

2022 UK Judicial Attitude Survey: Scotland

	page
Executive summary	1
Part 1: UK Judicial Attitude Survey	5
1 UK Judicial Attitude Survey	5
<i>The survey</i>	5
<i>The contents of the JAS</i>	6
<i>Response rates</i>	6
<i>How the results are presented</i>	7
Part 2: UK JAS trends 2014-2022 (Scotland)	8
2 Main trends for the salaried judiciary from 2014 to 2022	8
<i>Role perception trends</i>	8
<i>Job satisfaction trends</i>	8
<i>Working conditions trends</i>	9
<i>IT resources trends</i>	10
<i>Trends in personal security concerns</i>	10
<i>Training trends</i>	11
<i>Salary and pension trends</i>	12
<i>Trends in intentions to leave the salaried judiciary early</i>	13
<i>Trends in being respected and valued</i>	14
Part 3: 2022 JAS results Scotland (salaried and fee-paid judiciary)	15
3 Being a member of the judiciary	15
<i>Identity and belonging</i>	15
<i>Contribution to society</i>	15
<i>Societal respect for judges</i>	16
<i>Feeling valued</i>	17
4 Working conditions	18
<i>Working conditions compared with 2 years ago</i>	18
<i>Salaried judges' workload</i>	19
<i>Assessment of specific working conditions</i>	20
<i>Importance of different working conditions (fee-paid)</i>	24
<i>Importance of different working conditions (salaried)</i>	24

5	Welfare, inclusion and respect	25
	<i>Respect</i>	25
	<i>Inclusion and information provided (fee-paid)</i>	25
	<i>Feeling welcome (fee-paid)</i>	26
	<i>Personal safety</i>	27
	<i>Welfare support</i>	27
6	Bullying, harassment and discrimination	28
	<i>Experience of bullying, harassment and discrimination</i>	28
	<i>Sources of bullying, harassment and discrimination</i>	29
	<i>Reporting of bullying, harassment and discrimination</i>	30
7	Salary, pay and pensions	31
	<i>Salary and pension (salaried)</i>	31
	<i>Earnings prior to salaried appointment (salaried)</i>	35
	<i>Pay and pension (fee-paid)</i>	36
	<i>Concerns over income (fee-paid)</i>	37
	<i>Earnings from non-judicial work (fee-paid)</i>	37
	<i>Daily sitting fee</i>	38
8	Digital working	39
	<i>Views on working digitally</i>	39
	<i>Assessment of IT resources</i>	40
	<i>Technical support</i>	41
	<i>IT for working remotely</i>	43
	<i>Impact of remote hearings</i>	44
9	Job satisfaction & training	46
	<i>Satisfaction with aspects of the judicial role</i>	46
	<i>Importance of different opportunities (salaried)</i>	46
	<i>Importance of different opportunities (fee-paid)</i>	47
	<i>Satisfaction with training</i>	47
	<i>Impact of training in last 2 years</i>	49
10	Change and communications	50
	<i>Views about change in the judiciary</i>	50
	<i>Handling change</i>	50
	<i>Information received about change</i>	51
	<i>Information received about the judicial role</i>	52
11	Joining and leaving the judiciary	53
	<i>Joining the salaried judiciary(salaried)</i>	53
	<i>Applying to the salaried judiciary (fee-paid)</i>	54
	<i>Joining the fee-paid judiciary</i>	56
	<i>Leaving the judiciary early(salaried)</i>	57
	<i>Factors prompting early departure (salaried)</i>	58
	<i>Factors encouraging judges to remain (salaried)</i>	58

12 Leadership and leadership judges (salaried judges)	60
<i>Holding leadership roles and responsibilities</i>	60
<i>Willingness to take on a leadership role</i>	61
<i>Allocation of leadership roles</i>	61
<i>Leadership judges</i>	62
13 Survey respondents and demographic trends	63
<i>Gender</i>	63
<i>Ethnicity</i>	64
<i>Disability</i>	65
<i>Caring responsibilities</i>	65
<i>Education</i>	66
<i>Professional background</i>	67
<i>QC (now KC)</i>	67
<i>Age</i>	67
<i>Tenure in current post</i>	68
<i>Full and part-time status</i>	68
<i>Holding other judicial posts</i>	68
14 Views about the JAS	69
<i>Length of survey</i>	69
<i>Completion time</i>	69
Appendix A: 2022 UK Judicial Attitude Survey Salaried (Scotland)	70
Appendix B: 2022 UK Judicial Attitude Survey Fee-paid (Scotland)	87

Executive Summary

The UK Judicial Attitude Survey (JAS)

- The UK Judicial Attitude Survey (JAS) is the only known continuous survey of the working lives of judges anywhere in the world. It is conducted by the UCL Judicial Institute on behalf of the Lord President of Scotland, Lord Chief Justice of England and Wales, Lady Chief Justice of Northern Ireland and the Senior President of Tribunals.
- The Senior Salaries Review Body (SSRB) regards the regular running of the JAS as essential, calling it “a comprehensive evidence base from which to draw conclusions about judicial motivation and morale ... and a base from which to measure change against in future”.
- This is the fourth running of the JAS, preceded by earlier surveys in 2020, 2016 and 2014. The earlier surveys covered the salaried judiciary, and in 2022 the JAS was extended to include all fee-paid judges for the first time.
- In 2022, the response rate to the survey in Scotland was 83% for the salaried judges and 41% for the fee-paid judiciary.

Key trends from 2014-2022 for salaried judges in Scotland

- From 2014 to 2022, salaried judges have consistently said they feel a strong personal attachment to being a member of the judiciary and feel they provide an important service to society. Salaried judges in Scotland are increasingly satisfied with the challenge of the job, the variety of work they have and the sense of achievement they have in their job.
- Since 2014, there has been a substantial fall in the proportion of salaried judges saying working conditions are “worse” than they were in previous years. The one working condition consistently rated the highest by salaried judges from 2014-2022 has been their personal work space. Salaried judges’ internet access at court and the quality of their personal IT equipment has also increased since 2014.
- The working conditions consistently rated the lowest by salaried judges from 2014-2022 have been the morale of court staff and court security. From 2020 to 2022, the proportions of judges rating the morale of court staff, court security, the amount of administrative support and the physical quality of court buildings as excellent or good have all fallen.
- Since 2016 salaried judges have reported fewer concerns about their personal safety in court, out of court and on social media.
- Judges’ satisfaction with the range and quality of training has fallen from 2014 to 2022.
- From 2016 to 2020 there was a substantial fall in judges who said they had a loss of net earnings in the previous 2 years; but in 2022 there was an increase in judges who had a loss of net earnings. From 2014 to 2020 an increasing proportion of salaried judges said they are paid a reasonable salary for the work they do, but this fell back slightly in 2022.
- Salaried judges who said their morale or the morale of judges they work with was affected by the judicial salary issue fell from 2016 to 2022.
- From 2014 to 2022 there has been an increase in the proportion of salaried judges saying they are considering leaving the judiciary early.
- From 2020 to 2022, salaried judges consistently reported feeling most valued by judicial colleagues at court, court staff, the legal profession and parties that appear before them; a majority said they felt valued by the public and senior leadership in the judiciary; hardly any salaried judges said they felt valued by the media or the UK government.

Results of the 2022 JAS Scotland (for both the salaried and fee-paid judiciary)

Being a member of the judiciary

- Almost all judges in Scotland said they feel a strong personal attachment to being a member of the judiciary and feel they provide an important service to society, but salaried judges felt this attachment more strongly than fee-paid office holders.
- More salaried judges (55%) than fee-paid judicial office holders (35%) felt that members of the judiciary in 2022 were respected by society less than they were in 2020
- Only 17% of salaried judges and 17% of fee-paid office holders in Scotland felt valued by the UK government.

Working conditions

- Over half (59%) of salaried judges said that working conditions were worse in 2022 than they were in 2020, much more than fee-paid judicial office holders (38%).
- Fee-paid judicial office holders rated the amount and quality of administrative support, the morale of court staff, and the physical quality, maintenance and security of the buildings they work in higher than salaried judges.
- The most important working conditions for fee-paid judicial office holders were a flexible working pattern (86%), training opportunities (84%) and opportunities to sit more than the minimum number of days (85%).
- Almost every salaried judge said that the time to discuss work with colleagues (93%) and training (90%) were important working conditions for them, and three-quarters of salaried judges (77%) also said that support for dealing with stressful conditions at work was important.

Welfare, inclusion and respect

- Almost every judge, whether salaried or fee-paid, feels respected by their judicial colleagues at the court where they work, and a majority of salaried and fee-paid judges feel respected by their immediate leadership judge and senior leadership in the judiciary.
- Salaried judges expressed greater concerns for their personal safety as a result of their judicial work compared with fee-paid office holders.
- Salaried judges are much more familiar with the welfare support available to them than fee-paid judicial office holders.

Bullying, harassment and discrimination

- In the JAS 2022, judges were asked for the first time whether they had experienced bullying, harassment or discrimination in the last 2 years in their role as a judge. The overwhelming majority of both salaried judges (89%) and fee-paid judicial office holders (94%) said they had not experienced bullying, harassment or discrimination in their work as a judge in the last 2 years.
- Amongst those who had experienced bullying, harassment or discrimination in the last 2 years, this was more prevalent amongst salaried judges than fee-paid judicial office holders.
- Almost all judges that said they had experienced bullying, harassment or discrimination in the last 2 years did not report this: 84% of salaried judges and 73% of fee-paid judicial office holders said they did not report their experience.

Salary, pay and pensions

- Salaried judges are divided over whether they feel they are paid a reasonable salary for the work they do.
- Almost three-quarters of salaried judges (72%) said they had a loss of net earnings over the last 2 years.
- The largest proportion of salaried judges (40%) had earned more than their judicial salary prior to their appointment to the salaried judiciary.
- A majority of fee-paid judicial officeholders in Scotland feel they are paid a reasonable rate for a day's work (58%) and the amount of time required to do their work outside of sitting hours is reasonable (54%).
- A majority of fee-paid office holders (63%) do not rely heavily on expenses.
- Almost half (40%) of fee-paid judicial office holders do not do any non-judicial work. Of those that do, 29% earn more in their non-judicial work than their judicial daily rate, while 20% earn less than their judicial daily rate.

Digital working

- Just over half of salaried judges (54%) did not feel that the increase in remote hearings had been beneficial to their work, and a majority (53%) said they were finding the switch to working on screens challenging. In contrast, almost half (46%) of fee-paid judicial office holders felt remote hearings had been beneficial to their work and a majority (61%) said they did not find the switch to working on screens challenging.
- A majority of salaried judges (56%) said they did not find the change from paper to digital working more efficient for hearings, while 41% of fee-paid office holders said they did find the change from paper to digital work more efficient for hearings.
- Salaried judges were consistently more likely than fee-paid judicial office holders to feel that remote hearings had a negative effect across a range of aspects of hearings.
- For salaried judges, the largest perceived negative effect of remote hearings was on the interactions between parties (72%), quality of advocacy (66%), way parties behave during hearings (67%), ability of others to observe hearings (69%) and resolution of cases (58%).

Job satisfaction and training

- Most judges, whether salaried or fee-paid, are satisfied with the sense of achievement in their job, the variety of work and challenge of the job, although fee-paid office holders have higher levels of satisfaction than salaried judges in all three areas.
- The opportunities that are most important for salaried judges are to be able to use their legal knowledge and experience across a range of specialisms (87%) and to gain new skills and broaden their legal knowledge and range of work (83%).
- The most important opportunity for fee-paid office holders was to expand their knowledge of a specialist area of work (83%).
- Fee-paid judicial office holders have a higher level of satisfaction with the range of training courses available (62%) than salaried judges (51%), with 45% of salaried judges saying that the range of training courses could be better.

Change

- The one change in the judiciary that both salaried and fee-paid judges are most concerned about is the loss of respect for the judiciary by government (86% for salaried judges and 64% for fee-paid).

Joining and leaving the judiciary

Fee-paid judiciary

- Almost half of fee-paid judicial office holders either are not interested in applying for a salaried post (30%) or are too close to retirement to do so (15%), while a further 29% said that there were no salaried posts available.
- A majority of fee-paid judicial office holders said the reasons they would consider applying to become a salaried judge are pension, public service, challenge of the work, job security, salary, intellectual satisfaction and the chance to contribute to justice being done. The main reasons fee-paid judges would not consider applying for a salaried post are the lack of personal control over their working time, the judicial appointments process, isolation of the job and uncertainty over where they would be required to sit.
- The overwhelming majority of fee-paid judicial office holders said they would encourage suitable people to apply to join the fee-paid judiciary.

Salaried judiciary

- Senators of the Inner House (71%) had the largest proportion of judges that said they were considering leaving the judiciary early in the next 5 years.
- The factors most likely to prompt salaried judges to leave the judiciary early were a reduction in pension benefits (70%), limits on pay awards (68%), stressful working conditions (59%), increase in workload (59%) and further demands for out of hours working (55%).
- Two main factors would make salaried judges more likely to stay in post until compulsory retirement age: higher remuneration (83%) and appointment to a higher judicial post (53%).

Leadership

- The proportion of judges saying they do not think leadership roles are allocated fairly has continued to fall since 2014; this has resulted in an increase in the proportion of judges saying they do not know enough about how leadership roles are allocated to say whether or not it is done fairly (53%).
- A majority of salaried judges in Scotland said they receive good support from and are treated fairly by their immediate leadership judge, feel their leadership judge takes their opinions into account when making decisions that affect them, allocates cases fairly and takes responsibility for promoting diversity and inclusion at their court.

Part 1: The UK Judicial Attitude Survey

1.1 The survey

The UK Judicial Attitude Survey (JAS) is a longitudinal survey conducted with all serving judges in the UK. It is the only known continuous survey of the working lives of judges anywhere in the world.

The aim of the JAS is to assess the attitudes and experiences of serving judges in key areas including the experience of being a judge, morale, working conditions, welfare, remuneration, training and personal development, retention and leadership. The Senior Salaries Review Body (SSRB) regards the regular running of the JAS as essential, calling it “a comprehensive evidence base from which to draw conclusions about judicial motivation and morale ... and a base from which to measure change against in future”¹

This is the fourth running of the JAS, preceded by earlier Judicial Attitude Surveys in 2020², 2016³ and 2014⁴. In previous surveys the target group for the JAS was all serving *salaried* judges in Scotland, England and Wales, Northern Ireland and the UK non-devolved tribunals. In 2022 the JAS was expanded to include all *fee-paid* judicial office holders in both the courts and tribunals judiciary.

This report provides the findings for salaried judges and fee-paid judicial office holders in the Scottish courts judiciary and devolved tribunals judiciary⁵. Judges in Scotland make up 8% of all judges in the UK⁶. The report presents results by distinguishing between the views of salaried and fee-paid judges in Scotland.

Like its predecessors, the JAS 2022 was run as an online survey conducted by the Judicial Institute of University College London (UCL JI) via the web-based survey tool Opinio. The survey was led by Professor Cheryl Thomas KC, Co-Director of the UCL JI. A Working Group comprised of representatives from various judicial associations assisted Professor Thomas in the design of the 2022 questionnaire. Vanessa Cheung and Trisevgeni Papakonstantinou of the UCL Department of Experimental Psychology provided expert data analysis for the report.

The survey was voluntary and all participants remained completely anonymous. The survey ran from 14 June through the end of August 2022. All salaried and fee-paid judicial office holders in Scotland were invited to take part in the survey through the Judicial Hub and through communications from the Lord President and the Sheriffs’ and Summary Sheriffs’ Association inviting judges to contribute to the survey.

¹ 37th Annual Report on Senior Salaries, Senior Salaries Review Body (2015)

² 2020 UK Judicial Attitude Survey: Scotland, Cheryl Thomas (2021)

³ 2016 UK Judicial Attitude Survey: Scotland, Cheryl Thomas (2016)

⁴ 2014 Judicial Attitude Survey: Scotland, C. Thomas (2015)

⁵ Findings for the salaried and fee-paid judiciary in England & Wales and UK Tribunals and the salaried and fee-paid judiciary in Northern Ireland have been reported separately.

⁶ England & Wales courts judiciary and UK (non-devolved) tribunals judiciary comprise 86% of all judicial office holders in the UK; Northern Ireland judges comprise 6% of all judicial office holders in the UK.

1.2 The contents of the UK Judicial Attitude Survey (Scotland)

The survey included 47 questions on the salaried judiciary version of the survey and 41 questions in the fee-paid judiciary version of the survey, both of which covered the following general subject areas:

- working conditions
- judicial welfare
- bullying, harassment and discrimination
- salary and pensions
- digital working
- job satisfaction, opportunities and training
- change and communication within the judiciary
- future planning
- being a member of the judiciary
- joining the judiciary
- leadership

Many of the questions from the 2014, 2016 and 2020 JAS were repeated in the 2022 JAS, which has enabled an assessment to be made of how if at all judicial attitudes may have changed over this time period. This longitudinal analysis applies only to the salaried judiciary in Scotland as the 2014, 2016 and 2020 surveys were only run with the salaried judiciary. A few questions from the 2020 JAS were phrased differently to increase clarity following a review of the 2020 JAS, and several new questions were added to the 2022 JAS covering changes taking place within the judiciary since 2020, including the increase in remote hearings which has continued following the pandemic.

In addition, the survey covered a number of demographic questions covering:

- age
- disability
- ethnicity
- education
- gender
- caring responsibilities
- financial dependents
- professional background
- tenure in current post
- tenure in the judiciary

1.3 Response Rates

One of the main factors contributing to the value of the JAS is that, since its inception in 2014, the UK Judicial Attitude Survey has produced extremely high response rates. This continued in 2022. Amongst salaried judges in Scotland there was close to universal participation (83%) and a higher response rate than in the previous JAS in 2020. The importance of this high response rates lies in the ability of the JAS to authoritatively reflect the views of virtually all salaried judges in Scotland, producing a survey with an exceptionally high level of reliability.

Table 1.1: JAS Salaried Judges - response rates 2022 and 2020

Salaried Post	Total in post	Responses	2022 response rate	2020 response rate
Senators: Inner House	12	11	92%	60%
Senators: Outer House	24	21	88%	84%
Sheriffs Principal	5	5	100%	79%
Sheriffs	112	92	82%	79%
Summary Sheriffs	43	34	79%	82%
totals	196	163	83%	79%

It was anticipated that it would be more difficult to achieve the same extremely high response amongst fee-paid judicial office holders in the 2022 JAS, given the part-time nature of these judicial offices. The fee-paid JAS in Scotland had an overall response rate of 41% (Table 1.2). But the response rate varied considerably by post: almost all Part Time Sheriffs (90%) completed the survey, while it was completed by only 37% of Part Time Summary Sheriffs and 38% of Tribunal Members (the largest group of fee-paid judicial office holders).

Table 1.2: JAS Fee-Paid Judicial Office Holders – response rates 2022

Fee-paid Post	Total in post	Responses	Response rate
Part Time Sheriffs	39	35	90%
Part Time Summary Sheriffs	19	7	37%
Tribunal Members	495	187	38%
totals	553	229	41%

1.4 How the results are presented

Part 2 of the report presents some key longitudinal trends from 2014 – 2022 for *salaried* judges only. This part of the report is able to track trends in salaried judges’ attitudes because all of the previous JASs (in 2014, 2016 and 2020) were conducted only with salaried judges. Part 2 highlights any changes in salaried judges’ view over the last 8 years on job satisfaction, working conditions and resources, training, salary and pension, future plans and feeling valued by different groups in society. Part 3 presents the results of the 2022 JAS. Here the results for salaried and fee-paid judicial office holders are compared and results are also broken down by individual judicial post for both the salaried and fee-paid judiciary where these are relevant. Not all judicial posts are included in these breakdowns because the number of individuals in some judicial posts is too small to ensure anonymity. But the results for all judges are included where the results are reported for all salaried and fee-paid members of the judiciary and all courts and tribunals judiciary.

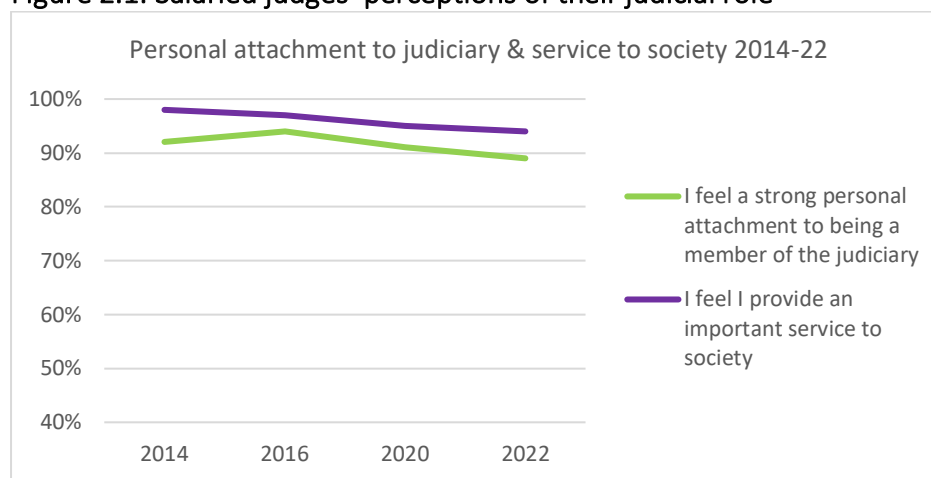
Part 2: UK JAS trends 2014-2022 for the Scottish salaried judiciary

This section presents some key longitudinal trends from 2014 – 2022 for salaried judges in Scotland. It tracks changes in salaried judges' view over the last 8 years in relation to judicial role perceptions, job satisfaction, working conditions and resources, training, salary and pension, future plans and feeling valued by different groups in society.

2.1 Perceptions of their judicial role

From 2014 to 2022, almost all salaried judges in Scotland have consistently said they feel a strong personal attachment to being a member of the judiciary, and almost all salaried judges have consistently said they feel they provide an important service to society.

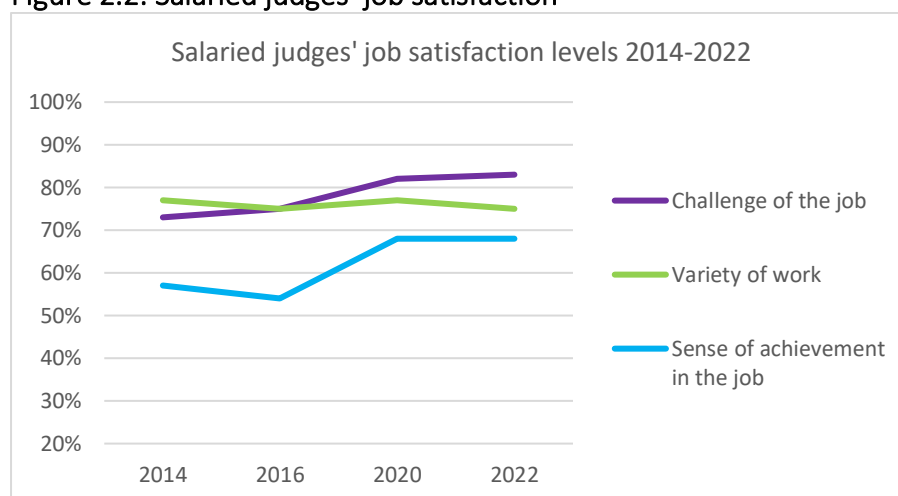
Figure 2.1: Salaried judges' perceptions of their judicial role



2.2 Job satisfaction trends

From 2014 to 2022 an increasing majority of salaried judges have felt satisfied with the sense of achievement in their job as a judge and the challenge of the job. The majority of salaried judges in Scotland have also been satisfied with the variety of work in this period.

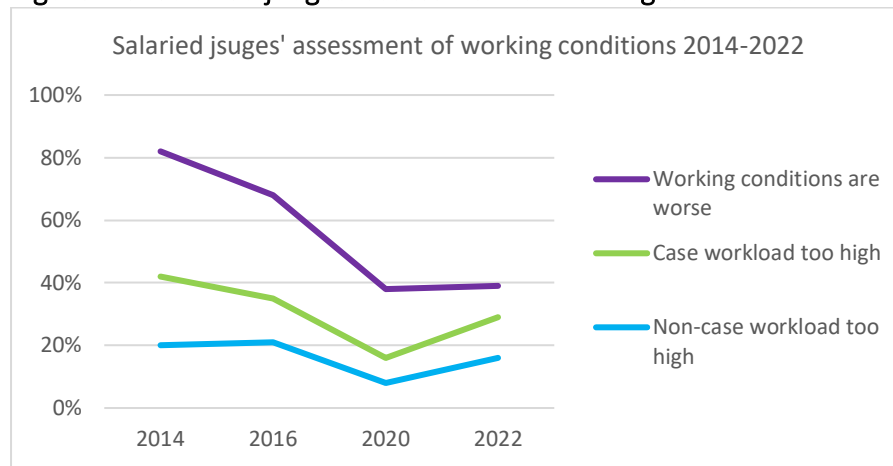
Figure 2.2: Salaried judges' job satisfaction



2.3 Working conditions trends

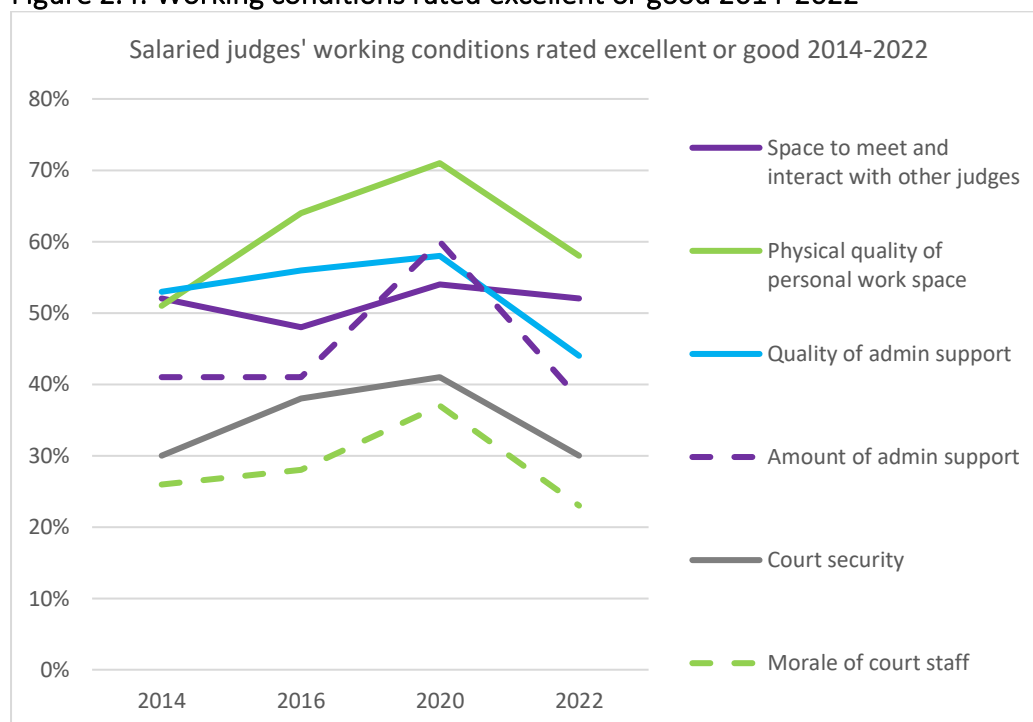
Since 2014, there has been a substantial fall in those saying working conditions are “worse”; there has been an increase in the proportion of judges saying their case workload was too high and an increase in judges saying their non-case workload is too high.

Figure 2.3: Salaried judges’ assessment of working conditions



The working conditions consistently rated the highest by salaried judges from 2014-2022 has been their personal work space. The working conditions consistently rated the lowest by salaried judges from 2014-2022 have been the morale of court staff and the amount of administrative support they have. Salaried judges’ rating of the quality of administrative support as excellent or good increased substantially in 2020, but fell back again in 2022. The proportion of salaried judges rating court security as excellent or good increased substantially from 2014-2020 but dipped in 2022.

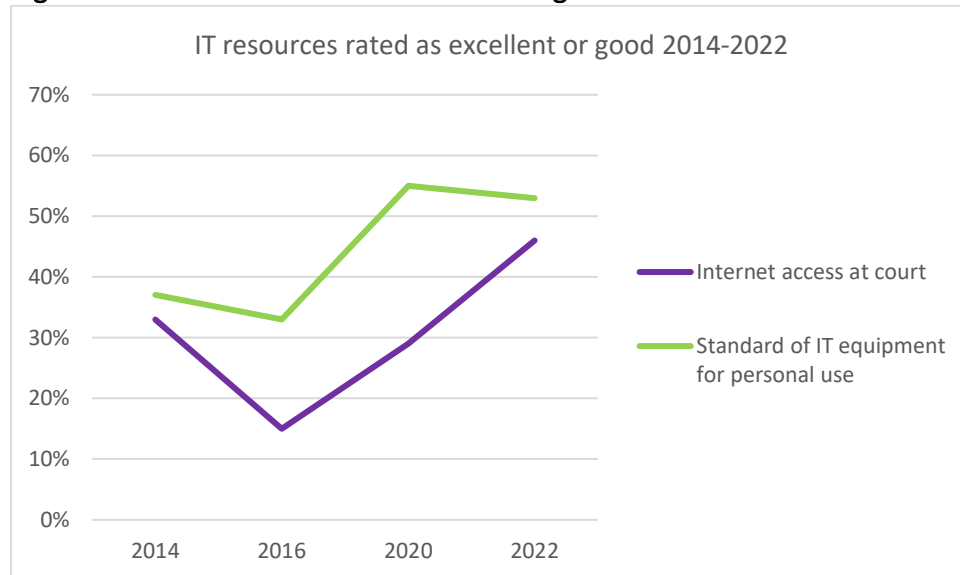
Figure 2.4: Working conditions rated excellent or good 2014-2022



2.4 IT resources trends

After an initial fall from 2014 to 2016 in the quality of internet access at court and the standard of IT equipment provided to salaried judges in Scotland for their personal use, salaried judges' assessment of the quality of both markedly increased in 2020 and 2022.

