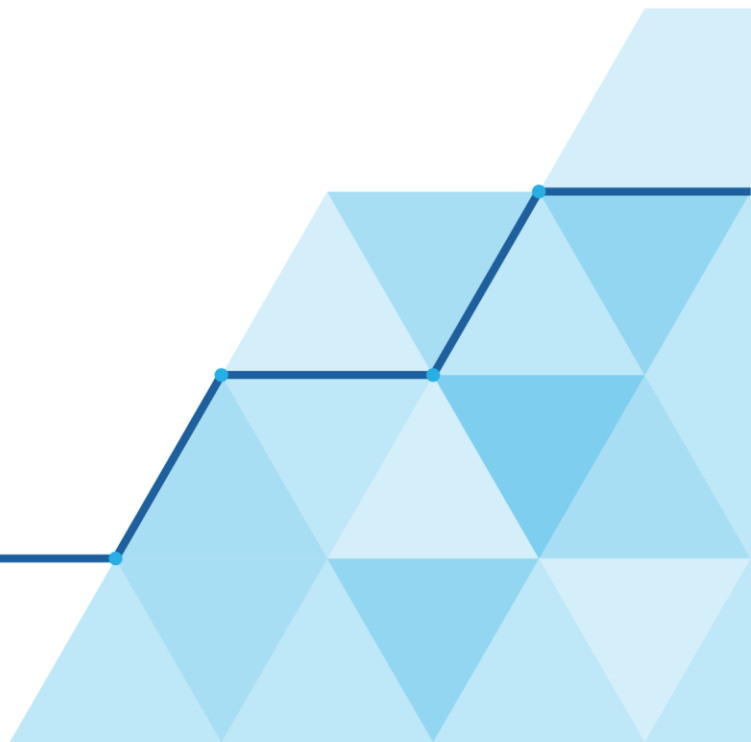




Ministry
of Justice

Ministry of Justice Evidence Pack: Judicial Pay 2020/21

February 2020



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1 Introduction

1. This document constitutes the Ministry of Justice's (MoJ) evidence to the Senior Salaries Review Body (SSRB) for its 2020/21 pay review for salaried judicial office holders in the courts and tribunals of the United Kingdom for whom the Lord Chancellor sets the rate of remuneration.
2. The aim of this document is to provide evidence to support the Government's preferred approach to judicial pay in 2020/21. This document will also consider the strategic context, the financial position of the MoJ and Her Majesty's Courts and Tribunal Service (HMCTS) and provide a summary of the policy and operational changes affecting the judiciary since the SSRB's most recent review of judicial pay (the Major Review of the Judicial Salary Structure, published October 2018).
3. This evidence additionally incorporates information provided by the Northern Ireland Courts and Tribunals Service about the work of the judiciary in Northern Ireland.

Strategic Approach

4. Our UK judiciary is world-renowned because of its reputation for excellence, objectivity and incorruptibility. 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 to filling a key constitutional role as one of the three branches of the state. 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, contributing to a legal services industry worth £25 billion to the UK economy each 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.
5. In 2016, the then Lord Chancellor asked the SSRB to undertake a Major Review of the judicial salary structure. This report, published in October 2018, identified "very strong evidence for recruitment difficulties" at the High Court, "reasonable doubts whether...vacancies can be filled" at the Circuit bench and in the Upper Tribunal, and "some cause for concern" at District and First-tier Tribunal level. The review body concluded that these recruitment problems were principally occurring because the conditions of service for a judge have become much less attractive to potential applicants. It considered pension-related changes to be the main cause of this.

6. In response to the Major Review's findings, and given the risks posed to service delivery by not having enough judges, the Government introduced new recruitment and retention allowances to target the most acute recruitment problems. Importantly, the Government also committed to delivering sustainable, long-term pension reform for the whole judiciary. Now that the final judgment in the *McCloud* case is clear, we are working across Government to provide a remedy for claimants in the litigation and those in the same legal and factual position and to develop and legislate for a new judicial pension scheme.
7. We also announced a pay award of 2% in 2019/20 for all judicial office holders as part of the Government's response to the Major Review. This equalled the 2% pay award made in 2018/19, the highest judicial pay increase for a decade.
8. We continue to closely monitor recruitment to and retention of the judiciary. Although it is currently too early to provide detailed evidence on the impact of the measures we have introduced, we have seen no significant increase in early departures from the judiciary and are encouraged by the outcome of the latest High Court recruitment round for which the Judicial Appointments Commission (JAC) recommended 17 candidates to be appointed. There has been joint work between the MoJ, the judiciary and the JAC to address recruitment issues. For example, we have prioritised recruitment where significant gaps had arisen as a result of limited recruitment undertaken for a few years before 2017. We have also improved on-going future forecasting to anticipate better where and when recruitment is required. We expect to have a more sustainable cycle and volume of recruitment in place from 2021/22.
9. 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. The recruitment pool for the judiciary is made up of an expert, and often highly-paid, group of individuals. In order to attract these individuals to take up office in the salaried judiciary it is clear that they must see an attractive remuneration package, coupled with good working conditions, attractive terms and conditions, and a manageable workload. We hope that the pay proposals set out in this evidence pack will help to boost the attractiveness of a career as a salaried member of the judiciary.

2 Proposals for 2020/21

10. The Government's preferred approach is to increase pay for all judicial office holders by 2%, broadly in line with other parts of the public sector, and to consider the evidence for changes to the salary group placement of Upper Tribunal Judges and Senior Masters.

Pay award

11. Table 1 provides details of the proposed 2% approach on the pay of the judiciary.

Table 1: The impact of the Government's recommended percentage increase on the 2020/21 judicial pay award

Salary Group	2019/20 Salaries (£)	% Change	2020/21 Salaries (£)
1	262,264	2	267,509
1.1	234,184	2	238,868
2	226,193	2	230,717
3	215,094	2	219,396
4	188,901	2	192,679
5+	160,377	2	163,585
5	151,497	2	154,527
6.1	140,289	2	143,095
6.2	132,075	2	134,717
7	112,542	2	114,793
8	89,428	2	91,217

12. There are changes underway in the judicial pensions landscape: work is progressing to provide a remedy to those affected by the *McCloud* judgment; the Government has committed to implementing long-term pension reform to address the judicial recruitment issues highlighted by the SSRB in 2018; and HM Treasury are conducting a review of the Annual Allowance taper. Given these changes, our preferred approach is to make a pay award to all judicial office holders regardless of individuals' pension scheme arrangements. The MoJ's position is that it would not be acceptable to provide different salaries to judicial office holders whose primary role is the same (including based on their pension scheme membership).
13. In addition, rather than targeting a higher pay award at a particular cohort, our proposed approach is to make an award at the same level for all judicial office holders. This would ensure that all judges see their pay increase broadly in line with inflation

forecasts.¹ The equal approach also reflects the value the Government places on the work of all judges, regardless of their specific responsibilities. We would need to see well-justified reasoning from the SSRB to depart from this approach.

District Judges

14. The SSRB's Major Review found "emerging evidence" of a recruitment and retention issue at the District bench. The Government considered this evidence carefully at the time but agreed with the SSRB's findings that it was not as significant as the problems facing other tiers of the judiciary. The Government therefore considered that short-term mitigating action was not required given the commitment to address the underlying problems through long term pension reform with a legislative basis.
15. We have continued to monitor recruitment to the District Bench and, based on the latest available evidence, we are not clear that remuneration is the primary driver for the current recruitment issues experienced at District Bench level. Rather, we consider that these recruitment problems stem in large part from the limited pool of potential candidates. Unlike First-tier Tribunal Judges (who are also in salary group 7), candidates for District Judge appointments are required to have previous judicial experience, which is most often acquired through experience as a Deputy (fee-paid) District Judge. In recent years, however, there has been limited recruitment of Deputy District Judges, thereby limiting the feeder pool for salaried office. We are currently reversing that trend – in 2018/19 the JAC selected 320 new Deputy District Judges for appointment – and so the eligible pool of candidates for District Judge roles will grow. We do not believe that a different pay approach for District Judges will have as much impact as the continued large-scale recruitment to fee-paid office combined with our commitment to pension reform.
16. We remain focused on our commitment to implement a long-term solution which addresses the pensions issues identified by the Major Review. These scheme-based changes will apply to all members of the judiciary, including District Judges and First-tier Tribunal Judges.
17. If the SSRB was minded to recommend a differential pay award (for example, a larger increase for District Judges), we would want to see more evidence that the causes of the emerging recruitment problem are specifically related to remuneration. The SSRB should also note that the Lord Chancellor has no express statutory power to pay an allowance to District Judges within the current legal framework, and that any pay increases cannot be reversed in future (for example when pension reforms are implemented) due to the statutory prohibition on reducing judicial salaries.

¹ The Office for Budget Responsibility forecasts Consumer Price Inflation at 2.1% in 2019 and 2.1% in 2020.

Salary groupings

18. Alongside the judicial pay award for 2020/21, we have asked the SSRB to consider the appropriate salary group placement of:
 - a. Upper Tribunal Judges (currently in salary group 6.1), and
 - b. Senior Masters and Registrars, specifically the offices of Senior Master of the Queen's Bench Division, Chief Chancery Master, Senior Costs Judge, and Chief Insolvency and Company Court Judge (currently in salary group 6.1, with a 3% uplift in salary compared to the base rate of the group).
19. The SSRB's Major Review suggested that the senior judiciary should, in future, take a greater leadership role in determining the placement of judicial offices. The MoJ supports the SSRB's view that the senior judiciary's expertise means they are best placed to be able to assess the comparability of different judicial roles. To determine the appropriate salary grouping of the two roles in scope of this annual review, we therefore suggest that it would be for the MoJ to set the parameters of acceptable recommendations – based on the current legal framework for judicial pay, practicalities of implementing any changes to the pay structure, and affordability considerations – but for the senior judiciary to advise and provide evidence on where these two judicial roles should be placed in the salary structure. The SSRB can then consider both the parameters and the evidence when making their recommendation.

Upper Tribunal Judges

20. For Upper Tribunal Judges, we consider that there are three possible options:
 - a. Upper Tribunal Judges remain in salary group 6.1;
 - b. A new salary group is created between groups 6.1 and 5 which Upper Tribunal Judges are moved into; or,
 - c. Upper Tribunal Judges are moved to salary group 5.
21. We believe that setting different levels of pay within the same salary group could create confusion and that introducing a new salary group would be preferable to paying judges at different levels within the same grouping. The rate of a new salary group would be set by the Lord Chancellor but based on advice from the SSRB. We would anticipate the rate of a new group to be set approximately halfway between the salary points either side of it.
22. We also believe that Upper Tribunal Judges should be treated equally with regard to salary, regardless of the Chamber to which they are appointed.
23. The impact on cross-deployment, recruitment, and wider judicial leadership must also be considered if a change to the salary grouping of Upper Tribunal Judges is

recommended. More detail on our proposed approach to the salary placement of Upper Tribunal Judges is provided at Chapter 10.

Senior Masters and Registrars

24. The Senior Master of the Queen's Bench Division, Chief Chancery Master, Senior Costs Judge, and Chief Insolvency and Company Court Judge (referred to collectively in this document as 'Senior Masters') fulfil a leadership role. This group of judges was impacted by the salary group changes recommended in the Major Review. Masters, the judges that Senior Masters lead, were moved to salary group 6.1 (i.e. the same group as the Senior Masters). However, current statute dictates that the Senior Masters cannot be paid the same as the judges they lead. Therefore, from 1 October 2019 when the Major Review salary group changes came into effect, Senior Masters received 3% more than the base rate of salary group 6.1. This is an interim arrangement to reflect the current legal framework and we do not consider the higher pay point within salary group 6.1 to be a long-term solution.
25. For Senior Masters, we consider that there are two possible approaches:
 - a. A new salary group is created between groups 6.1 and 5 which the Senior Masters are moved into (as with Upper Tribunal Judges, the Lord Chancellor would be responsible for setting the rate of this group, based on advice from the SSRB); or,
 - b. Senior Masters are moved to salary group 5.
26. We would expect the senior judiciary to provide an evidence-based view on how the responsibilities of Senior Masters fit within these parameters to support the SSRB's review.
27. These options do not cut across the leadership proposals which we intend to bring to the SSRB next year. Those proposals will be focused on recognising leadership which is currently unrewarded, and which is held for a fixed-term period. By contrast, Senior Masters hold permanent leadership positions and, until 1 October 2019, when changes to the salary grouping of Masters came in, the leadership elements of the roles were always recognised by the judges being in a higher salary group than Masters.
28. Further evidence to support our proposals on salary group placements can be found at Chapter 10.

3 Affordability

29. As set out in the remit letter for the 2020/21 pay round, the MoJ's priority is to balance the need to have a remuneration package which helps attract the best legal minds 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.
30. For those reasons, affordability is a key part of the SSRB's consideration when making recommendations. We ask that the SSRB is mindful of the wider context, including other pressures on the Department's budget, and to consider the justifying evidence base for each recommendation, as well as overall value for money.
31. The estimated cost of our proposals for 2020/21 is c. £12 million (including employer National Insurance and pension costs). This includes the proposed headline award of 2% (c. £11 million) and any changes to salary group placements for Upper Tribunal Judges and Senior Masters (c. £1 million, depending on the options chosen).
32. Considering the financial context as outlined below, these proposals are affordable for the Department. Any recommendations above those detailed in this evidence would be unfunded and add significant pressure to the Department's budget in 2020/21. This would require decisions to be taken to re-prioritise investment from elsewhere in the justice system.

Financial context

33. Following negotiations with HM Treasury, MoJ will receive £8.142 billion of resource funding (RDEL) for 2020/21; this represents an uplift for the Department compared to 2019/20.
34. However, whilst the settlement has increased, the financial position for 2020/21 is set to be challenging and the Department will need to work hard to live within its budget. In particular, as the recruitment of 20,000 additional police officers has commenced, we will need to utilise additional funding to ensure that the Criminal Justice System can respond to the expected increase in demand.
35. The MoJ continues to invest in HMCTS Reform to reshape the justice system around the needs of all those who use it by simplifying and streamlining our processes. This sits alongside increases in funding for Judicial Office and the JAC to deliver extra judicial training and increased recruitment. Departmental decisions to prioritise and invest in such measures are taken in the wider context of departmental and governmental affordability.

Judicial pay bill

36. Judicial remuneration amounted to £516.6 million in 2018/19. The requirement is expected to rise to approximately £582 million in 2019/20 due to the changes in workload across a number of jurisdictions, an increase in the employer's contribution rate to judicial pensions, a pay award of 2%, changes to judicial salary groups, and the introduction of recruitment and retention allowances. 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.
37. 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, including fee-paid office holders.

