



Ministry
of Justice

Judicial Salaried Part-time Working Policy

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Definitions

1. Throughout this policy document, where used, SPTW is the abbreviation of salaried part-time working. This relates to a salaried judicial office holder's working pattern of less than a full-time equivalent.
2. A **salaried part-time judicial office holder** is a permanent office holder who is subject to the same terms and conditions as a full-time judicial office holder. For example, s/he is required to give up legal practice on appointment and the restrictions on additional remuneration are the same. A salaried part-time judicial office holder is entitled to the same benefits as a full-time office holder such as paid leave (calculated on a pro-rata basis) a pension, and sick leave.
3. In contrast, a **fee-paid judicial office holder** does not receive a salary and is not subject to the same terms and conditions as a salaried judicial office holder. For example, a fee-paid judicial office holder can continue to practice.
4. The use of the term 'part-time judicial office holder' should be avoided when referring to a *fee-paid* judicial office holder, to prevent any confusion with a *salaried* judicial office holder who sits part-time. The term 'fee-paid judicial office holder' should be used instead.
5. The appointment to a salaried judicial office (whether full-time or part-time) is, unless specified otherwise, regarded as a lifetime appointment, i.e. to the mandatory retirement age.

Introduction

6. This document applies to salaried judicial office holders in the courts and tribunals of England and Wales¹ and judges to whom Lord Chancellor terms & conditions apply. It sets out the Ministry of Justice's policy for salaried part-time working. The purpose of this policy is to provide a framework for:
 - a. salaried judicial office holders to apply to change their working pattern or arrangements;
 - b. a clear statement that SPTW is available, where this is the case, in the literature for recruitment exercises; and
 - c. senior judicial office holders to consider applications and appeals against decisions fairly and consistently, following consultation with the relevant senior administrative officer.
7. In 2001, following recommendations from a working group which included members of the Judiciary, the Ministry of Justice (at the time called The Lord Chancellor's Department) introduced a SPTW scheme for new salaried appointments. In April 2005, the opportunity for SPTW was extended to include all existing salaried judicial office holders below High Court level. In April 2014, the policy was extended to include the High Court and Court of Appeal.
8. Certain senior judicial offices or roles are excluded from this policy, where the statutory provisions do not allow more than one person to hold the office. These include the offices of the Lord Chief Justice of England and Wales, and the Heads of Division in England and Wales, including the Senior President of Tribunals, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court and the Master of the Rolls. The Senior Presiding Judge, Deputy Senior Presiding Judge and Judge Advocate General are also excluded from this policy.
9. The policy will be kept under review and updated, as and when necessary.

¹ This does not include salaried judges in devolved jurisdictions for which the Lord Chancellor has no responsibility.

Policy statement

10. The Lord Chancellor and Lord Chief Justice have a statutory duty to encourage judicial diversity. Making more flexible working arrangements available, including part-time working, for both new and existing judges makes an important contribution to this.
11. The availability of SPTW may increase the attractiveness of salaried judicial office for those who want to take up, or remain in, salaried judicial office but are unable to, or do not wish, to work full time. It could, therefore, widen the pool of potential applicants for salaried judicial office, enhancing judicial diversity.

Principles

This policy is based on the following principles:

12. Senior judicial office holders will consider applications to work part-time, in accordance with this policy.
13. Senior judicial office holders are responsible for deciding applications and should seek advice from the relevant senior administrative officer on how such requests might work operationally before a decision is confirmed with the salaried judicial officer holder. The senior judicial office holder exercises the delegated authority of the Lord Chief Justice/Senior President of Tribunals.
14. Part-time working is available in principle to all salaried judicial office holders, including certain judicial officer holders in the High Court and above (see paragraph 8 for exemptions), unless the decision maker (the relevant senior judicial office holder) considers one or more of the grounds set out under the *Operational requirements and business need* section apply.
15. SPTW is not intended as an alternative or a replacement to either compassionate leave or sick leave. The compassionate leave policy sets out judicial officer holders' entitlement to compassionate leave to cover short term domestic crises, e.g. a bereavement or caring for a relative.
16. Judicial office holders who work part-time should have access to the same opportunities for development, training and career progression as those working full-time.
17. When advertising vacancies, the Judicial Appointments Commission (JAC), as agreed with HM Courts and Tribunals Service (HMCTS) and the Senior Judiciary, will explain the availability of SPTW and any SPTW restrictions in the literature for selection exercises.

