

Press release: Government acts urgently to protect judicial recruitment

- unprecedented recruitment issues force government intervention
- more than 10% of High Court judicial positions vacant, and the Chancery Division, which handles major commercial cases, is already 20% below strength and will be up to 40% below strength by the end of the year without urgent action
- temporary recruitment and retention allowance introduced to prevent delays to life-changing decisions in the courts

An independent, effective judiciary is vital for upholding the rule of law for everyone. Every day, judges take decisions on critically important issues that directly impact on people's lives, from delivering justice for victims to deciding care arrangements for vulnerable children.

For the first time ever in consecutive recruitment campaigns, vacancies in the High Court and at the Circuit bench have had to be left unfilled, raising the risk of vulnerable people waiting longer for life-changing decisions. The impact is already being felt in the family courts, where a shortfall of judges is contributing to significant delays in child care proceedings.

This government is committed to delivering world class public services and taking action when the evidence requires it to ensure their continued delivery. That is why today a series of policies have been announced to support recruitment and retention in the judiciary, to ensure our courts and tribunals system can continue to deliver important services.

Similarly, the government will consult on measures designed to address pension tax disincentives that may encourage senior clinicians to limit or reduce their workloads while participating in the NHS Pension Scheme.

Responding to a major review from the Senior Salaries Review Body (SSRB), the Ministry of Justice (MOJ) has introduced a temporary recruitment and retention allowance at 25% for High Court judges and 15% for Circuit and Upper Tribunal judges who are eligible for the new pension scheme 2015.

This measure will affect only about a quarter of the salaried judiciary and aims to resolve the immediate recruitment issue until a long-term, sustainable, pension-based solution can be implemented for all judges.

It replaces the existing allowance of 11% for High Court judges and falls below SSRB's recommendation of a 32% permanent salary increase for High Court judges and 22% for Circuit and Upper Tribunal judges covered by the new pension scheme. This strikes a balance between an appropriate investment of public funds and addressing serious recruitment and retention problems.

Lord Chancellor David Gauke said:

Our judges are a cornerstone of our democratic society – their experience draws billions of pounds worth of business to the UK, and without them people cannot get justice.

We have reached a critical point. There are too many vacancies and with the retirement of many judges looming; we must act now before we see a serious impact on our courts and tribunals.

Judges are in a unique position and once they join the bench are not permitted to return to practice. Without the best legal minds in these seats, everyone that uses our courts will suffer, as will our international reputation.

This temporary allowance, pending long-term pension scheme change, will enable us to continue to attract the brightest and best and prevent delays to potentially life-changing decisions.

The country's most difficult and complex cases are heard by our most experienced judges: safeguarding vulnerable victims against serious violence or child abuse; dealing with gang violence cases involving multiple defendants; and complex fraud cases that can last years.

In practice, delays to the system can mean:

- Victims of serious violence and sexual abuse having to wait longer to see the perpetrators brought to justice
- Care proceedings taking longer, meaning that vulnerable children are left in the dark about their future for longer
- Individuals affected by the decisions of Immigration and Asylum Tribunals having to wait longer to know where they and their families will live in future
- And parties involved in complex commercial cases, who have placed their confidence in the legal system to provide certainty and resolve disputes quickly, are left waiting for answers, damaging business and enterprise.

High Court, Circuit and Upper Tribunal judges in particular play a pivotal role in the justice system but currently more than 10% of High Court judicial positions remain vacant. As things stand the Chancery Division of the High Court is already 20% below strength and will be up to 40% below strength by the end of the year without urgent action.

Today's announcement responds to a major review from SSRB, submitted last autumn, which identified clear evidence of significant and growing recruitment and retention problems among the judiciary, particularly at senior levels. It found that, by joining the judiciary from private practice, some new judges took a pay cut of up to two-thirds.

While the robustness of the recruitment process rightly reflects the fact that judges must be of the highest calibre to make these life changing

decisions, the government's proposal ensures that making a career change remains attractive and will prevent the slowing of cases through the courts, leaving vulnerable people and children at risk.

Today's package also includes a 2% pay award for all members of the judiciary in 2019/20. This was made following careful consideration of SSRB's overall evidence.

In addition, the government fully endorses the work that the Lord Chief Justice and Senior President of Tribunals are leading to strengthen leadership and support career development in support of the modern judiciary.

This includes taking practical steps by encouraging and supporting eligible candidates from under-represented groups to successfully apply for judicial office; supporting career progression for existing judges; growing leadership capability within the judiciary by implementing appraisals and career discussions; developing new training for leadership judges; and giving leadership judges the data and tools they need to drive performance in the system.

Notes to editors

- Last October [SSRB recommended a 32% allowance for High Court judges, 22% for Circuit judges and 8% for District Judges](#) covered by the new judicial pension scheme 2015 to combat the emerging recruitment problem
- The government's package of measures in response to SSRB is a temporary measure that aims to resolve this issue until a sustainable, pension-based solution can be implemented for the whole judiciary. The [full response can be read](#) on GOV.UK.
- There are around 1,850 salaried judges in England and Wales. About a quarter are expected to be eligible for this allowance – of whom around only 60 qualify for the higher allowance.
- The UK judiciary is respected throughout the world for its independence, integrity and quality. Foreign litigants are involved in 76% of cases in the Commercial Court, page 28, available at: www.thecityuk.com/assets/2018/Reports-PDF/86e1b87840/Legal-excellence-internationally-renowned-UK-legal-services-2018.pdf.
- Research suggests that the reputation and recognition of English judges is one of the main reasons for litigants choosing to bring cases in London [Queen Mary University of London and White & Case, '2018 International Arbitration Survey: The Evolution of International Arbitration', \(2018\), page.9](#).
- Legal services contribute around £25 billion to the UK economy. The sector employs well over 311,000 people in the UK, two-thirds of whom are located outside London. [Recent research](#) found that, over the past year, the commercial courts had a record-breaking year, hearing 258 cases – a 63 per cent increase from 2017/18.
- For further information please contact the Ministry of Justice newsdesk on 0203 334 3536.