4 Wider strategic context

38. This section sets out the impact of recent and ongoing reforms on judicial office holders and details the Government's policy aims in areas which link to judicial recruitment, retention and remuneration.

Wider context

HMCTS Reform

39. 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 billion in the courts and tribunals system. This ambitious program of court reform aims to bring new technology and modern ways of working to the justice system, for the benefit of everyone who uses it.
40. 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.
41. While we expect that this will result in a smaller court estate due to reduced demand, in any further closure proposals we will prioritise closing under-utilised or inefficient buildings and consolidate and invest in better court buildings which provide better accommodation. We will also be offering alternative ways for users to access justice. Judicial input will continue to be an essential part of this process.
42. As well as improving the efficiency of the courts, these processes and changes will improve the day-to-day working life of judicial office holders. We will also provide support to judges in leadership roles, help to define a career journey, and provide better HR support.

Exit from the European Union

43. The MoJ has been working to identify the issues affected by the UK's exit from the European Union. One area where there is likely to be an impact is on the UK justice system, specifically the volumes and the nature of cases in courts and tribunals. Although the Government continues to plan for every potential outcome, it is difficult to predict in detail, and with a degree of certainty, what the implications will be for volumes of cases in each jurisdiction and each level of court and tribunal. The eventual impacts on the justice system are dependent on future negotiated outcomes and future Government policy.

20,000 additional police officers

44. In September 2019, the Government announced the recruitment of an additional 20,000 police officers as part of a drive to tackle crime. This is expected to result in an increased caseload in the Magistrates' Courts and Crown Court in future years where criminal cases are heard. The Department is working with partners across the Criminal Justice System to understand and monitor this impact, alongside any other unforeseen impacts arising from the increase in recruitment of CPS prosecutors. This is, and will continue to be, factored into future judicial resource planning on an ongoing basis.
45. That said, an increase in volumes of reported crime does not necessarily equate with an additional recruitment need for salaried judiciary (e.g. District and Circuit Judges). An increase in caseload can be managed through a variety of methods, including increasing Recorder sittings, or deployment of Circuit Judges and Recorders currently sitting in other jurisdictions. There is currently no shortage of judges in the Crown Court due to recent decreases in the crime caseload. The most appropriate mitigation method will depend on the extent to which type and volume of cases increase in the courts.

Judicial remuneration

SSRB Major Review of the Judicial Salary Structure

46. The SSRB's Major Review of the Judicial Salary Structure identified clear evidence of recruitment and retention problems within the judiciary, particularly at senior levels.
47. On examining the causes of the growing recruitment and retention problem, the SSRB noted that, like others in the public sector, the judiciary has been subject to pay restraint since 2010. Take-home pay has also been affected by changes to tax and national insurance thresholds over this period. The SSRB concluded, however, that the "single most significant factor affecting total net remuneration" was the move from the unique non-registered pension scheme for judges ('JUPRA') to the new, tax-registered Judicial Pension Scheme introduced in 2015 (JPS 2015). Judges in the new pension scheme are subject to the annual and lifetime allowances, with significant implications for their overall remuneration.
48. Many judges, particularly at more senior levels, have had years of successful professional practice prior to their appointment to the bench and their remuneration rightly reflects this level of experience. The combined impact of these changes has been particularly stark for judges in the new scheme, with a consequent effect on recruitment and retention.

49. Salaried judges are unique in the public sector in that they are unable to return to private practice after becoming judges. Entering salaried judicial office is, in effect, a 'one-way street'. As the SSRB noted, this convention has compounded the negative impact that pension changes have had on judicial remuneration and, by extension, on judicial morale. The 2016 Judicial Attitudes Survey found that just 2% of judges felt valued by the Government.
50. While the Government did not follow the SSRB's proposed solution to address the problems identified, it did recognise the need for immediate action. The Government therefore introduced a new recruitment and retention allowance for certain senior salaried judicial office holders and committed to making long term pension scheme changes for the whole judiciary. An update on pension reform is provided at paragraphs 55-58 below.
51. In addition, the SSRB found that leadership roles at some levels within the judiciary are not adequately recognised and rewarded, and that the current system does not reflect the fact that leadership responsibilities can change over time. In general, judicial leadership is rewarded (in financial terms) by the leadership judge being placed in a higher salary group than the judges they lead (for example, the Judge Advocate General is in a higher salary group than the Vice-Judge Advocate General). This is our preferred approach to recognise permanent leadership positions.
52. However, we recognise that Circuit Judges in leadership roles for a fixed term (usually four years, with the option to renew for a further four years) do not receive any additional remuneration for taking on these extra responsibilities. We are currently working with the Judicial Office to build the evidence base on unrewarded leadership to identify an appropriate solution to this issue. We intend to provide a proposal setting out how we believe currently unrewarded judicial leadership can be recognised in time for the SSRB's 2021/22 annual review.
53. A significant part of the Major Review was the consideration of the placement of judicial offices within the salary structure. Where there was robust evidence that an office should be moved to a higher position within the judicial salary structure, the SSRB's recommendations were accepted. However, as the Government decided not to accept the SSRB's proposal to merge salary groups, there were a handful of offices where the SSRB recommendation was unclear or where there was insufficient evidence to support a salary group change at that time. This is why we have asked the SSRB to re-examine the appropriate placement of Upper Tribunal Judges and Senior Masters as part of this annual review.

54. We consider that the leadership proposal is distinct from the salary group placements which we are asking the SSRB to review this year:
- a. Not all Upper Tribunal Judges have leadership responsibilities, and those who do are recognised as such by being placed in a higher salary group. Leadership has a wide definition, consisting of responsibility for efficiency, leadership and governance, and the expectations of leadership are higher now than they have ever been before. However, the consideration of the salary group placement for Upper Tribunal Judges is linked to arguments around the complexity of their work rather than any leadership responsibilities.
 - b. Senior Masters *are* leadership judges; however, these are permanent positions and therefore fit with the general approach that leadership judges should be in a higher salary group to the judges they lead. The Government could not follow this approach in response to the Major Review due to a lack of evidence over where Senior Masters should be placed following the re-grading of the judges they lead (Masters, who moved from salary group 7 to salary group 6.1). That is why we are asking the SSRB to urgently consider the evidence on these roles as part of this annual review.

Judicial pension reform strategy

55. In response to the Major Review, the Government committed to long-term reform of the judicial pension scheme and announced interim recruitment and retention allowances for certain tiers of the salaried judiciary.
56. In *McCloud* the Court of Appeal found, in December 2018, that the implementation of the Government's pension reforms unlawfully discriminated against younger judges on the basis of age. Permission to appeal to the Supreme Court was refused on 27 June 2019.
57. The Government remains determined to address the problems in judicial recruitment which were highlighted by the SSRB through a long-term, pensions-based solution. Now that the decision in the *McCloud* litigation is known, we are working with HMT to consider how best to progress pension reform. We are also progressing work on how we will address discrimination for those affected by the Court of Appeal's judgment in the *McCloud* litigation.
58. We will continue to issue communications updating the judiciary on how we will address discrimination for judges who have been affected by the Court of Appeal's judgment, including claimants in the litigation and non-litigant judges who are in the same legal and factual position as the claimants.

Other policies affecting the remit group

Judicial diversity

59. The Lord Chancellor is committed to driving and supporting efforts to improve the diversity of the judiciary. The MoJ continues to work closely with the members of the Judicial Diversity Forum (JDF), which includes the judiciary, the Judicial Appointments Commission (JAC), the legal profession 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.
60. The Pre-Application Judicial Education programme (PAJE) launched in April 2019. PAJE is the first such joint initiative of the JDF and is aimed at supporting eligible lawyers from under-represented groups to apply for judicial roles, including: women, BAME lawyers, lawyers with disabilities and/or solicitors and chartered legal executives (both with litigation and non-litigation experience) and those from a non-litigation background. The first phase of the programme, an online learning platform, launched in April 2019 to develop lawyers' understanding of the role and skills required to be a judge. Judge-facilitated discussion groups launched in September 2019 across England and Wales, providing participants with access to judges who will share their insight into the realities of being a judge and the ways in which participants can overcome perceived barriers.
61. We are working on a combined diversity publication which will bring together JAC statistics on recommendations for new appointments and Judicial Office statistics on the diversity of the current judiciary, with a publication date planned for September 2020. These statistics could be presented alongside membership diversity information from the professional bodies (The Bar Council, The Law Society and CILEx Regulation Limited) as appropriate. This would show the representation of under-represented groups from the professional bodies through the JAC recruitment process and into the judiciary. Where possible, the new publication will provide comparable data on the legal professions to give a fuller picture of the eligible pool and ensure better-informed debate on issues concerning judicial diversity.
62. The Lord Chief Justice and Senior President of Tribunals, in a letter to the Justice Select Committee in July 2019, signalled their commitment to renewing efforts to attract the best lawyers from all backgrounds so that the judiciary can become more representative of society over time. They already do this in a number of ways and continue to grow capacity, including through cultivating the eligible pool, a schools' programme, a Judicial Role Model Scheme, a Judicial Work Shadowing Scheme, and a Judicial Mentoring Scheme.

63. The JAC supports a wide range of outreach activities and programmes aimed at potential applicants from under-represented groups. All selection processes are also rigorously tested to ensure they are fair and non-discriminatory. The JAC commissioned the Work Psychology Group (WPG) to undertake an independent review of the fairness and effectiveness of shortlisting tools in July 2018. The review found that the JAC is following best practice approaches, and the JAC keeps its selection processes under continual review to ensure they are fair and identify talented candidates from a wide range of backgrounds.

Mandatory retirement age

64. In the Government's Response to the Major Review, we committed to consulting on a change to the judicial mandatory retirement age (MRA). It has been argued that an increase to MRA might retain current judicial talent on the bench for longer and increase the attractiveness of judicial appointments (for example by enabling senior advocates to apply for judicial positions later in their legal careers).
65. Currently the MRA for all judicial office-holders is set at 70 by the Judicial Pensions and Retirement Act (JUPRA) 1993. The MRA of 70 is also applicable to magistrates by way of the Courts Act 2003. A change to MRA would therefore require primary legislation. It would also need to balance impacts on the recruitment and retention of judges with potentially negative effects on judicial diversity.
66. However, considering the potential judicial recruitment and retention benefits a change in mandatory retirement age might bring in the current context, the Government will consult further on the potential implications of increasing the MRA in due course.

Salaried part-time working

67. We have reviewed and revised the current Salaried Part-Time Working (SPTW) policy to support the provision of a more flexible working environment within the judiciary. We have worked alongside HMCTS, the JAC and Judicial Office to revise the policy, which we expect to be published in early 2020. 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 applications to salaried judicial office from applicants who wish to work part-time but do not wish to apply for a fee-paid judicial role.
68. The Judicial Diversity figures for 2019 were published on 11 July 2019, reflecting the position as at 1 April 2019. In summary, the percentage of salaried tribunal judges who work part-time is higher than salaried court judges. Of tribunal judges, the highest percentage who work part-time are Employment Tribunal judges at 49%. Of

court judges, the highest percentage who work part-time are District Judges at 19%. A further breakdown of take-up is provided in tables 10 and 11.

69. The 2016 Judicial Attitudes Survey provides the latest available data on judicial attitudes towards salaried part-time working. The survey 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. 68% of First-tier Tribunal judges placed high importance on working part-time and 88% of Employment Tribunal judges considered there was high availability for working part-time. Of those court judges who responded, District Judges were the largest group that placed high importance on working part-time and 36% considered that it was available to them.

Further reforms

70. The judiciary operates within a complex and changing justice system, and collectively the judiciary itself continues to evolve and adapt to reflect modern working practices. The SSRB's Major Review found that "over the last ten years, there have been significant changes to the roles that judges perform and the environment in which they work" which "require very high workforce management skills, in the widest sense".
71. Consequently, the senior judiciary are leading a range of measures to ensure that judges are supported effectively in all aspects of their role. For instance, Judicial Office is introducing new training for all leadership judges to ensure judicial leadership is highly professional and effective. It is also developing induction packs for leadership judges and will be organising annual leadership events to promote best practice (for example, covering GDPR, employment law and resilience). The senior judiciary are also ensuring 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).

5 The Remit Group

72. MoJ has worked with Judicial Office, JAC and the payroll administrator (Liberata) to ensure we use the best data available throughout this evidence submission. As there is no single, comprehensive data system with the ability to provide all the required data, we have sourced data from a variety of sources. These sources are referenced throughout the document.
73. We have found that differing categorisations and collection criteria utilised by different organisations have, in places, given rise to discrepancies between each data set. The data provided is the most up to date and accurate data presently available.

Headcount

74. Table 2 shows the number of salaried judicial office holders in post in each salary group in England and Wales on 31 March 2019 in terms of overall headcount and full-time equivalent (FTE) numbers. Data on headcount over recent years and a further breakdown of headcount by judicial office is provided at Annex A.

Table 2: Headcount and FTE numbers of salaried judicial office holders in post in England and Wales on 31 March 2019²

Salary Group	Number in Post	FTE in Post
1	1	1
1.1	2	2
2	15	15
3	39	39
4	97	96.1
5	77	76.2
5+	2	2
6.1	686	669.4
6.2	14	13.8
7	921	869.85
Grand Total	1,854.00	1,784.35

² Liberata data. Note that this varies slightly from the data provided by Judicial Office in the Diversity statistics. For the most part this is due to the different dates for the data (31 March 2019 for Liberata, compared to 1 April 2019 for JO data), but as explained in paragraph 73 there are some discrepancies between the datasets which we are working to resolve in the long term.

Organisation and regional locations

75. The courts structure operates throughout England and Wales; 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 regional location, but some office holders are assigned nationally, or to more than one region. We do not publish data on the regional location of tribunals judges.

Table 3: Regional location of salaried courts judges in England and Wales by primary location as at 1 April 2019³

Region	Total in post	Fee paid	Salaried	Salaried part-time
London	1,251	810	407	34
Midlands	453	260	174	19
North East	378	210	153	15
North West	465	270	168	27
South East	215	-	179	36
South West	301	183	104	14
Wales	147	82	63	2
Total	3,210	1,815	1,248	147

³ Judicial Diversity Statistics 2019 – Table 1.4: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Diversity

Gender

76. As at 1 April 2019, 32% of court judges and 46% of tribunal judges were women. The proportion of court judges who were women increased from 24% in 2014 to 32% in 2019. The proportion of tribunal judges who were women increased by 3 percentage points over the same time period.

