 - £150k
4.43%	0	4.43%	Anything above £150k

79. This scheme became operational on 31 March 1995, and all judges first appointed to salaried office on or after that date became members. Judges who were members of one of the older schemes could elect to transfer into the 1993 scheme at any time during service or up to 6 months after retirement. With the exception of High Court Judges or above, any judge who changed office after 31 March 1995 had to transfer into the 1993 scheme.
80. The Public Service Pensions Act 2013 closed the 1993 scheme on 31 March 2015 to future accrual, except for those judges who are entitled to either transitional or tapering protection.
81. The benefits are earned at a rate of 1/40th per year of reckonable service and there is a limit of 20 years on the amount of pensionable service that can be accrued within the scheme.
82. Contributions are payable by the judges, and The Judicial Pensions (Contributions) (Amendment) Regulations came into force on 5 February 2016 to align the contribution rates of earlier pension schemes with that of the 2015 scheme. The rate of contribution will, however, be reduced to take account of the fact that no tax relief is available on the contributions. The employer contribution rate required for cost of accrual of benefits over the period 2015/19 is 31.0% of pay. This is the average cost of accrual for all members.
83. The normal pension age of the scheme is 65. An automatic lump sum of 2.25 times the pension is payable on retirement. As the scheme is non-registered the lump sum is taxed, but for the lump sum that is attributable to Part 1 of the scheme a further sum is paid (known as the service award) to compensate for the tax taken. Death in

service benefits, medical retirement benefits and early retirement are all features of the scheme. Benefits for surviving spouses/registered civil partners and eligible children are available.

### Pay comparisons with other roles/groups

84. Detailed pay comparisons between judicial office holders, the pre-appointment earnings of those joining the judiciary and the earnings of legal practitioners who, due to their level of experience are potential applicants for judicial office, are not available.
85. The salaries of barristers is not readily available for a number of reasons: practitioners' income varies depending on practice area e.g. crime, chancery, commercial, family work. The vast majority of the Bar is self-employed; income is therefore not stable year-on-year. While there are published statistics on the payments made to barristers from legal aid, a considerable swathe of the Bar does not undertake publicly-funded work. As self-employed practitioners, barristers have to pay tax and other overheads owing to their employment status.
86. We do have some evidence around solicitor earnings. Annual research conducted by the Law Society shows that median earnings for all surveyed solicitors have increased by 4.8% on the 2014 median figure of £51,500 per annum. This illustrates that the median earnings for all surveyed solicitors have increased at a faster rate than judicial salaries since 2011.
87. This data does not provide a clear comparison with the pay of the judiciary as it measures the earnings of all solicitors, rather than those eligible to apply to join the judiciary. **Table 6** provides solicitors' median earnings between 2011 and 2015, comparing the percentage increase with judicial pay awards.

**Table 6: Median annual salaries for surveyed solicitors since 2011 in comparison to increases in judicial pay<sup>3</sup>**

Year	Assistant/associate solicitors	Equity partners (including sole practitioners)	Salaried partners	All (average across all in survey)	Percentage increase in median earnings for all solicitors	Percentage increase in judicial salaries
2011	£40,000	£90,000	£70,000	£45,000	N/A	N/A
2012	£42,850	£70,000	£63,000	£53,000	17.8%	0%
2013	£43,000	£70,000	£60,000	£50,000	-5.7%	1%
2014	£43,000	£90,000	£85,000	£51,500	3%	1%
2015	£44,000	£85,000	£65,000	£54,000	4.8%	1%
				<b>Total increase</b>	<b>19.9%</b>	<b>3%</b>

<sup>3</sup> Law Society PC-Holder Surveys 2011–2015

88. In December 2005 and January 2006,<sup>4</sup> the Law Society conducted a remuneration survey with 1,120 solicitors from private practice and the employed sector. Over half of respondents (54%) indicated that it was 'not at all likely' that they would apply for a judicial position at some point during their legal career.
89. Data concerning pay comparisons between the judiciary and legal practitioners is both limited and dated. The department considers that further research in this area is necessary and should be conducted as part of the major review of the judicial salary structure.

---

<sup>4</sup> Law Society PC-Holder Surveys 2011–2015

## Retention and Outflow

### Outflow data

90. 143 salaried judicial office holders in England and Wales left the judicial remit group in 2015/2016. This was 7.4% of the total number of salaried judges in England and Wales.
91. Of the recorded data that exits for the judiciary; five were due to death in office and 138 were retirements. The average age of retirement was 66.68. Further details of judicial retirements are provided at **Annex C**.
92. Whilst 2014/15 data showed a rise in early retirements, out of sync with earlier trends, the data for 2015/16 shows that figures have largely reverted to trend.
93. Two of the five High Court Judges who retired in 2015/16 were under the age of 65 (compared to two in nine in 2014/15, and two in seven in 2013/14).
94. The MoJ has been paying particular scrutiny to these earlier departures, as noted in last year's evidence.
95. There were fewer judicial departures overall during 2015/16 than in 2014/15, and the average age of retirement increased from 66.08 in to 66.68 in that same period.

**Table 7: Number of departures and salaried judges in England and Wales between 2011/12 and 2015/16 and average age at departure**

	2011/12	2012/13	2013/14	2014/15	2015/16
Number of departures	126 (6 DIO; 3MR)	145 (8 DIO; 6 MR)	91 (3 MR)	145 (7 DIO; 2 MR; 2 RFO)	138 (5 DIO)
Average age	66.58	65.05	66.85	66.08	66.68

*DIO – Death in Office; MR – Medical Retirement; RFO – Removal from office.*

### Exit interview data

96. The MoJ does not conduct exit interviews with departing members of the judiciary. We understand, however, that the judiciary will be updating the SSRB on their work to collect exit interview data in their evidence submission.

