

PRESIDENT OF THE EMPLOYMENT TRIBUNALS (ENGLAND AND WALES)

OUTLINE OF TERMS AND CONDITIONS OF SERVICE

1. **Introduction:** The following is an indication of the basic terms and conditions of service. Fuller details, including the conditions of appointment, will be supplied to candidates who are offered appointment. Successful serving Circuit Judges retain their existing terms and conditions of appointment, with the exception of the level of salary.
2. **Prohibition on Practice:** The President shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (s.75 Courts and Legal Services Act 1990). The Lord Chancellor also regards a judicial office as a lifetime appointment. Any offer of appointment is therefore made on the understanding that appointees will not return to practice.
3. **Salary, income tax and National Insurance:** The President will receive a salary of £136,500. Income Tax, which is payable under Schedule E, is deducted at source in accordance with PAYE arrangements. The President is classed as an "employed earner" for National Insurance purposes and is liable for Class 1 contributions, which are deducted from salary together with income tax. Since the judicial pension scheme has been contracted-out of the State Earnings-Related Pension Scheme, contributions are payable at the lower, contracted-out, rate. Liability for National Insurance contributions ceases at state retirement age even if service continues thereafter.
4. **Pension terms:** The post is pensionable. Provision of pension benefits is determined under the provisions of the Judicial Pensions and Retirement Act 1993. Although membership of the judicial pension scheme is automatic on appointment, it is not compulsory and a judicial office holder may opt out. Under the Judicial Pensions and Retirement Act 1993, an immediate pension is payable at age 65, provided the office-holder has completed at least 5 years' service. The annual rate of the pension will be 1/40th of an office-holder's pensionable pay multiplied by the aggregate length of service in qualifying judicial office (expressed in years and fractions of a year) subject to a maximum pension equal to one-half of pensionable pay after 20 or more years' service. An actuarially reduced pension is payable immediately where an office-holder retires, having completed at least 5 years' service, after attaining the age of 60 but before age 65. Where an office-holder is obliged to retire on health grounds before attaining age 65, his or her service will be enhanced by a period equal to one-half of the service he or she would otherwise have served from the day following retirement to his or her 65th birthday.
5. In addition to the pension, a lump sum equal to 2.25 times the annual rate of that pension is payable. There is a spouse's pension at the rate of one-half of the personal pension accruing or in payment at the time of death and provision for a children's pension. In the event of death in office, there is provision for a death benefit equal to twice the amount of an office-holder's pensionable pay. Contributions towards spouses' and children's pensions are compulsory for all salaried judicial office holders and take the form of monthly payments of 1.8% of pension-capped salary. Pensions already in payment are subject to increases under the Pensions (Increase) Act 1971. Surviving civil partnership benefits are payable on the death of a judicial office holder who has formed a civil partnership in accordance with the Civil Partnership Act 2004.
6. The judicial pension scheme is a "non-registered" scheme for the purpose of the Finance Act 2004. This means that benefits under the scheme will not count towards the lifetime allowance for pension benefits under that Act, but that benefits and contributions under it

do not attract income tax relief; lump sum benefits are accordingly subject to income tax at the office holder's marginal rate. This liability will be offset, in whole or in part, by the payment of a separate service award on the office holder's retirement. Fuller details are available on request.

7. **Sitting requirements:** It will be essential, because of the burden of work, for the President to devote approximately 210-220 days in each year, and perhaps more, to the business of the Tribunal.
8. **Tenure:** Under the provisions of the Judicial Pensions and Retirement Act 1993, a judicial office holder will normally be required to vacate his or her office on his or her 70th birthday (s.26 of the 1993 Act). A salaried judicial office holder who was appointed prior to the commencement of the Judicial Pensions and Retirement Act 1993 (31 March 1995) will retain the compulsory retirement date applicable to him or to her in the former office. The President may resign his or her office at any time by notice in writing to the Lord Chancellor.
9. The Lord Chancellor may revoke the President's appointment if satisfied that the President is incapacitated by infirmity of mind or body from discharging the duties of his office, or the President is adjudged to be bankrupt or makes a composition or arrangement with his creditors. Any such removal requires the concurrence of the Lord Chief Justice.
10. **Location:** Although the President may base himself/herself in any of the Tribunals Service's Centres, a significant number of meetings etc, will take place in London and the successful candidate may also be expected to travel to Tribunal venues throughout England & Wales.
11. **Travelling etc allowances:** Travelling expenses and in certain circumstances night subsistence may be payable in connection with sittings, attendance at training courses, etc. Details of the rules governing the payment of these allowances will be supplied by the Tribunals Service. The rules governing and rate of these allowances may change from time to time, and any such changes will be notified. HM Revenue and Customs tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.
12. **Cost of taking up appointment:** No assistance is available from public funds towards any costs incurred (e.g. through a move of house) on appointment as a salaried President. Exceptionally, however, a serving judicial office-holder is entitled to relocation expenses if, as a result of that appointment, removal of home becomes necessary.
13. **Outside activities and interests:** The President should not in any capacity engage in any activity which might undermine, or be reasonably thought to undermine, his or her judicial independence or impartiality. He or she must expect to forgo any kind of political activity and be on their guard against circumstances arising in which their involvement in any outside activity might be seen to cast doubt on their judicial impartiality or conflict with their judicial office. A person holding a commercial company directorship is expected to relinquish this on appointment to salaried judicial office. The President is also expected to submit his or her resignation to the Lord Chancellor in the event of a nomination or adoption as a prospective candidate for election to Parliament, or to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly or the European Parliament.
14. **Freemasonry:** Following the Government's response to the Report of the House of Commons Select Committee on Freemasonry in the Police and the Judiciary, anyone being appointed for the first time to a judicial office is asked as a condition of

appointment whether they belong to the Freemasons and, if not, that they notify the Lord Chancellor in the event that they subsequently join them. Judicial post holders must expect that this information may be included in the public register.

15. **Maternity, Paternity and Adoption Leave:** Judicial office holders are entitled to maternity, paternity and adoption leave. Details of the operation of these entitlements will be provided to office holders as appropriate.
16. **Advice:** Judicial office holders are welcome to consult the Ministry of Justice or the Tribunals Judicial Office (as appropriate) on any matters relating to judicial office. Judicial media enquiries should be directed to the Lord Chief Justice's Judicial Communications Office on 020 7947 6438.

Ministry of Justice
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