



Ministry  
of Justice

# Ministry of Justice Evidence: Major Review of the Judicial Pay Structure

26 February 2026

Updated 30 June 2026



# Update note – June 2026

## Purpose

This note provides an update to the Ministry of Justice evidence submission to the SSRB Major Review of the Judicial Pay Structure (February 2026). It corrects a minor drafting error and clarifies specific wording to ensure accuracy and consistency.

## Detail of update

- **Section 3: Recruitment and Retention Allowances**

Paragraph 183: Corrected to refer to Upper Tribunal Judges instead of District Judges.

- **Section 5: Leadership and Organisation**

Paragraph 247: Updated to clarify that judges are required to complete two days of continuation training per year, irrespective of the number of tickets held, ensuring consistency with current policy.

- **Annex C: London Weighting Locations**

Updated to reflect that Woolwich County Court and Reigate County Court are permanently closed.

## Status or original submission

Unless otherwise stated, the original evidence submission remains unchanged.

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# 1. Introduction

## Introduction to the Evidence

1. The Senior Salaries Review Body (SSRB) was commissioned by the Ministry of Justice (MoJ) to undertake a Major Review of the Judicial Salary Structure in December 2024. The Terms of Reference were published in May 2025.<sup>1</sup> This document constitutes the evidence submission to the SSRB from the MoJ and His Majesty's Courts and Tribunal Service (HMCTS) and should be considered alongside the evidence and data pack submitted in October 2025 for the annual review.<sup>2</sup>
2. This document provides an overview of the context in which decisions on future judicial pay will be made, including: the reasons why a Major Review is needed; the evidence regarding recruitment, retention and morale; and a range of pay and non-pay levers which aim to recruit and retain the highest calibre individuals into judicial office. **A summary of the questions in this document to the SSRB is provided in Annex A.**

## Objectives and Purpose of the Review

3. The judiciary is responsible for interpreting and upholding the rule of law. A strong independent judiciary is fundamental to the justice system, and serves as a cornerstone of the United Kingdom's democracy and prosperity. However, the justice system is facing unprecedented challenges. In response, the Government commissioned the Independent Sentencing Review into prison overcrowding, with the Sentencing Act 2026 implementing many of the recommendations. In addition, Sir Brian Leveson was asked to carry out the Independent Review of the Criminal Courts, aimed at increasing efficiency and tackling the significant backlog in the Criminal Courts. The Government has responded to part 1 of the report,<sup>3</sup> announcing a raft of measures to modernise the courts and deliver swifter justice for victims. Part 2 of the report was published on 4 February and the Government will respond in due course.<sup>4</sup>
4. The Government is committed to supporting a high-quality, independent judiciary, able to respond to the challenges it faces and future reforms. Although the outcomes and implications from the reviews mentioned above will not be fully known during the timeframe of the Major Review, we recognise that there are still persistent challenges affecting the judiciary that need to be addressed. Therefore, this Major Review has been commissioned to advise on how pay can address issues facing the judiciary today. These are:
  - a. persistent recruitment shortfalls in specific posts and locations;
  - b. the relative attractiveness of salaried and fee-paid judicial offices; and
  - c. whether leadership functions can improve efficiency in the judiciary, and whether the current level of remuneration is sufficient for recruitment into leadership posts.

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<sup>1</sup> Major Review of the Judicial Salary Structure: Terms of Reference - GOV.UK

<sup>2</sup> Ministry of Justice evidence to the Senior Salaries Review Body 2026 to 2027 - GOV.UK

<sup>3</sup> Independent Review of the Criminal Courts: Part 1 - GOV.UK

<sup>4</sup> Independent Review of the Criminal Courts: Part 2 - GOV.UK

5. The key issues to be reviewed in the Major Review are set out more fully in the Terms of Reference. The SSRB should consider the potential impacts of ongoing and future reform across the justice sector throughout the course of the Major Review, including the Independent Review of the Criminal Courts.
6. The SSRB's advice should reflect the role that pay and non-pay factors influence the issues to be addressed, recognising non-pay reforms may sometimes be more impactful. Where targeted changes to the pay structure provide the best way to address the issues (such as capacity issues), recommendations should have robust evidence of their effectiveness, be affordable and represent value for money for taxpayers.
7. This review should provide recommendations for a judicial pay structure that supports the resourcing of a judiciary capable of taking on the challenges facing the justice system now, and into the future. Ultimately, supporting delivery of swift access to justice and upholding the rule of law.

### Scope of the Review

8. In accordance with the Terms of Reference, the roles in scope of the Major Review include salaried judicial posts whose pay is the responsibility of the Lord Chancellor. Additionally, the Review includes devolved judicial posts, and the SSRB will consider evidence from the devolved administrations on the roles of both salaried and fee-paid devolved posts.
9. The Review will also examine fee-paid judges who have a salaried comparator post. A primary aim of including this group is to understand the pipeline from fee-paid to salaried office. This will help evaluate whether the relative attractiveness of salaried and fee-paid office is supporting adequate resourcing.
10. Regarding non-legal members, the remit includes fee-paid non-legal members in devolved administrations that fell outside of the scope of the SSRB's Non-Legal Members Fees Review 2023.<sup>5</sup> All other fee-paid non-legal members are considered out of scope for this Major Review.
11. While total remuneration is relevant, substantive changes to judicial terms and conditions of appointment and further pension reforms are outside the remit of this review. However, the Government recognises that some aspects of the terms and conditions may have implications for pay. Therefore, the SSRB may make observations on these elements where appropriate.
12. Finally, in making its recommendations, the SSRB is asked to utilise existing salary bands where possible. The aim is for a salary structure that moves towards coherence and simplicity, facilitating flexibility in cross-deployment between offices.

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<sup>5</sup> Non-Legal Members Fees Review - GOV.UK

## 2. Context

### Organisation of the Judiciary

13. The judiciary is independent of government, and as such judicial office holders are appointed to their roles and are not employees. The current structure of Courts and Tribunals in England and Wales is shown here, [Structure of Courts and Tribunals System - Courts and Tribunals Judiciary](#).

### Financial Context

14. Judicial remuneration amounted to £778m in 2024/25 across the salaried and fee-paid judiciary.
15. The MoJ's priority remains to balance the need to have a remuneration package which helps attract individuals with the right skills, knowledge and experience to take up, and remain in judicial office, with the need to ensure value for money for taxpayers and meet increasing demands on the justice system.
16. As set out recently by the Chancellor in the 2025 budget, the current fiscal backdrop is challenging, both for the MoJ and wider Government. Thus, any recommendations arising from the Review must be considered against the challenging financial position that the Government is facing.
17. We would also need to balance any recommendations the SSRB would make against other priorities across the department, including those made in subsequent reviews. This would be done predominantly through the annual department financial allocations process.
18. We would also need to consider whether implementing recommendations were affordable and represented value for money for taxpayers.

### Judicial Pay Structure

19. The Lord Chancellor has the statutory power, under relevant legislation, to determine the salaries, allowances and expenses of judges in England and Wales. The Lord Chancellor also sets the rate of remuneration for some devolved posts across Scotland and Northern Ireland.
20. The judicial salary structure consists of eleven salary groups (including sub-groups). All salaried judicial office holders are assigned to a salary group in the judicial salary structure.
21. Daily fees for fee-paid judges are calculated using an appropriate divisor of the annual salary of the comparator salaried post. Divisors are based on the expected number of annual sitting / working days, either 220, 215, or 210 days. This approach provides for an element of annual leave, bank holidays and privilege days in the fees.

22. A schedule of judicial salaries as well as fee-rates for fee-paid and sitting in retirement offices, is published each year on GOV.UK.<sup>6</sup>
23. Further information on the structure and elements of judicial pay is set out in the MoJ's evidence to the SSRB for the annual review, published in October 2025.

### Underlying Pay Principles

24. The ability of judges to act independently of the executive, and without external pressure, is a key feature of the United Kingdom's constitutional arrangements. The unique constitutional relationship between executive and judiciary means that judicial pay is subject to some special principles that do not apply to other public sector workforces. These principles were used by the SSRB to inform the last Major Review. Any recommendations should balance the need to address structural pay issues with the constitutional independence of the judiciary, which these principles support.
25. The following principles should continue to be upheld during this Major Review:
  - a. Salaried courts judges enjoy statutory salary protection, meaning that judges' salary cannot be reduced. Therefore, it is important for any uplifts to judicial pay or salary groupings to be clearly rationalised and well-evidenced, since they cannot subsequently be reversed. This protection is applied equally to tribunal judges by convention.
  - b. Judicial pay is not linked to performance as this could cut across the principle of judicial independence. As part of this, judicial pay is not subject to incremental progression, and judges are paid at the single spot rate for their salary group. Greater experience does not qualify one judge to be paid more than another at the same level. This constitutional relationship also prevents the judiciary and government directly negotiating levels of pay.
  - c. Salaried judges are unique in public service in that there is a longstanding convention, set out in the terms and conditions of appointment, that they will not return to legal practice after taking salaried office. This is intended to avoid potential conflicts of interest, and has been considered a factor in supporting public perceptions of the independence and impartiality of the salaried bench.
26. In addition, the following principles were also included in the last Major Review:
  - a. Geographical location should not affect judicial pay. The pay structure should not differentiate for labour markets or costs of living. The one exception to this is for eligible judges in salary group 7 who receive London Weighting.
  - b. Salaried and fee-paid judges who undertake equivalent roles, should be paid at the same rate. This is based in legislation, such as the Equality Act 2010 (gives the right to pro-rata equal pay for equal work and prohibits discrimination on the basis of protected characteristics, such as ethnicity and gender), and Part-Time Workers Regulation 2000 (protects part-time employees and workers from being treated less favourably than a full-time comparator). It has also been found through litigation, for example

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<sup>6</sup> Judicial salaries and fees 2025 to 2026 - GOV.UK

*O'Brien v MoJ* which succeeded in arguing under Part-Time Workers Regulations 2000 that the work of fee-paid and salaried judges is equal and therefore should receive the same pay and benefits.

**In this Major Review we are asking the SSRB to consider whether the principles in paragraph 26 should change:**

- a) Is London Weighting effective in supporting recruitment? Is it cost effective and are there better alternatives?**
- b) Should the principle of geographic location not affecting judicial pay be maintained, and if not, in what circumstances?**
- c) Although not directly considering the principle on salaried and fee-paid roles receiving pro-rata pay for equivalent roles, are salaried and fee-paid offices still comparable, or is there an evidence base to justify different remuneration?**

### **Differences in salaried and fee-paid judge remuneration**

27. Historically there were greater differences in the remuneration of salaried and fee-paid offices which reflected the different roles they fulfilled. The following table provides some examples. Through litigation, fee-paid judges have acquired pay equivalence with salaried judges, yet the view of the judiciary is that there are differences in the roles (see section 4) which are not currently reflected in remuneration.

<b>Area</b>	<b>Historical position - Salaried Judges</b>	<b>Historical position - Fee-Paid Judges</b>	<b>Reason for change</b>
Salary Level	Salaries as set out in schedule	Fees calculated based on a divisor of the comparable salaried post	In 2014 daily fees recalculated for courts judges based on annual sitting days of full-time salaried comparator, following <i>O'Brien, Miller and Others v MoJ</i>
Pension	Judicial Pension Scheme	No pension entitlement	Fee-paid judges provided with judicial pension scheme in 2014 following <i>O'Brien / Miller</i>
Sick Pay	Sick pay	No sick pay	Fee-paid judges provided with sick pay subject to eligibility in 2014 following <i>Miller and Others v MoJ</i>
London Weighting	Eligible for London Weighting	Not eligible for London Weighting	Fee-paid judges provided with London Weighting in 2014 following <i>Miller and Others v MoJ</i>
Travel expenses	Cannot claim from home to hearing location	Can claim from home to hearing location	Still in place

## Pay Policy Updates since the Annual Review

28. The following section provides updates on areas of pay policy made since the MoJ's evidence to the SSRB for the Annual Review of Judicial Pay 2026/27:

### Additional Fees Review

29. The judiciary have concluded their work on the Working Practice Guidance which sets out how the proposed Booked Period Policy will function in practice. The Lord Chancellor has agreed to implement the Booked Period Policy which will replace existing additional fees payments. Implementation will be phased, starting from Spring 2026 and will run throughout the 2026/27 financial year.

## Judicial Remuneration

### Pensions

30. In the MoJ response to the SSRB's 2018 Major Review, we indicated that we would seek to reform the Judicial Pension Scheme. The introduction of the Judicial Pension Scheme 2022 in April 2022 formed a key part in addressing recruitment issues in the judiciary by making judicial careers more attractive. The judicial offices eligible for Judicial Pension Scheme 2022 are set out in the Schedule to the Public Service Pensions Act 2013 (Judicial Offices) Order 2015. This includes the Chairs of some tribunals. Non-legal members of tribunals are entitled to a pension under the auto-enrolment provisions, and this is provided through the National Employment Savings Trust scheme, known as 'NEST'. As of 31 March 2025, Judicial Pension Scheme 2022 had 7,188 active members.

31. Pension reform is out of scope for this Major Review. However, pensions continue to form a significant and valuable part of the remuneration package for the judiciary, highlighted by results in the Judicial Attitude Survey 2024. It is important that the full value of this benefit is taken into consideration when assessing the full value of remuneration to judges, and consequential impact of any pay changes to the pensions scheme. The recent valuation of the Judicial Pension Scheme sets the employer contribution at 62.3% of pensionable pay (plus a 0.25% administration expense contribution), which far exceeds most other public sector pension employer contributions. The following table provides examples of pension entitlements at Normal Pension Age gross of tax, and in "today's terms":

Post	Salary Group	2025/26 Salary	Pension after 20 years in JPS22 <sup>7</sup>
District Judge	7	£139,469	c.£69,700
Circuit Judge	5.2	£173,854	c.£86,900
High Court Judge	4	£234,096	c.£117,000

<sup>7</sup> Illustrative pension entitlements provided by the Government Actuary's Department. Based on assumptions that the relevant judge has 20 years' service in JPS 2022 and has no service in other judicial pension schemes. Also assumes an accrual rate of 2.50% throughout the period of service, no future salary or inflationary increases applied. London weighting not included.

32. Further information on judicial pensions is set out in the MoJ's evidence to the SSRB for the 2026/27 annual review and in Annex B of this evidence pack.

**What is the SSRB's view on the effectiveness of the Judicial Pension Scheme to support incentivisation to apply for and/or remain in judicial office?**

**Benefits**

33. In addition to pay and pensions, the judiciary are provided with a range of benefits which enhance their total remuneration package and support their wellbeing. It is important that the schemes offered meet the general pay principles for the judiciary, for example that they are not related to performance. Benefits currently offered include:
- a. free eyecare vouchers
  - b. cycle to work scheme
  - c. newly appointed Recorders are entitled to receive court dress on appointment
  - d. Judicial Helpline, giving access to psychological and emotional support

**What is the SSRB's view on the effectiveness of these benefits to support incentivisation to apply for and remain in judicial office?**

**Terms and Conditions**

34. Judicial terms and conditions of appointment set out the entitlements of office holders. These entitlements should be considered alongside the total remuneration package, as they support judicial office holders through significant life events for example starting a family, being a carer or suffering ill health. This includes:
- a. Reasonable adjustments
  - b. Parental leave (with occupational pay available to all judicial office holders)
  - c. Compassionate leave (recently extended to non-legal members)
  - d. Sick leave (recently extended to non-legal members on an occupational basis)
  - e. Career breaks, or dispensation-not-to-sit.
35. Terms and conditions are specifically out of scope for this Major Review. The MoJ launched a consultation on a new set of terms and conditions on 26 February 2026. This aligns entitlements across courts and tribunals. The consultation proposes seven sets of terms and conditions for senior judges (salaried and fee-paid), judges (salaried and fee-paid), non-legal members (salaried and fee-paid), and sitting in retirement. The consultation will close on 7 May 2026 (10 weeks).
36. The consultation does not propose changing the annual leave allowances or judicial business day requirements of different judicial offices. This is due to current operational and financial constraints. However, it does propose aligning how judicial working time is expressed, with all judicial offices having a judicial business day expectation rather than an annual leave allowance. This approach is in keeping with members of the judiciary holding office rather than being employees. The judicial business day expectations will then be the divisor used in the calculation of fees for the comparable fee-paid offices.

## Reviews and Reform of the Justice System

37. The evidence for the annual pay award set out information on the wider context of the justice system. Since the publication of this evidence, the Concordat process has concluded. A landmark settlement has been reached for 2026/27, which ensures that courts and tribunals are equipped to operate at, or close to, maximum capacity. Further details are provided in the Written Ministerial Statement.<sup>8</sup> Updates since the publication of the evidence pack are set out below.