Table 4: Primary appointment of Judges in Courts in England and Wales, by gender, as at 1 April 2019⁴

Appointment name	Total in post	Men	Women	% Women
Heads of Division	5	5	-	*
Court of Appeal Judges	39	30	9	23
High Court Judges	97	71	26	27
Deputy High Court Judges	87	65	22	25
Judge Advocates, Deputy Judge Advocates	6	6	-	*
Masters, Registrars, Costs Judges	27	19	8	30
Deputy Masters, Deputy Registrars, Deputy Costs Judges	27	19	8	30
Circuit Judges	670	460	210	31
Recorders	873	687	186	21
District Judges (County Courts)	424	247	177	42
Deputy District Judges (County Courts)	748	454	294	39
District Judges (Magistrates Courts)	127	80	47	37
Deputy District Judges (Magistrates Courts)	80	54	26	33
Totals:	3210	2197	1013	32

⁴ Judicial Diversity Statistics 2019 – Table 1.1: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 5: Primary appointment of Judges by Jurisdiction in Tribunals in England and Wales, by gender, as at 1 April 2019⁵

Judges - Jurisdiction	Total in post	Men	Women	% Women
Employment Appeal Tribunal	4	2	2	*
Employment Tribunal- England & Wales	264	150	114	43
Employment Tribunal- Scotland	37	19	18	49
First Tier General Regulatory Chamber	13	8	5	38
First Tier Health, Education & Social Care Chamber	280	136	144	51
First Tier Immigration & Asylum Chamber	335	199	136	41
First Tier Property Chamber	112	78	34	30
First Tier Social Entitlement Chamber	681	330	351	52
First Tier Tax Chamber	41	22	19	46
First Tier War Pensions & Armed Forces Compensation Chamber	6	2	4	*
Upper Tribunal Administrative Appeals Chamber	33	19	14	42
Upper Tribunal Immigration & Asylum Chamber	40	20	20	50
Upper Tribunal Lands Chamber	1	1	-	-
Upper Tribunal Tax & Chancery Chamber	7	7	-	-
Totals:	1854	993	861	46

Disability

77. The Judicial Office does not record disability data for judicial officer holders.

Ethnicity

78. As at 1 April 2019, 7% of court judges, 11% of tribunal judges and 17% of non-legal members of tribunals were Black, Asian and minority ethnic (BAME). Between 2014 and 2019, the proportion of BAME court judges, tribunal judges and non-legal members of tribunals has increased by 2 percentage points in each group.

⁵ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 6: Primary appointment of Judges in Courts in England and Wales, by ethnicity, as at 1 April 2019⁶

Appointment name	White	Total BAME	Of which:					% BAME	Unknown	Declaration rate (%)
			Asian or Asian British	Black or Black British	Mixed	Other Ethnic Group				
Heads of Division	5	-	-	-	-	-	*	-	100	
Court of Appeal Judges	30	2	1	-	-	1	6	7	82	
High Court Judges	87	3	2	-	-	1	3	7	93	
Deputy High Court Judges	54	8	2	3	2	1	13	25	71	
Judge Advocates, Deputy Judge Advocates	6	-	-	-	-	-	*	-	100	
Masters, Registrars, Costs Judges	20	1	1	-	-	-	5	6	78	
Deputy Masters, Deputy Registrars, Deputy Costs Judges	17	-	-	-	-	-	-	10	63	
Circuit Judges	581	24	12	3	5	4	4	65	90	
Recorders	651	61	22	11	21	7	9	161	82	
District Judges (County Courts)	364	35	22	5	7	1	9	25	94	
Deputy District Judges (County Courts)	590	59	31	7	11	10	9	99	87	
District Judges (Magistrates Courts)	104	8	6	-	2	-	7	15	88	
Deputy District Judges (Magistrates Courts)	55	4	1	1	1	1	7	21	74	
Totals:	2564	205	100	30	49	26	7	441	86	

⁶ Judicial Diversity Statistics 2019 – Table 1.1: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 7: Primary appointment of Judges by Jurisdiction in Tribunals in England and Wales, by ethnicity, as at 1 April 2019⁷

Judges - Jurisdiction	Of which:								Declaration rate (%)
	White	Total BAME	Asian or Asian British	Black or Black British	Mixed	Other Ethnic Group	% BAME	Unknown	
Employment Appeal Tribunal	4	-	-	-	-	-	-	-	100
Employment Tribunal- England & Wales	237	22	8	9	3	2	8	5	98
Employment Tribunal- Scotland	24	-	-	-	-	-	-	13	65
First Tier General Regulatory Chamber	11	-	-	-	-	-	-	2	85
First Tier Health, Education & Social Care Chamber	250	22	10	2	7	3	8	8	97
First Tier Immigration & Asylum Chamber	247	76	43	12	11	10	24	12	96
First Tier Property Chamber	65	5	1	2	2	-	7	42	63
First Tier Social Entitlement Chamber	599	43	26	5	4	8	7	39	94
First Tier Tax Chamber	28	6	2	-	1	3	18	7	83
First Tier War Pensions & Armed Forces Compensation Chamber	3	3	1	-	-	2	*	-	100
Upper Tribunal Administrative Appeals Chamber	26	4	1	-	1	2	13	3	91
Upper Tribunal Immigration & Asylum Chamber	30	9	3	-	6	-	23	1	98
Upper Tribunal Lands Chamber	1	-	-	-	-	-	-	-	100
Upper Tribunal Tax & Chancery Chamber	5	2	1	1	-	-	*	-	100
Totals:	1530	192	96	31	35	30	11	132	98

⁷ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Age distribution

79. The age profile of the judiciary reflects the fact that most join the bench after a successful legal career.

Table 8: Primary appointment of Judges in Courts in England and Wales, by age, as at 1 April 2019⁸

Appointment name	<40	40-49	50-59	60>
Heads of Division	-	-	-	5
Court of Appeal Judges	-	-	3	36
High Court Judges	-	3	46	48
Deputy High Court Judges	-	16	42	29
Judge Advocates, Deputy Judge Advocates	-	-	1	5
Masters, Registrars, Costs Judges	-	3	11	13
Deputy Masters, Deputy Registrars, Deputy Costs Judges	-	3	10	14
Circuit Judges	3	78	250	339
Recorders	25	173	287	388
District Judges (County Courts)	6	90	183	145
Deputy District Judges (County Courts)	93	221	193	241
District Judges (Magistrates Courts)	4	21	43	59
Deputy District Judges (Magistrates Courts)	6	15	20	39
Totals:	137	623	1089	1361

⁸ Judicial Diversity Statistics 2019 – Table 1.1: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 9: Primary appointment of Judges by Jurisdiction in Tribunals in England and Wales, by age, as at 1 April 2019⁹

Judges - Jurisdiction	<40	40-49	50-59	60>
Employment Appeal Tribunal	-	-	2	2
Employment Tribunal- England & Wales	2	54	106	102
Employment Tribunal- Scotland	-	11	15	11
First Tier General Regulatory Chamber	-	1	4	8
First Tier Health, Education & Social Care Chamber	27	39	78	136
First Tier Immigration & Asylum Chamber	22	77	95	141
First Tier Property Chamber	1	12	47	52
First Tier Social Entitlement Chamber	61	166	190	264
First Tier Tax Chamber	2	7	16	16
First Tier War Pensions & Armed Forces Compensation Chamber	-	-	1	5
Upper Tribunal Administrative Appeals Chamber	1	6	8	18
Upper Tribunal Immigration & Asylum Chamber	1	8	13	18
Upper Tribunal Lands Chamber	-	-	1	-
Upper Tribunal Tax & Chancery Chamber	-	3	1	3
Totals:	117	384	577	776

⁹ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Salaried part-time working

80. As set out at paragraph 68, a higher percentage of salaried tribunals judges than salaried courts judges work part time.

Table 10: Primary appointment of Judges in Courts in England and Wales, by payment type, as at 1 April 2019¹⁰

Appointment name	Total in post	Fee Paid	Salaried Full-time	Salaried Part-time
Heads of Division	5	-	5	-
Court of Appeal Judges	39	-	39	-
High Court Judges	97	-	96	1
Deputy High Court Judges	87	87	-	-
Judge Advocates, Deputy Judge Advocates	6	-	6	-
Masters, Registrars, Costs Judges	27	-	27	-
Deputy Masters, Deputy Registrars, Deputy Costs Judges	27	27	-	-
Circuit Judges	670	-	608	62
Recorders	873	873	-	-
District Judges (County Courts)	424	-	345	79
Deputy District Judges (County Courts)	748	748	-	-
District Judges (Magistrates Courts)	127	-	122	-
Deputy District Judges (Magistrates Courts)	80	80	-	-
Totals:	3210	1815	1248	142

¹⁰ Judicial Diversity Statistics 2019 – Table 1.1: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 11: Primary appointment of Judges by Jurisdiction in Tribunals in England and Wales, by payment type, as at 1 April 2019¹¹

Judges - Jurisdiction	Total in post	Fee Paid	Salaried Full-time	Salaried Part-time
Employment Appeal Tribunal	4	1	3	-
Employment Tribunal- England & Wales	264	164	53	47
Employment Tribunal- Scotland	37	25	10	2
First Tier General Regulatory Chamber	13	12	1	-
First Tier Health, Education & Social Care Chamber	280	251	23	6
First Tier Immigration & Asylum Chamber	335	258	59	18
First Tier Property Chamber	112	91	13	8
First Tier Social Entitlement Chamber	681	576	69	36
First Tier Tax Chamber	41	33	8	-
First Tier War Pensions & Armed Forces Compensation Chamber	6	4	2	-
Upper Tribunal Administrative Appeals Chamber	33	15	12	6
Upper Tribunal Immigration & Asylum Chamber	40	9	17	14
Upper Tribunal Lands Chamber	1	-	1	-
Upper Tribunal Tax & Chancery Chamber	7	3	4	-
Totals:	1854	1442	275	137

¹¹ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

6 Pay and Reward Details

Pay

81. The Lord Chancellor has the power, under the relevant legislation, to pay salaries and some allowances 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. The judicial salary schedule can be found at Annex B.
82. 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.
83. Under statute, a judicial office holder cannot have their salary reduced.¹² This makes it particularly important for any changes to judicial pay or salary groupings to be well-evidenced, since they cannot subsequently be reversed.
84. It is not possible within the current legal framework to pay an allowance for core judicial work (i.e. hearing cases), such as an allowance to account for specialist work. In addition, there are a number of judicial roles in relation to which the Lord Chancellor has no express statutory power within the current legal framework to pay an allowance. This includes Masters, Senior Masters and District Judges.
85. A small number of judicial office holders do receive a different salary to others in their salary group due to transitional arrangements, legacy pay arrangements (which cease once the individual judicial office holder leaves office) or, in the case of Senior Masters, an interim arrangement.
86. 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, including fee-paid office holders.

¹² The statutory provision only applies explicitly to courts judiciary, but because of the constitutional importance of judicial independence, we equally apply this to the tribunals judiciary.

Table 12: Total judicial pay bill costs for 2017/18 and 2018/19¹³

	2017-18				2018-19			
	Senior judiciary £000	Other judiciary £000	Fee paid £000	Total £000	Senior judiciary £000	Other judiciary £000	Fee paid £000	Total £000
Wages and salaries	122,919	91,555	129,980	344,454	130,846	98,024	125,451	354,321
Social security costs	16,631	12,448	14,050	43,129	17,627	12,999	13,294	43,920
Employer's pensions contribution	45,392	35,701	35,169	116,262	49,717	37,187	31,496	118,400
Total payroll costs of the judiciary	184,942	139,704	179,199	503,845	198,190	148,210	170,241	516,641

Recent pay awards

87. In the 2018 Major Review, the SSRB recommended a 2.5% pay award for 2018/19 for all judges in the event the Government was unable to immediately implement the Major Review recommendations. Given the need to consider carefully the Major Review's findings, in October 2018 the Lord Chancellor announced a pay award for the entire judiciary of 2%, backdated to 1 April 2018.
88. Due to the ongoing consideration of the Major Review at the time, the SSRB was not commissioned to undertake an annual pay review to inform the 2019/20 judicial pay award. The Government considered the evidence and findings from the Major Review in its decision to award a 2% pay award to all judicial office holders for 2019/20. This increase was announced in June 2019 and backdated to 1 April 2019.

¹³ HMCTS Annual Report and Accounts

Table 13: Level of annual judicial pay award and CPI from 2015/16 to 2019/20¹⁴

Year	Pay award	CPI in year leading up to pay award (Annual CPI) ¹⁵
2019/20 ¹⁶	2%	1.9% ¹⁷
2018/19	2%	2.5%
2017/18	1%	2.3%
2016/17	1%	0.5% ¹⁸
2015/16	1%	0% (no change from previous year)

Allowances

Recruitment and Retention Allowance (RRA)

89. The Major Review highlighted “very strong evidence” of recruitment issues at the High Court, and “reasonable doubts as to whether vacancies can be filled” at the Circuit and Upper Tribunal benches. As a result, the Government implemented a new RRA (for High Court Judges this replaced the previous scheme of an 11% allowance). Judges eligible for JPS 2015 who are in one of the qualifying offices set out in Annex B of the Government’s Response to the Major Review¹⁹ receive a taxable, non-pensionable and non-consolidated allowance at 25% of salary for High Court judges and 15% of salary for Circuit and Upper Tribunal Judges (and those above them in the judicial hierarchy).
90. The Government announced that this was a temporary allowance which it would keep in place until such time as the *McCloud* litigation was complete and it was in a position to implement a sustainable long-term pensions solution.
91. The payroll administrators’ records showed that as of 1 April 2019, the date from which the RRA was backdated to start, there were 438 office holders in receipt of the 15% RRA, including 363 Circuit Judges and 33 Upper Tribunal Judges, and 61 office holders in receipt of the 25% RRA, including 55 High Court Judges.

¹⁴ Source for CPI: <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/d7bt/mm23> and <https://www.statista.com/statistics/306648/inflation-rate-consumer-price-index-cpi-united-kingdom-uk/>

¹⁵ The annual inflation by year for Great Britain - comparing the December CPI to the December CPI of the year before.

¹⁶ Changes to the CPI basket 2019 see section 5

<https://www.ons.gov.uk/economy/inflationandpriceindices/articles/ukconsumerpriceinflationbasketofgoodsandservices/2019>

¹⁷ Figure for March 2019.

¹⁸ Differs from 0.6% figure in 2016 MoJ Evidence Pack as that figure was only up to August 2016

¹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806480/government-response-ssrb-june-2019.PDF

London Weighting Allowance (LWA)

92. A London Weighting Allowance of £4000 per annum is paid to judges in salary groups 7 and 8 whose principal court or hearing centre is based in London.

