

2020 UK JUDICIAL ATTITUDE SURVEY

Report of findings covering salaried judges in
Scotland

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Executive summary

Scottish judiciary, the survey and response rate

- The UK Judicial Attitude Survey (JAS) 2020 is a longitudinal survey conducted with all serving salaried judges in Scotland, England & Wales and Northern Ireland. It assesses judges' views and experiences of their working lives over time. This is the third running of the JAS, preceded by earlier surveys in 2016 and 2014.
- This report covers the 2020 JAS results for salaried judges in Scotland. These judges make up 10% of all salaried judges in the UK, and 79% of Scottish judges took part in the 2020 JAS.
- With a high participation rate over 6 years, this report provides a reliable assessment of how if at all Scottish judges' attitudes to their working lives may have changed over this time period.

Being a member of the judiciary

- Virtually all judges in Scotland feel they provide an important service to society (95%) and have a strong personal attachment to being a member of the judiciary (91%). There has been little change in these high levels since 2016 or 2014.
- Virtually all judges (97%) are committed to doing their job as well as they possibly can.
- These findings reflect a deep commitment to their job by virtually all salaried judges in Scotland despite any disenchantment with their job expressed elsewhere in the survey.
- Two thirds (67%) of Scottish judges feel that members of the judiciary are respected today less by society at large than they were 5 years ago. There has been no change in this since 2014.
- Judges feel most valued by the legal profession (93%), their judicial colleagues (93%), court staff (91%); most judges feel valued by parties in cases (75%) and the public (63%).
- Only a small minority of judges feel valued at all by the media (18%) or government (17%), and only 1% of judges feel greatly valued by either the media or government.

Working conditions

- A majority of judges (58%) feel that their working conditions are same as they were 2 years ago; this is a distinct improvement from 2016 when a majority said their working conditions had deteriorated over the previous 2 years.
- Sheriffs (47%) were much more likely than Senators (15%) or Summary Sheriffs (26%) to say their working conditions had deteriorated over the last 2 years.
- Judges' views on almost all specific working conditions have improved since 2016, and a majority now rate 4 working conditions as Good or Excellent: the physical quality of their personal work space, the amount and quality of administrative support and space to meet and interact with other judges.
- Judges' concerns about their safety while in court has fallen since 2016; but almost half of all Scottish judges continue to have concerns about their safety out of court.
- Judges' concerns about how they are dealt with on social media has increased substantially, more than doubling from 2016 to 2020. And almost half of all judges would like more guidance on how to safely use the internet/social media as a judge and how to deal with internet and social media coverage of their work as a judge.

Digital capabilities and IT resources

- In 2016, judges' view of the quality of IT resources and support had deteriorated in all areas, but in 2020 there were improvements. A majority (55%) of Scottish judges rated the standard of the personal IT equipment they use at court as excellent or good. Almost all judges have Wi-Fi available in their courtrooms (89%) and in other parts of their court building (83%).

- There was little change in the standard of IT equipment used in court (eg, video-link, teleconferencing), with almost half (48%) rating this as either Poor or Non-existent. And IT support that is rated as Excellent or Good has continued to decline from 2016 and 2014.
- Almost all Sheriffs and Summary Sheriffs regularly use ICMS or another digital case management system; only 22% of Senators do. Three quarters of judges who regularly use digital case management rated the system as Adequate, Good or Excellent, but a majority said that the availability of training in the system was Poor or Non-existent.

Judicial working during the Covid-19 emergency

- In the early period of the Covid-19 emergency (late March to late June 2020), almost three-quarters of judges in Scotland (73%) said they were going in to work at their court occasionally.
- Almost half of judges said the IT equipment and internet access they had to work remotely during the emergency was either Excellent or Good. But less than a third (31%) said the IT support when working remotely was Excellent or Good.

Salary and pensions

- Over a third (37%) of all Scottish judges were earning more than their judicial salary at the time of their appointment; this was highest for Senators (70%).
- Since 2016, there has been a sharp fall (-30%) in judges that have had a loss of net earnings over the last 2 years, and a moderate increase (+7%) in judges who say they are paid a reasonable salary for the work they do.
- Since 2016 there has been a substantial fall (-18%) in judges who say that the judicial salary issue is affecting their own morale has fallen, and a moderate fall (-7%) in judges who say that the judicial salary issue is affecting the morale of judges they work with.
- Since 2016 there has been a substantial decrease (-17%) in salaried judges that say their pay and pension entitlement combined does not adequately reflect the work they have done and will do before retirement.
- Since 2016 there has been a substantial decrease (-18%) in judges who feel that the amount of out of hours work they are required to do in their job is affecting them, and moderate decreases in judges that would consider leaving the judiciary if this was a viable option (-7%) and would pursue out of court work to earn additional income if this was an option (-8%).
- Almost all Scottish judges (88%) follow closely developments about judicial pensions, and 73% would like to know more about developments in judicial pensions.

Opportunities, support, training and personal development

- Opportunities were not sufficient in the 3 areas of working life most important to judges: 92% of judges said time to discuss work with colleagues was important but only 40% said the opportunities for this were Good or Excellent; 72% of judges said support for dealing with stressful work conditions was important but 46% said this support was either Non-existent or Poor; 65% of judges said opportunities for career progression were important but 48% said this support was either Non-existent or Poor.
- Almost all judges were satisfied with the challenge of the job (82%) and the variety of their work (72%), and these satisfaction levels increased since 2016. Most judges remained satisfied with the sense of achievement in their job (68%), but less than half of judges were satisfied with their opportunities for career progression (46%) and cross deployment (45%).
- Almost all Scottish judges said that training opportunities were important to them, and that the availability of these training opportunities was Adequate, Good or Excellent. Most judges (78%) are satisfied with the quality of the judicial training they receive; but this has decreased from 2016 (83%). Almost two thirds (63%) are satisfied with the range of training available to them, an increase from 2016 (59%). Less than half are satisfied with the time available to

undertake training (49%), but this has increased from 2016 (39%). Judges are divided over whether the time they have to prepare for judicial training courses is satisfactory or not.

- A majority of Scottish judges in all judicial posts said they would welcome new “hands on” training on how to use IT in court and on how to conduct remote hearings. A majority or close to a majority of judges in all judicial posts also said they would welcome more training on wellbeing for judges and on understanding statistics in the legal context.

Change in the judiciary

- Most judges in Scotland (81%) feel their job has changed since they were first appointed in ways that affect them, and this is unchanged since 2016.
- Judges in Scotland are most concerned by two new changes since 2016: the loss of respect for the judiciary by government (88%) and attacks on the judiciary by the media (78%). Since 2016 there has been a substantial increase in judges’ concerns over fiscal constraints (85%), loss of experienced judges (78%) and the loss of judicial independence (76%).

Future planning

- A large proportion of the Scottish judiciary say they might consider leaving the judiciary early over the next 5 years: 43% are considering it and 16% are currently undecided, but this varies substantially by post; Sheriffs were most likely to be considering leaving early (56%) and Summary Sheriffs least likely (16%).
- Since 2016 the reduction in pension benefits has risen substantially to become the most important factor that would make salaried judges in Scotland more likely to leave the judiciary early (83%). In 2020, a new factor was added to the list of options for judges: “Lack of respect for the judiciary by government”, and this was the second largest factor that would make salaried judges in Scotland more likely to leave the judiciary early (64%).
- In 2020 and 2016, a majority of judges said the same 2 factors would make them more likely to remain in the judiciary: higher remuneration and the restoration of previous pension entitlements. But close to a majority of judges also identified a new factor promoting judicial retention: greater respect for the work that judges do (46%).

Recruitment

- Over three quarters of all Scottish judges (78%) said they would encourage suitable people to apply to the judiciary, which was a substantial increase from 2016 (+14%).
- The main reasons judges would encourage suitable people to apply to join the Scottish judiciary are the chance to contribute to justice being done (84%), public service (80%), challenge of the work (78%) intellectual satisfaction (74%) and job security (73%).
- The main reasons most Scottish judges say they would discourage suitable applicants from applying are: the experience of changes to pension entitlements (60%), isolation of the job (50%) and the feeling of being an employee or civil servant (49%).

Leadership

- Almost three quarters of Scottish judges (72%) are interested in taking on a leadership role, but for 15% of these judges there are no leadership roles available in their jurisdiction and 22% would only be interested if they felt leadership roles were properly rewarded.
- A majority of judges (59%) still say they do not know enough about how leadership roles are allocated to say whether the process is fair, and this has increased since 2014. Most Summary Sheriffs (75%) and Sheriffs (62%) said they did not know enough about how roles were allocated to say whether it was fair (54%), while a majority of Senators (38%) said it was fair.

1. Judicial Attitude Survey (JAS) 2020: Scotland

1.1 The survey

The Judicial Attitude Survey (JAS) 2020 is a longitudinal survey conducted with all serving salaried judges in the UK. This is the third running of the JAS, preceded by earlier Judicial Attitude Surveys in 2016¹ and 2014². The aim of the JAS is to assess the attitudes of judges in key employment and management areas including the experience of being a judge, morale, working conditions, remuneration, training and personal development, retention and leadership. The target group for the JAS has been all serving salaried judges in England and Wales, Scotland, Northern Ireland and the UK reserved tribunals, including both full-time salaried and part-time salaried judges.

This report provides the findings for salaried judges in Scotland.³ Judges in the Scotland make up 10% of all salaried judges in the UK⁴. The report includes combined results for all salaried judges in Scotland who took part in the survey, and it also highlights those areas where there are differences between Scottish judges in different judicial posts.

Like its predecessors, the JAS 2020 was an online survey conducted by the Judicial Institute of University College London (UCL JI) via the web-based survey tool Opinio. The survey was designed, administered and analysed by Professor Cheryl Thomas, Co-Director of the UCL JI. A Working Group comprised of representatives from various judicial associations assisted Professor Thomas in the design of the 2020 questionnaire.

The survey was voluntary and all participants remained completely anonymous. The survey ran from 27 May through 22 June 2020. All salaried judges in Scotland were invited to take part in the survey through the Scottish judicial intranet (The Hub) and through personal communications from the Lord President inviting judges to contribute to the survey.

The survey included 45 questions covering the following general subject areas⁵:

- working conditions
- judicial welfare
- salary and pensions
- resources and digital working
- training and personal development
- change in the judiciary
- future planning
- being a member of the judiciary
- recruitment
- leadership

¹ 2016 Judicial Attitude Survey: Scotland, C. Thomas (2016) UCL Judicial Institute

² 2014 Judicial Attitude Survey: Scotland, C. Thomas (2014) UCL Judicial Institute

³ Findings for salaried judges in England and Wales with UK non-devolved tribunals and findings for salaried judges in Northern Ireland have been reported separately.

⁴ The courts judiciary of England and Wales comprises 64% of all salaried judges in the UK, the UK reserved tribunals judiciary comprises 22% of all UK salaried judges and Northern Ireland judges comprise 4% of all salaried judges in the UK.

⁵ A copy of the full survey is provided in Section 12.

Most of the questions from the 2014 JAS and 2016 JAS were repeated in the 2020 JAS, which has enabled an assessment to be made of how if at all judicial attitudes may have changed over this time period. A few questions from the 2016 JAS were phrased differently to increase clarity following a review of the 2016 JAS, and several new questions were added to the 2020 JAS covering changes taking place within the judiciary since 2016. In addition, given that the 2020 JAS ran during the early months of the Covid-19 emergency, several questions were included to enable judges to provide information about their experiences of working during the Covid-19 emergency.

In addition, there were a number of demographic questions⁶ including:

- age
- disability
- ethnicity
- education
- gender
- professional background
- tenure in current post
- tenure in salaried judiciary

1.2 Response rates

The overwhelming majority (79%) of all salaried judges in Scotland took part in the 2020 Judicial Attitude Survey (JAS), and this means the 2020 JAS findings reflect the views of virtually all salaried judges in Scotland. The previous two Judicial Attitude Surveys in Scotland had similarly high response rates (Table 1.1).

Table 1.1: Response rates by Scottish salaried judges to the UK JAS 2016 and 2014

Judicial Posts	Judges in post May 2020	2020 JAS number of responses	2020 JAS response rate	2016 JAS response rate	2014 JAS response rates
Summary Sheriffs	39	32	82%	87%	----
Sheriffs & Sheriffs Principal	121	95	79%	82%	83%
Senators: Outer House	25	21	84%	70%	59%
Senators: Inner House	10	6	60%	45%	100%
	195	154	79%	79%	81%

The fact that this is now the third time this survey has been run with the salaried judiciary in Scotland and all three surveys have had high response rates means that assessments can be made about the extent to which judicial attitudes in Scotland may have changed or intensified since 2014 and 2016. Where relevant these are addressed in this report.

It should be noted that even though the post of Summary Sheriff was established in 2014⁷, the first Summary Sheriffs took up their posts in April and May 2016. The 2016 JAS ran in summer 2016, and this means that the 2020 JAS is the first JAS to be run since Summary Sheriffs have had any substantial period of time in post. This is the first Scottish JAS to report findings for Summary Sheriffs by post in comparison to Sheriffs and Senators.

⁶ There were also two questions about the survey.

⁷ The Courts Reform (Scotland) Act 2014 created the judicial office of Summary Sheriff to deal with less serious summary civil and criminal cases in the sheriff court.

1.3 Running the JAS during Covid-19

The UK Judicial Attitude Survey was scheduled to run in spring 2020. When the Covid-19 emergency occurred, it was decided that the survey should be run. Despite the challenges judges faced with working during the emergency, it was felt that it was as important as ever to understand how judges feel about their judicial role, their working lives and their plans for the future. The questions in the survey were not altered; instead a number of specific questions about working in the Covid-19 emergency were included and judges were encouraged to say whether their answers to specific questions had been affected by Covid-19 and would have been different before the pandemic. Part 4.4 of this report includes a specific section on judicial experiences working during the early part of the Covid-19 emergency.

2. Being a Member of the Judiciary and Commitment to the Job

2.1 Providing an important service to society

Virtually all salaried judges (95%) in all judicial posts in Scotland feel they provide an important service to society. There has been no significant change in this view since 2014.

Table 2.1: Providing an important service to society

<i>As a judge I feel I provide an important service to society</i>	2020 JAS	2016 JAS	2014 JAS
Agree	95%	97%	98%
Not sure	0%	1%	1%
Disagree	5%	2%	1%

2.2 Personal attachment to the judiciary

Virtually all salaried judges (91%) in all judicial posts in Scotland feel a strong personal attachment to being a member of the judiciary. There has been no real change in this view since 2014.

Table 2.2: Personal attachment to the judiciary

<i>I feel a strong personal attachment to being a member of the judiciary</i>	2020 JAS	2016 JAS	2014 JAS
Agree	91%	94%	92%
Not sure	4%	2%	2%
Disagree	5%	4%	6%

2.3 Societal respect

In the 2014 JAS, judges were asked to what extent they felt judges today were respected by society at large compared with 10 years ago. This question was not repeated in the 2016 JAS given the short time period between that and the 2014 survey. In the 2020, judges were again asked to what extent judges were respected by society at large, but this time compared with 5 years ago to reflect the timescale since this question was asked.

As Table 2.3 shows, two thirds (67%) of Scottish judges feel that members of the judiciary are respected less by society at large than they were 5 years ago. These results in 2020 are almost identical to the results in 2014.

Table 2.3: Societal respect

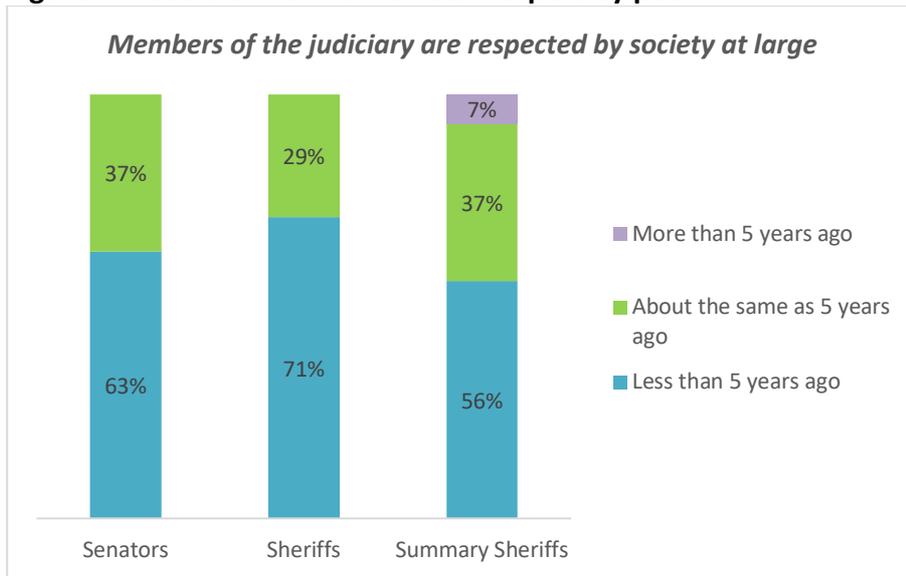
<i>Members of the judiciary are respected by society at large</i>	2020 JAS	2014 JAS ⁸
Less than they were 5 years ago	67%	67%
About the same as they were 5 years ago	32%	33%
More than they were 5 years ago	1%	0%

⁸ In the 2014 JAS judges were asked whether they thought members of the judiciary were respected by society at large more, less or about the same as they were "10 years ago".

By Post

While a majority of judges in all judicial posts in Scotland believe that members of the judiciary today are respected by society at large less than they were 5 years ago, there are some differences in the extent to which this view is held by judicial post. Sheriffs (which includes Sheriffs Principal) were most likely to say that judges were respected less now than 5 years ago (71%). No Senators or Sheriffs felt that judges were respected more now than 5 years ago. But a small proportion of the recently created Summary Sheriffs (7%) did feel that the judiciary is respected more now than it was 5 years ago.

Figure 2.1: Judicial views of societal respect by post



2.4 Feeling valued

In 2014 and 2016, the JAS asked judges to indicate which groups they felt valued by. The results in the two previous surveys showed consistently that the overwhelming majority of judges felt valued by judicial colleagues at their court, court staff, the legal profession and the parties in case that appear before them; half of judges felt valued by the public; a quarter felt valued by the senior judiciary; and few judges felt valued by the Scottish Government (9%), the media (7%) or the UK Government (5%).

In the 2020 JAS, this question was reworded to provide a more detailed picture by asking *the extent to which* judges feel valued by different groups. As Figure 2.2 shows, a majority of judges in Scotland feel valued by all groups except the media and government. Almost all Scottish judges feel valued by judicial colleagues at their courts, the legal profession and court staff; three-quarters of judges feel valued by parties that appear in cases before them, and two-thirds feel valued by the public.