18. All applications will be considered, provided they equate to no less than 50% (in multiples of 10%) of the full-time equivalent post (FTE). Part-time working of less than 50% of the FTE will not be considered, as:
- a. it is not compatible with, or conducive to, efficient business activity, and would limit the court's or tribunal's ability to list cases effectively; and
 - b. it would limit a judicial office holder's exposure to the cases and activities that are instrumental to the development and maintenance of the skills they need in discharging their duties, both judicial and administrative.
19. Once an application is approved and submitted, along with the consent form (Annex F), the judicial office holder is agreeing to a pro-rata reduction in their salary which will reflect the reduction in their sitting level and other benefits such as their pension entitlement.

The application process: Existing judicial office holders

20. If a judicial office holder would like to adjust their sitting level and sitting pattern, they should discuss this with their senior judicial office holder, (see paragraph 35) in the first instance.
21. If the judicial office holder decides to proceed, they should submit a written application (template at Annex B) to their senior judicial office holder, copying in the senior administrative officer responsible for the administration of the area concerned (see paragraph 33 - 41). This application should be made no less than 3 months in advance of when the judicial office holder wants to commence their new working pattern, unless there are exceptional circumstances.
22. The judicial office holder should ensure the application sets out:
 - a. a specific start date when the applicant would like the proposed changes to take effect; and
 - b. the proposed new sitting level and sitting pattern;
23. The senior judicial office holder and the senior administrative officer will then follow the process set out under *The decision-making process* section of this policy.
24. If the written application is approved, the office holder should complete the consent form attached at Annex F and forward it to the Judicial Secretariat or President's Support Officer, along with a copy of their approved application, who will send it (Annex F) to the Ministry of Justice at the address specified.
25. The same application process applies to requests for variations to existing arrangements to support the office holder in changing circumstances. These requests could include:
 - a. a variation of the sitting pattern, but not of the sitting level;
 - b. an increased sitting commitment e.g. from 60% to no more than 90% (see paragraph 29-32); or
 - c. a reduced sitting commitment of no less than 50%.
26. When consenting to a SPTW application, judicial office holders agree to their ongoing pay and pensions being recalculated on a pro-rata basis. There is no additional levy from the pensions' administrator in respect of amending pension costs.

The application process: New appointments

27. All new judicial vacancies should be advertised as being available for part-time working unless there are operational reasons for not doing so. Prior to commencing a new recruitment exercise, the decision-maker will consider if any of the grounds set out in the *Operational requirements and business need* section are met. The JAC will reflect that decision in their selection exercise literature. Where a post is deemed to be suitable for SPTW, candidates should indicate their preferred sitting patterns in their application.
28. All applicants in selection exercises which are advertised as suitable for SPTW will be subject to the same criteria and merit-based selection procedures.

Varying part time or moving to full-time pattern

29. There may be occasions when a judicial office holder on a part-time working arrangement wishes to move to a full-time sitting. In courts that have a statutory limit on office holders (presently the Court of Appeal and High Court), any request to sit full time will be subject to those limits. The judicial office holder should contact their senior judicial office holder and senior administrative officer in the first instance, setting out in writing the date by which they wish to take up full-time sitting, along with any reasonable adjustments they deem necessary. The request should be made at least three months ahead of the proposed start date.
30. The senior judicial office holder will seek advice from the senior administrative officer to determine whether the request fulfils a business need which will include consideration of HMCTS budgets and the court / tribunal accommodation.
31. If the request is not considered to meet business need (see paragraph 42), the senior judicial office holder may consider and propose an alternative arrangement to the one requested, based on advice from the senior administrative officer (e.g. deferring until a later date or for the judicial office holder to resume full-time working at a different court centre).
32. The senior judicial office holder and senior administrative officer will respond to the judicial office holder within twenty working days of receiving the written request.