Other reward elements

93. 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.
94. Salaried judges are entitled to reimbursement of relocation costs where they have relocated beyond reasonable travelling distance due to promotion, business need, or transfer to another circuit. Judges whose new location is within daily travelling distance may be entitled to an excess fares allowance.
95. 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 newspapers.
96. Judicial office holders are entitled to maternity, paternity, 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.

Pensions: scheme details, contribution rates and value

97. There are two main pension schemes for members of the salaried judiciary: the Judicial Pension Scheme 2015 (JPS); and the Judicial Pension Scheme 1993 (JUPRA). The details of each scheme are set out below.
98. As at 31 March 2019, there were 3,496 serving judges in the JPS and 1,602 serving judges in JUPRA.²⁰

Judicial Pensions Regulations 2015 (the 2015 Scheme)

99. The Judicial Pension Scheme 2015 is set out in the Judicial Pensions Regulations 2015 and came into operation on 1 April 2015. Judges who were in post on 31 March 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

²⁰ Judicial Pension Scheme Annual Report and Accounts: <https://www.gov.uk/government/publications/judicial-pension-scheme-accounts-2018-to-2019>

Note that JPS active members includes fee-paid judges; figure for serving judges in JUPRA includes 896 active members and 706 salary linkage members.

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. These provisions were challenged in the *McCloud/Sargeant* case and, in December 2018, the Court of Appeal found that the transitional protections in the judicial pension scheme were unlawful on the grounds of age discrimination. The Court found that the less favourable treatment in moving all younger judges from JUPRA to JPS was not justified and therefore constituted direct age discrimination contrary to section 13(2) of the Equality Act 2010. The Court was also satisfied that equal pay and indirect race discrimination claims were made out. The Government appealed to the Supreme Court, but permission to appeal was refused in June 2019. We have outlined our judicial pension reform strategy at paragraphs 55-58 above.

100. 544 (approximately 28%) salaried judicial office holders became members of JPS when it first launched. Virtually all other members of the salaried judiciary remained in the 1993 scheme as they were eligible for transitional or tapering protection.

Table 14: Number of salaried judicial office holders in each group at the introduction of the Judicial Pension Scheme 2015, as at 1 April 2012²¹

Level of protection from changes	Number of salaried judges affected
Fully protected – unchanged group	1453
Transitionally protected – taper group	249
2015 Unprotected – transfer group	260

101. 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 purposes.
102. 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).
103. Judicial office holders are required to pay contributions.
104. 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

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217306/judicial-pension-reforms-eia.pdf p.4

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.

105. The scheme has an employer cost cap of 25.7% of pensionable earnings of members. If the costs of the scheme, as assessed by a valuation, vary from this figure by a margin of 2 percentage 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.
106. In 2016, the Government's Actuary Department was appointed to carry out an actuarial valuation of the 2015 Schemes as at 31 March 2016. In January 2019, the Government announced a pause to the cost cap part of the valuations of public service pension schemes, following the Court of Appeal's judgment in *McCloud*. The judgment means that the value of the schemes to members cannot currently be assessed with any certainty. The remainder of the valuation was completed on this basis on 5 March 2019²² and a revised employer contribution rate introduced on 1 April 2019.
107. 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%.

Table 15: Current member contribution rates in the Judicial Pension Regulations 2015 for the scheme year 1 April 2019 to 31 March 2020²³

Annualised rate of pensionable earnings	Member contributions rate
Up to but not including £15,001	4.6%
£15,001 to but not including £21,637	4.6%
£21,637 to but not including £51,516	5.45%
£51,516 to but not including £150,001	7.35%
£150,001 and above	8.05%

²² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/813717/jps-2016-valuation-report.pdf

²³ *The Judicial Pensions Regulations 2015*, c. 124 available at: <https://www.legislation.gov.uk/ukxi/2015/182/regulation/124/made>

108. As at January 2020, the MOJ is in the process of preparing draft legislation to be laid to seek Parliamentary approval regarding changes to member contribution rates and earning thresholds for both the Judicial Pension Scheme 2015 and the Fee-Paid Judicial Pension Scheme 2017. These are planned to come into force from 1 April 2020.

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

109. 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 (£166,200 in 2019/20), and Part 2 for earnings above that. Regulations under JUPRA also provide for an equivalent scheme for fee-paid judges.
110. Judicial office holders are required to pay contributions.
111. 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.
112. 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.²⁴
113. 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.
114. 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.

²⁴ We note that the transitional arrangements have been ruled unlawful and the MoJ is working to address this discrimination.

Table 16: Rates of members contributions in the Judicial Pensions and Retirement Act 1993

Salary	Member Contributions rate	Contribution towards dependents
0 - £150k	2.61%	1.8%
Anything above £150k	4.43%	0%

Pension taxation

115. Unlike JUPRA, the JPS is tax registered and therefore subject to the Annual Allowance.

Table 17: JPS 2015 members who have paid Annual Allowance Charges, and the total value of payments, via the scheme's Scheme Pays facilities, from 2015/16 to 2017/18 (most recent data)²⁵

Year	Number of JPS members who exceeded the annual allowance	Number of scheme pays applications	Number of scheme pays applications accepted
2015/16	303	1	1
2016/17	591	17	17
2017/18	764	28	28

Comparison with pre-appointment earnings

116. The analysis provided by the SSRB's 2018 Major Review, together with the research they commissioned to support this report (the *NatCen Survey of Newly Appointed Judges 2017*), currently provides the most comprehensive and up-to-date source of data on the pre-appointment earnings of judicial office holders.²⁶ The SSRB found that judicial appointees, at all levels, face a drop in their earnings when they take up post: in 2017/18, new High Court Judges' median earnings typically fell by 67% when they joined the bench; Circuit Judges' typically fell by 26%; and District Judges' by 12%.²⁷

117. Aside from this analysis, detailed pay comparisons between current judicial office holders, the pre-appointment earnings of those joining the judiciary, and the earnings

²⁵ XPS (pensions administrator) data

²⁶ In particular pp.116-122

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751903/Supp_to_the_SSRB_Fortieth_Annual_Report_2018_Major_Review_of_the_Judicial_Salary_Structure.pdf

²⁷ Para 126, p.20

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751903/Supp_to_the_SSRB_Fortieth_Annual_Report_2018_Major_Review_of_the_Judicial_Salary_Structure.pdf

of legal practitioners (who would be potential applicants for judicial office), are not available. In general, the salaries of both barristers and solicitors will vary widely depending on, for example, the type of law practised, the volume of work, level of experience and location.

118. The majority of barristers are self-employed, and while barristers renew their Practising Certificate from the Bar Standards Board each year and are required to “declare the appropriate income band for the purposes of setting the appropriate fee”, this is not publicly available information.²⁸ In addition, the gross fee income of a self-employed barrister is not a salary equivalent (for example, the barrister will need to pay their chambers’ and clerks’ costs, tax, and they do not receive sick pay, annual leave or pension provision in addition to their income).
119. There has been no new evidence on solicitor’s earnings since The Law Society’s 2016 earnings survey, which was published in October 2017. The median gross average salary across all private practice grades analysed in 2016 was £60,000 p.a., an 11% increase on the 2015 median figure.²⁹

²⁸ <https://www.barstandardsboard.org.uk/for-barristers/authorisation-to-practise.html>

²⁹ <https://www.lawsociety.org.uk/support-services/research-trends/solicitors-salaries-in-2016/>

7 Retention and outflow

Outflow data

120. According to Judicial Office data, 114 salaried judicial office holders in England and Wales left the judiciary in 2018/19.
121. Of the recorded data that exists for the judiciary, 3 were due to death in office, 3 were due to resignation and the remaining 108 were retirements. The average age of retirement was 68.5 for salaried courts judges and 66.1 for salaried tribunals judges.
122. Further data on judicial retirements, including trends since 2016-17, is provided at Annex C.

Table 18: Number of salaried courts judges in England and Wales leaving post in 2018/19 by appointment³⁰

Appointment name	2018-19
Lord Chief Justice	-
Heads of Division	1
Court of Appeal Judges	2
High Court Judges	2
Judge Advocates, Deputy Judge Advocates	-
Masters, Registrars, Costs Judges	2
Circuit Judges	37 (2 resignations, 1 DIO)
District Judges	36 (1 resignation, 1 DIO)
Total Courts Judges	80

³⁰ e-HR - Judicial Administrative system data

Table 19: Number of salaried tribunals judges in England, Wales and Scotland leaving post in 2018/19 by jurisdiction³¹

Jurisdiction	2018-19
Upper Tribunals	4
First Tier Tribunals	16 (1 DIO)
Employment Appeal Tribunal	-
Employment Tribunal - England and Wales	13
Employment Tribunal - Scotland	1
Total Tribunal Judges	34

Retention

123. The following tables show the extent of movement between salary groupings within the judiciary. Promotions data includes fee-paid to salaried roles and salaried to salaried roles. Data on internal recruits includes salaried to salaried roles, and external recruits data covers fee-paid to salaried as well as appointments from outside of the judiciary.

³¹ e-HR - Judicial Administrative system data

Table 19: Numbers of internal (current) members of the judiciary appointed to higher salary groups for Courts in England & Wales by appointment, 1 April 2016 to 31 March 2019³²

Appointment name (ordered by tier of court)	Total promotions			Internal recruits			External recruits		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Heads of Division	-	1	1	-	1	1	-	-	-
Lords Justices of Appeal	-	7	6	-	7	6	1	-	-
High Court Judges	7	16	11	-	4	2	7	13	9
Judge Advocates, Deputy Judge Advocates	-	-	-	-	-	-	-	-	-
Masters, Registrars, Costs Judges	-	1	2	-	1	-	-	2	4
Circuit Judges	46	94	49	4	43	20	42	53	30
District Judges (County Courts)	46	20	70	-	-	-	47	20	73
District Judges (Magistrates' Courts)	8	8	4	-	-	-	8	9	5
Total	107	147	143	4	56	29	105	97	121

³² E-HR - Judicial Administrative system

Table 20: Numbers of internal (current) members of the judiciary appointed to higher salary groups in Tribunals by appointment, by fee paid to salaried vs promotion, 1 April 2016 to 31 March 2019³³

Appointment name	Total promotions			Internal recruits			External recruits		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Presidents, Chamber Presidents, Deputy and Vice Presidents	-	1	3	-	1	3	1	-	3
Upper Tribunal Judge	-	-	-	-	-	-	-	-	-
Deputy Upper Tribunal Judge	-	-	-	-	-	-	-	-	-
First-tier Tribunal Judge	3	14	17	-	2	4	4	25	28
Regional, Deputy Regional Tribunal Judge	-	4	2	-	-	1	-	5	3
Circuit Judge (appointed to the tribunals)	-	-	1	-	-	1	-	-	-
Employment Judge	-	1	-	-	-	-	-	4	1
Regional Employment Judge	-	2	1	-	2	1	1	-	-
Total Tribunal Judges	3	22	24	-	5	10	6	34	35

³³ E-HR - Judicial Administrative system

8 Recruitment

124. We have required high levels of judicial recruitment in 2019/20 and this will continue into 2020/21. This is due to a combination of anticipated retirements and promotions; recruitment shortfalls in 2017/18 and 2018/19; our continuing work to address the backlog of recruitment stemming from a period before 2017 when only limited recruitment was carried out; and to be ready for increased workload should this result from the impact of EU Exit and increased police numbers.
125. To maximise the volume of recruitment within the overall system capacity, a number of actions have been taken. This includes commencing selection exercises for 'recruitment backlog' roles by September 2020 where possible; revisiting the volume and frequency of each of the exercises within the 'rolling programme' to even-out the numbers recruited over two financial years; and including capacity in the annual programmes for JAC to run small (up to five) exercises or single leadership exercises so that these positions can be filled promptly. In addition, JAC is continuing to streamline recruitment processes wherever possible, including lighter-touch non-legal member recruitment and combined qualifying tests.
126. We expect to return to a 'steady state' approach from 2021/22, once the backlog of recruitment has been addressed. We then expect to be able to fully utilise 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. Our longer-term planning remains necessarily dynamic as it needs to react to significant changes, such as increases in crime court receipts and responses to government policy; for example, the Department of Health and Social Care establishing a new Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal to hear appeals following the introduction of new regulations. In addition, annual planning draws on jurisdictional and local intelligence as the supply and demand forecasting does not yet take account of geographical variations.

127. The table below shows the comparison with previous years and the significant increase in scale of recruitment.

Table 21: Comparison of JAC's recruitment programme 2013/14 to 2020/21³⁴

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Number of exercises reporting in year	35	30	22	26	28	23	32	40
Number of applications received	5591	2,356	2,588	2,199	5,125	4,917	5,000-7,000	5,000-7,000
Total selections made in year	806	310	340	290	749	1,031	1,000	1,100
Number of exercises launched in-year					33	27	44	44
Of exercises launched in-year, total no. of vacancies advertised					1308.5	1105	1013	1027

128. Despite the steps taken by all partners, delivering a programme of this scale has consequences for the length of time it takes to fill some roles since a programme plan needs to be timetabled and is therefore designed with a long lead-in time. Large volume exercises have a longer end-to-end timeline, including matching candidates to geographical jurisdictions, and for undertaking required induction training and sitting-in. The recent large fee-paid exercises, whilst usefully increasing overall capacity (e.g. at the District bench and in First-tier tribunals) and building a pool of experienced judges eligible for salaried roles, have not yet, in some jurisdictions, translated into a larger applicant cohort for the equivalent salaried role. This means we have continued to see shortfalls in salaried office recruitment, although over time we expect this position to improve.

129. The following tables are taken from JAC data and show the volume of recruitment, number of vacancies, applications and selections for High Court Judges, Circuit Judges, District Judges and First-tier Tribunal judges. It is not possible for MoJ to provide data on Upper Tribunal Judge recruitment exercises, but JAC will include this in their evidence submission. We have also provided data on fee-paid judicial recruitment where this is available. In addition, tables 25 and 26 detail all recruitment exercises for the most recent full year, 2018/19.

³⁴ Taken from JAC Annual Reports: <https://www.judicialappointments.gov.uk/jac-annual-reports>. Figures for 2019/20 and 2020/21 are estimated.