### Independent Review of the Criminal Courts

38. The Independent Review of the Criminal Courts was commissioned by the Government in December 2024. It was led by Sir Brian Leveson, and was published in two parts:
- a. Part 1 – Consideration of options for longer-term reform, which reported on 9 July 2025
  - b. Part 2 – Consideration of how to improve the efficiency across the system, which reported on 4 February 2026.
39. On 2 December 2025, the Deputy Prime Minister set out why structural court reform is necessary, alongside investment and modernisation. The package of reforms he announced are designed to progress cases more quickly through the Criminal Courts, including through reducing the proportion of cases currently receiving a jury trial. The Deputy Prime Minister's announcement included:
- a. Removing the right to elect for a jury trial
  - b. Replacing the automatic right to appeal in the magistrates' courts with a new permission stage
  - c. Magistrates' Court sentencing powers to increase to 18 months, with provision to extend to 24 months if necessary
  - d. The creation of the Crown Court Bench Division – a new division in the Crown Court for triable-either-way cases with likely sentences of three years or less, heard by a judge alone
  - e. Record breaking investment in sitting days, court buildings and technology, and in legal professionals.
40. Legislation will be brought forward as soon as parliamentary time allows. The Government will respond to Part 2 in due course.

### Digital Modernisation

41. The HMCTS Reform programme (launched in 2016) concluded in March 2025 following the transformation of 14 paper-based and inefficient services into modern digital services and the introduction of centralised service centres. These changes facilitated the rationalisation of the court estate which enabled underused and poor-quality facilities to be closed. The programme included:
- a. The introduction of 'Common Platform' for case management in Criminal Courts

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<sup>8</sup> Written statements - Written questions, answers and statements - UK Parliament

- b. Digitalisation of services such as Small Claims and Divorce proceedings - over 5.1 million cases have been digitally submitted since April 2019<sup>9</sup>
  - c. Installation of video technology to over 90% of Crown courtrooms
  - d. Introduction of five new service centres who have answered over one million calls across Criminal, Civil, Family Courts and Tribunals<sup>10</sup>
42. Digitalisation of services continues beyond the Reform programme, for example for housing possession proceedings in Civil Courts, underpinned by broader continuous improvement work in each jurisdiction.
43. The reforms were expected to achieve a range of benefits for HMCTS including savings to judicial, administrative, estates and ancillary costs (such as travel and subsistence, postage, printing and stationery). Wider economic benefits were also expected for end users, other agencies and the wider economy. Unit costs (the cost of an individual case rather than aggregate service costs) were introduced as a means of evidencing these benefits. While delivery of all benefits is yet to be realised (due in part to the impact of the pandemic on delivery timeframes), fully reformed services are starting to show reduced costs, particularly in the most mature reformed services. Digital transformation and improvement are an on-going process as technology evolves in the justice system, as it does across other sectors. There are therefore still productivity gains to be leveraged through the development of tools and support which have an impact on remote listing and evidence bundle quality for instance.
44. After removing the impact of external factors (e.g. changes to pay and pensions), both the judicial and administrative unit costs of HMCTS are either flat or slightly falling overall. While there is definite variation between individual HMCTS services, there is also clear evidence that the biggest increases in efficiency (i.e. falls in unit costs) are occurring in services where reformed systems and ways of working are most firmly established. This suggests that an important way to reduce overall unit costs will be to ensure that the benefits of reform continue to be effectively leveraged across all services as the necessary improvements are rolled out. For several services the weighting of judicial costs is significantly higher than that of the administrative costs, and therefore any change in judicial productivity would have a particularly significant impact on overall unit costs in these areas.
45. The new Courts and Tribunals Service Centres reduce demand on individual courts and hearing centres by centralising administrative tasks, allowing Court Centres to focus on productive case progression, listing and hearing activity. Similarly, the digital reforms achieved reduce the need for administrative and judicial input to case progression. However, leveraging the benefits requires a degree of self-service and familiarity with the new systems.

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<sup>9</sup> Applications made digitally including Single Justice Procedure cases managed through Automated Track Case management:

<sup>10</sup> HMCTS management information – modernised services October 2025 - GOV.UK

46. A joint judicial and HMCTS working group has been established to review the support provided to the judiciary in the exercise of judicial functions due to complete in September 2026. This will likely include some consideration of further training requirements to enable more 'self-service' as well as the level and type of support required for different judicial roles. However, judicial leadership also plays a critical role in driving the uptake and use of the range of reformed services and working productively alongside the Courts and Tribunals Service Centres.

### Surveys and Research on Judicial Attitudes

47. There were two important pieces of research published in 2025 which provide valuable insights into the views of current and prospective judicial office holders on a range of matters relating to their experience working in the judiciary, and attractiveness of judicial office.

### Judicial Attitude Survey

48. The Judicial Attitude Survey is carried out every two years and is conducted by Professor Cheryl Thomas KC (Hon) of the Judicial Institute of University College London with support from the judiciary. Key findings of the latest report are summarised below.<sup>1112</sup>

### Pay

49. While most judges are not content with their remuneration, this figure has been improving since 2014. 61% of salaried judges said their pay and pension does not adequately reflect the work they have done, an improvement since 2014 when it was 78%. 42% of judges said they are paid a reasonable salary, up from 27% in 2014.<sup>12</sup> However, there is a reduction to 39% of fee-paid judicial office holders who say they are paid a reasonable rate for a day's work (42% in 2022). Half of District Judge (Magistrates Court) and almost half of First-tier Tribunal Judges are earning more in the judiciary than they did before joining the salaried judiciary.

### Pensions

50. A judicial pension remains an important part of overall remuneration for the judiciary, particularly for fee-paid office.
51. It is difficult to evidence the pension as a specific driver to seeking judicial office, though the Judicial Attitude Survey 2024 indicates that it is an important draw to those interested in fee-paid office. 64% indicated that the pension they receive for their judicial work is an important aspect of the job for them. Of those salaried judges thinking of leaving the judiciary, 48% indicate that a reduction in pension benefits would be key to them leaving, though this has dropped from 73% in the Judicial Attitude Survey 2022 when both pension reform and the *McCloud* remedy remained to be delivered.<sup>13</sup> With the implementation of the Judicial Pension Scheme 2022, and the delivery of the *McCloud* remedy, judicial

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<sup>11</sup> Judicial Attitude Survey 2024 - Courts and Tribunals Judiciary

<sup>12</sup> UK Judicial Attitude Survey

<sup>13</sup> Judicial Attitude Survey 2022 - Courts and Tribunals Judiciary

pensions are no longer the contentious subject that they have been in the past. However, pension arrangements as they now stand remain important, and any significant changes would likely be fiercely resisted and impact judicial morale negatively.

### Leaving the judiciary

52. 39% of judges said they would consider leaving the judiciary if it were a viable option (lower than 41% in 2022). The largest proportions of judges that would consider leaving the judiciary if it was a viable option are Circuit Judges (45%), First-tier Tribunal Judges (43%) and District Judges (43%).
53. The three main factors that would make salaried judges more likely to stay in the judiciary until they reach the mandatory retirement age were: higher remuneration, better administrative support and reduction in workload. However, 70% of salaried judges would have still applied to the judiciary knowing what they now know about the job. There has also been an increase in the number of District Judges saying they would still apply to salaried office knowing what they now know about the job (60% - an increase from 44% in 2022).

### Wider Concerns

54. High workloads, working conditions, and wellbeing also continue to be reported as issues by salaried judges. Judges also have growing concerns about their personal safety, within and outside the courts.
  - a. The Judicial Attitude Survey 2024 had questions on the level and sources of judicial stress for the first time, with 99% of salaried judges report experiencing work-related stress.
  - b. 61% of judges reported their working conditions are worse than they were two years ago (down from 86% in 2014). District Judges (75%) and Circuit Judges (70%) had the highest levels of negative response.
  - c. Judges' concerns for their personal safety in and out of court have increased since 2022: in court, it has increased from 27% to 39% and out of court from 19% to 26%. 69% of District Judges reported security concerns in court in the last two years, compared to 37% of Circuit Judges.
55. However, some indicators of morale have improved since 2022. More salaried judges said they would encourage people to apply to the judiciary, and the number of salaried judges saying they intend to leave the judiciary early, has decreased to 39% (from 43% in 2022). In general, senior judges (High Court and above) have more positive responses to most questions than judges below the High Court; and overall fee-paid judges are more positive about their position than salaried judges.
56. The Judicial Attitudes Survey shows that since 2022 there has been a reduction of fee-paid judges who will consider applying for a salaried judicial post. The main reasons fee-paid judges would not consider applying for a salaried post are reduction in sitting flexibility, lack of personal control over working time, uncertainty over where they would be required to sit (the location) and the application process. The following table shows the percentage of fee-paid judges (that responded to the Judicial Attitude Survey) who would consider applying to salaried office:

Post	% in 2024	% in 2022
Recorders	57%	63%
Deputy District Judge	51%	59%
Deputy District Judge (Magistrates Court)	62%	69%
First-tier Tribunal Judge	35%	47%
Employment Judge	44%	53%

### **Motivations to Apply for Salaried Judicial Office**

57. The MoJ commissioned Dr Sophie Turenne of the University of Cambridge to research to the motivations which affect decisions by suitably qualified individuals to apply or not for salaried judicial office. The report was published in February 2025.<sup>14</sup>
58. The research found that while remuneration was a key factor in applying to salaried office, it was not the only one. The wider picture involving the recruitment process, location of work, work life balance, and the nature of the work were also important considerations. The report's overall points for consideration were:
- a. Remuneration for undertaking judicial office needs to be regarded both as a key motivating factor and as part of a wider package presented to potential candidates, so that remuneration increases need to be supported with changes to the other critical areas identified in the report.
  - b. Review geographical deployment to address such related issues as relocation, excessive commuting, information about how geographical preferences will be considered, the possibilities of transfers to different circuits or regions, and split appointments between two geographical areas.
  - c. Review the selection process, in particular the value of fee-paid experience and the relevance of legal specialism in the Judicial Appointments Commission (JAC) competency frameworks.
  - d. Ways to promote greater certainty in relation to the selection and appointment timeline, and to reduce the overall length of the selection and appointment process.
  - e. Systematic ways of measuring, scheduling, allocating and monitoring workload, and enabling salaried judges to have a clearer line of recourse in the face of excessive demands.
  - f. Improve working conditions in courts and tribunals to provide greater and more consistent support processes and staffing.
  - g. The scope of salaried part-time work and the consistency with which requests are presently handled.
  - h. Renewed guidance upon the terms of the convention that judges should not return to practice.

<sup>14</sup> Motivations to apply for salaried judicial office - GOV.UK

- i. Ways to better anticipate and communicate sitting days' needs so that fee-paid judges can better plan sitting days around their other professional commitments.

## 3. Recruitment of Judges

### Summary

- We continue to undertake high-volume recruitment, seeking approximately 1,000 judges and tribunal members annually. Despite recruitment for fee-paid roles and some salaried offices improving, persistent shortfalls remain in the District Bench and specific regions.
- As significant pay increases in recent years have failed to address recruitment shortfalls, we want to understand to what extent pay is a factor in recruitment shortfalls, and the importance of non-pay factors.
- Recruitment focusing on regions or chambers most affected by shortfalls is being trialled. Some of these exercises are still reporting but early indications show that a regional or chamber specific approach has been successful in increasing capacity where most needed.
- We want to understand if there are more flexible and cost-effective pay approaches to resolving recruitment shortfalls. However, many of these lack evidence and carry significant risks and challenges.

### Judicial Recruitment Context

59. Individuals need to meet high standards of experience, skills and knowledge, gained through an extensive legal career to be appointed as a judge. As is the case with many highly skilled professions, there are challenges recruiting individuals to a judicial career, despite judges receiving some of the highest pay in the public sector. Pay needs to be attractive to high calibre candidates, however the evidence shows us that simply paying more across the board will not necessarily address recruitment challenges.
60. Therefore, the SSRB have been asked to consider the following for this Major Review:
  - a. How to ensure consistent recruitment of high calibre judges by addressing persistent recruitment challenges in specific judicial offices and regions, and the extent to which pay incentivises candidates to apply, including reviewing the effectiveness of the London Weighting allowance.
  - b. A range of flexible pay options to be drawn on to address current recruitment issues, and options that could be used in similar future scenarios as they may arise.
61. Flexible pay options could respond to temporary increases in demand. Options should cover both salaried and fee-paid recruitment into the judiciary, and attracting existing judicial office holders.

## Recruitment Successes and Shortfalls

### Judicial capacity modelling and annual recruitment programme

62. In-year judicial capacity is measured in terms of the ability of the judiciary to meet the sitting day allocation agreed through the Concordat process. Longer-term demand forecasts inform the decision made on the number of sitting days to deliver, as well as the feasible maximum capacity based on realistic opportunities to increase planned recruitment volumes.
63. The HMCTS judicial capacity model incorporates inputs on sitting day allocations, expected volumes of judges leaving or retiring, average sitting day output per judge, current headcount and expected recruitment success rates (based on historical data).
64. To ensure healthy judicial capacity, the focus is on having a regular, rolling programme of recruitment exercises for the key salaried offices and to maintain a pool of fee-paid offices from which we recruit salaried judges.

### Recruitment successes

65. Recruitment for many judicial offices is achieving outcomes in line with, or close to the vacancy request. As a result, the headcount (at 1 April 2025) for the main salaried offices (including Circuit Judge, Recorder, and District Judge) has increased from 2024.<sup>15</sup> Deputy District Judge numbers are expected to increase following recent successful recruitment, where the JAC recommended 125 candidates for immediate appointment and a further 30 for a reserve list. Further District Judge (Magistrates Court) recruitment is planned in early 2026 and indications from the most recent Deputy District Judge (Magistrates Court) recruitment are positive, with additional selectable candidates expected.
66. For **salaried judge recruitment** there have been improvements in the outcome of Circuit Judge exercises. We are expecting to exceed the original vacancy request for the 2024/25 Circuit Judge exercise, which launched in September 2024, with the JAC recommending four additional selectable candidates out of a vacancy request of 34. This will help address the business need in the Crown Court. Currently, c.43% of all judicial office holders in the courts are salaried, compared to c.32% in the tribunals.<sup>16</sup>
67. Recruitment for **leadership and senior roles** (High Court and above) met all vacancy requests in the last year. Whilst there may have been issues with recruiting High Court Judges in the past, this is no longer a concern. Recruitment has been successful since 2022/23, with three exercises completed since then meeting their vacancy requests. **Therefore, we do not believe this Major Review needs to focus on recruitment challenges for the senior judiciary.**

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<sup>15</sup> Diversity of the Judiciary Statistics, 2025

<sup>16</sup> Diversity of the Judiciary Statistics, 2025

68. **Fee-paid judges** remain essential to the work of the courts and tribunals, and strong fee-paid recruitment continues to help meet the capacity gap in some jurisdictions. Fee-paid recruitment continues to be positive, both in the courts and in the tribunals. It helps fill shortfalls in the numbers of salaried judges, provides flexibility to meet business needs and is an important pipeline for salaried recruitment. In 2024/25, 55% of sitting days in the First-tier Immigration and Asylum Chamber were fee-paid, 28% in the Employment Tribunal and 63% in the Social Security and Child Support Tribunal.<sup>17</sup> While 22% of days sat in Courts and Chambers in 2024 (Jan-Dec) were fee-paid.<sup>18</sup>

#### Recruitment challenges for some salaried offices in some regions

69. This section outlines some of the existing recruitment challenges we have encountered. Our response to these challenges is included in the policy interventions section below (page 29).
70. Some salaried offices remain difficult to recruit to, with some regions more challenging than others, particularly salary group 7 judges. This includes District Judges (County and Magistrates Courts), Employment Judges and First-tier Tribunal Judges, which have had shortfalls in meeting vacancy requests since 2019.
71. **District Judges:** Whilst the District Judge (County Court) headcount increased from 453 to 477 between 1 April 2024 and 1 April 2025, as set out in MoJ's 2025 annual review evidence, successive District Judge recruitment has resulted in shortfalls. The shortfalls ranged from 35 to 63 in the last 6 recruitment rounds (each for around 100 vacancies). But whilst most regions are filling their vacancies, and in some cases receiving more judges than expected, shortfalls are concentrated and persistent in London and the South-East. There have also been shortfalls in District Judges (Magistrates' Court) recruitment since 2018/19, although they are on a smaller scale than District Judge shortfalls, ranging from shortfalls of 7 for a vacancy request of 25 in 2021/22 (28%), to 4 for a vacancy request of 32 in 2020/21 (12.5%). The most recent exercise, which launched in March 2024 and reported at the beginning of 2025, had a slightly smaller shortfall of 5 for a vacancy request of 30 (17%).
72. **Circuit Judges:** Previous Circuit Judge exercises have resulted in shortfalls against the vacancy requests for the Crime jurisdiction in particular: a shortfall of 10 out of 32 candidates sought in 2019/20 and of 2 out of 29 candidates sought in 2021/22. Although these shortfalls also had a regional aspect, being mainly focused on London and the South-East.
73. **Tribunals:** We are working on improving the data held on the regional picture across the Tribunals, which may be provided to the SSRB as an addendum at a future date. We do know that there have been challenges in recruiting to salaried tribunal offices in salary group 7, which includes Employment and First-tier Tribunal Judges, and recruitment continues to result in shortfalls. Certain chambers have also proved more difficult than

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<sup>17</sup> <https://www.gov.uk/government/collections/tribunals-statistics>

<sup>18</sup> [https://assets.publishing.service.gov.uk/media/Royal\\_Courts\\_of\\_Justice\\_Annual\\_Tables\\_2024.ods](https://assets.publishing.service.gov.uk/media/Royal_Courts_of_Justice_Annual_Tables_2024.ods)

others. There have been shortfalls in recruiting First-tier Tribunal Judges since 2022/23, with a shortfall of 29 out of a vacancy of 70. This was again the case with the salaried 'generic' First-tier Tribunal exercise (i.e. for several chambers including Immigration and Asylum Chamber) launched in October 2024, which resulted in 72 total recommendations against a vacancy request of 94.