The decision-making process: Existing judicial office holders

33. The availability of salaried part time working is determined by the decision maker. Applications to sit part-time will be decided by the senior judicial office holder, following consultation with the relevant senior administrative officer on whether the request will work operationally.
34. The same decision-making process applies to any changes to an existing part-time working pattern.
35. The **senior judicial officer holder** will be the most appropriate person from the following group:
 - a. the Head of the Division in which the office holder sits for the High Court and Court of Appeal;
 - b. the Presiding Judge or the Family Division Liaison Judge for the court in which the office holder sits;
 - c. the Chamber President in which the office holder sits, or equivalent judicial head of Chamber;
 - d. in the Royal Courts of Justice: the Senior or Chief Master, Chief Insolvency and Companies Court Judge;
 - e. for District Judges, the Presiding Judge or Family Division Liaison Judge, in consultation with the Designated Family Judge or Designated Civil Judge;
 - f. in the Magistrates' Courts, the Senior District Judge (Chief Magistrate) in consultation with the Presiding Judges.
36. The decision maker, when considering an application, will take into account operational requirements, business need and the applicant's preferred working pattern. The grounds for which an application can be refused are detailed under the *Operational requirements and business need* section of this document.
37. The decision maker should work together with the senior administrative officer, to determine, where possible, a new pattern of working that benefits both the judicial office holder and the court or tribunal.
38. As part of the decision-making process, the decision maker may consider that an alternative working arrangement to the one set out in the application form would be more appropriate. In such instances, they must set out and discuss their alternative proposal with the judicial office holder. Where the judicial office holder agrees with this alternative proposal, the decision maker should proceed with the application on this basis.
39. The decision maker should complete the second part of the application form, detailing the reasons for their decision, and send the completed form back to the judicial office holder who should keep this for their own records. The decision maker should ensure they respond to the application within twenty working days of the request being made.

40. It is the senior administrative officer's responsibility to administer the process and to ensure that their support office keeps an appropriate record of each application and decision is kept, in line with their *Records Retention and Disposal Policy*, once a final decision has been made.
41. The **senior administrative officer** will be the most appropriate person from the following group:
- g. the Delivery Director for the courts (HMCTS);
 - h. the Delivery Director/Deputy Director of Tribunal operations (HMCTS) for those tribunals administered by Ministry of Justice;
 - i. the senior equivalent official for tribunals not administered by the Ministry of Justice;
 - j. in the Royal Courts of Justice, the Director of the Royal Courts of Justice Group, in consultation with the relevant Court Manager.

Operational requirements and business need

42. Given the principle that part-time working will be made available to all salaried judicial officers holders, there will need to be sound operational reasons for rejecting an application from the decision maker. The senior judicial officer can only refuse an application if one or more of the following grounds below apply, following consultation with the relevant senior administrative officer on the impact of operational and business need:
- a. It is not possible in the short term to reallocate the work between judicial office holders, in order to accommodate the SPTW request;
 - b. It is not possible to recruit additional office holders, either imminently or within such a timeframe that would accommodate the SPTW request;
 - c. The change would have a detrimental effect on the court's or tribunal's ability to meet court workloads and statutory time limits, where applicable;
 - d. The SPTW variation request exceeds the availability of work for the period proposed;
 - e. The court or tribunal is implementing changes, for example following reform, which are affecting the demand for judicial time and the part-time working changes requested do not fit with these changes;
 - f. The requirements of a leadership post mean it is not possible to accommodate the SPTW request;
 - g. There is insufficient accommodation in the court, tribunal or hearing centre in which the judge is based to accommodate additional judges on a SPTW pattern.
43. An application to sit part-time may not be refused on the basis that the previous post holder was fulltime or solely on the grounds of additional costs being incurred. An application may only be refused on the grounds listed at paragraph 42.
44. Where an application for part-time sitting has been refused and the ground(s) cited for refusing the application subsequently change, the judicial office holder may submit their application again, in line with the process set out in this document. The decision maker should consider the new application on its own merits and apply the principles set out in this document.
45. However, there may be circumstances where sitting part-time for a defined limited period is requested. In considering the request, the senior officers will consider operational needs as at paragraph 42. Where a temporary change to working pattern can be accommodated, the details of the agreed sitting pattern and its commencement and close dates should be recorded, and placed on their personal file, with a copy sent to the judicial office holder.