Table 22: Applications for JAC exercises and recommendations made in England and Wales from 2014/15 to 2018/19 by year³⁵

	2014/15	2015/16	2016/17	2017/18	2018/19
Applications (incl senior exercises)	2,323	2,513	2,212	5,147	4,941
Recommendations (direct appt)	305	329	290	738	1,020
Recommendations (to list)	0	22	2	16	14
Selections (direct appt and to list)	305	351	292	754	1,034

Table 23: JAC applications for salaried High Court Judge, Circuit Judge and District Judge (broken down by civil and magistrates) exercises and recommendations made in England and Wales from 2014/15 to 2018/19 by year³⁶

High Court Judge	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	11	-	14	25	25
Applications	73	-	56	129	51
Number of selections	10	-	8	17	10

Circuit Judge	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	32	61	55	116.5	94
Applications	232	236	184	401	200
Number of selections	53	62	44	104	72

District Judge – civil	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	-	61	-	100.5	-
Applications	-	189	-	271	-
Selections (direct appointments and list)	-	61	-	95	-
District Judge – magistrates	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	-	18	-	17	-
Applications	-	165	-	127	-
Selections (direct appointments and list)	-	20	-	17	-

³⁵ Data taken from published JAC tables and publication report.

³⁶ 2018/19 data: <https://www.judicialappointments.gov.uk/079-high-court-2017-2018-information-page> and <https://www.judicialappointments.gov.uk/088-circuit-judge-information-page>
Data from previous years taken from a combination of published tables and past SSRB evidence submissions.
A dash means that there was no recruitment exercise in that year.

Table 24: JAC applications for First-tier Tribunal Judge (broken down by salaried / fee-paid) exercises and recommendations made in England and Wales from 2014/15 to 2018/19 by year³⁷

Salaried	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	10	4	-	72	-
Applications	46	23	-	956	-
Selections (direct appointments and list)	10	4	-	64	-

Fee paid	2014/15	2015/16	2016/17	2017/18	2018/19
Vacancies	25	-	-	35	250
Applications	109	-	-	50	1,623
Recommendations (direct appt)	28	-	-	18	285

³⁷ 2018/19 data: <https://www.judicialappointments.gov.uk/084-feepaid-judge-firsttier-tribunal-information-page>
Data from previous years taken from a combination of published tables and past SSRB evidence submissions.

Table 25: Salaried and fee-paid courts selection exercises in 2018/19 and the number of judicial vacancies in each group³⁸

Exercise Number	Exercise title	Number of vacancies	Number of applicants	Number shortlisted	Recommendations (immediate)	Recommendations (to list)
79	High Court Judge	25	51	23	10	
88	Circuit Judge	94	200	132	60	12
92	Registrar (Criminal Appeals Division)	1	4	3	1	
95	Insolvency and Companies Court Judges	3	17	5	3	
96	Circuit Judge at the Central Criminal Court	4	16	8	3	
105	Senior Circuit Judge, Resident Judge	2	7	4	1	
119	Senior Circuit Judge, Designated Civil Judge	1	9	3	0	
120	Specialist Civil Circuit Judge (Chancery)	1	13	3	1	
121	Assistant Judge Advocates General	2	42	8	1	1
85	Deputy High Court Judge	20	191	62	32	
90	Deputy District Judge	303	1704	698	320	

³⁸ Data taken from published tables and JAC webpages advertising recruitment exercises.

Table 26: Salaried and fee-paid tribunal selection exercises in 2018/19 and the number of judicial vacancies in each group³⁹

Exercise Number	Exercise title	Number of vacancies	Number of applicants	Number shortlisted	Recommendations (immediate)	Recommendations (to list)
91	Deputy Chamber President FtT HESC (MH)	1	9	2	1	
93	Regional Employment Judge	1	8	3	1	
94	Regional Judge of the FtT, Property Chamber, Residential	1	6	2	1	
94b	Deputy Regional Judge of the FtT, Property Chamber, Residential	1	13	0	0	
98	Salaried Judge of the Upper Tribunal, IAC	9	37	18	9	
118	SCJ to sit in the Employment Appeal Tribunal (EAT)	1	5	3	1	1
122	Salaried Judge of the Employment Tribunal	54	420	130	59	
123	Salaried Judge of the Upper Tribunal, Lands Chamber	1	10	3	1	
55	Fee-paid Medical Members of the FtT HESC, MH (England) and Mental Health Review Tribunal (Wales)	90	166	148	100	
82	Fee-Paid Disability Qualified Tribunal Member of the FtT SEC	115	362	225	121	
83	Fee-paid Drainage Member of Agricultural Land Tribunal for Wales	5	4	3	2	
84	Fee-paid Judge of the First-tier Tribunal	285	1623	500	285	

³⁹ Data taken from published tables and JAC webpages advertising recruitment exercises.

9 Motivation and morale

Judicial Attitudes Survey

130. A Judicial Attitudes survey was last completed in 2016, and its results fed into the Major Review.

131. The MoJ understands that a new survey is in the process of being commissioned by the senior judiciary, but this is unlikely to take place in time to inform this pay review. The MoJ will keenly examine the findings of this work in due course.

Sickness absence

132. Judicial Office collects sickness absence data, but this is not published.

Leave taken

133. No data is held on leave taken by judicial office holders. Leave allowances vary for different judicial offices, and these entitlements are specified within the judicial terms and conditions.

Working hours

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

Judicial workload

135. HMCTS publish a detailed breakdown of the number of cases received and disposed of in the courts and tribunals. However, they do not collect data on judicial workload. In addition, while the MoJ does publish figures on sitting days, the latest publication has had to be withdrawn due to data quality issues. The following tables have therefore been provided only as an indicator of the context in which judges work, rather than as a measure of their workload.

Table 27: Annual total number of receipts, disposals and caseload outstanding by tribunals overall, 2011/12 to 2018/19⁴⁰

Financial year	Receipts	Disposals	Outstanding caseload (as at 31 March)
2011/12	760,020	748,818	761,714
2012/13	882,404	749,283	901,421
2013/14	701,075	878,007	664,155
2014/15	360,842	649,068	374,861
2015/16	408,266	372,929	402,278
2016/17	459,589	394,103	472,028
2017/18	483,841	407,640	550,464
2018/19r	448,596	402,026	594,430

Table 28: Annual total number of receipts, disposals and outstanding criminal cases in the magistrates' courts in England and Wales, 2012 - 2018⁴¹

Year	Receipts	Disposals	Outstanding
2012	1,169,522	1,179,639	307,803
2013	1,537,272	1,556,261	288,946
2014	1,607,163	1,570,660	326,437
2015	1,591,592	1,594,051	327,228
2016	1,529,018	1,566,357	291,025
2017	1,515,548	1,509,022	297,593
2018	1,469,429	1,473,485	293,386

Table 29: Annual total number of receipts, disposals and outstanding cases in the Crown Court in England and Wales, 2012 - 2018⁴²

Year	Receipts	Disposals	Outstanding
2012	133,371	138,313	39,586
2013	139,922	130,382	49,227
2014	138,116	132,327	55,116
2015	129,998	134,359	50,876
2016	117,221	126,284	42,149
2017	114,347	118,605	38,247
2018	103,100	109,271	32,546

⁴⁰ <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2019> Main tables; Table S_1

⁴¹ <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2019> Tables; Table M1

⁴² <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2019> Tables; Table C1

Table 30: County court activity in England and Wales, annually 2012 - 2018⁴³

Year	Total claims	Claims defended	Claims allocated to track	Claims gone to trial
2012	1,394,230	259,585	151,120	46,993
2013	1,445,339	262,872	149,637	43,093
2014	1,594,596	264,701	143,529	45,062
2015	1,562,065	264,545	151,260	48,192
2016	1,802,286	284,328	157,140	52,926
2017	2,048,446	297,936	165,221	58,502
2018	2,073,957	298,055	175,888	60,218

Table 31: Cases starting and concluding in Family courts in England and Wales, annually 2012 - 2018⁴⁴

Year	Total cases started	Total cases disposed
2012	265,965	233,606
2013	265,579	239,585
2014	241,520	247,621
2015	245,084	220,362
2016	256,109	227,980
2017	255,370	225,947
2018	262,806	214,190

Table 32: Average number of HMCTS FTE employees, 2014/15-2018/19⁴⁵

Financial year	Permanently employed staff	Agency and contract staff
2014-15	16,162	871
2015-16	15,209	1,077
2016-17	14,269	1,480
2017-18	13,841	2,034
2018-19	14,177	2,042

⁴³ <https://www.gov.uk/government/statistics/civil-justice-statistics-quarterly-january-to-march-2019> Tables; Table 1.1

⁴⁴ <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-april-to-june-2019> Tables; Table 1

⁴⁵ HMCTS Annual Report and Accounts 2018-19, p.83

10 Salary group placements

136. The SSRB's 2018 Major Review considered whether the current judicial salary structure was fit for purpose and evaluated the roles carried out by judicial office holders in order to advise on their appropriate position within the salary structure. Following an extensive period of evaluation and analysis, the SSRB "heard very few claims that the basic judicial salary structure needed radical change." However, their report concluded that changes were needed in order to address two shortcomings which the SSRB had identified in the existing remuneration regime.
137. First, the SSRB found that leadership roles at some levels within the judiciary were not being adequately recognised and rewarded. Second, the SSRB found that the system did not reflect the fact that leadership responsibilities may change over time. The SSRB's report therefore recommended both a number of changes to the existing salary group structure (including the merging of some existing groups and a new naming system using roman numerals) and the introduction of 'leadership supplements' and 'specialist supplements'. The SSRB envisaged that, together, these proposals would address the shortcomings it had identified in the existing remuneration structure.
138. Although the Government broadly agreed with the issues identified by the SSRB, it considered that the proposed model presented a number of challenges. First, the model would, in practice, have meant that current and future judges at each level would receive the same level of remuneration, but either as salary alone or as a combination of (lower) salary and an allowance, depending on when they were appointed to judicial office. This is because the statutory restriction on reducing judicial salaries would have prevented existing judges from moving to the (lower) salary plus allowance model. We were concerned that paying judicial office holders a different salary for the same appointment could have been divisive within the judiciary. We were concerned, too, about the potential for allegations of discrimination or unequal pay between office holders.
139. Second, there are a number of judicial roles in relation to which the Lord Chancellor has no express statutory power to pay an allowance. The model proposed by the SSRB therefore could not accommodate some judicial posts which might have been considered deserving of an allowance. In addition, we concluded that it was not possible to pay an allowance to recognise judges who are required to have scarce specialist knowledge, since this relates to the core judicial function of hearing cases; within the existing legal framework, this can only be remunerated for through salary.

140. As a result, where there was clear evidence from the SSRB that a particular judicial office should move salary group, the Government accepted those recommendations. These came into effect from 1 October 2019. However, the Government did not implement the SSRB's proposed revisions to the overall salary structure. This meant that the placement of Upper Tribunal Judges and Senior Masters and Registrars was left unclear and, in the Government Response to the Major Review, we committed to asking the SSRB to re-consider the appropriate placement of these two roles.

Upper Tribunal Judges

Background

141. The Upper Tribunal was created in 2008 when the Tribunals, Courts and Enforcement Act came into force. This created a new two-tier Tribunal system: a First-tier Tribunal and an Upper Tribunal, both of which are split into chambers. Upper Tribunal Judges are assigned to one of the four Chambers of the Upper Tribunal following their appointment as an Upper Tribunal Judge. The Upper Tribunal primarily, but not exclusively, reviews and decides appeals arising from the First-tier Tribunal.

142. Job descriptions for Upper Tribunal Judges, and for any posts which the senior judiciary consider to be comparable, will be provided to the SSRB by Judicial Office.

Diversity data

143. As at 1 April 2019 there were 81 Upper Tribunal Judges, of which:

- 42% were women;
- 18% identified as BAME; and,
- 37% of salaried judges had part-time working arrangements.

144. The data tables below are taken from the judiciary's annual diversity statistics publication.

Table 33.a Upper Tribunal Judges by Tribunal Chamber, by payment type, as at 1 April 2019⁴⁶

Upper Tribunal Chamber	Total no. of judges	Number of judges		
		Fee Paid	Salaried	Salaried Part-time
Administrative Appeals Chamber (AAC)	33	15	12	6
Immigration and Asylum Chamber (IAC)	40	9	17	14
Lands Chamber (LC)	1	-	1	-
Tax and Chancery Chamber (TCC)	7	3	4	-
Totals:	81	27	34	20

Table 33.b Upper Tribunal Judges by Tribunal Chamber, by gender, as at 1 April 2019⁴⁷

Upper Tribunal Chamber	Total in post	Gender		
		Men	Women	% Women
Administrative Appeals Chamber (AAC)	33	19	14	42
Immigration and Asylum Chamber (IAC)	40	20	20	50
Lands Chamber (LC)	1	1	-	-
Tax and Chancery Chamber (TCC)	7	7	-	-
Totals:	81	19	14	42

⁴⁶ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

⁴⁷ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Table 33.c Upper Tribunal Judges by Tribunal Chamber, by ethnicity, as at 1 April 2019⁴⁸

Upper Tribunal Chamber	Total in post	Ethnicity				Declaration rate (%)
		White	Total BAME	% BAME	Unknown	
Administrative Appeals Chamber (AAC)	33	26	4	13	3	91
Immigration and Asylum Chamber (IAC)	40	30	9	23	1	98
Lands Chamber (LC)	1	1	-	-	-	100
Tax and Chancery Chamber (TCC)	7	5	2	*	-	100
Totals:	81	62	15	18	4	97

Table 33.d Upper Tribunal Judges by Tribunal Chamber, by age, as at 1 April 2019⁴⁹

Upper Tribunal Chamber	Age			
	Under 40	40-49	50-59	60 and over
Administrative Appeals Chamber (AAC)	1	6	8	18
Immigration and Asylum Chamber (IAC)	1	8	13	18
Lands Chamber (LC)	-	-	1	-
Tax and Chancery Chamber (TCC)	-	3	1	3
Totals:	2	17	23	39

Previous SSRB findings

145. The placement of Upper Tribunal Judges in the salary structure was first considered when the post was created, as part of the SSRB's 'Review of Tribunals Judiciary Remuneration 2008'. In that report, the SSRB concluded that the appellate role of Upper Tribunal Judges "bestows seniority over judges in the First-tier Tribunal and therefore...the general judicial posts in the Upper Tribunal should be placed in salary group 6.1".

146. The SSRB's Major Review of 2011 then recommended that Upper Tribunal Judges should be moved from salary group 6.1 to salary group 5. This was based on a job evaluation report by PwC which principally analysed the typical work of an Upper

⁴⁸ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

⁴⁹ Judicial Diversity Statistics 2019 – Table 2.2: <https://www.judiciary.uk/publications/judicial-diversity-statistics-2019-2/>

Tribunal Judge in the Administrative Appeals Chamber (AAC). PwC found that Upper Tribunal Judges should be moved to salary group 5, assuming that:

- a. Each judge of the AAC hears the full ranges of cases from the First-tier Tribunals;
- b. The cases will involve regular hearings requiring the use of a wide range of Court Craft skills; and,
- c. Judges will sit exclusively in the Upper Tribunal (or deal with other cases which would be recognised as work appropriate to salary group 5 or above) rather than allocating their time between the Upper Tribunal and First-tier Tribunal.

