

Judiciary  
of Scotland



# Employment Judge (Scotland)





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# A foreword from the President

## Judge Walker



The work of the Employment Tribunals in Scotland is diverse and rewarding. Judicial office holders make decisions that have a significant impact on individuals and the wider public.

To be an Employment Judge is a fascinating and intellectually challenging role. No two days are the same. A range of inter-personal skills are required to ensure that parties receive a fair hearing and, equally importantly that they believe that they have had a fair hearing.

Employment Tribunals, like the Courts, are subject to the rule of law. Those who sit as judges of the Tribunals are independent judicial office holders, with all the privileges and responsibilities that entails. Decision-making must be impartial, rational, and accurate. Everyone involved in the operation of the Tribunals has a duty to act ethically and uphold standards of conduct that promote the rule of law.

An exciting opportunity has arisen for those interested in securing a position as an Employment Judge in Scotland. In the first instance, the opportunity is for a salaried judge based in Dundee and for five fee-paid judges. However, a reserve list will be created for further opportunities that arise in the next 2 years. across Scotland. If you are interested in becoming an Employment Judge in that period, it is vital that you apply now.

Whether you are appointed as a salaried or a fee-paid Employment Judge , you will join an exceptionally collegiate group of dedicated professionals who strive to provide access to justice for the wide range of parties who appear before us. They will all be delighted to offer you support and advice as you adjust to this important new role.

It is a real privilege to hold the office of President of Employment Tribunals (Scotland) and to witness the skill and dedication of our Employment Judges. I hope that you will consider applying for this important and rewarding position..

# Employment Tribunals

Employment Tribunals are specialist judicial bodies responsible for delivering workplace justice across Great Britain.

They are the primary forum for resolving disputes between workers and employers, ranging from claims of unfair dismissal and discrimination to matters involving whistleblowing and breach of contract.

As part of the wider judicial system, Employment Tribunals play a vital role in upholding the rule of law in the workplace. They are one of the largest tribunals within the wider tribunal system and deal with a high volume of cases that have a significant impact on individuals, employers, and the wider public.

There are two distinct jurisdictions for Employment Tribunals in Great Britain:

England and Wales

Scotland

Each jurisdiction has its own independent judiciary and is led by a senior judge, known by the statutory title of **President of Employment Tribunals**. While the jurisdictions operate separately, they share a common set of procedural rules – the Employment Tribunals Rules of Procedure. They also occasionally issue joint guidance and directions, which are available publicly online.

This dual structure reflects the legal and constitutional differences within Great Britain, while also ensuring consistency and fairness in how workplace justice is administered.



# Vacancies

- **There is one vacancy for a salaried Employment Judge, who will be based in Dundee.** Employment Judges in Scotland are required to sit in other places throughout Scotland, as dictated by the needs of the service. This may involve being away from home overnight on occasion.
- Consideration will be given to a salaried Employment Judge being performed on a part time basis (with a minimum of 50% of working time) provided the full-time equivalent post can be filled. The final working pattern will require to be discussed and agreed between the successful applicants and the President of Employment Tribunals (Scotland) prior to confirmation of appointment.
- **There are also five fee-paid Employment Judges positions.** You will be required to sit anywhere throughout Scotland, as dictated by the needs of the service.
- In addition to filling the vacant posts, it is also intended that a reserve list, held for two years, will be created from which future Employment Judges in Scotland will be appointed, should any vacancies arise in Scotland. There will be a separate reserve list for salaried and fee-paid appointments - candidates should make it clear, when applying, if they wish to be added to either or both reserve list.

## Sitting Requirements

- The sitting requirement of a salaried Employment Judge is a constant requirement having regard to the needs of the tribunal system. Employment Judges are expected to sit most days although certain days by arrangement are designated “writing” days or days dedicated to interlocutory/case management work.
- Fee-paid Employment Judges are expected to offer at least 20 days per annum for sitting. However, many booked days are cancelled at short notice because of last minute postponements and settlements. There is no guaranteed minimum number of sitting days for a fee-paid Employment Judge. How many days each fee-paid Employment Judge sits is subject to demand and individual availability. Some fee-paid judges may sit more than 20 days.