46. Judicial office holders are encouraged to meet with the decision maker, alongside the senior administrative officer as early as possible to discuss the implications of changes to their sitting arrangements and the business of the court or tribunal.
47. The Judicial Secretariat or President's Support Officer will notify Judicial Pay and Pensions and Judicial Office Post Appointments as soon as the application is approved. It is important that Regional Support Units have sufficient notice so that they may ensure changes to pay and pensions are in place by the agreed commencement date and E-HR is updated by Judicial Office.
48. SPTW can be recommended or requested as a reasonable adjustment, for example, if a judicial office holder develops a long-term health condition or disability². However, where a SPTW variation is considered as a reasonable adjustment, the judicial office holder and decision-maker should follow MoJ's guidance on reasonable adjustments in *The Judicial Reasonable Adjustments Policy*, rather than the process set out in this document.
49. When making an application for SPTW, judicial office holders may apply to reduce their sitting requirements in denominations of 10%, equivalent to half a sitting day down to a minimum of 50; i.e. applications can be made to sit part-time at 50%, 60%, 70%, 80% or 90% of the full-time equivalent.
50. There may be occasions when temporary or ad-hoc changes to a judicial office holder's established part-time working arrangement may be proposed by the decision makers. The decision maker will only propose any such changes where there is a clear business need for varying (either reducing or increasing) the working pattern and there are demonstrable benefits to be gained from the proposed changes.
51. The decision maker wishing to request a temporary change to a judicial office holder's part-time working arrangement must:
- a. do so at the earliest opportunity in order to afford the judicial office holder sufficient time to consider the impact of these changes and how these may be incorporated within their existing arrangements;
 - b. explain the changes requested and the timeframe during which they will apply; and
 - c. recognise and highlight that the request is not compulsory or, if the judicial office holder agrees, they are not binding beyond the agreed timeframe.
52. The judicial office holder may agree to, or decline, the request.

² If a judicial office holder moves to a salaried part-time working pattern as a result of a reasonable adjustment, the office holder is agreeing to a pro-rata reduction in their salary which will reflect the reduction in their sitting level.

Appealing a decision

53. There may be instances when the decision maker does not approve an application and cannot identify a suitable alternative. Refusals should only be on the basis of one, or more, of the grounds specified at paragraph 43.
54. A judicial office holder whose application has been rejected may appeal the decision if they believe:
- a. the policy set out in this document was not applied correctly; or
 - b. their application was not given sufficient consideration; or
 - c. the explanation given for refusal was not adequate.
55. A judicial office holder appealing a decision must do so within 20 working days of being advised of the outcome of their application. Appeals received outside of time will not be considered, unless the judicial office holder can demonstrate there were exceptional circumstances preventing them from appealing within that period.
56. Whilst judicial office holders are encouraged to discuss the decision with the relevant senior judicial officer in the first instance, an appeal must be made in writing, via the form at Annex D, copying in the relevant official, within the stated deadline.
57. The appeal will be heard by a judicial officer, whom must be of higher office than the original decision maker.
58. The **judicial officer** hearing the appeal will be the most appropriate person from the following group:
- a. the Lord Chief Justice for the High Court and Court of Appeal;
 - b. the Senior Presiding Judge or their deputy for the Crown, County Courts and District Judges (Magistrates Courts);
 - c. the Senior President of Tribunals;
 - d. the President of the Welsh Tribunals;
 - e. in the Royal Courts of Justice: the President of the Queens' Bench Division, the Master of the Rolls or the Chancellor of the High Court, as appropriate to the division.
59. The relevant **official** to copy into the written appeal will be:
- f. the HMCTS Director of Operations, or their delegated official, for the High Court, Court of Appeal, Tribunals and Magistrates' Court (District bench)
 - g. The senior equivalent official's line manager (Deputy Director or above) for tribunals not administered by the Ministry of Justice.
60. When submitting the appeal, the judicial office holder must ensure they have set out a detailed explanation as to why, and/or how, the decision

comes within the reasons for an appeal as set out at paragraph 54 (on the form set out at Annex D).