Figure 2.2: extent to which judges feel valued by different groups

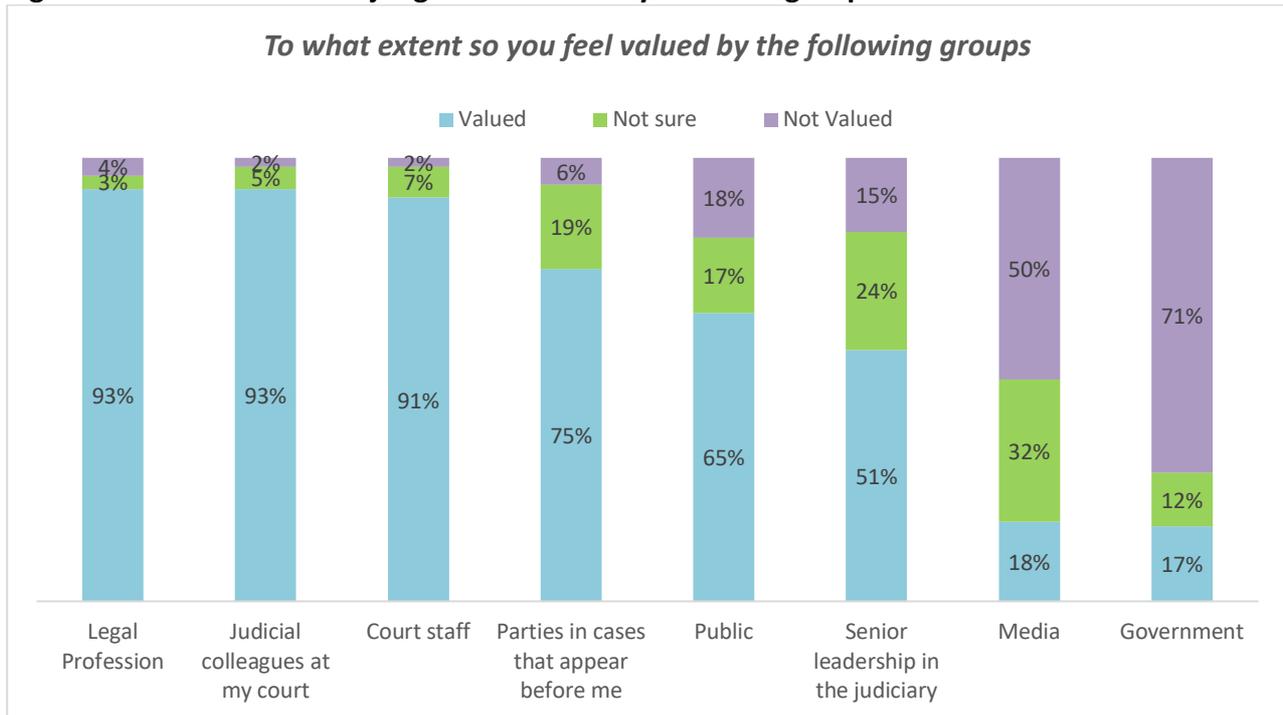
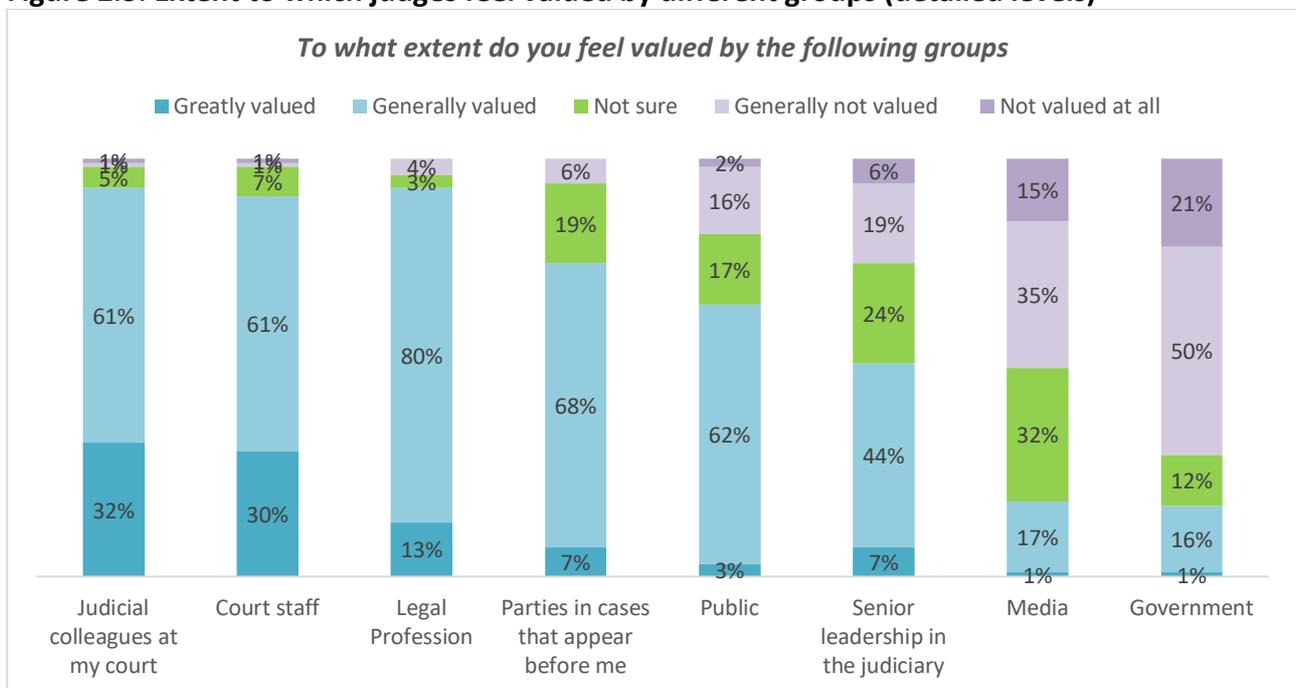


Figure 2.3 below breaks this down by exploring further the extent to which judges feel valued or not valued by different groups. Judges clearly feel most valued by judicial colleagues they work with at their court (32% felt greatly valued) and court staff (30% felt greatly valued). Almost no judges at all felt greatly valued by either the media (1%) or the government (1%), and almost a quarter of all judges (21%) felt that they were not valued at all by the government.

Figure 2.3: Extent to which judges feel valued by different groups (detailed levels)



2.5 Commitment to the job

In 2016, a new question was included in the JAS that examined judges' commitment to doing their job. This question was designed to provide some indication of judges' commitment to persevering with their work despite the known level of disenchantment with various aspects of their job (as documented in the 2014 JAS). This question was repeated in 2020. Table 2.4 shows that again in 2020 almost every judge in the survey (94.7%) felt they had an important job to do and expressed a commitment to doing this job as well as they possibly can. This reflects a deep underlying strength of the judiciary in Scotland across all judicial posts. This finding, along with the other strong views held by judges about their work as a judge (see above), reflects a deep commitment to their job by virtually all salaried judges in Scotland despite any disenchantment expressed in other parts of the survey.

Table 2.4: Commitment to the job

<i>I feel I have an important job that I am committed to doing as well as I possibly can</i>	2020 JAS			2016 JAS		
Strongly Agree	78.3%	Agree total	94.7%	83.9%	Agree total	96.5%
Agree	16.4%			12.6%		
Not sure	0.7%	Not sure	0.7%	0.7%	Not sure	0.7%
Disagree	1.3%			1.4%		
Strongly Disagree	3.3%	Disagree total	4.6%	1.4%	Disagree total	2.8%

3. Working Conditions

In the 2020, 2016 and 2014 JAS, salaried judges were asked a series of questions about their working conditions. The findings from 2020 are reported below, with an indication of how if at all judges' views about their working conditions have changed since 2016 and 2014.

3.1 Current working conditions compared with previous years

In the 2014 JAS judges were asked to rate working conditions in the judiciary in 2014 compared with 5 years ago, and in 2016 judges were asked to rate working conditions in the judiciary compared with 2 years ago. In 2020 judges were also asked to rate working conditions compared with 2 years ago.

In 2020, a majority of judges (58%) said that working conditions were about the same as they were two years ago, which is a 27% increase from 2016 when a majority (68%) said that working conditions were worse than they were in 2014. Now only a minority feel that working conditions have deteriorated over the last 2 years, and there is a small increase (+3%) in the proportion of judges that feel working conditions have actually improved over the last 2 years.

Table 3.1: Working conditions in the judiciary: change from 2016

	2020 JAS working conditions now vs 2 years ago	2016 JAS working conditions now vs 2 years ago	% change from 2016
Worse (total)	38%	68%	-30%
About the same	58%	31%	+27%
Better (total)	4%	1%	+3%

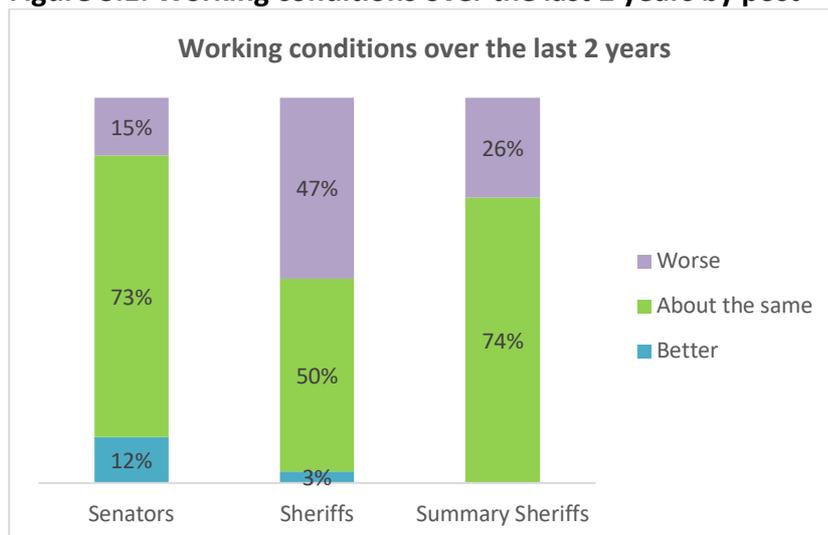
When examined in more detail (Table 3.2), there has been a substantial decrease in the proportion of judges in Scotland that feel working conditions are significantly worse (now just 9% in 2020 compared with 23% in 2016 and 34% in 2014) or worse (now 29% compared with 45% in 2016 and 48% in 2014).

Table 3.2: Working conditions in the judiciary: 2014-2020

	2020 JAS working conditions now versus 2 years ago	2016 JAS working conditions now versus 2 years ago	2014 JAS working conditions now versus 5 years ago
Significantly worse	9%	23%	34%
Worse	29%	45%	48%
About the same	58%	31%	14%
Better	4%	0%	3%
Significantly better	0%	1%	1%

A larger proportion of Sheriffs feel their working conditions have deteriorated in the last 2 years compared with Senators or Summary Sheriffs (Figure 3.1). Almost half (47%) of Sheriffs said their working conditions were worse in 2020 than in 2018, while only a quarter (26%) of Summary Sheriffs and 15% of Senators said their working conditions are worse now than they were 2 years ago.

Figure 3.1: Working conditions over the last 2 years by post



3.2 Workload

The 2014, 2016 and 2020 surveys all explored several aspects of working conditions with judges in more detail, including judges' case and non-case workloads.

In 2020, almost all judges (83%) said their caseload over the last 12 months has been manageable, and the proportion of judges saying their case workload is too high has fallen substantially since 2016 and 2014 (Table 3.3).

Table 3.3: Case workload over the last 12 months 2014-2020

Case workload over the last 12 months	2020 JAS	2016 JAS	2014 JAS	% change from 2016
Too high	16%	35%	42%	-19%
Manageable	83%	63%	56%	+20%
Too low	1%	2%	2%	-1%

Over three-quarters of judges (77%) also said their *non-case workload* over the last 12 months has been manageable, and there has been a substantial decrease in judges saying their non-case workload is too high since 2014 and 2016 (Table 3.4).

Table 3.4: Judicial workload not including caseload over the last 12 months 2014-2020

Non-case workload over the last 12 months	2020 JAS	2016 JAS	2014 JAS	% change from 2016
Too high	8%	21%	20%	-13%
Manageable	77%	64%	67%	+13%
Too low	1%	2%	1%	-1%
I do not have any judicial work outside of my caseload	14%	13%	12%	+1%

3.3 Quality of specific working conditions

Judges were also asked to assess a range of specific working conditions. In 2020, a majority of judges in Scotland rated all working conditions as Adequate, Good or Excellent, and four specific working conditions were rated Good to Excellent by a majority of judges:

- 71% said the physical quality of their personal working space was either Good or Excellent.
- 60% said the amount of administrative support was Good or Excellent.
- 58% said the quality of this administrative support was Good or Excellent.
- 54% said the space to meet and interact with other judges was Good or Excellent.

Only the morale of court staff (25%) and security at court (23%) were rated as Poor by any notable proportion of judges.

Table 3.6: Quality of specific working conditions of judges

<i>Please provide an assessment of the following working conditions at your main court</i>	Excellent	Good	Adequate	Poor
Physical quality of your personal work space	23%	48%	23%	6%
Amount of administrative support	22%	38%	35%	5%
Quality of administrative support	20%	38%	32%	10%
Space to meet and interact with other judges	16%	38%	32%	14%
Maintenance of the building	5%	40%	41%	14%
Physical quality of the building	9%	36%	36%	19%
Security at your court	8%	33%	36%	23%
Morale of court staff	8%	29%	38%	25%

3.4 Change in specific working conditions since 2016

Judges' views on almost all specific working conditions have improved since 2016 (Table 3.7).

- The proportion of judges saying each of the specific working conditions was "Poor" has decreased since 2016, except for the maintenance of court buildings (3% more saying it is Poor in 2020) and the physical quality of court building (1% more saying it is Poor in 2020).
- Judges' views of the amount of administrative support, the morale of court staff and security at court have all improved substantially since 2016.

Table 3.7: Change in specific judicial working conditions since 2016

Specific working conditions	Rated "Poor" in 2020 JAS	Rated "Poor" in 2016 JAS	% change from 2016
Morale of court staff	25%	33%	-8%
Security at your court	23%	30%	-7%
Physical quality of the building	19%	18%	+1%
Maintenance of the building	14%	11%	+3%
Space to meet and interact with other judges	14%	18%	-4%
Quality of administrative support	10%	11%	-1%
Amount of administrative support	5%	15%	-10%
Physical quality of your personal work space	6%	9%	-3%

3.5 Security concerns

In 2016 judges in Scotland were asked for the first time about the extent to which they are concerned about their personal safety as a result of their work as a judge. This question was repeated again in 2020, and there has been some change since 2016:

- The proportion of judges who have concerns about their safety while in court has fallen 13% from 45% in 2016 to 32% in 2020.
- Judges who have concerns about how they are dealt with on social media has increased substantially, more than doubling from 12% in 2016 to 25% in 2020.
- There has been little change in the substantial proportion of judges who continue to have concerns about their safety out of court (43% in 2020 compared with 45% in 2016).

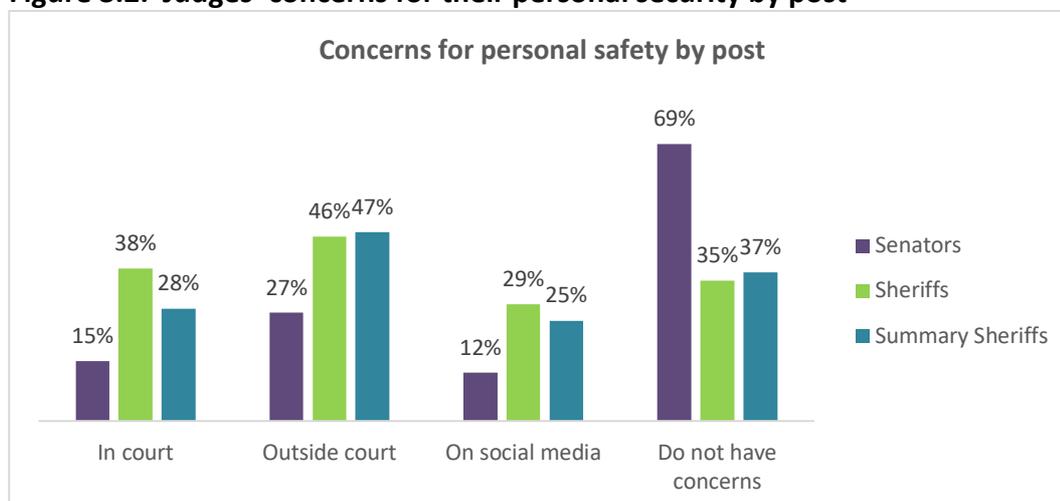
Table 3.8: Judicial concerns about personal security

<i>Are you ever concerned about your personal security as a result of your judicial role?</i>	2020 JAS	2016 JAS	% change since 2016
Yes, sometimes in court	32%	45%	-13%
Yes, sometimes outside of court	43%	45%	-2%
Yes, sometimes on social media	25%	12%	+13%
No	42%	37%	+5%

By Post

There were some distinct differences in view on this issue between Senators, Sheriffs and Summary Sheriffs, with Sheriffs and Summary Sheriffs having far greater concerns for their personal safety as a result of their job than Senators.

Figure 3.2: Judges' concerns for their personal security by post



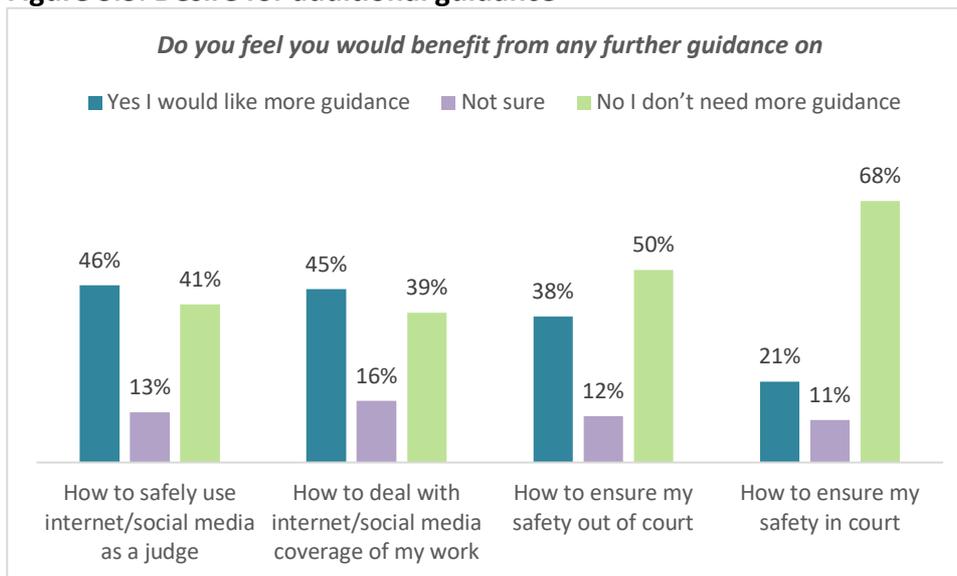
- While over a third of Sheriffs (38%) and over a quarter of Summary Sheriffs (28%) had concerns for their personal safety while in court, only 15% of Senators did (although this is an increase for Senators from 2016 when it was only 5%).
- While almost half of all Sheriffs (46%) and Summary Sheriffs (47%) had concerns for their personal safety out of court, only a quarter (27%) of Senators did.
- While only a small proportion of Senators (12%) had concerns about their personal security on social media, almost a third (29%) of Sheriffs and a quarter (25%) of Summary Sheriffs did.
- A substantial majority (69%) of Senators said they did not have concerns about their personal safety as a result of their judicial role, compared with only 35% of Sheriffs and 37% of Summary Sheriffs.

3.6 Guidance and advice on personal security

In 2020, judges were asked for the first time whether they felt they would benefit from any further guidance on how to ensure their personal security and how to deal with social media as a judge (Figure 3.3).

- Almost half of all judges (46%) said they would like more guidance on how to safely use the internet/social media as a judge.
- Almost half of all judges (45%) said they would like more guidance on how to deal with internet and social media coverage of their work as a judge.
- Over a third (38%) said they would like guidance on how to ensure their safety out of court, while only 21% said they would like additional guidance on ensuring their safety in court.

Figure 3.3: Desire for additional guidance



4. Digital Capacity, IT Resources, Support and Remote Working

In both the 2014 and 2016 JAS, a number of questions explored the availability and quality of IT resources used by judges and the support available to them when using IT. In 2020, these same questions were repeated. In 2020, the Scottish JAS included a number of new questions on the use of digital case management systems and Wi-Fi capabilities in courts. All these results help to provide a picture of progress with digital working in the Scottish courts. In addition to this, in 2020 a number of new questions were also included in the JAS to take account of the need for many judges to work remotely during the Covid-19 emergency (Section 4.4).

4.1 Quality of IT resources and IT support for judges

In 2020, a majority (55%) of Scottish judges rated the standard of IT equipment provided to them personally to use (laptop, desktop computer) when working at court as Excellent or Good. But almost half (48%) said that the standard of IT equipment used in their court (eg, video-link, playback, teleconferencing) was either Poor or Non-existent (Figure 4.1).

Figure 4.1: Quality of IT resources and support

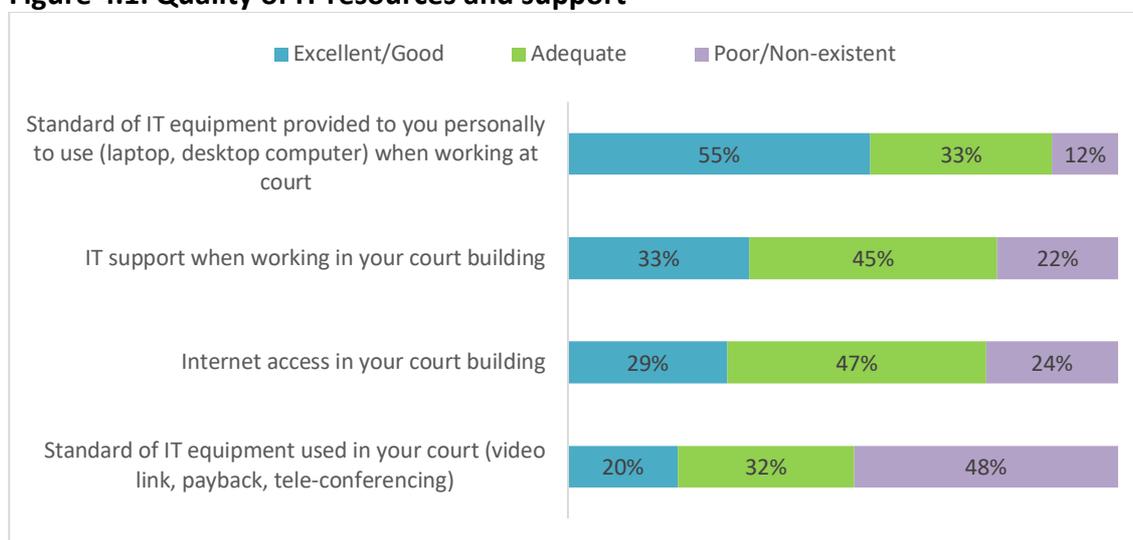


Table 4.1 provides a further breakdown of the results for each of these aspects of IT resources and support.