## Transfers within the System

**Table 8: Number of office holders moving between judicial salary groups in England and Wales 2015/16**

Original Salary Group	New Salary Group	Number of changes
Salary Group 3	Salary Group 2	1
Salary Group 4	Salary Group 3	4
Salary Group 6.1	Salary Group 4	1
Salary Group 6.1	Salary Group 5	1
Salary Group 6.2	Salary Group 6.1	3
Salary Group 7	Salary Group 6.1	14

**Table 9: Number of individuals being appointed between judicial salary groups in England and Wales in 2015/16**

Salary Group	Total Appointments	Number of moves to group from existing salaried judges	Percentage of Internal Moves
2	1	1	100%
3	4	4	100%
4	14	4	40%
5	1	1	100%
6.1	73	17	23.28%

97. This table shows that, as in 2014/2015, appointments to the top salary groups were taken from existing pools of salaried judges transferring into higher salary bands. For the salary groups considered entry points to the judiciary (4, 6.1, and 7) the majority of appointments were from outside of the profession.

## Recruitment

### Numbers joining the judiciary

98. The Judicial Appointments Commission (JAC) ran twenty two selection exercises for judicial offices in England and Wales in 2015/16. Nine of these exercises were for salaried judicial office, and 155 recommendations for salaried judicial roles were made. **Table 10** shows the number of salaried courts selection exercises and the vacancies in each group. **Table 11** shows the number of salaried tribunal selection exercises and the vacancies in each group.
99. 126 individuals took up office as salaried judicial office holders in 2015/16. 27 of these appointments were existing members of the remit group. There were therefore a total of 99 new entrants to the judicial remit group in 2015/16.
100. The difference between the total number appointed and the number recommended by the JAC is due to the fact that judges will not necessarily take up office in the same financial year as the JAC make their recommendation to the Lord Chancellor.

**Table 10: Salaried courts selection exercises and the number of judicial vacancies in each group**

Exercise title	Number of vacancies	Selections made
District Judge (Magistrates' Courts)	18	20 (one recommendation rejected and two appointed 50:50 SPTW)
Queen's Bench Master	3	3
Costs Judge	3	3
Senior Circuit Judge (Resident Judge)	1	1
District Judge	61	61
Circuit Judge	61	62 (one vacancy carried from previous year)
Specialist Circuit Judge (Mercantile)	1	1

**Table 11: Salaried tribunal selection exercises and the number of judicial vacancies in each group**

Exercise title	Number of vacancies	Selections made
Regional Employment Judge, Wales	1	1
Salaried Judge of the First-tier Tribunal, Health, Education and Social Care Chamber, Special Educational Needs and Disability	1	1

## Quantity of applicants

101. The JAC ran fewer salaried legal selection exercises this year for both courts (7 against 11 last year) and tribunals (2 against 10 last year). The JAC ran slightly more fee-paid legal selection exercises in courts this year (5 against 2 last year) but slightly fewer in tribunals (3 against 6 last year). There was no significant change in the number of non-legal fee-paid tribunal exercises.

102. There were slightly fewer exercises in 2015/16 overall; 22 compared to 30 in the last reporting year. There was a slightly higher number of applications this year (2,588 against 2,356 last year) and selections (340 against 310 last year). These differences can be explained by the much anticipated fee-paid Recorder exercise, an entry-level position for Circuit Judge and the first exercise to be run in five years, which was a departure from last year when exercises were mostly small and for specialist posts. The number of applications for Recorder (1,231) accounted for 47.6% of all applications. **Table 12** illustrates the number of applications and recommendations made to the Lord Chancellor, and the ratio of applications to recommendations over the last four years.

**Table 12: Applications for JAC exercises and recommendations made in England and Wales from 2011/12 to 2015/16**

	2011/12	2012/13	2013/14	2014/15	2015/16
<b>Applications</b>	5,491	4,637	5,591	2,356	2,588
<b>Recommendations</b>	746	597	806	310	340
<b>Ratio</b>	7.4:1	7.8:1	6.9:1	7.6:1	7.6:1

103. There is evidence of a potential emerging problem in recruiting and retaining suitable candidates for senior judicial offices, such as the High Court, as reported in MoJ's evidence to SSRB last year. MoJ continues to monitor this trend through current and future selection exercises for the High Court, and will provide evidence when it becomes available.

**Table 13: Applications for High Court Judge exercises and recommendations made in England and Wales from 2011/12 to 2014/15 (no exercise completed in 2015/16)**

	2011/12	2012/13	2013/14	2014/15
<b>Vacancies</b>	5	14	10	11
<b>Applications</b>	51	86	73	73
<b>Recommendations</b>	5	14	10	10
<b>Ratio of applicants to vacancies</b>	10.2:1	6.1:1	7.3:1	6.6:1
<b>Ratio of applicants to recommendations</b>	10.2:1	6.1:1	7.3:1	7.3:1



## Quality of Applicants

104. JAC selection panels grade candidates into one of four categories following a selection day: outstanding; strong; selectable; or not presently selectable. In 2015/16, the percentage of strong or outstanding candidates for salaried posts decreased by 10% from 2014/15, whilst there was an increase of 9% in the same calibre candidates for fee paid posts. Nevertheless, overall, the percentage of strong or outstanding candidates increased slightly from 83% to 85%.
105. Four of the 22 selection exercises run by the JAC in 2015/16 failed to identify sufficient selectable candidates to fill all posts. 29 vacancies could not be filled from the 57 advertised in these four exercises. All vacancies involved were for non-legal roles: one exercise was for a salaried tribunal role and three were for fee-paid salaried tribunal roles. This shortfall was due to insufficient numbers of applications from candidates able to demonstrate that they were of sufficient merit.