74. **Regional picture:** The reasons for the London and South-East shortfalls are complex but may include higher legal salaries and cost of living. Although London and the South-East present the most significant capacity gaps, there are other areas that have been consistently more challenging to recruit to than other regions. For example, the North-East has experienced persistent capacity gaps for District and Circuit Judges, with the cluster of Humber and South Yorkshire a particularly difficult area to recruit, deploy and retain judicial resources. However, these capacity gaps have been relatively stable over recent quarters and some vacancies may be filled with recent recruitment. In addition, although regional capacity gaps are much more significant for salaried office, there have been localised issues with fee-paid capacity. For example, the North Wales cluster has seen shortfalls in fee-paid resources, compared to West and South Wales.

#### Recruitment challenges in specific tribunal chambers:

75. Generic salaried tribunal judge recruitment remains challenging. The pool of candidates for salaried roles is generally constrained due to the requirement for previous judicial experience and the fact that a salaried role requires a legal practitioner to permanently give up their legal practice. Shortfalls in recruitment exercises impact on the tribunals' ability to manage increasing and changing demand because of new government policies and legislative reforms, such as the growing First-tier Tribunal Immigration and Asylum Chamber caseload, or the new employment rights and property and housing reforms which are expected to impact on the Employment Tribunal and the First-tier Tribunal Property Chamber's capacity.

#### *Immigration and Asylum Chamber*

76. We planned to address shortfalls in the Immigration and Asylum Chamber through generic First-tier Tribunal salaried judge exercises in 2022/23 and 2024/25, with a target in the Immigration Asylum Chamber of 37 and 39 respectively. On both occasions there was a shortfall of 14. However, recent Immigration and Asylum Chamber-specific recruitment campaigns for both salaried and fee-paid judges launched in Autumn 2025, have shown encouraging application numbers.
77. There are the same issues with attracting sufficient applications for salaried Immigration and Asylum judges as for generic salaried First-tier recruitment. In addition, the increased public scrutiny following high-profile and controversial cases could further reduce the attractiveness of sitting in the chamber, as media outlets regularly criticise judicial rulings on these cases, naming the judges.

78. As the volume of receipts continues to exceed disposals, the Immigration and Asylum Chamber has become increasingly reliant on fee-paid judges to provide additional capacity, due to their ability to be flexibly deployed.
79. A new Independent Appeals Body is being designed to operate alongside the existing tribunal during a phased transition, ensuring continuity for appellants and the judiciary.

### *Employment Tribunals*

80. Recruitment of salaried Employment Judges has consistently resulted in shortfalls since 2020/21, which have ranged between 5 out of a vacancy request of 25 in 2020/21, to 31 out of a vacancy request of 50 in 2022/23. Shortfalls have been concentrated in London.
81. Recruitment for up to 36 salaried Employment Judges commenced in March 2025. The process is still underway, and we expect successful candidates will begin sitting during 2026. 50 new fee-paid Employment Judges were appointed in 2024. We will invest in recruiting more Employment Judges in 2026.

### *Health Education and Social Care (Mental Health and Special Educational Needs and Disability)*

82. The Chamber relies heavily on fee-paid judges overall. There have been some capacity problems, for example, workload intensity, the emotional and clinical complexity of cases, and limited availability of psychiatric and lay members which continue to pose challenges to the attractiveness and sustainability of judicial office for mental health cases. Increased public scrutiny following high-profile cases and greater engagement with victims under the Victims and Prisoners Act 2024 add to the pressures on sitting judges and panel members.
83. For Special Educational Needs and Disability cases, sustained high demand (around 24,000 appeals in 2024/25) and long case durations (approximately 35 weeks) create a consistently heavy judicial workload, affecting work–life balance and overall attractiveness of the jurisdiction.
84. The complexity and emotional intensity of cases in the Special Educational Needs and Disability Chamber, involving vulnerable children and contested provision, can contribute to judicial fatigue and impact retention. Structural upstream issues (for example lower-quality decisions, late evidence, weak coordination across agencies) can also mean judges frequently resolve avoidable disputes, reducing professional satisfaction.
85. Despite recent recruitment gains, continued operational pressures and rising receipts risk undermining the appeal of the role unless upstream reforms reduce avoidable caseload.

### Capacity at regional level in the Tribunals<sup>19</sup>

86. As noted above, we are working to improve the data held on the regional picture across the Tribunals. The fee-paid share of judicial sittings is historically high. This is due to greater variations in demand compared with the courts, which fee-paid resource provides flexibility

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<sup>19</sup> Tribunal Statistics Quarterly: January to March 2025 – GOV.UK

to manage; greater reliance on non-legal members, the majority of which are fee-paid roles; and difficulties in recruiting salaried judges in some areas.

87. This high level of fee-paid sittings however has been following a generally downwards trajectory. In the 2024/25 financial year, fee-paid sittings made up 61% of all c.171,000 sittings that took place in HMCTS tribunals.<sup>20</sup>
88. The level of fee-paid sittings differs greatly across jurisdictions. In the 2024/25 financial year, 89% (over 42,000) of all Mental Health sittings were fee-paid, in Social Security and Child Support tribunal it was 63% (almost 25,000 sittings), and the Special Educational Needs and Disability tribunal also stands out with 80% (over 10,000 sittings) of sittings fee-paid. By comparison, the First-tier Tribunal Immigration and Asylum Chamber's rate is 55% (in line with recent levels), and the Employment Tribunal's proportion of fee-paid judge sittings remains low at 28%. Some of the difference is due to panel composition. Tribunals in which there are regularly non-legal members sitting with a judge will have a higher proportion of fee-paid days.

#### Operational impact and implications

89. Where recruitment exercises are not as successful as we hope, or where there is a disparity in resource mix or aggregate judicial capacity regionally, some of the operational implications can be managed through a range of mitigations.
90. For example, the impact of salaried shortfalls in the courts means that there has been a reliance on fee-paid judges to bridge some of the gaps in salaried resource. It is difficult to assess what impact a reliance on fee-paid judges has on court and tribunal performance, given the range of factors affecting overall court and tribunal performance, including availability of counsel and court room space. However, anecdotal evidence raises concerns. For example, an increased workload for local leadership judges, due to them having a greater proportion of fee-paid judges to induct and support, and fewer salaried judges sharing a greater burden of management, administrative and training work in courts or regions.
91. In a further challenge, given the flexible nature of fee-paid judge sitting, they are generally less suitable for longer, multi-day hearings and an over-reliance on their capacity can have a disproportionate effect on the ability to list longer cases. The impact of which is compounded when the incoming demand profile changes and becomes more complex.
92. Sitting higher numbers of fee-paid judges or sitting at higher average levels therefore may impact on disposals of cases that require judge continuity, particular judicial experience or specific authorisations (or tickets), which more salaried judges may have. One example of this is in family law, where judges need to be authorised to hear

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<sup>20</sup> The recording of sitting days varies greatly across tribunals, e.g. some include non-legal member sittings and others do not; and therefore comparisons should be made with caution.

public family law cases. However, evidence of the impact on case disposals from gaps in salaried judge capacity is complex and can be difficult to quantify.

93. The judiciary believe that 80% of cases in the courts should be heard by salaried judicial office holders and 20% heard by fee-paid, as reaffirmed by the Lady Chief Justice and Master of the Rolls in Justice Select Committees in 2024<sup>21</sup> and 2025<sup>22</sup> respectively. However, because of the shortfalls in salaried recruitment, the ratio of salaried and fee-paid judges may be different between regions and jurisdictions. For example, in 2024 fee-paid judges sat around 37% of the total days sat in Civil, around 24% of the total days sat in Crown, around 20% in private family law, and around 12% in public family.<sup>23</sup>
94. Cross-deployment is another option to increase capacity (where there is available judicial capacity to lend in at least one jurisdiction). It does however require judges to spend more time in training (and relies on capacity being above forecast demand in some areas). Further work is needed to understand where cross-deployment can help meet demand in a more cost-effective and flexible way than managing within jurisdictions.
95. Capacity from judges sitting in retirement can also be used to manage resource gaps but is not guaranteed and therefore not considered a core part of available judicial resource.
96. In addition, even if the total number of sitting days agreed is being met in each jurisdiction, the outstanding caseload is continuing to grow in many areas. The open caseload in Crown is more than double what it was in 2019. For Tribunals, as of 30th September 2025, open caseload is around 20% higher in the Employment Tribunal (including single and multiple claims), and almost six times higher in the Immigration and Asylum Chamber compared to the same period in 2019. In Social Security and Child Support the open caseload has been growing over the past few years and is over double what it was in the same period of 2021. Therefore, demand for future capacity is likely to grow.

## Retention

97. Retention in the salaried judiciary is very high, with the vast majority of leaving due to retirement. The Judicial Office's data shows that 94 salaried office holders in England and Wales left the judiciary in 2023/24. Of these, 95% were due to retirement. The average age of retirement was 66 for salaried judges (courts and tribunals).
98. The Judicial Attitudes Survey 2024 suggested there are 1,117 salaried judges that could potentially leave by 2029. This includes the salaried judges that would reach mandatory retirement age, those planning to leave early and those undecided about leaving early.
99. Further information on leavers was provided in the MoJ's evidence to the SSRB for the 2026/27 annual review.

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<sup>21</sup> <https://committees.parliament.uk/oralevidence/14108/pdf/>

<sup>22</sup> <https://committees.parliament.uk/oralevidence/15577/pdf/>

<sup>23</sup> Civil justice statistics quarterly: January to March 2024 - GOV.UK

## Recruitment Process

100. Judicial recruitment comprises a selection stage, delivered by the Judicial Appointments Commission; an assignment and deployment phase, delivered by the Judicial Office; and training, delivered by Judicial College.
101. **Selection:** The JAC process begins when the Lord Chancellor issues a 'vacancy request', prompting national advertising via the JAC website, newsletters, and professional bodies. Candidates first submit an online application, including a competency-based self-assessment and references. Over the following 2–5 months, applicants sit online qualifying tests and written scenario assessments to determine the shortlist. Selected candidates then attend a selection day comprising a competency-based interview and a role-play exercise. The JAC recommends successful candidates to the 'Appropriate Authority', which, depending on the office, is either the Lord Chief Justice (or delegate), Senior President of Tribunals or the Lord Chancellor.
102. **Deployment:** This is followed by the deployment phase, decided by the relevant senior judge and administered by the Judicial Office. Deployment (i.e. judges accepting an appointment and being deployed to the relevant court or tribunal) can take from 5 weeks for a small exercise up to a few months.
103. **Onboarding:** Once a judge has accepted the appointment, they must undertake induction training and potentially 'sitting in' on cases with an experienced judge. This stage can be completed several months after appointments are accepted for larger exercises due to Judicial College scheduling the training in the most efficient way for the whole cohort of new judges in that jurisdiction, which takes account of the expected availability of successful candidates.
104. It is important for the high quality, independence and impartiality of the judges that we always appoint the most talented candidates on merit. Recruitment exercises are therefore rigorous and can be lengthy, with small campaigns (1 to 5 vacancies) taking around 4 months to larger campaigns (over 31 vacancies, though can be for over 100 vacancies) taking up to a year. As found in Turenne report, the length of recruitment exercises can represent a significant barrier for those in busy practice.<sup>24</sup>

## Candidate quality

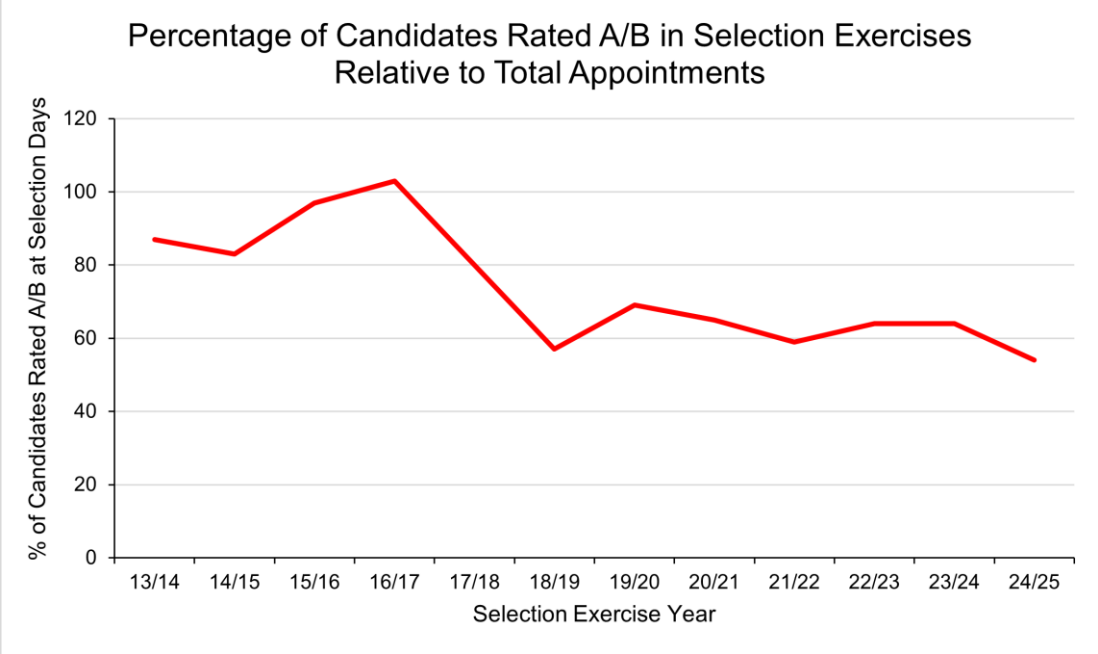
105. The SSRB has reported every year since 2022 about the decline in the quality of applicants. The JAC assess candidates as: A (outstanding), B (strong), C (selectable) or D (not presently selectable) at selection day.
106. The percentage of grade A and B candidates across all selections has decreased significantly since 2017 when 80% of selections were graded as A or B. For 2024, only 54% of selections were graded as A or B.<sup>25</sup> The decrease is partly due to a lower proportion of A

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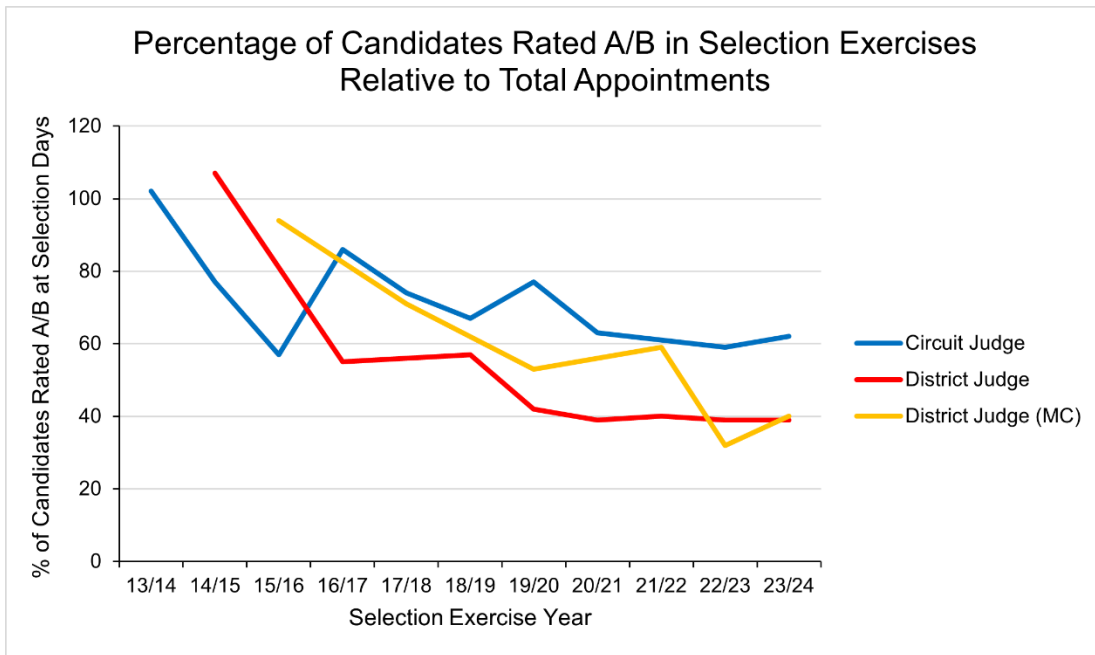
<sup>24</sup> Motivations to apply for salaried judicial office - GOV.UK

<sup>25</sup> JAC Evidence to the SSRB 2025

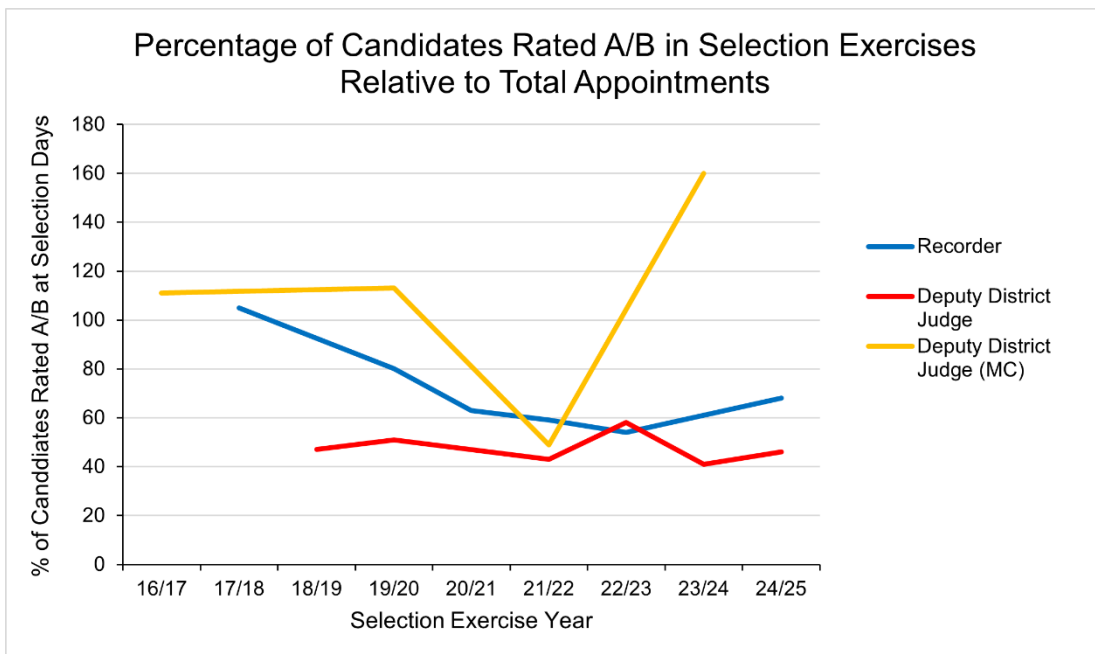
and B candidates for non-legal exercises, which made up over half of recommendations for this year. The below chart shows this trend over time. The chart below displays A/B candidates as a percentage of vacancy requests, values over 100% indicate a surplus of A/B candidates.