Table 4.1: Quality of IT resources and support in courts

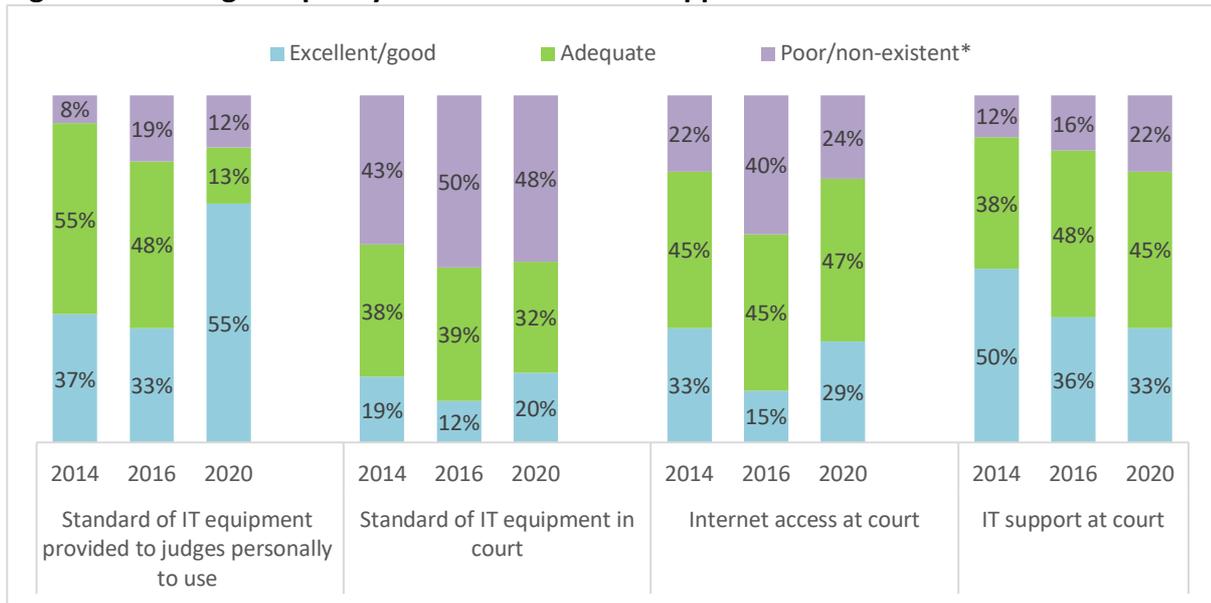
<i>Please provide an assessment of the following resources available at your main court</i>	Excellent	Good	Adequate	Poor	Non-existent
Standard of IT equipment provided to you personally to use (laptop, desktop computer) when working at court	16%	39%	33%	12%	0%
IT support when working in your court building	6%	23%	47%	23%	1%
Internet access in your court building	8%	25%	45%	19%	3%
Standard of IT equipment used in your court (video link, playback, tele-conferencing)	3%	17%	32%	47%	1%

Change since 2014-16

In the previous JAS in 2016, judges' view of the quality of IT resources and support had deteriorated in all areas from 2014. But in 2020 there were some improvements to note:

- The standard of IT equipment provided to judges personally to use improved in 2020 from 2014 and 2016, with a majority (55%) now saying the equipment is Excellent or Good.
- The standard of IT equipment used in courts has improved marginally since 2016 and 2014.
- Internet access has improved from 2016, but the proportion of judges saying it is Excellent/Good is still low (29%) and has not yet reached 2014 levels (33%).
- IT support that is rated as Excellent/Good (33%) has continued to decline from both 2016 (36%) and 2014 (50%) levels.

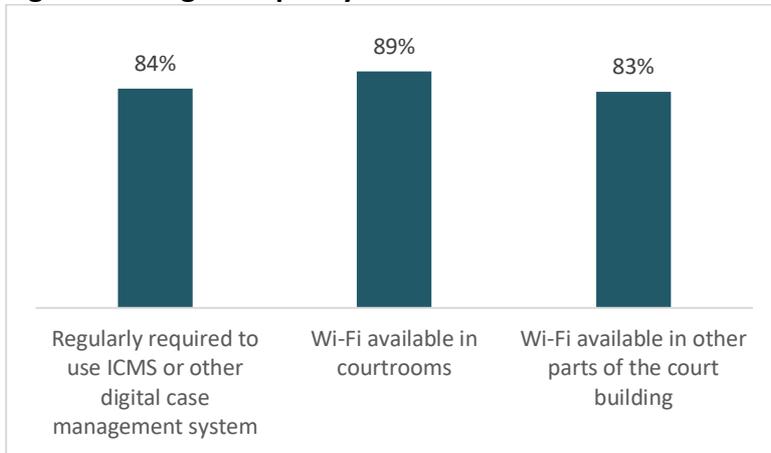
Figure 4.2: Change in quality of IT resources and support 2014-20



4.2 Digital capacity in courts

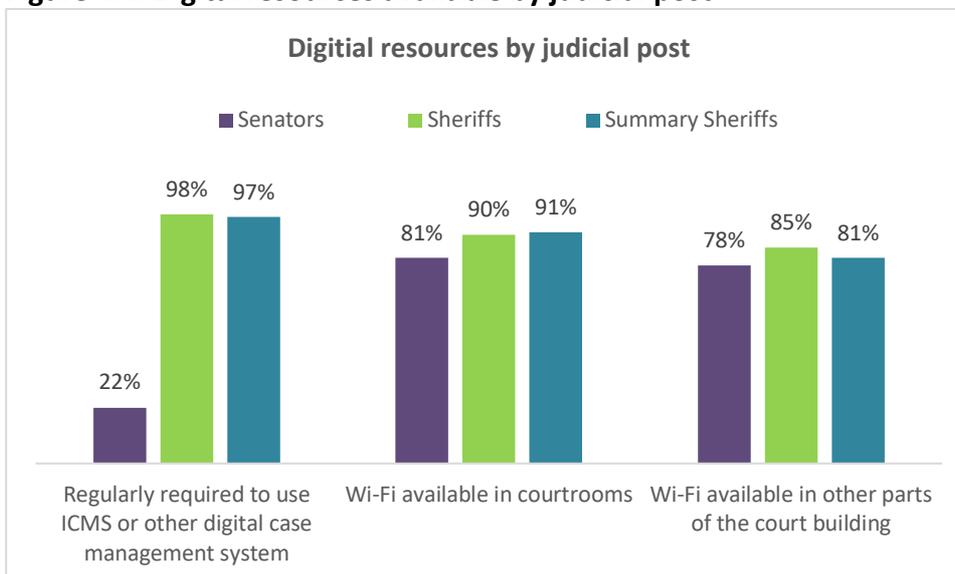
Almost all Scottish judges (84%) regularly use ICMS⁹ or other digital case management systems. Almost all Scottish judges (89%) also report that there is Wi-Fi available in their courtrooms, and that Wi-Fi is also available in the other parts of their court building (83%).

Figure 4.3: Digital capacity in Scottish courts



However, when this is broken down by judicial post (Figure 4.4), it is clear that digital case management systems are used primarily by Sheriffs (98%) and Summary Sheriffs (97%) but not by Senators (22%). Wi-Fi availability in courtrooms and court buildings is high for all judges regardless of judicial post.

Figure 4.4: Digital resources available by judicial post



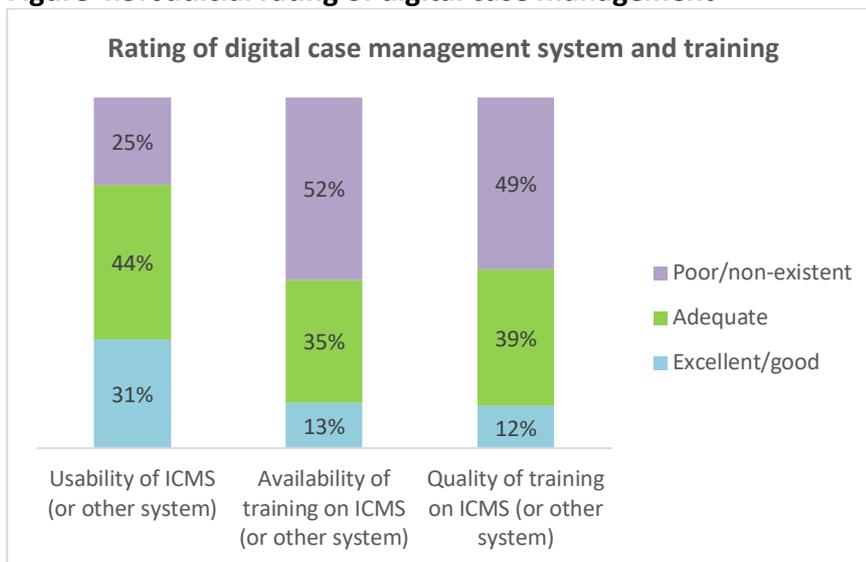
⁹ The Integrated Case Management System (ICMS) is an online case submission and management system introduced initially in 2016 in the civil courts.

4.3 Quality of court digital resources

Figure 4.5 provides an analysis of the quality of digital case management systems based on the responses given by those judges who said they regularly use ICMS or other digital case management systems.

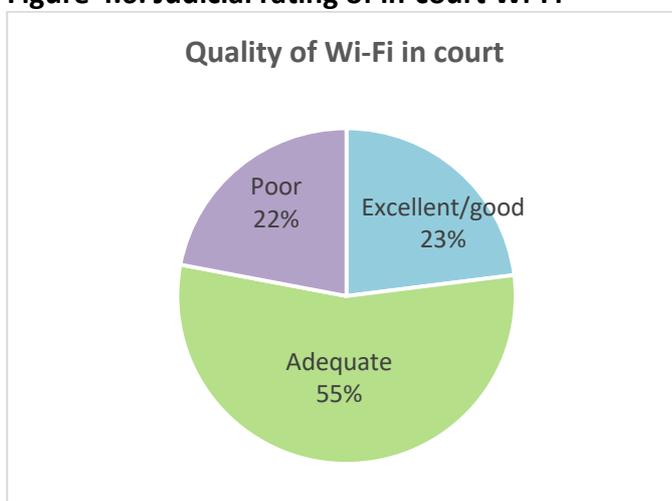
- Just under a third (31%) of judges who regularly use digital case managements systems rated the usability of the systems as either Good or Excellent; most rated it as Adequate (44%) and a quarter consider its usability as either Poor or Non-existent.
- A majority (52%) of judges who regularly use digital case managements systems said the availability of training on the system was either Poor or Non-existent.
- Almost half (49%) of judges who regularly use digital case managements systems said the quality of training on the system was either Poor or Non-existent.

Figure 4.5: Judicial rating of digital case management



As noted above (Figure 4.3), almost all Scottish judges said that there was Wi-Fi available in the courtroom they use. Figure 4.6 shows that a majority of these judges (55%) rated the in-court Wi-Fi as Adequate; just under a quarter (23%) said it was Excellent/Good and just over a quarter (28%) rated the Wi-Fi as Poor.

Figure 4.6: Judicial rating of in-court Wi-Fi

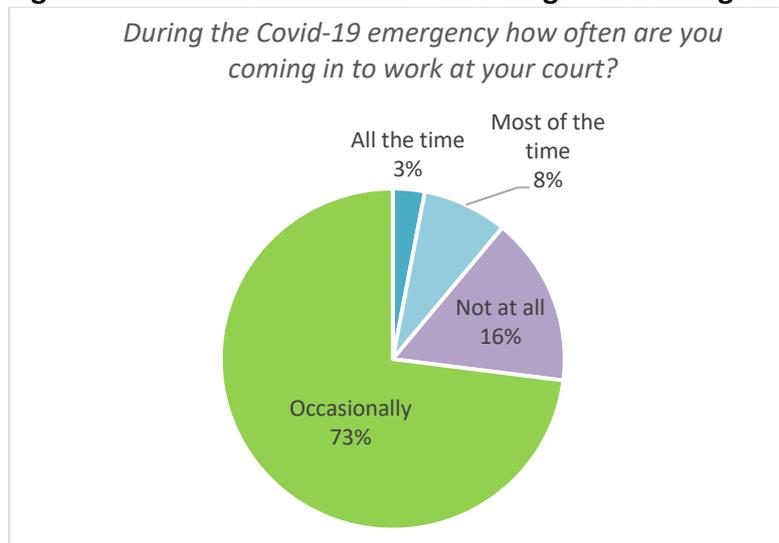


4.4 Judicial working during the Covid-19 emergency

4.4.1 Extent of remote working during the emergency

In the early period of the Covid-19 emergency from the end of March to late June 2020, almost three-quarters of judges (73%) said they were going in to work at their court occasionally. Very few were going in all (3%) or most of the time (8%), and 16% were not going in at all (Figure 4.7).

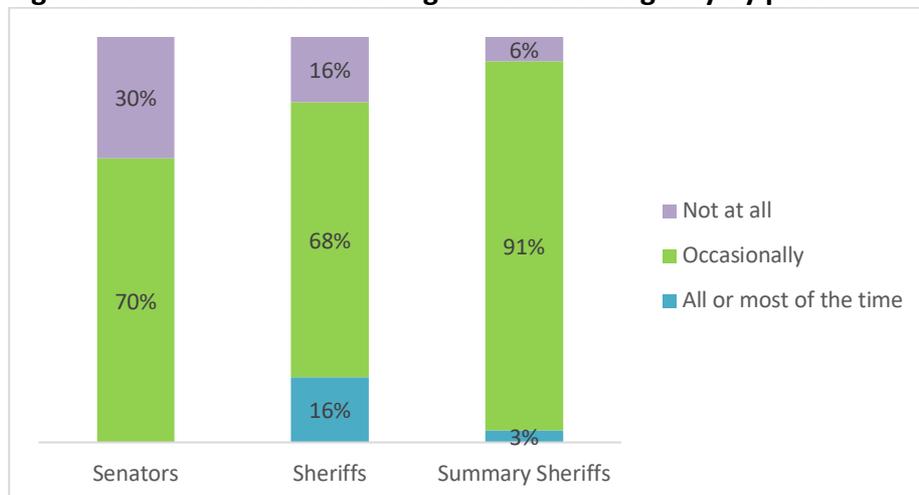
Figure 4.7: Extent of work at court during Covid emergency



There were some differences by judicial post in the extent to which judges were working in their court during the early months of the emergency (Figure 4.8).

- Sheriffs had the highest percentage of judges working at court either all or most of the time (16%), and a further two-thirds of Sheriffs (68%) were working at court occasionally.
- Only a small proportion of Summary Sheriffs were working at court all or most of the time (3%), but almost all were working at court occasionally (91%).
- No Senators who took part in the survey said they were working at court all or most of the time, most were working at court occasionally (70%) and 30% were not working at court at all during these early months of the emergency.

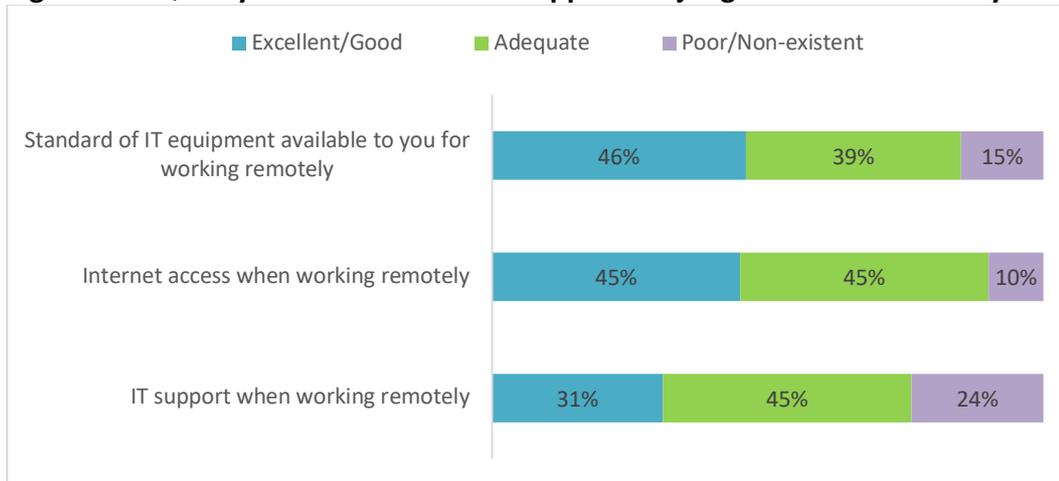
Figure 4.8: Work location during Covid-19 emergency by post



4.4.2 Resources and support for remote working

In 2020 judges were also asked about the equipment and support available to them for remote working during the Covid-19 emergency (Figure 4.9). Almost half of judges said the IT equipment they had available to them to work remotely was either Excellent or Good (46%), and 45% said the internet access they had when working remotely was also Excellent/Good. But less than a third (31%) said the IT support available to them when working remotely was Excellent/Good and a quarter (24%) said it was either Poor or Non-existent.

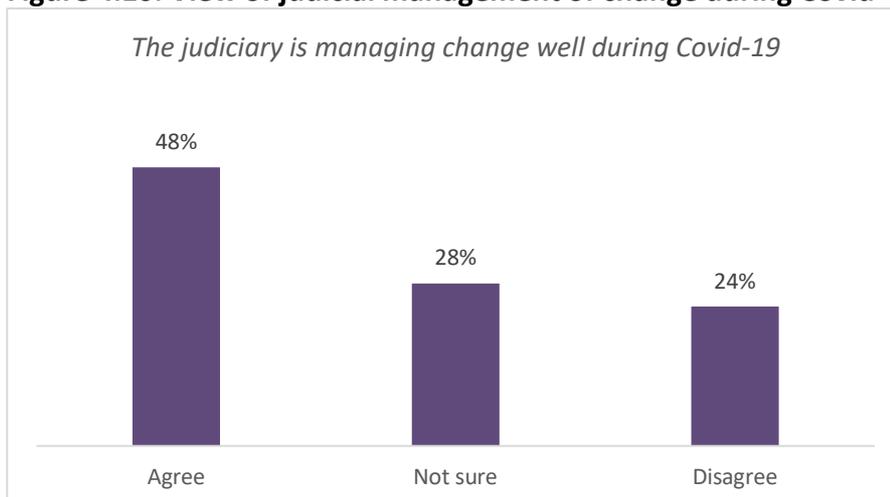
Figure 4.9: Quality of IT resources and support for judges to work remotely



4.4.3 Managing change during Covid-19

Almost half of all judges (48%) said that the judiciary was managing change well during the early stages of the Covid-19 emergency, while just over a quarter (28%) were not sure and just under a quarter (24%) did not feel the judiciary was managing change well during this early period of the emergency.

Figure 4.10: View of judicial management of change during Covid

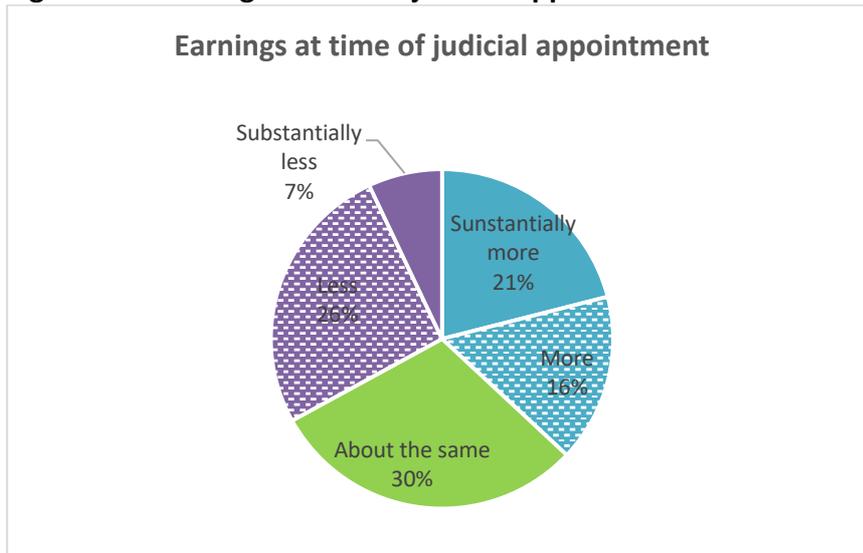


5. Salary and Pensions

5.1 Judicial earnings compared with pre-appointment earnings

In the 2020 JAS, judges were asked for the first time about their level of earnings prior to their appointment to the salaried judiciary. Prior to their appointment, over a third of all Scottish judges (37%) were earning more than their judicial salary on appointment, a third (32%) were earning less than their judicial salary at the time of appointment and 30% were earning about the same amount.