## Applicant Eligibility

106. The JAC provides annual statistics on applications, shortlisting and recommendations for the appointment of judges in selection exercises. The most recent figures can be found at: <https://jac.judiciary.gov.uk/jac-official-statistics>. Figures collated from the professional bodies on an annual basis show the total number of eligible individuals broken down by gender, ethnicity and years' experience.
107. Eligible pool information is provided for the 5 legal exercises completed in April 2015 to March 2016 with 10 or more recommendations. Comparisons with the eligible pool are made where relevant to provide additional context. Four different eligible pools were referred to for these exercises:
- For the Circuit Judge exercise, the eligible pool consisted of 5,242 potential candidates who have 7 years' experience as a solicitor or barrister and previous judicial experience. Of this pool, 32% were women, 6% declared they were from a BAME background, and 47% were from a professional background of solicitor.
  - For the Deputy High Court Judge exercise, the eligible pool consisted of 105,267 potential candidates who have 7 years' experience as a solicitor or barrister. Of this pool, 42% were women, 11% declared they were from a BAME background, and 85% were from a professional background of solicitor.
  - For the Recorder exercise, the eligible pool consisted of 94,314 potential candidates who have 7 years' experience as a solicitor or barrister. Of this pool, 40% were women, 9% declared they were from a BAME background and 89% were from a professional background of solicitor. Whilst the eligibility criteria are the same as for Circuit Judge and Deputy High Court Judge, this eligible pool is based on an earlier snapshot of the pool due to the exercise being run earlier in the reporting period.
  - For the District Judge and District Judge (Magistrates' Court) exercises, the eligible pool consisted of solicitors, barristers and fellows of CILEx with 5 or more years of legal experience. This accounted for 111,576 potential candidates, of whom 44% were women, 10% declared they were from a BAME background, and 85% were from a professional background of solicitor.

## **Motivation and Morale**

### **Staff survey results**

108. A Judicial Attitude Survey was commissioned by the judiciary this year; at the time of writing the findings had not been published. The MoJ is keen to see the results of this survey.

### **Sickness absence**

109. The MoJ does not collate data on judicial sickness absence. This data will be provided by the judiciary in their evidence submission.

### **Leave taken**

110. No data is held on leave taken by judicial office holders. Leave allowances vary for different judicial offices: High Court Judges are required to sit 189 days, Circuit Judges 210 days, District Judges 215 days, Masters and Registrars 210 days and Vice Judge Advocates General 220 days. Salaried Tribunal Judges are entitled to six weeks annual holiday. These entitlements are specified within the judicial terms and conditions.

### **Working hours**

111. No data is held on judicial working hours. The terms and conditions of salaried judicial office holders in the SSRB remit group do not include details about the expected hours in a judicial day.

## The Impact of Past Pay and Reward Decisions

112. The judiciary have received four 1% increases in pay beginning in 2013/14. The table below shows judicial pay awards over the past 6 years. Since April 2009, judicial pay has fallen behind the Consumer Price Index (CPI) measure of inflation by 13.2%.

**Table 14: Judicial Pay Awards**

Year	Pay Award	CPI in year leading up to pay award
2016/17	1%	0.6% <sup>5</sup>
2015/16	1%	0%
2014/15	1%	1.7%
2013/14	1%	2.8%
2012/13	0%	3.5%
2011/12	0%	4.1%
2010/11	0%	3.4%

113. According to the Office for National Statistics (ONS), the average salary for a full time legal professional based in London has increased by 9% from 2010 to 2014.<sup>6</sup>

114. The Judicial Attitude Survey of 2014/15 found that 78% of judges considered that their pay and pensions entitlement did not adequately reflect their work; and that 75% stated that they had experienced a loss of net earnings over the last five years.

115. The SSRB recommended in March 2016 that judicial salaries should be increased by 1%. The government accepted this recommendation and implemented this pay award. SSRB also recommended that a major review of the judicial salary structure take place. Significant changes in the way in which the judiciary work have taken place over recent years, and a major review of the judicial salary structure would provide a welcome opportunity for a thorough assessment of past pay and reward decisions and the impact these have had.

<sup>5</sup> The latest figure released by the ONS is for 12 months to August 2016  
<https://www.ons.gov.uk/economy/inflationandpriceindices>

<sup>6</sup> <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/regionbyoccupation4digitsoc2010ashetable15>

## Annex A: Appointments, \* Outflow and Judicial Remit Group Numbers as at 31 March 2016

### Number taking up post 01 April 2015- 31 March 2016

*Information gathered from the Judicial Appointments Commission and the MoJ Judicial Pay and Pensions Team*

England & Wales	Number taking up post 1/4/15 – 31/3/16
<b>Group 1 – Total:</b>	<b>0</b>
Lord Chief Justice	0
<b>Group 1.1 – Total:</b>	<b>0</b>
Master of the Rolls	0
President of the Supreme Court	0
<b>Group 2 – Total:</b>	<b>3</b>
Chancellor of the High Court	0
Deputy President of the Supreme Court	0
Justices of the Supreme Court	2
President of the Family Division	0
President of the Queen’s Bench Division	0
Senior President of Tribunals (Appointment as Lord Justice of Appeal)	1
<b>Group 3 – Total:</b>	<b>4</b>
Lord Justices of Appeal	4
<b>Group 4 – Total:</b>	<b>11</b>
High Court Judges (including the Vice-Chancellor of the County Palatine of Lancaster)	11
<b>Group 5+ – Total:</b>	<b>0</b>
Former Chief Asylum Support Adjudicator (now judge of the First-tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal)	0

---

\* The offices in this table are those for which the Lord Chancellor makes the appointment or, where the appointment is made by some other person, the salary is paid by the MoJ.