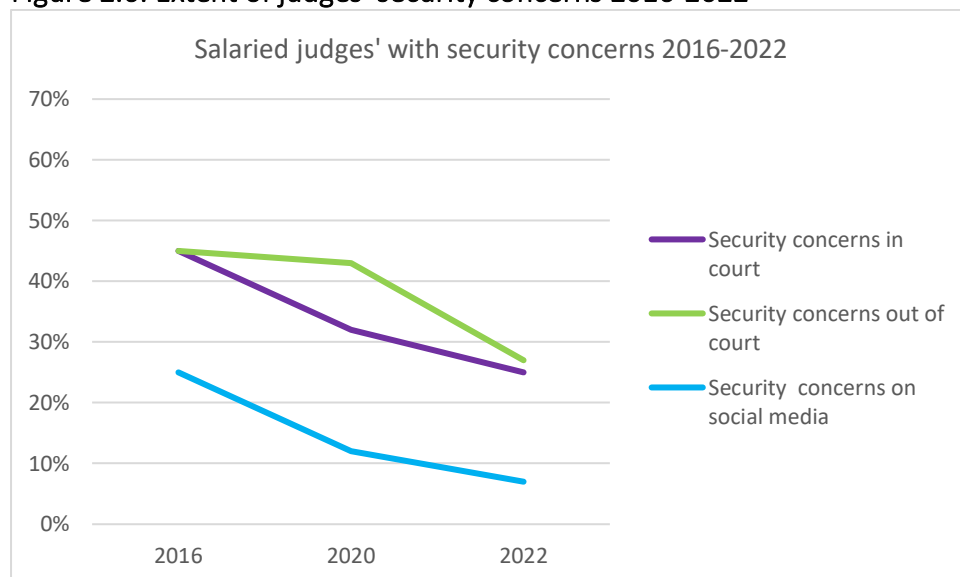
Figure 2.5: IT resources rated excellent or good 2014-2022



2.5 Trends in personal safety concerns

Since 2016 when salaried judges were first asked about their concerns for their personal safety, there has been a substantial fall in those saying they have personal safety concerns in court, out of court or on social media.

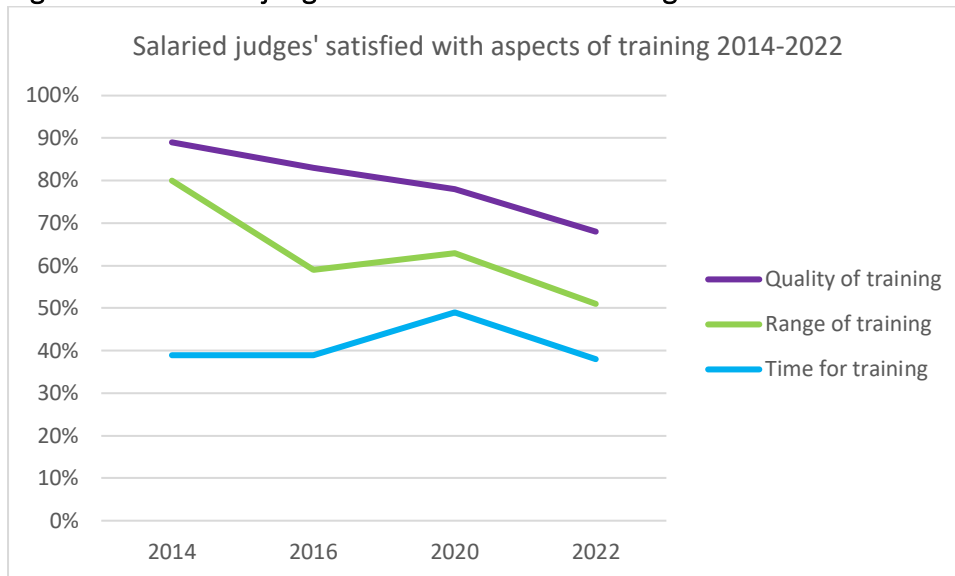
Figure 2.6: Extent of judges' security concerns 2016-2022



2.6 Training trends

Judges' satisfaction with the range and quality of training in Scotland has fallen from 2014 to 2022, and their satisfaction with the time they have for training has fallen from 2020-2022.

Figure 2.7: Salaried judges' satisfaction with training 2014--2022

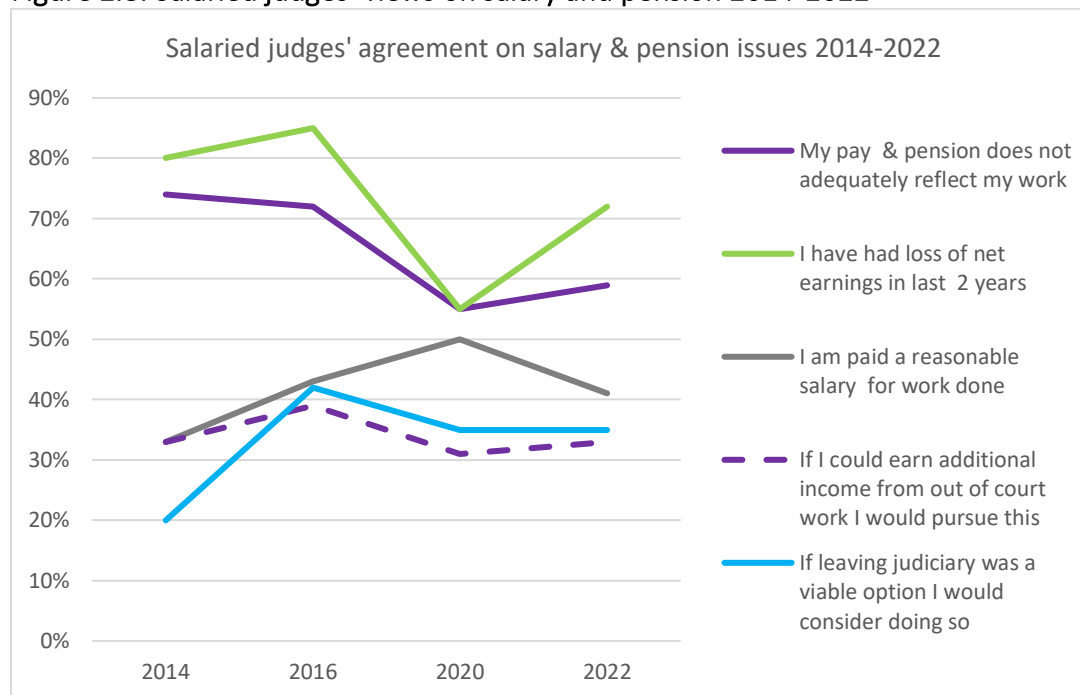


2.7 Salary and pension trends

In relation to salary and pension, from 2014 to 2022:

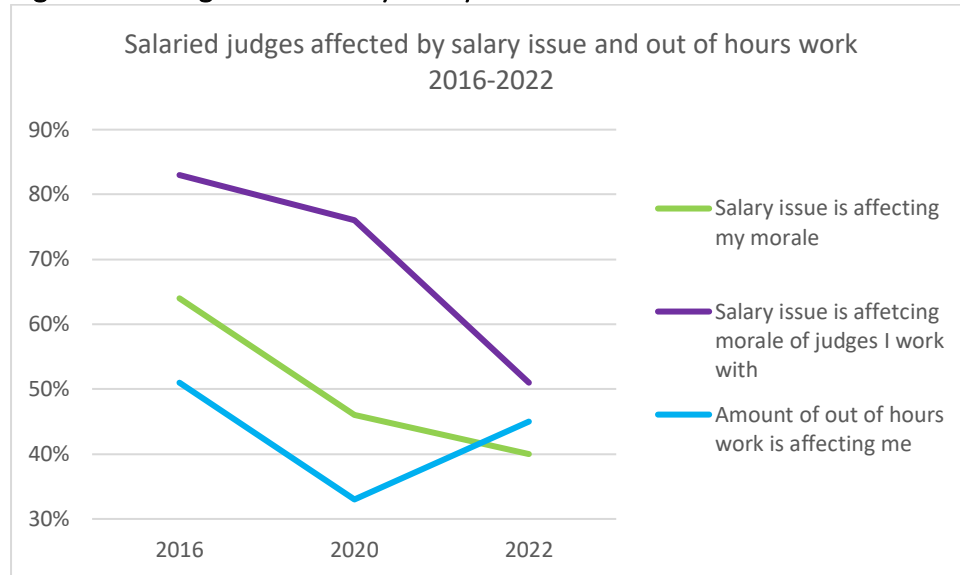
- The proportion of salaried judges that said they are paid a reasonable salary for the work they do increased from 2014 to 2020, but fell back again in 2022.
- There was a substantial decrease in 2020 in judges who said they had a loss of net earnings in the previous 2 years, but this increased again in 2022.
- There was a steady fall in judges saying their pay and pension entitlement does not adequately reflect the work they have done and will do before retirement
- From 2014 to 2016, there was a sharp increase in the proportion of salaried judges that said they would leave the judiciary if it was a viable option, but this has plateaued off since 2016.
- There has not been much change from 2014 to 2022 in the proportion of salaried judges that would pursue out of court paid work if that was permitted.

Figure 2.8: Salaried judges' views on salary and pension 2014-2022



Since 2016 (when it was first asked), there has been a continued decrease in judges saying the salary issue was affecting their morale and the morale of judges with whom they work. There was a sharp fall from 2016 to 2020 in salaried judges who said they were affected by the amount of out of hours work required to do the job, but this trend was reversed in 2022 with an increasing proportion of salaried judges in Scotland saying they are affected by the amount of out of hours work required to do the job.

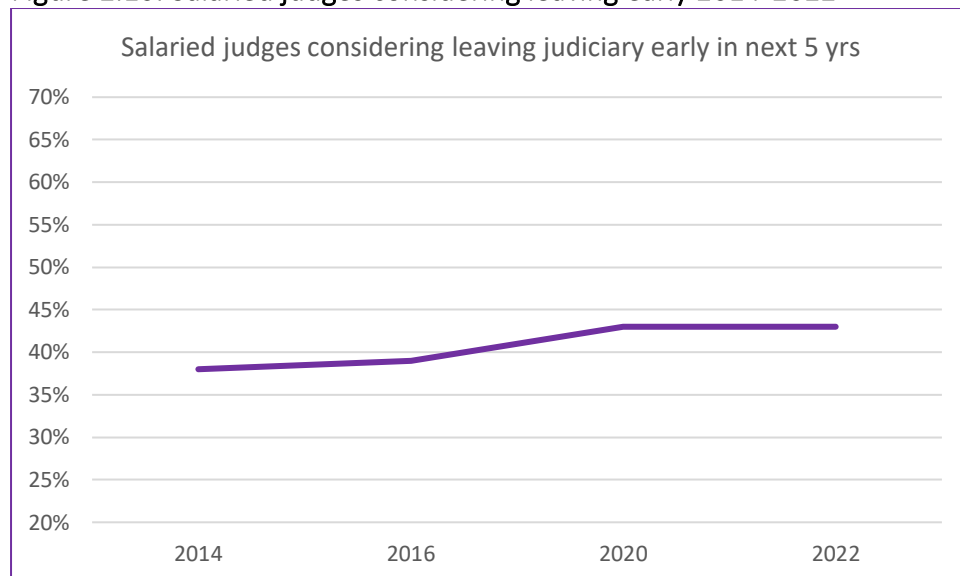
Figure 2.9: Judges affected by salary issue and out of hours work 2016-2022



2.8 Trends in intentions to leave the salaried judiciary early

The proportion of judges saying they are considering leaving the judiciary early has gradually increased from 2014 to 2022.

Figure 2.10: Salaried judges considering leaving early 2014-2022

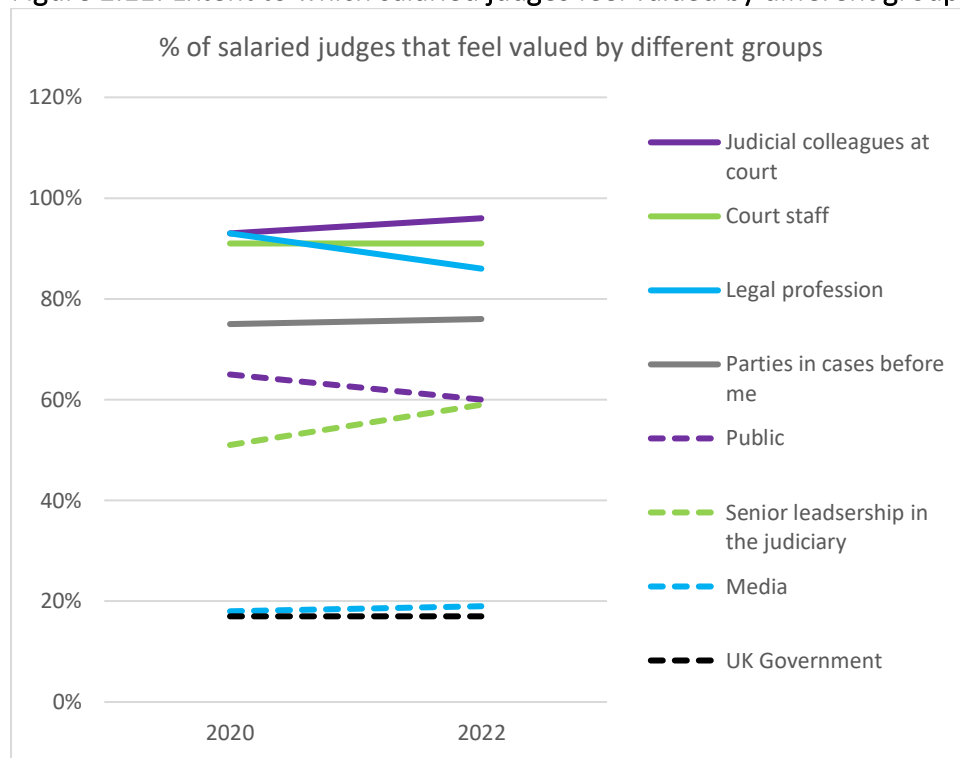


2.9 Trends in feeling valued

Since 2020, all salaried judges have been asked *the extent to which* they felt valued by a number of different groups (in 2014 and 2016 judges were only asked if they felt valued by these groups, so direct comparisons with 2014 and 2016 are not possible). There has been little change from 2020-2022 in the groups salaried judges feel most and least valued by.

Judicial colleagues, court staff, legal profession, parties in cases are the groups salaried judges in Scotland consistently feel most valued by, and there has been no real change in this since 2020. The public and the senior judicial leadership are the groups most salaried judges feel valued by but not to the same extent as the 4 groups above. The media and the UK government are the groups most salaried judges do not feel valued by, and there has been no real change in this since 2020.

Figure 2.11: Extent to which salaried judges feel valued by different groups



Part 3: 2022 JAS results for Scotland (salaried and fee-paid judiciary)

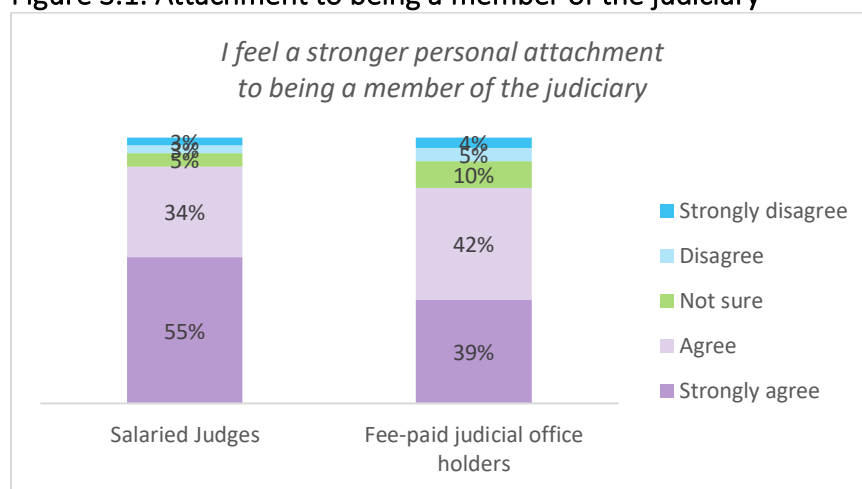
3. Being a member of the judiciary

This section covers judges' personal attachment to being a member of the judiciary, their belief in their contribution to society, their perception of societal respect for the judiciary and the extent to which judges feel valued by different groups in society.

3.1 Identity and belonging

There was very little overall difference between the salaried and fee-paid judiciaries' views on being a member of the judiciary. Almost all judges (89% of salaried and 81% of fee-paid) feel a strong personal attachment to being a member of the judiciary. But salaried judges felt this attachment more strongly (55%) than fee-paid judicial office holders (39%).

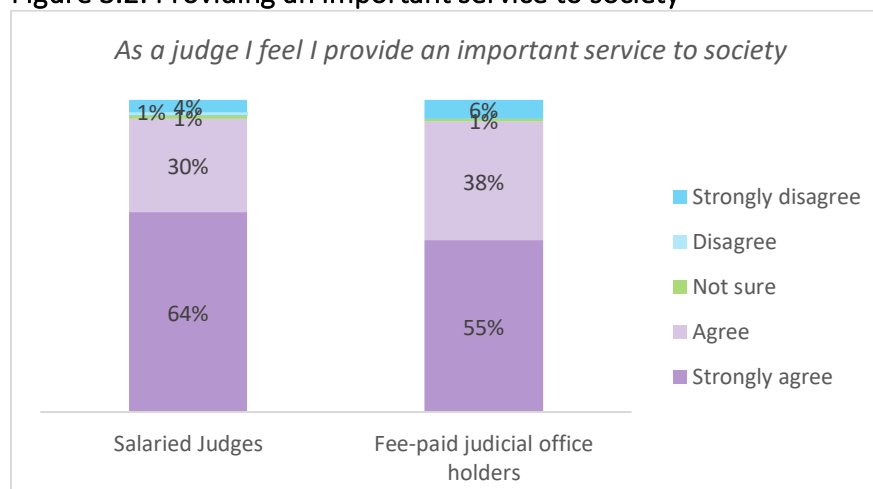
Figure 3.1: Attachment to being a member of the judiciary



3.2 Contribution to society

There was very little difference between the salaried and fee-paid judiciaries' views on the extent to which they provide an important service to society: 94% of the salaried and 93% of the fee-paid judiciary feel they provide an important service to society. But again salaried judges felt this more strongly (64%) than fee-paid judicial office holders (55%).

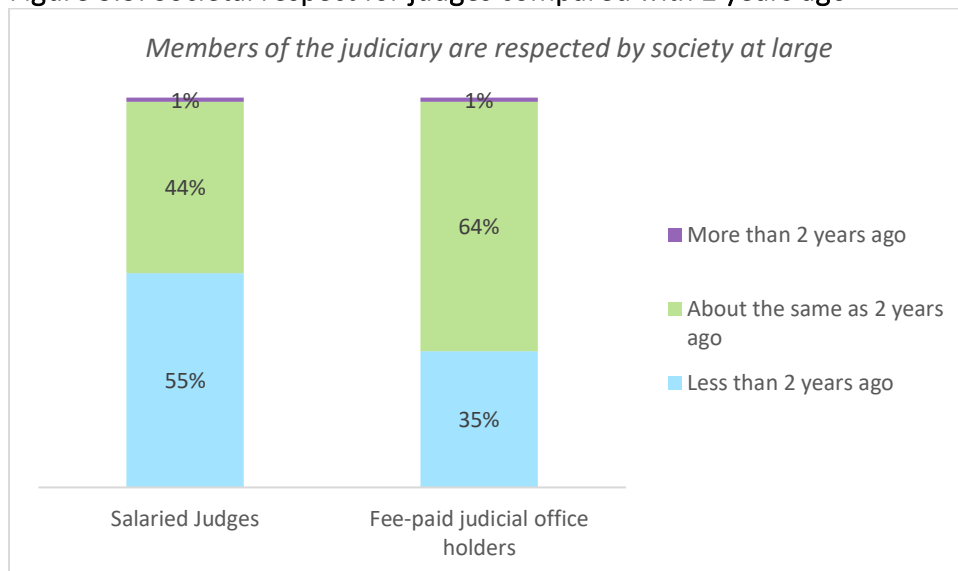
Figure 3.2: Providing an important service to society



3.3 Societal respect for judges

A larger proportion of salaried judges (55%) than fee-paid judicial office holders (35%) felt that members of the judiciary in 2022 were respected by society less than they were in 2020.

Figure 3.3: Societal respect for judges compared with 2 years ago



3.4 Feeling valued

In 2022, both the salaried and fee-paid judiciary were asked *the extent to which* they felt valued by a number of different groups. The results for salaried and fee-paid judiciaries were largely identical. A majority of both the salaried and fee paid judiciary said they felt valued by judicial colleagues, court staff, the legal profession, parties in cases before them, the public and senior leadership in the judiciary. A minority felt valued by the Scottish government, the media or UK government.

Figure 3.4: Extent to which salaried judges feel valued by different groups

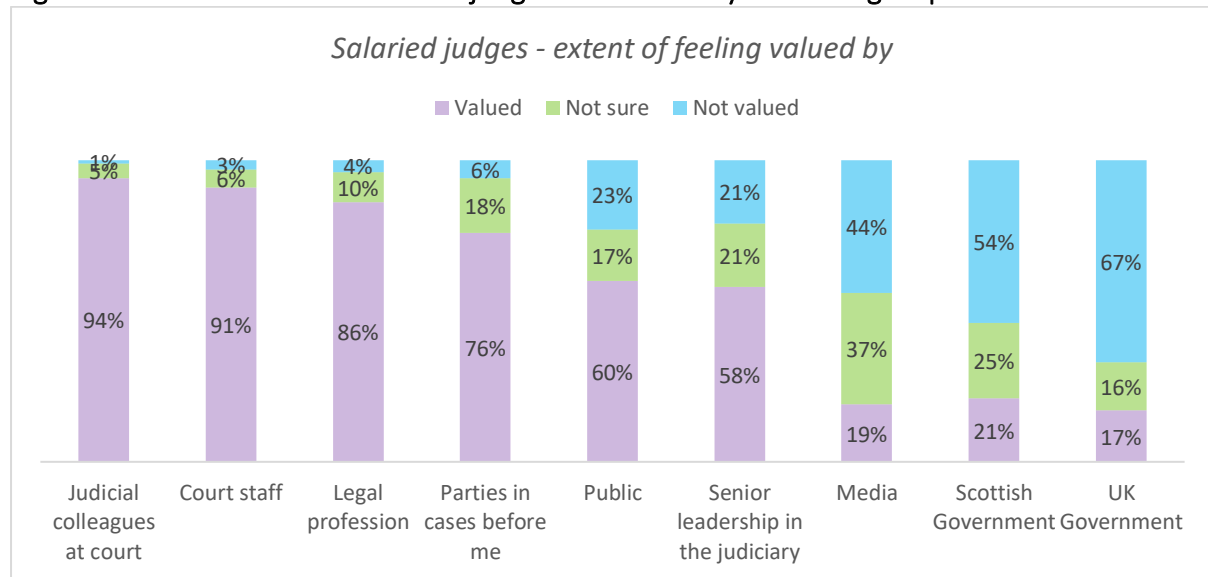
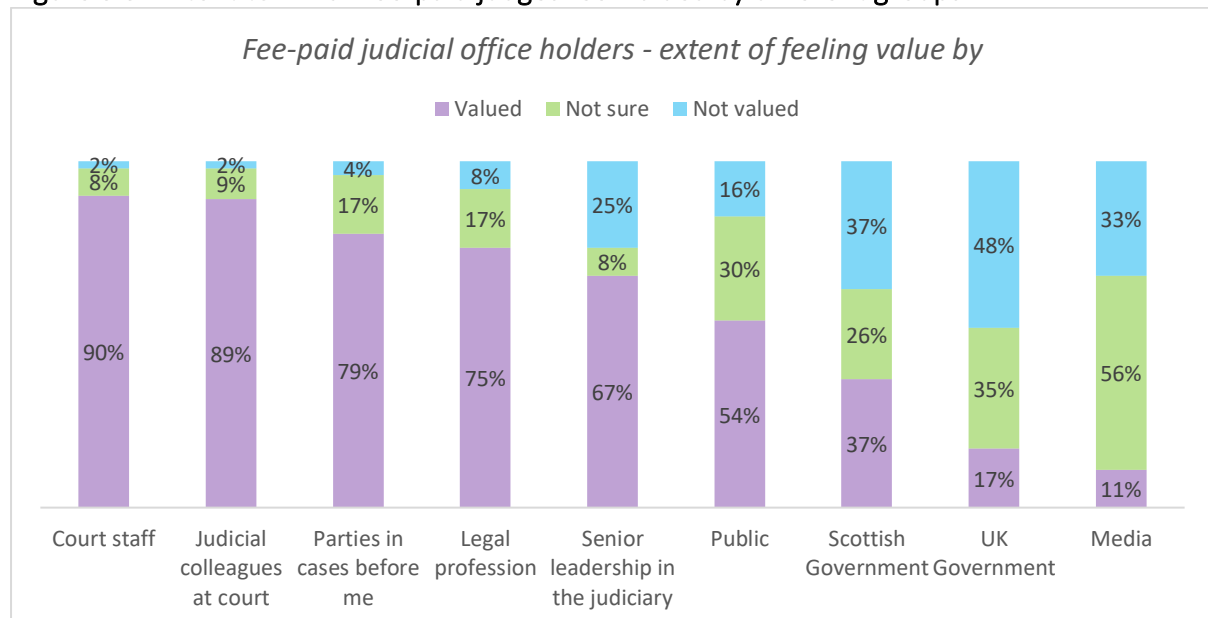


Figure 3.5: Extent to which fee-paid judges feel valued by different groups



4. Working conditions

This section covers judicial assessment of working conditions in 2022 in general as well as a range of specific working conditions such as case and non-case workload, administrative support, court staff morale, physical working conditions, security and personal safety, the Inclusive nature of the work environment and the importance of different working conditions for the salaried and fee-paid judiciary.

4.1 Working conditions compared with 2 years ago

Over half (59%) of salaried judges said that working conditions were worse in 2022 than they were in 2020, while only just over a third (38%) of fee-paid judicial office holders felt working conditions were worse in 2022. A quarter (25%) of salaried judges said working conditions were significantly worse in 2022, far more than fee-paid office holders (7%).