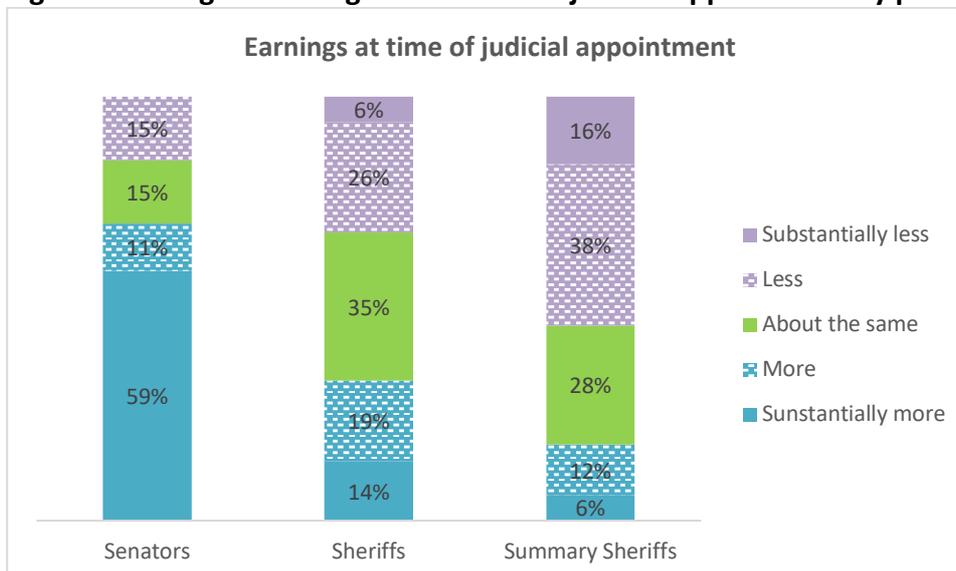
Figure 5.1: Earnings at time of judicial appointment



By Post

When examined in more detail by judicial post, it is clear that there are substantial differences in the extent to which taking up a judicial post resulted in an increase or decrease in earnings. A majority of Senators were earning more than their judicial salary at the time of their appointment (70%), with 59% earning substantially more than their judicial salary. Sheriffs were more evenly split in terms of their earnings prior to appointment, while a majority (54%) of Summary Sheriffs were earning less than their judicial salary at the time of their appointment.

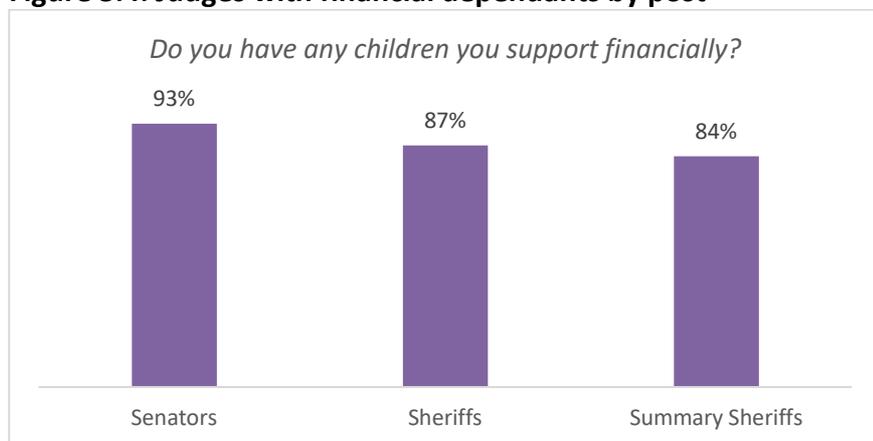
Figure 5.2: Judges' earnings at the time of judicial appointment by post



5.2 Financial dependants

The overwhelming majority of judges in all three judicial posts have children that they support financially: 93% of Senators, 87% of Sheriffs and 84% of Summary Sheriffs.

Figure 5.4: Judges with financial dependants by post



5.3 Judicial Pay

- The proportion of Scottish judges saying that they have had a loss of net earnings over the last 2 years has decreased substantially from 2016 (-30%).
- The proportion of judges who say they are paid a reasonable salary for the work they do has increased since 2016 (+7%) but is still just half of all salaried judges (50%)
- The proportion of judges who say that the judicial salary issue is affecting their own morale has fallen (-18%) since 2016, but almost half of all salaried judges in Scotland still say the salary issue is affecting their morale (46%).
- The proportion of judges who say that the judicial salary issue is affecting the morale of judges they work with has also fallen (-7%) since 2016, but three-quarters of all judges still say that the salary issue is affecting the morale of their fellow judges (76%).

Table 5.1: Judicial views on pay (2020 JAS)

<i>Please indicate how much you agree or disagree with the following</i>	Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
I have had a loss of net earnings over the last 2 years	24%	31%	19%	19%	7%
The judicial salary issue is affecting my morale	16%	30%	12%	37%	5%
The judicial salary issue is affecting the morale of judges I work with	31%	45%	16%	6%	2%
I am paid a reasonable salary for the work I do	9%	41%	12%	30%	8%

Table 5.2: Judicial views on salary: 2020, 2016 and 2014 compared¹⁰

<i>Please indicate how much you agree or disagree with the following</i>	Agree 2020 JAS	Agree 2016 JAS	Agree 2014 JAS
I have had a loss of net earnings over the last 2 years	55%	85%	80%
I am paid a reasonable salary for the work I do	50%	43%	33%
The judicial salary issue is affecting my morale	46%	64%	
The judicial salary issue is affecting the morale of judges I work with	76%	83%	

¹⁰ These are the questions on salary that appeared in identical form on the 2020, 2016 and 2014 Judicial Attitude Surveys.

A more detailed breakdown of views by judicial post highlights some clear differences between judges in different posts and also the extent of the changes since 2016.

5.3.1 Reasonableness of salary

Summary Sheriffs are more likely to say that they are paid a reasonable salary for the work they do (66%) compared with Senators (48%) and Sheriffs (45%) (Figure 5.5).

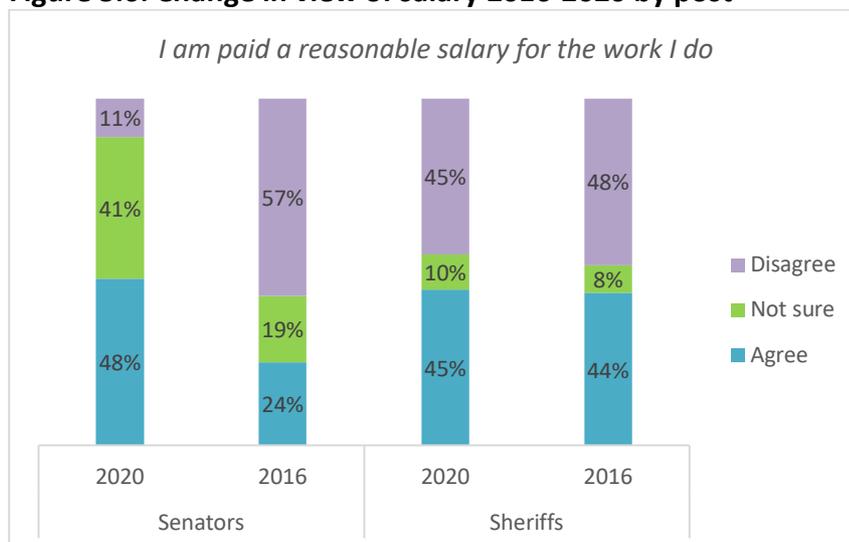
Figure 5.5: Reasonableness of judicial salary by post



Change from 2016-2020

As Figure 5.6 shows, there has been virtually no change in the views of Sheriffs about their salary since 2016, with Sheriffs almost evenly split between those who feel they are paid a reasonable salary for the work they do and those who do not. But there has been a substantial change in the views of Senators on this issue since 2016. In 2016, a majority (57%) of Senators felt they were not paid a reasonable salary for the work they do; but by 2020 only a small proportion (11%) felt this way, with almost half of all Senators now saying they are paid a reasonable salary, alongside a substantial increase in Senators who are not sure about this (19% not sure in 2016 up to 41% in 2020).

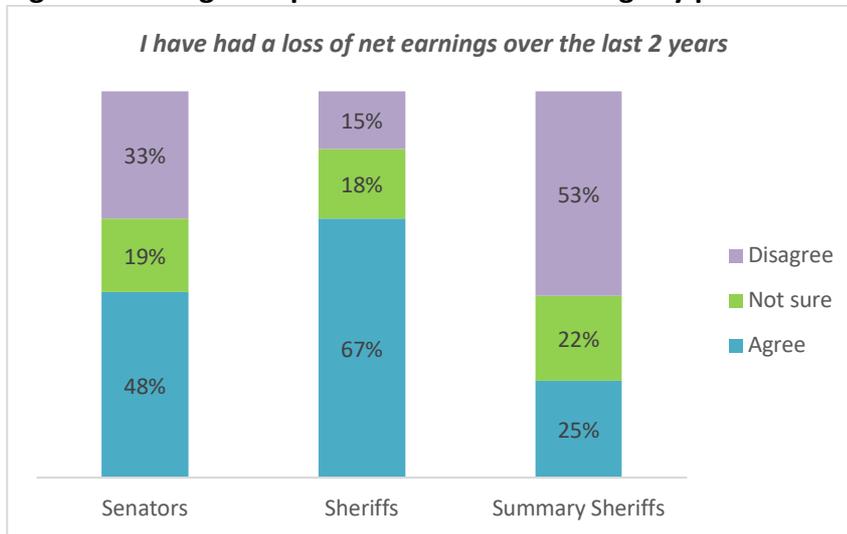
Figure 5.6: Change in view of salary 2016-2020 by post



5.3.2 Loss of net earnings

Amongst those Scottish judges who said they have had a net loss of earnings over the last two years, there are distinct differences by judicial post. Two thirds (67%) of Sheriffs say they have had a net loss of earnings over the last two year, while just under half (47%) of Senators and only a quarter (25%) of Summary Sheriffs say they have had a net loss of earnings over the last two years.

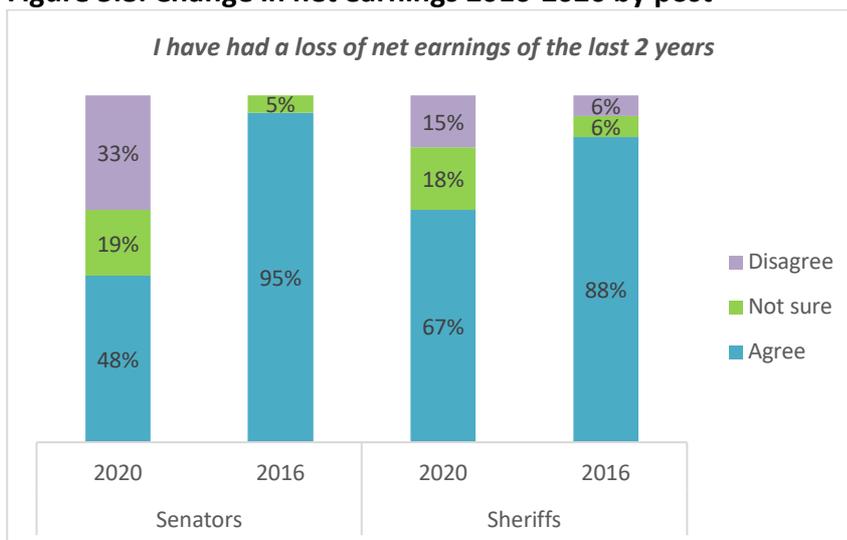
Figure 5.7: Judges' experience with net earnings by post



Change from 2016-200

As Figure 5.8 shows, there has been substantial change for both Senators and Sheriffs in terms of their net earnings since 2016. In 2016, almost all Senators (95%) said they had had a loss of net earnings in the previous two years, but by 2020 this had fallen by half to 48%. There was also a decrease in the proportion of Sheriffs who have had a loss of net earnings, from 88% in 2016 to 67% in 2020, but the decrease was less substantial for Sheriffs than Senators. (Summary Sheriffs are not included in this comparison as most were not in post when the 2016 JAS was conducted).

Figure 5.8: Change in net earnings 2016-2020 by post



5.4 Combined Effects of Pay & Pensions Reform, Out of Hours Work & Employment Options

In 2012 and 2015, the UK government-instituted changes to judicial pensions came in to effect. In addition, salaried judges have limited options for increasing their income. The 2016 JAS looked for the first time at the combined effect of pay and pension changes on salaried judges, and explored the extent to which judges would take certain actions to address this if they were able. These same issues were covered in the 2020 JAS.

Table 5.3 shows judges' views in 2020, and Table 5.4 compares these results with 2014 and 2016.

Table 5.3: Views on pay & pension changes, out of hours work, employment options 2020

<i>Please indicate how much you agree or disagree with the following</i>	Strongly Agree	Agree	Not sure	Disagree	Strongly disagree
My pay and pension entitlement does not adequately reflect the work I have done and will do before retirement	28%	27%	24%	17%	4%
The amount of out of hours work required to do the job is affecting me	11%	22%	14%	46%	7%
If I felt that leaving the judiciary was a viable option I would consider doing so	16%	19%	16%	35%	14%
If I could earn additional income through out of court work I would pursue this option	9%	22%	17%	36%	16%

- While over half (55%) of all salaried judges feel that their pay and pension entitlement combined does not adequately reflect the work they have done and will do before retirement, this is a substantial decrease from 2016 when it was 72%.
- A third of judges (33%) feel that the amount of out of hours work they are required to do in their job is affecting them, which is a substantial decrease from 2016 when a majority (51%) said out of hours work was affecting them.
- Just over a third of judges (35%) said they would consider leaving the judiciary if this was a viable option, which is a decrease from 2016 when it was 42%.
- Less than a third (31%) of judges said they would pursue out of court work to earn additional income if this was an option, and this was also a decrease from 2016 (39%).

Table 5.4: Views on pay & pension, out of hours work and employment options 2014 - 20

<i>Please indicate how much you agree or disagree with the following</i>	Agree 2020 JAS	Agree 2016 JAS	Agree 2014 JAS
My pay and pension entitlement does not adequately reflect the work I have done and will do before retirement	55%	72%	74%
The amount of out of hours work required to do the job is affecting me	33%	51%	22% ¹¹
If I felt that leaving the judiciary was a viable option I would consider doing so	35%	42%	20% ¹²
If I could earn additional income through out of court work I would pursue this option	31%	39%	33%

¹¹ In the 2014 JAS this statement was phrased as: *Salary is not the issue. It is the amount of out of hours work required to do the job that affects me.*

¹² In the 2014 JAS this statement was phrased as: *I would consider leaving the judiciary to go back to some kind of legal practice.*

5.5 Judicial pension information

In 2020, the Judicial Attitude Survey included two new questions about the extent to which judges are interested in and follow developments about judicial pensions.

- Almost all Scottish judges (88%) follow closely developments about judicial pensions.
- Over three quarters of Scottish judges (73%) would like to know more about developments in judicial pensions.

Table 5.5:

<i>Please indicate how much you agree or disagree with the following</i>	Strongly Agree	Agree	Not sure	Disagree	Strongly disagree
I follow closely the developments about judicial pensions	45%	43%	5%	5%	2%
	Agree	88%		Disagree	7%
I would like to know more about developments in judicial pensions	38%	39%	11%	11%	1%
	Agree	77%		Disagree	12%

6. Opportunities, Support, Training and Personal Development

6.1 Opportunities and support in judges' working lives

In 2014 and 2016 judges were asked about the availability of certain opportunities in their judicial working life (work flexibility, career progression, etc.), and in 2016 judges were also asked to say how important these opportunities were to them. This approach was repeated in 2020, as it provides a helpful indication of whether those specific aspects that are most important to judges in their working life are being provided.

Importance of opportunities and support

A majority of judges said *3 opportunities and support measures were most important* to them (Table 6.1):

- Having time to discuss work with colleagues (92%), support for dealing with stressful conditions at work (72%) and opportunities for career progression (65%) were most important to Scottish judges.
- There was little to no change from 2016 in the proportion of judges that said these specific opportunities were important to them.

Table 6.1: Importance to judges of specific opportunities

<i>To what extent do you feel the following are important to you?</i>	Important	Not sure	Not important
Time to discuss work with colleagues	92%	3%	5%
Support for dealing with stressful conditions at work	72%	16%	12%
Opportunities for career progression	65%	8%	27%
Opportunities to work part-time	39%	13%	48%
Opportunities for flexible working hours	40%	17%	43%
Opportunities to sit in other jurisdictions	30%	20%	50%

Availability of opportunities and support

In the *3 areas that were most important to judges, the availability of these opportunities did not meet judicial demand* (Table 6.2):

- Even though almost all judges (92%) said time to discuss work with colleagues was important, only a third said the opportunities for this were Good or Excellent (40%).
- Even though almost three-quarters (72%) said support for dealing with stressful conditions at work was important, almost half (46%) said this support was either Non-existent or Poor.
- Even though two-thirds of judges (65%) said opportunities for career progression were important, almost half (48%) said this support was either Non-existent or Poor.

Table 6.2: Availability of opportunities or support for judges

<i>Please rate the availability of the following opportunities or support</i>	Excellent	Good	Adequate	Poor	Non-Existent
Time to discuss work with colleagues	8%	32%	39%	19%	2%
Support for dealing with stressful conditions at work	3%	14%	37%	31%	15%
Opportunities for career progression	2%	16%	34%	35%	13%
Opportunities to work part-time	4%	10%	32%	28%	26%
Opportunities for flexible working hours	1%	11%	26%	20%	42%
Opportunities to sit in other jurisdictions	3%	9%	28%	20%	40%

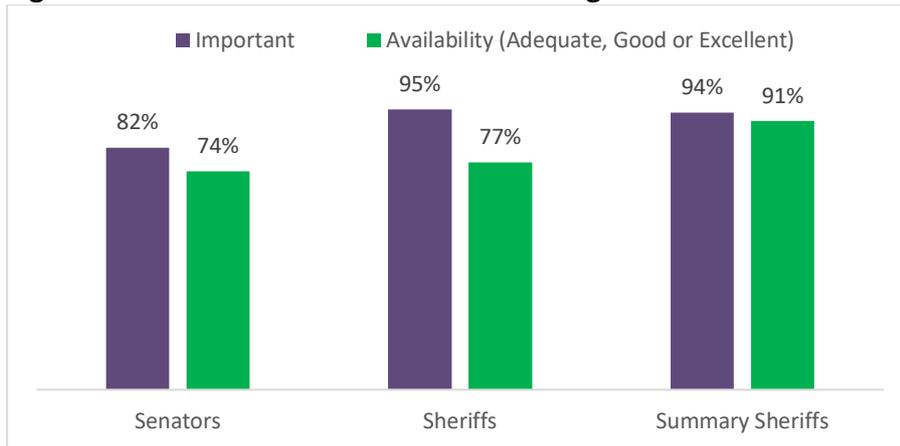
6.1.1 Importance and availability of opportunities and support by post

The following shows how the availability of opportunities and support matches the importance placed on them by judges in different judicial posts in Scotland.

Time to discuss work with colleagues

Almost all judges in all judicial post said that the time to discuss work with colleagues was important to them. In all cases the availability of this support that was rated Adequate, Good or Excellent was lower than its importance. But the greatest disparity between the importance of time to discuss work with colleagues and the availability of that time was for Sheriffs (Figure 6.1).

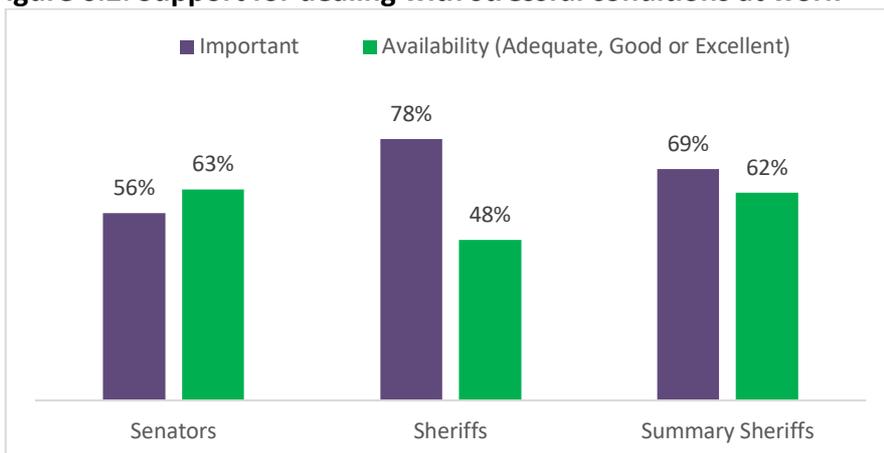
Figure 6.1: Time to discuss work with colleagues



Support for dealing with stressful conditions at work

A majority of judges in all judicial posts said that support for dealing with stressful conditions at work was important to them, but it was most important for Sheriffs (78%) and least available to them, with 48% of Sheriffs rating the availability of support as Adequate, Good or Excellent.