61. The appeal will be considered on the basis of the original application and any further information detailed in the written appeal. The judicial officer will respond to the judicial office holder within 20 working days of the request being lodged (on the form set out at Annex E). If the decision maker requires more time to review their decision (e.g. because they need to consider additional information that is not readily available), they must notify the judicial office holder as soon as is practicable and no later than three working days before their decision is due.
62. Where the decision maker overturns the original decision, they must set out, in writing, their reason(s) for doing so and confirm the next steps for implementing the SPTW variation.
63. Where the appeal decision maker upholds the original decision, they must set out, in writing, their reason(s) for doing so.
64. The appeal decision is final.

Pay and Pensions Implications

65. Under the 1993 Judicial Pension and Retirement Act, the salary used to calculate pension benefits is the full-time rate and is by reference to the *best* salary in any 12-month period in the last three years of appointment. The amount of pension is calculated as:

$$\frac{1}{40} \times (\text{years of service}) \times (\text{pensionable pay})$$

subject to a maximum of the equivalent of 20 years' service sitting full-time.

66. Part-time sitting provides a pro-rata entitlement which is calculated by reference to the full-time pensionable pay that the office holder would have received, if they had been sitting on a full-time basis. The sitting level is always represented as a percentage of a full-time post and the operation of the judicial pension schemes is such that those percentages are always calculated as blocks of 10%. These pro-rata calculations are set out at Annex A.

67. The pensionable pay is adjusted to recognise the portion of service that is worked part-time. An office holder who has less than 20 years' full service when they move to part-time sitting will find that they will require additional years of part-time sitting to receive a full pension, since a year's part-time sitting does not equate to a full year for pension purposes. For a part-time office holder who already has 20 years' full-time service, a move to part-time will have no implications for their eventual pension.

68. A judicial office holder who is a member of one of the 1981 pension schemes introduced by The Judicial Pensions Act 1981 will have to elect to transfer into the 1993 scheme as the 1981 Act does not provide for part-time sitting.

69. The implications of moving from a particular scheme within the 1981 Act to the 1993 scheme will be different depending on the precise 1981 scheme in question and no generalisations can therefore be made. Existing office holders who are in the 1981 schemes and are contemplating sitting part-time should therefore contact the Ministry of Justice Administration Team at XPS Administration (Tel: 0118 313 0910) at an early stage, requesting details of the effects of changing schemes.

70. MoJ judicial pensions are processed by XPS Administration. Their contact details are:

Ministry of Justice Administration Team
XPS Administration
Albion
Fishponds Road
Wokingham
Berkshire
RG41 2QE

Telephone helpline: 0118 313 0910
Email enquiries: MoJAdmin@xpsgroup.com

71. From 1 April 2015, the Judicial Pension Scheme 2015 came into effect. The scheme is a defined benefit scheme but is a career average scheme rather than a final salary scheme. Unlike the 1993 judicial pension scheme, there is no maximum accrual period of 20 years. In each scheme year (1st April to 31 March) the pension builds up at a rate of 2.32% of pensionable earnings. Each April, the pension earned is revalued in line with the Consumer Price Index. For a judge in the 2015 scheme who chooses to work on a salaried part time basis, the pension earned each year is calculated in exactly the same way as for a judge who works on a full-time basis.
72. Some judicial office holders have been allowed to remain in, or return to, the legacy pension schemes (JUPRA and the Fee-Paid Judicial Pension Scheme) for the period from 1 April 2015 to 31 March 2022.
73. From 1 April 2022, all judicial office holder will accrue pension benefits in the Judicial Pension Scheme 2022 which, like JUPRA and the Fee-Paid Judicial Pension Scheme is unregistered for tax purposes, but like JPS 15 is a career average scheme.
74. Judicial office holders who make a change in their sitting patterns will be required to indicate that they are content for their salary to be reduced pro-rata. The consent form found at Annex F should be sent to the Ministry of Justice at the address specified.
75. Salaried judicial office holders who work part-time can accrue additional pensionable service whilst also holding a fee paid position in an eligible office. Whether pensionable service is accrued will depend upon which pensionable scheme the judge is in and how much pensionable service has already been accrued. (Under the JUPRA and Fee-Paid Judicial Pension Schemes, there is a limit of 20 years). Existing office holders who are contemplating sitting part-time should contact the Ministry of Justice Administration Team at XPS Administration (Tel: 0118 313 0910) to see what effect sitting in fee paid office whilst occupying salaried part time work will have on their pensionable service.
76. Records will be treated confidentially and in accordance with the Data Protection Act 2018.