# Eligibility

- To be eligible for appointment to the office of Employment Judge sitting in Scotland an applicant must be a person who comes within the provisions of regulation 8 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, namely:-
  - **Advocate or solicitor** admitted in Scotland with **at least 5 years' standing**;
  - A person satisfying the **judicial-appointment eligibility condition** under the **Tribunals, Courts and Enforcement Act 2007** (5-year basis); or
  - A **member of the Bar of Northern Ireland** or **solicitor of the Supreme Court of Northern Ireland**, also with **at least 5 years' standing**
- Appointments are made by the Lord President of the Court of Session under regulation 8(2)(a) of the above Regulations
- As well as the mandatory statutory qualifications, applicants are also required to demonstrate expertise in employment law and practice.

# Job Description

## Case Management

A salaried Employment Judge spends a significant proportion of time in case management activities (fee-paid Judges do less work of this type).

Some case management activities are undertaken on paper (sometimes referred to as interlocutory work) but in recent years the management of cases has been increasingly undertaken at Preliminary Hearings (Case Management) (hereafter Case Management PH) usually conducted by video although they may be listed to take place face to face with parties.

The key objectives at a Case Management PH include identifying the nature of the claims that are being made and the issues which arise in the case as well as taking any steps necessary to ensure that the case is properly prepared for judicial determination within a reasonable period. That process requires the exercise of a high level of judicial skill, particularly since one or more of the parties involved may be unrepresented.

Whether by means of a Case Management PH or by correspondence additional case management tasks may include the following:

- Taking steps to ensure that a list of issues is prepared for a complex hearing;
- Instigating or considering requests for tribunal orders designed to lead to greater specification of claims or responses;
- Instigating or considering requests for production of documents;
- Dealing with requests for witness orders;
- Giving directions for the future conduct of cases;
- Preparing time estimates for hearings;
- Granting extensions of time where appropriate;
- Instigating or considering requests for amendment of claims or responses;
- Identifying the correct parties to proceedings and considering requests for additional parties to be added;
- Considering applications to strike-out claims or responses;
- Deciding whether sample or test cases are appropriate and whether proceedings should be sisted;
- Deciding requests for postponements and adjournments;
- Liaising with legal officers; and
- Offering advice to the administrative staff of the Tribunals on correspondence generally.

### Preparing for and presiding over hearings

- Reading and assimilating the pleadings and all other relevant papers in a case with a view to identifying the key factual matters which will require to be established and the relevant law to be applied. These documents will usually be accessed digitally;
- Where sitting with non-legal members , discussing and agreeing on the factual and legal questions likely to arise during the adjudicative process;
- Controlling (in accordance with the relevant law and practice) the manner in which hearings are conducted;
- Ensuring that all parties are provided with the opportunity to present their case and have it considered as fairly as possible. Parties may be represented by a wide variety of representatives, including solicitors, advocates, Citizen's Advice Bureau representatives, law students, Human Resource Managers, Trades Union officials and employment consultants; or they may be unrepresented;
- Promoting in each case the most expeditious dispatch of business compatible with the interests of justice;
- Maintaining the authority and dignity of the Tribunal;
- Taking a full and accurate note of the evidence;
- Deciding issues of law and procedure which may arise during a case;
- Dealing with any requests for information or clarification from non-legal members to assist them to carry out their function;
- Taking such steps as are necessary to ensure that parties are on a "equal footing" in accordance with the overriding objective of the Employment Tribunal (Rule 3 of the Employment Tribunal Procedure Rules 2024);
- Treating parties and witnesses with courtesy and respect while exerting appropriate control over the conduct of the proceedings.