147. The public sector pay freeze prevented the Government from responding to the SSRB's 2011 recommendations. The SSRB repeated its recommendation that Upper Tribunal Judges should be moved to salary group 5 in 2013. Again, wider public sector pay policy, as well as uncertainty surrounding the Judicial Pension Scheme at the time, prevented a response.

148. In the 2018 Major Review the salary group placement of Upper Tribunal Judges was examined afresh. The SSRB concluded that: "Judges who sit on the Circuit Bench or in the Upper Tribunals form a single natural group sitting between the District Bench/First-tier Tribunals and the High Court. However, they are spread across salary groups 5 and 6.1... [and], for many posts, there does not appear to be a consistent rationale for why they are in group 6.1 rather than group 5." With regard to Upper Tribunal Judges specifically, the SSRB "agree[d] with the reasoning [of the Institute of Employment Studies' judgement panel] that these posts are not currently appropriately placed. However, within [the] proposed new structure, the posts would still be in salary group V...and it will be for the judicial leadership to determine what salary supplements they might now attract."

149. Since the Government did not accept the SSRB's proposal to merge existing salary groups, it concluded that further comparative analysis between judicial posts was needed, and that potential impacts on wider principles such as consistency between courts and tribunals judiciary and potential consequences for cross deployment needed to be fully understood. We believe that it is for the senior judiciary to provide this assessment, but that it is for the Government to set the parameters of acceptable options.

Recommended approach for 2020/21 annual review

150. We believe that Upper Tribunal Judges, despite being appointed to different Chambers, should be treated as a homogenous group with regard to salary. This is consistent with the pay for other judges (such as First-tier Tribunal judges).

151. With regard to the appropriate salary group placement, there are three options which are legally sound, affordable under current Departmental budgets and practical for implementation:
- a. Posts remain in salary group 6.1;
 - b. A new salary group is created between groups 6.1 and 5 which the posts are moved into (the Lord Chancellor would be responsible for setting the rate of this new group, based on advice from the SSRB); or,
 - c. Posts moved to salary group 5.
152. The Department does not hold the evidence needed to make a decision on which of these options is most appropriate to recognise and reward the responsibilities of Upper Tribunal Judges, compared to other judges in the salary structure. We believe that the senior judiciary are best placed to provide this view. We therefore support the work being led by Judicial Office, in collaboration with the SSRB, to review the appropriate position of Upper Tribunal Judges in the salary structure based on the available evidence. Once this work has concluded, the SSRB's recommendation will need to be supported by evidence which takes account of any implications for cross-deployment and recruitment.⁵⁰
153. The leadership judges for the Upper Tribunal are Upper Tribunal Chamber Presidents. These offices are all held by High Court Judges based in salary group 4. However, the Vice Presidents of the Upper Tribunal Immigration and Asylum Chamber, and the Deputy Chamber President for the Upper Tribunal Lands Chamber, are both roles in salary group 5. If the evidence suggested that Upper Tribunal Judges might be most appropriately placed in salary group 5, provision would therefore also need to be made in the SSRB's recommendation to recognise the Vice and Deputy Chamber Presidents as distinct from other Upper Tribunal Judges.
154. Chamber Presidents for First-tier Tribunal judges are also in salary group 5. However, these are the leadership judges for the First-tier Tribunal and are appropriately recognised for their leadership responsibilities by being in a higher salary group than the judges they lead.
155. We believe that setting different levels of pay within the same salary group could create confusion and that introducing a new salary group would be preferable to paying judges at different levels within the same grouping.

⁵⁰ If a judge is cross-deployed, they do so on their existing terms and conditions, including their salary and pension provisions.

Senior Masters

Background

156. Masters are procedural judges who at first instance deal with all aspects of an action, from its issue until it is ready for trial by a trial judge (usually a High Court judge). After the trial the Master resumes responsibility for the case.
157. The offices of Senior Master of the Queen's Bench Division, Chief Chancery Master, Senior Costs Judge, and Chief Insolvency and Company Court Judge (collectively referred to in this document as 'Senior Masters') have historically been the leadership judges for Masters and Registrars.⁵¹
158. There is one salaried judge in each of the four leadership roles. Diversity data has not been provided due to the small numbers in post.
159. Job descriptions for Senior Masters, and for any posts which the senior judiciary consider to be comparable, will be provided to the SSRB by Judicial Office.

Previous SSRB findings and current salary

160. The SSRB's 1997 Major Review created salary groups 6.1 and 6.2; Senior Masters were originally placed in salary group 6.2, though in subsequent years this placement was revised upwards to salary group 6.1.
161. Masters, the judges that they lead, had been placed in salary group 7. However, the SSRB's 2018 Major Review recommended that they be moved to salary group 6.1 based on evidence from the senior judiciary that Masters "now carry out complex and specialist work that is more comparable to that done by a Circuit Judge". The Government accepted this recommendation and from 1 October 2019 Masters and Registrars were moved to salary group 6.1.
162. However, in line with their view that the senior judiciary should determine the level of 'leadership supplements' payable to the judiciary, the SSRB made no recommendation with regard to the appropriate salary grouping for Senior Masters. Since there is no statutory power within the existing legal framework for the Lord Chancellor to pay Senior Masters an allowance, and because there was no substantive evidence to support moving Senior Masters to salary group 5, the Government reached the view that Senior Masters should remain in salary group 6.1 until the SSRB could reconsider their placement.
163. Subsequent correspondence between the Senior Masters and the Lord Chancellor highlighted a statutory obligation for Senior Masters to be paid more than the judges they lead. From 1 October 2019, therefore, Senior Masters received a salary 3%

⁵¹ Registrars are now known as Costs Judges and Insolvency and Company Courts (ICC) Judges

higher than the base rate of group 6.1. This is an interim arrangement which this Annual Review aims to resolve.

Proposed approach to salary group placement

164. Senior Masters are leadership judges, and from the job summary prepared for the Major Review for this role it is clear that they both have leadership responsibilities for Masters and that they deal with the most complex, sensitive or high impact cases in the Masters' caseload. The consideration of the placement of Senior Masters is therefore about how permanent positions of leadership within the judiciary are rewarded.
165. As it stands, judicial leadership is generally rewarded (in financial terms) by the leadership judge being placed in a higher salary group than the judge(s) they lead (for example, the Judge Advocate General is in a higher salary group than the Vice-Judge Advocate General). For Senior Masters we would therefore accept the following recommendations, and would expect the senior judiciary to provide evidence to support their view of the appropriate salary group placement:
 - a. A new salary group is created between groups 6.1 and 5 which the posts are moved into (the Lord Chancellor would be responsible for setting the rate of this new group); or,
 - b. Posts moved to salary group 5.
166. The SSRB should note that there is no power in the current legal framework for the Lord Chancellor to pay an allowance to Senior Masters. In addition, we do not consider allowances to be appropriate for rewarding permanent positions – instead this kind of temporary remuneration should be used for fixed-term or flexible arrangements.

11 Evidence from Northern Ireland

167. Since the last annual review Non-jury ('Diplock') cases continued to be heard in Northern Ireland and number of cases increased significantly between 2017 and 2018. The non-jury trial provisions are in place until 31 July 2021 at which time there will be a further review. The Northern Ireland Courts and Tribunals Service (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.
168. Data relating to judicial pay, workload, recruitment and retention for Northern Ireland judges can also be found at Annex D.

Annex A: Appointments and Headcount

Table 34: Numbers taking up post 1 April 2018 – 31 March 2019

Salary Group and judicial office	Numbers taking up post 01/04/2018 - 31/03/2019
Group 4	9
High Court Judge	9
Group 5	4
Senior Circuit Judges	3
Specialist Circuit Judge	1
Group 6	47
Regional Chairman SSCS Appeals Tribunal	1
Registrar of Criminal Appeals	1
Upper Trib Judge (Admin Appeals Chamber)	5
Circuit Judges	40
Group 6.1	1
Upper Trib Judge (Tax & Chancery Chamber)	1
Group 7	110
District Judge - London	12
District Judge - Provinces	62
Employment Judge Provinces	1
Immigration Judge - London	1
Immigration Judge Provinces	1
Insolvency and Companies Court Judge	3
Salaried Judge 1st Tier - London	14
Salaried Judge 1st Tier - Provinces	11
D J M C London	2
D J M C Provincial SP	3
Grand Total	171

Source: Liberata

Table 35: Salaried judiciary headcount over 5 year period

Salary Group	On 31/03/19		On 31/03/18		On 31/03/17		On 31/03/16		On 31/03/15	
	Number in Post	FTE in Post	Number in Post	FTE in Post	Number in Post	FTE in Post	Number in Post	FTE in Post	Number in Post	FTE in Post
1	1	1	1	1	1	1	1	1	1	1
1.1	2	2	2	2	2	2	2	2	2	2
2	15	15	14	14	14	14	11	11	15	15
3	39	39	38	38	37	37	41	41	38	38
4	97	96.1	88	87.6	97	95.6	106	104.6	106	105.6
5	77	76.2	72	71.5	78	77.1	75	73.9	90	89.2
5+	2	2	2	2	1	1	1	1		
6.1	686	669.4	706	693.4	649	637.2	604	595.1	650	638.4
6.2	14	13.8	12	12	19	19	37	36.1	27	26.2
7	921	869.85	883	834.95	942	895.05	901	856.95	1002	937.1
Grand Total:	1,854.00	1,784.35	1,818.00	1,756.45	1,840.00	1,778.95	1,779.00	1,722.65	1,931.00	1,852.50

Source: Liberata and previous SSRB submissions

Annex B: Salary schedule

Salary Group	Salaries with effect from 01/04/2019
1	£262,264
1.1	£226,193
2	£234,184
3	£215,094
4	£188,901
5+	£160,377
5	£151,497
6.1	£140,289
6.2	£132,075
7	£112,542
8	£89,428

The full judicial salary schedule can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836749/judicial-salary-schedule-oct-2019.pdf

Annex C: Retirement data

Table 36: Number of Leavers¹ of Salaried Judges² (including part-time salaried) in Courts by appointment and average age at departure, 1 April 2016 to 31 March 2019

Appointment name	Total number of retirements			Average age at departure (for retirements)			Total number of resignations			Average age at departure (for resignations)			Total number of deaths in office			Average age at departure (for deaths in office)		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Lord Chief Justice	-	1	-	-	69.0	-	-	-	-	-	-	-	-	-	-	-	-	-
Heads of Division	1	-	1	73.0	-	70.0	-	-	-	-	-	-	-	-	-	-	-	-
Court of Appeal Judges	6	2	2	69.2	69.5	68.5	-	-	-	-	-	-	-	-	-	-	-	-
High Court Judges	11	12	2	67.4	67.3	69.5	-	-	-	-	-	-	1	-	-	62.0	-	-
Judge Advocates, Deputy Judge Advocates	1	-	-	66.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Masters, Registrars, Costs Judges ⁶	-	2	2	-	67.5	68.0	-	1	-	-	60.0	-	-	-	-	-	-	-
Circuit Judges ^{3,5}	58	34	37	67.7	68.4	68.1	-	-	2	-	-	55.5	1	2	1	64.0	64.5	65.0
District Judges ⁴	39	35	36	66.2	65.7	66.6	-	-	1	-	-	40.0	2	2	1	61.5	60.0	62.0
Unknown	7	-	-	67.3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Judges⁷	123	86	80	68.1	67.9	68.5	-	1	3	-	60.0	47.8	4	4	2	62.5	62.3	63.5

Source: e-HR - Judicial Administrative system

Data only available for 2016-17 to 2018-19 (3 years of data). The E-HR system was set up in 2015-16, so there is no data prior to this. The 2015-16 data has not been deemed robust or verifiable enough for inclusion in this review.

Notes:

1. Number of leavers includes retirements, resignations, death from office and removals from office.
2. Salaried judges includes part-time salaried and excludes fee-paid.
3. A small number of Circuit Judges are appointed to Tribunals and are therefore excluded from this table.
4. District Judges includes all District Judges, whether they work in the Magistrates or County Courts, and the two Senior District Judges (CoP and Chief Magistrate) and the Deputy Senior District Judge (Magistrates Court)
5. Circuit Judges include Senior Circuit Judges, Specialist Circuit Judges and the Recorder of London
6. Masters, Registrars and Cost Judges include Senior Masters and Registrars
7. There were no removals from office in this period, so these columns have been removed

Table 37: Number of Leavers¹ of Salaried Judges² (including part-time salaried) in Tribunals^{3,4,5} by Jurisdiction and average age at departure, 1 April 2016 to 31 March 2019

Jurisdiction	Total number of retirements			Average age at departure (for retirements)			Total number of resignations			Average age at departure (for resignations)			Total number of deaths in office			Average age at departure (for deaths in office)		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Employment Appeal Tribunal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Employment Tribunal - England and Wales	5	10	13	66.2	65.7	64.7	-	-	-	-	-	-	-	-	-	-	-	-
Employment Tribunal - Scotland	-	1	1	-	62.0	58.0	1	-	-	46.0	-	-	-	-	-	-	-	-
First Tier General Regulatory Chamber	1	-	-	65.0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
First Tier Health Education and Social Care Chamber	1	-	2	65.0	-	64.0	-	-	-	-	-	-	-	-	-	-	-	-
First Tier Immigration and Asylum Chamber	7	4	7	65.3	62.5	66.7	-	-	-	-	-	-	-	-	-	-	-	-
First Tier Property Chamber	-	2	4	-	69.0	69.3	-	-	-	-	-	-	-	-	1	-	-	49.0
First Tier Social Entitlement Chamber	2	4	3	67.5	66.3	68.3	-	-	-	-	-	-	1	-	-	69.0	-	-
First Tier Tax Chamber	-	1	-	-	70.0	-	-	-	-	-	-	-	-	-	-	-	-	-
First Tier War Pensions and Armed Forces Compensation Chamber	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upper Tribunal Administrative Appeals Chamber	1	1	2	65.0	65.0	67.0	-	-	-	-	-	-	-	-	-	-	-	-
Upper Tribunal Immigration and Asylum Chamber	6	-	1	67.3	-	71.0	-	-	-	-	-	-	-	-	-	-	-	-

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Jurisdiction	Total number of retirements			Average age at departure (for retirements)			Total number of resignations			Average age at departure (for resignations)			Total number of deaths in office			Average age at departure (for deaths in office)		
	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19	2016-17	2017-18	2018-19
Upper Tribunal Lands Chamber	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Upper Tribunal Tax and Chancery Chamber	-	-	1	-	-	66.0	-	-	-	-	-	-	-	-	-	-	-	-
Total Tribunal Judges⁶	23	23	34	66.2	65.5	66.1	1	-	-	46.0	-	-	1	-	1	69.0	-	49.0

Source: e-HR - Judicial Administrative system

Data only available for 2016-17 to 2018-19 (3 years of data). The E-HR system was set up in 2015-16, so there is no data prior to this. The 2015-16 data has not been deemed robust or verifiable enough for inclusion in this review.