- 107. Importantly, in MoJ’s evidence for the 2026/27 annual review, we advised caution in relying on this data as evidence of declining quality of the judiciary. This is because, as the JAC notes, candidate bandings are a panel’s assessment of a candidate’s performance in a particular selection exercise, and not an indication of expected performance upon appointment.
- 108. Our own analysis of the data showed fluctuations in the percentage and numbers of candidates assessed grade A and B rather than a clear and constant decrease in most judicial positions.
- 109. Court salaried positions have seen the percentage of grade A and B candidates decrease since 2013/14. The chart displays A/B candidates as a percentage of vacancy requests, values over 100% indicate a surplus of A/B candidates.



110. Apart from the position of Deputy District Judge (Magistrates' Court), Court fee-paid positions have also seen the percentage of grade A and B candidates decrease since 2017/18. The chart displays A/B candidates as a percentage of vacancy requests, values over 100% indicate a surplus of A/B candidates.



111. We conclude that while attracting sufficient quality candidates is a concern at application stage, the quality of those recommended is not the significant issue when considering recruitment challenges.

### Diversity in the legal profession

112. The MoJ works as part of the Judicial Diversity Forum, alongside the judiciary, JAC, legal professions and the Legal Services Board to increase judicial diversity. Note, the MoJ's

evidence to the SSRB for the annual review 2026/27 provides information on the diversity of recruitment, this section provides additional information of diversity in the legal profession.

113. The following table provides number of legal professionals in each legal profession<sup>26</sup>:



114. Judicial Diversity Forum members deliver outreach events, pre-application initiatives, judge shadowing and mentoring schemes to attract and support eligible candidates. This includes programmes such as the MoJ-led Pre-Application Judicial Education programme which supports lawyers from under-represented groups - including women, those from an ethnic minority background, disabled lawyers and lawyers from non-barrister backgrounds - to be prepared for applying for a future judicial role.

115. The professional pool of which judges are recruited varies amongst each legal profession. Women are well represented, making up: 41% of barristers, 54% of solicitors and 78% of Chartered Legal Executives. Since 2015 there has been a gradual increase in the representation of ethnic minorities amongst the three legal main professions. For barristers and solicitors, the ethnic minority proportion increased from 13% to 17% and 19% respectively, and for Chartered Legal Executives it increased from 6% to 12%.

116. There is evidence of disparity for solicitors in legal judicial selection exercises compared to barristers. For all legal exercises in 2024/25, solicitors (56%) made up more applicants than barristers (44%), but constituted a smaller percentage of the recommendations (37% compared to 63%). There has also been a decline in the number of non-barristers among both courts and tribunal judges since 2017, falling from 45% to 40% of all judges.

117. Currently, employed barristers and in-house solicitors face barriers to fee-paid judicial office. For example, many employers remain reluctant to release staff for fee-paid judicial office. The MoJ continues to consider policy options to increase the proportion of judges who do not have a background as a barrister, as outlined in the priorities in the Judicial Diversity Forum Priorities and Actions, published in January 2025.<sup>27</sup> This creates a diversity challenge, as overall employed barristers and solicitors are more diverse than the self-employed Bar.

<sup>26</sup> Data based on the [Judicial Diversity Statistics 2025](#) (tab 1.1)

<sup>27</sup> [Judicial-Diversity-Forum-Priorities-and-Actions-for-2025-Cover-Statement-Final.pdf](#)

## Senior Judiciary

118. Whilst all posts are open to legal professionals that fit the eligibility criteria, the additional requirement for previous judicial experience for salaried judicial office means that for some of the more senior roles in the High Court and above the eligible pool is less diverse.
119. Within the courts, 5% (8 of 151) of all judges in the senior posts (High Court and above) were non-barristers. Recorder and Deputy High Court competitions are dominated by self-employed barristers applying direct from the practice rather than on promotion from a more junior judicial role. The self-employed Bar is less diverse than most employed parts of the legal professions.
120. In relation to diversity trends, the senior courts and the entry position of Recorder, where most senior judges start their careers, have far fewer women than the lower courts or the tribunals. As of 1 April 2025 female judges held 28% of the more senior courts posts, in comparison to in the tribunals where female judges accounted for over half (57%) of the most senior roles (Presidents). The proportion of judges from ethnic minority backgrounds is low for the more senior appointments, with only one ethnic minority judge in the Court of Appeal. There are no ethnic minority judges whose primary appointment was in the most senior tribunal positions.

### **Disincentives for judicial office**

#### Workload

121. Deployment, including listing of cases is a matter for the independent judiciary. As previously set out, the Judicial Attitudes Survey highlighted an increasing view from some judges that their workload was too high, and their working conditions were worse than they were in previous years. This sentiment was expressed by the majority of Circuit Judges (60%) and District Judges (57%) and other salary group 7 roles (59% of First-tier Tribunal Judges and 47% of Employment Judges). More Circuit Judges said their workload was too high in 2024 (60%) compared to 2022 (56%). Circuit Judges also had the highest stress levels of all those surveyed.

#### Security and Wellbeing

122. Judicial wellbeing and morale have a direct impact on system productivity. In the Judicial Attitudes Survey 2024 the judiciary expressed concerns about working conditions, safety and the quality of the existing estate. We understand such issues can negatively impact morale and motivation, and are taking steps to address concerns.
123. HMCTS has a comprehensive suite of measures in place to keep judges safe when they are at court, away from court and online, working closely with the Lady Chief Justice's Security Taskforce and the police to respond to the emerging challenge of threats made online. Physical enhancements to the estate are being delivered, including non-criminal hearing rooms, and additional risk mitigation through increased funding for security officers.

Further work is being overseen by HMCTS' National Security and Safety Committee, which includes a judicial representative.

124. The Security Taskforce is exploring the suitability of the existing suite of judicial security arrangements and considering any further opportunities for improvement. Existing arrangements include the 'Judicial Harassment Protocol' which ensures a priority police response in the event of a threat, lone worker alarms and a 24/7 judicial security line operated by HMCTS.
125. The 2024 Judicial Attitude Survey indicated that the level of judicial personal security concern has reduced between 2016 to 2024 in court: 51% in 2016 compared to 39% in 2024; out of court: 37% in 2016 compared to 26% in 2024; and on social media: 15% in 2016 compared to 7% in 2024.<sup>28</sup> However, this masks the fact that concerns have risen between the previous survey in 2022 and the latest one in respect of in court and out of court concerns (respectively 27% in 2022 vs 39% in 2024, and 19% in 2022 compared to 26% in 2024). Concerns about social media have broadly remained the same (8% in 2022 and 7% in 2024). 2022 figures might be impacted by reduced in person hearings due to the pandemic.
126. On 8 September, the Bar Council published Harriet Harman's 'Independent Review into Bullying and Harassment at the Bar', finding the behaviour to be entrenched at the Bar and within the judiciary, driven by power imbalances, weak complaints systems, and poor safeguarding.<sup>29</sup> The review made 36 recommendations, five of which identify a role for the Lord Chancellor, in collaboration with the Lady Chief Justice, the Judicial Conduct Investigations Office and HMCTS, including reforms to judicial sanctions, complaints processes, and access to court recordings. MoJ Officials are working with relevant bodies on this.

## Policy Interventions

127. MoJ has worked with the JAC and the Judicial Office on initiatives to improve recruitment outcomes, focused on those offices most difficult to recruit to, including District Judge and Judge of the First-tier Tribunal.

### Improving Recruitment

#### Targeted Outreach/Advertising

128. In preparation for the 2023/24 District Judge exercise which launched in September 2023, the MoJ, JAC and the Judicial Office worked to increase and improve outreach, to generate more interest. This included the use of case studies, social media assets and intranet resources. The Judicial Office produced video interviews with existing and newly appointed District Judges and written content to promote the role, to be shared on social media. Virtual seminars were held covering each of the regions to attract more candidates, with invitations sent to Deputy District Judges, fee-paid First-tier Tribunal Judges and Employment Judges. Presiding Judges for the South-Eastern circuit also held evening seminars to support those

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<sup>28</sup> Judicial Attitude Survey 2024 - Courts and Tribunals Judiciary

<sup>29</sup> Independent review of bullying and harassment at the Bar

applying with their competencies and in preparation for assessment days. More broadly, The Master of the Rolls undertook court visits to promote the importance of the District Bench and the then Minister Lord Bellamy published an article in the Law Gazette highlighting the importance of the District Bench and government investment in judicial recruitment/courts.<sup>30</sup>

129. The 2023/24 District Judge recruitment exercise received 23% more applications compared to the 2022/23 exercise (from 237 to 291) but resulted in another significant shortfall as 47 candidates were appointed for a vacancy request of 100. As a result, following the 2023/24 exercise, we sought to target our approach further and move to regional recruitment as set out below.
130. While applications for the position of District Judge have been steadily increasing (from 1.88 applicants per vacancy in 2019/20 to 2.91 applicants per vacancy in 2023/24, the last national exercise), they are still much lower than applications for the position of Circuit Judge, which have also increased significantly during this period (from 2.79 applicants per vacancy in 2019/20 to 4.61 applicants per vacancy in 2024/25).
131. After application, the progression of candidates is quite similar between District Judges and Circuit Judges: around 50% of applicants are shortlisted for both exercises, and around 20% of applicants are recommended, although slightly more Circuit Judge applicants are recommended (37% high in 2022/23, against 27% high in 2021/22 for District Judges).

#### Outreach/advertising for Property Chamber exercises:

132. With support and input from MoJ and the Property Chamber President, comms specialists for the JAC and the Judicial Office have done a range of advertisement and outreach activities to boost the number of applications and successful candidates for Property Chamber exercises.
133. For the most recent fee-paid Valuer exercise (launched November 2025), the JAC trialled paid advertisement through the Royal Institute of Chartered Surveyors website. While overall application numbers were low, the conversion rate from advert views to applications was strong. They therefore pursued paid advertising with a range of industry-specialist websites for the Professional Member exercise which launched in December 2025. We also worked with Ministry of Housing, Communities and Local Government to identify other professional bodies that we could approach as well as the Royal Institute of Chartered Surveyors.
134. The Judicial Office worked with judges and surveyors in the Chamber to run a preapplication information seminar for Professional Member and Valuer exercises to help candidates understand how to approach the application and what to expect from the role. The most recent Professional Member seminar took place in October 2025 with just over

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<sup>30</sup> Are you interested in becoming a district judge? | Opinion | Law Gazette

100 attendees (against a target vacancy rate of 40), and the most recent Valuer seminar took place in February 2026 with 42 attendees.

### Region-specific Recruitment

135. To address recruitment disparities in different regions, we are targeting recruitment where it is most needed by trialling regional recruitment. Two separate campaigns to recruit District Judges launched in the most recent round: the first (in November 2024) was limited to London and the South-East and the second (launched May 2025) covered all other regions. This targeted approach provides candidates with specific information about where vacancies are likely to be, which addresses the anecdotal evidence that uncertainty of location of vacancies may be deterring some candidates to apply to judicial office.
136. Both exercises are ongoing and indications are encouraging. For the London and the South-East only exercise, we are expecting to appoint more than twice the number of judges compared to previous national campaigns. The JAC has recommended 39 candidates, against 12 candidates appointed for London and the South-East from the 2023/24 exercise (although the full-time figure equivalent is likely to be lower once deployment is agreed with candidates). While this is only half of the initial vacancy request of 80, it represents a significant uplift compared to previous exercises.
137. With both exercises expected to achieve relative success, it makes the case for further regional recruitment. We believe that this will start to close the relative capacity gap between London and the South-East and the other regions. We continue to monitor the outcomes of the ongoing exercises and will conduct a more detailed analysis once more data is available.
138. For the first time, and similar to the approach outlined above for District Judges, a regional approach has been taken for salaried Employment Judge recruitment. In March 2025 recruitment commenced specifically for 36 judges in London, the South-East, West Midlands and Wales, where capacity gaps have been particularly acute. We anticipate a positive outcome. Appointments are expected from April 2026.

### Chamber-specific Recruitment

139. In the tribunals, a chamber-specific approach to recruitment is being taken to test whether this will result in improved outcomes, especially for the smaller chambers where greater specialist legal experience is an advantage. An exercise for salaried First-tier Tribunal Property Chamber judges launched in May 2024, where 8 judges were appointed against a total vacancy request of 14. Another Property Chamber-specific exercise launched in May 2025, and an Immigration and Asylum Chamber-specific salaried campaign is also in the 2025/26 programme (this is outlined in more detail below).

#### *Immigration and Asylum Chamber*

140. Recruitment for up to 30 salaried Immigration and Asylum Chamber judges commenced in November 2025, and for up to 70 fee-paid Immigration and Asylum Chamber judges in September 2025, with judges likely to begin sitting from Autumn 2026. The application numbers for this have been healthy, which we think is due to running Immigration and

Asylum Chamber-specific recruitment, plus that applicants are not required to have previous judicial experience, which is normally required for salaried roles.

141. There is a risk, however, that broader interest in working in the Immigration and Asylum Chamber may be affected by the announcement of the new appeals body. The new Independent Appeals Body is being designed to operate alongside the existing tribunal during a phased transition, ensuring continuity for appellants and the judiciary. However, this may create uncertainty that affects judicial workforce planning due to the potential volatility in the level of demand that is seen in the Chamber. This in turn could impact deployment requirements, and may disincentivise applicants across the Immigration and Asylum Chamber. While the new appeals body will be designed to safeguard robust decision-making, as its onward route of appeal, the Upper Tribunal may also see its caseload impacted by these reforms.
142. The Senior President of Tribunals has communicated to candidates that recruitment will continue whilst the government progresses its plans for reform and the implications become clearer. We will advise the SSRB if there are any relevant updates on this.
143. In the immediate term, the Chamber continues to receive high volumes of receipts. While there have been efforts to increase deployment and recruitment, these take time to deliver results, meaning that pressure on judicial capacity remains significant during this transitional period.

#### *Employment Tribunal*

144. As set out in paragraph 138, recruitment for up to 36 salaried Employment Judges commenced in March 2025, and we will invest in recruiting more Employment Judges in 2026.

#### *Property Chamber*

145. Following Royal Assent being granted for the Leasehold and Freehold Reform Act 2024 and the Renters' Rights Act 2025, the Department is also working on increasing capacity in the Property Chamber, with several recruitment campaigns launched. We expect that the Chamber will need to more than double in size to meet the demand from these Acts.
146. As of January 2026, recruitment is underway for: 2 Regional Judges, 45 fee-paid judges, 15 salaried judges, and 40 Professional Members; and will commence in February for 40 Valuer Members and Chairs. An exercise for Regional Surveyors is due to start in the first quarter of 2026/27.

#### *Health Education and Social Care (Mental Health)*

147. The forthcoming Mental Health Act reforms will significantly expand the Tribunal's powers and caseload, creating long-term demand for additional judicial capacity and increasing the complexity of hearings. As major tribunal reforms are unlikely until full implementation in 2030/31, this may affect short-term recruitment and retention as candidates could perceive the jurisdiction as being in transition until the full reforms take effect.