<b>England &amp; Wales</b>	<b>Number taking up post 1/4/15 – 31/3/16</b>
<b>Group 5 – Total:</b>	<b>1</b>
Circuit Judges at the Central Criminal Court in London (Old Bailey Judges)	0
Former Deputy Presidents, Immigration & Asylum Tribunal	0
Judge Advocate General	0
Permanent Circuit Judges, Employment Appeals Tribunal	0
President, Employment Tribunals (England & Wales)	0
President, Employment Tribunals (Scotland)	0
President of First-tier Tribunal (General Regulatory Chamber)	0
President of First-tier Tribunal (Health, Education & Social Care Chamber) (Appointment as Circuit Judge)	0
President of First-tier Tribunal (Immigration & Asylum Chamber)	0
President of First-tier Tribunal (Property Chamber)	0
President of First-tier Tribunal (Social Entitlement Chamber)	0
President of First-tier Tribunal (Tax Chamber)	0
Recorder of Liverpool	0
Recorder of Manchester	0
Senior Circuit Judges	1
Senior District Judge (Chief Magistrate)	0
Specialist Circuit Judges, Chancery, Mercantile, Patents & Business List	0
Specialist Circuit Judges, Technology & Construction Court	0
Vice President of the Upper Tribunal (Immigration and Asylum Chamber)	0
<b>Group 6.1 – Total:</b>	<b>71</b>
Chief Bankruptcy Registrar	0
Chief Chancery Master	0
Circuit Judges	62
Deputy President, First-tier Tribunal (Health, Education & Social Care Chamber)	0
Deputy Chamber President, Upper Tribunal (Lands Chamber)	0
Chamber President of First tier Tribunal (War, Pensions and Armed Forces Compensation Chamber (Former President, Charity Tribunal)	0
Regional Employment Judges	0
Regional First-tier Tribunal Judges (Social Entitlement Chamber)	0
Registrar of Criminal Appeals	0
Resident Judge, First tier Tribunal (Immigration and Asylum Chamber)	0
Senior Costs Judge	0
Senior Judge of the Court of Protection	0

<b>England &amp; Wales</b>	<b>Number taking up post 1/4/15 – 31/3/16</b>
Senior Queen's Bench Master	0
Upper Tribunal Judges (Administrative Appeals Chamber)	9 (further breakdown unavailable)
Upper Tribunal Judges (Immigration & Asylum Chamber)	
Upper Tribunal Judge (Lands Chamber)	
Upper Tribunal Judge (Tax & Chancery Chamber)	
<b>Group 6.2 – Total:</b>	<b>0</b>
Deputy Senior District Judge (Magistrates' Courts)	0
Designated Immigration Judges	0
Principal Judge, First tier Tribunal (Property Chamber)	0
Surveyor Member Upper Tribunal (Lands Chamber)	0
<b>Group 7+ – Total:</b>	<b>0</b>
President of the Valuation Tribunal (England)	0
<b>Group 7 – Total:</b>	<b>38</b>
Assistant Judge Advocates General	0
Bankruptcy Registrars	0
Chancery Masters	0
Chief Medical Member, First-Tier Tribunal (Social Entitlement Chamber)	0
Chief Medical Member, First-Tier Tribunal (Health, Education & Social Care Chamber)	0
Costs Judges	2
District Judges	18
District Judges (Magistrates' Courts)	11
District Judges of the Principal Registry of the Family Division	0
Employment Judges	1
First-tier Tribunal Judges (Health, Education & Social Care Chamber)	2
First-tier Tribunal Judges (Immigration & Asylum Chamber)	0
First-Tier Tribunal Judge (Property Chamber)	0
First-tier Tribunal Judges (Social Entitlement Chamber)	0
First-tier Tribunal Judges (Tax Chamber)	1
First-tier Tribunal Judge, Property Chamber (former Vice President RPT, London - legal)	1
First-tier Tribunal Judge, Property Chamber (former Vice President RPT, Regions - legal)	0
Member of First-tier Tribunal, Property Chamber (former Vice President RPT, London - Valuer)	0
Member of First-tier Tribunal, Property Chamber (former Vice President RPT, Regions - Valuer)	0

<b>England &amp; Wales</b>	<b>Number taking up post 1/4/15 – 31/3/16</b>
Principal Judge, First-tier Tribunal (War Pensions & Armed Forces Compensation Chamber)	0
Queen's Bench Masters	2
<b>Group 7- – Total:</b>	<b>0</b>
Salaried First-tier Tribunal Members (Medically Qualified) (Social Entitlement Chamber)	0

### Number leaving post 01 April 2015 - 31 March 2016

*Information gathered from the MoJ Judicial Pay and Pensions Team*

<b>England &amp; Wales</b>	<b>Number leaving post 1/4/15 – 31/3/16</b>
<b>Group 1</b>	<b>0</b>
<b>Group 1.1</b>	<b>0</b>
<b>Group 2</b>	<b>1</b>
<b>Group 3</b>	<b>2</b>
<b>Group 4</b>	<b>5</b>
<b>Group 5+</b>	<b>0</b>
<b>Group 5</b>	<b>4 (1 DIO)</b>
<b>Group 6.1</b>	<b>54 (1 DIO)</b>
<b>Group 6.2</b>	<b>4</b>
<b>Group 7+</b>	<b>0</b>
<b>Group 7</b>	<b>68 (3 DIO)</b>
<b>Group 7-</b>	<b>0</b>