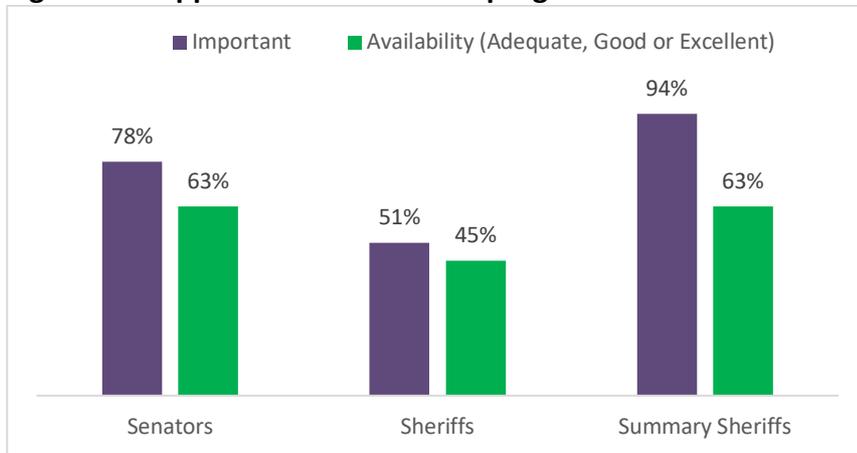
Figure 6.2: Support for dealing with stressful conditions at work



Opportunities for career progression

While a majority of judges in all three judicial posts said the opportunity for career progression was important to them, it was important for almost all Summary Sheriffs (94%), three quarters of Senators (78%) and only half of all Sheriffs (51%). For no judicial posts did judges feel the availability of opportunities for career progression matched its importance.

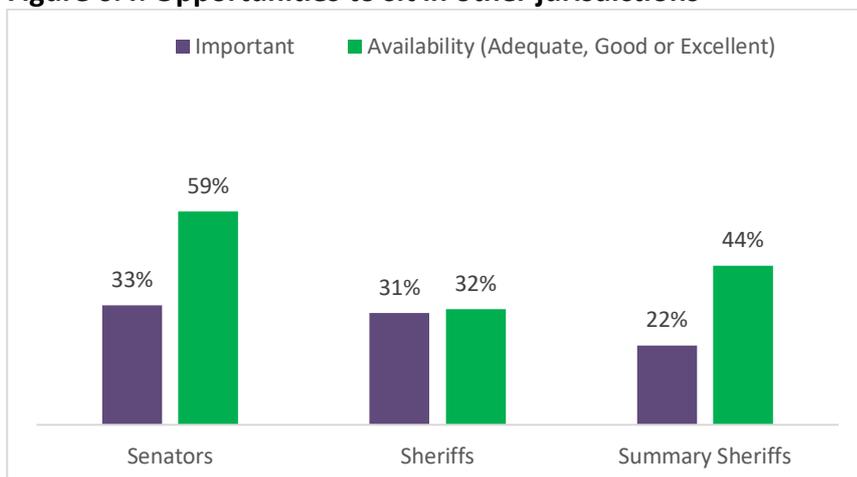
Figure 6.3: Opportunities for career progression



Opportunities to sit in other jurisdictions

Only a minority of judges in all three judicial posts felt the opportunity to sit in other jurisdictions was important to them, and for all judicial posts the availability of opportunities to sit in other jurisdictions met or exceeded the level of importance of it to the judges (Figure 6.4):

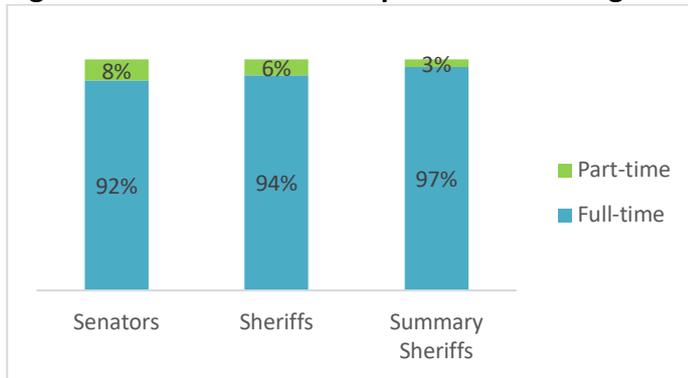
Figure 6.4: Opportunities to sit in other jurisdictions



Part-time working

There is very little part-time working in the salaried judiciary in Scotland (Figure 6.5).

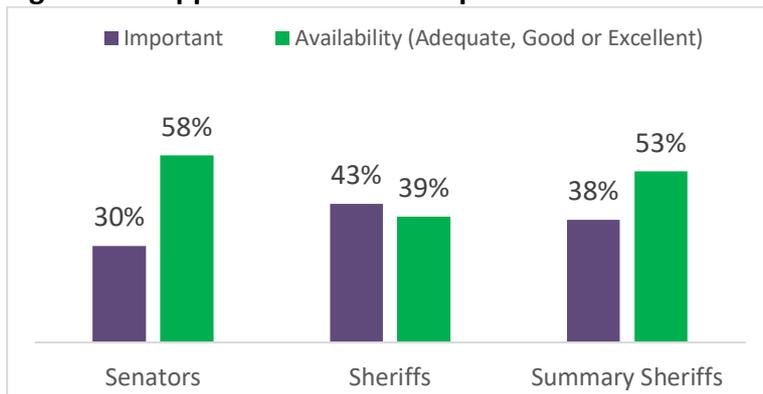
Figure 6.5: Current levels of part-time working



Opportunities for part-time working

For Senators and Summary Sheriffs the availability of opportunities to work part-time exceeded the importance of these opportunities. Sheriffs had the highest proportion of judges (48%) that said the opportunity to sit part-time was important to them, and just under that proportion (39%) said the opportunities to sit part-time were adequate, good or excellent.

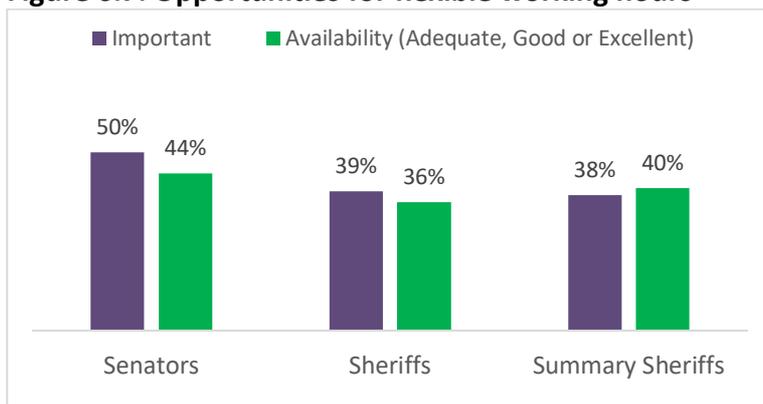
Figure 6.6: Opportunities to work part-time



Opportunities for flexible working hours

Half of Senators (50%) said the opportunity for flexible working hours was important to them, and 44% said these opportunities were available. Flexible working hours were important for fewer Sheriffs and Summary Sheriffs and the availability was similar to the level of importance.

Figure 6.7: Opportunities for flexible working hours



6.2 Job satisfaction

Judges were asked about how satisfied they are with 5 aspects of their job: the sense of achievement in the job, the challenge of the job, the variety of work, opportunities for career progression and cross deployment opportunities (Figure 6.7 and Table 6.3).

- The largest proportion of judges were satisfied with the challenge of the job (82% either satisfied or completely satisfied)
- Almost three-quarters of judges are satisfied with the variety of their work (72%).
- Over two-thirds of judges are satisfied with the sense of achievement in their job (68%).
- Less than half of judges were satisfied with their opportunities for career progression (46%) and cross deployment (45%)

Figure 6.7: Satisfaction with aspects of personal development and career progression

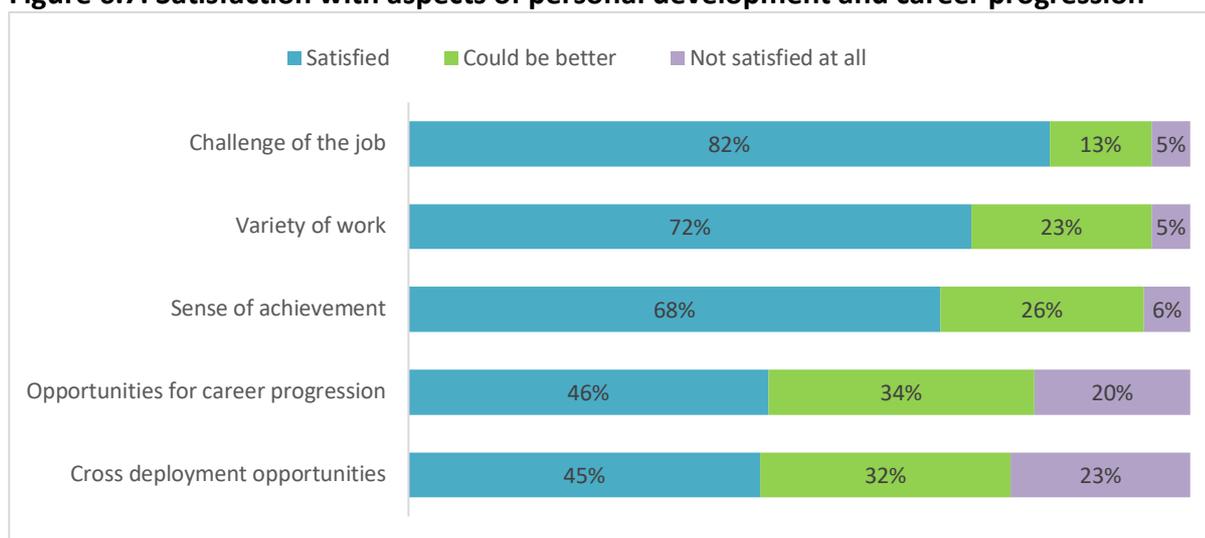


Table 6.3: Satisfaction with aspects of judicial work

<i>To what extent are you satisfied with the following?</i>	Completely satisfied	Satisfied	Could be better	Not satisfied at all
Sense of achievement in the job	14%	54%	26%	6%
Challenge of the job	17%	65%	13%	5%
Variety of work	19%	53%	23%	5%
Opportunities for career progression	6%	40%	34%	20%
Cross deployment opportunities	4%	41%	32%	23%

Identical questions were asked in 2016 and 2014 on three aspects of job satisfaction: sense of achievement, challenge and variety of work.

- Almost all judges (82%) are satisfied with the challenge of the job. This is an improvement from both 2014 and 2016 (Figure 6.8)
- Over two thirds of judges (68%) are satisfied with the variety of work, and this is an improvement from 2014 and 2016 (Figure 6.9).
- Just under three quarters of judges are satisfied with the variety of work they have (72%), but this has fallen slightly from 2016 (75%) and 2014 (77%) (Figure 6.10).

Figure 6.8: Challenge of the job 2014-20

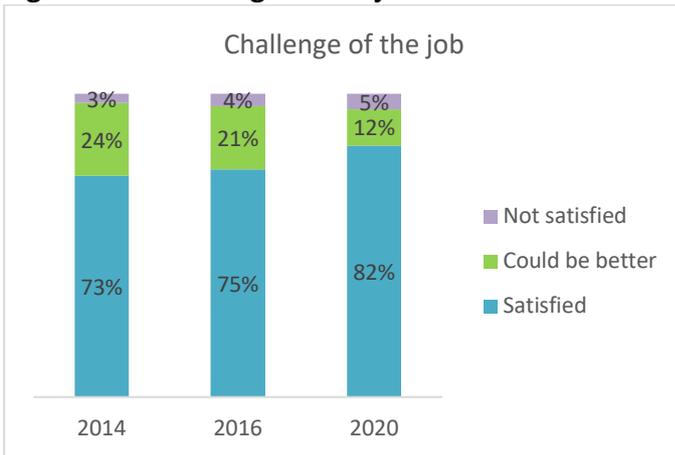


Figure 6.9: Sense of achievement in job 2014-20

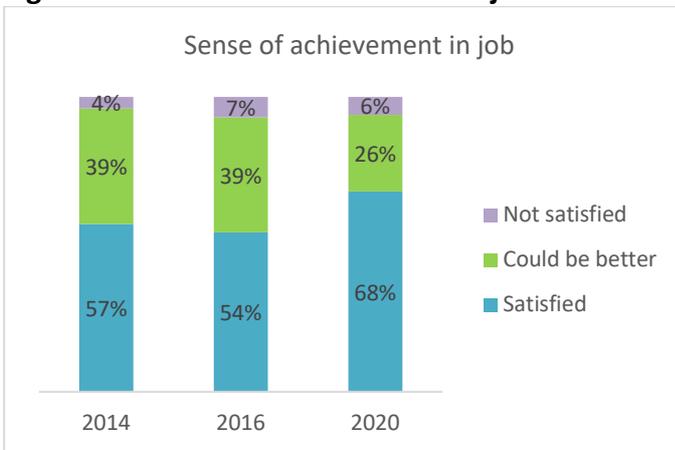
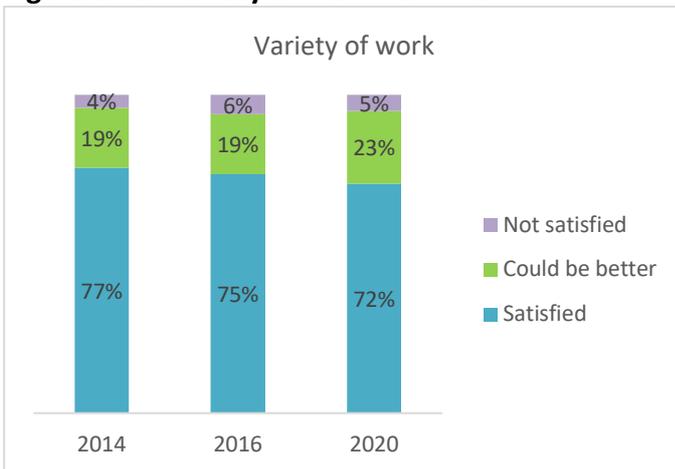


Figure 6.10: Variety of work 2014-20



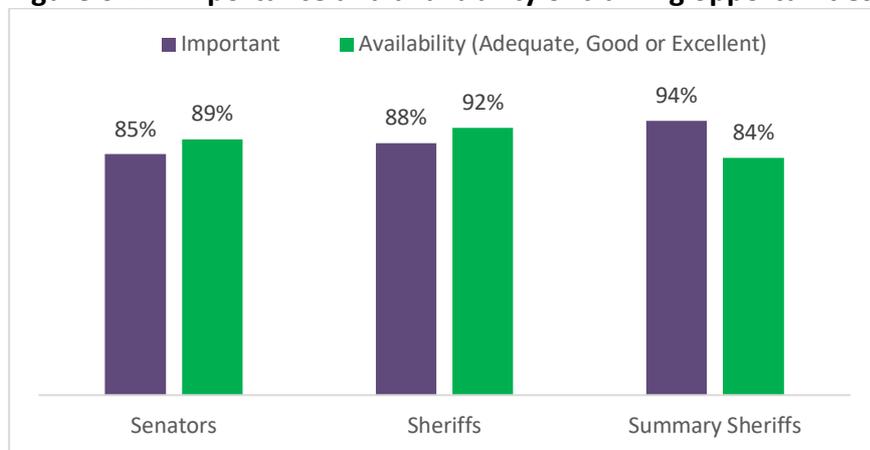
6.3 Training

In 2020 Scottish judges were again asked about both the importance and availability of training, as well as their satisfaction with various aspects of judicial training. Judges were also again asked about the types of training they would be most interested in undertaking in future, and there was an expansion of the options for future training presented to judges in 2020.

6.3.1 Training opportunities: Importance and availability

Almost all Scottish judges (88%) said that training opportunities were important to them, and virtually the same proportion (89%) said the availability of training opportunities was Adequate, Good or Excellent. There were some small differences by judicial post (Figure 6.11). For Senators and Sheriffs, the proportion that rated the availability of training opportunities as Adequate, Good or Excellent slightly exceeded the proportion who said such opportunities were important. But the proportion of Summary Sheriffs who rated training opportunities as important (94%) exceed those who rated the availability of these opportunities as Adequate, Good or Excellent (84%).

Figure 6.11: Importance and availability of training opportunities



6.3.2 Satisfaction with judicial training

Scottish judges were also asked to indicate their satisfaction with aspects of their training (Table 6.4 and Figure 6.12):

- Over three quarters of judges (78%) are satisfied with the quality of the judicial training they receive; but this has decreased from 2016 (83%).
- Almost two thirds of judges (63%) are satisfied with the range of training available to them, and this increased from 2016 (59%).
- Almost half of judges (49%) are satisfied with the time available to undertake judicial training, and this has increased from 2016 (39%).
- Almost half of judges (46%) are satisfied with the time they have to prepare for judicial training courses, but almost half (46%) also say the time available to prepare for training could be better. This was a new question in 2020.

Table 6.4: Satisfaction with training

<i>To what extent are you satisfied with the following?</i>	Completely satisfied	Satisfied	Could be better	Not satisfied at all
Range of judicial training available	13%	50%	33%	4%
Quality of judicial training	21%	57%	19%	3%
Time available to undertake training	9%	40%	44%	7%
Time to prepare for training courses	6%	40%	46%	8%

Figure 6.12: Satisfaction with training

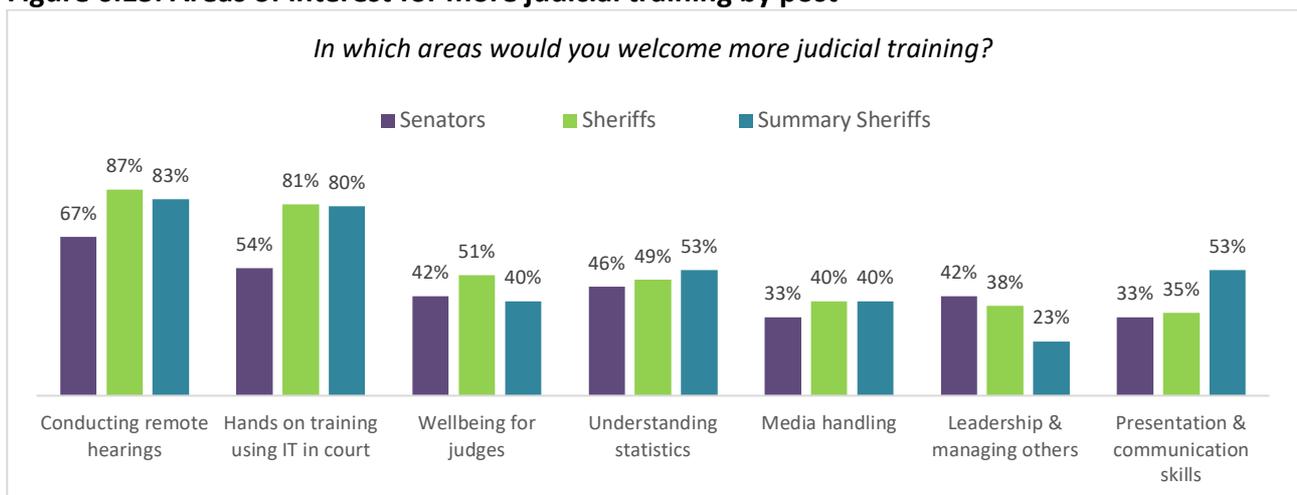


6.3.3 New judicial training areas

The 2020 JAS asked judges to indicate those areas where they would welcome new training opportunities (Figure 6.13). Two areas emerged as of most interest to all judges.

- Most judges in all judicial posts said they would welcome new “hands on” training on how to use IT in court and on how to conduct remote hearings. The interest was strongest amongst Sheriffs and Summary Sheriffs.
- A majority or close to a majority of judges in all judicial posts also said they would welcome more training on wellbeing for judges and on understanding statistics in the legal context. Sheriffs were most interested in wellbeing training (51%), and Summary Sheriffs were most interested in understanding statistics in the legal context (53%).
- A majority of Summary Sheriffs would welcome more training in presentation and communication skills (53%).
- Almost half of Senators would welcome training on leadership and managing others (42%).

Figure 6.13: Areas of interest for more judicial training by post



7. Change in the Judiciary

The 2020 JAS included a number of questions about change in the judiciary that have been asked previously in 2014 and 2016. This has enabled a picture to emerge about the changes experienced by the Scottish judges in their working lives over the last 6 years.