Annex A - Percentage Sitting Levels for Pay and Pensions Purposes

Pro-Rata calculation of sitting days for Judges of the High Court and Court of Appeal:

PRO-RATA TIME	NO. OF LEAVE (AND NON SITTING) DAYS PER YEAR	NO. OF SITTING DAYS PER YEAR	TOTAL	TOTAL SALARIED DAYS PER YEAR
50%	35.5	94.5	130	182.5
60%	43	113	156	219
70%	50	132	182	255.5
80%	57	151	208	292
90%	64	170	234	328.5
100%	71	189	260	365

A holder of full-time judicial office is deemed to be available to undertake judicial duties on 5 days in each and every week of the year, i.e. $5 \times 52 = 260$. In accordance with their terms of appointment and conditions of service, judicial office holders of the High Court Judges and above are expected “to sit throughout the legal terms (189 days per annum).

If they sit in vacation, they are normally allowed time off in-lieu but newly appointed High Court Judges are expected to do vacation duty for a total of 6 weeks before they qualify for time off in-lieu. In practice, however, High Court Judges work “outside hours” and during vacations as well as term times and are required to deal with a variety of judicial business (e.g. reading case papers and preparing reserved judgements) and to perform other public duties in addition to their actual sittings. The same expectations apply to salaried part-time judges of the High Court and above on a pro rata basis.

Pro-Rata calculation of sitting days for Circuit Judges, and Judicial Office Holders of the senior courts:

PRO-RATA TIME	NO. OF LEAVE (AND NON SITTING) DAYS PER YEAR	NO. OF SITTING DAYS PER YEAR	TOTAL	TOTAL SALARIED DAYS PER YEAR
50%	25	105	130	182.5
60%	30	126	156	219
70%	35	147	182	255.5
80%	40	168	208	292
90%	45	189	234	328.5
100%	50	210	260	365

A holder of full-time judicial office is deemed to be available to undertake judicial activities on 5 days in each and every week of the year, i.e. $5 \times 52 = 260$.

Pro Rata calculation of sitting days for District Judges and District Judges [Magistrates' Courts]:

PRO-RATA TIME	NO. OF LEAVE (AND NON SITTING) DAYS PER YEAR	NO. OF SITTING DAYS PER YEAR	TOTAL	TOTAL SALARIED DAYS PER YEAR
50%	22.5	107.5	130	182.5
60%	27	129	156	219
70%	31.5	150.5	182	255.5
80%	36	172	208	292
90%	40.5	193.5	234	328.5
100%	45	215	260	365

A holder of full-time judicial office is deemed to be available to undertake judicial activities on 5 days in each and every week of the year, i.e. $5 \times 52 = 260$.

Pro Rata calculation of sitting days for MoJ Tribunal Office Holders:

PRO-RATA TIME	NO. OF LEAVE (AND NON SITTING) DAYS PER YEAR	NO. OF SITTING DAYS PER YEAR	TOTAL	TOTAL SALARIED DAYS PER YEAR
50%	20	110	130	182.5
60%	24	132	156	219
70%	28	154	182	255.5
80%	32	176	208	292
90%	36	198	234	328.5
100%	40	220	260	365

A holder of full-time judicial office is deemed to undertake judicial activities on 5 days in each and every week of the year, i.e. $5 \times 52 = 260$.