148. Continued collaboration between HMCTS, the MoJ, the Department of Health and Social Care, and the Judicial Office is essential to support recruitment, improve wellbeing, and ensure the Tribunal remains a credible and attractive jurisdiction during the reform and implementation period.

#### Amending Previous Judicial Experience Requirements

149. It has been the Lord Chancellor's policy, agreed with the Lady Chief Justice and the Senior President of Tribunals, to require previous judicial experience as a fee-paid judge (or equivalent role) before appointment to salaried office. This serves two purposes: it allows an individual to gain experience before making the lifetime commitment to salaried office (due to the convention preventing return to legal practice after appointment), and it provides insight into the suitability of the individual for salaried office.

150. The requirement for previous judicial experience is waived or reduced under certain circumstances, often to increase the number of applicants to certain roles. The decision to amend requirements for previous judicial experience sits with the Lord Chancellor, after consultation between the judiciary and the MoJ.

151. To expand the candidate pool, previous judicial experience was reduced from 30 to 15 days for District Judge exercises from 2020/21 onwards. Evidence suggests that while it encourages more applications, significant shortfalls in appointments have continued and most successful candidates still tend to have 30+ days of experience.

152. Waiving previous judicial experience for Employment Tribunal recruitment was trialled for the 2021/22 exercise which saw an improvement to the number of applications (138 compared to 62 in the previous recruitment exercise in 2020/21), and an increased number of appointments made (29 compared to 18), but it still fell short of the overall vacancy request (50). Previous judicial experience was reinstated for the following exercise in 2022/23 (for a minimum of 30 completed sitting days at the point of application) but application numbers (75) and the number of successful candidates appointed (19) dropped. Therefore, previous judicial experience was waived again for the 2024/25 exercise to continue to encourage a larger pool of candidates.

153. While waiving previous judicial experience has had some success for the Employment Tribunal position, reducing it has not really changed the outcome of the District Judge exercises, and it has not entirely resolved the challenges when recruiting these judges. There have also been concerns from some judges about the impact that waiving previous judicial experience may be having on the quality of the candidate pool.

#### Additional Selection Criteria

154. Whilst eligibility criteria for each judicial office is in statute, the Lord Chancellor has the power to request the JAC include additional selection criteria – sometimes known as nonstatutory eligibility criteria - should the need arise, if doing so would enhance the quality of the candidate pool to better meet the resourcing needs of the courts and tribunals.

155. Additional selection criteria may be applied when the role requires more detailed knowledge of a specific area of law, experience in a specific sector, or a specific qualification. For example, as well as meeting the judicial eligibility criterion (five years post-qualification experience), candidates for judges of the Insolvency and Companies Court must have substantial experience in insolvency and companies work as this is a specialist area of law. Additional selection criteria may also be applied for salaried roles when the requirement for previous judicial experience has been waived. For example, in the last and current salaried Employment Judge campaigns current or previous substantial experience of employment law (with the terms 'employment law' and 'current or previous substantial experience' being defined) was required. This ensures that new judges, without experience as a fee-paid Employment Judge, can be trained in the operation of the tribunal rather than requiring topup training in employment law.
156. Of the 75 exercises across the last two years, additional selection criteria were applied for 39 of them (52%).

## **Broadening eligibility**

### Expansion of CILEX (Chartered Institute of Legal Executives) eligibility

157. CILEX lawyers make up just over 4% of the total main professions. As of 1 April 2025, across all levels of seniority, there are 8,477 CILEX lawyers, compared to 174,333 solicitors and 18,009 barristers including those appointed King's Counsel. From the same period, of all judges, 9 declared they have a CILEX qualification. Note figures in the table (page 27) differ as it presents individual breakdowns for each profession.
158. CILEX lawyers are more diverse than solicitors and barristers in relation to sex, with 78% female, compared to 54% solicitors and 41% barristers. However, only 12% are from an ethnic minority background (compared to 19% solicitors and 17% barristers).
159. In June 2023, the Judicial Appointments Order 2008 was amended to make CILEX Fellows eligible for three additional offices: Recorder, Judge of the Upper Tribunal and Deputy Judge of the Upper Tribunal. Prior to this amendment, CILEX Fellows were only eligible to apply for roles as District Judge, Deputy District Judge, Judge of the First-tier Tribunal, Employment Judge, Road User Charging Adjudicator, Parking Adjudicators and Circuit Judge (subject to having served two years as a District Judge).
160. CILEX representation in JAC applications has increased since expanding eligibility. Prior to this amendment, they accounted for a small portion of JAC applications (as of 1 April 2021, 7 out of 2,127 (0.3%) were from a CILEX professional background). This has since risen, and in 2024/25, they made up 1% of JAC applications for legal exercises. While the number and ratio can fluctuate depending on which exercises CILEX are eligible for in-year, over 100 CILEX applications were received leading to 5 appointments.

### CILEX Judicial Academy

161. In December 2024, CILEX launched a Judicial Academy to help bolster the number of CILEX lawyers, solicitors and barristers applying to become judges, with a goal of helping

legal professionals from non-traditional backgrounds prepare for a judicial career. This is consciously targeting aspiring candidates, like these who are five years away from application. The first cohort was welcomed in January 2025.

162. The 12-month programme takes a blended approach, combining online modules, live group sessions, coaching and mentoring to help lawyers prepare for a judicial career while balancing existing commitments.

163. The MoJ is not directly involved in the academy but will work with CILEX to monitor its impact.

#### Increasing the mandatory retirement age and new sitting in retirement provisions

164. In 2022, the mandatory retirement age for judicial office holders was increased from 70 to 75. This reflected the increase in life expectancy since the retirement age had been set at 70, with objectives to retain experienced judges for longer, and attract skilled lawyers to the judiciary later in their legal careers.

165. In 2025, MoJ undertook a review of the mandatory retirement age change, analysing data up to April 2024. Key findings of the review were:

- a. **Retention:** The policy has positively impacted retention, with the number of judges and non-legal members aged 70+ in post increased by 60% and 25%, respectively, between 2022 and 2024. Furthermore, after the mandatory retirement age increase, the average number of judges in post aged 70+ rose from 175 (average of in-post figures from 1 April 2020 and 1 April 2021) to 235 (average of figures from 1 April 2023 and 1 April 2024), and non-legal members from 365 to 430, indicating significant retention improvements. At this stage it is too early to state with any confidence whether the increase in the mandatory retirement age is resulting in judges at High Court and above staying in post longer than they could when the mandatory retirement age was 70 (as some judges in this cohort had a preserved mandatory retirement age higher than 70). The only indicator we have at present is the level of planned recruitment for senior posts, which indicates that senior judges may not be retiring later than they would prior to the increase in the mandatory retirement age.
- b. **Applications for judicial appointment:** The policy's impact on applications cannot yet be established for the judges or non-legal members. The average age of new entrants to judicial positions remained consistent with previous years.
- c. **Diversity:** Although growth remains positive, raising the mandatory retirement age to 75 has slowed the rate of increasing diversity in the sex and ethnicity of judicial office holders in some instances. As the cohort of judges and non-legal members due to retire have higher proportions of males and white people than the younger cohort. The proportion of:
  - i. Female judges (43%) and non-legal members (57%) as of 1 April 2024 is lower than if the older cohort had all retired by 70 (44% and 60%); and
  - ii. Ethnic minority judges (11%) and non-legal members (18%) is lower than/similar to if the older cohort had all retired by 70 (12% and 18%).

166. The broad conclusions of the impact of the mandatory retirement age change, based on two years' worth of data, is that the policy has met its objective in securing the retention of experienced judges, non-legal members and magistrates. However, it is too early to assess whether the change in the mandatory retirement age has attracted a wider and more diverse range of candidates to roles within the judiciary, and further data and analysis are required.
167. An additional change was to allow for the appointment of retired salaried and fee-paid judges to sit in retirement as fee paid judges, where there is a business need. The judges sitting in retirement are a useful additional resource whilst recruitment is undertaken or to bridge recruitment shortfalls, or where there are very specific experience gaps in particular locations or jurisdictions.
168. A light-touch review after 12 months was carried out to assess whether the policy was operating as intended, and identify areas where it could be operating more effectively. The numbers appointed and sitting levels recorded were in broad alignment with the policy objective. Namely that sitting in retirement should be subsidiary to planned judicial recruitment and deployment, and that appointments to sit in retirement should be made only where it is "expedient ... to facilitate the disposal of business in any court or tribunal to which a person ... may be deployed", i.e., based on business need and used to fill immediate short-term demands in exceptional circumstances where the resourcing need cannot be otherwise met.<sup>31</sup>

## Pay Policy Considerations

169. It is essential that pay, and benefits are at a sufficient level to attract individuals with the right skills and experience to judicial office.
170. There has been a significant investment in the pay of judges over the last three years with annual pay award increases of 7% (2023/24), 6% (2024/25) and 4% (2025/26), increasing the judicial pay bill by a cumulative £129m (18%) over this period, based on the impact of pay increases only and holding everything else equal. There is no evidence that this investment has significantly changed the position with recruitment of salaried judges. Since 2022 judges have also benefited from the Judicial Pension Scheme 2022, which is an extremely valuable benefit. Pension costs have increased from 16% of the total judicial pay bill in 2011/12 to 34% in 2024/25.<sup>32</sup>
171. With a lack of evidence that large flat-rate pay increases have made a significant impact on addressing recruitment shortfalls, we want to understand whether there are options for more flexible and targeted pay measures to address recruitment issues in specific posts nationally, and in specific geographical locations. We are conscious that there is the risk of a high level of nugatory cost with potential pay interventions to address recruitment

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<sup>31</sup> [Public Service Pensions and Judicial Offices Act 2022](#)

<sup>32</sup> Figures derived from judicial numbers reported in the annual accounts: 2011-12 Page 83: [HM Courts & Tribunal Service Annual Report and Accounts 2011-12, HC 323 Session 2012-2013](#) and 2024-25 Page 89: [HM Courts & Tribunals Service Annual Report and Accounts 2024-25](#)

shortfalls. Therefore, we are particularly keen to explore measures that can be removed once the need falls away, represent good value for money for taxpayers, and for which there is a robust rationale and evidence base for their effectiveness.

#### Incentivising recruitment for specific posts

172. We recognise that many of the factors affecting the attractiveness of judicial office do not relate to pay, as highlighted in Dr Turenne's report on the motivations to apply to salaried office (see page 16). However, where pay is a factor, we would like to understand the most effective flexible options to support recruitment. **We would like the SSRB to consider the following approaches, however we are open to alternative recommendations.**

#### **Recruitment and Retention Allowances**

173. The Public Service Pensions and Judicial Offices Act 2022 (in addition to other legislation) provide the Lord Chancellor with the power to determine allowances for all judicial office holders for whom they have the power to determine salary and fees.

174. Allowances are used to recognise work undertaken outside of a judge's core work of hearing cases, such as providing leadership or significant support to other judges and courts administrative staff; to address temporary recruitment and retention problems; or to recognise temporary periods of additional responsibility. Unlike judicial salaries which are subject to statutory protection, allowances can be removed when the need for them falls away. For example, when a judge stops undertaking leadership responsibilities. This makes them a useful tool for addressing temporary recruitment issues. Further details on current allowances are provided on page 6 of the 2026/27 annual review evidence.

175. To address recruitment issues at the High Court, in April 2017 the Government implemented a new recruitment and retention allowance (11% of salary) for High Court judges in the 2015 Judicial Pension Scheme, until completion of the 2018 Major Review. MoJ's evidence to the SSRB for the 2020/21 annual pay award said "The 2018 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".

176. In response the Government implemented a new recruitment and retention allowance for eligible judges in the Judicial Pension Scheme 2015. They received a taxable, nonpensionable and non-consolidated allowance, at 25% of salary for High Court Judges (for High Court Judges this replaced the previous scheme of an 11% allowance), and 15% of salary for Circuit and Upper Tribunal Judges (and those above them in the judicial hierarchy).

177. The Government announced that this was a temporary allowance which it would keep in place until such time as the *McCloud* litigation concluded, and a sustainable long-term pensions solution could be implemented. The MoJ provided evidence for the 2020/21 pay award of payroll administrators' records showing that, as of 1 April 2019 (the date from which the recruitment and retention allowance was backdated to start) there were 438 office holders in receipt of the 15% allowance, including 363 Circuit Judges and 33 Upper Tribunal

Judges, and 61 office holders in receipt of the 25% allowance, including 55 High Court Judges.<sup>33</sup> It is difficult to assess the effectiveness of the allowance but based on the following recruitment outcomes, there is some evidence of potential positive impact in the High Court and Circuit Bench:

- a. When we look at recruitment outcomes for salaried positions in the courts, shortfalls seem to start to appear after 2015. There had been no or very small (1) shortfalls for High Court Judge, Circuit Judge and District Judge exercises between 2012/13 and 2014/15. After 2015, all three types of judges' experience shortfalls, although there does not seem to be a clear pattern for all exercises.
- b. The 2015/16 High Court Judge exercise is the first of a series of exercises with high shortfalls, ranging from 15 (out of 25 in 2017/18) to 6 (out of 14 in 2015/16) between 2015/16 and 2020/21. This trend starts to change in 2021/22 and, ever since, the vacancy requests have been either met or almost met for every exercise.
- c. The 2015/16 exercise also had a shortfall for Circuit Judges, with a shortfall of 11 out of 55. The next 3 exercises between 2016/17 and 2018/19, however, go back to having no or very small shortfalls. After that date, recruitment outcomes range from a shortfall of 10 (2019/20 and 2023/24) to having additional candidates appointed (11 in 2022/23 and 4 in 2024/25).
- d. Until 2018/19, exercises to recruit District Judges had been relatively successful as they had met their vacancy requests or had very small shortfalls (5.5 out of 100.5 in 2017/18 is the only exercise with a shortfall since 2012/13). After that, however, District Judges have had the highest shortfalls amongst court salaried judges for every year, ranging from 66 (out of 110 in 2018/19) to 35 (out of 100 in 2021/22).
- e. Shortfalls for District Judges in the Magistrates' Court do not start until 2018/19 (with a shortfall of 8 out of 25), but they have been happening consistently for every exercise ever since.

178. An additional amount paid as an allowance (either a percentage of pay or a fixed amount) could be used to address recruitment issues with specific posts and/or recruitment in certain locations, such as London. However, we see significant challenges using allowances for these purposes, these are summarised below.

#### *Providing an effective incentive*

179. There is a lack of evidence that using a recruitment and retention allowance would provide an effective incentive for individuals to apply to salaried office, particularly given the nature of a judicial career and that individuals do not return to private practice. Given judges pay is high by comparison to other public sector roles, allowances would probably need to set at a relatively high rate to provide an incentive, especially taking taxation into account.
180. The impact of an allowance on the wider judicial salary structure should also be considered. A amount sufficient to make a meaningful impact on recruitment could result in some posts earning more than the salary group above, which may have unintended consequences for recruitment in other parts of the system.

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<sup>33</sup> SSRB Evidence Pack 2020-21

### *Lack of differentiation between salaried and fee-paid posts*

181. Salaried and fee-paid judges in the same role receive the same level of remuneration; however, recruitment shortfalls predominantly affect salaried posts. There would need to be a sound and evidenced rationale for differentiation of pay, particularly between the same roles in different jurisdictions or between salaried and fee-paid roles, to mitigate any legal risk. Judgments in O'Brien and Miller established that for the same salaried and fee-paid roles, pay and pensions should be the same. Therefore any decision to differentiate pay between them would need justification, and there would need to be empirical evidence to show that the work of salaried judges is different from the work of fee-paid judges. We would need a strong objective justification for applying an allowance only to salaried judges rather than fee-paid judges. This is discussed further in section 4 of this evidence pack.

### *Challenges establishing a payment Criteria*

182. There are challenges with determining clear criteria for payments to desired posts and differentiating from posts that are not eligible. Ideally criteria should identify only the desired posts with the most persistent long-term recruitment challenges, whilst providing a robust rationale for excluding other posts. We would need a good rationale for providing the allowance, and evidence that it was necessary and effective to meet the recruitment and retention aim, to mitigate any legal risk. In addition, the equalities impact of any differential in pay needs to be considered.
183. A feature of previous allowances is that the number of eligible posts tends to increase over time. This includes the recruitment and retention allowance initially only paid to High Court Judges but was extended to Circuit Judges and Upper Tribunal Judges, and Circuit Judge Leadership Allowance which was extended to other Circuit Judge leadership posts beyond those initially eligible.
184. Furthermore, if an allowance was paid only to new starters, and not existing judges in roles where there are shortfalls, it is likely to disenfranchise current judges and lead to a litigation risk. Whilst paying to all judges would significantly increase nugatory costs.
185. Allowances are paid on a temporary basis until the need for them falls away. Therefore, the criteria would need to be clear about when payments would cease both to new starters and those in receipt of the allowance. To protect judicial independence, courts judges receive statutory pay protection which means that their pay cannot be reduced, this is applied by analogy to tribunal judges. The longer an allowance is applied, or if it is applied without any clear indication of when it will end, the greater likelihood it would be deemed (via a legal challenge) to be salary and therefore protected. Under statute, any increases in salary or pay cannot be reversed when the need for the additional amount falls away. This could increase the risk of a claim under the Equality Act 2010 if one subset of judges ended up being paid more than another in the same salary group.