Notes:

1. Number of leavers includes retirements, resignations, death from office and removals from office.
 2. Salaried judges includes part-time salaried and excludes fee-paid.
 3. The statistics exclude Tribunals Administered by HMCTS but NOT within the Responsibilities of the Senior President of Tribunals, Welsh Tribunals not administered by HMCTS, Tribunals not within the responsibility of SPT and not administered by HMCTS but appointed by Lord Chancellor.
 4. First-tier and Upper Tribunals includes office holders in Scotland/Northern Ireland in jurisdictions that have a GB/UK-wide remit.
 5. This table excludes non-legal members of tribunals.
 6. There were no removals from office in this period, so these columns have been removed
- denotes zero.

Annex D: Data from Northern Ireland

Judicial pay bill Northern Ireland, 2018-19

	Salary	ERNI	ASLC	Total
Consolidated Fund	£7,410,330	£983,358	£2,643,637	£11,037,325
Departmental Vote	£2,053,525	£379,181	£789,538	£3,222,244
Total	£9,463,855	£1,362,539	£3,433,175	£14,259,569
Note				
Consolidated Fund Judiciary:				
Lord Chief Justice				
Lord Justice of Appeal				
High Court Judge				
(Inc. President Lands Tribunal)				
Recorder of Belfast				
County Court Judge				
District Judge (Magistrates' Courts)				
Lands Tribunal Member				
Departmental Vote Judiciary:				
Chief Social Security and				
Child Support Commissioner				
Social Security and Child				
Support Commissioner				
Coroner				
District Judge (Civil)				
Master of the Supreme Court				
President Appeals Tribunal				
Legal Member Appeals Tribunal				

Note:-

- (1) Includes devolved posts for which NICTS are responsible.
- (2) Costs for The Appeals Tribunal are charged back to the NICS Department with statutory responsibility (Department for Communities).
- (3) Includes service awards paid to judiciary who retired.
- (4) The ASLC attributed to NI Consolidated Fund judiciary is funded from the Departmental Vote except for the Lands Tribunal Member.

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%
2016	0	0%	15	100%	15	100%
2017	0	0%	12	100%	12	100%
2018	10	29%	24	71%	34	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%
2016	0	0%	12	100%	12	100%
2017	0	0%	9	100%	9	100%
2018	5	28%	13	72%	18	100%

Source: Integrated Court Operations System

Crown Court Defendants Dealt With by County Court Judge

(Includes defendants Prosecuted under the Justice & 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%
2016	1980	99%	15	1%	1995	100%
2017	1682	99%	12	1%	1694	100%
2018	1418	98%	24	2%	1442	100%

Source: Integrated Court Operations System

Crown Court Defendants Dealt With by High Court Judge

(Includes defendants Prosecuted under the Justice & 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%
2016	30	100%	0	0%	30	100%
2017	14	100%	0	0%	14	100%
2018	15	60%	10	40%	25	100%

Source: Integrated Court Operations System

A1 NUMBER IN POST (HEADCOUNT) AT 31 MARCH 2019

Judicial Office Holders - Salaried		
Office Held	Salary Group	Number in Post (as at 31 March 2019)
Lord Chief Justice of Northern Ireland	1.1	1
Lords/Ladies Justices of Appeal (Northern Ireland)	3	3
Puisne Judge of the High Court (Northern Ireland)	4	9
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5	1
Recorder of Belfast (Northern Ireland)	5	1*
County Court Judge (Northern Ireland)	6.1 (Paid Group 5)	18
Social Security and Child Support Commissioner (Northern Ireland)	6.1	1
President Appeals Tribunal (Northern Ireland)	6.1	1
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	6.1	1
President. Lands Tribunal Northern Ireland	6.1	1 ^
Member, Lands Tribunal (Northern Ireland)	6.2	1
Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)*	6.2	1 ^^
Presiding Coroner (Northern Ireland)	7	1 ^^
Coroner (Northern Ireland)	7	3 ~
Masters of the Court of Judicature (Northern Ireland)	7 (Group 6.1 from 1/10/2019)	7
Presiding Master of the Court of Judicature (Northern Ireland)	7 (Group 6.1 from 1/10/2019)	1 ~~
District Judge (Northern Ireland)	7	4
Presiding District Judge (Magistrates' Courts) (Northern Ireland)	7	1 ~~~
Presiding District Judge (Northern Ireland)	7 (Group 6.2 from 1/10/2019)	1#
Full-time Salaried Legal Member of the Appeal Tribunals (Chair) (Northern Ireland)	7	1 ##
Employment Judge (Northern Ireland)	7	6
District Judge (Magistrates' Courts) (Northern Ireland)	7	20
TOTAL		84

Judicial Office Holders – Fee Paid		
Office Held	Salary Group	Number in Post (as at 31 March 2019)
Lord Justice of Appeal (sitting in retirement) Northern Ireland	3	6
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	3	
Temporary Judge of the High Court under section 7 (3) of the Judicature (Northern Ireland) Act 1978	4	
High Court Judge (sitting in retirement) Northern Ireland	4	2
Deputy County Court Judge (Northern Ireland)	6.1	17
Deputy Social Security Commissioner for Northern Ireland **	6.1	5
Deputy Child Support Commissioner for Northern Ireland **	6.1	5
President of the Pensions Appeal Tribunals	6.1	1***
Deputy Statutory Officer (Northern Ireland)	7	8
Deputy Coroner (Northern Ireland)	7	
Deputy District Judge (Northern Ireland)	7	
Fee- Paid Employment Judge	7	13
Deputy President of the Pension Appeal Tribunals	7	1
Deputy District Judge (Magistrates' Courts) Northern Ireland ****	7	23
Legal & Medical Member of the Pensions Appeal Tribunals		11
Fee-Paid Legal Member of the Appeal Tribunals	7	62
Total		154