7.1 Change since appointment

There has been almost no change since 2016 in judges' views about the extent to which their job as a judge has changed since they were first appointed: 47% felt that their job as a judge had changed largely or completely; 34% said there had been some change since they were first appointed; and 19% said there had been only a small amount of change or none at all.

Table 7.1: Change in job since first appointed

<i>To what extent do you feel your job has changed since you were first appointed?</i>	2020 JAS	2016 JAS	2014 JAS	% change since 2016
It has changed completely	7%	9%	4%	-2%
There has been a large amount of change	40%	38%	44%	+2%
There been some change which affects me	34%	35%	40%	-1%
It has only changed a small amount & does not affect me	9%	9%	6%	0%
It has not changed at all	10%	11%	6%	-1%

7.2 General views on change in the judiciary

Judges were also asked to respond to other statements about change in the judiciary (Table 7.2):

- Almost all judges (81%) said that despite any reservations they may have about changes to the judiciary they still enjoyed their job as a judge.
- More than three-quarters of judges (78%) said that the judiciary needs to have control over policy changes that affect judges.
- Almost half (47%) of judges said that the judiciary was managing change well before Covid-19.
- Over half (54%) of judges felt that more change was still needed in the judiciary.
- Judges were more divided over whether too much change has been imposed on the judiciary in recent years, and whether the amount of change in recent years has brought judges to breaking point.

Table 7.2: Judges general views on change in the judiciary

<i>To what extent do you agree or disagree with the following statements?</i>	Disagree	Not Sure	Agree
The judiciary was managing change well before Covid-19	25%	28%	47%
Too much change has been imposed on the judiciary in recent years	36%	38%	26%
More change is still needed in the judiciary	18%	28%	54%
The amount of change in recent years has brought judges to breaking point	45%	29%	26%
The judiciary needs to have control over policy changes that affect judges	8%	14%	78%
Despite any reservations I may have about changes in the judiciary I still enjoy my job as a judge	8%	11%	81%

7.3 Changes that concern judges most

In 2016, judges were asked to indicate which changes in the judiciary concerned them most from a list provided. In 2020, a more nuanced approach to this question was taken, which asked judges to indicate how concerned they were by a number of changes. Table 7.3 shows the level of concern Scottish judges have for each of these changes in 2020:

- Judges are most concerned by a new change: the loss of respect for the judiciary by government (88% concerned; 66% extremely concerned).
- Attacks on the judiciary by the media is also a new change since 2016 that a large proportion of judges are concerned about (78% concerned, 51% extremely concerned).
- The largest increases in concern from 2016 to 2020 were over fiscal constraints, loss of experienced judges, loss of judicial independence, the inability to attract the best people to join the judiciary and the reduction in face-to-face hearings. This last concern was likely to be influenced by the conditions judges experienced during the Covid-19 emergency up to June 2020 when the survey was run.

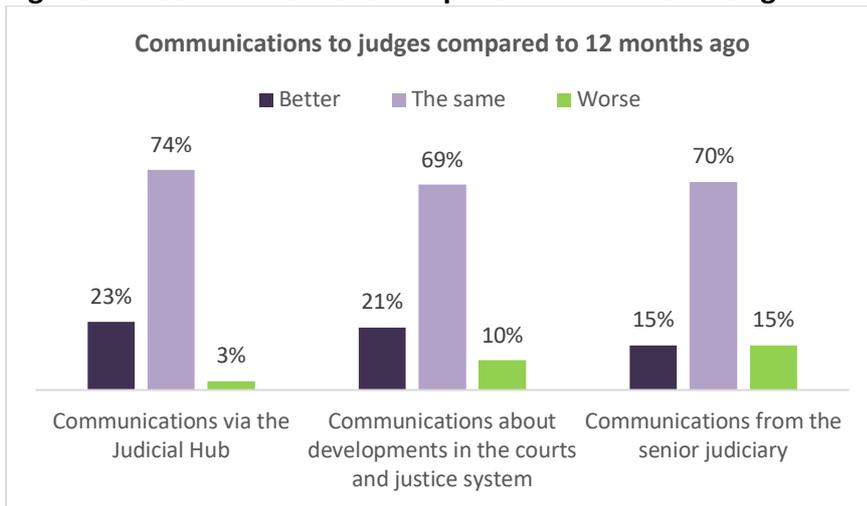
Table 7.3: Changes of greatest concern to judges (2020 and 2016)

<i>To what extent are you concerned by specific changes in the judiciary?</i>	2020 JAS "extremely concerned"	2020 JAS "somewhat & extremely concerned"	2016 JAS "changes that concern you most"
Loss of respect for judiciary by government	66%	88%	---
Fiscal constraints	42%	85%	+20%
Attacks on judiciary by the media	51%	78%	---
Loss of experienced judges	37%	78%	+47%
Loss of judicial independence	43%	76%	+20%
Increase in litigants in person	32%	76%	+1%
Low judicial morale	38%	72%	-2%
Inability to attract the best people into judiciary	39%	70%	+28%
Reduction in face-to-face hearings	26%	61%	+57%
Stressful working conditions	22%	57%	+8%
Personal safety for judges	11%	50%	+6%

7.4 Judicial communications

In 2020, the JAS included for the first time several questions about communications judges receive. Scottish judges were asked to rate communications they receive via the Judicial Hub, communications about developments in the courts and justice system and from the senior judiciary compared to 12 months ago. As Figure 7.1 shows, most judges felt that communications they currently received were mostly the same compared to 12 months ago, with almost a quarter saying they were better via the Judicial Hub (23%) and better in relation to developments in the courts and justice system (21%).

Figure 7.1: Communications compared with 12 months ago



8. Future Planning

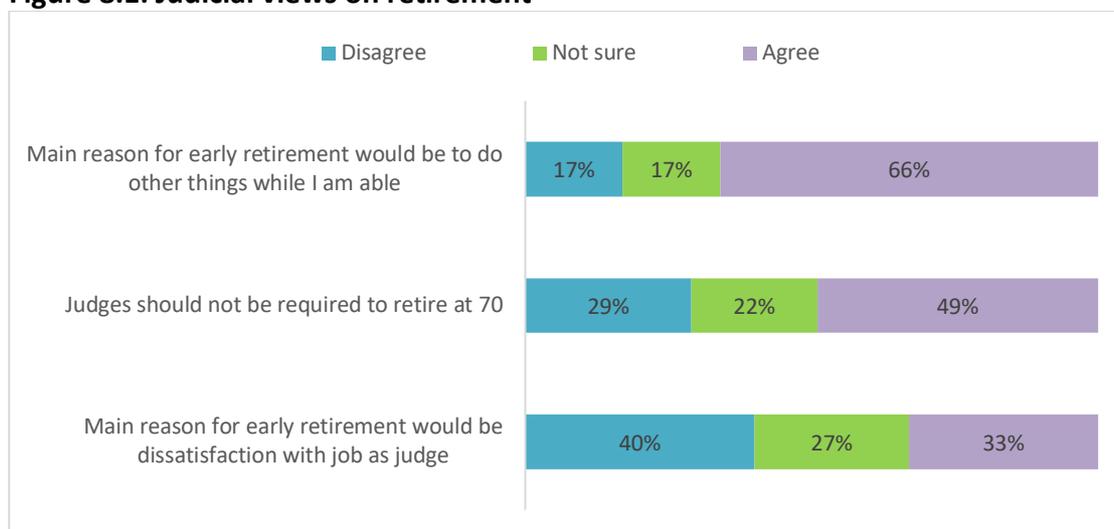
The 2020 JAS repeated a number of questions from 2016 and 2014 about judges' plans for staying in the judiciary until they reach compulsory retirement age. This has enabled an assessment of the extent to which judges' intentions and motivations for leaving the judiciary early may have changed in the last 4 years. The 2020 JAS also included a number of new questions which explored judicial attitudes to retirement more generally.

8.1 Judicial views on retirement

In 2020, Scottish judges were asked a number of new questions designed to more fully understand judicial attitudes to retirement. As Figure 8.1 shows:

- Two-thirds of judges (66%) said that the main reason they would take early retirement would be to do other things while they are able to do so.
- Just under half of all judges (49%) feel that judges should not be required to retire at 70.
- Judges were divided over whether their main reason for taking early retirement would be dissatisfaction with their job as a judge.

Figure 8.1: Judicial views on retirement



8.2 Impact of compulsory retirement

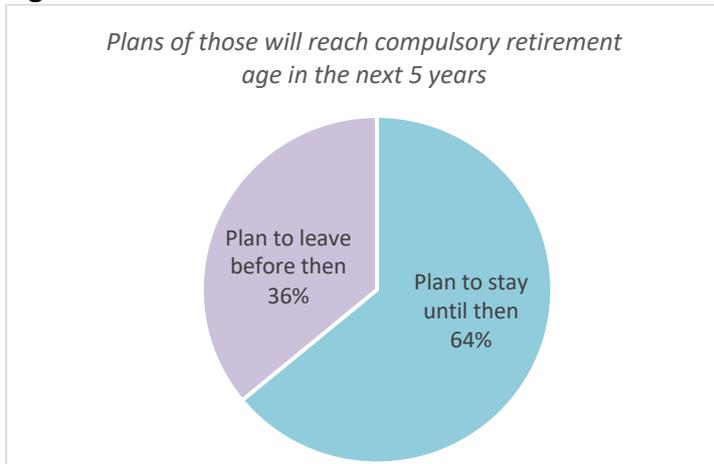
Amongst those judges taking part in the survey, a quarter of Senators will reach compulsory retirement age in the next 5 years, while this was the case only for 15% of Sheriffs/Sheriffs Principal and only 3% of Summary Sheriffs (Table 8.1).

Table 8.1: Compulsory retirement in next 5 year by post

% of all judges in post that are reaching compulsory retirement in the next 5 years	
Senators	26%
Sheriffs	15%
Summary Sheriffs	3%

Amongst those judges that must retire in the next 5 years, two thirds (64%) intend to stay in the judiciary for their full period of their tenure that remains (Figure 8.2).

Figure 8.2: Intentions of those who must retire in next 5 years



8.3 Plans for early departure from the judiciary

The 2014, 2016 and 2020 JAS asked those judges who are not reaching compulsory retirement age in the next 5 years whether they were considering leaving the judiciary early in the next 5 years (Table 8.2):

- Of those salaried judges that will not reach compulsory retirement age in the next 5 years, almost half (43%) said they were considering retiring early in the next 5 years and 16% are currently undecided.
- Since 2016 there has been a small increase (+4%) in the proportion of judges who are considering leaving the judiciary early in the next 5 years, a small increase in judges who are not considering leaving early (+2%) and a 6% fall in those judges who are undecided about this.

Table 8.2: Plans for early departure from the judiciary

Are you considering leaving the judiciary early in the next 5 years?	2020 JAS	2016 JAS	% change from 2016	2014 JAS	% change from 2014
Yes	43%	39%	+4%	38%	+5%
Currently undecided	16%	22%	-6%	22%	-6%
No	41%	39%	+2%	40%	+1%

There were some substantial differences in judges' intentions about early retirement when examined by judicial post (Figure 8.3 and Table 8.3).

- More than half of all Sheriffs (56%) said they were considering leaving early in the next 5 years; this amounts to 43 Sheriffs.
- The overwhelming majority of Summary Sheriffs (74%) said they were not considering leaving early in the next 5 years (only 5 Summary Sheriffs intend to leave early).
- Senators were evenly split between those intending to leave early (35% or 7 Senators), those who are currently undecided (30% or 6 Senators) and those who are not considering leaving early in the next 5 years (35% or 7 Senators).

Figure 8.3: Intentions to leave early in the next 5 years by post

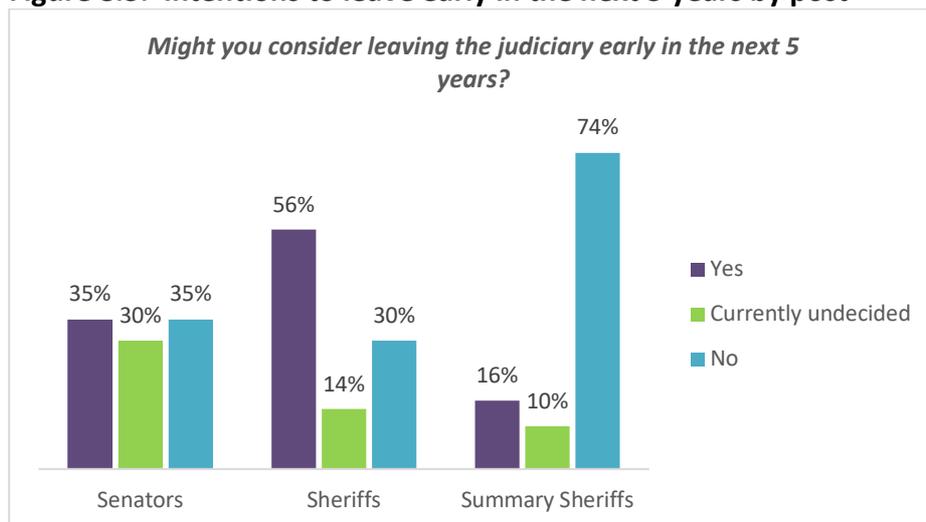


Table 8.3: Numbers of judges considering leaving in the next 5 years by post

Judicial Post	Planning to leave early in next 5 years	Currently undecided	Not planning to leave early in next 5 years
Senators ¹³	7	6	7
Sheriffs ¹⁴	43	11	23
Summary Sheriffs	5	3	23
TOTAL	55	20	53

8.4 Factors promoting early departures

Table 8.4 shows the factors a majority of Scottish judges said in 2020 *would make them more likely to leave the judiciary early*. There are some marked changes from 2016.

- The reduction in pension benefits has risen substantially to become the most important factor that would make salaried judges in Scotland more likely to leave the judiciary early (83%). This reflects an increase in importance of 36% since 2016.
- In 2020, a new factor was added to the list of options for judges: “Lack of respect for the judiciary by government”, and this was the second largest factor that would make salaried judges in Scotland more likely to leave the judiciary early (64%).
- While limits on pay awards, stressful working conditions and increases in workload were all identified by a majority of judges as factors that would promote an early departure from the judiciary, the proportion of judges identifying these as factors has fallen since 2016, especially limits on pay awards which has decreased by 22% since 2016.
- In 2016, further demands for out of hours work was the second most important factor promoting early departures (71%), but by 2020 this had decreased substantially in importance for only a minority of judges (46%).

¹³ Includes Senators of both the Outer and Inner House.

¹⁴ Includes Sheriffs and Sheriffs Principal.

Table 8.4: Factors promoting early departures

<i>What factors would make you more likely to leave the judiciary early?</i>	2020 JAS	2016 JAS	Change since 2016
Reduction in pension benefits	83%	47%	+36%
Lack of respect for the judiciary by government	64%	---	---
Limits on pay awards	61%	83%	-22%
Stressful working conditions	54%	56%	-2%
Increase in workload	52%	59%	-7%
Further demands for out of hours work	46%	71%	-25%

8.6 Factors encouraging judicial retention

In 2020 and 2016, a majority of judges said the same 3 factors would make them more likely to *remain in the judiciary* until they reached compulsory retirement age: higher remuneration, better administrative support and restoration of previous pension entitlements. There was little change since 2016 in the proportion of judges that identified these 3 factors as important in their decision to remain in the judiciary.

Table 8.5: Factors encouraging judicial retention

<i>What factors would make you more likely to remain in judiciary until compulsory retirement?</i>	2020 JAS	2016 JAS	Change since 2016
Higher remuneration	74%	77%	-3%
Restoration of previous pensions entitlements	59%	64%*	-5%
Greater respect for the work judges do	46%	---	---

9. Joining the Judiciary

A series of identical questions were asked in the 2020 and 2016 JAS exploring judges' attitudes to their own and others' decisions to apply for a salaried judicial post. This has enabled an assessment of whether judicial attitudes to joining the judiciary have changed in any substantial way over the last 4 years.

9.1 In retrospect would you have applied for a salaried post?

In 2020 and 2016 judges were asked: *Knowing what you know now about your job as a judge would you still have applied for a salaried post?* In 2020, almost all Scottish judges (80%) said they would still have applied, and this was an increase of 10% from 2016 (Table 9.1).

Table 9.1: Retrospective view of applying to the judiciary

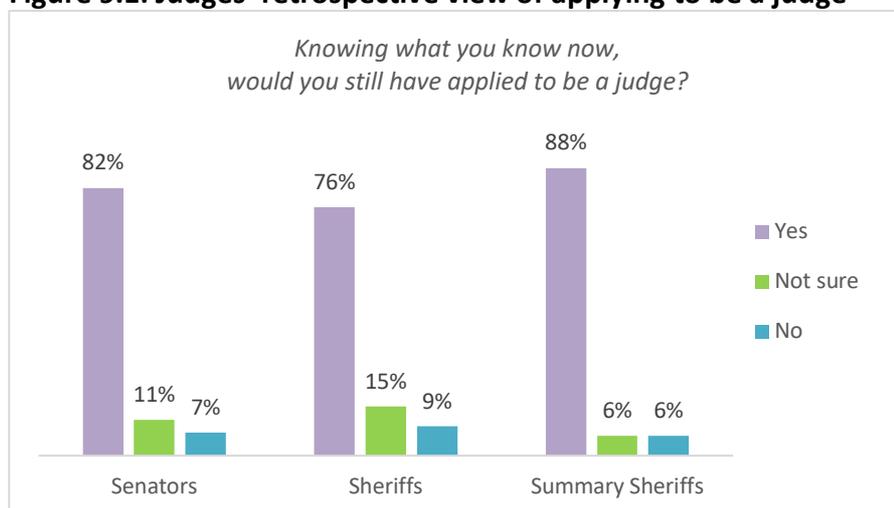
<i>Knowing what you know now, would you still have applied to be a judge?</i>	2020 JAS	2016 JAS	% change from 2016
Yes	80%	70%	+10%
Not sure	12%	21%	-9%
No	8%	9%	-1%

By Post

Almost all judges in all judicial posts said they would still have applied to be a salaried judge knowing what they now know about their job (Figure 9.1).

- Those judges most likely to say they would still have applied to be a salaried judge are the newest judges in Scotland, Summary Sheriffs, where 88% said they would still have applied for to be a judge.

Figure 9.1: Judges' retrospective view of applying to be a judge



9.2 Recommending the judiciary as a job

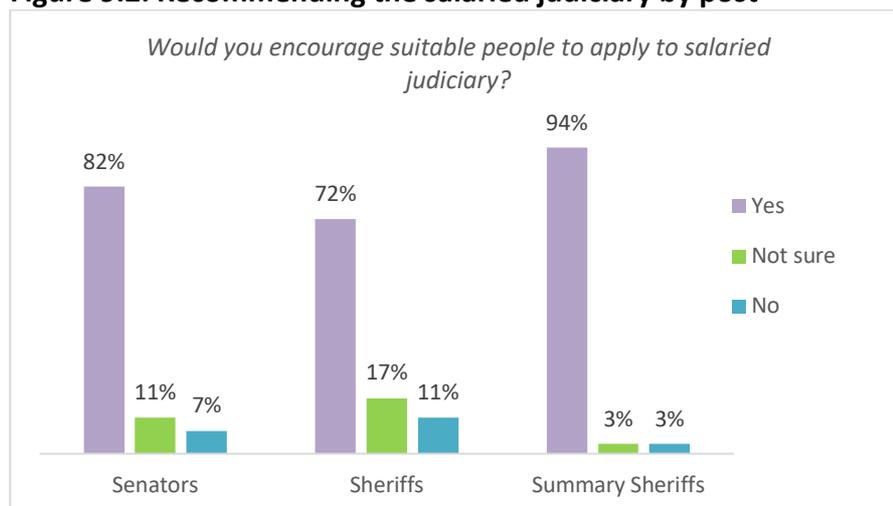
In 2020 and 2016, judges were asked: *Would you encourage suitable people to apply to join the judiciary?* In 2020, over three quarters of Scottish judges (78%) said they would encourage suitable people to apply to the judiciary, which was a substantial increase (+14%) from 2016 (Table 9.2).

Table 9.2: Willingness to encourage applications

<i>Would you encourage suitable people to apply to join the salaried judiciary?</i>	2020 JAS	2016 JAS	% change from 2016
Yes	78%	64%	+14%
Not sure	13%	25%	-12%
No	9%	11%	-2%

There were some differences in view between Senators, Sheriffs and Summary Sheriffs on whether they would encourage suitable people to apply to join the salaried judiciary (Figure 9.2). Summary Sheriffs were most likely to say they would encourage suitable people to apply, and almost all would (94%). Most Senators (82%) would encourage suitable people to apply, while 72% of Sheriffs would do so.