### *Nugatory cost*

186. There is likely to be a high nugatory cost of paying an allowance, because it may need to be paid to individuals who would have applied anyway, and potentially to existing judges and/or equivalent fee-paid judges for which there is not a recruitment shortfall.

**What recommendations can the SSRB provide about when the payment of allowance would be effective in supporting the recruitment of specific judicial offices, including in certain locations? What would be the criterion, including time limitation? Would it represent value for money?**

### **One-off new starter payment**

187. One option for incentivising new starters in specific judicial posts could be to offer one off payments. This has not previously been used in the judiciary but is used in professions such as nursing and more extensively in teaching where teachers in specific subjects which are harder to fill are offered bursaries, such as maths and some science subjects. This type of payment has also been used in the private sector to attract high calibre candidates to executive roles, though this is more likely to be in the form of stocks and shares which have conditions applied to prevent individuals leaving early, or in the case of cash payments these can be recovered.

188. It would not provide a meaningful incentive for judges to move from fee-paid to salaried office unless at a sufficiently high level. The same challenges largely exist for one-off payments as set out above for payment of an allowance, such as high-level of nugatory cost, no evidence of effectiveness, and may disenfranchise existing judges.

**What is the SSRB's view on the use and effectiveness of one-off payments to address recruitment shortfalls in specific posts? Would they represent value for money? How would the SSRB recommend these would be implemented? What safeguards would be required to prevent payments being made to individuals who leave early?**

### **Differential pay awards between salary groups**

189. The judicial salary structure consists of salary groups, with each group including posts of equivalence across all jurisdictions. This approach supports the 'one judiciary' strategy, approach by for example making cross deployment between jurisdiction easier.

190. Annual pay awards to the judiciary have been in the form of flat rate percentage increases applied to salaries, and by extension the fees for fee-paid judicial office holders. This approach proportionally maintains a tiered salary structure. However, it does mean that the pay award is not necessarily responsive to the changing recruitment challenges of posts within salary grades or reflecting differences between salary grades. It has also resulted in a widening difference in actual pay. The actual difference in monetary terms between salary

group 1 and 7 was c.£153k in 2021 and has risen to c.£186k in 2025, an increase of around 21%.<sup>34</sup>

191. With increasing demands on public finances a more targeted and differentiated approach to pay awards may provide a way to address recruitment shortfalls. Challenges to using differential pay awards include:

- a. **Limited flexibility to target specific posts:** We envisage that differential pay awards would only be feasible at the salary group level without more significant changes to the judicial pay structure, which was not envisaged in this Major Review.
- b. **Limited options to restore pay if the need falls away:** Statutory pay protection means that judicial salaries cannot be reduced. If the causes of recruitment challenges are temporary, then resolving through higher pay award increases could build in long term nugatory cost and take many years to resolve.
- c. **Unintended consequences of changing salary differentials between posts:** Differentiating pay using differential pay awards may result in unintended consequences by reducing the incentive to take more senior posts or may influence the decision for applicants to favour one post over another, simply moving a problem.

**What recommendations can the SSRB provide on the use of differential pay awards between salary groups to address recruitment shortfalls?**

**Would the advantage of this outweigh any disadvantage from reduced pay differentials between salary groups?**

### **Differential pay for salaried and fee-paid posts**

192. This is covered in section 4 of this evidence pack. This approach assumes that differentiating pay would incentivise more fee-paid judges to move to the salaried cohort.

**What recommendations can the SSRB provide on the use of differentiated pay awards between salaried and fee-paid posts to address recruitment shortfalls?**

### **Recruitment in specific geographic areas**

193. Recruitment challenges predominately impact London and the South-East. As set out in section 2 a general principle of the judicial pay structure is that pay should not be affected by geographical location to support cross deployment. The exception to this is the payment of London Weighting to salaried and fee-paid judges in salary group 7. Using a recruitment and retention allowance or one-off payments may provide options to also address recruitment challenges in specific locations, however this may also be addressed through reform of London Weighting or replacement with an alternative payment based on geographic location.

<sup>34</sup> Based on 2025/25 Salary Schedules: Judicial salaries and fees 2025 to 2026 - GOV.UK

## London Weighting

194. London Weighting is paid at the rate of £4,000 per annum on a full-time basis. This is made up of a £2,000 salary lead and an additional London allowance of £2,000, paid to judges whose principal court or hearing centre is based in London. The locations where London Weighting is paid are set out in Annex C, generally within 18 miles of Charing Cross, though there are exceptions such as Reading. The rate of London Weighting has not changed since 1995.
195. There are two approaches to the payment of London Weighting:
- a. **Judges assigned a Principal Hearing Centre(s)** which confers eligibility for London Weighting. A Principal Hearing Centre is defined as any venue where a judge sits for 40% or more of the time (or, if there is no such venue, then venue which they sit which is nearest to their home). A judge can be allocated to more than one Principal Hearing Centre. This approach is used for all salaried judges in courts and tribunals, and fee-paid tribunal judges in courts, the Employment Tribunal, Social Security and Child Support, and Immigration and Appeals tribunals.
  - b. **Judges who are not assigned a Principal Hearing Centre** which confers eligibility for London Weighting, receive the national fee rate for all sittings. At the end of the financial year tribunals calculate whether judges have attended 40% or more of their sittings per jurisdiction in London locations, this triggers the retrospective payment of London Weighting for all sittings. This approach is applied to fee-paid judges in all tribunals except the Employment Tribunal, Social Security and Child Support, and Immigration and Appeals.
196. The SSRB considered London Weighting as part of the 2011 Major Review. The SSRB's report cited research by the Hay Group suggesting that in the private sector London allowances were not usually paid when the salary was £100,000 or more. The SSRB recommended that London Weighting should continue to be paid to judges who were currently in receipt of it, but that it should not apply to new appointments. This recommendation was not implemented due to a public sector pay freeze implemented by the Government at the time.
197. There are issues with the current approach of paying London Weighting:
- a. We do not have any evidence supporting the effectiveness of London Weighting, with recruitment challenges still affecting salary group 7, such as District Judges in London and the South-East.
  - b. The purpose of London Weighting has become unclear; whether to incentivise recruitment in London (originally it was only paid to salaried judges) or to provide additional remuneration in an area with a high cost of living or to incentivise additional sittings.
  - c. The value of London Weighting has gradually fallen and reflects a smaller proportion of overall pay than it did historically. In 2011, it represented 3.89% of the full-time annual salary group 7 (£102,921). With the significant increase in judicial pay in recent years, London Weighting is now 2.87% of the full-time annual salary for salary group 7 (£139,469).

- d. Judges can qualify for London Weighting for all sittings provided they are assigned to an eligible Principal Hearing Centre (which is based on where they sit for 40% or more of days they sit in a year), therefore there is the potential for significant nugatory cost as London Weighting could be paid for up to 60% of sittings outside of London.
- e. The number of sittings held virtually is increasing, developments include the introduction of a virtual region in the Employment Tribunal and Immigration and Asylum Chamber enabling cases to be heard from any location.
- f. The level of London Weighting means that it is unlikely to significantly distort recruitment. However, without careful consideration to how best to implement a more generous location payment, the result may move recruitment challenges from one location to another, particularly if the cause is the lack of potential applicants.

198. As mentioned earlier, the use of London Weighting is out of step with wider senior sector pay approaches. Aside from Chief Police Officers, no other SSRB remit groups have a London Weighting allowance. Other approaches are used elsewhere in the public sector, for example higher salaries for London-based civil servants and high-cost area supplements in the NHS.

**What observations does the SSRB have on the effectiveness and value of London Weighting?**

**Does the SSRB believe that there is a role for targeted pay interventions to support recruitment in areas where there are recruitment challenges, and if so, what recommendations would the SSRB make?**

**How can we ensure that any temporary pay interventions only apply whilst needed and can be removed when the need falls away?**

## **Relocation allowances**

199. Relocation allowances are available to judges taking up a salaried position on promotion as an existing office holder, or when required to change their primary location due to business or operational needs. Relocation allowances could be helpful in supporting judicial recruitment challenges as they reduce the financial barriers to mobility, which could support deployment to areas with acute shortfalls. When used as part of the recruitment process it enables salaried judges to apply for and accept appointments beyond their home location. The current relocation policy enables judges to access reasonable relocation expenses. This includes removal expenses, housing allowances, and salary advances for property purchase, enabling judges to accept appointments beyond their home location without incurring disproportionate costs.

200. Between April 2023 and March 2025, nine relocation package applications were approved at a total cost of c.£325k, with an average package cost of approximately £36k. The

majority related to appointments from Circuit Judge to High Court Judge, with five positions based in London and the remainder distributed across other regions.<sup>35</sup>

201. Historically, relocation allowances have been used infrequently, and there remains limited understanding of how it could strengthen the salaried attractiveness of certain roles. A key drawback is that the total cost of a relocation package varies significantly depending on individual circumstances, and because applications must be made within three months of appointment, accurate estimates can only be provided once full financial information has been supplied by the judge.
202. Additionally, as the current relocation policy depends on visibility and transparency within the recruitment process, it is not always clear to prospective applicants that the allowance may be available. While we do not yet have a clear picture of how relocation allowances could be used more effectively as a lever to support deployment and recruitment challenges, work is under way to consider how it is managed within the wider judicial recruitment process, with particular attention to how access to these provisions is identified and communicated.

**What recommendations does the SSRB have to strengthen relocation support, particularly for improving recruitment for roles or regions that are hard to fill?**

### **Responding to short-term increases in demand in specific jurisdictions**

203. External events, for example pandemics or increases in migration, can have a significant impact demand levels on courts and tribunals, particularly when these are not foreseen or develop more rapidly than the ability to increase judicial capacity. Recruitment of salaried judges from exercise to commencing appointment can take up to 18 months, therefore flexibility in demand is provided by fee-paid judges. However there are limitations to this flexibility, and in many workforces incentives pay is used to help respond to changing demand and priorities. We would like to understand the SSRB's view on the feasibility and effectiveness of temporary pay incentives to increase sittings in specific jurisdictions. Incentives could be in the form of temporary allowances or one-off payments to salaried and fee-paid judges.
204. Our initial view is that there are significant challenges to using incentive pay in the judiciary, and the benefits are unlikely to outweigh the challenges. However there may be some situations where other interventions fail to increase sittings, and therefore a suitably robust business case could be made for pay interventions. Some of the key challenges are set out below, and many are similar to using recruitment and retention allowances:
  - a. **Judicial independence:** Listing is, by our constitutional settlement, a judicial function. Impropriety concerns arise were we to use pay incentives to seek to influence listing, without judicial support. Given that there is no incentive pay for judges, deciding to introduce it to affect one area of justice such as deployment, which is the responsibility

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<sup>35</sup> Data provided by SSCL

of the independent judiciary, to achieve a political objective risks the perception of political interference in judicial matters.

- b. **Statutory pay protection:** Due to statutory salary protections, any increases in salary or pay deemed to be salary, particularly when it related to the core role of judges, cannot be reversed when the need for the additional amount falls away. This could increase the risk of an equal pay claim.
- c. **Meaningful incentive:** Judges are some of the highest paid individuals in the public sector. Given limited differences in pay between salary groups and the impact of taxation it is difficult to provide a meaningful incentive without impacting the judicial pay structure.
- d. **Litigation risk:** Increasing pay for judges sitting in specific jurisdiction risks litigation based on an equal pay or part-time worker claim.
- e. **Setting a precedent:** Pay has never been used to incentivise sitting levels and implementation would represent a more fundamental change to the judicial pay structure. There is a lack of evidence that this would be effective.
- f. **High nugatory cost:** Incentivising sittings in specific jurisdictions is likely to represent poor value for money with most sittings provided through existing methods and pay structure. Any incentive pay would need to be paid to both salaried and fee-paid, new and existing judges in the jurisdiction, and potentially to judges in other jurisdictions. This could result in significant nugatory costs.

**What is the SSRB's view on potential role of incentive pay to temporarily increase sittings in specific jurisdictions, and recommendations on how this could be implemented? Would this represent value for money?**

## 4. Attractiveness of Judicial Office

### Summary

- Recruitment shortfalls primarily affect salaried rather than fee-paid posts.
- Recruitment shortfalls may have arisen because salaried office has become less attractive compared to fee-paid posts, in part due to alignment of pay and pensions resulting from litigation.
- Despite receiving the same remuneration as fee-paid office holders there are many factors that make salaried office less attractive. Fee-paid office holders can work flexibly around family and caring commitments, practice privately and claim expenses to their principal hearing centre. The demanding recruitment geographical uncertainty can also make salaried office less attractive.
- We want to understand whether there is a sound basis to differentiate pay between salaried and fee-paid posts, principally that the roles are sufficiently different to justify better remuneration for salary posts.
- We want to understand the SSRB's views on the impact of the differences between fee-paid and salaried judges have on the relative attractiveness of salaried office, and therefore the recruitment shortfalls.

### Context and Specific Challenges

205. As set out in section 3, recruitment challenges in the judiciary affect salaried posts more significantly than the equivalent fee-paid posts. The research from Dr Sophie Turenne on motivations to apply for salaried office identified a complex picture of factors that affect individual motivations to apply for salaried office which included remuneration, but which also emphasised the importance of non-pay factors, for example, geographical deployment and working conditions. Dr Turenne said that a remuneration increase might be needed to incentivise salaried post applications, however litigation in recent years has resulted in the equalisation of pay and pensions of fee-paid and salaried judges in the same role.
206. Therefore, the SSRB have been asked to consider the following for this Major Review:
- a. Assess the extent to which pay is a factor in the attractiveness of judicial office, and deliver recommendations which help sufficiently retain high calibre judges.
  - b. Evaluate whether the relative attractiveness of salaried and fee-paid office is supporting adequate resourcing, and whether/to what extent pay is a factor in decisions to apply to salaried office.
  - c. Assess the extent to which roles and responsibilities differ across salaried and fee-paid office, and make observations on whether the evidence supports differentiating pay between the two.

## Salaried versus fee-paid roles

### Differences between Salaried and Fee-paid posts

207. The judgment of the Supreme Court in *O'Brien v MoJ* resulted in the equalisation of pay and pensions of fee-paid and salaried judges (where differences existed). This has clearly reduced the comparative attractiveness of salaried posts, which previously benefited from the judicial pensions scheme and London Weighting that fee-paid posts did not have. As explained in section 3, if pay between salaried and fee-paid judges was differentiated, there would need to be sufficient evidence for objective justification.
208. Salaried judges hold a permanent appointment, and there is a convention that they cannot return to private practice upon leaving the judiciary. Most salaried judges (73%) are fulltime, and those who do sit on a salaried part time basis do not sit less than 50% of the full time equivalent (further information on salaried part-time working is provided in paragraphs 212-214).<sup>36</sup> Fee-paid judges are expected to be available to sit for 30 days per year, though they are no longer guaranteed to be given sittings. They hold a four-year appointment which is automatically renewed unless certain grounds for non-renewal are met. They can continue to work in private practice. Addressing backlogs has resulted in a greater availability of sittings for fee-paid judges, particularly since the pandemic. There is an argument that this may have further reduced the attractiveness of salaried office, as there is now greater certainty of income for fee-paid judges than in the past (although this was not the finding of the Turenne report).
209. Anecdotally there are differences in the type of work carried out between fee-paid and salaried judges. For example, salaried judges may be more likely to be listed for longer cases (which may be more complex) due to their sitting patterns or may carry out leadership duties or box work which a fee-paid judge is more limited in their ability to do. Judicial College tends to use salaried judges to deliver judicial training, though fee-paid judges can and do carry out training. There are also some leadership roles that are given to salaried judges and not to fee-paid judges, for example liaison judges or subject leads.

### Composition of salaried and fee-paid judges

210. The mix of salaried and fee-paid judges varies considerably depending on the jurisdiction. Of all court's judges, 2,053 (57%) are fee-paid, 1,220 full-time salaried (34%) and 305 salaried part-time (9%). However, in tribunals there are a significantly higher proportion of fee-paid and part-time salaried judges: 1,170 fee-paid (68%), 291 full-time salaried (17%) and 255 part-time salaried (15%).<sup>37</sup>
212. There is no model that sets out the ideal composition of salaried and fee-paid posts in the judicial workforce. There has been some policy work around the current salaried/fee-paid sitting day ratios in particular areas of the courts and tribunals systems, and of the impacts of moving towards a higher proportion of salaried judge sitting days. This work was simply predicated on assuming the maximum ratio of salaried judge sitting days consistent with

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<sup>36</sup> Based on data in the Judicial Diversity Statistics 2025

<sup>37</sup> Based on data in the Judicial Diversity Statistics 2025

forecasts for long-term workflow expectations. The judiciary have spoken of ideal ratios in some areas, e.g. 80/20 salaried/fee-paid but as far as we are aware there is no analysis that demonstrates why this would be ideal.