### Determination of claims with, if applicable, non-legal members

- Determining claims by finding facts from the evidence presented, and applying the relevant law to the facts found;
- Assessing and making Tribunal awards;
- Giving, where appropriate, an oral judgment and reasons and/or preparing a written judgment with reasons;

### Other hearing related work

- Reconsidering (and, if appropriate, revoking or varying) previous judgments under Rules 68 - 71 of Employment Tribunal Procedure Rules 2024.
- Producing written Notes of Evidence if requested by the Employment Appeal Tribunal or answering questions posed by that Tribunal.



# Judicial Functions

## Summary of Tribunal Panel Structure:

Employment Tribunals may sit as a three-member panel or as an Employment Judge sitting alone. Panel composition will be decided by an Employment Judge for each hearing in accordance with the [Senior President of Tribunal's Practice Direction](#) and the [Joint Presidential Guidance on Panel Composition](#).

Three-Member Panels are presided over by an Employment Judge who sits with two non-legal members drawn from:

- A panel of individuals with employee-side experience or representation, and
- A panel of individuals with employer-side experience or representation.

Both non-legal panel members are appointed by the Lord Chancellor, after consultation with relevant organisations or associations.

This structure combines legal expertise with practical workplace insight from both employee and employer contexts.

While Employment Judges share some characteristics with the work of a Sheriff (such as adjudication and management of proceedings), the ethos and procedural approach in Employment Tribunals is more flexible and inquisitorial, particularly in certain contexts.

Employment Judges, like Sheriffs, are responsible for:

- Applying the law impartially.
- Making appropriate case management orders
- Managing hearings.
- Making reasoned decisions.

The Employment Tribunal (whether sitting as an Employment Judge alone or as a three-member panel) may take a more active role in questioning witnesses or clarifying evidence — particularly where:

- One or both parties are unrepresented.
- The facts are unclear or complex.

The degree of inquisitorial approach varies depending on:

- The level of representation.
- The complexity of the case.
- The need to ensure fairness and balance.

## Representation:

Parties are not required to have legal representation. Hearings often feature a wide spectrum of representation, such as:

- A party represented by a King's Counsel and instructing solicitor.
- The opposing party self-represented or assisted by a friend or relative.

This disparity can significantly affect the dynamics of a hearing.

Parties, and their representatives, are required to assist the Tribunal in achieving its overriding objective, which is to deal with cases "fairly and justly". Rule 3 of the Employment Tribunals Procedure Rules states that:- "dealing with a case fairly and justly includes, so far as practicable -

- (a) ensuring that the parties are on an equal footing;
- (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues;
- (c) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (d) avoiding delay, so far as compatible with proper consideration of the issues, and;
- (e) saving expense."

Employment Judges are required to give effect to the overriding objective in carrying out their duties.

# Jurisdictions and appeals

## Statutory Basis

All Employment Tribunal jurisdiction is conferred by statute – there is no inherent jurisdiction.

This places a premium on accurate statutory interpretation, procedural compliance, and staying current with legislative developments.

## Common Claim Types

Unfair dismissal remains the most frequent claim.

Employment Judges will also deal with:

- Discrimination claims (race, sex, disability, age, religion, sexual orientation, etc.)
- Equal pay (including complex gender-based pay discrimination)
- Whistleblowing (claims of detriment or dismissal for making protected disclosures)

These cases often involve:

- Complex legal tests (e.g. burden shifting, comparators, proportionality)
- Emotionally charged facts and vulnerable parties
- Managing large amounts of documentary and witness evidence

## Miscellaneous Jurisdictions

- Breach of contract claims (within specific limits) – where jurisdiction is shared with the Sheriff Court
- Working time, redundancy and TUPE
- Appeals against statutory enforcement notices issued in connection with matters such as health and safety and the National Minimum Wage

## Judicial Mediation

Employment Tribunals (Scotland) offers judicial mediation as a form of alternative dispute resolution. Salaried Employment Judges will be offered training to become judicial mediators.