Figure 4.1: Working conditions compared with 2 years ago

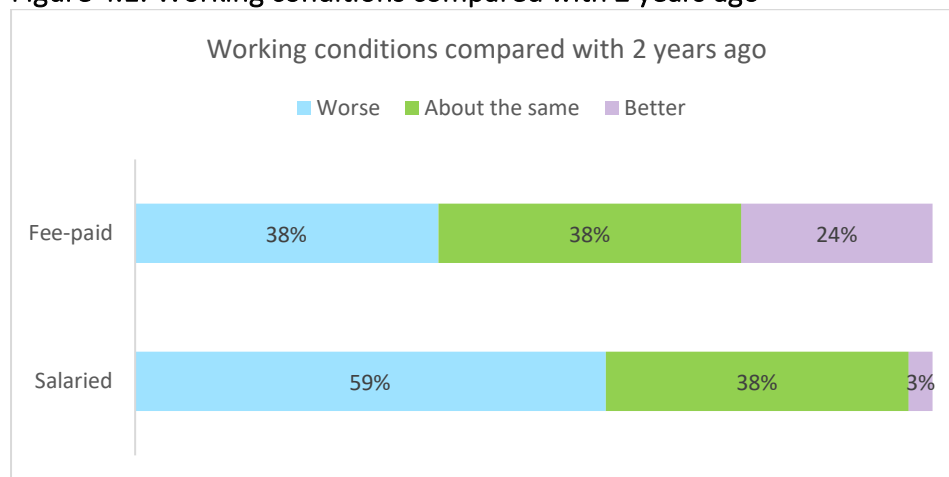
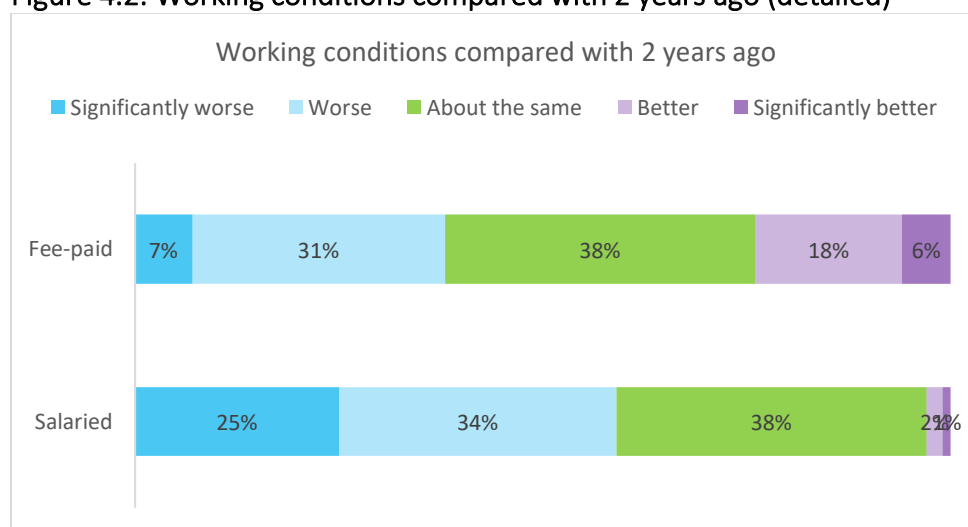


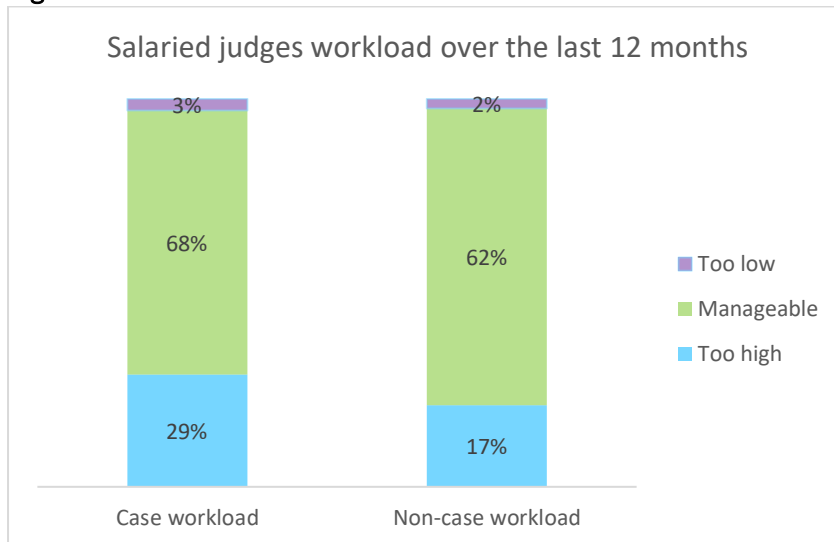
Figure 4.2: Working conditions compared with 2 years ago (detailed)



4.2 Salaried judges' workload

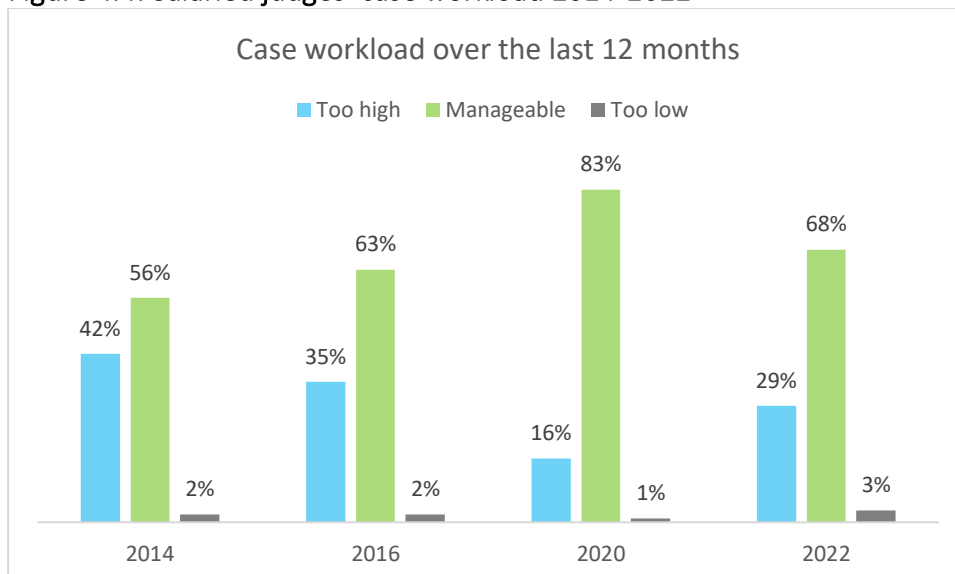
Most salaried judges assessed their case workload and non-case workload as manageable.

Figure 4.3: Case & non-case workload over last 12 months



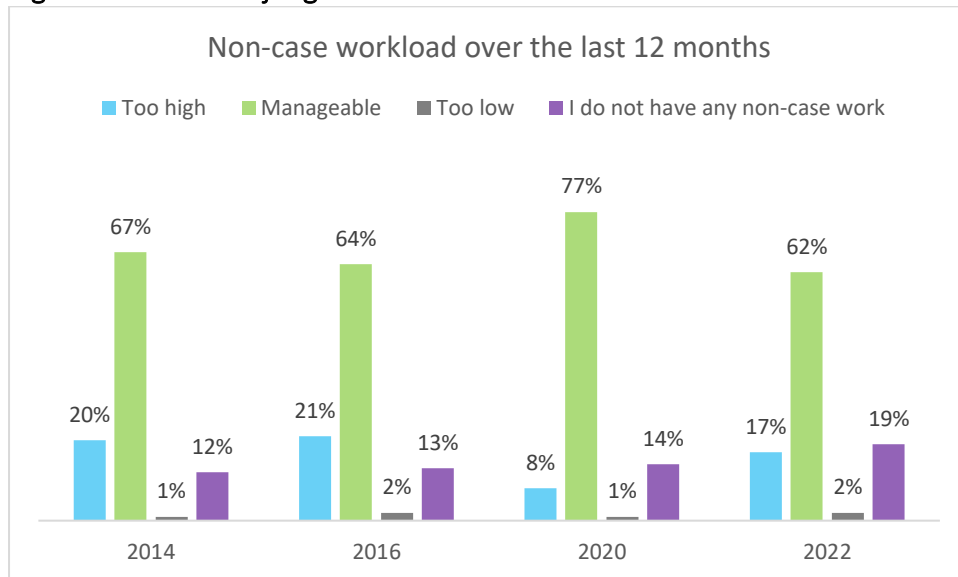
For salaried judges, the proportion saying their case workload was too high fell from 2014-2020 (42% to 16%), but rose again in 2022 (to 29%).

Figure 4.4: Salaried judges' case workload 2014-2022



In 2022, there was an increase in salaried judges saying their non-case workload is too high (from 8% in 2020 to 17% in 2022).

Figure 4.5: Salaried judges’ assessment of their non-case workload 2014-2022

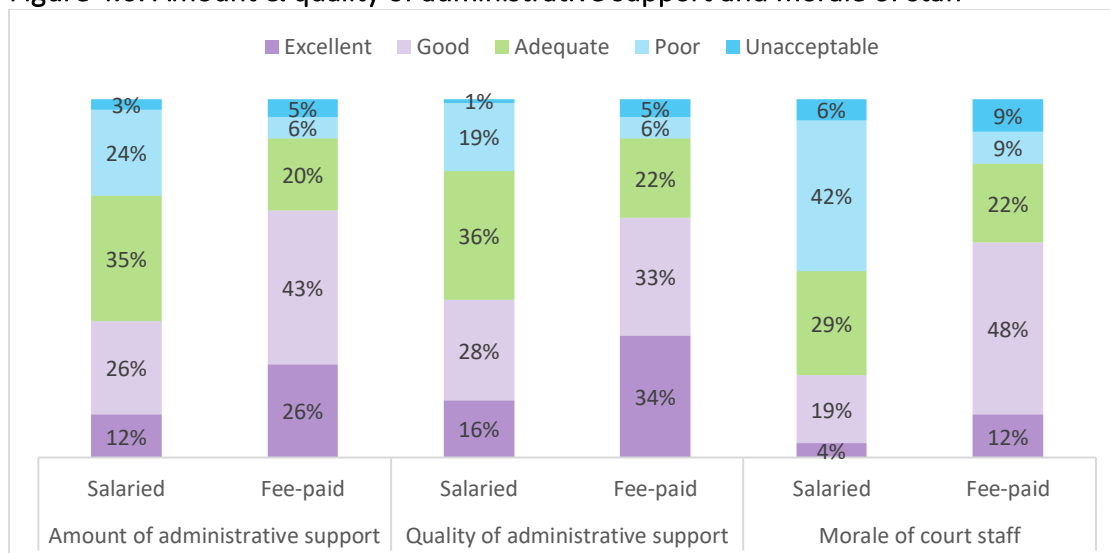


4.3 Assessment of specific working conditions

Amount and quality of administrative support and morale of staff

Fee-paid judicial office holders rated the amount and quality of administrative support and the morale of court staff higher than salaried judges.

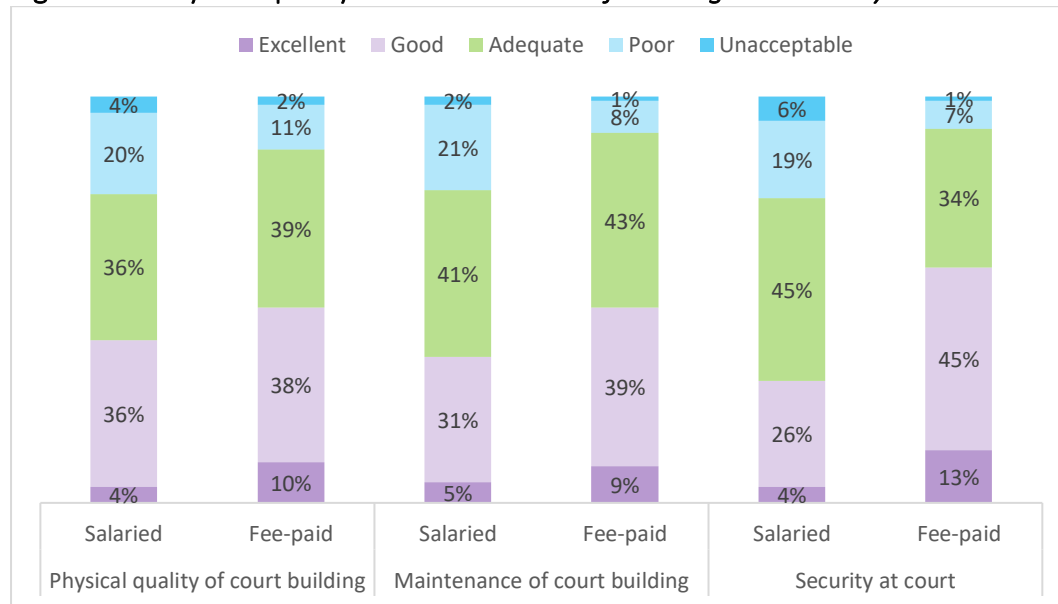
Figure 4.6: Amount & quality of administrative support and morale of staff



Physical quality of court/tribunal building, maintenance of court/tribunal building, security at court

- Fee-paid judicial office holders had higher ratings for all three of these working conditions compared to salaried judges.

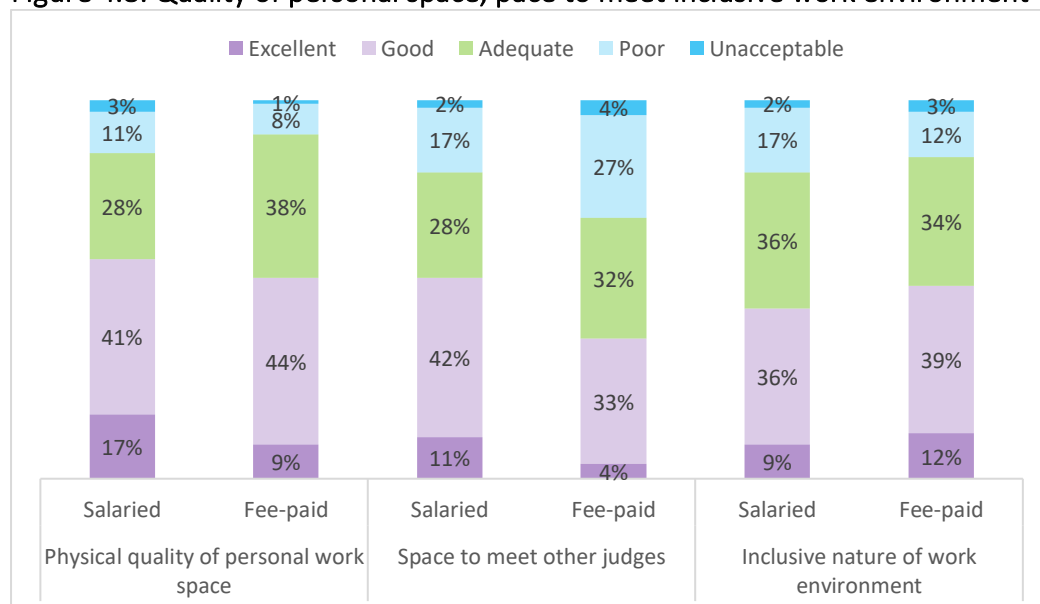
Figure 4.7: Physical quality and maintenance of building and security at court



Physical quality of personal work space, space to meet other judges and the inclusive nature of work environment

- More salaried judges than fee paid judicial office holders rated the physical quality of their personal work space and the space to meet other judges as excellent or good.
- Salaried judges and fee-paid office holders had almost identical ratings for the inclusive nature of their work environment, with almost all saying it was either excellent, good or adequate.

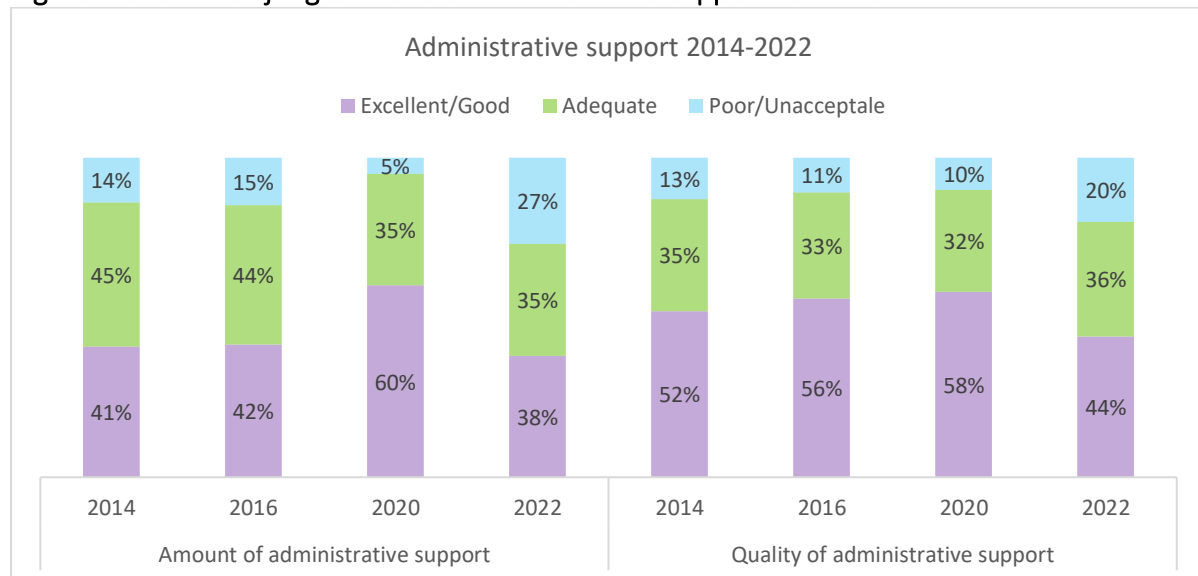
Figure 4.8: Quality of personal space, pace to meet Inclusive work environment



4.3.1 Salaried Judges changing views of working conditions 2014-2022

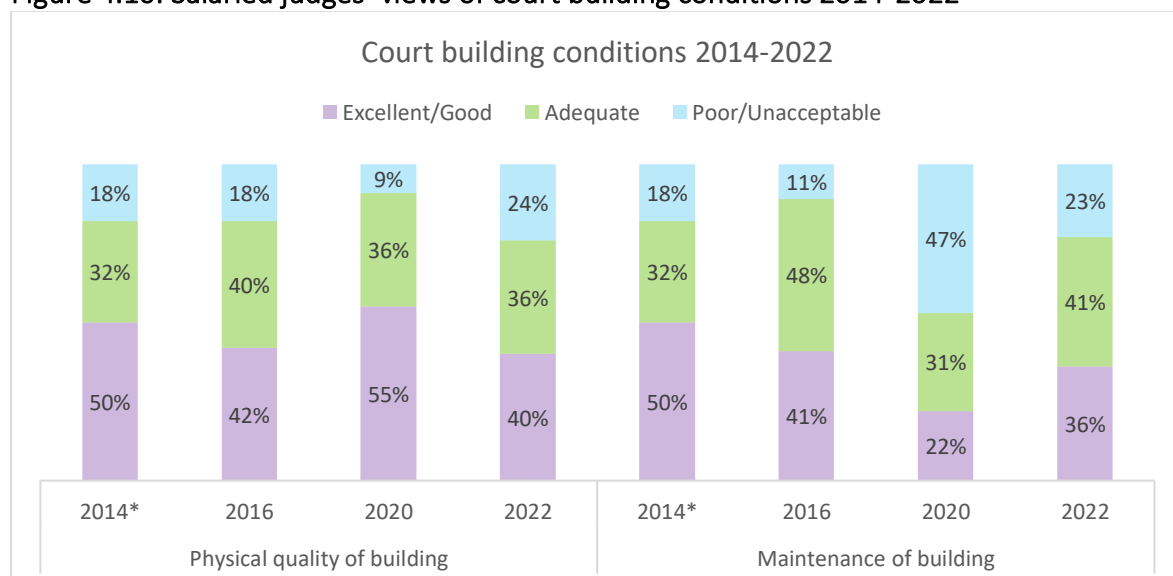
Salaried judges’ assessment of the amount and quality of administrative support progressively improved from 2014-2020 but decreased below 2014 levels in 2022.

Figure 4.9: Salaried judges’ views of administrative support 2014-2022



There was an increase from 2014-2020 in salaried judges’ positive assessment of the physical quality of the court/tribunal buildings they worked in, but this dropped back in 2022. There was a sharp increase in judges’ assessment the maintenance of their buildings as poor/unacceptable in 2020, but this improved in 2022.

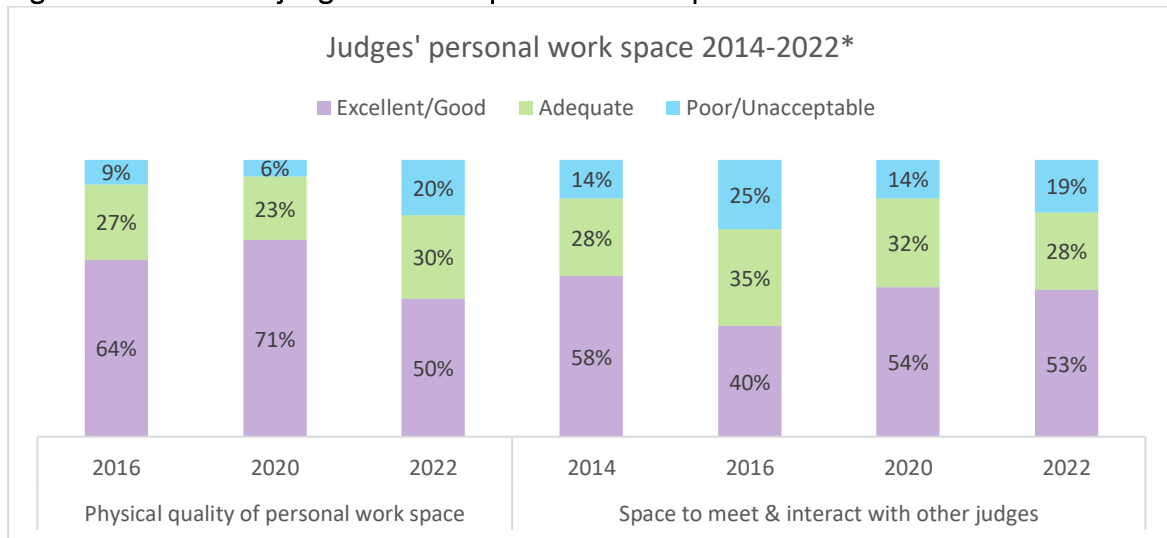
Figure 4.10: Salaried judges’ views of court building conditions 2014-2022



Note: In the 2014 JAS, there was a single question asking judges to assess their “physical environment” defined as the physical quality and maintenance of their main court or tribunal building.

Salaried judges' assessment of their personal work space improved from 2016 to 2020, but declined in 2022. From 2014-2022, a majority of salaried judges have said that the space they have to meet and interact is excellent, good or adequate.

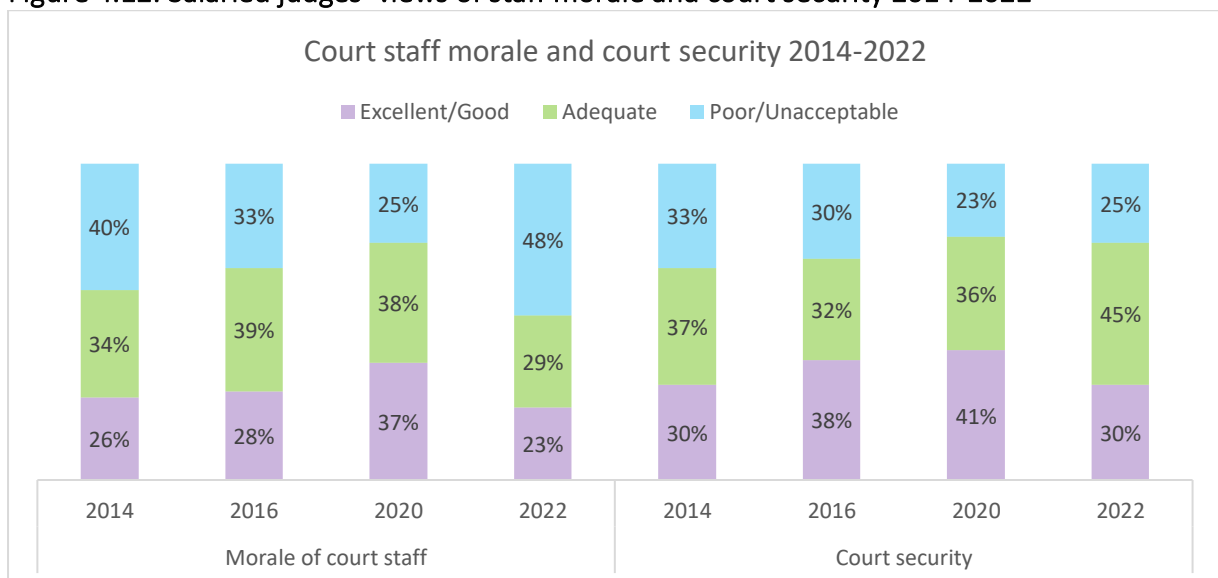
Figure 4.11: Salaried judges' views of personal work space 2014-2022



NOTE: In the 2014 JAS, judges were not asked to rate the physical quality of their personal work space.

Salaried judges' view of court staff morale showed steady improvement from 2014-2020, but fell back in 2022. Salaried judges' assessment of court security improved from 2014-2020, but declined in 2022.

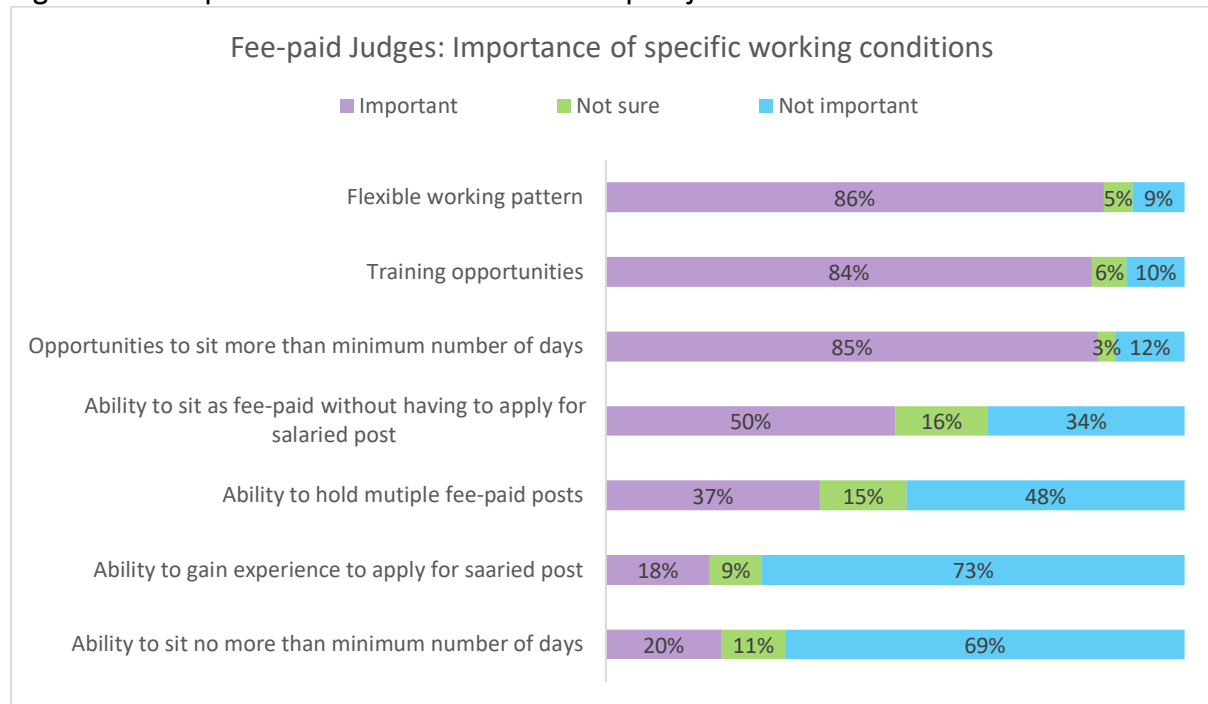
Figure 4.12: Salaried judges' views of staff morale and court security 2014-2022



4.4 Importance of different working conditions (fee-paid judicial office holders)

The most important working conditions for fee-paid judicial office holders were a flexible working pattern (86%), training opportunities (84%) and opportunities to sit more than the minimum number of days (85%). Half of all fee-paid office holders said that the ability to sit as a fee-paid judge without having to apply for a salaried post was important to them.

Figure 4.13: Importance of work factors for fee-paid judicial office holders



4.5 Importance and availability of working conditions (salaried judges)

For almost all salaried judges, the time to discuss work with colleagues, training and support for dealing with stressful conditions at work were important. For each of these working conditions, the proportion of salaried judges that rated the availability of these working conditions as either excellent, good or adequate did not meet the proportion of judges that said these conditions were important.

Figure 4.14: Importance and availability of working conditions



5. Welfare, inclusion and respect

As well as covering judges' assessment of their personal security, this section covers some new areas explored with judges in the 2022 JAS. These include the extent to which all members of the judiciary feel treated with respect by others in the judiciary and their awareness of the welfare support available to them. For fee-paid judicial office holders it explores how welcome they are made to feel at their court or tribunal and the extent to which they receive important information about their court or tribunal before they sit.

5.1 Respect

Almost every judge, whether salaried or fee-paid, feels respected by their judicial colleagues at the court where they work. A majority of both salaried and fee-paid judges feel respected by their immediate leadership judge and senior leadership in the judiciary, but more fee-paid judges than salaried judges feel respected by these two groups.