**Number in post as at 31 March 2016***Information gathered from the Liberata (payroll) database*

<b>England &amp; Wales</b>	<b>Number in post as at 31/3/16</b>
<b>Group 1</b>	<b>1</b>
<b>Group 1.1</b>	<b>2</b>
<b>Group 2</b>	<b>11</b>
<b>Group 3</b>	<b>41</b>
<b>Group 4</b>	<b>106</b>
<b>Group 5+</b>	<b>1</b>
<b>Group 5</b>	<b>75</b>
<b>Group 6.1</b>	<b>604</b>
<b>Group 6.2</b>	<b>37</b>
<b>Group 7+</b>	<b>1</b>
<b>Group 7</b>	<b>893</b>
<b>Group 7-</b>	<b>7</b>



## Northern Ireland

Northern Ireland	Number in post as at 31/3/14	Number in post as at 31/3/15	Number taking up post 1/4/15 – 31/3/16	Number leaving post 1/4/15 – 31/3/16	Number in post as at 31/3/16
<b>Group 1.1</b>					
Lord Chief Justice	1	1	0	0	1
<b>Group 3</b>					
Lord Justice of Appeal	3	3	2	2	3
<b>Group 4</b>					
High Court Judges	10	9	3	2	10
<b>Group 5</b>					
Chief Social Security and Child Support Commissioner	1	0	0	0	1
Recorder of Belfast	1	0	0	0	1
<b>Group 6.1</b>					
County Court Judges <sup>(1)</sup>	17	17	1	0	18
Social Security and Child Support Commissioner	1	1	0	0	1
President, Appeal Tribunals	1	1	0	0	1
President, Industrial Tribunals and Fair Employment Tribunal	1	1	0	0	1
President, Lands Tribunal <sup>(2)</sup>	1	1	1	1	1

Northern Ireland	Number in post as at 31/3/14	Number in post as at 31/3/15	Number taking up post 1/4/15 – 31/3/16	Number leaving post 1/4/15 – 31/3/16	Number in post as at 31/3/16
<b>Group 6.2</b>					
Member, Lands Tribunal	1	1	0	0	1
Vice President, Industrial Tribunals and Fair Employment Tribunal	1	1	0	0	1
<b>Group 7</b>					
Presiding District Judge (Magistrates' Court)	1	1	0	0	1
District Judge (Magistrates' Court) <sup>(3)</sup>	20	20	0	0	20
District Judge	3	4	0	0	4
Masters of the Supreme Court	7	6	2	1	7
Official Solicitor	1	1	0	0	1
Senior Coroner <sup>(4)</sup>	1	1	0	1	0
Coroner <sup>(5)</sup>	3	3	1	2	2
Chairman, Industrial Tribunals and Fair Employment Tribunal	7	7	0	0	7

(1) Increase in complement from 17 to 18 in May 2015

(2) Currently held by a High Court Judge

(3) Includes 2 part time

(4) Role of Senior Coroner will not be filled and can be removed from future SSRB schedules

(5) Total Coroner Complement is 7 - which includes 3 full time Coroners and 4 salaried judges who hold the role of Coroner concurrently with their other judicial post

## Annex B: 2016/17 Judicial Salary Schedule

### Ministry of Justice Judicial Salaries from 1 April 2016

Salary Group	Salaries with effect from 01/04/2016
1	249,583
1.1	222,862
2	215,256
3	204,695
4	179,768
5	144,172
6.1	133,506
6.2	125,689
7	107,100

The table above provides an overview of judicial salaries from 1 April 2016. The table below specifies which judicial offices fall within each group in the salary scale and where different salary arrangements are in place for individual judicial offices. Where no salary is specified in relation to a judicial office, this indicates that the office receives the standard salary for its group, which is included in bold next to the first entry within each salary group.

<b>Judicial Office</b>	<b>Salary Group</b>	<b>Salaries w.e.f. 01/04/14</b>	<b>Salaries w.e.f. 01/04/15</b>	<b>Salaries w.e.f. 01/04/16</b>
Lord Chief Justice of England and Wales	1	244,665	247,112	249,583
Lord Chief Justice of Northern Ireland Lord President of the Court of Session Master of the Rolls President of the Supreme Court	1.1	218,470	220,655	222,862
Chancellor of the High Court Deputy President of the Supreme Court Justices of the Supreme Court Lord Justice Clerk President of the Family Division President of the Queen's Bench Division Senior President of Tribunals	2	211,015	213,125	215,256
Inner House Judges of the Court of Session Lord Justices of Appeal Lord Justices of Appeal (Northern Ireland)	3	200,661	202,668	204,695
Puisne Judge of the High Court Puisne Judge of the High Court (Northern Ireland) Outer House Judge of the Court of Session Vice Chancellor of the County Palantine of Lancaster	4	176,226	177,988	179,768
Former Chief Asylum Support Adjudicator, Asylum Support Tribunal (now judge of the First-tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal)	5+	149,616	151,112	152,623

<b>Judicial Office</b>	<b>Salary Group</b>	<b>Salaries w.e.f. 01/04/14</b>	<b>Salaries w.e.f. 01/04/15</b>	<b>Salaries w.e.f. 01/04/16</b>
Chairman, Scottish Land Court / President, Lands Tribunal (Scotland) Chief Social Security Commissioner (Northern Ireland) Circuit Judges at the Central Criminal Court in London (Old Bailey Judges) Former Deputy President, Asylum and Immigration Tribunal Judge Advocate General Permanent Circuit Judge, Employment Appeals Tribunal Presidents of the First-tier Tribunal (Immigration and Asylum Chamber; General Regulatory Chamber; Health, Education and Social Care Chamber; Property Chamber; Social Entitlement Chamber; and Tax Chamber) President, Employment Tribunals (England & Wales) President, Employment Tribunals (Scotland) Recorder of Liverpool Recorder of Manchester Senior Circuit Judges Senior District Judge (Chief Magistrate) Sheriffs Principal Specialist Circuit Judges <sup>7</sup> Vice President of the Upper Tribunal (Immigration and Asylum Chamber) Recorder of Belfast <sup>8</sup>	<b>5</b>	<b>141,332</b>	<b>142,745</b>	<b>144,172</b>
		152,639	154,165	155,706

<sup>7</sup> Chancery, Patents, Mercantile, and Technology and Construction Court Judges.