## Appeals Process

- Appeals from the Employment Tribunal can only be taken on a point of law — not on the facts or merits.
- First appeal to the Employment Appeal Tribunal (EAT).
- Then to the Inner House of the Court of Session.
- Finally (with permission), to the Supreme Court.

## Implications

- Employment Judges must produce clear, legally sound written reasons including proper recording of findings of fact and law
- Understanding appellate standards is essential — especially in discrimination or whistleblowing decisions, where appeals are more likely

# Judgments

Judgment and reasons can be delivered orally at the end of the hearing. In this case:

- A written judgment must be sent to the parties.
- Written reasons are only required if requested by one or both parties.

Alternatively, the judgment and reasons may be reserved and provided in writing after the hearing. This is more likely where:

- The issues are complex
- The hearing was lengthy
- The legal analysis is substantial or nuanced

In such cases: a written judgment and reasons should be issued within 27 days of the hearing ending — unless good reason exists for delay.

## What This Means in Practice

Employment Judges must be:

- **Strong legal writers:** Able to distil complex facts and law into clear, structured, and reasoned judgments.
- **Efficient and disciplined:** Capable of meeting strict post-hearing deadlines.
- **Focused on clarity:** Because many parties are unrepresented, reasons must be **accessible** and **non-technical** while remaining **legally robust**.
- **Skilled in fact-finding:** Clear and explicit findings of fact are essential — especially since appeals are only possible on **points of law**.



# Assessment Process

Candidates for the role of Employment Judge will go through a holistic application process which tests the level of skill, experience and professionalism required to perform the duties of the office. The principles of fair and open competition will apply and recommendation for appointment will be made solely on merit.

[The Judicial Skills and Abilities Framework](#) sets out the skills and abilities required of aspiring judicial office holders. The framework (also known as the criteria) can be found on the next page.

## Process Steps

- 1) Complete an [online application](#).
- 2) Each applicant will be assessed against the framework (criteria).
- 3) All applications will be considered by a panel constituted by the Lord President.
- 4) The panel will shortlist candidates based on how well they meet the framework (criteria).
- 5) Only shortlisted candidates will be invited to interview.
- 6) Interviews are scheduled to take place in Glasgow, during the week of 15 December 2025. Reimbursement for travel expenses will not be paid.
- 7) You will be asked to undertake a practical exercise and asked a range of scenario and competency questions.

# Criteria

Legal and judicial skills	Communication skills and personal qualities	Effective working
<ul style="list-style-type: none"> <li>• Possesses intellectual ability and analytical skills to the standard required for the role.</li> </ul>	<ul style="list-style-type: none"> <li>• Shows effective active listening skills, seeking to understand a party's case without prejudgement and with courtesy, sensitivity and appropriate patience.</li> </ul>	<ul style="list-style-type: none"> <li>• Is diligent and efficient, prioritising tasks appropriately and reaching timely decisions.</li> </ul>
<ul style="list-style-type: none"> <li>• Demonstrates legal skills and knowledge to the standard required for the role.</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates clear oral and written communication skills, in language appropriate for the forum and the particular circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>• Team work: has a collegiate approach; builds effective working relationships with colleagues taking full account of the Statement of Expected Behaviour.</li> </ul>
<ul style="list-style-type: none"> <li>• Is able and willing to invest time in developing and maintaining skills and knowledge as appropriate for the role.</li> </ul>	<ul style="list-style-type: none"> <li>• Adopts an appropriately authoritative approach that:               <ul style="list-style-type: none"> <li>o inspires respect and confidence;</li> <li>o ensures both fairness, allowing proper participation by the parties, and an appropriate and efficient use of judicial resources.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Takes an inclusive approach to those with differences from themselves.</li> </ul>
<ul style="list-style-type: none"> <li>• Shows flexibility of approach: can apply skills and knowledge in unfamiliar or developing areas, as appropriate for the role.</li> </ul>	<ul style="list-style-type: none"> <li>• Adheres to the Bangalore Principles of independence, impartiality, integrity, propriety and equality of treatment, appreciating the importance of high standards of conduct and of maintaining public trust in the judiciary.</li> </ul>	<ul style="list-style-type: none"> <li>• Is able and willing to challenge inappropriate behaviour by others.</li> </ul>
<ul style="list-style-type: none"> <li>• Clearly understands what is required for a fair hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• Possesses sufficient resilience for the role and an ability to remain calm in challenging situations.</li> </ul>	<ul style="list-style-type: none"> <li>• Uses or can develop digital skills to the requisite standard.</li> </ul>
<ul style="list-style-type: none"> <li>• Assimilates and organises pertinent information quickly.</li> </ul>	<ul style="list-style-type: none"> <li>• Has a practical, common-sense approach to problem-solving.</li> </ul>	
<ul style="list-style-type: none"> <li>• Identifies with clarity relevant issues of fact and law for decision.</li> </ul>	<ul style="list-style-type: none"> <li>• Shows open-mindedness and self-awareness.</li> </ul>	
<ul style="list-style-type: none"> <li>• Reaches clearly reasoned, logical and concise decisions that weigh up relevant considerations</li> </ul>		
<ul style="list-style-type: none"> <li>• Demonstrates sound judgement and an appropriate level of decisiveness.</li> </ul>		