Figure 5.1: Whether judges feel treated with respect

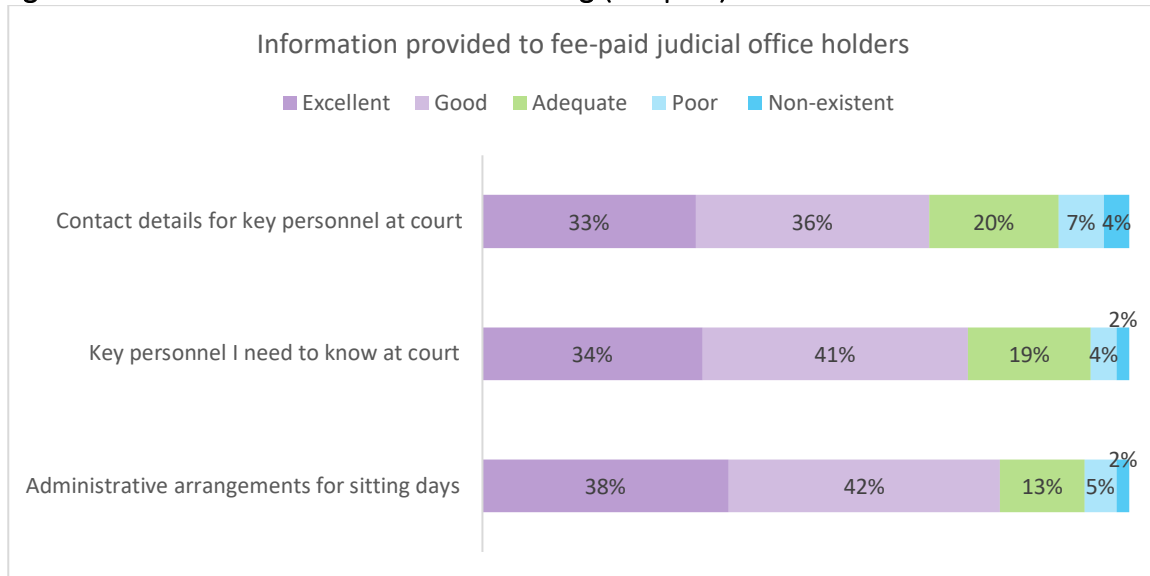


5.2 Inclusion and information provided (fee-paid)

Amongst fee-paid judicial office holders who may not sit regularly or may sit at different courts or tribunals, receiving relevant information before sitting can be important. Most said this information was either excellent, good or adequate (Figure 5.2):

- 93% said the information on administrative arrangements for sitting days was excellent, good or adequate;
- 94% said the information provided on key personal at court/tribunal was excellent, good or adequate;
- 89% said the contact details for key personnel at court/tribunal were excellent, good or adequate.

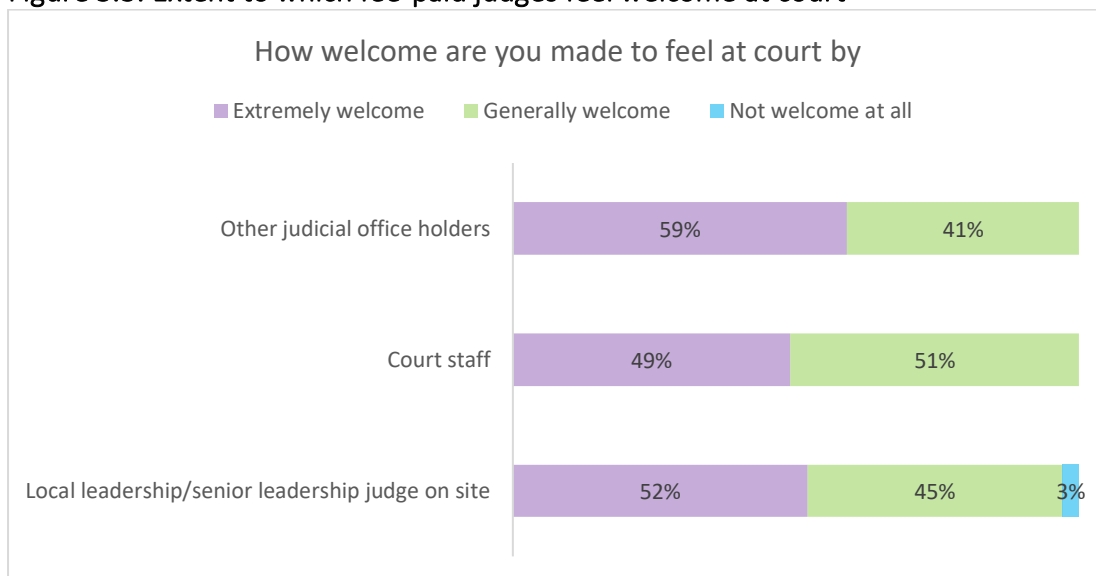
Figure 5.2: Information received before sitting (fee-paid)



5.3 Feeling welcome (fee-paid)

Virtually all fee-paid judicial office holders said that they are made to feel extremely or generally welcome by other judicial office holders at court/tribunal (100%); by court staff (100%) and by local leadership or senior leadership judges on site (97%).

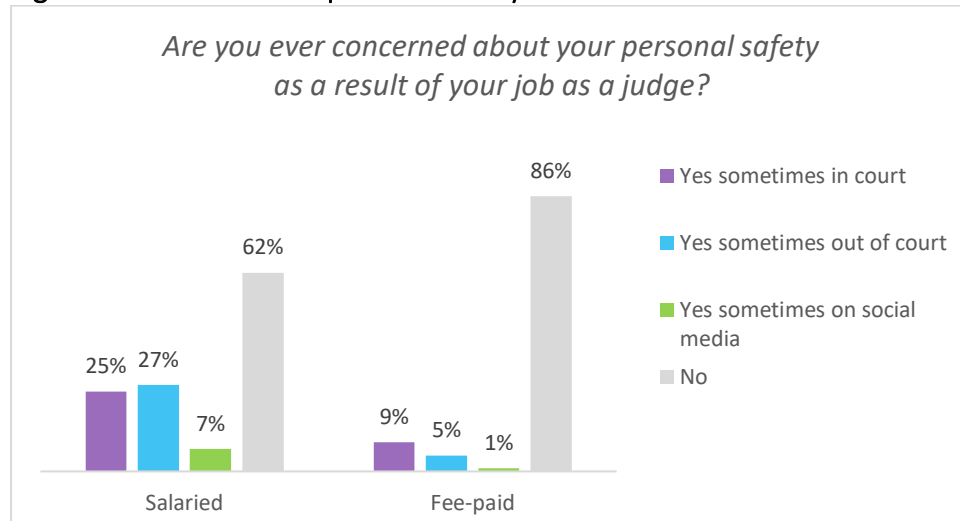
Figure 5.3: Extent to which fee-paid judges feel welcome at court



5.4 Personal safety

Salaried judges expressed greater concerns for their personal safety as a result of their judicial work compared with fee-paid office holders. This may be a consequence of the greater amount of time salaried judges spend sitting as a judge.

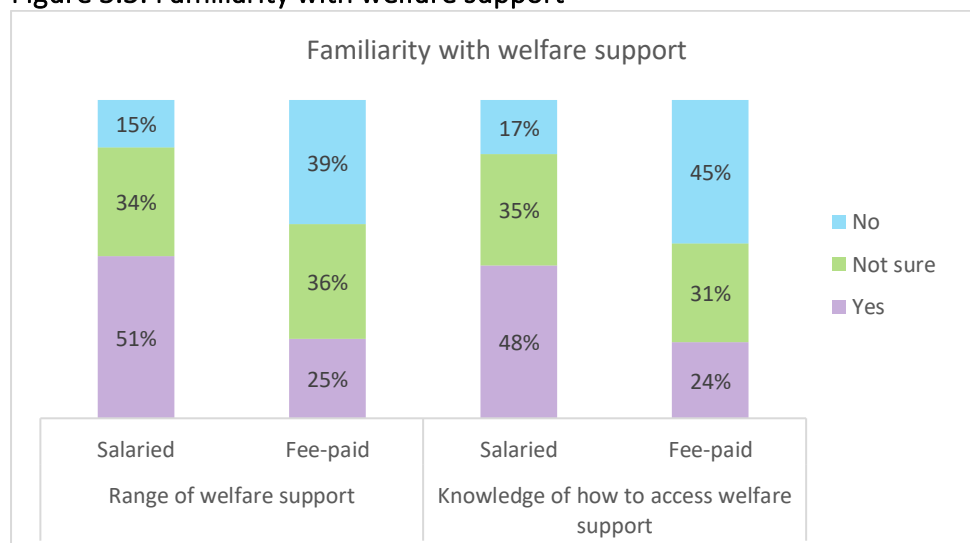
Figure 5.4: Concerns for personal safety



5.5 Welfare support

Salaried judges are much more familiar with the welfare support available to them than fee-paid judicial office holders. While 51% of salaried judges were familiar with the range of welfare support available, only 25% of fee-paid office holders were aware of this support. And while 48% of salaried judges knew how to access welfare support, only 24% of fee-paid office holders knew this and 45% did not.

Figure 5.5: Familiarity with welfare support



6. Bullying, harassment and discrimination

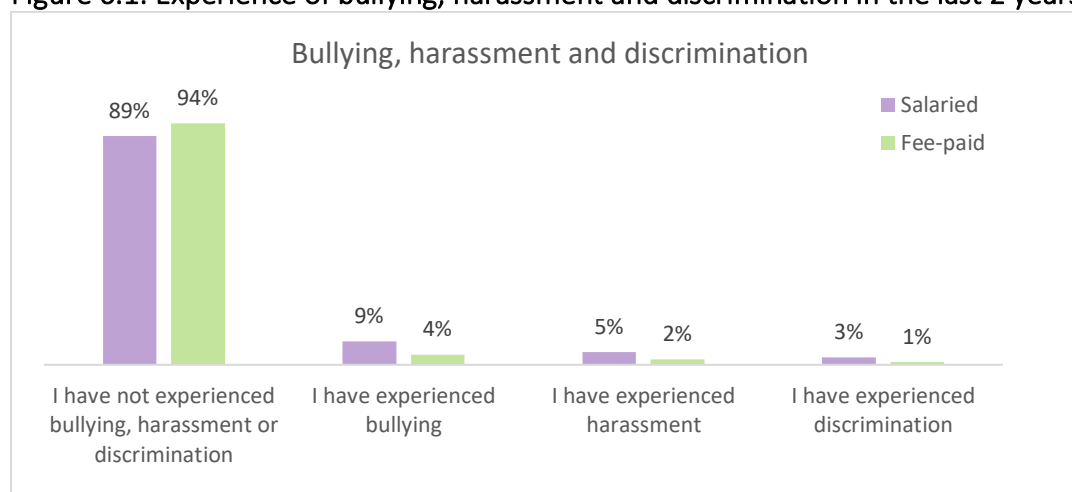
In the 2022 JAS, judges were asked for the first time whether they had experienced bullying, harassment or discrimination in the last 2 years in their role as a judge. This means there is no earlier JAS data to compare these results with to indicate whether these judicial experiences are higher or lower now than in previous years.

6.1 Experience of bullying, harassment and discrimination in the last 2 years

The overwhelming majority of both salaried judges (89%) and fee-paid judicial office holders (94%) said they had not experienced bullying, harassment or discrimination in their work as a judge in the last 2 years. Amongst those who had experienced bullying, harassment or discrimination in the last 2 years, this was more prevalent amongst salaried judges than fee-paid judicial office holders (Figure 6.1):

- 9% of salaried judges (13 in number) and 4% of fee-paid office holders (9) said they had experienced bullying;
- 5% of salaried judges (8) and 2% of fee-paid officeholders (4) said they had experienced harassment;
- 3% of salaried judges (5) and 1% of fee-paid office holders (2) said they had experienced discrimination.

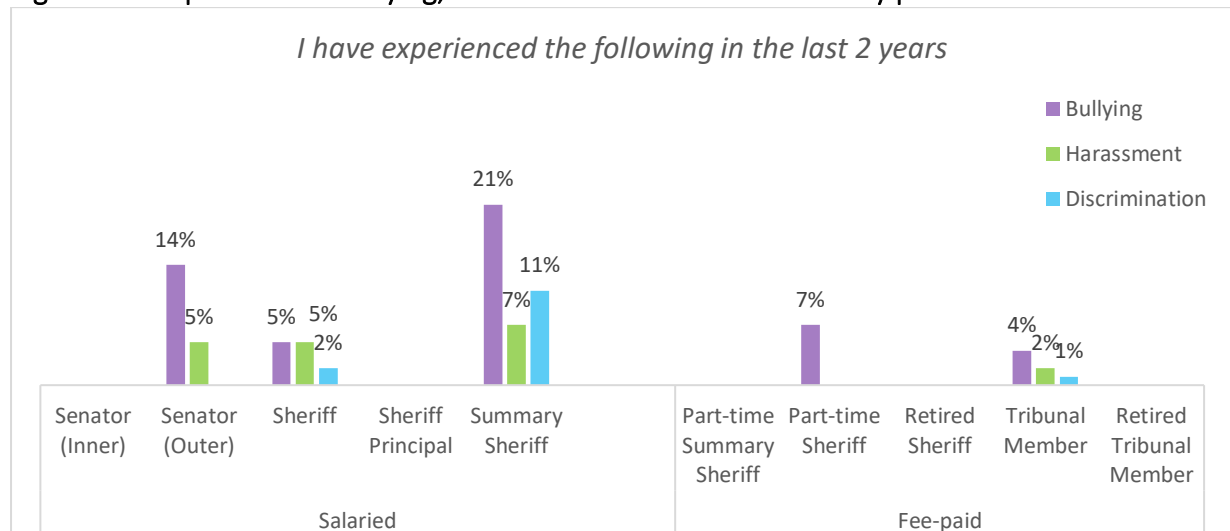
Figure 6.1: Experience of bullying, harassment and discrimination in the last 2 years



6.1.1 Experience of bullying, harassment and discrimination by post (Figure 6.2):

- Amongst salaried judges, 6 Summary Sheriffs (21%), 3 Senators of the Outer House (14%) and 4 Sheriffs (5%) reported experiencing *bullying* in the last 2 years. Amongst fee-paid judicial office holders, 1 Part-time Sheriff (7%) and 7 Tribunal Members (4%) reported experiencing bullying.
- Amongst salaried judges, 3 Summary Sheriffs (7%), 1 Senator of the Outer House (5%) and 4 Sheriffs (5%) reported experiencing *harassment* in the last 2 years. Amongst fee-paid judicial office holders, 4 Tribunal Members (2%) reported experiencing harassment.
- Amongst salaried judges, 3 Summary Sheriffs (11%) and 3 Sheriffs (2%) reported experiencing *discrimination* in the last 2 years. Amongst fee-paid judicial office holders, 2 Tribunal Members (1%) reported experiencing discrimination.

Figure 6.2: Experience of bullying, harassment and discrimination by post

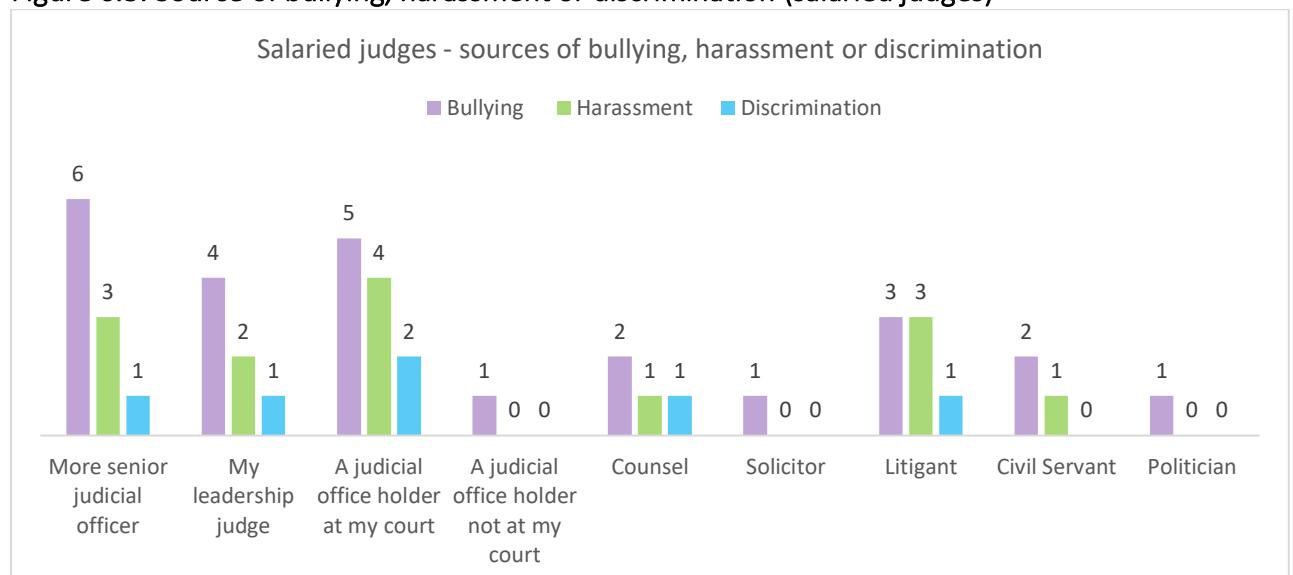


6.2 Sources of bullying, harassment or discrimination

The 2022 JAS asked those who reported experiencing bullying, harassment or discrimination in the last 2 years: *If you did experience any bullying, harassment or discrimination in the last 2 years, from whom did you experience it?*

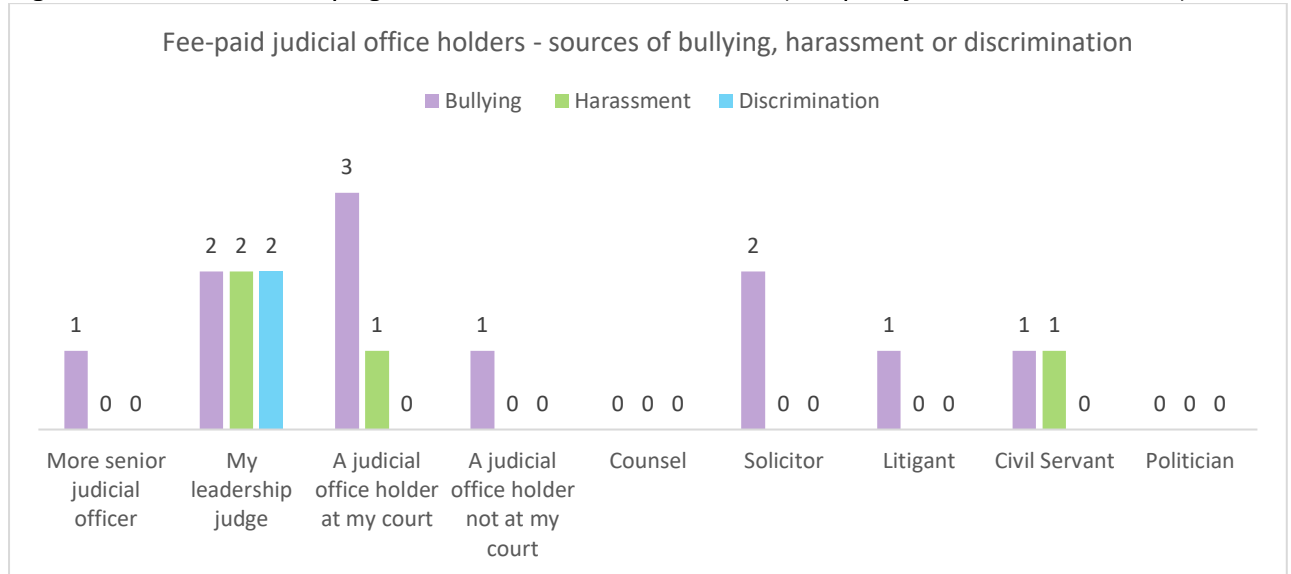
- For the minority of salaried judges who said they had experienced bullying, harassment or discrimination in the last 2 years, Figure 6.3 indicates from whom the judges said they experienced this and the number of judges reporting this.

Figure 6.3: Source of bullying, harassment or discrimination (salaried judges)



- For the minority of fee-paid judicial office holders who said they had experienced bullying, harassment or discrimination in the last 2 years, Figure 6.4 indicates from whom the judges said they experienced this and the number of judicial office holders reporting this.

Figure 6.4: Source of bullying, harassment or discrimination (fee-paid judicial office holders)

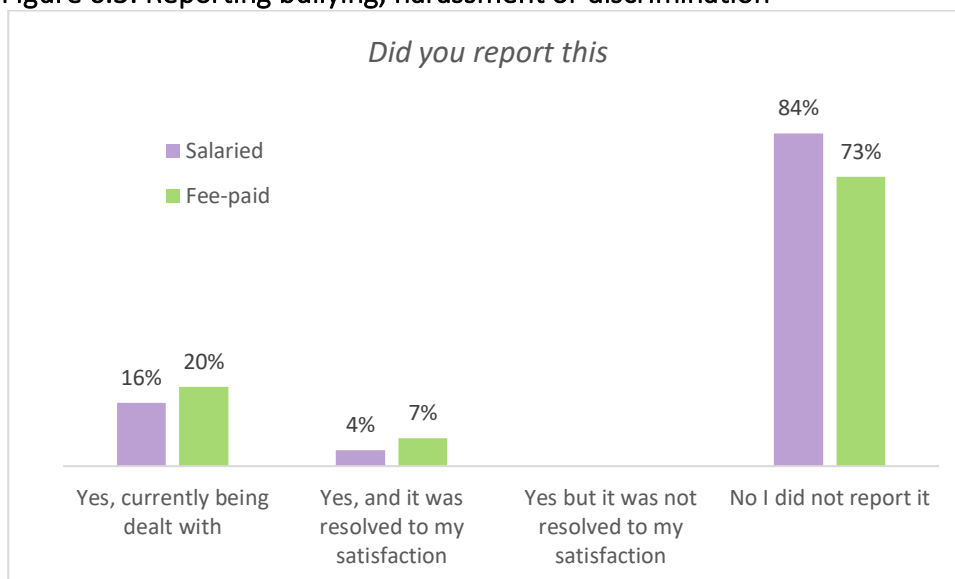


6.3 Reporting bullying, harassment or discrimination

The 2022 JAS also asked those who reported experiencing bullying, harassment or discrimination in the last 2 years: *If you did experience any bullying, harassment or discrimination in the last 2 years, did you report it?* This means the results in Figure 6.5 are derived from the minority of judges who indicated that they had experienced bullying, harassment or discrimination in the last 2 years.

- Most salaried judges (84%) and fee-paid judicial office holders (73%) that said they had experienced bullying, harassment or discrimination in the last 2 years did not report this.
- Of those who did report bullying, harassment or discrimination, they were all currently having their reports dealt with or were satisfied with the way the complaint was resolved. None said their reports were not resolved to their satisfaction.

Figure 6.5: Reporting bullying, harassment or discrimination



7. Salary, pay and pensions

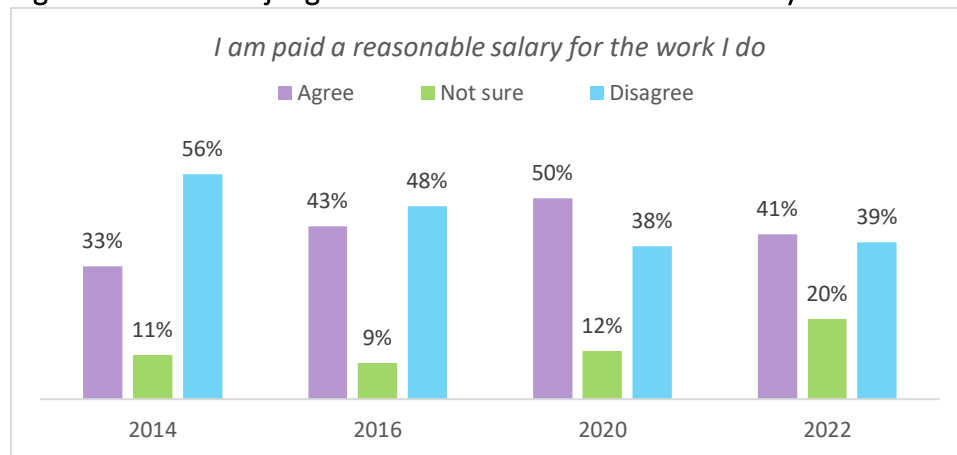
This section deals with remuneration and pensions for salaried judges and fee-paid judicial office holders separately. Salaried judges have been surveyed in the JAS about their salary and pension since 2014, and this has enabled results of the 2022 JAS to be compared with previous JAS findings on salary and pensions. In contrast, the 2022 JAS presents the first findings on fee-paid judicial office holders' views about their pay and pension.

7.1 Salary and pensions (salaried judges)

I am paid a reasonable salary for the work I do 2014-2022

- From 2014 to 2020, Scottish salaried judges were increasingly saying that they are paid a reasonable salary for the work they do, but this reversed in 2022.

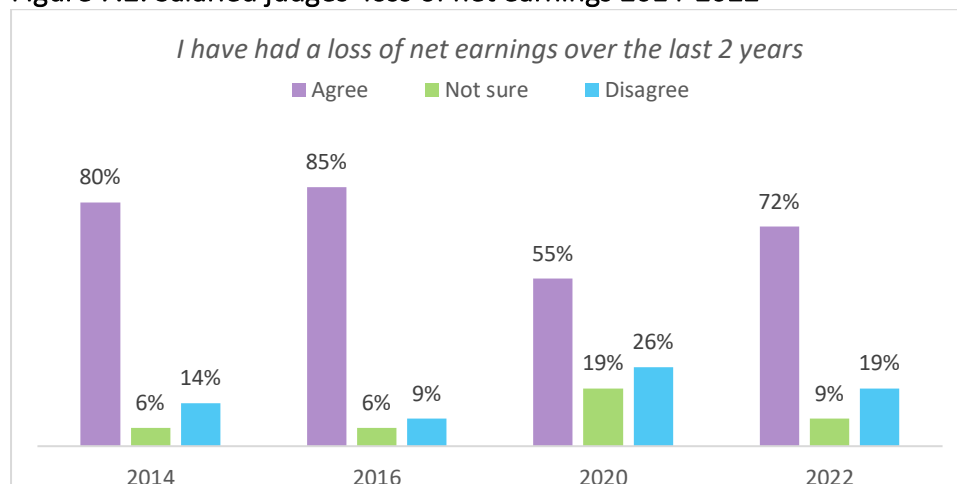
Figure 7.1: Salaried judges' views on reasonableness of salary 2014-2022



I have had a loss of net earnings over the last 2 years (2014-2022)

- From 2016 to 2020 there was a sharp fall in proportion of Scottish judges saying they had a loss of net earnings in the previous 2 years, but this was reversed in 2022 when the proportion of judges having a loss of net earners increased from 55% to 72%.

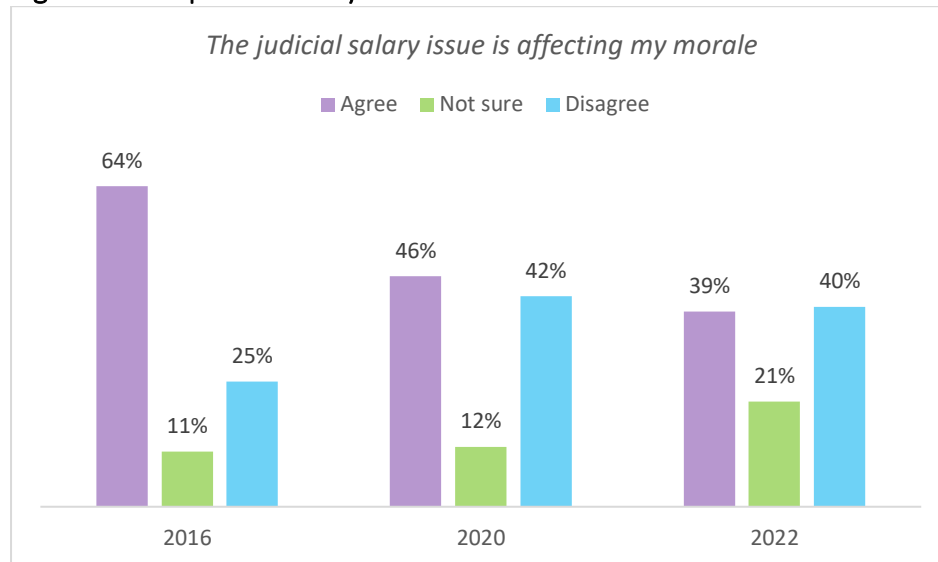
Figure 7.2: Salaried judges' loss of net earnings 2014-2022



The judicial salary issue is affecting my morale (2016-2022)

- Morale on the judicial salary issue has steadily improved from 2016 (when it was first asked). In 2016, 64% of Scottish salaried judges said the salary issue was affecting their morale; this fell to 39% in 2022.

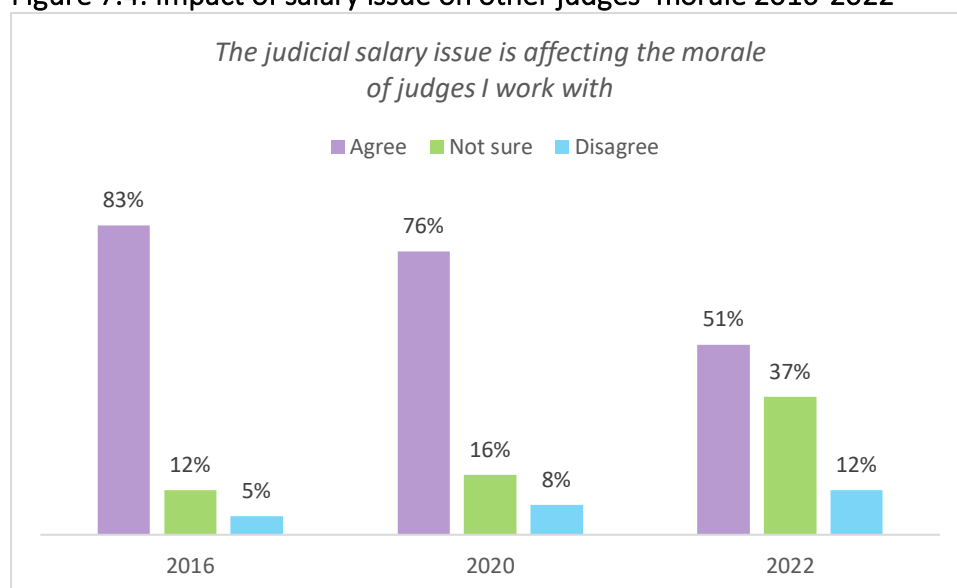
Figure 7.3: Impact of salary issue on morale 2016-2022



The judicial salary issue is affecting the morale of judges I work with (2016-2022)

- Since 2016 (when it was first asked), there has been a continued decrease in judges saying the salary issue was affecting the morale of judges they work with; that continued in 2022 but there was an increase in judges saying they were not sure about this.