<sup>8</sup> The current post-holder receives a salary of 108% of Group 5.

<b>Judicial Office</b>	<b>Salary Group</b>	<b>Salaries w.e.f. 01/04/14</b>	<b>Salaries w.e.f. 01/04/15</b>	<b>Salaries w.e.f. 01/04/16</b>
Chamber President of First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber) (former President, Charity Tribunal) <sup>9</sup> Chief Registrar and Senior and Chief Masters Circuit Judges Deputy Chamber President of the First-tier Tribunal (Health, Education and Social Care Chamber) Deputy Chamber President, Upper Tribunal (Lands Chamber) Judge of First-Tier Tribunal Social Entitlement Chamber (Former Regional Chairmen, Appeals Tribunals) President, Appeal Tribunals (Northern Ireland) President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland) Regional Employment Judges (formerly Regional Chairmen, Employment Tribunal) (England & Wales) Registrar of Criminal Appeals Resident Judge, First Tier Tribunal (Immigration and Asylum Chamber) Senior Costs Judge Senior District Judge, Principal Registry of the Family Division Senior Judge of the Court of Protection Sheriffs Social Security and Child Support Commissioner (Northern Ireland) Upper Tribunal Judges (Administrative Appeals Chamber, Immigration and Asylum Chamber, Lands Chamber and Tax and Chancery Chamber)	<b>6.1</b>	<b>130,875</b>	<b>132,184</b>	<b>133,506</b>

<sup>9</sup> The office of Chamber President (War Pensions and Armed Forces Compensation Chamber) is situated in salary group 6.2. The current office-holder (the former President of the Charity Tribunal) remains in salary group 6.1 as the result of an individual legacy pay arrangement.

<b>Judicial Office</b>	<b>Salary Group</b>	<b>Salaries w.e.f. 01/04/14</b>	<b>Salaries w.e.f. 01/04/15</b>	<b>Salaries w.e.f. 01/04/16</b>
Vice President, Employment Tribunal (Scotland) County Court Judges (Northern Ireland) <sup>10</sup>		141,332	142,745	144,172
Deputy Senior District Judge (Magistrates' Courts) Designated Judges of the First-tier Tribunal (Immigration and Asylum Chamber) Former Regional Chairmen of Mental Health Review Tribunals (Health, Education and Social Care Chamber) (England) Principal Judge, First-tier Tribunal (Property Chamber) Surveyor Members, Lands Tribunals (Scotland & Northern Ireland) Surveyor Members, Upper Tribunal (Lands Chamber) Vice-Judge Advocate General Vice-Presidents, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	<b>6.2</b>	<b>123,213</b>	<b>124,445</b>	<b>125,689</b>
Assistant Judge Advocates General Chairmen, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland) Chief Medical Members, First-Tier Tribunal (Health, Education and Social Care Chamber and Social Entitlement Chamber) Coroner (Northern Ireland) Costs Judges District Judges District Judges (Magistrates' Courts) District Judges (Magistrates Courts) (Northern Ireland) District Judges (Northern Ireland)	<b>7<sup>11</sup></b>	<b>104,990</b>	<b>106,040</b>	<b>107,100</b>

<sup>10</sup> Post holders are paid the salary are paid the salary for Group 5 so long as they are required to carry out significantly different work from their counterparts elsewhere in the UK.

<sup>11</sup> Group 7 post-holders in London are paid an additional £2,000 salary lead and an additional £2,000 London allowance.

<b>Judicial Office</b>	<b>Salary Group</b>	<b>Salaries w.e.f. 01/04/14</b>	<b>Salaries w.e.f. 01/04/15</b>	<b>Salaries w.e.f. 01/04/16</b>
District Judges of the Principal Registry of the Family Division				
Employment Judges (England & Wales)				
Employment Judges (Scotland)				
First-tier Tribunal Judges				
Masters and Registrars of the Supreme Court				
Masters of the Supreme Court (Northern Ireland)				
Senior Coroner (Northern Ireland) <sup>12</sup>		115,489	116,644	117,810
Presiding District Judge (Magistrates Courts) (Northern Ireland)		113,390	114,523	115,668
First-tier Tribunal Judge, Property Chamber (former Vice President RPT, London - legal) <sup>13</sup>		102,319	104,241	106,192
First-tier Tribunal Judge, Property Chamber (former Vice President RPT, Regions - legal) <sup>14</sup>		99,828	102,564	105,345
Member of First-tier Tribunal, Property Chamber (former Vice President RPT, London - valuer) <sup>15</sup>		102,319	104,241	106,192
Member of First-tier Tribunal, Property Chamber (former Vice President RPT, Regions - valuer) <sup>16</sup>		99,828	102,564	105,345
Salaried Medical Members, Social Entitlement Chamber <sup>17</sup>		83,325	84,260	85,103

<sup>12</sup> Current post-holder receives a salary of 110% of Group 7.

<sup>13</sup> This post has a transitional salary arrangement.

<sup>14</sup> This post has a transitional salary arrangement.

<sup>15</sup> This post has a transitional salary arrangement.

<sup>16</sup> This post has a transitional salary arrangement.