## Policy Interventions

### Salaried Part Time Working

213. The MoJ is strongly supportive of salaried judicial office holders working part-time. In June 2025, the Lord Chancellor revised the Salaried Part-Time Working Policy, following a review by the MoJ, who sought views and gathered input from HMCTS, the Judicial Office and the JAC on the operation of the policy. MoJ also engaged with the senior judiciary and the judicial associations. Revisions to the policy aimed to improve clarity and the accessibility of it.
214. Nearly half of salaried tribunal judges (47%) and a fifth (20%) of salaried court judges work part-time.<sup>38</sup> Overall, 560 judges work a part-time pattern, an increase of 230 since 2021. The highest percentage of salaried tribunal judges who work part-time are Employment Judges at 62%. Of salaried court judges, District Judges (County) are the group with the highest percentage of part-time judges at 33%.
215. In the 2024 Judicial Attitudes Survey, 55% of salaried judges felt that it was important to have opportunities to sit part-time. This was 8 percentage points higher than the 2022 response. 72% of salaried judges were satisfied with the opportunities to sit part-time. 38% of salaried judges felt that the opportunity to work part-time would make them more likely to stay in the judiciary until their compulsory retirement age. 27% of salaried judges felt that an inability to move to salaried part-time working would make them more likely to leave the judiciary early.

**What observations does the SSRB have on non-pay interventions which would improve the attractiveness of salaried office relative to fee-paid office?**

### Sitting in Retirement

215. In October 2022, following the Public Service Pensions and Judicial Offices Act 2022, which included provision for the introduction of new “sitting in retirement offices”, a new judicial Sitting in Retirement policy was introduced.<sup>38</sup> The policy allows judges to retire from office, claim their pension, and be appointed to a fee-paid sitting in retirement office, if business need exists. A key change was the extension of the opportunity of sitting in retirement to fee-paid judges. Other changes were made to bring policy and practice for courts and tribunal judges, and senior (High Court and above) and other judges, into alignment.
216. It has removed direct part-time worker discrimination against fee-paid judges who did not have a route to sitting in retirement; allowed for a consistent policy to be applied across courts and tribunals; and for greater alignment of practice between regions.

<sup>38</sup> ‘Diversity of the Judiciary’ statistics, as of 1 April 2025

<sup>39</sup> <https://www.legislation.gov.uk/ukpga/2022/7/part/3/sitting-in-retirement-offices>

## Pay Policy Considerations

### Differential pay for salaried and fee-paid judges

217. As explained in section 2, fees for fee-paid judges are based on a divisor of the annual salary of the comparator salaried post, and therefore the pay for salaried and fee-paid judges is the same.
218. MoJ policy have previously undertaken exploratory policy work to understand better the evidence and arguments around the concept of distinguishing between salaried and fee-paid judges with respect to pay and other financial incentives. As a result of this, the Turenne Report was commissioned.
219. Our view, as at late 2024, was that we had not conclusively found evidence to demonstrate that a very marked difference existed between salaried and fee-paid roles. There is some work that salaried judges are authorised to do, and fee-paid judges are not, but it is not clear that these instances could be justified to characterise the entire fee-paid cohort. More granular detail about the work undertaken by fee-paid and salaried offices could provide a better opportunity to understand if these roles do differ.

**What is the SSRB's view on whether increasing the pay differential between salaried and fee-paid posts will make salaried office more attractive, and improve recruitment shortfalls?**

**What is the SSRB's view on whether the roles of salaried and fee-paid judges are sufficiently different to differentiate pay? Is there an objective justification for differentiating pay?**

**What could the pay differential between salaried and fee-paid posts be?**

### Travel and Subsistence Expenses

220. Under the Constitutional Reform Act 2005, travel expenses are reimbursed only for journeys within England, Scotland, Wales and Northern Ireland. This restriction ensures compliance with statutory limits on judicial authority and public expenditure.
221. Judges who are required to travel internationally are entitled to claim London subsistence rates, where applicable.
222. For salaried judges, travel from home to their designated court or tribunal is not reimbursed, as this is considered ordinary commuting to a permanent workplace under established public sector and HMRC rules. In contrast, fee-paid judges may claim travel from home to their assigned court because they do not have a fixed workplace and are deployed on a sessional basis to multiple locations. This distinction reflects the contractual nature of their duties and operational requirements.
223. Hotel accommodation is also provided to members of the judiciary who need to travel while undertaking official judicial business. All bookings are made through a central government contract, giving access to a wide range of hotels and discounted rates nationwide. Rates are regularly reviewed. For taxation purposes, expense limits for subsistence are aligned

with HMRC approved rates, ensuring compliance with statutory requirements. This approach removes the need for individual tax assessments and guarantees consistent treatment across government, avoiding additional tax liabilities for judicial office holders.

224. Further information on access to relocation policies was set out in section 3.

225. We aim to ensure that travel expense provisions are consistent and aligned with judicial duties across different roles. Given the difference in what fee-paid and salaried judges can claim for travel, an option could be to bring fee-paid travel claims more in line with what salaried judges receive. This would require fee-paid judges to have a designated court or tribunal where no travel would be covered, as happens with salaried judges. Travel would continue to be paid if they were deployed outside of this location. However, we do not have data on whether having travel expenses paid influences decisions on applying to a fee-paid role on recruitment, and therefore whether a change in the travel approach would have a negative impact on recruitment.

**What recommendations does the SSRB have in respect of travel and subsistence which would help to address/improve the attractiveness of salaried office?**

## 5. Leadership and Organisation

### Summary

- With the challenges facing the judiciary and the justice system, it has never been more important to ensure that there is effective leadership at all levels.
- There have been several changes in recent years to address areas of unremunerated leadership, including introduction of the Circuit Judge Leadership Allowance and Temporary Responsibility Allowance.
- There are multiple ways that judicial leadership is remunerated through salary and different allowances. It is the right time to review the approaches of remunerating leadership to ensure they are effective, and identify whether a more consistent approach is feasible, for example that used for Members of Parliament holding ministerial positions.
- Advice is also sought on leadership remuneration for specific posts: Sheriffs Principal in Scotland and Chief Coroners.

### Context and Specific Challenges

226. With the increasing pressures the justice system is under, there is a vitally important role for the leadership and management functions of the judiciary to support greater efficiency and productivity. Therefore, the SSRB have been asked to consider the following for this review:
- a. Assess the extent to which leadership and management functions are required across the judiciary and how these can support greater efficiency in the justice system,

including how those with leadership responsibilities might lead the out-of-court work of their judges.

- b. Evaluate whether the current level of remuneration is effective in incentivising recruitment into leadership posts and management roles to enable the judiciary to carry out this important work, and the arrangements in place to assess whether leadership expectations are being met.
- c. Make recommendations in relation to the remuneration of Sheriffs Principal and Chief Coroner posts to reflect leadership responsibilities, within the existing pay structure.

227. The SSRB have advanced the importance of ensuring leadership posts are appropriately remunerated. Following the previous Major Review, the Government implemented changes to the salary structure and introduced an allowance for Circuit Judge Leadership posts. Since then, in 2022, a Temporary Responsibility Allowance was implemented to recognise judges who cover leadership roles on a temporary basis.

### Leadership roles

228. Leadership roles are a critical lever of system productivity – contributing to both the retention of judicial (and administrative) roles, and driving the effective use of system resources to dispose of cases effectively and efficiently. To maximise the impact of leadership roles greater definition and consistency is required to enable senior judges to be clear to all judges the expectations of how they work and how they can contribute to the productive running of the system.

229. Leadership roles will also be critical to the implementation of structural Criminal Court reforms over the next 3-5 years following the Independent Review of the Criminal Courts, and the Government's commitment to introduce a judge-only mode of trials. Importance of efficiency in the justice system is a central theme in the second phase of the review, in which leadership judges will play a key role, along with HMCTS, as well as non-Criminal Court and tribunal policy changes.

230. Leadership is remunerated through a variety of different mechanisms.

- a. **Circuit Judge Leadership Allowance:** Following a recommendation from the SSRB a Circuit Judge Leadership Allowance was introduced in October 2020. It is payable to local leadership roles of Designated Family Judge, Designated Civil Judge, Resident Judge and Senior Judge in the Court of Protection. The allowance is taxable and subject to National Insurance deductions but is non-pensionable and is payable for as long as the role is conducted. The allowance is set at 4% of the Circuit Judge salary.
- b. **Temporary Leadership Allowance:** this was implemented in 2022 to provide recognition to judicial office holders who temporarily cover leaderships posts in a higher salary group. The allowance is set at 90% of the difference between the judicial office holders appointment salary and that of the post they are covering.
- c. **Salaried post:** Other leadership roles involve moving to a new salary band, for example salary group 1,1.1, 2, and 6 consist only of leadership roles.

231. Judicial offices in the same salary groups have been evaluated as being equivalent. However, roles can be evaluated in the same salary group for different reasons, for example

a role may be determined as a Senior Circuit Judge because of the complexity of cases heard or leadership responsibilities.

232. The processes for appointing these leadership judges also vary – some involve the JAC, but most are less formal and run by the Judicial Office as an ‘Expressions of Interest’.
233. There have been some issues filling certain leadership roles in recent years, particularly Designated Family Judge at Senior Circuit Judge level. One exercise was run three times due to lack of applications, and there is anecdotal evidence from the senior judiciary that judges have had to be persuaded to take up posts. Also, some Designated Family Judges have stood down early due to pressures linked to the post.
234. The following section sets out examples of leadership roles in the judiciary and the different ways they are appointed and remunerated. This list is not exhaustive.

#### Senior Presiding Judge and Deputy Senior Presiding Judge

235. The roles of Senior Presiding Judge and Deputy Senior Presiding Judge are regarded as a matter of judicial deployment, and therefore the responsibility of the senior judiciary. These posts are remunerated for leadership through allocation to salary group 3. The selection process is based on an expression of interest exercise carried out by the Lady Chief Justice. The appointment of the Senior Presiding Judge is made by the Lady Chief Justice, with the concurrence of the Lord Chancellor, as set out in the Courts and Legal Services Act 1990. The Lady Chief Justice does not need to seek the Lord Chancellor’s concurrence to the deployment of the Deputy Senior Presiding Judge, but the Deputy has always stepped in to fulfil the role of the Senior Presiding Judge.

#### Chamber President – Upper Tribunal

236. Under the Tribunals, Courts and Enforcement Act 2007 if the Senior President of Tribunals wishes a person to be drawn from among the puisne judges of the High Court to be appointed as Chamber President in the Upper Tribunal, he must request that the Lady Chief Justice nominates one of those judges. The request can only be made with the concurrence of the Lord Chancellor. If a judge is nominated by the Lady Chief Justice, the Senior President of Tribunals must appoint that judge. Presidents of the Upper Tribunal are remunerated for leadership through allocation to salary group 4.

237. Applications are normally invited via an ‘Expression of Interest’ from High Court Judges in England and Wales, and judges at the equivalent level in Scotland and Northern Ireland.

#### Resident Judge

238. Resident Judges are Circuit Judges or Senior Circuit Judges responsible for leading the judiciary at the relevant Crown Court and for ensuring the efficient and effective discharge of judicial business at those courts. Senior Circuit judges are remunerated for leadership through allocation to salary group 5. In some cases, a Resident Judge may additionally have responsibility for a nearby court or courts. In cases where Resident Judge posts are

filled at Circuit Judge level, they are remunerated for leadership through a 4% Circuit Judge leadership allowance in addition to their Circuit Judge Salary.

239. Resident Judge posts are non-statutory. The appointments are made by the Lady Chief Justice, with the concurrence of the Lord Chancellor, and are usually supported by the President of the King's Bench Division and the Senior Presiding Judge. Resident Judges at Circuit Judge level are selected through an internal 'Expression of Interest' exercise, not through a JAC competition. Appointments are made for four years, with the option of renewal.

#### Designated Family Judge and Designated Civil Judge

240. Designated Family Judges and Designated Civil Judges are Circuit Judges or Senior Circuit Judges responsible for leading all levels of the civil and family judiciary, including other Circuit Judges, Magistrates and Legal Advisers at the courts for which they have responsibilities, and for ensuring the efficiency and effectiveness of the discharge of judicial business at the court.
241. These posts are non-statutory; the appointments are made by the Lady Chief Justice following consultation with the Lord Chancellor. The Lady Chief Justice has delegated this function to the relevant Head of Division. The Designated Family Judges and Designated Civil Judges at Circuit Judge level are selected through an internal 'Expression of Interest' exercise, not through the JAC. Appointments are made for four years, with the option of renewal. In contrast, Designated Family and Designated Civil posts at Senior Circuit Judge level are selected through a process operated by the JAC. Senior Circuit Judges are remunerated for leadership through allocation to salary group 5. Circuit Judge Leadership posts are remunerated for leadership through a 4% Circuit Judge leadership allowance in addition to their Circuit Judge Salary.
242. There is variation between jurisdictions in the volume and proportion of salaried judges who hold leadership roles. Much of this will be due to the overall make up of judicial capacity in the jurisdiction – for example in tribunals which are more dependent on fee-paid judges, so the proportion of salaried judges in leadership roles may appear disproportionate. However, there would be value in the Major Review considering the read-across in responsibilities and expected outcomes of leadership roles in each jurisdiction, examining for example the impact and additional workload of tribunal leadership roles managing large cohorts of fee-paid judges.
243. There is also variation in leadership oversight regionally and locally. In the North-East, for example, the Designated Family Judge for Northumbria and North Durham is based at Newcastle but covers five other Family Courts which only have District Judges present. In contrast, the Designated Judge for Cleveland and South Durham covers one court other than their base location. This is likely to result in some day-to-day management by District Judges of fee-paid staff at these locations, even though they are all officially assigned to a leadership judge off-site.

244. In summary, judicial leaders play a critical role in the delivery of justice however they are remunerated or appointed, and the expectations placed upon them as leaders can vary both within and across roles. For example, Senior Circuit Judges may be appointed due to the types of cases being heard or due to leadership responsibilities. Some judges are placed in higher salary bands while others receive an allowance. While flexibility is critical in the justice system, a degree of parity in leadership roles and expectations could offer the opportunity to drive a productive and efficient system – supporting the progression and retention of the judiciary and facilitating the most effective deployment of judicial time.

## Policy Interventions

### Organisation

245. There are a range of policy interventions aimed at improving productivity and organisational effectiveness. Section 2 has already covered some including the Reform Programme and Digital Modernisation. Additional interventions include:

#### Flexible deployment

246. There is no concrete evidence on the efficiency of cross-deployment of judicial resources, so this may be an area suitable for further research by the SSRB. However, it seems likely that incentivising the management of demand within jurisdictions (rather than cross deployment) could be more efficient in terms of increasing sitting days and therefore output.

247. All judges complete continuation training in regular cycles following their induction. Courts judges are required to complete two days of continuation training annually, including any mandatory training. Requirements for tribunal judges vary depending on chamber/tribunal, authorisation and role. Jurisdictions typically require around two days of annual training, and tribunal judges will normally complete some training for each of the jurisdictions they are authorised in each year.

248. While more research is needed to understand the efficiency of cross-deployment (in particular trade-offs between specialism/speed/accuracy in case progression with the flexibility of deployable resource), efforts should be focussed on enabling better deployment of judiciary regionally within jurisdictions.

#### Virtual Sitting Arrangements

249. Virtual regions are used in some jurisdictions to manage local and regional capacity gaps where they exist. In Civil and Family Courts virtual regions enable Deputy District Judges to hear cases remotely in London, the South-East and North-East. In the Employment Tribunal a virtual region is managed by top-slicing a portion of sitting days and the London team deploying them for remote hearings. A similar model is in place in the Immigration and Asylum Chamber, with a sitting day profile of around 1000 days,<sup>39</sup> and being expanded to support a national float list (cases not assigned to a specific court or judge in advance that can be allocated to a judge as they become available). In all cases judges are expected to sit the minimum expected days in their home jurisdiction and region before supporting others.

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<sup>40</sup> Public Accounts Committee – Monday 19<sup>th</sup> January 2026

250. 100% of virtual region bookings have been filled in recent months in Civil, suggesting there is both capacity and willingness to hear cases remotely, and potential therefore to make greater use of the virtual region to manage capacity gaps in specific regions. As a further benefit, these sitting days don't attract any travel and subsistence claims and may be particularly attractive in securing fee-paid bookings and therefore facilitating flexible resource deployment. Utilising virtual regions is potentially more cost effective than aiming for exact matches between demand and capacity. While deployment is a matter for the judiciary, Ministers have committed to enabling greater use of virtual hearings. HMCTS is undertaking a programme of work on remote participation, which will include improving practices and process to support judicial deployment decisions.
251. In addition, a flexible deployment approach is used to manage demand and capacity peaks and troughs by enabling fee-paid judges to sit across regions (in person at their local court) across Crown, Family and Civil Courts. However, in some cases this still requires the paper file to be physically sent to the judge who will hear the case remotely. There is also a reliance on manual processes in advertising and responding to vacancies.
252. HMCTS's technology strategy outlines ongoing investment in digital infrastructure to further enhance the stability and capability of virtual sitting arrangements. Priorities include decommissioning legacy platforms, improving interoperability, and adopting new technologies to support virtual hearings and remote access.