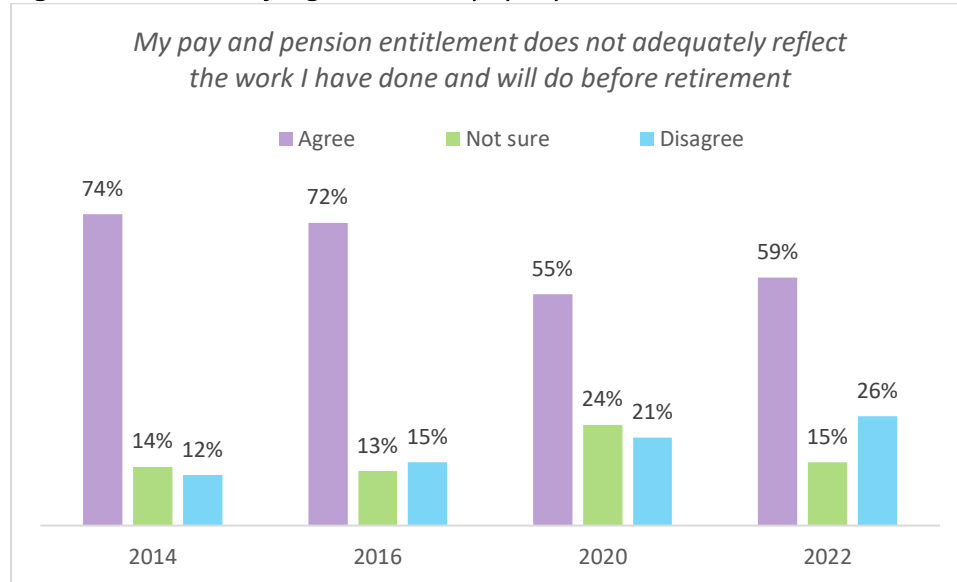
Figure 7.4: Impact of salary issue on other judges' morale 2016-2022



My pay and pension entitlement does not adequately reflect the work I have done and will do before retirement (2014-2022)

- The proportion of judges agreeing with this statement has fallen since 2014. It was lowest in 2020 (55%) and rose slightly in 2022 with 59% of salaried judges saying their pay and pension entitlement does not adequately reflect their work.

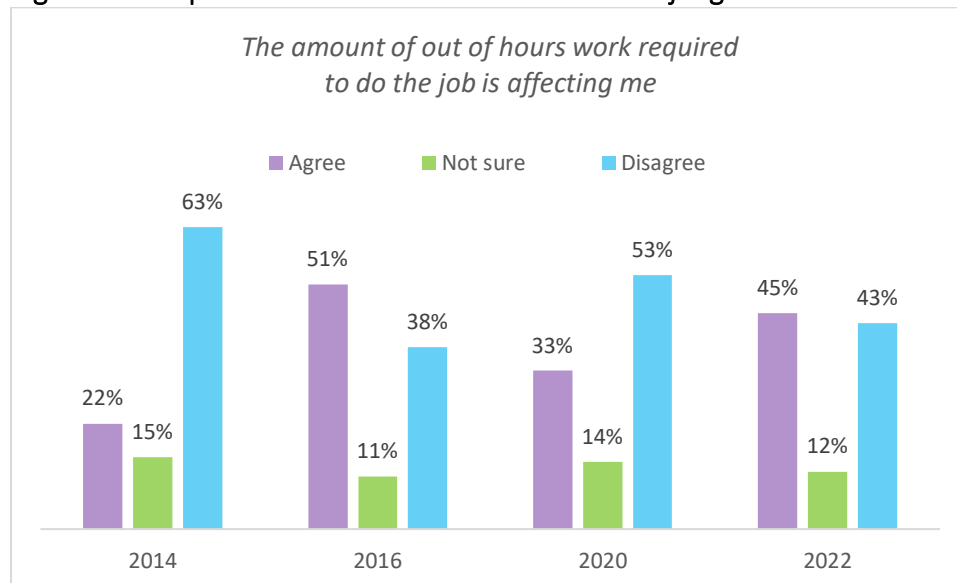
Figure 7.5: Salaried judges’ view on pay & pension entitlement 2014-2022



The amount of out of hours work required to do the job is affecting me (2014-2022)

- In 2014 only a small minority of judges said that out of hours work was affecting them (22%). This rose to a majority (51%) in 2016 but fell back to 33% in 2020. In 2022 it rose to 45% with the salaried judiciary divided now about the impact of out of hours work.

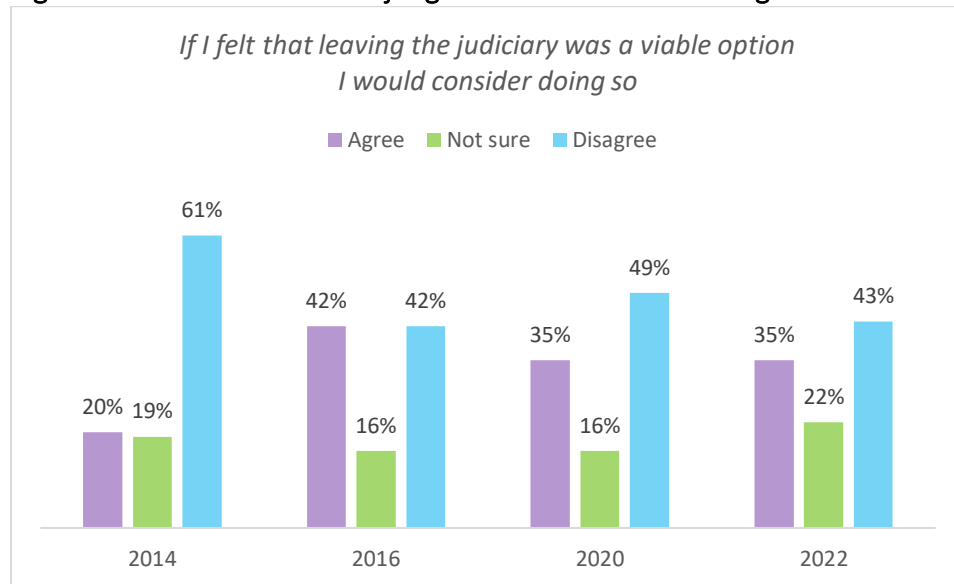
Figure 7.6: Impact of out of hours work on salaried judges 2014-2022



If I felt that leaving the judiciary was a viable option I would consider doing so (2014-2022)

- There was a substantial increase from 2014 to 2016 in judges saying they would consider leaving the judiciary if it was a viable option (from 20%-42%). This fell to 35% in 2020 and remained at that level in 2022; salaried judges now have divided views on this issue.

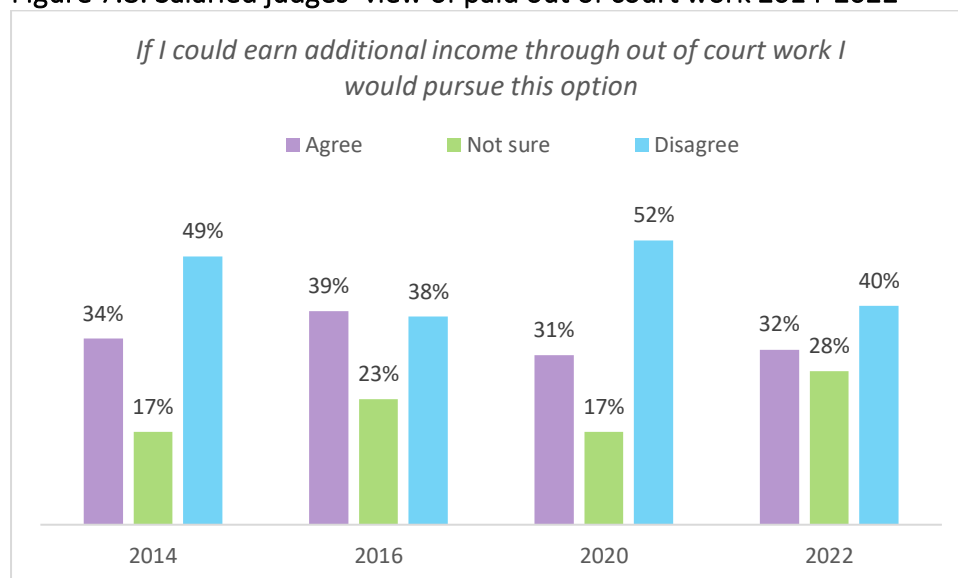
Figure 7.7: Whether salaried judges would consider leaving 2014-2022



If I could earn additional income through out of court work I would pursue this option (2014-2022)

- There has been a continued split in views amongst judges on this issue since 2014, with salaried judges now only slightly more likely to say they would not pursue paid out of court work if this was permitted (40%) compared with those that would pursue paid out of court work (32%).

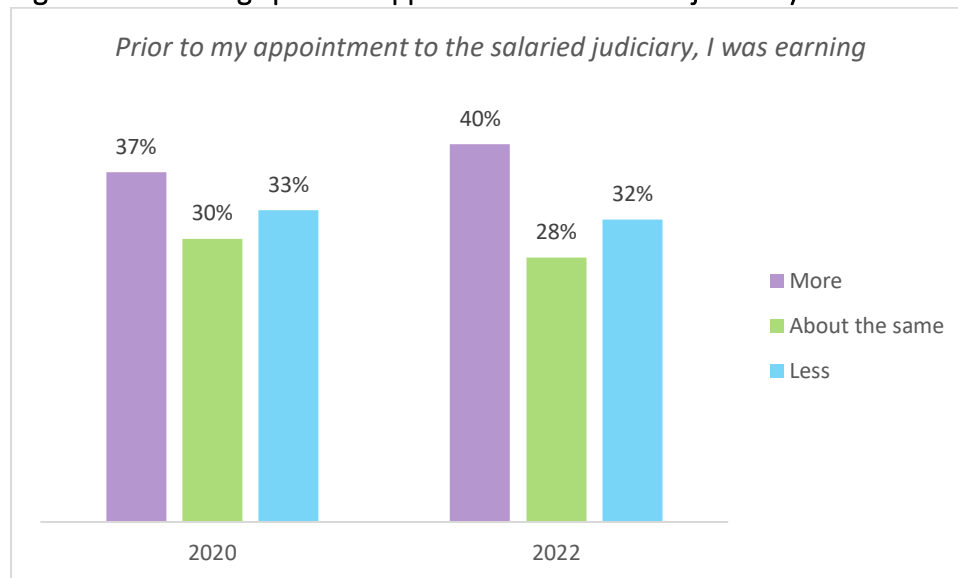
Figure 7.8: Salaried judges' view of paid out of court work 2014-2022



7.2 Salaried judges' earnings prior to appointment

In 2020, salaried judges were asked for the first time about their earnings just prior to their appointment to the salaried judiciary. In both 2020 and 2022, there was a relatively equal distribution of judges who were earning more, less and about the same than their judicial salary prior to their appointment to the salaried judiciary, but in 2022 the largest proportion of judges (40%) had been earning more prior to their appointment to the salaried judiciary.

Figure 7.9: Earnings prior to appointment to salaried judiciary: 2020 -2022

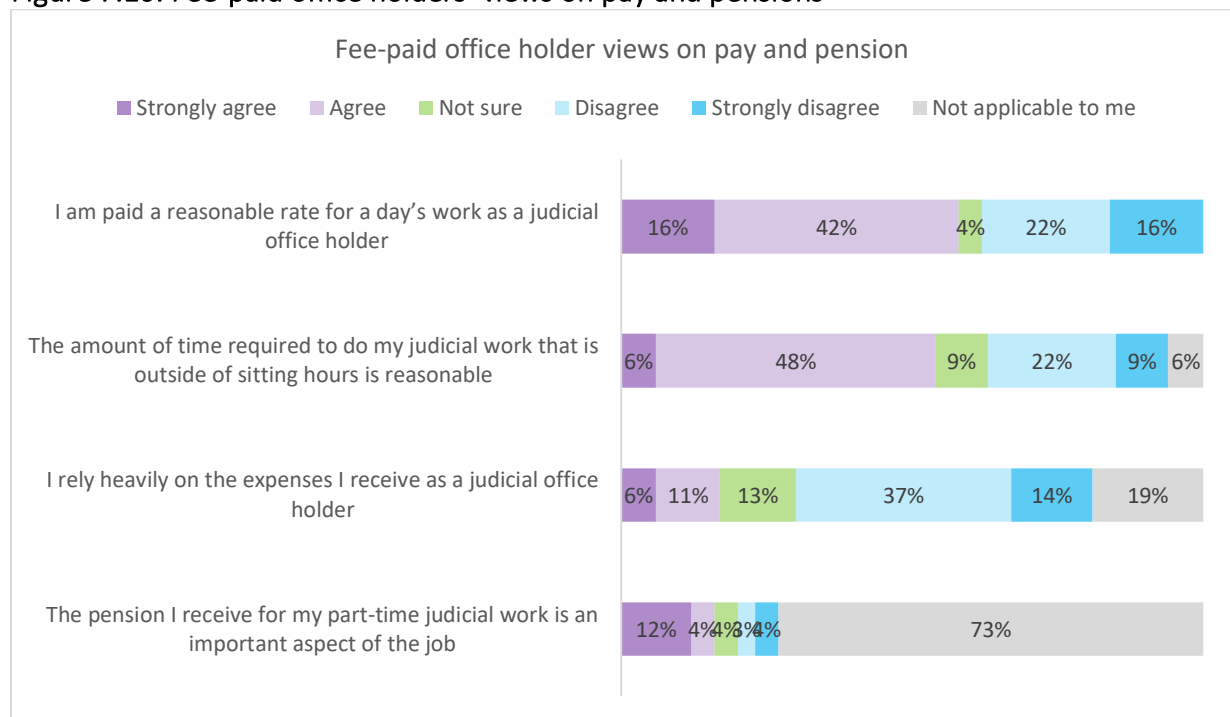


7.3 Pay and pensions (fee-paid judicial office holders)

The 2022 JAS was able to assess fee-paid judicial office holders' views about their pay and pensions for the first time (Figure 7.10).

- A majority of fee-paid judicial officeholders in Scotland feel they are paid a reasonable rate for a day's work (58%) and the amount of time required to do their work outside of sitting hours is reasonable (54%).
- A majority do not rely heavily on expenses (51% of all fee-paid office holders that answered the question - or 63% of those who said this question was applicable to them).
- Most fee-paid office holders (73%) said that the pension question was not applicable to them; of those for whom the pension question was applicable, a majority (60%) said the pension they receive for their part-time judicial work is an important aspect of the job for them.

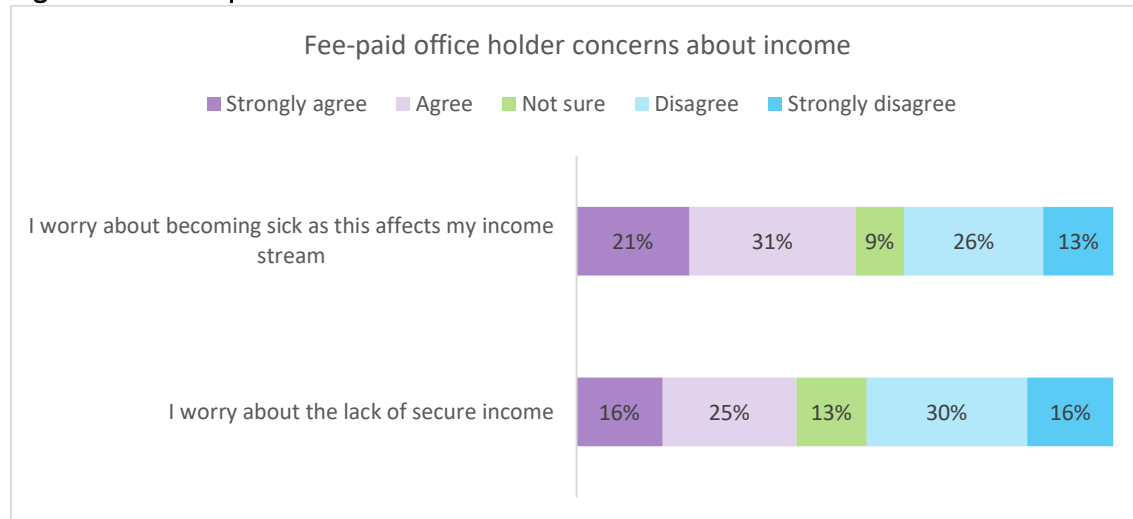
Figure 7.10: Fee-paid office holders' views on pay and pensions



7.4 Concerns over income

Fee-paid judicial office holders are divided in their concerns about the lack of a secure income (41% worry about this, 46% do not) and about the impact on their income if they become sick (52% worry about this, 39% do not) (Figure 7.11).

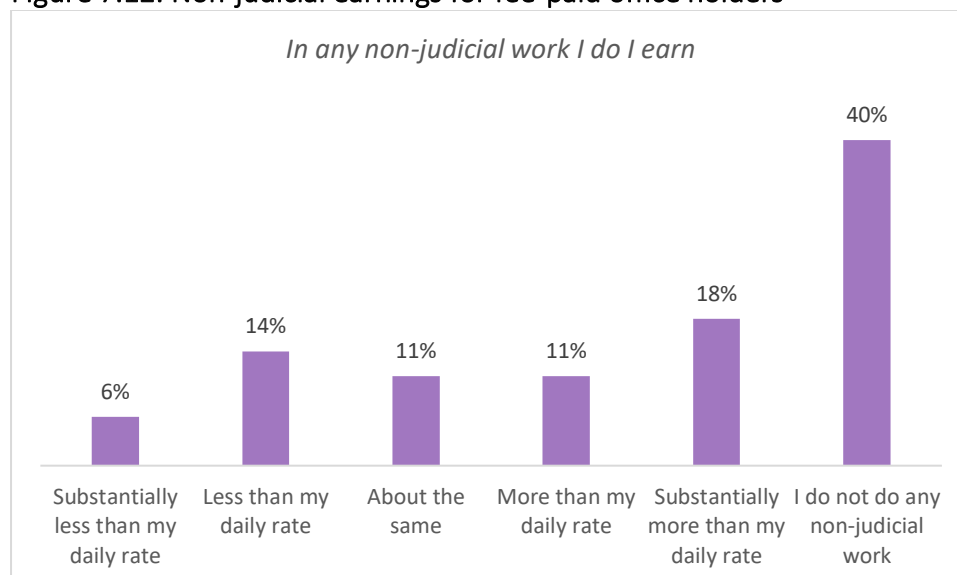
Figure 7.11: Fee-paid office holders' concerns over income



7.5 Fee-paid earnings in any non-judicial work done

Almost half (40%) of fee-paid judicial office holders do not do any non-judicial work. Of those that do, 29% earn more in their non-judicial work than their judicial daily rate, while 20% earn less than their judicial daily rate.

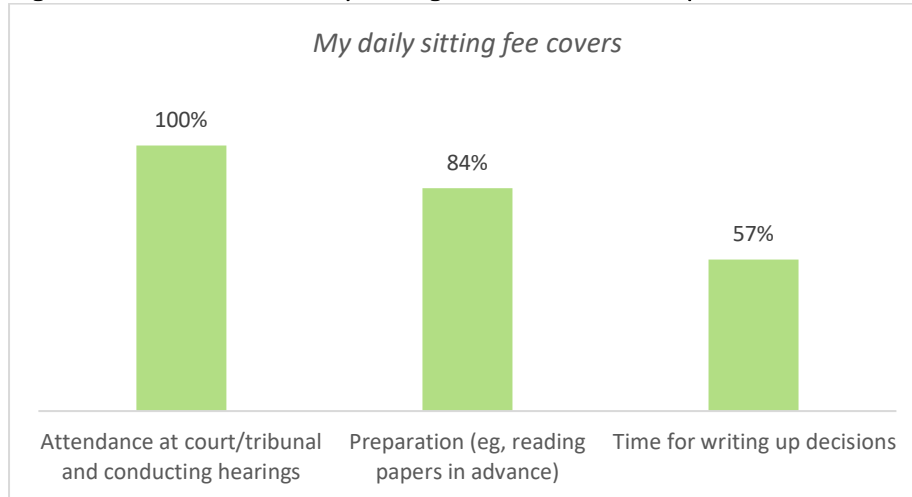
Figure 7.12: Non-judicial earnings for fee-paid office holders



7.6 Daily sitting fee

All (100%) of fee-paid judicial office holders said their daily sitting fee covered attendance at court and conducting hearings. Almost all said the daily sitting fee covered case preparation, but only just over half (57%) said it covered time for writing up decisions.

Figure 7.13: What the daily sitting fee covers for fee-paid office holders



8. Digital working

This section covers the Scottish judiciary’s views on working digitally, IT resources, technical support for working digitally and the impact of remote hearings on cases, parties and themselves.

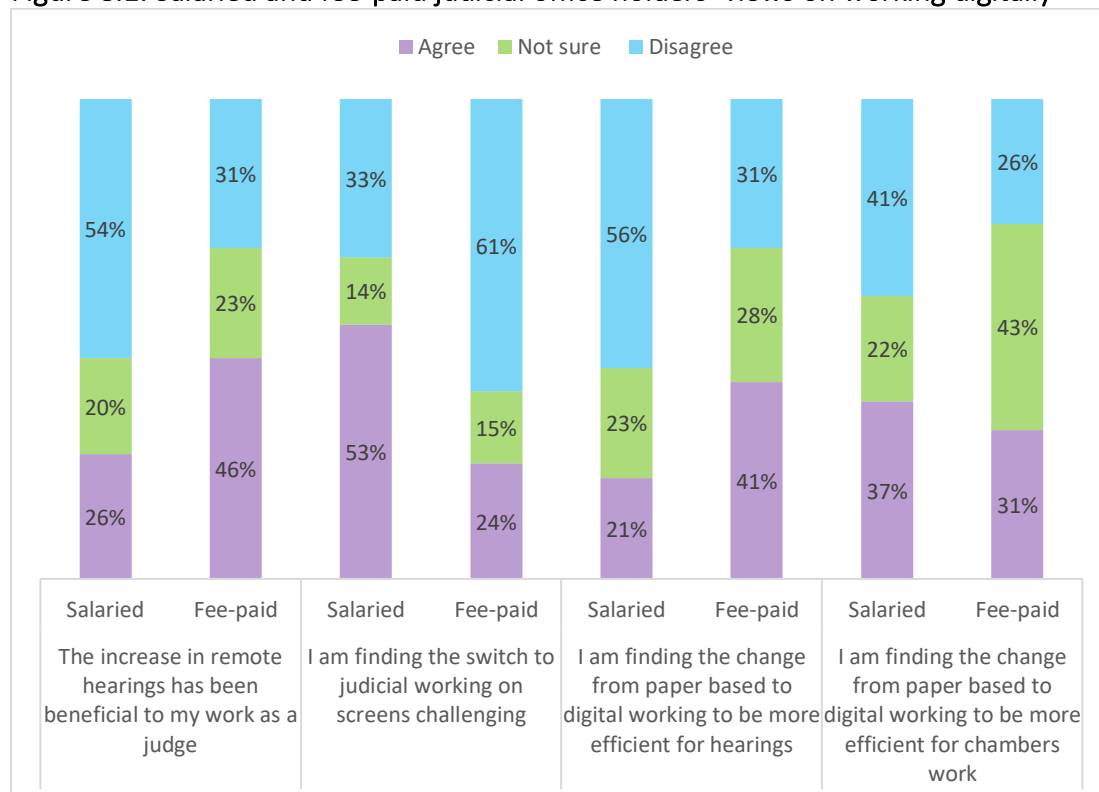
8.1 Views on working digitally

Just over half of all salaried judges (54%) did not feel that the increase in remote hearings had been beneficial to their work, and a majority (53%) said they were finding the switch to working on screens challenging. In contrast, almost half (46%) of fee-paid judicial office holders felt remote hearings had been beneficial to their work and a majority (61%) said they did not find the switch to working on screens challenging.

A majority of salaried judges (56%) said they did not find the change from paper to digital working more efficient for hearings, while 41% of fee-paid office holders said they did find the change from paper to digital work more efficient for hearings.

Both salaried and fee-paid judges were divided in their view about whether the change from paper to digital working was more efficient for chambers work.

Figure 8.1: Salaried and fee-paid judicial office holders’ views on working digitally



8.2 Assessment of IT resources

The salaried and fee-paid judiciary in Scotland were asked to assess a range of IT resources.

Standard of IT equipment for personal use

- Two-thirds of fee-paid judicial office holders (64%) said this was either poor or non-existent while most salaried judges (85%) said it was either excellent, good or adequate.

Internet access at court

- Close to half of all salaried judges (46%) said this was excellent or good but only a quarter of fee-paid office holders said it was excellent or good (26%).

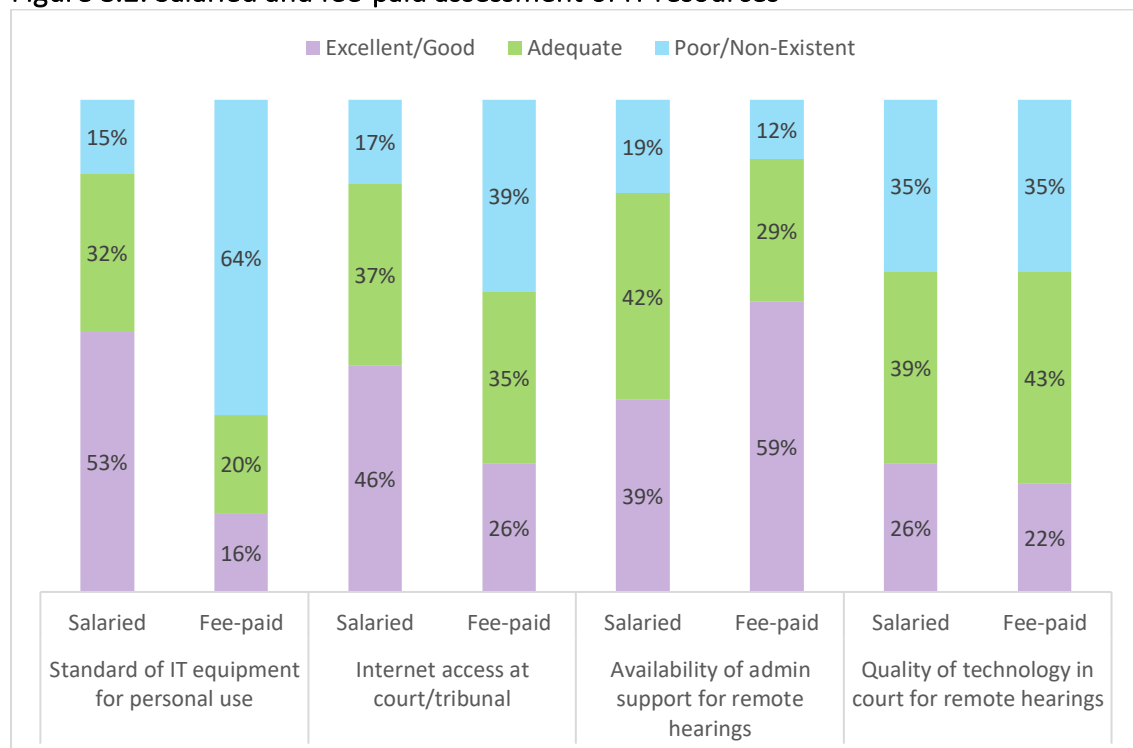
Availability of administrative support for remote hearings

- Only a third of salaried judges (39%) said this was excellent or good, but over half (59%) of fee-paid office holders said this was excellent or good.

