

Prisons and Courts Bill

Leadership Judges

Introduction

1. The Government's vision is for a modern and world-renowned justice system that is swifter, more accessible and easier to use for everyone. It will be efficient and fit-for-purpose, with facilities across the entire estate that are modern, user-friendly, and work in favour of our hard-working and dedicated judges and magistrates.
2. In considering the judiciary's role in this reformed system, the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals established a Steering Group to look at the use of the judiciary and to formulate strategic proposals for their consideration and agreement. 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."
3. The Steering Group explored several potential areas of reform that might achieve these aims; in September 2016 the Lord Chancellor published a consultation paper, *Modernising Judicial Terms and Conditions*, which set out a number of proposals that the Group considered should be prioritised for wider consultation during a time when the courts and tribunals system itself will be undergoing significant reform. In its response to the consultation, published in February 2017, the government set out its intention to pursue the policy to reform judicial leadership positions, which requires some legislation to enable it, alongside other non-legislative measures.

What is the current position?

4. Leadership judges hold additional responsibilities over and above the judicial duties of a judicial office holder. This could include carrying out appraisals, managing the court centres caseload, mentoring or providing pastoral support to judges in their centre. The current system of leadership judges across all levels and throughout jurisdictions is varied in terms of tenure, pay, responsibilities and duties. This has led to a number of inconsistent practices which this policy seek to address. The judiciary will, however, continue to be responsible for defining the expectations regarding the specific responsibilities and duties of leadership.
5. At present, some leadership roles are held on a fixed term basis whereas others are not. Some leadership positions are statutory and some are not. Non-statutory roles can already be offered on a fixed term, but some statutory offices dictate that a person will hold the role until retirement. More recently-created statutory offices, such as the Senior President of the Tribunals, have provided the possibility for the role to be offered on fixed term. In addition some leadership roles are rewarded by extra remuneration while others are not, and in many cases the current arrangements mean that an office holder's pay does not decrease correspondingly when their leadership post ends.

What are the proposed changes?

6. These provisions amend those statutory offices which cannot already be offered on a fixed term. It includes, for example, the Lord Chief Justice and other Heads of Division. The legislation does not set out the length of the leadership term in each

case – the Lord Chancellor would decide this in consultation with the judiciary on a case by case basis according to business need. To ensure that leadership judges appointed for a fixed term have a role to return to at the end of their term, the legislation will provide leadership judges with a non-leadership judicial position, for which they will not be paid when they are holding the leadership post, but that they can then take up fully at the end of their fixed term leadership post. Previously this provision was not needed as when an office holder was appointed to a leadership position they would hold that position until retirement.

7. The changes will affect leadership positions in the courts in England and Wales and First-tier Tribunal and Upper Tribunal. It will not affect leadership positions in the courts in Scotland, Northern Ireland or the devolved Welsh Tribunals.

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