### Workload

253. Along with the changes to processes and tools introduced through the HMCTS Reform Programme, the introduction or expansion of roles to handle case progression activity that does not require judicial input has impacted the working environment in some jurisdictions – changing the way cases move through the system and theoretically reducing the frequency of judicial oversight required.
254. Case Coordinators have been introduced (in a pilot initially) to some Crown Courts as a more senior role with authorised powers to handle case progression activity, and exercise judicial functions that do not require judicial input between hearings. Legal Officers are deployed across tribunals using delegated power/authority to manage cases and minimise judicial demands in each case. Legal Advisers drive effective case progression in family and civil jurisdictions.
255. Legal Officers have roles and remits defined by terms of reference in each jurisdiction. Many of the Legal Officer roles currently active were introduced through the Reform Programme. While a final evaluation of the HMCTS Reform Programme is still to be undertaken, at closure the programme was reporting some unrealised potential for further administrative and judicial productivity.
256. At present the volume of Legal Officers per jurisdiction, or as a ratio per judge, is variable across jurisdictions. Driving consistency has been identified as a key priority for both the judiciary and HMCTS through joint work on productivity. The delegation of work by the judiciary to Legal Officers can also be inconsistent across local Tribunal Centres and

jurisdictions. Similarly, delegated powers are not always used consistently and to maximum effect, which increases supervisory burden on salaried judges and dilutes productivity gains. This reinforces the role of leadership judges in directing judges to delegate effectively to drive the most productive system.

257. Virtual regions have been implemented in some jurisdictions to manage peaks and troughs in demand, enabling agile allocation of judicial resources and balancing workloads across locations. This has positively impacted the judiciary in most regards with the ability to pick up more work virtually. Video technology is installed in 90% of Crown courtrooms to support with remote hearings and flexible working. Further work to rationalise the court estate has been conducted.

## **Leadership**

### Training

258. While the Judicial College is responsible for training the judiciary, HMCTS provides input around the use of HMCTS tools and administrative functions. There is a joint initiative underway to review support provided to the judiciary, which will include training considerations.

259. There are opportunities for the training offer to be improved to support judicial leadership. There are not currently any formalised leadership development pathways. Current leadership roles often evolve informally, with limited structured training to prepare judges for management and strategic responsibilities. There is also more than could be done to align training with modernised systems and reforms, for example digital process.

260. Anecdotally we are aware that training programmes can compete with judicial workload, making it difficult for judges to attend without impacting cases. There is no central data held by HMCTS on the volume of days spent in training by tribunal judges.

## **Pay Policy Considerations**

### **Leadership allowance**

261. A temporary leadership allowance, similar to the Circuit Judge Leadership Allowance, could provide a greater degree of flexibility by allowing judges to take on leadership positions for a fixed period. The allowance could be directly linked to the leadership responsibilities required, drawing a stronger link between remuneration and expectations.

262. Currently, due to statutory salary protections, a judge looking to step down from a leadership post would retain their salary on a mark time basis until it caught up with their new salary group. This is the currently the case with judges moving from a Senior Circuit Judge to a Circuit Judge post. This is operationally challenging to deliver, and - even though they are receiving more pay than others holding the same judicial office - can be demoralising for the judge who could remain on the same salary for several years. It also provides poor value for money for taxpayers.

263. The approach of leadership allowances could be expanded to be applied for all leadership posts, rather than allocating leadership posts to a particular salary group. As noted in the differential pay award (section 3), the flat rate pay increase has resulted in the actual monetary difference in pay between salary group 1 and 7 increasing by 21% from 2021 to 2025. Salary group 1 has seen a pay rise of c.£58k over that period, compared to c.£25k for salary group 7. Moving to a leadership allowance approach where leadership posts attracted either a lump sum on top of a base salary (as used for ministerial posts), or a percentage of the salary (as with the Circuit Judge Leadership Allowance) could provide a more flexible way of remunerating leadership. This approach would avoid salaries at the top of the schedule increasing out of step with those at the lower end. It could also support the move to a more streamlined number of judicial posts, and a simplified judicial salary structure, in line with the approach being taken in the terms and conditions consultation.

**What observations does the SSRB have on the merits of the different approaches to remunerating leadership, and if a more consistent remuneration approach could be introduced that would better link the leadership responsibilities and expectations of the post with the associated remuneration.**

**Has the SSRB identified any areas of unremunerated leadership?**

### **Sheriffs Principal Allowance**

264. The Lord President has written to the Lord Chancellor requesting the introduction of a leadership allowance of 6% of annual salary to address the recruitment challenges and growing leadership responsibilities for the Sheriffs Principal in Scotland.
265. There are six Sheriffs Principal. Each sits as the administrative head of a different court area, called a sheriffdom. Sheriffs Principal have a salary of £187,743 (2025/26), in the same salary group as Senior Circuit Judges in England and Wales.
266. The Lord President has explained that the role of Sheriffs Principal has changed significantly and that the current difference in salary between Sheriffs and Sheriffs Principal is insufficient to incentivise the existing Sheriff cohort, or the best calibre from the Scottish Bar, to apply for the post. The England and Wales equivalent would be salary differences between Circuit Judges and Senior Circuit Judges.
267. We understand that although the number of applicants has been falling for Sheriffs Principal, there are no current vacancies.
268. There are several factors we believe need to be considered around the payment of an allowance to Sheriffs Principal:
- a. Is the purpose of the allowance to incentivise recruitment because there is evidence of recruitment challenges with the post; or
  - b. Is the purpose of the allowance to recognise that the role of Sheriffs Principal has changed, and is a larger more demanding role than when it was assessed to be in salary group 5. If so, does the role require re-evaluation and comparison with other

comparable judicial offices such as Senior Circuit Judges in England and Wales? If it was found to be the case that the role has sufficiently changed, then it may be more appropriate to change the salary rather than pay and allowance because allowances are only paid on a temporary basis.

- c. Although Sheriffs Principal is a Scottish post, we are keen to ensure that any recommendations for changes to remuneration for this post does not have implications for Senior Circuit Judges in England and Wales.

**Would the SSRB recommend that additional remuneration is required for Sheriffs Principals, and on what basis? What should this remuneration be?**

**What are the implications with respect of Senior Circuit Judges in England and Wales if Sheriffs Principals did receive additional remuneration?**

### **Chief Coroner**

269. The role of Chief Coroner is a statutory office, candidates must be a judge of the High Court or a Circuit Judge, and under the age of 75. The Chief Coroner appointment has to date been unremunerated in and of itself and so has not been included in the scope of the Senior Salaries Review Body (SSRB). Incumbents have been paid in line with their appointment, which has been either Senior Circuit Judge or Circuit Judge. Other Circuit Judge's undertaking specific leadership posts receive a temporary allowance of 4% of salary. The Chief Coroner is by convention not a full-time leadership position and therefore individuals continue to sit on the Circuit bench for some of their time.

**What are the SSRB's recommendations for remunerating the leadership element of the Chief Coroners post?**

## 6. Annex

### Annex A: List of questions to the SSRB

#### Pay Principles

1. In this Major Review we are asking the SSRB to consider whether the principles in paragraph 26 should change:
  - a. Is London Weighting effective in supporting recruitment, is it cost effective and are there better alternatives?
  - b. Should the principle of geographic location not affecting judicial pay be maintained and if not what circumstances?
  - c. Although not directly considering the principle on salaried and fee-paid roles receiving pro-rata pay for equivalent roles, are salaried and fee-paid offices still comparable, or if there is an evidence base to justify different remuneration?

#### Pensions

2. What is the SSRB's view on the effectiveness of the judicial pension scheme to support incentivisation to apply for and/or remain in judicial office?

#### Benefits

3. What is the SSRB's view on the effectiveness of these benefits to support incentivisation to apply for and remain in judicial office?

#### Recruitment Shortfalls, Recruitment and Retention Allowances

4. What recommendations can the SSRB provide about when the payment of allowance would be effective in supporting the recruitment of specific judicial offices, including in certain locations? What would be the criterion, including time limitation? Would it represent value for money?

#### Recruitment Shortfalls, One Off Payments

5. What is the SSRB's view on the use and effectiveness of one-off payments to address recruitment shortfalls in specific posts? Would they represent value for money?
6. How would the SSRB recommend these would be implemented? What safeguards would be required to prevent payments being made to individuals who leave early?

#### Recruitment Shortfalls, differential pay awards between salaried groups

7. What recommendations can the SSRB provide on the use of differential pay awards between salary groups to address recruitment shortfalls?
8. Would the advantage of this outweigh any disadvantage from reduced pay differentials between salary groups?

#### Recruitment Shortfalls, differential pay awards between salaried and fee-paid judges

9. What recommendations can the SSRB provide on the use of differentiated pay awards between salaried and fee-paid posts to address recruitment shortfalls?

#### Recruitment Shortfalls, London Weighting

10. What observations does the SSRB have on the effectiveness and value of London Weighting?

11. Does the SSRB believe that there is a role for targeted pay interventions to support recruitment in areas where there are recruitment challenges, and if so, what recommendations would the SSRB make?
12. How can we ensure that any temporary pay interventions only apply whilst needed and can be removed when the need falls away?

#### **Recruitment Shortfalls, Relocation Policy**

13. What recommendations does the SSRB have to strengthen relocation support, particularly for improving recruitment for roles or regions that are hard to fill?

#### **Recruitment Shortfalls, Responding to short term increases in demand**

14. What is the SSRB's view on potential role of incentive pay to temporarily increase sittings in specific jurisdictions and recommendations on how this could be implemented? Would this represent value for money?

#### **Attractiveness of Judicial Office**

15. What observations does the SSRB have on non-pay interventions which would improve the attractiveness of salaried office relative to fee-paid office?

#### **Attractiveness of Judicial Office, pay differential between salaried and fee-paid office**

16. What is the SSRB's view on whether increasing the pay differential between salaried and fee-paid posts will make salaried office more attractive, and improve recruitment shortfalls?
17. What is the SSRB's view on whether the roles of salaried and fee-paid judges are sufficiently different to differentiate pay? Is there an objective justification for differentiating pay?
18. What could the pay differential between salaried and fee-paid posts be?

#### **Attractiveness of Judicial Office, travel and subsistence**

19. What recommendations does the SSRB have in respect of travel and subsistence which would help to address/improve the attractiveness of salaried office?

#### **Leadership and organisation, leadership allowance**

20. What observations does the SSRB have on the merits of the different approaches to remunerating leadership, and if a more consistent remuneration approach could be introduced that would better link the leadership responsibilities and expectations of the post with the associated remuneration?
21. Has the SSRB identified any areas of unremunerated leadership?

#### **Leadership and organisation, Sheriffs Principal**

22. Would the SSRB recommend that additional remuneration is required for Sheriffs Principals, and on what basis? What should this remuneration be?
23. What are the implications with respect of Senior Circuit Judges in England and Wales if Sheriffs Principals did receive additional remuneration?
24. What form should any additional remuneration take allowance or different salary group?

#### **Leadership and organisation, Chief Coroner**

25. What are the SSRB's recommendations for remunerating the leadership element of the Chief Coroners post?

## Annex B: Additional Pensions Information

### Background

1. During the financial year 2024-25, one judicial pension scheme was open to accruals (Judicial Pension Scheme 2022), and four legacy schemes were in existence.
2. In order to equalise treatment across the judiciary, and satisfy the Hutton principles for public service pension reform, the Judicial Pension Scheme 2022 came into effect on 1 April 2022, closing all existing pension schemes for accrual after 31 March 2022. Eligible judicial office holders automatically moved into the Judicial Pension Scheme 2022 on 1 April 2022. It is an unfunded, Career Average Revalued Earnings occupational pension scheme which is unregistered for tax purposes. Its introduction addressed some of the recruitment and retention challenges following previous pension reforms.
3. The four legacy schemes (The 1981 Scheme (Judicial Pensions Act 1981)); The 1993 Scheme (which came into effect under the Judicial Pensions and Retirement Act 1993 and known as JUPRA); the 2015 Scheme (Judicial Pension Scheme 2015) and the Fee-Paid Judicial Pension Scheme closed for future accrual on 31 March 2022. Members who have accrued pensions under these schemes prior to that date will continue to receive benefits related to that service period under the terms of the legacy schemes.
4. Judicial Pension Act 1981, JUPRA and Fee-Paid Judicial Pension Scheme members with full transitional protection under Schedule 2 of the Judicial Pensions Regulations 2015 remained in their original pension scheme until 31 March 2022. Those with tapering transitional protection under these regulations had a choice of moving to the Judicial Pension Scheme 2015 on 1 April 2015 or at the end of their taper period, until this process was stopped on 30 September 2019, following the Court of Appeal judgment in *McCloud v the Ministry of Justice*. The Judicial Pensions (Remediable Service etc.) Regulations 2023 came into force on 5 July 2023 and The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 came into force on 24 January 2024. These regulations ensured that MoJ could implement a complete *McCloud* remedy for all eligible members.

### Costs

5. The cost of benefits accruing for each year of service is shared between the appointing bodies and the judicial office holders. For the appointing bodies, the contribution rate was 62.55% of pensionable pay for 2024/25 (in 2023/24 it was 51.35%), which includes an administration charge of 0.25%. This contribution rate will remain in place for the period from 1 April 2024 to 31 March 2027.
6. Since the introduction of the Judicial Pension Scheme 2022, the members' pension contribution rate has remained 4.26% of pensionable pay. Members who were in a qualifying post on 31 March 2022 had the option to pay a reduced rate of 3% until 31 March 2025, in exchange for a lower accrual rate. This option period has now expired, and with effect from 1 April 2025 all members are now subject to the common contribution rate of 4.26%.

7. Contributions to the Judicial Pension Scheme by appointing bodies are set at rates determined by the Government Actuary's Department and approved by the MoJ after consideration by the Judicial Pension Board. Contributions to the scheme by members set out in secondary legislation. The contributions partially fund payments made by the Judicial Pension Scheme, the balance of funding being provided by Parliamentary Vote (through the annual supply estimates process) and directly from the Consolidated Fund (in respect of the higher judiciary).

#### Judicial Pension Scheme 2022 Features

8. In addition to being unregistered for tax purposes and having a uniform contribution rate, the scheme has a number of modernised and flexible features including support of:
  - a. Sitting in retirement – no cap on accruals up to mandatory retirement age of 75,
  - b. Early retirement and partial retirement,
  - c. Salaried part time working,
  - d. Trivial pension commutation and lump sum commutation (with tax allowance), and
  - e. Modernised dependants' provisions and assumed pay pension accrual entitlement during parental leave.
9. However, it is relevant to note that for years to come, many retiring judges will have a composite pension entitlement comprising both legacy scheme and this scheme's entitlements.
10. As of 31 March 2025, the Judicial Pension Scheme 2022 had 7,188 active members.

## Annex C: London Weighting Locations

The following tables set out the locations which attract London Weighting, subject to eligibility:

<b>Courts</b>	
Barnet County Court	Blackfriars Crown Court (formerly Knightsbridge Crown Court)
Bow County Court	Brentford County Court
Bromley County Court	Central Criminal Court
Central London County Court	Clerkenwell & Shoreditch County Court
Croydon Combined Court	Dartford County Court
Edmonton County Court	Epsom County Court
Harrow Crown Court	Ilford County Court
Inner London Family Proceedings Court	Inner London Crown Court
Isleworth Crown Court	Kingston County Court
Kingston Crown Court	Lambeth County Court
Mayors and City Court	Principal Registry of the Family Division
Reigate County Court (CLOSED)	Romford County Court
Royal Courts of Justice	St Albans County Court
St Albans Crown Court	Staines County Court
Slough County Court	Southwark Crown Court
Snaresbrook Crown Court	Wandsworth County Court
Uxbridge County Court	West London County Court
Watford County Court	Woolwich County Court (CLOSED)
Willesden County Court	Wood Green Crown Court
Woolwich Crown Court	

<b>Magistrate Courts / Family Proceedings Courts</b>	
Barkingside Magistrates' Court	Belmarsh Magistrates' Court
Bexley Magistrates' Court and Family Court	Bromley Magistrates' Court
Camberwell Green Magistrates' Court	City of London Magistrates' Court
Croydon Magistrates' Court and Family Court	Ealing Magistrates' Court
Feltham Magistrates' Court	Greenwich Magistrates' Court
East London Family Proceedings Court	Hammersmith Magistrates' Court
Hendon Magistrates' Court	Highbury Corner Magistrates' Court
Inner London Family Proceedings Court	Lavender Hill Magistrates Court (Formerly South Western Magistrates Court)

Richmond-upon-Thames Magistrates' Court	Romford Magistrates' Court (formerly Havering Magistrates' Court)
Stratford Magistrates' Court and Family Court	Thames Magistrates' Court
Tottenham Magistrates' Court (formerly Enfield Magistrates' Court)	Tower Bridge Magistrates' Court
Uxbridge Magistrates' Court	Waltham Forest Magistrates' Court
Westminster Magistrates' Court	Willesden Magistrates' Court
Wimbledon Magistrates' Court	

## **Tribunals**

Hatton Cross Immigration Tribunal	Sutton SSCS
Harmondsworth Immigration Tribunal	Fox Court SSCS, War Pensions, Specials
Taylor House Immigration	Anchorage House SSCS ET AST
Field House Immigration/ SIAC	Victory House ET
Pocock Street Mental Health	Fleetbank House EAT
Enfield SSCS	Rolls Building UT AAC
Croydon ET	Alfred Place Property
Sutton SSCS	Bedford Square Tax and Lands
Fox Court SSCS, War Pensions, Specials	Bexleyheath SSCS
Anchorage House SSCS ET AST	Romford SSCS
Enfield SSCS	Reading ET
Croydon ET	Watford ET