# Remuneration & Benefits

- Employment Judges are in Salary Group 7. The current annual salary for salaried Employment Judges is £139,469. The post is pensionable. Provision of pension benefits is determined under the provisions of the [Judicial Pension Scheme 2022](#).
- Salaried Employment Judges are entitled to six weeks paid annual leave per annum and public holidays, as notified each year.
- Fee-paid Employment Judges are paid a daily fee. The current daily fee is £633.96, which includes a rolled-up holiday pay comprising of 15.38% of the daily fee. Fee-paid posts are pensionable.
- The current retirement age for an Employment Judge is 75.

## Prohibition on Practice and other restrictions

- A salaried Employment Judge is not able to practice as a Solicitor or Advocate/Barrister or to be indirectly concerned in any such practice. Furthermore, a salaried Employment Judge is not able to be a member of a political party and must give up any such membership on appointment.
- Fee-paid Employment Judges may continue in practice but they may not appear in an Employment Tribunal in Scotland nor in the Employment Appeal Tribunal in Edinburgh.
- Those appointed are subject to the guidance contained in the “Guide to Judicial Conduct” available at: [Guide to Judicial Conduct](#)

# Induction, Training & Support

Measures are in place during the early stages of a new Employment Judge's appointment. They are intended to provide support and reassurance to any new appointees and to accord with best international practice.

- 4 days of compulsory induction training will take place in Glasgow the week commencing 16 March 2026. It is essential that applicants are available for these dates. As expertise in employment law is an essential requirement for appointment, this training mainly focuses on developing judicial skills such as dealing with party litigants, bias and recusal, case management and judgment writing. There will be opportunities to practice these skills in role play exercises.
- A further 2 days of induction training is provided by the Judicial College. This training is residential and will take place at a venue in England. Topics include ethics, assessment of credibility and courtroom dynamics.
- There is additional training required before a Judge is "ticketed" to hear equal pay claims or to undertake judicial mediation.
- There are 3 days of annual continuation training ( post-induction) for all Employment Judges, 2 days of which are currently residential.
- New employment judges are supported by a mentor who is a trained and experienced Employment Judge. The President and Vice-President are also available to provide advice, particularly in respect of judgment writing.
- Employment Tribunals (Scotland) operates a Professional Review Scheme. This ensures that the judicial skills and abilities continue to be demonstrated by Employment Judges but is also an important way in which Employment Judges are supported and helped to develop. New Employment Judges will usually be reviewed by the Vice-President after about a year of sitting . Thereafter, the review takes place every three years and is a process of peer review.





Judicial Office for Scotland  
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