Quality of technology in court for remote hearings

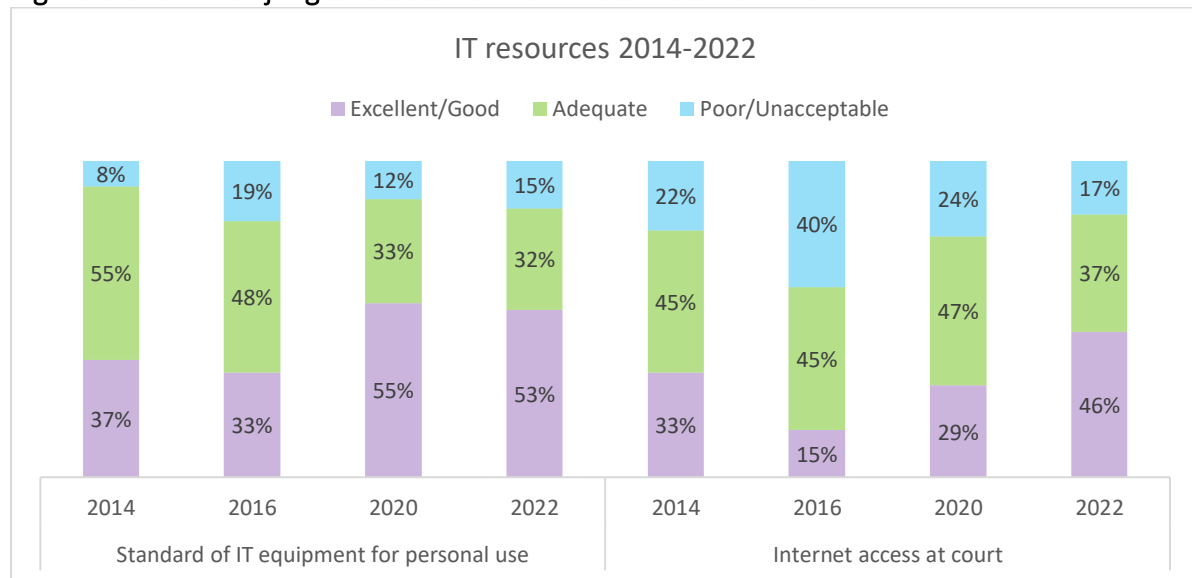
- The largest proportion of both salaried judges and fee-paid office holders said this was adequate.

Figure 8.2: Salaried and fee-paid assessment of IT resources



The standard of IT equipment for their personal use rated as excellent/good by salaried judges has increased from 2014-2022, with a majority now rating it as excellent/good. While only 15% of salaried judges rated the IT access at court as excellent/good in 2016, this rose to 46% in 2022.

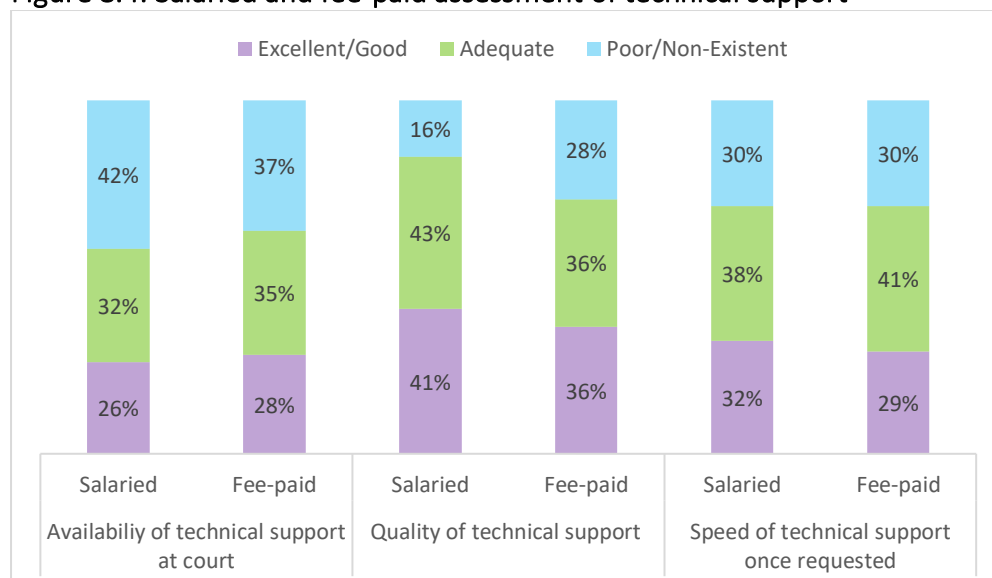
Figure 8.3: Salaried judges' assessment of IT resources 2014-2022



8.3 Technical support

Only a minority of both salaried and fee-paid judges said the availability, quality and speed of technical support was poor or non-existent. In all instances the largest proportion of both salaried and fee-paid judges said these aspects of technical support were adequate.

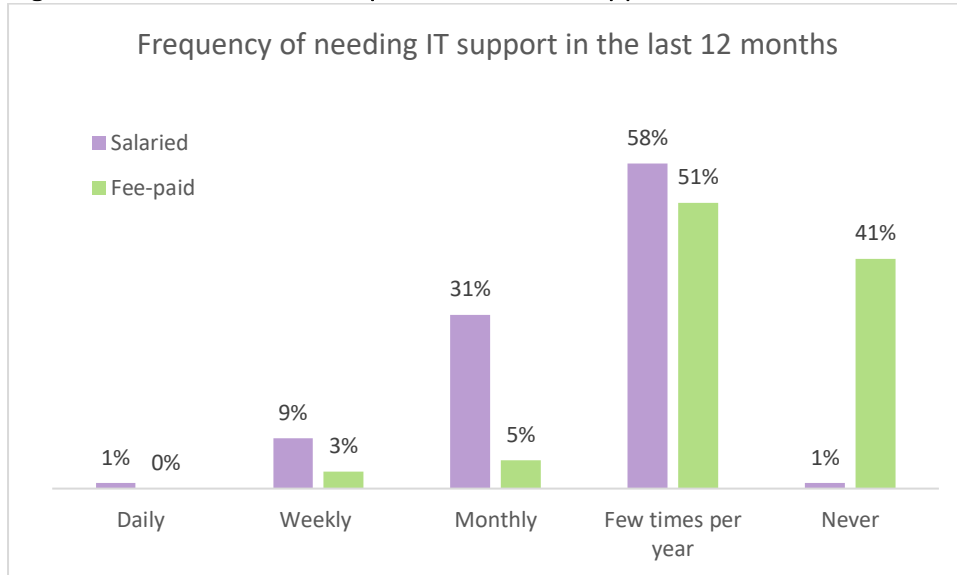
Figure 8.4: Salaried and fee-paid assessment of technical support



8.3.1 Frequency of needing technical support

Most judges, whether salaried or fee-paid, needed IT support a few times a year. It may be expected that a higher proportion of salaried judges, who sit more frequently than fee-paid office holders, would have more frequent needs for IT support (31% monthly, 9% weekly).

Figure 8.5: Salaried and fee-paid need for IT support

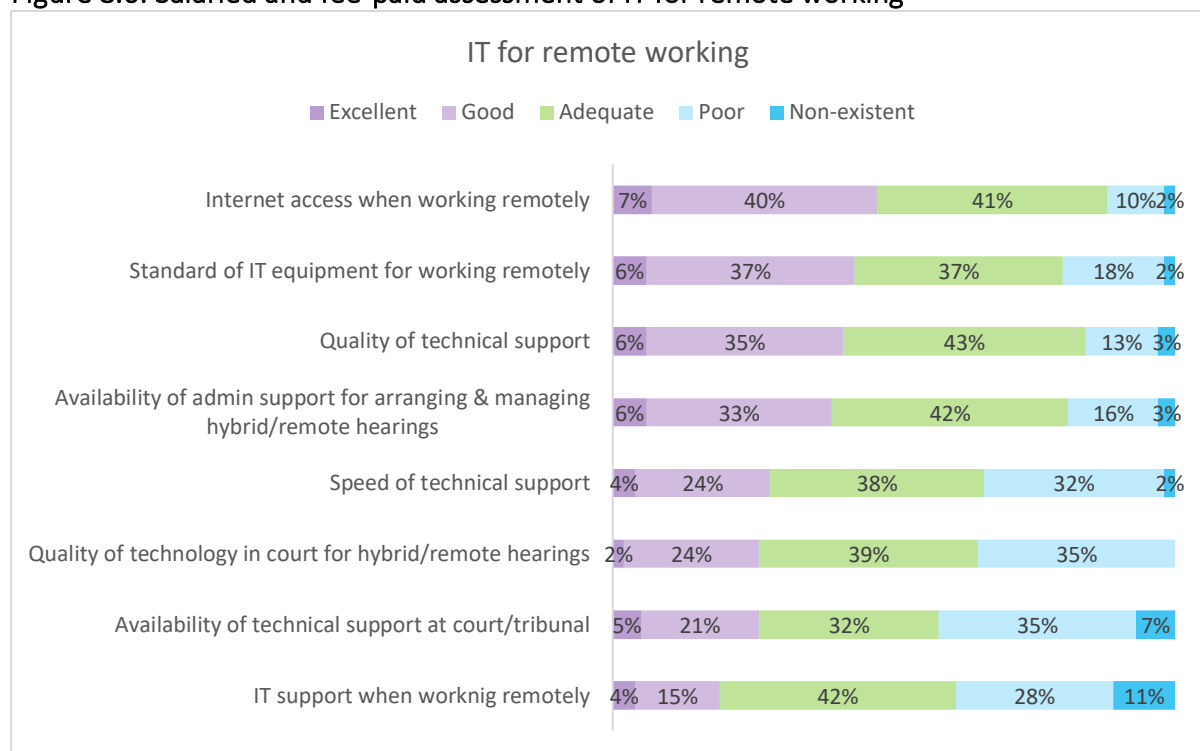


8.4 IT for working remotely

The IT resources for working remotely that were rated most highly were internet access, the standard of IT equipment, the quality of technical support and the availability of administrative support for arranging and managing hybrid/remote working. Over three-quarters of the judiciary rated this as excellent/good/adequate in 2022.

The IT resources for working remotely that had the largest rating as poor/non-existent were IT support when working remotely, availability of technical support at court, the quality of technology at court for hybrid/remote hearings and the speed of technical support.

Figure 8.6: Salaried and fee-paid assessment of IT for remote working



8.5 Impact of remote hearings

Following the increase in the use of remote hearings across the judiciary from 2020, the 2022 JAS asked members of both the salaried and fee-paid judiciary in Scotland for their views of the impact of remote hearings on a range of aspects of court and tribunal cases.

- Salaried judges were consistently more likely than fee-paid judicial office holders to feel that remote hearings had a negative effect across a range of aspects of hearings.
- For salaried judges, the largest negative effect of remote hearings was on the interactions between parties (72%), quality of advocacy (66%), way parties behave during hearings (67%), the ability of others to observe hearings (69%) and the resolution of cases (58%).

Figure 8.7: Impact of remote hearings on parties' behaviour and participation

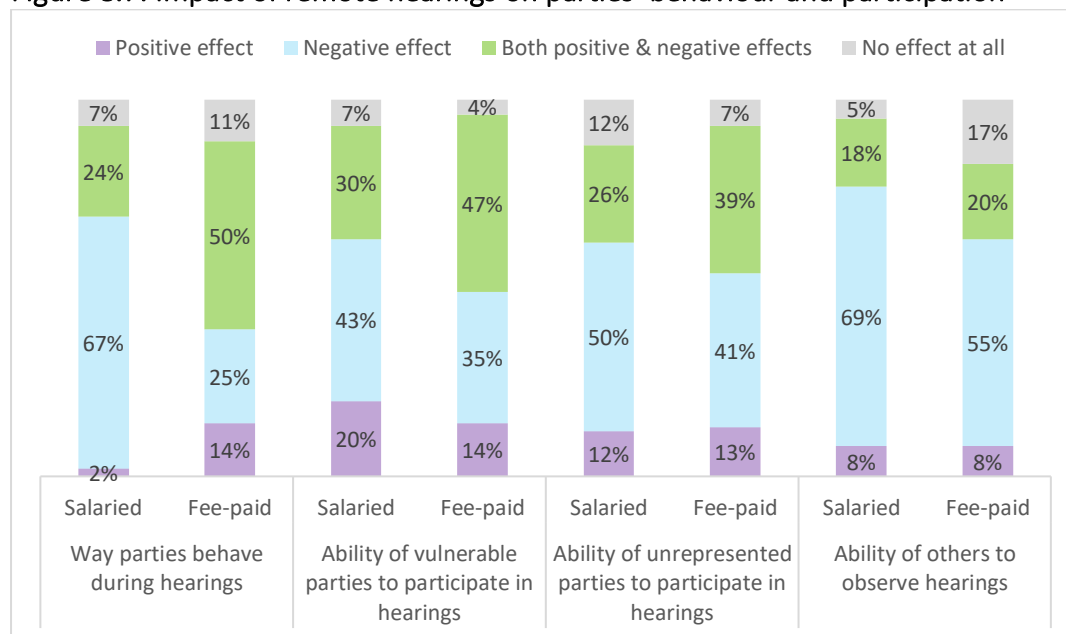


Figure 8.8: Impact of remote hearings on completion of hearings

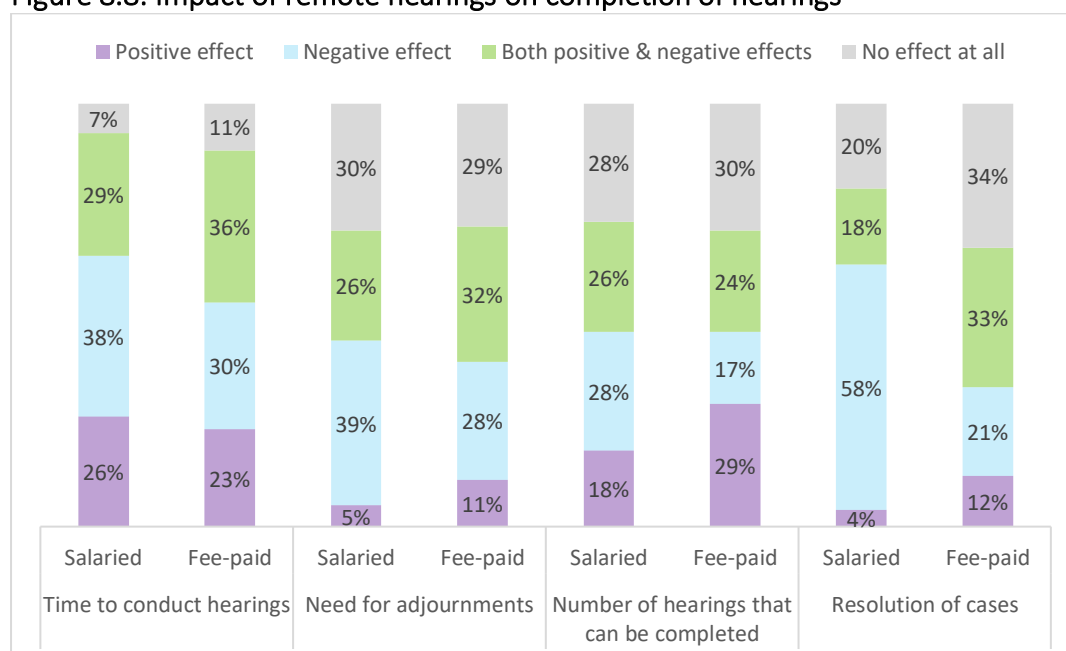
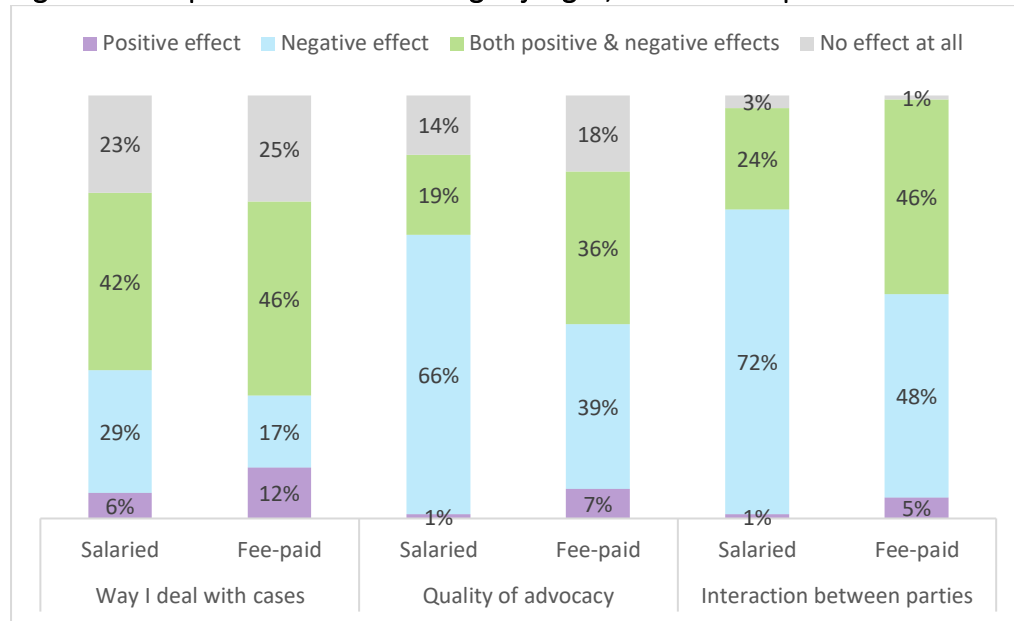


Figure 8.9: Impact of remote hearings - judges, counsel and parties' actions



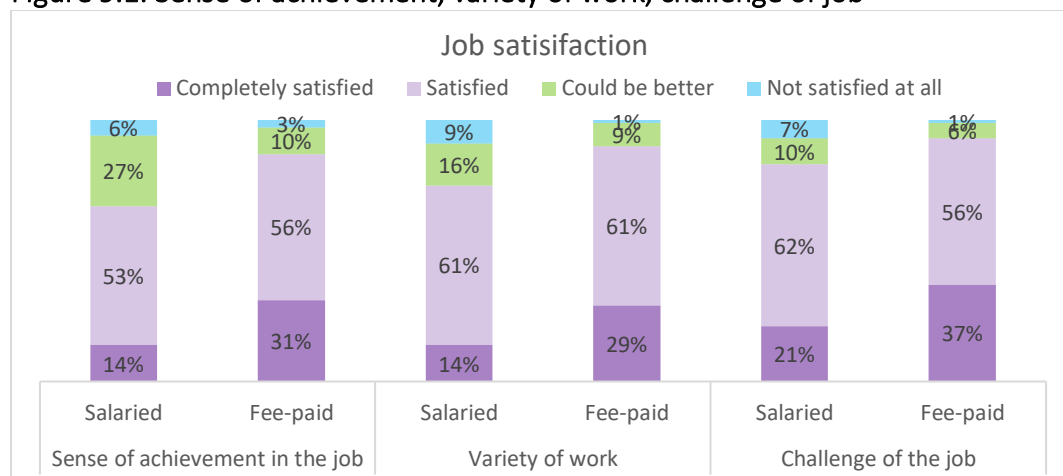
9. Job satisfaction, opportunities & training

This section compares salaried judges' and fee-paid judicial office holders' views on how satisfied they are with aspects of their job and their assessment of the training they receive. It also examines which opportunities are most important to the salaried and fee-paid judiciary and how available those opportunities are to them.

9.1 Satisfaction with aspects of the judicial role

Most judges in Scotland, whether salaried or fee-paid, are satisfied with their sense of achievement, the variety of work and challenge of the job, although fee-paid office holders have higher levels of satisfaction than salaried judges in all three areas.

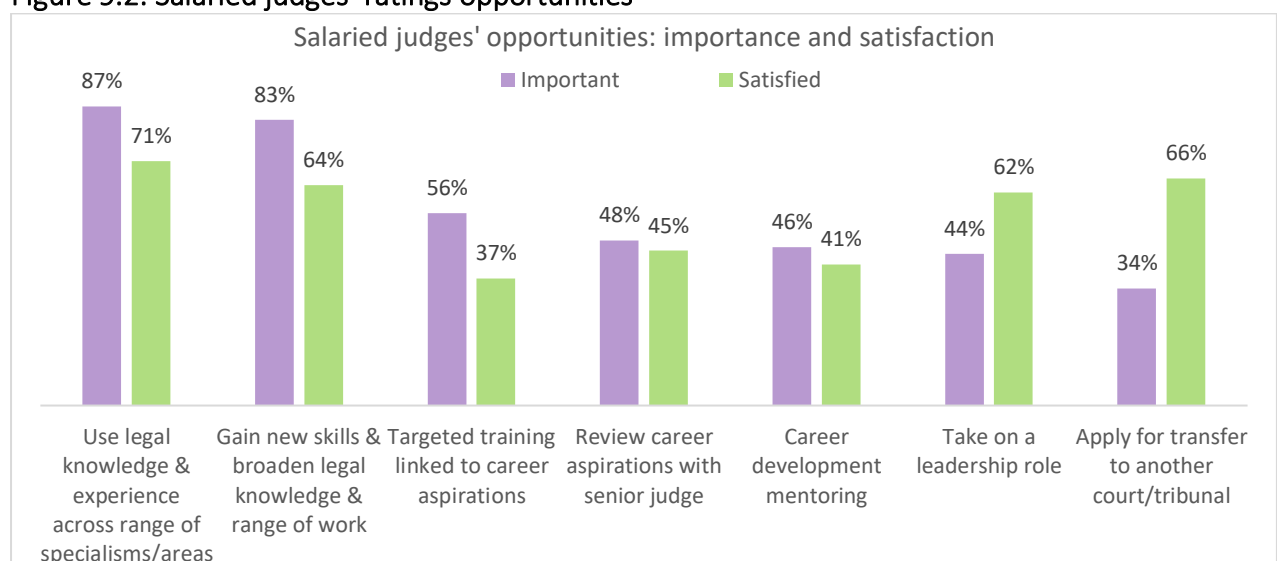
Figure 9.1: Sense of achievement, variety of work, challenge of job



9.2 Opportunities for salaried judges

The most important opportunities for salaried judges are to be able to use their legal knowledge and experience across a range of specialisms (87%) and to gain new skills and broaden their legal knowledge and range of work (83%). A majority of judges are satisfied with these opportunities but at lower proportions than those who say it is important.

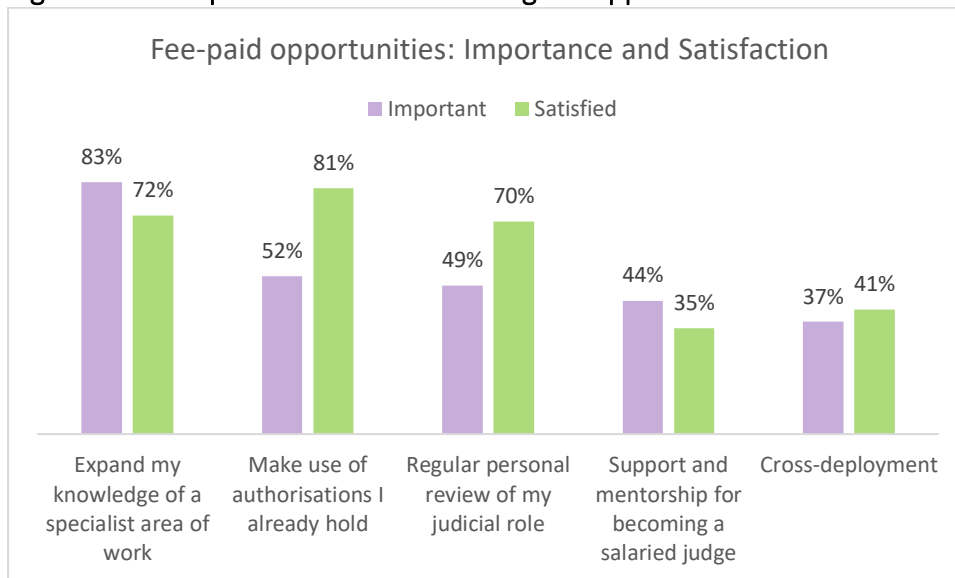
Figure 9.2: Salaried judges' ratings opportunities



9.3 Opportunities for fee-paid judicial office holders

The most important opportunities for fee-paid office holders were to expand their knowledge of a specialist area of work (83%) and to make use of the authorisation they already have (52%). The level of satisfaction of fee-paid office holders with specific opportunities generally matches (and sometimes exceeds) the level of importance of these opportunities to them.

Figure 9.3: Fee-paid office holders' ratings of opportunities

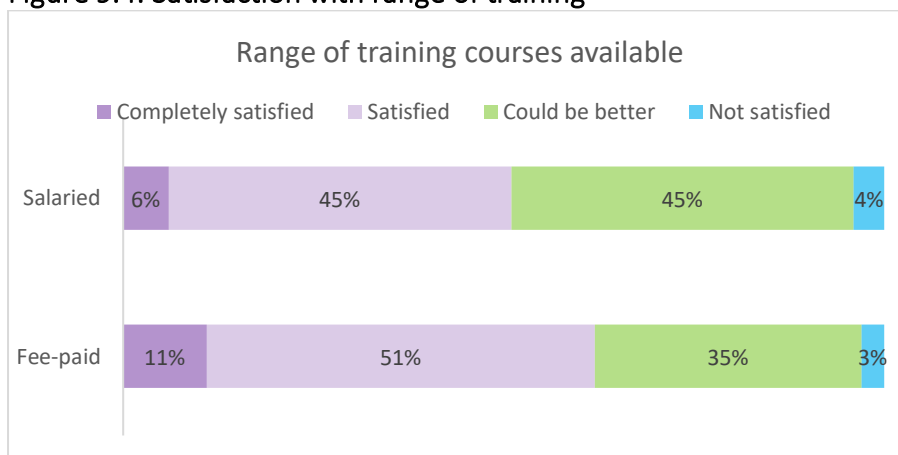


9.4 Satisfaction with training

9.4.1 Range of training courses available

Fee-paid judicial office holders have a higher level of satisfaction with the range of training courses available (62%) than salaried judges (51%), with 45% of salaried judges saying that the range of training courses could be better.

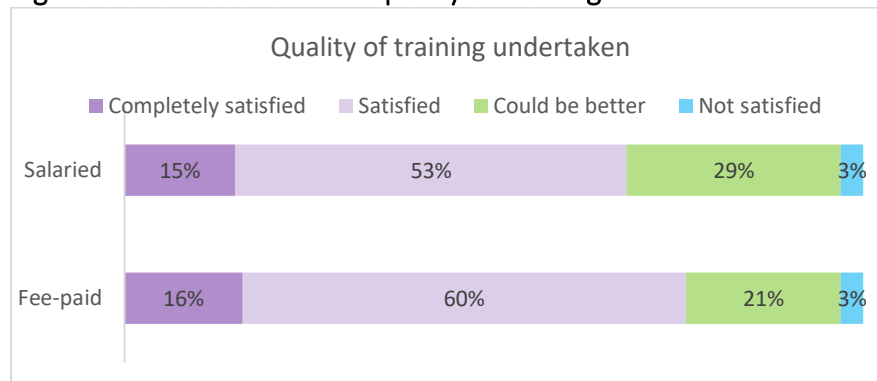
Figure 9.4: Satisfaction with range of training



9.4.2 Quality of training undertaken

While a majority of both salaried and fee-paid judges are satisfied with the quality of training, fee-paid judicial office holders have a higher level of satisfaction (76%) than salaried judges (68%).

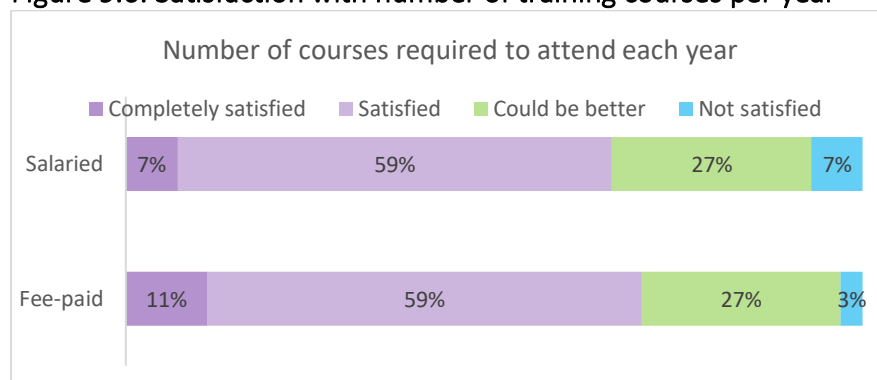
Figure 9.5: Satisfaction with quality of training



9.4.3 Number of training courses judges are required to attend each year

Most fee-paid (70%) and salaried judges (66%) are satisfied with the number of training courses they are required to attend each year.

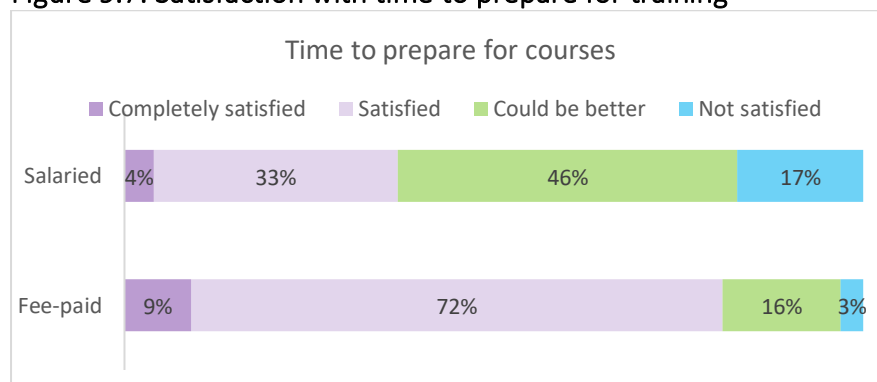
Figure 9.6: Satisfaction with number of training courses per year



9.4.4 Time to prepare for training courses

While almost all fee-paid judicial office holders (81%) are satisfied with the time they have to prepare for training courses, only a minority of salaried judges are satisfied (37%).