Figure 9.2: Recommending the salaried judiciary by post



When asked the *reasons why they would encourage suitable applicants* to apply to join the judiciary, a majority of judges in 2020 gave 5 reasons (Table 9.3), which were the same reasons judges gave in 2016. Almost all judges said the chance to contribute to justice being done (84%), public service (80%) and the challenge of the work (78%). Almost three quarters of judges said intellectual satisfaction (74%) and job security (73%) were the next highest reasons.

Table 9.3: Reasons judges would encourage people to apply to salaried judiciary

<i>The reasons I would encourage suitable people to apply to join the salaried judiciary are</i>	2020 JAS	2016 JAS
Chance to contribute to justice being done	84%	81%
Public service	80%	76%
Challenge of the work	78%	82%
Intellectual satisfaction	74%	64%
Job security	73%	52%

When asked the *reasons why they would discourage suitable applicants* to apply to join the judiciary (Table 9.4), a majority of judges gave only one reason: the experience they have had of changes to their pension entitlements (62%).

- Half of the judges (50%) said the isolation of the job was a factor in discouraging suitable applicants, virtually the same as in 2016 (51%).
- Other factors that a majority of judges identified in 2016 as reasons they would discourage suitable applicants from applying to join the salaried judiciary were identified in 2020, but by a minority of judges: feeling of being an employee of civil servant (49%), lack of personal control over working time (43%), reduction in income (42%) and constant policy changes (37%).

Table 9.4: Reasons judges would discourage people from applying to the salaried judiciary

<i>The reasons why I would discourage suitable people to apply to join the salaried judiciary are</i>	2020 JAS	2016 JAS
Experience of changes to pension entitlements	62%	77%
Isolation of job	50%	51%
Feeling of being an employee or civil servant	49%	45%
Lack of personal control over working time	43%	53%
Reduction in income	42%	67%
Constant policy changes	37%	50%

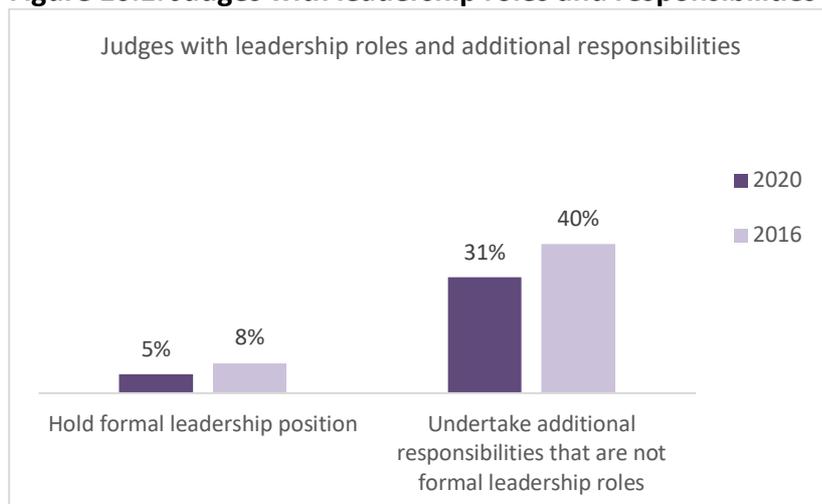
10. Leadership

The 2020 JAS repeated a number of questions about judicial leadership roles from the 2016 and 2014 surveys.

10.1 Extent of leadership work undertaken

Only a very small proportion of judges (5%) hold formal leadership positions in the Scottish judiciary, and this has decreased slightly since 2016 (8%) (Figure 10.1). Just under a third of judges (31%) currently undertake additional responsibilities that are not formal leadership roles, although this too has decreased since 2016 (40%).

Figure 10.1: Judges with leadership roles and responsibilities



10.2 Willingness to take on a leadership role

- Almost three quarters of Scottish judges (72%) are interested in taking on a leadership role, but for 15% of these judges there are no leadership roles available in their jurisdiction and 22% would only be interested if they felt leadership roles were properly rewarded.
- Just over a third of judges (35%) are not interested in taking on more leadership responsibilities, but for 13% of these judges this is because they already have enough leadership responsibilities, and 14% are not interested at the present time but could be interested in future.

Table 10.1: Willingness to take on leadership responsibilities

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

10.3 Allocation of leadership roles

Since 2014 judges have been asked if they felt judicial leadership roles were allocated fairly (Table 10.2):

- A majority of judges (59%) still say they do not know enough about how leadership roles are allocated to say whether the process is fair, and this has continued to increase since 2014.
- There has been an increase since 2016 in the proportion of judges who feel that leadership roles are allocated fairly (19% up from 15% in 2016), but overall this has not increased since 2014.

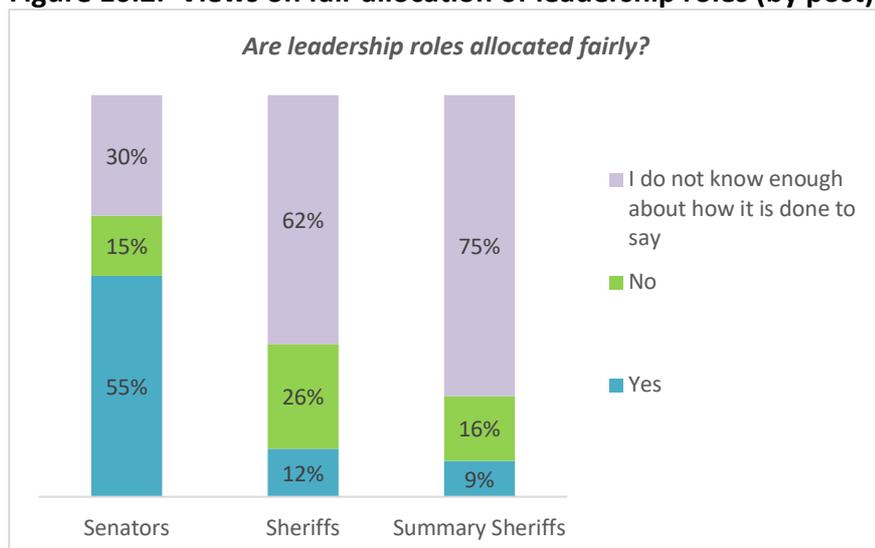
Table 10.2: Fairness of allocation of leadership roles

<i>Are leadership roles in the judiciary allocated fairly?</i>	2020 JAS	2016 JAS	2014 JAS
Yes	19%	15%	23%
No	22%	34%	34%
I do not know enough about how it is done to say	59%	51%	43%

There were some substantial differences between Senators, Sheriffs and Summary Sheriffs on this issue (Figure 10.2).

- A majority of Senators (55%) said that leadership roles were allocated fairly, and only 30% said they did not know enough about how these roles are allocated to say whether it was fair.
- In contrast only very small proportions of Sheriffs (12%) and Summary Sheriffs (9%) said they thought leadership roles were allocated fairly; instead most Sheriffs (62%) and Summary Sheriffs (75%) said they did not know enough about how leadership roles were allocated to say whether it was fair or not
- Sheriffs had the highest proportion of judges that said they did not feel leadership roles were allocated fairly (26%).

Figure 10.2: Views on fair allocation of leadership roles (by post)



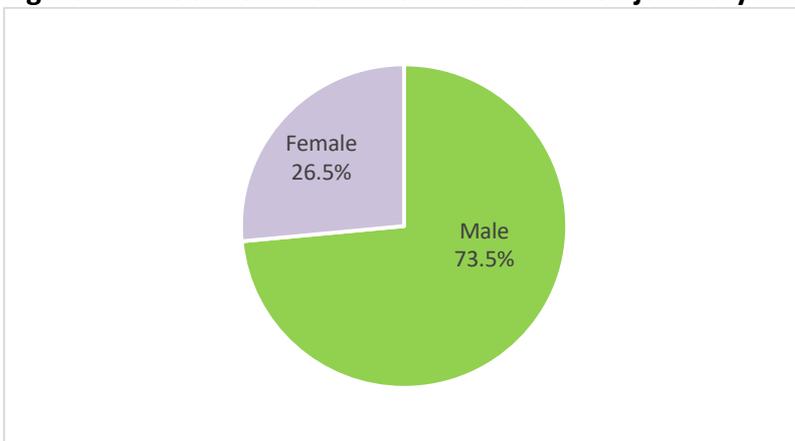
11. Judicial Demographics (survey respondents)

This section provides a demographic analysis of the Scottish judges that took part in the 2020 JAS. Given the high response rate to the survey amongst the salaried members of the Scottish judiciary, this section enables a more detailed look at the background of the salaried judiciary than is usually found in other published statistics on the judiciary.

11.1 Gender

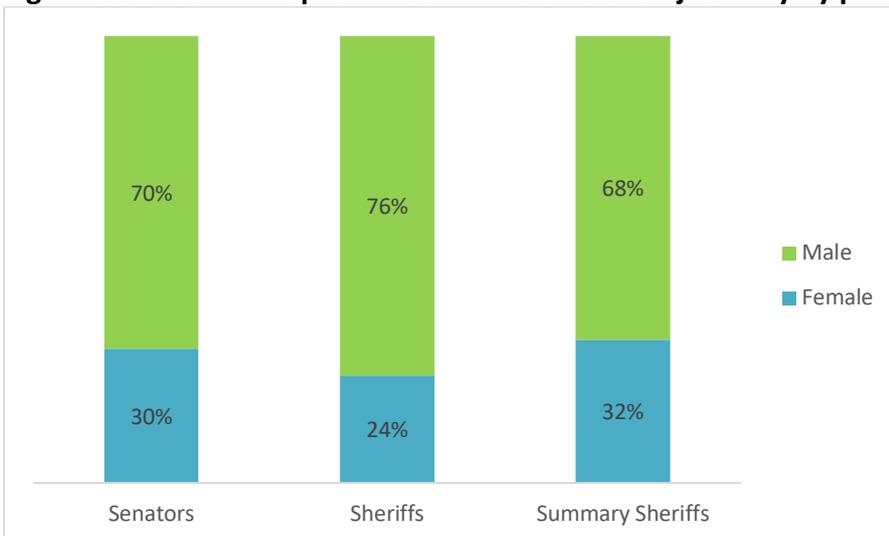
- Female judges (26.5%) are under-represented in the salaried judiciary in relation to their representation in the Scottish population (51.5%) (Figure 11.1).
- The 2020 JAS enabled judges to identify their gender as Other for the first time; no judges identified their gender as Other.

Figure 11.1: Gender distribution in the salaried judiciary



Women are under-represented in all salaried judicial posts in Scotland (Figure 11.2). The largest representation of women in the salaried Scottish judiciary is amongst Summary Sheriffs (32%), and the lowest is amongst Sheriffs (24%).

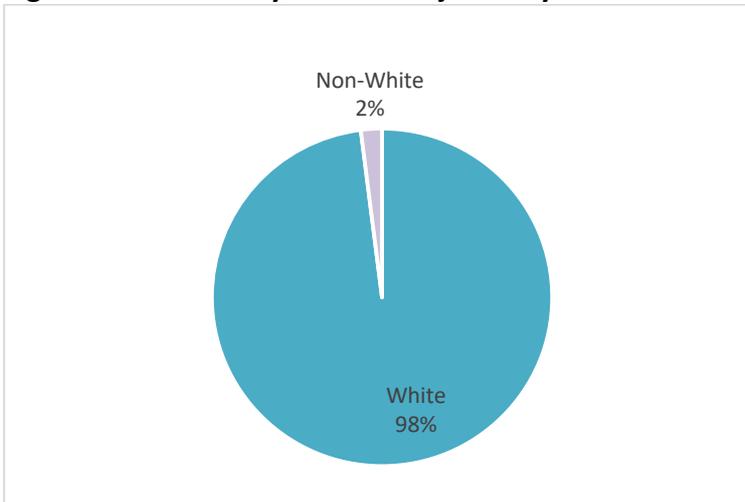
Figure 11.2: Gender representation in the salaried judiciary by post



11.2 Ethnicity

In 2018, 96% of the Scottish population self-identified as White and 4% self-identified as non-White ethnicities¹⁵. In the 2020 JAS, non-White judges comprised 2% of the salaried judiciary that self-identified their ethnicity (Figure 11.3).

Figure 11.3: Ethnicity of salaried judiciary in Scotland

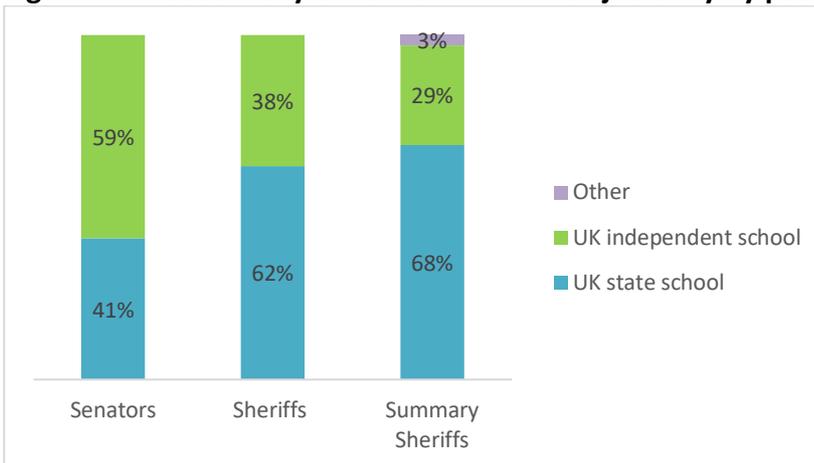


11.3 Education

Secondary education

A majority of Sheriffs (62%) and Summary Sheriffs (68%) attended a UK state school for their secondary education, while a majority of Senators (59%) attend a UK independent school for their secondary education (Figure 11.4).

Figure 11.4: Secondary education of salaried judiciary by post

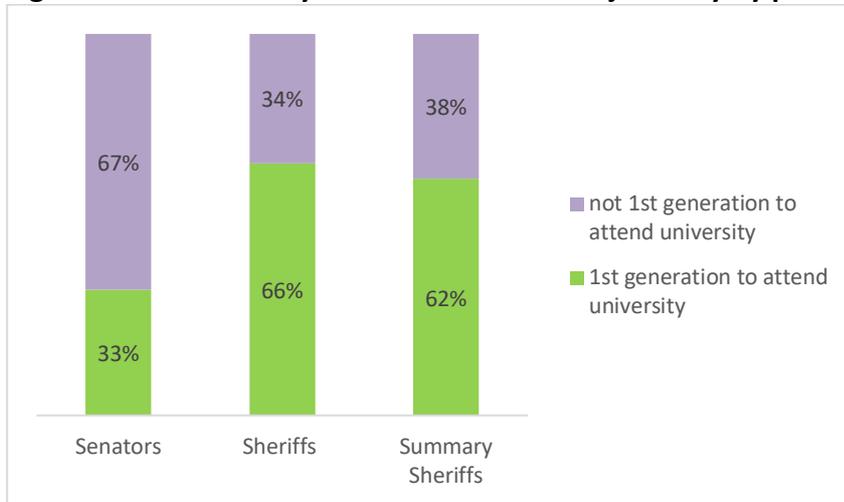


¹⁵ 2.6% Asian, Asian Scottish or Asian British; 0.5% African; 0.1% Caribbean or Black; 0.3% Any mixed or multiple ethnic group; 0.4% Other ethnic group

University education

A majority of Sheriffs (66%) and Summary Sheriffs (62%) were the first generation in their family to attend university (Figure 11.5). The opposite is the case for Senators, where a majority (67%) were not in the first generation in their family to attend university.

Figure 11.5: University education of salaried judiciary by post

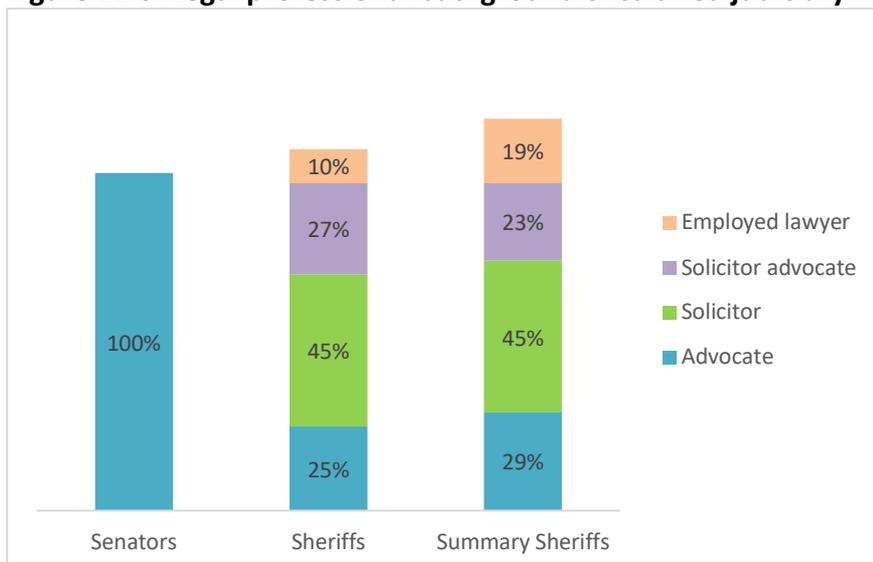


11.4 Legal experience

There are distinct differences between the legal professional backgrounds of Senators compared to Sheriffs and Summary Sheriffs (Figure 11.6).

- All Senators (100%) were advocates before they became judges, while the largest proportion of Sheriffs and Summary Sheriffs (45%) were solicitors before they became judges.

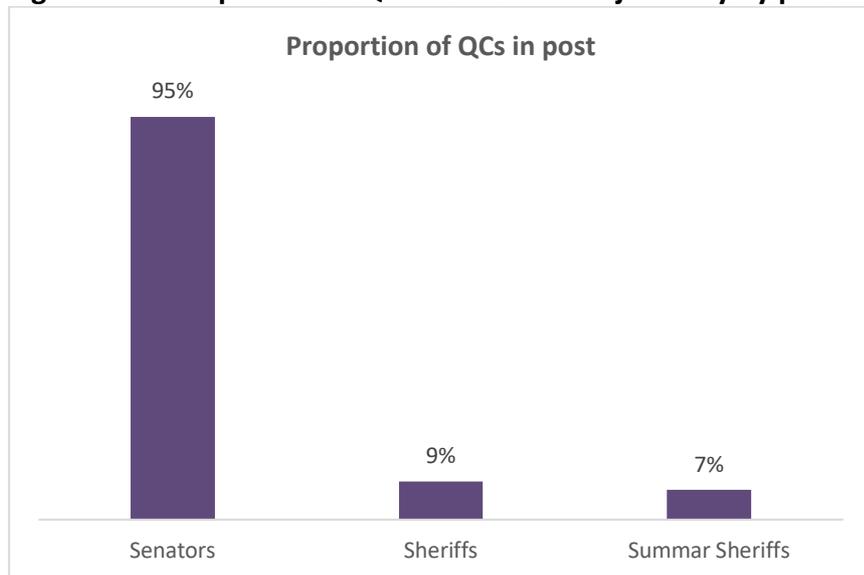
Figure 11.6: Legal professional background of salaried judiciary



* Totals in Figure 11.6 add up to more than 100% for Sheriffs and Summary Sheriffs due to some of these judges having more than one legal background.

Almost all Senators (95%) are QCs, whereas only a small minority of Sheriffs (9%) and Summary Sheriffs (7%) are QCs (Figure 11.7).

Figure 11.7: Proportion of QCs in the salaried judiciary by post

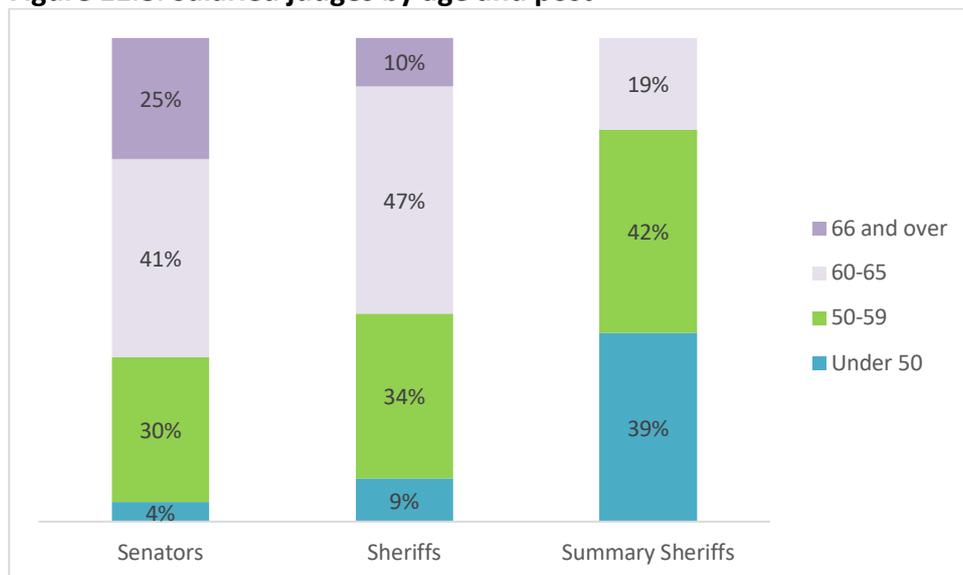


11.5 Age group

For a judicial system where judges are appointed to salaried posts only after a substantial time in legal practice, it is not surprising that there are only small proportions of salaried judges under 50 years of age in most judicial posts (Figure 11.8).