<sup>17</sup> Salaried medical members receive the full time equivalent of their daily fee rate.



## Annex C: Judicial Retirement Data

The tables below provide data on the total number of individuals leaving the salaried judiciary in England and Wales from 2015/16 and 2014/15, followed by data from Northern Ireland. The figures in parentheses indicate the number of the total departures from each group that were for reasons other than retirement from the judiciary.

The MoJ's evidence for the 2016/17 pay review outlined departures from the salaried judiciary in each financial year since 2010/11.

### 2015/16

Office	Number of retirements	Under 50	50 - 54	55 - 59	60 - 64	65 - 69	70 - 75	Average age of retirement	% of strength
Salary Group 1	0	0	0	0	0	0	0	-	0%
Salary Group 1.1	0	0	0	0	0	0	0	-	0%
Salary Group 2	1	0	0	0	0	0	1	70	6.7%
Salary Group 3	2	0	0	0	0	2	0	66	5.4%
Salary Group 4	5	0	0	0	2	1	2	65.6	4.7%
Salary Group 5+	0	0	0	0	0	0	0	-	0%
Salary Group 5	4	0	0	0	1	1	2 (1 DIO)	68	4.3%
Salary Group 6.1	54	0	0	0	3 (1 DIO)	37	14	67.6	8.3%
Salary Group 6.2	4	0	0	0	0	3	1	68.8	20%
Salary Group 7+	0	0	0	0	0	0	0	-	0%
Salary Group 7	68	0	1	1 (1 DIO)	11 (2 DIO)	48	7	65.5	6.8%
Salary Group 7-	0	0	0	0	0	0	0	-	0%
<b>Total</b>	<b>138 (5 DIO)</b>	<b>0</b>	<b>1</b>	<b>1 (1 DIO)</b>	<b>17 (3 DIO)</b>	<b>92</b>	<b>27 (1 DIO)</b>	<b>66.7</b>	<b>7.4%</b>

2014/15

Office	Number of retirements	Under 50	50 - 54	55 - 59	60 - 64	65 - 69	70 - 75	Average age	% of strength
Salary Group 1	0	0	0	0	0	0	0	-	0%
Salary Group 1.1	0	0	0	0	0	0	0	-	0%
Salary Group 2	0	0	0	0	0	0	0	-	0%
Salary Group 3	3	0	0	0	0	0	3	70.33	7.9%
Salary Group 4	9	0	0	0	2	3	4	68	8.5%
Salary Group 5+	0	0	0	0	0	0	0	-	0%
Salary Group 5	7	0	0	0	2	4	1	66.14	7.9%
Salary Group 6.1	48 (2 DIO)	0	0	1 (DIO)	3 (1 DIO)	33	11	67.42	7.4%
Salary Group 6.2	8 (3 DIO)	0	0	0	2	4 (3 DIO)	2	66.5	29.6%
Salary Group 7+	0	0	0	0	0	0	0	-	0%
Salary Group 7	69 (2 DIO; 2 MR; 2 RFO)	0	3 (1 DIO; 1 RFO)	1	18 (1 DIO; 1MR; 1 RFO)	43 (1 MR)	4	64.83	6.9%
Salary Group 7-	1	0	1	0	0	0	0	54	14.3%
<b>Total</b>	<b>145 (7 DIO; 2 MR; 2 RFO)</b>	<b>0</b>	<b>4 (1 DIO; 1 RFO)</b>	<b>2 (1 DIO)</b>	<b>27 (2 DIO; 1 MR; 1 RFO)</b>	<b>87 (3 DIO; 1 MR)</b>	<b>25</b>	<b>66.08</b>	<b>7.5%</b>

**Key**

**DIO** Death in Office  
**MR** Medical Retirement  
**RFO** Removal from Office

## Northern Ireland Judicial Retirement Ages, 1 April 2010 - 31 March 2016

## 2010/2011

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Higher Judiciary	0	0	0	0	0	0
CCJ	2	0	0	0	2	0
DJ(MC)	0	0	0	0	0	0
DJ	0	0	0	0	0	0
Sup Ct	0	0	0	0	0	0
CSSC&CCSC	0	0	0	0	0	0
SSC	0	0	0	0	0	0
Tribs	0	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>

## 2011/2012

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Higher Judiciary	0	0	0	0	0	0
CCJ	1	0	0	0	1	0
DJ(MC)	0	0	0	0	0	0
DJ	1	0	0	0	0	1
Sup Ct	1	0	0	1	0	0
CSSC&CCSC	1	0	0	1	0	0
SSC&CSC	0	0	0	0	0	0
Tribs	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>

## 2012/2013

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Higher Judiciary	0	0	0	0	0	0
CCJ	2	0	0	1	1	0
DJ(MC)	0	0	0	0	0	0
DJ	0	0	0	0	0	0
Sup Ct	1	0	0	1	0	0
CSSC&CCSC	0	0	0	0	0	0
SSC&CSC	0	0	0	0	0	0
Tribs	1	0	0	0	1	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>

**2013/2014**

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Higher Judiciary						
CCJ	1			1		
DJ(MC)	2				1	1
DJ						
Master	1		1			
Sup Ct						
CSSC&CCSC						
SSC&CSC						
Tribs						
<b>Total</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

**2014/2015**

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Lord Justice of Appeal	1					
CCJ	1				1	
DJ(MC)						
DJ						
Master	2		1 (MR)	1		
High Court					1	
CSSC&CCSC						
SSC&CSC						
Tribs	1				1	
<b>Total</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>

**2015/2016**

Office	No of retirements	50-55	55-60	61 – 65	66-70	71 – 75
Lord Justice of Appeal	2				2	
CCJ						
DJ(MC)						
DJ						
Master	1			1		
High Court						
Coroner	2	1 (MR)			1	
CSSC&CCSC						
SSC&CSC						
Tribs	1*				1	
<b>Total</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>