Figure 9.7: Satisfaction with time to prepare for training



Range, quality and time for training 2014-2022 (Scottish salaried judges)

- Salaried judges’ satisfaction with the range and quality of training has steadily decreased from 2014 to 2022.
- Satisfaction with the time for training has remained fairly constant from 2014 to 2022, but there was a change in the question from “time for training” in 2014/2016 to “time to prepare for training” in 2020/2022 which may have impacted on those results.

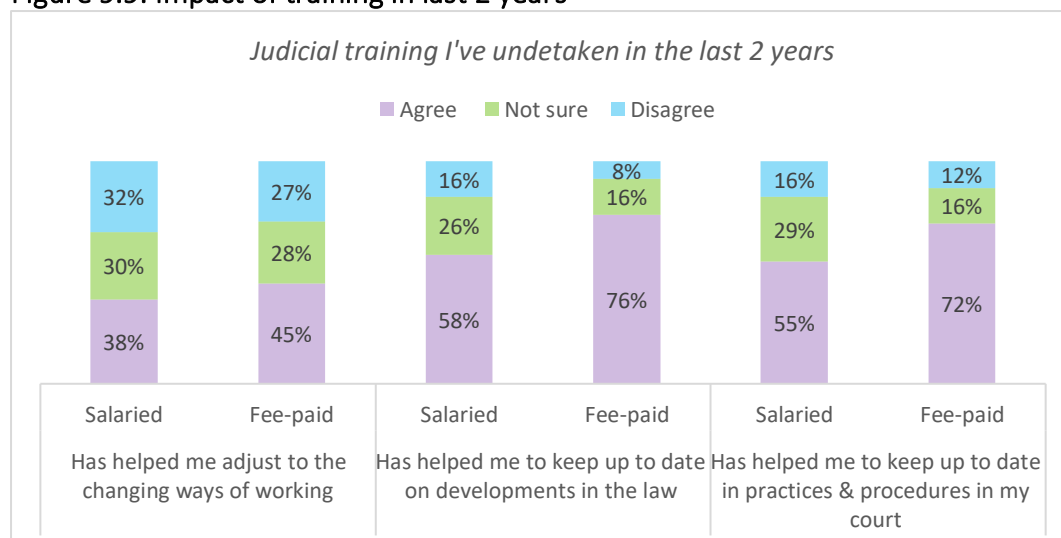
Figure 9.8: Salaried judges’ satisfaction with aspects of training 2014-2022



9.5 Impact of training in the last 2 years

Only a minority of both salaried (38%) and fee-paid office holders (45%) in Scotland said that the training they have undertaken in the last 2 years has helped them to adjust to the changing ways of working. Much larger proportions of fee-paid office holders said that the recent training had helped them keep up to date on changes in the law (76%) compared with salaried judges (58%). This was also the case with the proportion of fee-paid office holders that said the training in the last 2 years had helped them keep up to date on practices and procedures in court (72%) compared with salaried judges (55%).

Figure 9.9: Impact of training in last 2 years



10. Change and communications

This section covers both the Scottish salaried and fee-paid judiciary's views about change in the judiciary, as well as the information and communications they receive about this change and other aspects of their working lives.

10.1 Judicial views about change

The one change in the judiciary that both salaried and fee-paid judges are most concerned about is the loss of respect for the judiciary by government (86% for salaried judges and 64% for fee-paid). Staff reductions, fiscal constraints and loss of experienced judges were among the changes salaried judges were most concerned about (and were not included in the fee-paid part of the survey). Salaried judges were much more concerned than fee-paid office holders about the increase in litigants in person. But both the salaried and fee-paid judiciary were concerned about the reduction in face-to-face hearings and attacks on the judiciary in the media.

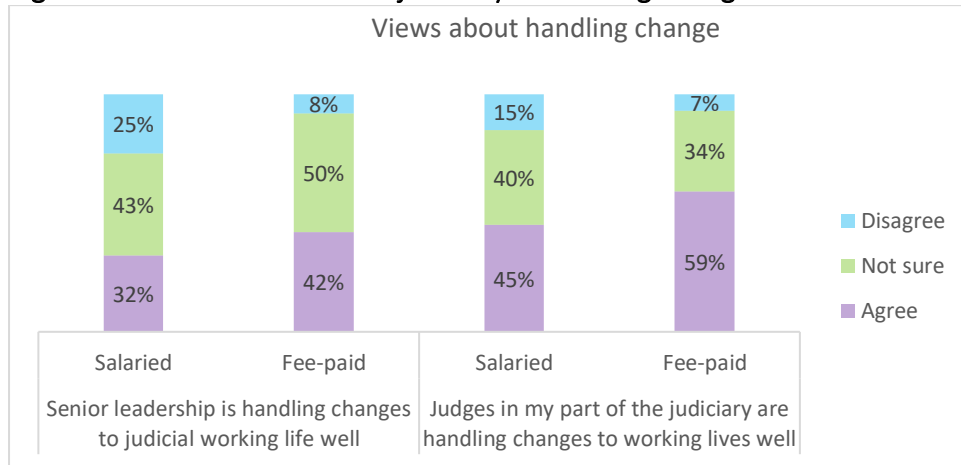
Table 10.1: Levels of concern about specific changes in the judiciary

<i>How concerned are you about each of these changes in the judiciary?</i>	Extremely & somewhat concerned	
	Salaried	Fee-paid
Loss of respect for judiciary by government	86%	64%
Staff reductions	85%	
Fiscal constraints	85%	
Loss of experienced judges	78%	
Increase in litigants in person	76%	30%
Reduction in face-to-face hearings	75%	64%
Attacks on the judiciary in the media	75%	59%
Loss of judicial independence	68%	47%
Low judicial morale	62%	40%
Stressful working conditions	61%	
Inability to attract the best people into the judiciary	59%	
Personal safety for judges	46%	31%

10.2 Handling change

The largest proportion of both fee-paid (50%) and salaried judges (43%) are not sure whether the senior leadership in the judiciary is handling changes to judicial working life well. Salaried judges are divided between those who feel that judges in their part of the judiciary are handling changes to working life well (45%) and those who are not sure about this (40%); whereas a majority of fee-paid judicial office holders (59%) felt that their part of the judiciary was handling changes to working life well.

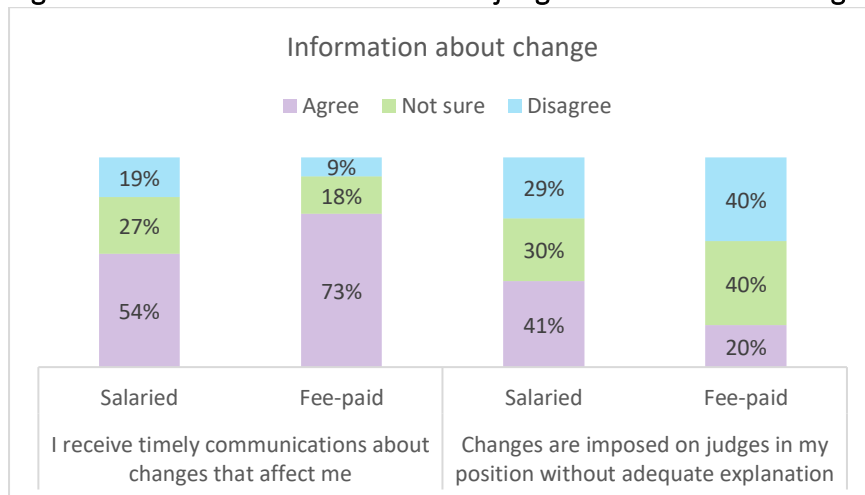
Figure 10.1: Views about how judiciary is handling change



10.3 Information received about change

A majority of both fee-paid and salaried judges said that they receive timely communications about changes that affect them, although more fee-paid judges agreed (73%) than salaried judges (54%). Both fee-paid and salaried judges were divided in their views about whether changes are imposed on judges in their position without adequate explanation. Fee-paid judges were most likely to disagree with the view that changes are imposed on them without adequate explanation (40%) or say they were not sure (40%), while salaried judges were more likely to say that changes are imposed on them without adequate explanation (41%) or say they were not sure (31%)

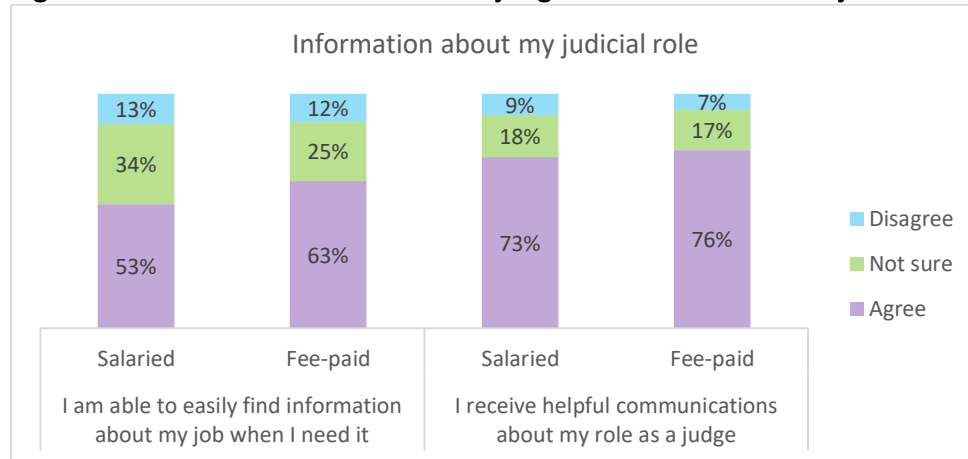
Figure 10.2: Views about information judges receive about change



10.4 Information received about my judicial role

A majority of both fee-paid and salaried judges in Scotland said that they are able to easily find information about their job when they need it, although more fee-paid judges agreed with this (63%) than salaried judges (53%). Most fee-paid (76%) and salaried judges said they receive helpful communications about their role as a judge.

Figure 10.3: Views about information judges receive about their judicial role



11. Joining and leaving the judiciary

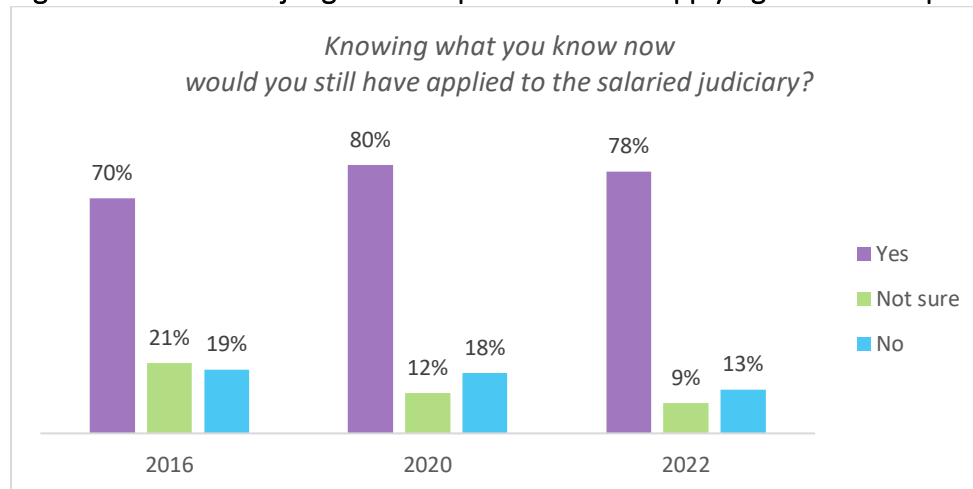
This section looks first at both salaried and fee-paid judges' views about joining the salaried judiciary. It then explores fee-paid judicial office holders' views about recommending that others join the fee-paid judiciary. In the final section it examines salaried judges' intentions and motivations to leave the salaried judiciary early before their compulsory retirement age.

11.1 Joining the salaried judiciary

11.1.1 Retrospective views on joining the salaried Judiciary

All salaried judges were asked: *Knowing what you know now about your job as a judge would you still have applied to join the salaried judiciary?* There has been an increase since 2016 in the proportion of salaried judges who said that, knowing what they know now about the job of a salaried judge, they would still have applied, rising from 70% in 2016 to 80% in 2020 and 78% in 2022.

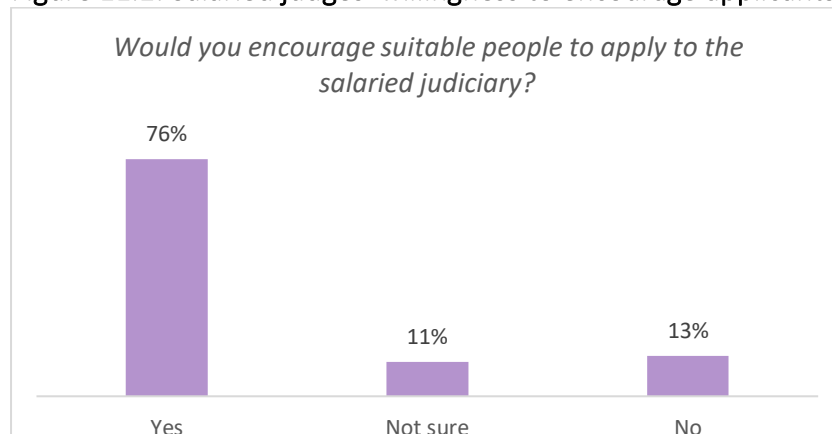
Figure 11.1: Salaried judges' retrospective view of applying for salaried post



11.1.2 Whether judges would encourage people to apply to join the salaried judiciary

Most salaried judges (76%) would encourage suitable people to apply to join the salaried judiciary.

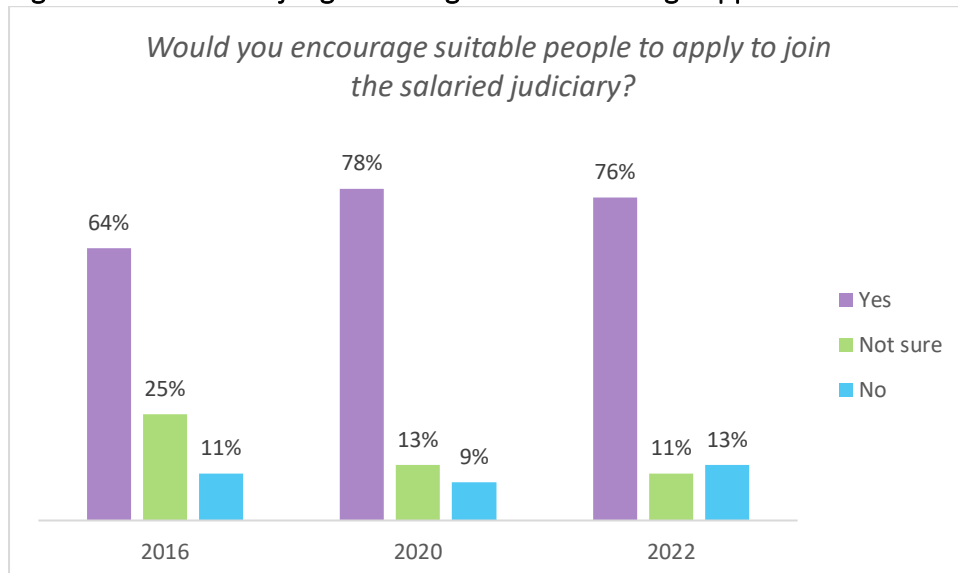
Figure 11.2: Salaried judges' willingness to encourage applicants



Would you encourage suitable people to apply to join the salaried judiciary? 2016-2022

- Overall there has been an increase from 2016 in the proportion of salaried judges in Scotland who said they would encourage suitable people to apply to join the salaried judiciary (from 64% to 76%).

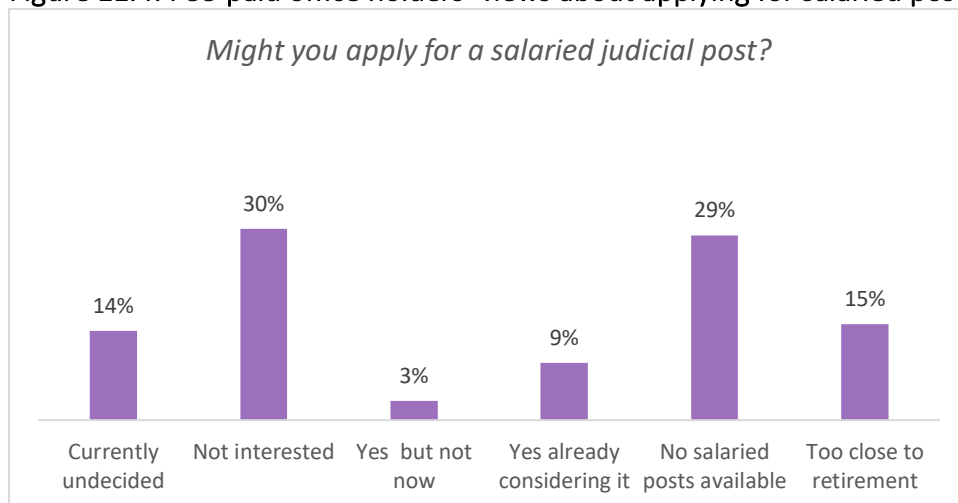
Figure 11.3: Salaried judges' willingness to encourage applicants 2016-2022



11.2 Fee-paid judicial office holders' intentions to apply to the salaried judiciary

Almost half of fee-paid judicial office holders in Scotland either are not interested in applying for a salaried post (30%) or are too close to retirement to do so (15%), and almost a third (29%) said that there were no salaried posts available. Only a small proportion (9%) are already considering applying for a salaried post, although a further 14% said they were currently undecided.

Figure 11.4: Fee-paid office holders' views about applying for salaried post



A majority of fee-paid office holders in Scotland said the reasons they would consider applying to become a salaried judge are pension, public service, challenge of the work, job security, salary, intellectual satisfaction and the chance to contribute to justice being done.

Table 11.1: Reasons fee-paid judiciary would apply for a salaried post

<i>The reasons I would consider applying to join the salaried judiciary are</i>	%
Pension	67%
Public service	61%
Challenge of the work	58%
Job security	58%
Salary	56%
Intellectual satisfaction	54%
Chance to contribute to justice being done	51%
Sense of collegiality	30%
Less pressurised environment than practice	14%
Respect in the community	12%
Administrative support	12%
Prestige of the job	12%

The main reasons fee-paid judges would not consider applying for a salaried post are the lack of personal control over their working time, the judicial appointments process, isolation of the job and uncertainty over where they would be required to sit (Table 11.2).

Table 11.2: Reasons fee-paid judiciary would not apply for a salaried post

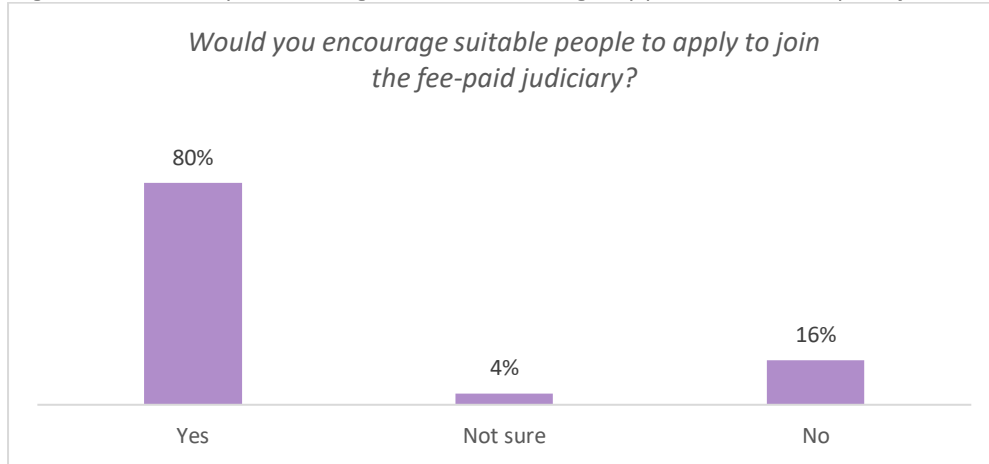
<i>The reasons I would not consider applying to join the salaried judiciary are</i>	%
Lack of personal control over working time	46%
Judicial appointments process	29%
Isolation of the job	27%
Uncertainty over where I'd be required to sit	27%
Feeling of being an employee or civil servant	20%
Lack of variety in the work	16%
Reduction in income	16%
Being required to do work outside my expertise	16%
Too much out of hours work required to do the job	12%
Lack of respect for judges	11%
Rigid hierarchical work environment	10%
Experience of changes to pension entitlements	8%
Poor quality of physical work environment	8%
Increase in litigants in person	6%
Lack of administrative support	4%
Loss of travel expenses	3%

11.3 Joining the fee-paid judiciary

Whether the fee-paid judiciary would encourage people to join the fee-paid judiciary

The overwhelming majority of fee-paid judicial office holders said they would encourage suitable people to apply to join the fee-paid judiciary.

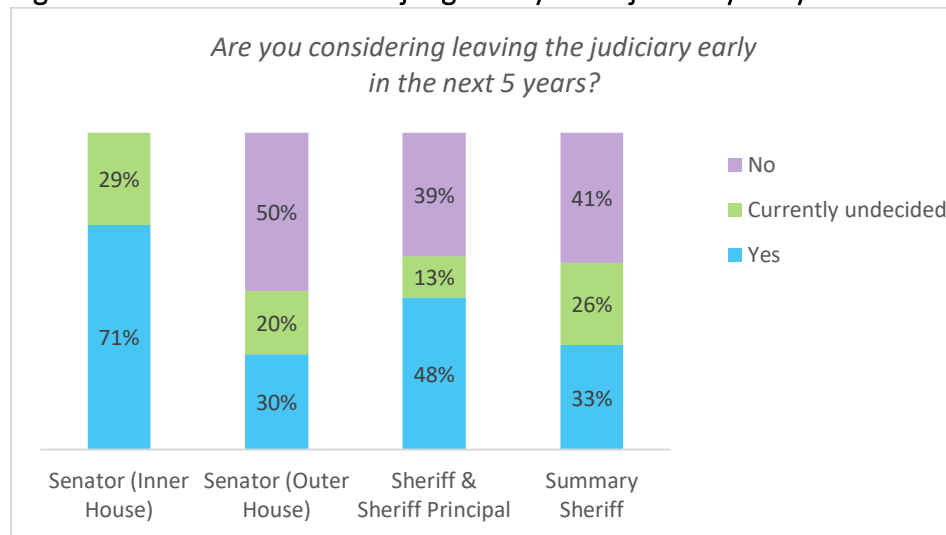
Figure 11.5: Fee-paid willingness to encourage applicants to fee-paid judiciary



11.4 Leaving the salaried judiciary early

All salaried judges were asked whether they were considering leaving early before compulsory retirement in the next 5 years. The results varied by judicial post, with Senators of the Inner House having the largest proportion of judges that said yes (71%), Senators of the Outer House having the largest proportion that said no (50%), and Sheriffs, Sheriffs Principals and Summary Sheriffs being fairly evenly divided in their intentions.

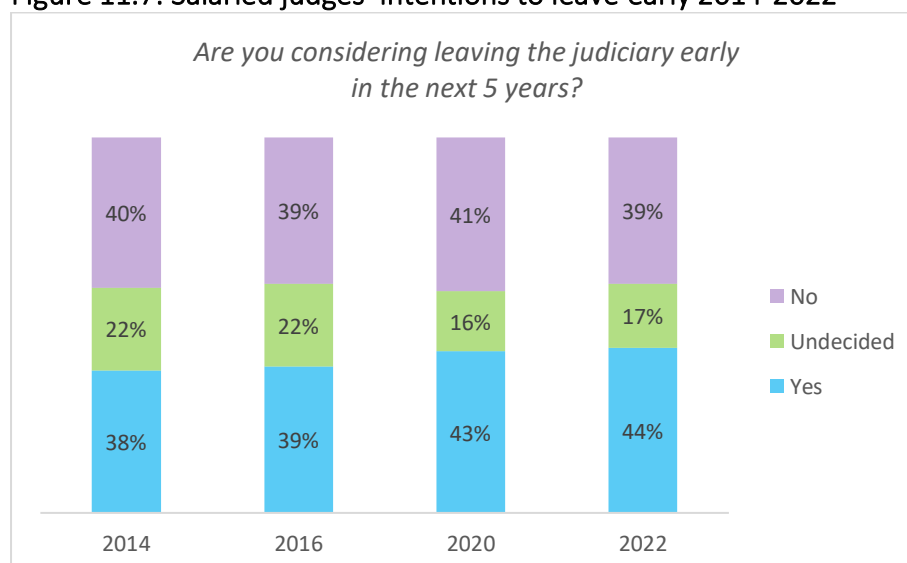
Figure 11.6: Whether salaried judges may leave judiciary early



11.4.1 Trends from 2014 to 2022

The proportion of judges saying they are considering leaving the salaried judiciary early has increased from 2014 to 2022 from 38% to 44%, with a decrease in those who are not sure from 22% to 17%.

Figure 11.7: Salaried judges' intentions to leave early 2014-2022



11.5 Factors prompting early departure

The factors most likely to prompt salaried judges to leave the judiciary early were a reduction in pension benefits (70%) and limits on pay awards (68%). A majority also said increases in workload, stressful working conditions, further demands for out of hours working and a reduction in administrative support would make them more likely to leave the judiciary early.

Table 11.3: Factors increasing likelihood of salaried judges leaving judiciary early

<i>Which of the following factors would make you more likely to leave the judiciary early before your compulsory retirement age?</i>	<i>%</i>
Reduction in pension benefits	70%
Limits on pay awards	68%
Increase in workload	59%
Stressful working conditions	59%
Further demands for out of hours working	55%
Reduction in administrative support	52%
Lack of respect for the judiciary by government	47%
Introduction on online courts	43%
Requirement to sit in a location too far from home	40%
Personal health issues	39%
Lack of stimulating work	34%
Lack of promotion	33%
Increase in litigants in person	33%
Remote hearings	30%
Inability to move to salaried part-time working	25%
Attacks on the judiciary by the media	23%
Lack of effective leadership of the judiciary	21%
Inability to work more flexible hours	16%
Uncertainty over the future of my part of the judiciary	12%
Court closures	8%
Personal security concerns	8%

11.6 Main factors encouraging judges to remain

There was one main factor that would make salaried judges in Scotland more likely to stay in the judiciary until their compulsory retirement age, which was higher remuneration (83%). Just over half (52%) of all salaried judges in Scotland also said appointment to a higher judicial post would make them more likely to stay in the judiciary until their compulsory retirement age (Table 11.4).

Table 11.4: Factors encouraging salaried judges to remain in judiciary

<i>Which of the following factors would make you more likely to stay in the judiciary until your compulsory retirement age?</i>	<i>%</i>
Higher remuneration	83%
Appointment to a higher post	53%
Better administrative support	49%
Opportunity for sabbatical	46%
Opportunity to work part-time	41%
Increased flexibility in working hours	39%
Reduction in workload	38%
Greater respect for the work judges do	37%
Reduction in litigants in person	31%
Greater variation in work	29%
Support for dealing with stressful working conditions	28%
Better leadership of the judiciary	22%
Having more leadership responsibilities	19%
Change of work location	17%
Better security for judges	14%
Greater certainty over the future of my part of the judiciary	13%
Increase in remote working	11%

12. Leadership

This section on leadership applies only to the salaried judiciary in Scotland. It first examines the distribution and allocation of leadership roles amongst salaried judges. It then explores salaried judges' views about the role and performance of leadership judges.

12.1 Holding leadership roles and responsibilities

While most salaried judges said they held some informal leadership roles (78%), just under a third (30%) held formal leadership roles. When viewed by judicial post (Figure 12.2), Senators of the Inner House hold the highest proportion of formal leadership roles (36%) and Senators of the Outer House hold the highest proportion of informal leadership roles (43%).