In addition to the number of leave days set out in the above tables, judges are also entitled to a half day privilege day for Maundy Thursday. For judges working on a part-time basis, this half day should be calculated on a pro-rata basis, based on the average number of hours they have worked in the preceding twelve months and as per the following percentages:

PRO-RATA TIME	MAUNDY THURSDAY PRIVILEGE DAY ALLOWANCE
50%	0.25
60%	0.3
70%	0.35
80%	0.4
90%	0.45
100%	0.5

Annex B: Application for salaried part-time working

Note to the judicial office holder

It will help your senior judicial office holder³ to consider your request if you provide as much information as you can about your desired working pattern.

Once you have completed the form, you should forward it to your senior judicial office holder, copying in your senior administrative officer (you might want to keep a copy for your own records). If the application is approved, you need to send this, along with the signed consent form, to the Ministry of Justice address specified.

By submitting an approved application form and signed consent form you are agreeing to a pro-rata reduction in salary and pension contributions which will reflect the reduction in your sitting level.

Note to the senior judicial office holder and senior administrative officer

This is an application for a judicial office holder to apply for part-time working. You should complete the second part of this application at the end of your decision-making process and return it to the judicial office holder (retaining a copy for your own records).

<i>For completion by judicial office holder</i>	
Title	
National Insurance Number	
Office held	
Usual court or tribunal at which JOH is based	
Additional responsibilities	
Levels of authority	
Preferred sitting level (in multiples of 10%, minimum of 50%)	
Preferred sitting pattern	

³ The senior judicial office holder is listed at paragraph 35

Preferred commencement date	
<i>For completion by senior judicial office holder and senior administrative officer</i>	
Assessment of the effects, if any, on the business of the court or tribunal.	
Assessment of how these effects, if any, can be dealt with.	
Personal implications for the applicant (<i>optional</i>)	
<i>Diversity questions for judicial office holder (optional)</i> <i>Please circle the most appropriate answer</i>	
Gender	Female Male Prefer not to say
Ethnicity	White Mixed / Multiple ethnic groups Asian / Asian British Black / African / Caribbean / Black British Other ethnic group Prefer not to say
Disability – <i>Do you have a disability?</i>	Yes No Prefer not to say

I would like to make this application to change my sitting level and pattern. By making this application I confirm I have considered the pay and pensions implications of my preferred sitting level and I understand that if my application is approved I am agreeing to a pro-rata reduction in my salary and pension contributions that will reflect my new sitting level.

Signature.....Date.....

Please send this application to your appropriate senior judicial office holder, copying in your senior administrative officer.

Annex C: Notification of a decision on an application for salaried part time working

<i>For completion by senior judicial officer and senior administrative officer</i>	
What impact would the preferred sitting level and pattern have on the work of the court/tribunal?	
Was the preferred sitting level agreed?	Y/N
If no, was the sitting level agreed in a modified form?	Y/N
If yes, what modified sitting level was agreed and what were the reasons for the modification?	
Was the preferred sitting pattern agreed?	Y/N
If no, was the sitting pattern agreed in a modified form?	Y/N
If yes, what modified sitting pattern was agreed and what were the reasons for the modification?	
If the application was refused, what business factors influenced your decision including where relevant, costs, throughput of cases etc? (An application can only be refused if one or more grounds, set out under the section <i>Operational requirements and business needs</i>, apply)	

Senior Judicial Office

Holder.....Date.....

Senior Administrative Office

Holder.....Date.....

Annex D: Application for an appeal against a decision refusing a new / changed salaried part time working arrangement

<i>For completion by judicial office holder</i>	
Title	
National Insurance Number	
Office held	
Usual court or tribunal at which JOH is based	
Requested sitting level (in multiples of 10%, minimum of 50%) and requested sitting pattern	
Please set out a detailed explanation as to why, and/or how, you are seeking an appeal against the decision	

Signature.....Date.....