- * Recorder of Belfast is also a County Court Judge
- ^ President, Lands Tribunal is also a High Court Judge and a Coroner
- ^^ Vice-President, Industrial Tribunals and Fair Employment Tribunal is also Chairman of Reserve Forces Reinstatement Committee
- ^^^ Presiding Coroner is also High Court Judge and Coroner
- ~ In addition there are twelve salaried judges who hold the role of coroner concurrently with their other judicial post
- ~~ Presiding Master of the Court of Judicature also holds Master role
- ~~~ Presiding District Judge (Magistrates' Courts) also holds role of District Judge (Magistrates' Courts)
- # Presiding District Judge also holds roles of District Judge and Deputy County Court
- ## Full-time Salaried Legal Member of the Appeal Tribunals (Chair) also holds Deputy District Judge (Magistrates' Courts) role
- ** These are salaried GB Judges of the Upper Tribunal and do not receive any additional fee for undertaking this work in NI. They each hold the role of Deputy Social Security Commissioner for NI concurrently with the role of Deputy Child Support Commissioner for NI.
- *** Also is a salaried Judicial Office holder.
- **** One is also a salaried Judicial Office holder
- *** Also is a salaried Judicial Office holder.
- **** One is also a salaried Judicial Office holder

A1 - NUMBERS IN POST - TIME SERIES 2010 to 2019

Headcount										
Office Held	Salary Group	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Lord Chief Justice of Northern Ireland	1.1	1	1	1	1	1	1	1	1	1
Lords/Ladies Justices of Appeal (Northern Ireland)	3	3	3	3	3	3	3	3	3	3
Puisne Judge of the High Court (Northern Ireland)	4	5	5	6	7	6	7	7	7	9
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5	1	1	1	1	1	1	1	1	1
Recorder of Belfast (Northern Ireland) - Recorder of Belfast is also counted as a County Court Judge	5	1	1	1	1	1	1	1	1	1
County Court Judge (Northern Ireland)	6.1	17	17	16	17	17	17	18	18	18
Social Security and Child Support Commissioner (Northern Ireland)	6.1	1	1	1	1	1	1	1	1	1
President Appeals Tribunal (Northern Ireland)	6.1	1	1	1	1	1	1	1	1	1
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	6.1	1	1	1	1	1	1	1	1	1
President. Lands Tribunal Northern Ireland	6.1	1	1	1	1	1	1	1	1	1
Member, Lands Tribunal (Northern Ireland)	6.2	1	1	1	1	1	1	1	1	1
Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	6.2	1	1	1	1	1	1	1	1	1
Presiding Coroner (Northern Ireland)	7	1	1	1	1	1	1	1	1	1
Coroner (Northern Ireland)	7	2	2	3	3	2	2	3	3	3
Masters of the Court of Judicature (Northern Ireland)	7	7	7	7	7	6	7	7	7	7
Presiding Master of the Court of Judicature (Northern Ireland) - also counted as a Master	6.1	1	1	1	1	1	1	1	1	1
District Judge (Northern Ireland)	7	4	4	4	3	4	4	4	4	4
Presiding District Judge (Magistrates' Courts) (Northern Ireland) - also counted as a District Judge (Magistrates' Court)	6.2	1	1	1	1	1	1	1	1	1
Presiding District Judge (Northern Ireland)	7	1	1	1	1	1	1	1	1	1

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Ministry of Justice Evidence Pack: Judicial Pay 2020/21

Headcount										
Office Held	Salary Group	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Full-time Salaried Legal Member of the Appeal Tribunals (Chair) (Northern Ireland)	7	1	1	1	1	1	1	1	1	1
Employment Judge (Northern Ireland)	7	6	6	7	7	7	7	5	5	6
District Judge (Magistrates' Courts) (Northern Ireland)	7	21	21	21	21	21	21	21	19	20
Lord Justice of Appeal (sitting in retirement) Northern Ireland	1.1	0	0	0	0	1	3	3	6	6
High Court Judge (sitting in retirement) Northern Ireland	4	2	1	2	2	2	2	2	2	2
Temporary Judge of the High Court under section 7 (3) of the Judicature (Northern Ireland) Act 1978	4	0	0	1	1	1	1	1	1	0
Deputy Statutory Officer (Northern Ireland)	7	6	6	5	7	7	8	8	8	8
Deputy County Court Judge (Northern Ireland)	6.1	24	27	26	23	23	20	21	17	17
Deputy Coroner (Northern Ireland)	7						1			
Deputy District Judge (Magistrates' Courts) (Northern Ireland)	7	20	20	19	24	24	24	23	23	23
Deputy District Judge (Northern Ireland)	7	4	4	4	4	3	3	2	0	0
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	3									
Deputy Social Security Commissioner for Northern Ireland	6.1	2	6	5	5	5	4	5	6	5
Deputy Child Support Commissioner for Northern Ireland	6.1	2	6	5	5	5	4	5	6	5
Fee-paid employment Judge	7	14	14	14	12	12	12	12	13	13
Deputy President of the Pension Appeal Tribunals	7	1	1	1	1	1	1	1	1	1
President of the Pensions Appeal Tribunals	6.1	1	1	1	1	1	1	1	1	1
Legal & Medical Member of the Pensions Appeal Tribunals		11	10	10	9	9	9	12	11	11
Fee-Paid Legal Member of the Appeal Tribunals	7	39	39	38	37	58	57	57	64	62
Lands Tribunal Temporary Member	6.2	3	3	3	2	2	2	2	0	0

Notes

Recorder of Belfast is also a County Court Judge

President, Lands Tribunal is also a High Court Judge and a Coroner

Vice-President, Industrial Tribunals and Fair Employment Tribunal is also Chairman of Reserve Forces Reinstatement Committee

Presiding Coroner is also High Court Judge and Coroner

Presiding Master of the Court of Judicature also holds Master role

Presiding District Judge (Magistrates' Courts) also holds role of District Judge (Magistrates' Courts)

Presiding District Judge also holds roles of District Judge and Deputy County Court

Full-time Salaried Legal Member of the Appeal Tribunals (Chair) also holds Deputy District Judge (Magistrates' Courts) role

In addition there are twelve salaried judges who hold the role of coroner concurrently with their other judicial post

Deputy Social Security Commissioners for Northern Ireland also hold the role of Deputy Child Support Commissioner for Northern Ireland - they are salaried GB judges of the Upper Tribunal and do not receive any additional fee for undertaking work in Northern Ireland

A2 - CURRENT REMIT GROUP BREAKDOWN BY GENDER AT 31 MARCH 2019

Judicial Office Holders - Salaried				
Office Held	Salary Group	Number in Post (as at 31 March 2019)	Gender - Male	Gender - Female
Lord Chief Justice of Northern Ireland	1.1	1	1	0
Lords/Ladies Justices of Appeal (Northern Ireland)	3	3	3	0
Puisne Judge of the High Court (Northern Ireland)	4	9	7	2
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5	1	1	0
Recorder of Belfast (Northern Ireland)	5	1 (also County Court Judge)	1	0
County Court Judge (Northern Ireland)	6.1	18	12	6
Social Security and Child Support Commissioner (Northern Ireland)	6.1	1	1	0
President Appeals Tribunal (Northern Ireland)	6.1	1	1	0
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	6.1	1	0	1
President, Lands Tribunal Northern Ireland	6.1	1 (also HCJ and Coroner role)	1	0
Member, Lands Tribunal (Northern Ireland)	6.2	1	1	0
Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	6.2	1 (also Chairman of Reserve Forces R C)	1	0
Presiding Coroner (Northern Ireland)	7	1 (also HCJ and Coroner role)	0	1
Coroner (Northern Ireland)	7	3	2	1
Masters of the Court of Judicature (Northern Ireland)	7	7	3	4
Presiding Master of the Court of Judicature (Northern Ireland)	7	1 (also Master role)	1	0
District Judge (Northern Ireland)	7	4	2	2
Presiding District Judge (Magistrates' Courts) (Northern Ireland)	7	1 (also District Judge (MC))	0	1
Presiding District Judge (Northern Ireland)	7	1 (also District Judge and Deputy County Court)	0	1
Full-time Salaried Legal Member of the Appeal Tribunals (Chair) (Northern Ireland)	7	1 (also Deputy District Judge)	0	1
Employment Judge (Northern Ireland)	7	6	3	3
District Judge (Magistrates' Courts) (Northern Ireland)	7	20	13	7
TOTAL		84	54	30

In addition there are twelve salaried judges who hold the role of coroner concurrently with their other judicial post

Judicial Office Holders - Fee Paid				
Office Held	Salary Group	Number in Post (at 31 March 19)	Gender - Male	Gender - Female
Lord Justice of Appeal (sitting in retirement) Northern Ireland	3	6	6	0
High Court Judge (sitting in retirement) Northern Ireland	4	2	2	0
Temporary Judge of the High Court under section 7 (3) of the Judicature (Northern Ireland) Act 1978	4			
Deputy Statutory Officer (Northern Ireland)	7	8	5	3
Deputy County Court Judge (Northern Ireland)	6.1	17	12	5
Deputy Coroner (Northern Ireland)	7			
Deputy District Judge (Magistrates' Courts) (Northern Ireland)*	7	23	19	4
Deputy District Judge (Northern Ireland)	7		0	0
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	3		0	0
Deputy Social Security Commissioner for Northern Ireland	6.1	5	4	1
Deputy Child Support Commissioner for Northern Ireland	6.1	5	4**	1**
Fee-paid employment Judge	7	13	5	8
Deputy President of the Pension Appeal Tribunals	7	1	1	0
President of the Pensions Appeal Tribunals *	6.1	1	1	0
Legal & Medical Member of the Pensions Appeal Tribunals		11	7	4
Fee-Paid Legal Member of the Appeal Tribunals	7	62	31	31
Total		154	97	57

* One is also a salaried Judicial Office holder

** These are salaried GB Judges of the Upper Tribunal and do not receive any additional fee for undertaking this work in NI. They each hold the role of Deputy Social Security Commissioner for NI concurrently with the role of Deputy Child Support Commissioner for NI.

A2 AVERAGE AGE AND SALARY GROUP

JUDICIAL OFFICER HOLDERS - SALARIED	
SALARY GROUP	AVERAGE AGE
1.1	67 years
3	63 years
4	54 years
5	62 years
6.1	59 years
6.2	65 years
7	57 years

Deputy Judicial Office Holders - Fee Paid	
SALARY GROUP	AVERAGE AGE
3	72 years
4	72 years
6.1	61 years
7	56 years

A2 Average Age on Appointment and Age Distribution

Office Held	2018/19*	
	Ave Age on Appt	Age Distribution
Lord Chief Justice	57	51-60 x 1
Lord Justice of Appeal	62	61-65 x 3
High Court Judge	53	51-60 x 7 41-50 x 2
County Court Judge	51	41-50 x 8 51-60 x 10
Master	48	31-40 x 1 41-50 x 2 51-60 x 4
District Judge	46	41-50 x 3 51-60 x 1
District Judge (Magistrates' Courts)	45	31-40 x 5 41-50 x 11 51-60 x 3 61-65 x 1
Chief Social Security Commissioner and Child Support Commissioner	52	51-60 x 1
Social Security Commissioner and Child Support Commissioner	51	51-60 x 1
President, Appeals Tribunal	56	51-60 x 1
Legal Member of Appeals Tribunal		
Coroner	43	31-40 x 1 41-50 x 2
Temporary High Court Judge		
Deputy High Court Judge	65	61-65 X 2
Deputy County Court Judge	54	31-40 x 2 41-50 x 10 51-60 x 1 61-65 x 1 69 x 3
Deputy District Judge		
Deputy Statutory Officer	51	31-40 x 1 41-50 x 2 51-60 x 3 61-65 x 2

Office Held	2018/19*	
	Ave Age on Appt	Age Distribution
Deputy District Judge (Magistrates' Court)	46	31-40 x 10 41-50 x 8 51-60 x 1 61-65 x 1 66-68 x 1 69 x 2
Deputy Coroner		
Deputy Social Security Commissioner and Deputy Child Support Commissioner	54	41-50 x 1 51-60 x 4
Lands Tribunal President	59	51-60 x 1
Lands Tribunal Member	58	51-60 x 1
Care Tribunal Chairman		
Charity Tribunal President		
Charity Tribunal Legal		
Criminal Injuries Compensation Appeals Panel NI (CICAPNI) - Chairman		
Criminal Injuries Compensation Appeals Panel NI (CICAPNI) - Legal		
Mental Health Review Tribunal - Chairman		
Mental Health Review Tribunal - Deputy Chairman		
Mental Health Review Tribunal - Legal		
Special Educational Needs and Disability Tribunal - President		
Special Educational Needs and Disability Tribunal - Legal		
Traffic Penalty Tribunal - Adjudicator		
Health and Safety Tribunal - Legal Chairman		
Northern Ireland Valuation Tribunal - President		
Northern Ireland Valuation Tribunal - Legal		
The Appeals Service		
Lord Justice of Appeal (sitting in retirement) NI	69	66-68 x 1 69 x 4 70+ x 1
President, Pension Appeal Tribunal	52	51-60 x 1
Fee Paid Legal Member of the Appeal Tribunal	40	21-30 x 3 31-40 x 33 41-50 x 21 51-60 x 5
Deputy President, Pension Appeal Tribunal	66	66-68 x 1

Office Held	2018/19*	
	Ave Age on Appt	Age Distribution
Fee Paid Employment Judge	44	31-40 x 4 41-50 x 8 61-65 x 1
Legal and Medical Member of the Pension Appeal Tribunal	50	31-40 x 2 41-50 x 4 51-60 x 4 61-65 x 1

* For 2018-19 new age bands have been applied

A2 Average age on leaving and distribution as at 31/03/2019 (for financial year 2018/19)

JUDICIAL OFFICE HOLDERS - SALARIED - BY AGE DISTRIBUTION		
Office Held	Ave Age	Age Distribution
District Judge (Magistrates' Courts)	70	61-70 x 2
Deputy Child Support Commissioner FP	70	61-70 x 1*
Deputy Social Security Commissioner FP	70	61-70 x 1*
Deputy County Court Judge	70	61-70 x 2
Temporary High Court Judge	75	71-80 x 1
County Court Judge	70	61-70 x 1
Deputy District Judge (Magistrates' Courts)	63	61-70 x 1

* same person

JUDICIAL OFFICE HOLDERS - SALARIED - BY SALARY GROUP	
SALARY GROUP	AVERAGE AGE
4 x 1	75 x 1
5 x 2	70 x 2
6.1 x 3	70 x 3
7 x 3	68 x 3

JUDICIAL OFFICE HOLDERS - SALARIED - BY SALARY/FEE PAID	
SALARY/FEE PAID	AVERAGE AGE
Salaried x 5	70
Fee Paid x 4	69

JUDICIAL OFFICE HOLDERS - SALARIED - BY AGE DISTRIBUTION				
OFFICE HELD	Average Age	Age Distribution	Salary Group	Salaried /Fee Paid
District Judge (Magistrates' Courts)	70	61-70 x 2	7	S
Deputy Child Support Commissioner FP	70	61-70 x 1*	5	S
Deputy Social Security Commissioner FP	70	61-70 x 1*	5	S
Deputy County Court Judge	70	61-70 x 2	6.1	FP
Temporary High Court Judge	75	71-80 x 1	4	FP
County Court Judge	70	61-70 x 1	6.1	S
Deputy District Judge (Magistrates' Courts)	63	61-70 x 1	7	FP

A3 NUMBERS IN OFFICIALLY RECOGNISED LEADERSHIP ROLES

OFFICIALLY RECOGNISED ROLES	
ROLE	NUMBER
Presiding Master of the Court of Judicature (Northern Ireland)	1
Recorder of Belfast	1
Presiding District Judge Northern Ireland	1
Presiding District Judge (Magistrates' Courts)	1
Total	4

B1 - Judicial Pension Scheme Membership

Office Held	Salary Group	JUPRA		NJPS		FPJPS		NIJPS	
		No. of Members	%	No. of Members	%	No. of Members	%	No. of Members	%
Salaried									
Lord Chief Justice of Northern Ireland	1.1	1	0.62						
Lord/Lady Justices of Appeal (Northern Ireland)	3	3	1.85						
Puisne Judge of the High Court (Northern Ireland)(High Court Judge)**	4			6	3.70				
County Court Judge (Northern Ireland)	6.1	4	2.47	14	8.64				
Masters of the Court of Judicature (Northern Ireland)	6.1	2	1.23	5	3.09				
District Judge (Northern Ireland)	7	2	1.23	1	0.62				
District Judge (Magistrates' Courts)(Northern Ireland)	7	6	3.70	13	8.02				
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5								
Social Security Commissioner and Child Support Commissioner (Northern Ireland)	6.1			1	0.62				
President, Appeals Tribunal (Northern Ireland)	6.1			1	0.62				
Legal Member of Appeals Tribunal (Northern Ireland)	7			1	0.62				
Coroner (Northern Ireland)	7			3	1.85				
Fee Paid									
Appeal Tribunals Legal Member (Northern Ireland)						16	9.88	42	25.93
Deputy County Court Judge (Northern Ireland)						9	5.56		
Deputy District Judge (Magistrates' Courts)(Northern Ireland)				10	6.17	7	4.32		
Deputy Statutory Officer (Northern Ireland)				2	1.23	3	1.85		

OFFICIAL-SENSITIVE

Ministry of Justice Evidence Pack: Judicial Pay 2020/21

Office Held	Salary Group	JUPRA		NJPS		FPJPS		NIJPS	
		No. of Members	%	No. of Members	%	No. of Members	%	No. of Members	%
Pensions Appeal Tribunals Deputy President (Northern Ireland)						1	0.62		
Pensions Appeal Tribunals Legal Member (Northern Ireland)				4	2.47	1	0.62		
Retired Lord Justice of Appeal (Northern Ireland)						4	2.47		
		18	11.11	61	37.65	41	25.31	42	25.93
Total Members	162								

** There are a total of 8 High Court Judges in post however 1 has opted out of the pension scheme and 1 is in receipt of TPA
 % figures are calculated as a % of the total number of active scheme members across the 4 pension schemes

OFFICIAL-SENSITIVE

Ministry of Justice Evidence Pack: Judicial Pay 2020/21

B3 - Number of Salaried Judges Eligible for Full, Tapered or No Protection (current data)

Office Held	Salary Group	Protected (JUPRA)	Unprotected (NJPS/NIJPS)	Still to Taper/ Taper End Date
Lord Chief Justice of Northern Ireland	1.1	1		
Lord/Lady Justices of Appeal (Northern Ireland)	3	3		
Puisne Judge of the High Court (Northern Ireland)(High Court Judge)**	4		6	
County Court Judge (Northern Ireland)	6.1	4	14	
Masters of the Court of Judicature (Northern Ireland)	6.1	1	5	1 - end date 31/05/2021
District Judge (Northern Ireland)	7	2	1	
District Judge (Magistrates' Courts)(Northern Ireland)	7	5	13	1 - end date 31/02/2020
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5			
Social Security Commissioner and Child Support Commissioner (Northern Ireland)	6.1		1	
President, Appeals Tribunal (Northern Ireland)	6.1		1	
Legal Member of Appeals Tribunal (Northern Ireland)	7		1	
Coroner (Northern Ireland)	7		3	
Totals		16	45	2

** There are a total of 8 High Court Judges in post however 1 has opted out of the pension scheme and 1 is in receipt of Transitional Protection Allowance

B4 - Allowances

RRA is currently paid to 6 Puisne Judge of the High Court (Northern Ireland)(High Court Judge) at a rate of 11% of basic pay

D2 - Number of Retirements of Higher Judiciary by Age (High Court Judge and above)

Year	Number of Leavers	Ave Age on Leaving	Age Band	Reasons for Leaving
2011/12	1	65	61-65 x 1	Retirement
2012/13	1	65	61-65 x 1	Retirement
2013/14	0			
2014/15	1	69	69 x 1	Retirement
2015/16	2	68	66-68 x 1 69 x 1	Retirement x 2
2016/17	0			
2017/18	3	69	69 x 2 70+ x 1	Retirement x 3
2018/19	0			

D3 - Age of Retirements for Salary Groups 5, 6.1 and 7

Salary Group	2011/12 Age Band	2012/13 Age Band	2013/14 Age Band	2014/15 Age Band	2015/16 Age Band	2016/17 Age Band	2017/18 Age Band	2018/19 Age Band
5	61-65 x 1							
6.1	69 x 1	66-68 x 2	51 - 60 x 1 61-65 x 1	51-60 x 1 61-65 x 1 69 x 1	61-65 x 1	69 x 1		61-70 x 1
7	70+ x 1		70+ x 2		51-60 x 1 66-68 x 1	61-65 x 1 66-68 x 1	70+ x 1 69 x 1 66-68 x 1	69 x 1 70+ x 1

D5 - Reasons for Leaving

Office Held	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
	Salary Group	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving
Lord Chief Justice of Northern Ireland	1.1							
Lord/Lady Justices of Appeal (Northern Ireland)	3				Retirement x 1	Retirement x 2		Retirement x 3
Puisne Judge of the High Court (Northern Ireland) (High Court Judge)	4	Retirement x 1	Retirement x 1		Appointed Lord Justice of Appeal x 1	Appointed Lord Justice of Appeal x 2		
County Court Judge (Northern Ireland)	6.1	Retirement x 1	Retirement x 2	Early Retirement x 1	Retirement x 1		Death in Service x 1 Retirement x 1	Retirement x 1
Masters of the Court of Judicature (Northern Ireland)	6.1			Medical Retirement x 1	Medical Retirement x 1 Early Retirement x 1	Early Retirement x 1		
District Judge (Northern Ireland)	7	Retirement x 1		Appointed as Master x 1				
District Judge (Magistrates' Courts)(Northern Ireland)	7			Retirement x 2			Early Retirement x 2	Retirement x 2 Medical Retirement x 1
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	5	Retirement x 1						
Social Security Commissioner and Child Support Commissioner (Northern Ireland)	6.1	Appointed Chief SSC and CSC x 1						

OFFICIAL-SENSITIVE

Ministry of Justice Evidence Pack: Judicial Pay 2020/21

Office Held	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
	Salary Group	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving	Reasons for Leaving
President, Appeals Tribunal (Northern Ireland)	6.1							
Legal Member of Appeals Tribunal (Northern Ireland)	7							
Coroner (Northern Ireland)	7	End of Contract x 1	Appointed County Court Judge x 1			Early Retirement x 2		

Overall Totals	
Retirement	22
Early Retirement	7
Medical Retirement	3
Death in Service	1
End of Contract	1
Appointed to another Judicial Position	6
	40

E7 - Flexible Working as of 31.3.19

There are 2 part time salaried judiciary:

District Judge (Magistrates' Courts) (Northern Ireland) Salary Group 7 - FTE 0.6

Social Security Commissioner/Child Support Commissioner Salary Group 6.1 - FTE 0.8

Flexible Working		@31.3.19
Salaried Part Time		2
Job Share		0
Distribution of P/T Working		N/A



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