

## **CONDITIONS OF APPOINTMENT AND TERMS OF SERVICE**

### **Deputy High Court Judges appointed under section 9(4) Senior Courts Act 1981**

#### **(Single non-renewable fixed term appointment)**

### **INTRODUCTION**

1. This document sets out the terms and conditions of your appointment as a Deputy High Court Judge (DHCJ) on the New Route to the High Court Pilot Scheme.
2. Section 9(4) of the Senior Courts Act 1981 provides for the appointment of Deputy High Court Judges by the Crown on the recommendation of the Lord Chief Justice in consultation with the Lord Chancellor.
3. Appointments are subject to:
  - a) Current terms and conditions which are set out in this document, or in any letters of appointment, and
  - b) Judicial policies and procedures applicable to your appointment.
4. The Lord Chancellor may make changes to your terms and conditions of appointment. You will be given notice in writing of any changes and when they will take effect.

### **DUTIES AND RESPONSIBILITIES**

5. You are appointed as a Deputy High Court judge and are required to undertake the duties as set out in your job description on appointment. The Lord Chief Justice may require you to carry out any other reasonable duties as and when required. Any changes will be discussed with you and you will be notified in writing.

### **RESPONSIBILITIES OF THE LORD CHIEF JUSTICE**

6. The Lord Chief Justice, as President of the Courts of England and Wales and the Head of the Judiciary, has responsibility for a number of issues including the

allocation of work within the courts, the deployment of judges, their well-being and training and the provision of general advice and direction.

7. The Heads of Division, the Senior Presiding Judge, Presiding Judges, Family Division Liaison Judges, and Supervising Chancery Judges, are appointed as leadership judges to assist the Lord Chief Justice in discharging these duties.
8. They are supported by Her Majesty's Courts and Tribunals Service (HMCTS) staff. On occasion the Lord Chief Justice (either personally or through the delegated authority given to the Judges appointed to the posts mentioned above) may issue instructions and guidance on matters falling under his/ her remit as he/ she considers appropriate.
9. You are required:
  - a. to comply with any guidance or instructions issued by, or on behalf of, the Lord Chief Justice;
  - b. to follow the deployment directions of the leadership judges appointed to posts specified in the above paragraph;
  - c. to assist the Senior Judiciary, and the leadership judges, to ensure the effective and efficient delivery of justice.

## **FEES**

10. Your appointment is non-salaried. You will receive a fee for day(s) you have sat and for those days you attend training (see paragraphs 26 to 29). The fee you receive is subject to tax and National Insurance deductions.
11. If you are a Crown servant in receipt of a salary you will not normally receive additional remuneration for your fee-paid appointment.

## **PENSIONS**

12. It should be noted that successful candidates will have the option of joining either a final salary judicial pension scheme, non-registered for tax purposes, or a career average judicial pension scheme which is registered for tax purposes. Which scheme is applicable is determined by eligibility criteria and further

details will be provided to individual candidates shortly after offer letters are issued.

### **SICK PAY/ ABSENCE**

13. You are entitled to claim sick pay when you are unwell and cancel pre-booked days including training days. This is unless the pre-booked day would have been cancelled by HMCTS for any other reason without payment of a cancellation fee.

### **TRAVEL AND SUBSISTENCE**

14. In certain circumstances, travelling expenses and night subsistence allowances may be payable in connection with sittings, attendance at training courses and other judicial duties. Further information on travel and subsistence is available from your local office or business area.

### **MATERNITY, PATERNITY, PARENTAL AND ADOPTION LEAVE**

15. You are entitled to maternity, paternity, parental and adoption leave. Details of the operation of these entitlements can be obtained from the Ministry of Justice website.

### **APPRAISAL & MENTORING**

16. Your appointment requires performance consistent with the high standards expected of judicial office holders. The Lord Chancellor and Lord Chief Justice expect all office holders to comply with, and participate in, any appraisal and mentoring schemes, established by the Lord Chief Justice.

### **CONFLICT OF INTEREST, GRIEVANCE, CONDUCT AND DISCIPLINE**

17. You must not sit in a judicial capacity in any circumstances which would lead an objective onlooker with knowledge of all the material facts to reasonably suspect that you might be biased.