Please send this application to your appropriate judicial officer, copying in the official

Annex E: Notification of a decision on an appeal against a salaried part time working decision

<i>For completion by the judicial officer and official</i>	
Do you uphold the original decision or overturn the original decision?	
If you have chosen to uphold the original decision, please set out your reasons for doing so?	
If you have chosen to overturn the original decision, please set out your reasons for doing so and confirm next steps for implementing the judicial office holder's requested SPTW variation	

<p>Judicial Officer</p> <p>Holder.....Date.....</p> <p>Official</p> <p>Holder.....Date.....</p>

Annex F: Informed consent to receiving a judicial salary commensurate with a reduced sitting commitment

Circuit Judges and District Judges (Magistrates' Courts)

Section 18 of the Courts Act 1971, provides:

.....there shall be paid to each Circuit Judge such salary as may be determined by the Lord Chancellor with the consent of the [Treasury]

(2) Every salary paid under this section -

a) shall be charged on and paid out of the Consolidated Fund;

b) may be increased, but not reduced, by a further determination under this section

A similar provision relates to District Judges (Magistrates' Courts)⁴. On the face of it the statutory provisions therefore prohibit any reduction in salary.

High Court and Court of Appeal judges

Section 12 of the Senior Courts Act 1981, provides:

(1). Subject to subsections (2) and (3), there shall be paid to judges of the [Senior Courts] . . . such salaries as may be determined by the Lord Chancellor with the concurrence of the Minister for the Civil Service.

(2) Until otherwise determined under this section, there shall be paid to the judges mentioned in subsection (1) the same salaries as at the commencement of this Act.

(3) Any salary payable under this section may be increased, but not reduced, by a determination or further determination under this section.

(5) Salaries payable under this section shall be charged on and paid out of the Consolidated Fund.

It is permissible for a judicial office holder to be paid from the Consolidated Fund to be appointed on the basis that they sit part-time. There is no restriction to this in the statute since it refers to a reduction in salary and in these circumstances the individual salary is not being reduced but is being set from the outset, at a level which reflects the commitment. Accordingly, it is open to the Lord Chancellor to agree terms, hours and salary at the outset of appointment.

It is permissible, subject to informed consent, for the salary of such office holders to be reduced, if the decision is taken to sit part-time at some point in their career. Statute does not stipulate the commitment required of an office holder and there is no statutory obligation for all office holders to receive the same salary. The basic object of s. 18(2) above is to preserve judicial independence. This would not be undermined if a judge, of his or her own volition, agreed to a reduced salary for a reduced commitment.

⁴ s.9, Administration of Justice Act 1973.

Attached is a consent form for existing office holders who are paid out of the Consolidated Fund, but who wish to take up the option of salaried part time-sitting. The office holder is not waiving a proportion of his or her salary, but is agreeing to accept a salary commensurate with the sitting level. That salary will be calculated as a percentage of that of a full-time office holder of equivalent level (please refer to paragraphs 65 to 76 above for further details of the calculation). For obvious reasons MoJ must receive the signed consent form from an office holder who is paid out of the Consolidated Fund before he or she can sit part-time. By signing the consent form the office holder is agreeing to a pro-rata reduction in his or her salary and in his or her pension arrangements. Prior to signing the consent form the office holder should have read the attached guidance on Part-Time Working for the Judiciary and have taken advice from the Head of Judicial Pay and Pensions at XPS Administration as to the effect of sitting part-time in his or her particular pay and pensions circumstances. If office holders have any further queries about sitting part-time they are encouraged to take independent advice.

District Judges (County Courts)

As a consequence of the changes brought about by paragraph 1 of schedule 3 to the Constitutional Reform Act 2005 District Judges in the county courts have a similar provision whereby their salary may not be reduced. The above paragraphs, therefore, apply to District Judges in county courts and a signed consent form is also required.

CONSENT

I.....[name],[state office], wish to alter my working pattern to sit part-time. I understand that my salary will be reduced by the Ministry of Justice on a pro-rata basis to reflect the level at which I will sit. I understand that my pension will change as a result. I have taken full advice on the effect of these changes to my salary and my pension and I consent to the pro-rata reduction to be made to my salary to reflect the reduction in my sitting levels.

Signed.....

Date.....

Please return the consent form, when completed along with the approved application form, to:

Judicial Policy Pay & Pensions Branch
Ministry of Justice
102 Petty France
London
SW1H 9AJ