Figure 12.1: Current formal & informal leadership roles

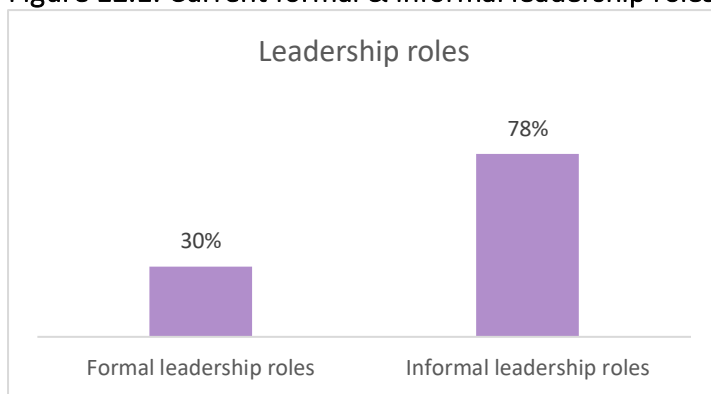
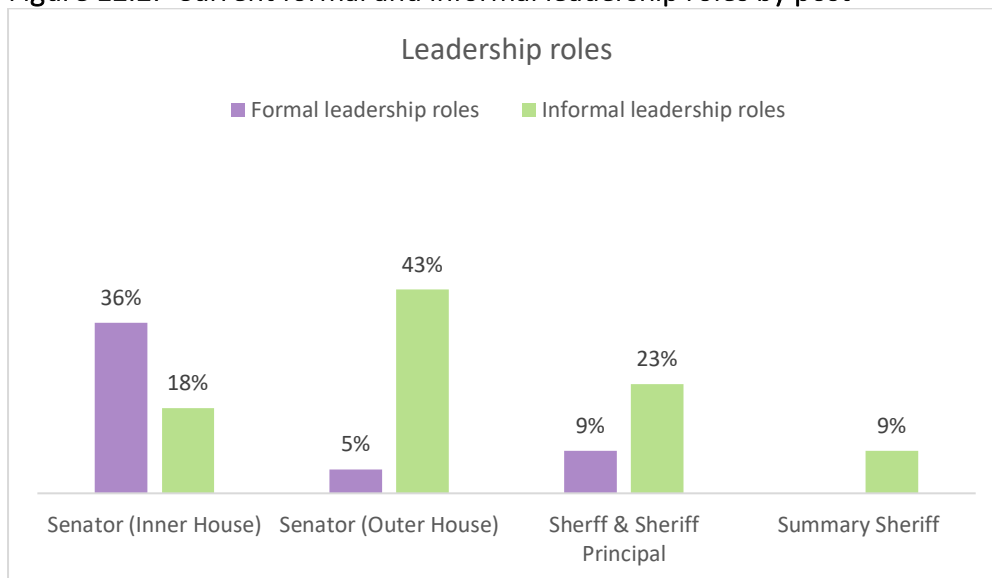


Figure 12.2: Current formal and informal leadership roles by post



12.2 Willingness to take on a leadership role

There was no change from 2020 in the extent to which salaried judges in Scotland are interested and willing to take on leadership roles (Table 12.1).

- Half of all salaried judges (57%) are interested in taking on a leadership role, but for 11% of these judges there are no leadership roles available in their jurisdiction and 11% would only be interested if they felt leadership roles were properly rewarded.
- A quarter (24%) are not interested in taking on more leadership responsibilities.
- A quarter (23%) of judges might be interested in a leadership role in the future.

Table 12.1: Willingness to take on leadership responsibilities

<i>Are you interested in taking on more leadership responsibilities?</i>	2020 JAS	2022 JAS
Yes	35%	35%
Yes, but none are currently available in my jurisdiction	15%	11%
Yes, I would be interested if roles were properly rewarded	22%	11%
No, a leadership role is not for me	8%	12%
No, I have (or have had) enough leadership responsibilities already	13%	12%
Not at the present time but possibly in future	14%	23%
Not sure	7%	3%

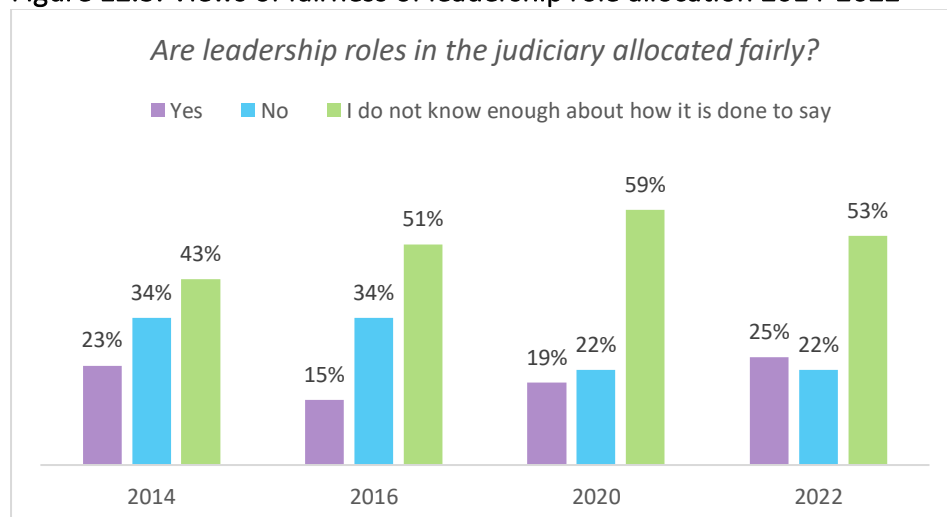
12.3 Allocation of leadership roles

12.3.1 Fairness of leadership role allocation

In each JAS since 2014, salaried judges have been asked: *Do you feel that leadership roles are allocated fairly?*

- The proportion of judges in Scotland saying they do not think leadership roles are allocated fairly has continued to fall since 2014; this has resulted in an increase in the proportion of judges saying they do not know enough about how leadership roles are allocated to say whether or not it is done fairly (Figure 12.3).

Figure 12.3: Views of fairness of leadership role allocation 2014-2022

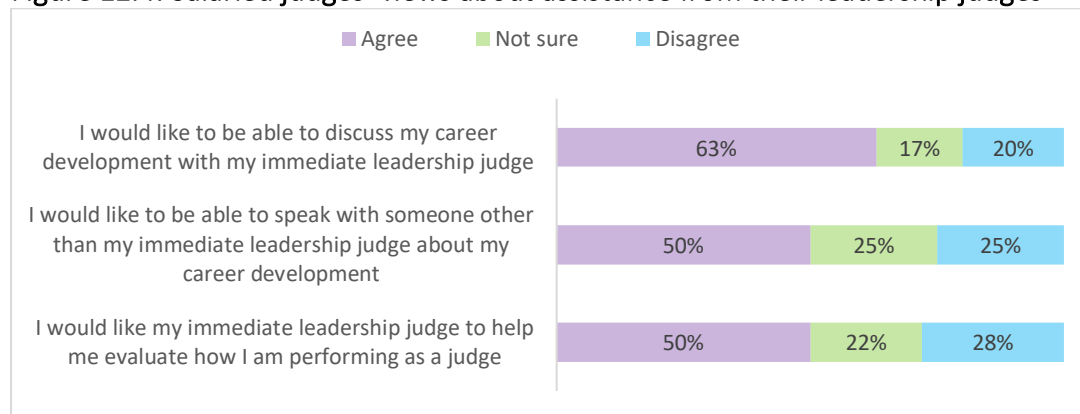


12.4 Leadership judges

12.4.1 Personal development and leadership judges

- Almost two-thirds of salaried judges in Scotland (63%) would like to discuss their career development with their immediate leadership judge, while half (50%) would like to discuss their career development with someone other than their immediate leadership judge.
- Half (50%) would also like their immediate leadership judge to help them evaluate how they are performing as a judge.

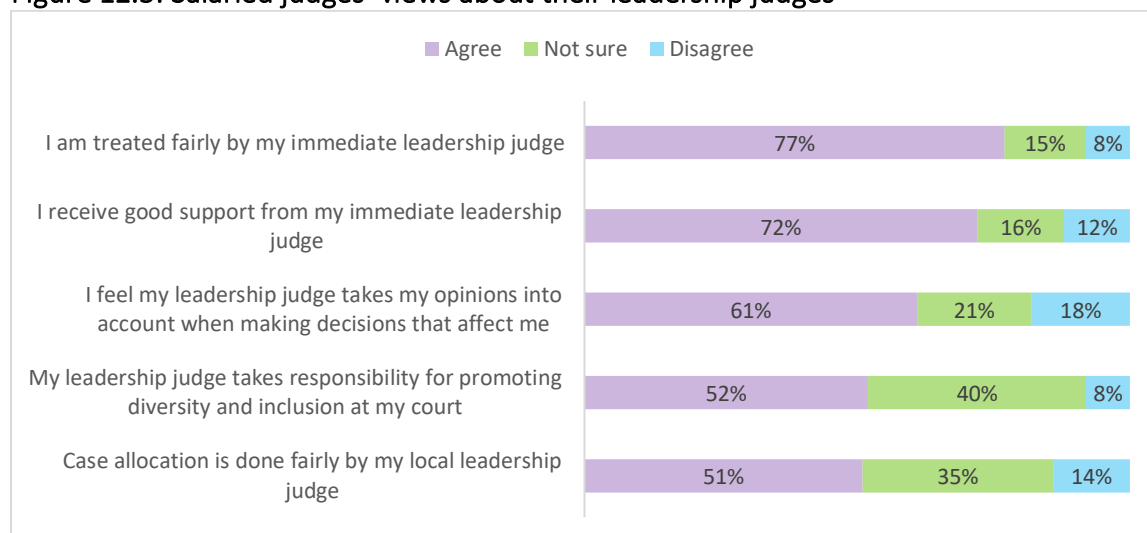
Figure 12.4: Salaried judges' views about assistance from their leadership judges



12.4.2 Treatment by and performance of immediate leadership judges

- Most salaried judges in Scotland feel they are treated fairly by their immediate leadership judge (77%) and feel they receive good support from their immediate leadership judge (72%).
- A majority (61%) feel their leadership judge takes their opinion into account when making decisions that affect them.
- Just over half of all salaried judges feel their leadership judge takes responsibility for promoting diversity and inclusion at their court and feel that case allocation is done fairly by their local leadership judge (51%).

Figure 12.5: Salaried judges' views about their leadership judges



13. Survey respondents and demographic trends

This section provides information on the demographic characteristics of both the salaried and fee-paid judiciary. The high response rate to the JAS, especially for the salaried judiciary, means these results provide a strong indication of the demographic characteristics of judges and judicial office holders currently in post, including in relation to a number of demographic characteristics that are often not reported in official statistics on the judiciary.

13.1 Gender⁷

When both the salaried and fee-paid judiciary are combined, males comprise 59.3% of the judiciary and females 40.7% (Figure 13.1). Within the salaried judiciary, males make up a much larger proportion of judges (72.1%) compared with females (27.9%) while the fee-paid judiciary is close to parity between men and women (Table 13.1).

Figure 13.1: Gender of judiciary (all combined)

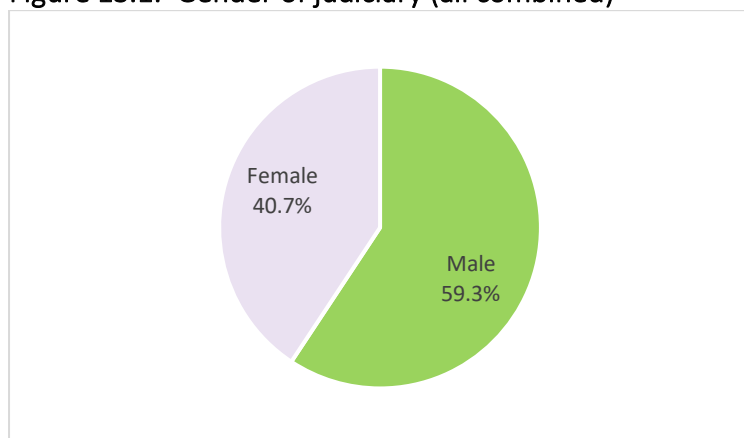


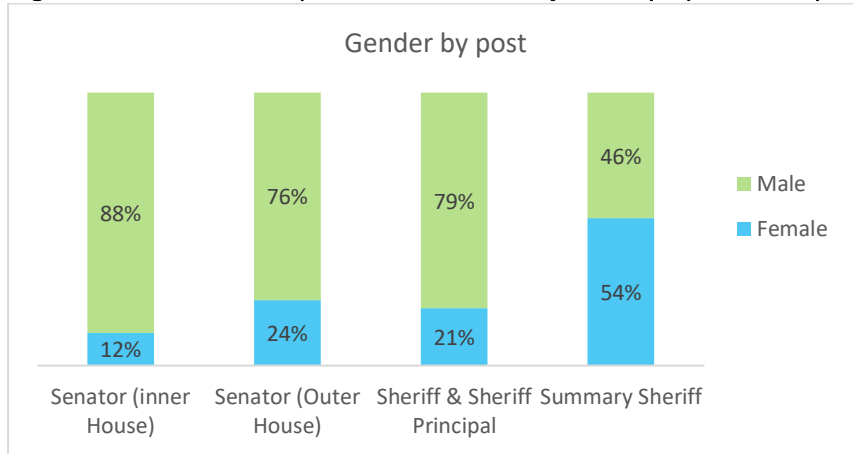
Table 13.1: Gender in salaried & fee-paid judiciary

	Salaried Judges	Fee-paid Judicial Office Holders
Male	72.1%	50.5%
Female	27.9%	49.5%
Other	0%	0%

⁷ All those who participated in the JAS were asked to indicate whether they identified as female, male or any other group. Participants were not required to answer this or any other question in the survey.

Within the salaried judiciary, there are substantial differences in representation by judicial post (Figure 13.2). While women make up 54% of Summary Sheriffs, they comprise less than a quarter of judges in other salaried judicial posts.

Figure 13.2: Gender representation in the judiciary by salaried post



13.2 Ethnicity

Figure 13.3: Ethnicity of the judiciary (all combined)

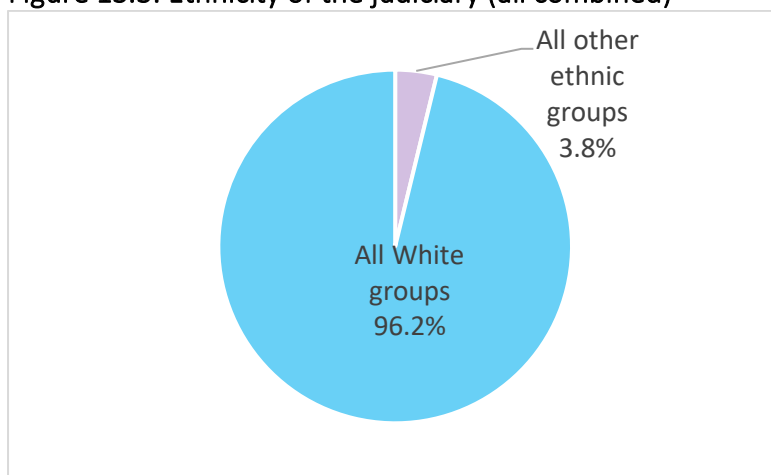


Figure 13.4: Ethnicity of salaried and fee-paid judiciary

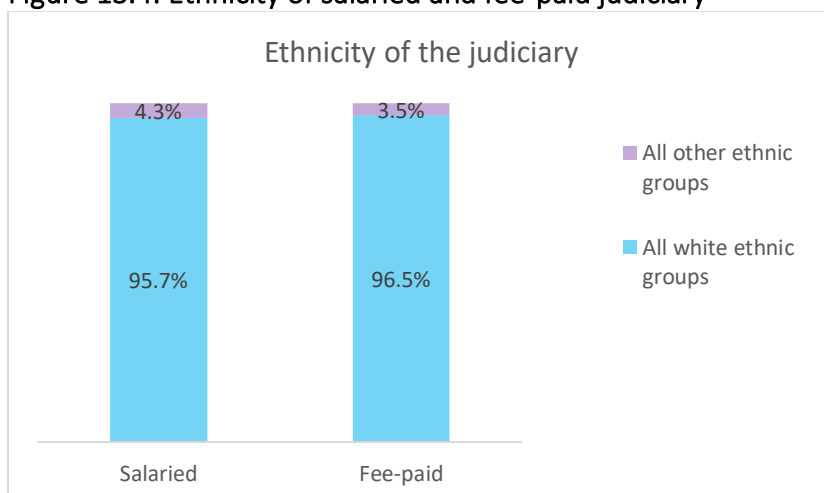
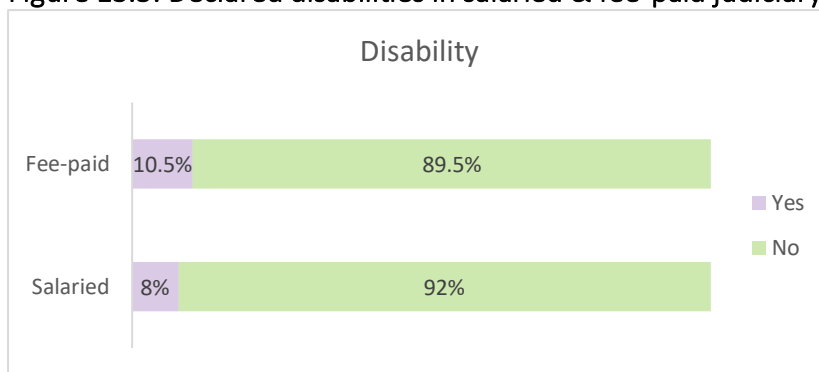


Table 13.2: Breakdown of ethnicity in salaried and fee-paid judiciary

	White	Asian	Black	Mixed	Other
Salaried Judges		1.4%	0.0%	0.7%	2.2%
	95.7%	4.3%			
Fee-paid Office Holders		1.0%	0.5%	0.5%	1.5%
	96.5%	3.5%			

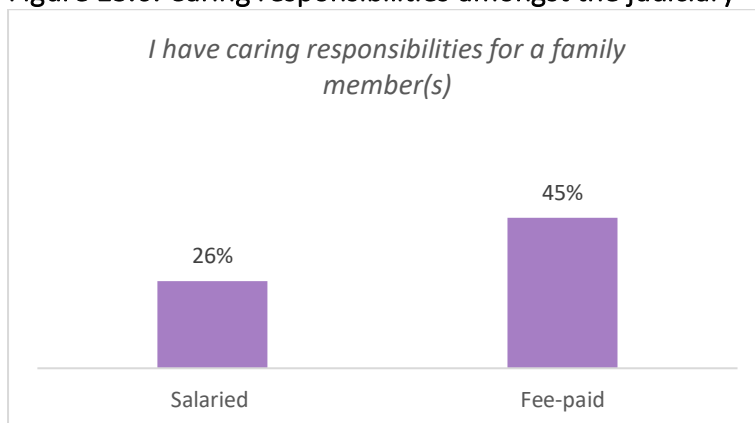
13.3 Disability

Figure 13.5: Declared disabilities in salaried & fee-paid judiciary



13.4 Caring responsibilities

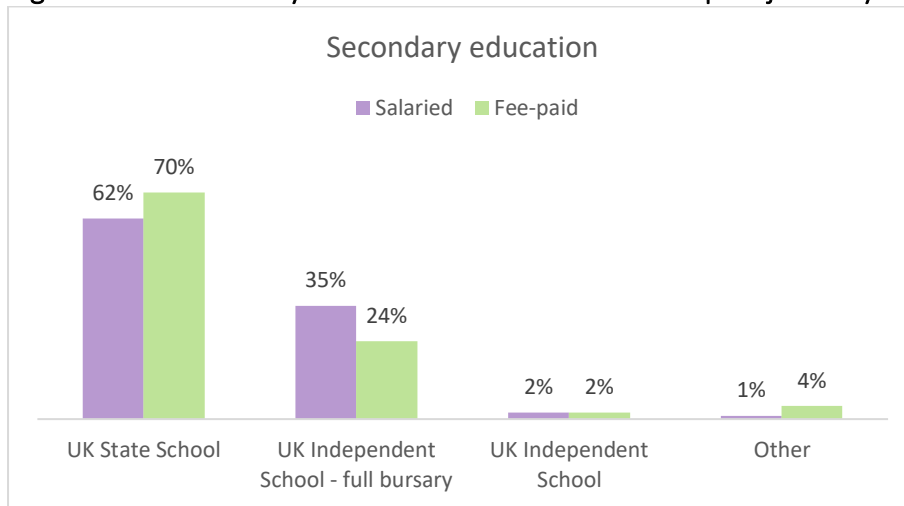
Figure 13.6: Caring responsibilities amongst the judiciary



13.5 Education

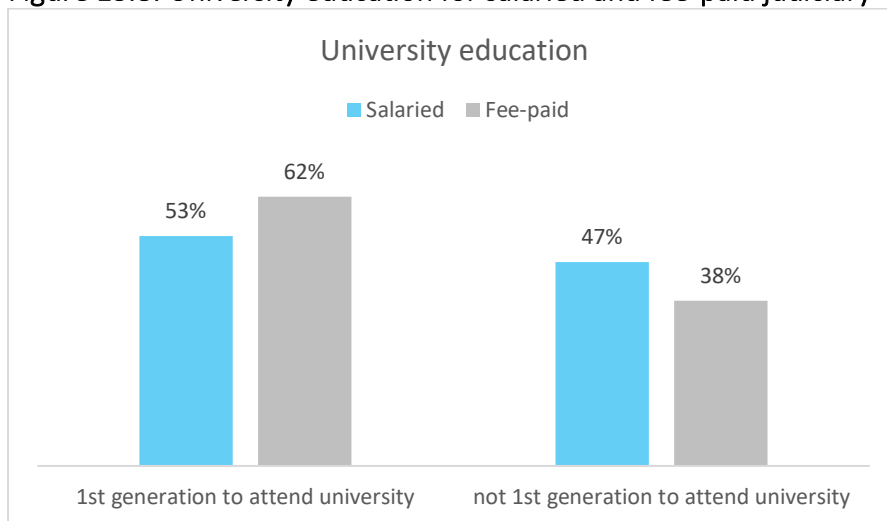
13.5.1 Secondary education

Figure 13.7: Secondary education for salaried and fee-paid judiciary



13.5.2 University education

Figure 13.8: University education for salaried and fee-paid judiciary



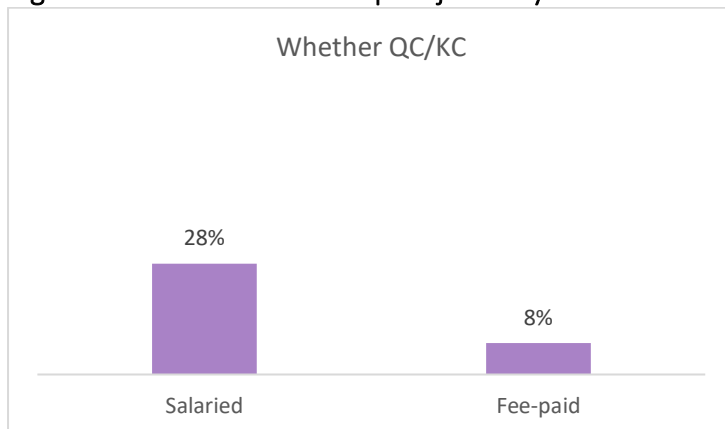
13.6 Professional background

Figure 13.9: Professional background of salaried and fee-paid judiciary



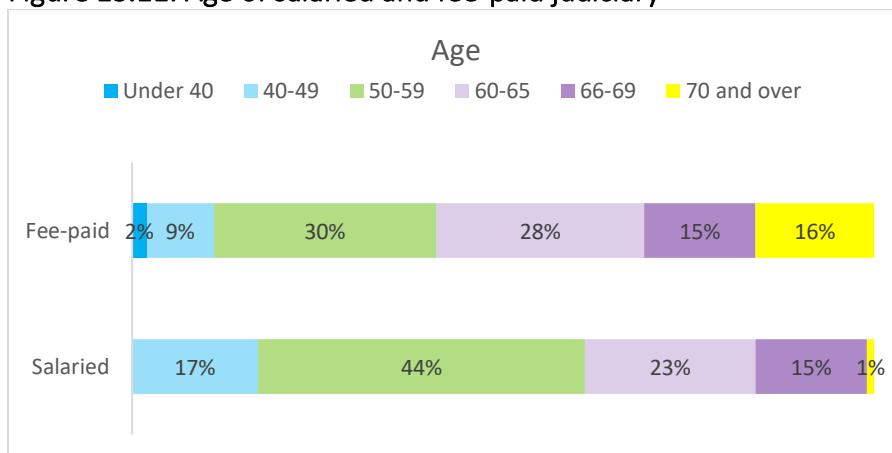
13.7 King's Counsel

Figure 13.10: Salaried & fee-paid judiciary with silk



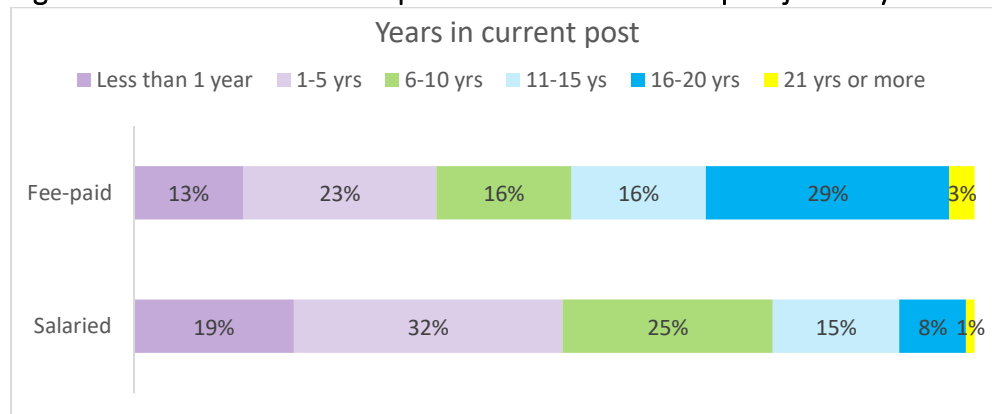
13.8 Age

Figure 13.11: Age of salaried and fee-paid judiciary



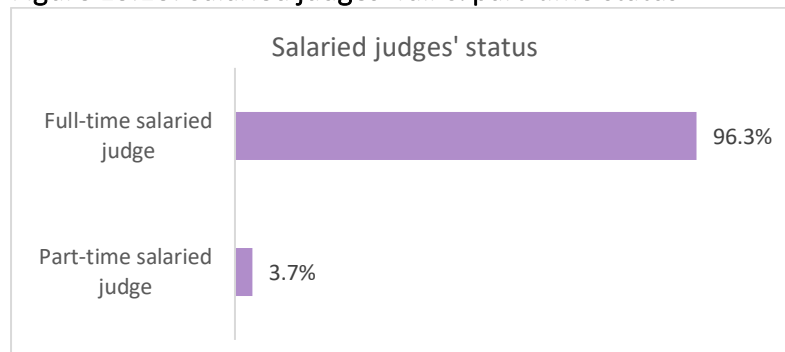
13.9 Tenure in current post

Figure 13.12: Years in current post for salaried and fee-paid judiciary



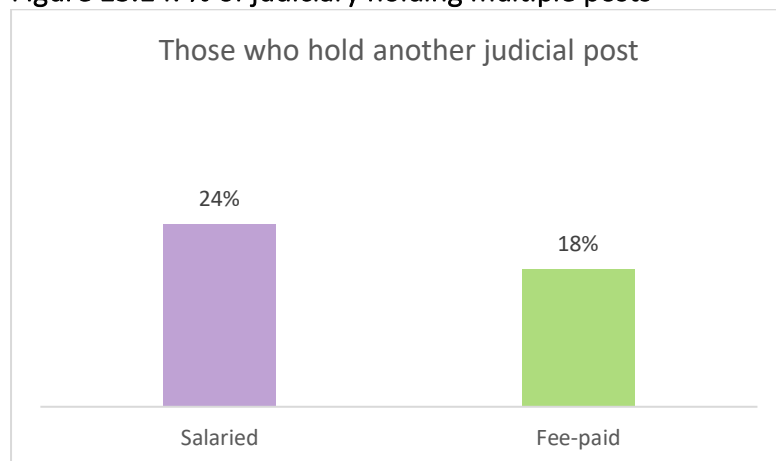
13.10 Salaried judges' full and part-time status

Figure 13.13: Salaried judges' full & part-time status



13.11 Holding other judicial posts

Figure 13.14: % of judiciary holding multiple posts

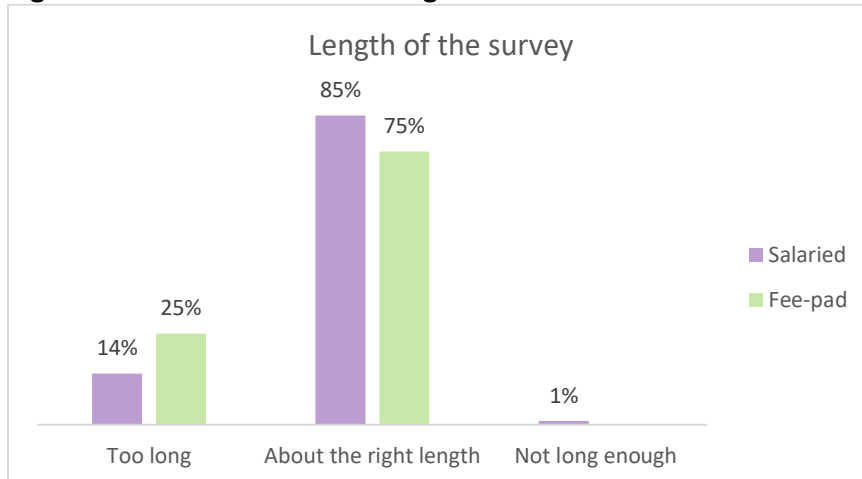


14. Judges' views about the JAS

14.1 Length of the survey

Most judges in Scotland, whether salaried or fee-paid, felt the 2022 JAS was about the right length.

Figure 14.1: Views about the length of the JAS



14.2 Time to complete the survey

The largest proportions of both salaried judges and fee-paid judicial office holders took between 10 to 15 minutes to complete the survey.

Figure 14.2: Time to complete the JAS