18. You must notify your leadership judge at the earliest opportunity if you are aware of any matters relating to:
- a) Conduct which may affect your position or may reflect on the standing and reputation of yourself and the judiciary at large.
  - b) Disciplinary matters that are governed by regulations and conduct rules made under sections 115 and 117 of the Constitutional Reform Act 2005.
  - c) A grievance; details of the relevant procedure can be obtained from the Judicial Office.
19. The Lord Chief Justice expects you to comply with: a) the Lord Chancellor's policy entitled "Lord Chancellor's Policy on Judicial Conflicts of Interest, Conduct and Discipline"; and b) the Lord Chief Justice's "Guide to Judicial Conduct" which can be obtained from the Judicial Office website.

### **LOCATION/PLACE OF WORK**

20. Deputy High Court Judges may be invited to sit anywhere in England and Wales. Therefore, although most sittings will be at the Royal Courts of Justice, all deputy High Court Judges should be prepared to sit on Circuit, if invited.

### **HOURS OF WORK**

21. You are required to work such hours as are reasonably necessary to complete your duties, which will be communicated to you by leadership judges and HMCTS on their behalf.

### **SITTINGS**

22. You will usually be required to make yourself available for 30 sitting days a year. This figure may vary in accordance with business needs and change from time to time. Minimum and maximum numbers of sitting days will be reviewed at least annually and will be notified to you where they vary from this expectation.
23. HMCTS will use its best endeavours to allocate sittings equally but cannot guarantee a set number of days in any year.

24. Once a Deputy High Court Judge has agreed his or her sitting dates with the Royal Courts of Justice, it should be exceptional for them to withdraw from their engagement and they will be expected to keep these dates free of other commitments. If there should be any unexpected clash between planned judicial sittings and a professional engagement, a Deputy High Court Judge should refuse the latter provided they can do so without prejudicing the interests of their lay clients. If this is impossible, the professional commitment will have to take priority, but as much notice as possible should be given to HMCTS to improve the chances of a replacement being found.
25. A Deputy High Court Judge who also holds a salaried judicial office will be required to notify their regional office/secretariat and court of the dates they will be sitting as a Deputy High Court Judge to ensure there is no conflict. The Lord Chancellor and Lord Chief Justice will expect you to give priority to the duties of the salaried office.

## **TRAINING**

26. You are required to undertake such programmes of induction training and continuing education as the Lord Chief Justice or the Judicial College may from time to time prescribe.
27. If without good reason you fail to do so the Lord Chief Justice may take disciplinary action. This may include suspension from sitting, removal from office or a complaint to the Judicial Conduct and Investigations Office.
28. You will receive a full day's fee for each day of training.
29. Further information on judicial training can be obtained from the Judicial College via its Learning Management System (LMS). You will first need to register on the Judicial Intranet, if you have not already, at the following link:  
<https://intranet.judiciary.gov.uk/login/>

## **ANNUAL LEAVE AND PUBLIC HOLIDAYS**

30. Your fees are calculated by dividing the salary for the equivalent full-time office

(High Court Judge) by 210. The effect of this divisor is that a pro-rata allowance for annual leave and public and privilege holidays is incorporated into the daily fee.

### **DURATION OF APPOINTMENT**

31. Because of the unique nature of this appointment and the expectation that you will be in a position to apply for a salaried High Court Judge role within a reasonable time you are appointed for a single four-year fixed term. You will be free to apply for a further competition at the end of the period.
32. You may choose to end your appointment by resignation or retirement at any time, provided you have given the specified notice periods in paragraph 34 to 35 of these terms and conditions.

### **RETIREMENT AGE AND NOTIFICATION OF INTENTION TO RETIRE OR RESIGN**

33. Your appointment will end on the day you reach the age of 70 or when the appointment ends whichever is sooner. The Lord Chancellor will only extend the appointment of a Deputy High Court Judge in exceptional circumstances.
34. If you intend to retire before reaching the age of 70, you are required to provide 6 months notice.
35. It is open to you to tender your resignation from office at any time during your tenure. You are required to provide 6 months notice.
36. Without prejudice to any other consequence, if you fail to provide the necessary notice your pension arrangements may be delayed.

### **REMOVAL FROM OFFICE**

37. The Lord Chancellor may terminate your appointment and remove you from your office on the following grounds:
  - a. incapacity;

b. inappropriate conduct; including

- failure to comply with training and appraisal requirements;
- failure to comply with sitting requirements (without good reason);  
and
- failure to observe the standards reasonably expected from a holder of such office.

38. All decisions to remove are taken by the Lord Chancellor with the agreement of the Lord Chief Justice.

Ministry of Justice

November 2016