## Annex D: Non-jury ('Diplock') cases (Northern Ireland)

### Non-Jury Crown Court Defendants Dealt With

(Includes defendants Prosecuted under the Justice & Security Act)

Year	High Court Judge		County Court Judge		Total	
	Number	%	Number	%	Number	%
2000	23	26%	66	74%	89	100%
2001	17	27%	45	73%	62	100%
2002	23	20%	90	80%	113	100%
2003	32	29%	79	71%	111	100%
2004	24	31%	53	69%	77	100%
2005	29	32%	61	68%	90	100%
2006	18	20%	73	80%	91	100%
2007	30	27%	83	73%	113	100%
2008	25	35%	47	65%	72	100%
2009	20	49%	21	51%	41	100%
2010	20	71%	8	29%	28	100%
2011	10	43%	13	57%	23	100%
2012	26	47%	29	53%	55	100%
2013	3	5%	62	95%	65	100%
2014	13	21%	50	79%	63	100%
2015	4	16%	21	84%	25	100%

Source: Integrated Court Operations System

### Non-Jury Crown Court Cases Dealt With

(Includes defendants Prosecuted under the Justice & Security Act)

Year	High Court Judge		County Court Judge		Total	
	Number	%	Number	%	Number	%
2007	14	22%	50	78%	64	100%
2008	12	36%	21	64%	33	100%
2009	9	53%	8	47%	17	100%
2010	10	59%	7	41%	17	100%
2011	4	29%	10	71%	14	100%
2012	7	33%	14	67%	21	100%
2013	3	8%	33	92%	36	100%
2014	1	4%	27	96%	28	100%
2015	2	12%	15	88%	17	100%

Source: Integrated Court Operations System

**Crown Court Defendants Dealt With by County Court Judge**

(Includes defendants Prosecuted under the Justice &amp; Security Act)

Year	Non-Scheduled		Scheduled		Total	
	Number	%	Number	%	Number	%
2000	1093	94%	66	6%	1159	100%
2001	1013	96%	45	4%	1058	100%
2002	958	91%	90	9%	1048	100%
2003	1113	93%	79	7%	1192	100%
2004	1384	96%	53	4%	1437	100%
2005	1340	96%	61	4%	1401	100%
2006	1374	95%	73	5%	1447	100%
2007	1620	95%	83	5%	1703	100%
2008	1560	97%	47	3%	1607	100%
2009	1454	99%	21	1%	1475	100%
2010	1518	99%	8	1%	1526	100%
2011	1900	99%	13	1%	1913	100%
2012	2137	99%	29	1%	2166	100%
2013	2481	98%	62	2%	2543	100%
2014	2062	98%	50	2%	2112	100%
2015	1351	98%	21	2%	1372	100%

Source: Integrated Court Operations System

**Crown Court Defendants Dealt With by High Court Judge**

(Includes defendants Prosecuted under the Justice &amp; Security Act)

Year	Non-Scheduled		Scheduled		Total	
	Number	%	Number	%	Number	%
2000	61	73%	23	27%	84	100%
2001	17	20%	68	80%	85	100%
2002	23	28%	59	72%	82	100%
2003	32	32%	68	68%	100	100%
2004	24	19%	103	81%	127	100%
2005	29	29%	71	71%	100	100%
2006	18	19%	77	81%	95	100%
2007	30	26%	85	74%	115	100%
2008	25	20%	101	80%	126	100%
2009	61	75%	20	25%	81	100%
2010	35	64%	20	36%	55	100%
2011	25	71%	10	29%	35	100%
2012	23	47%	26	53%	49	100%
2013	45	94%	3	6%	48	100%
2014	38	75%	13	25%	51	100%
2015	18	82%	4	18%	22	100%

Source: Integrated Court Operations System

## Annex E: Judicial Pay Bill Northern Ireland (2015/16)

### Judicial Pay Bill Northern Ireland 2015-16

	Salary	ERNI	ASLC	Total
<b>Consolidated Fund</b>	7,393,918.61	931,643.62	2,727,859.34	11,053,421.57
<b>Departmental Vote</b>	2,061,035.75	262,977.99	748,796.82	3,072,810.56
<b>Total</b>	<b>9,454,954.36</b>	<b>1,194,621.60</b>	<b>3,476,656.16</b>	<b>14,126,232.12</b>
<b>Note</b>				
<b>Consolidated Fund Judiciary:</b>				
Lord Chief Justice				
Lord Justice of Appeal				
High Court Judge (Inc. President Lands Tribunal) <sup>(1)</sup>				
Recorder of Belfast				
County Court Judge				
District Judge (Magistrates' Courts)				
Lands Tribunal Member <sup>(1)</sup>				
<b>Departmental Vote Judiciary:</b>				
Chief Social Security and Child Support Commissioner				
Social Security and Child Support Commissioner				
Senior Coroner				
Coroner				
District Judge (Civil)				
Master of the Supreme Court				
President Appeals Tribunal				
Legal Member Appeals Tribunal				

Includes devolved posts for which NICTS are responsible.

<sup>(1)</sup> Section 2(5) of the Lands Tribunal and Compensation Act (NI) 1964 provides the Department for Justice in Northern Ireland with the power to determine the remuneration of members of the Lands Tribunal.

\* Costs for The Appeals Tribunal are charged back to the NICS Department with statutory responsibility (Department for Communities).

Includes service awards paid to judiciary who retired.



© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from [Deepika.patel@justice.gsi.gov.uk](mailto:Deepika.patel@justice.gsi.gov.uk)