- Summary Sheriffs have the highest representation of younger judges, with the single largest group (39%) under 50.
- Two thirds of Senators (66%) are 60 and older, with almost a third 50-59 (30%).
- Almost half (47%) of all Sheriffs are between 60-65 years of age, with over a third (34%) aged 50-59.

Figure 11.8: Salaried judges by age and post



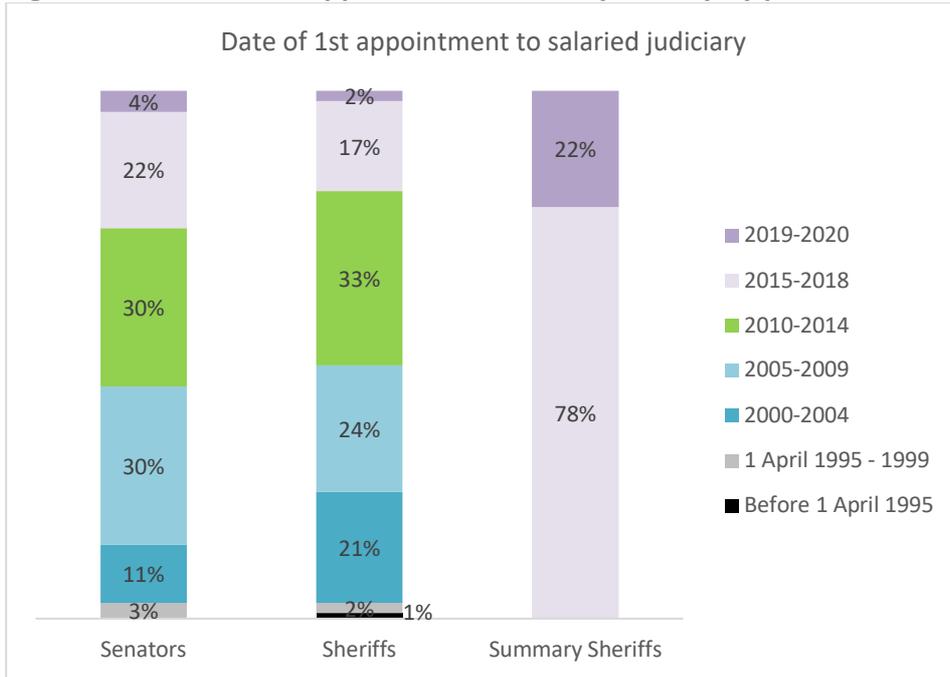
11.6 Disability

A total of 8% of judges who took part in the survey said they had a declared disability. Of these judges, 3% said they had requested that reasonable adjustments be made at their court to enable them to do their job to the best of their ability.

11.7 Date of first appointment to salaried judiciary

Senators and Sheriffs were first appointed to the salaried across a wide range of time periods. In contrast, almost all Summary Sheriffs (78%) have only been in post for 5 years or less (Figure 11.9) as the post of Summary Sheriff was only established in 2014.

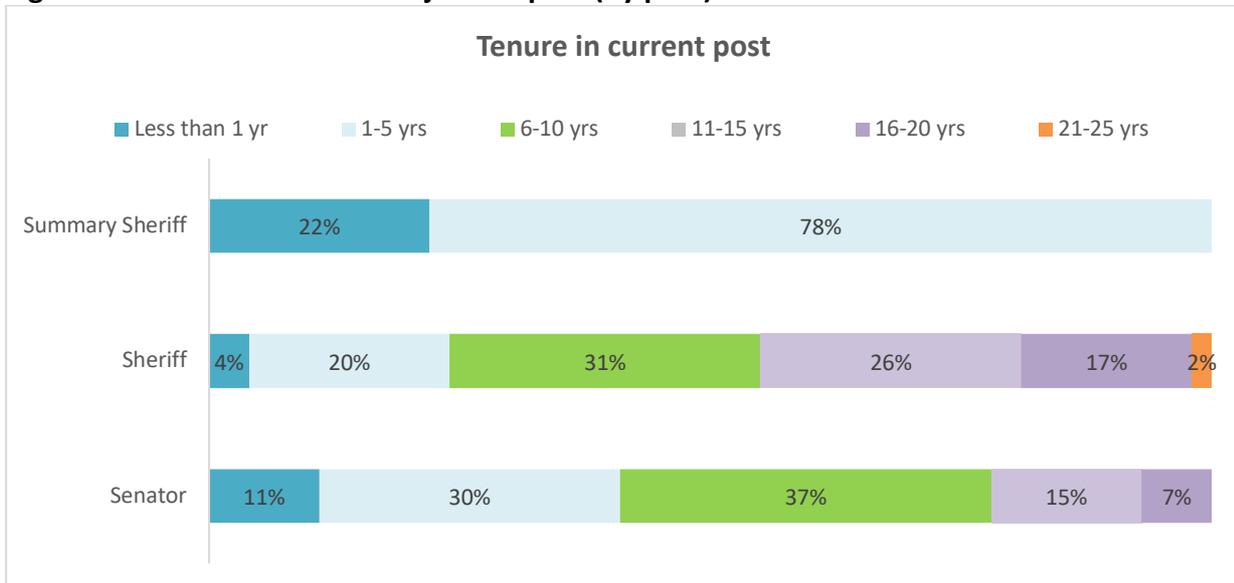
Figure 11.9: Date first appointed to salaried judiciary by post



11.8 Tenure in current post

Most Sheriffs and Senators have been in their current post for 6 years of more, whereas Summary Sheriffs have all been in post for 4 years or less (Figure 11.10).

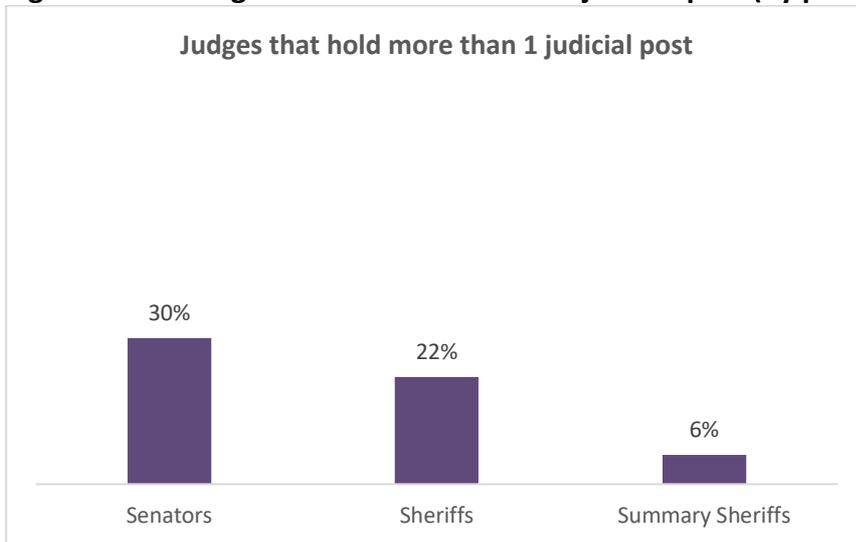
Figure 11.10: Tenure in current judicial post (by post)



11.9 Judges that hold multiple judicial posts

Senators are most likely to hold more than one judicial post (30%), whereas Summary Sheriffs are least likely to hold more than one judicial post (6%) (Figure 11.11).

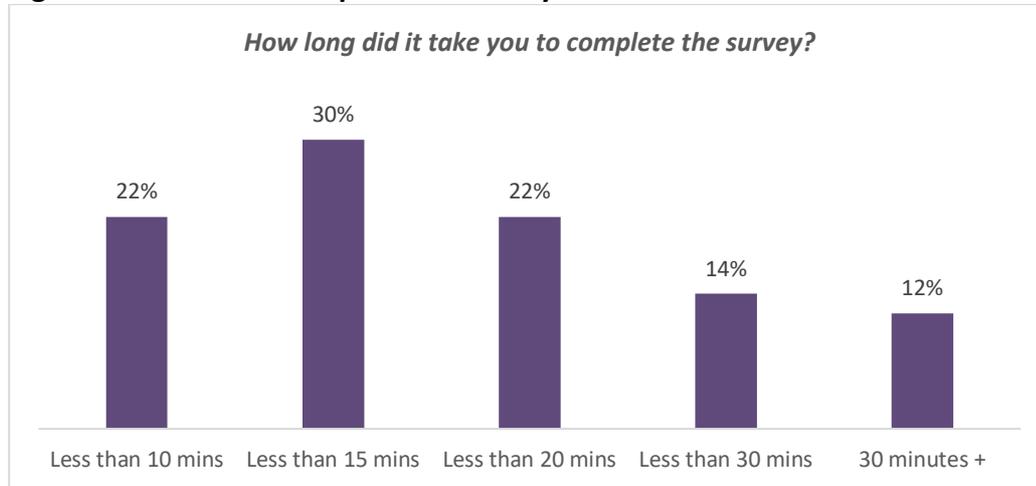
Figure 11.11: Judges that hold more than 1 judicial post (by post)



12. The Survey

Almost all (93%) judges who completed the survey said it was about the right length, and the majority of judges (52%) took less than 15 minutes to complete the survey (Figure 12.1).

Figure 12.1: Time to complete the survey



Judicial Attitude Survey 2020

2020 Judicial Attitude Survey

The Judicial Institute of University College London (UCL) runs the **UK Judicial Attitude Survey (JAS)** on behalf of the Lord President, the Lord Chief Justice of England and Wales, the Lord Chief Justice of Northern Ireland and the Senior President of Tribunals. This **survey is by judges for judges**. It has been developed through a Working Group with representatives from all levels of the judiciary.

Why it is important for you to take part in this survey

This is the third running of the JAS. It was run first in 2014, then in 2016 and now this year. It has had a 99% response rate in the past, which means this is the survey that produces the **most reliable evidence about the state of the judiciary**. There have been **changes in the judiciary since 2016**. It is important to understand the impact of these changes on all judges, and by completing this survey you will be ensuring that judges' views are taken into account in important decisions about the future of the judiciary.

Changes to the JAS since 2016

This current survey includes many of the same questions judges were asked in 2014 and 2016, which will help to assess any changes in judicial attitudes over the last few years. But this survey also includes **a number of new questions**, including questions about **judicial welfare**.

The Survey and COVID-19

The UK Judicial Attitude Survey was scheduled to run this spring, and despite the challenges we all face as a result of Covid-19, it was felt that it was important to carry on with the survey. Our work as judges has carried on through the emergency, and it remains as important as ever to understand how judges feel about their judicial role, their working lives and their plans for the future. Most of the survey questions include "free text" boxes where you can leave additional comments, and you may wish to use these boxes to say whether your answers to specific questions have been affected by Covid-19 and would have been different

before the pandemic.

Confidentiality

The survey is **completely voluntary and anonymous**. Your survey responses **cannot be traced back** to you personally. In order to ensure complete anonymity in the survey, it is not possible for you to start the survey, save some responses and return to complete the survey later. This would require that the survey system be able to identify you by your email or IP address. So you need to complete the survey in one go.

Thank you for taking the time to do the survey, which should take 5-10 minutes.

Use of the Survey

UCL has undertaken in writing not to use any information collected in its research, save with the express consent of the Lord President, the Lord Chief Justices and the Senior President of Tribunals. The anonymised, collated data will be held by the Judicial Offices of each jurisdiction.

Publication or disclosure, either in whole or in part, of any survey responses may be included in the formal response to the SSRB or other public bodies. Disclosure of submitted information may also be requested in accordance with, for instance, the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2001. Where such disclosure is sought UCL and/or the Judicial Offices undertake to take such steps as appropriate and as they believe applicable to seek exemptions from such disclosure.

Your participation in this survey and your answers to the following questions will be extremely helpful.

Start

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Judicial Attitude Survey 2020

Your Judicial Post

1. Please indicate which is the main judicial post you currently hold.

(If you have multiple posts please select what you consider is your main post and you can provide any further details in the box below)

- Summary Sheriff
- Sheriff
- Sheriff Principal
- Senator of the College of Justice (Outer House)
- Senator of the College of Justice (Inner House)
- Other (please specify in box below)

2. Are you:

- Full-time salaried judge
- Part-time salaried judge
- Other (please specify in the box below)

3. When were you first appointed to the SALARIED judiciary?

- Before 1 April 1995

- 1 April 1995 - 1999
- 2000 - 2004
- 2005 - 2009
- 2010 - 2014
- 2015 - 2018
- 2019 - 2020

4. How long have you been in your current judicial post (ie, the post you indicated in Question 1)?

- Less than 1 year
- 1-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 21-25 years
- 26-30 years
- Over 30 years

5. Do you currently hold any other judicial post in addition to the main judicial post you have indicated in Question 1 above?

- No
- Yes (please feel free to provide details in the box below - but it is not required)

Judicial Attitude Survey 2020

Working Conditions

6. How would you rate working conditions in the judiciary compared with 2 years ago?

- Significantly better
 Better
 About the same
 Worse
 Significantly worse
 Not applicable to me (I was not in the judiciary 2 years ago)

7. Please provide an assessment of the following working conditions at the main court or tribunal where you work (and NOT in relation to remote working from home).

	Excellent	Good	Adequate	Poor
Amount of administrative support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Quality of administrative support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Morale of court or tribunal staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical quality of the building	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintenance of the building	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical quality of your personal work space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Space to meet and interact with other judges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Security at your court or tribunal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. How would you assess your case workload over the last 12 months?

- Too high
- Manageable
- Too low

9. How would you assess your judicial workload that does not include your casework over the last 12 months?

- Too high
- Manageable
- Too low
- I do not have any judicial work outside of my casework

10. To what extent do you feel the following are important to you?

	Important	Not sure	Not important
Opportunities for flexible working hours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opportunities to work part-time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time to discuss work with colleagues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opportunities to sit in other jurisdictions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opportunities for career progression	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support for dealing with stressful conditions at work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Training opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. Please assess the availability of each of the following in your current judicial post:

	Excellent	Good	Adequate	Poor	Non-existent
Opportunities for flexible working hours	<input type="radio"/>				
Opportunities to work part-time	<input type="radio"/>				

Time to discuss work with colleagues	<input type="radio"/>				
Opportunities to sit in other jurisdictions	<input type="radio"/>				
Opportunities for career progression	<input type="radio"/>				
Support for dealing with stressful conditions at work	<input type="radio"/>				
Training opportunities	<input type="radio"/>				

Please feel free to provide any further comments on these issues

12. During the current Covid-19 emergency how often are you coming into work at your court building?

- All the time
- Most of the time
- Occasionally
- Not at all

Please feel free to provide any further comments

Judicial Attitude Survey 2020

Judicial Welfare

13. Are you ever concerned about your personal security as a result of your judicial role?

(Please select as many options as apply to you)

- Yes, sometimes when I am in court
- Yes, sometimes outside of court
- Yes, sometimes on social media
- No

Please feel free to comment about your personal security as a judge

14. Do you feel you would benefit from more guidance or assistance on any of the follow?

	Yes I would like more guidance on this	Not sure	No I don't need more guidance on this
How to ensure my safety in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How to ensure my safety out of court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How to deal with internet and social media coverage about my work as a judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How to safely use the internet and social media as a judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to comment on these or other judicial welfare issues

15. Compared to 12 months ago, how would you rate the following:

	Much better	Better	Same	Worse	Much worse
Communications to judges via the Judicial Hub	<input type="radio"/>				
Communications to judges about developments in the courts and justice system	<input type="radio"/>				
Communications to judges from the senior judiciary	<input type="radio"/>				

Please feel free to provide any further comments

16. If you have a declared disability, have you requested that reasonable adjustments be made at your court or tribunal to enable you to do your job to the best of your ability?

- Yes
- No
- Not applicable to me

If you answered YES, please indicate in the box below if the adjustments requested have been made to your satisfaction:

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Judicial Attitude Survey 2020

Salary and Pensions

17. Please indicate how much you agree or disagree with the following statements

	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
I am paid a reasonable salary for the work I do	<input type="radio"/>				
I have had a loss of net earnings over the last 2 years	<input type="radio"/>				
The judicial salary issue is affecting my morale	<input type="radio"/>				
The judicial salary issue is affecting the morale of judges I work with	<input type="radio"/>				
My pay and pension entitlement does not adequately reflect the work I have done and will do before retirement	<input type="radio"/>				
The amount of out of hours work required to do the job is affecting me	<input type="radio"/>				
If I felt that leaving the judiciary was a viable option I would consider doing so	<input type="radio"/>				
If I could earn additional income through out of court work I would pursue this option	<input type="radio"/>				
I follow closely the developments about judicial pensions	<input type="radio"/>				
I would like to know more about developments in judicial pensions	<input type="radio"/>				

18. **Prior to my appointment to the salaried judiciary, I was earning:**

- Substantially less than my judicial salary on appointment
- Less than my judicial salary on appointment
- About the same as my judicial salary on appointment
- More than my judicial salary on appointment
- Substantially more than my judicial salary on appointment

Please feel free to provide any further comments

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Judicial Attitude Survey 2020

Judicial Resources & Digital Working

19. Please provide an assessment of the following IT resources available to you at the main court or tribunal where you work:

	Excellent	Good	Adequate	Poor	Non-existent
Standard of IT equipment provided for you personally to use (ie, laptop, desktop computer) when working at court	<input type="radio"/>				
Standard of IT equipment available to you for working remotely	<input type="radio"/>				
Standard of IT equipment used in your court or tribunal (eg, video playback and video link equipment, tele-conferencing)	<input type="radio"/>				
Internet access in your court building	<input type="radio"/>				
Internet access when working remotely	<input type="radio"/>				
IT support when working in your court building	<input type="radio"/>				
IT support when working remotely	<input type="radio"/>				

Please feel free to provide any further details

20. This question asks about your access to different digital resources:

	Yes	No
Are you regularly required to use ICMS or any other digital case management system?	<input type="radio"/>	<input type="radio"/>
Does your court have Wi-Fi available in courtrooms?	<input type="radio"/>	<input type="radio"/>
Does your court have Wi-Fi in all other parts of the court building?	<input type="radio"/>	<input type="radio"/>

Please feel free to provide any further details

21. Please rate the following:

(If any statement below does not apply to you please skip that particular statement)

	Excellent	Good	Adequate	Poor	Non-existent
Usability of ICMS (or other digital case management system)	<input type="radio"/>				
Availability of training on ICMS (or other digital case management system)	<input type="radio"/>				
Quality of training on ICMS (or other digital case management system)	<input type="radio"/>				
Quality of Wi-Fi in your court	<input type="radio"/>				

Please feel free to provide any further details

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Judicial Attitude Survey 2020

Training and Personal Development

NOTE: This section of the survey includes some questions on judicial training. It is likely a more detailed survey on judicial training needs will be issued by the Scottish Judicial Institute later in the year.

22. To what extent are you satisfied with the following aspects of your judicial role:

	Completely satisfied	Satisfied	Could be better	Not satisfied at all
Sense of achievement in the job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Challenge of the job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Variety of work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opportunities for career progression	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cross deployment opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide any further comments on these specific issues

23. To what extent are you satisfied with the following aspects of judicial training:

	Completely satisfied	Satisfied	Could be better	Not satisfied at all
Range of judicial training available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Quality of judicial training available	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time available to undertake judicial training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time to prepare for training courses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide any further comments on these specific issues

24. In which, if any, of the following areas would you welcome new judicial training opportunities?

(Please select as many options as apply to you)

- Hands on training using IT in court
- Leadership and managing others
- Media handling
- Wellbeing for judges
- Presentation and communication skills
- Understanding statistics in the legal context
- Conducting remote hearings
- Other (please specify in the box below)

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Judicial Attitude Survey 2020

Change in the Judiciary

25. To what extent do you feel that your job as a judge has changed since you were first appointed to a salaried post? *(This question should be answered without taking into account any recent changes that may have occurred in your job as a result of Covid-19)*

- It has not changed at all
- It has only changed a very small amount and this does not affect me
- There has been some change which affects me
- There has been a large amount of change
- It has changed completely

26. The following explore your view of changes in your job as a judge.

(If possible please provide a response to each statement)

	Strongly Disagree	Disagree	Not sure	Agree	Strongly Agree
The judiciary was managing change well before Covid-19.	<input type="radio"/>				
The judiciary is managing change well during Covid-19.	<input type="radio"/>				
Too much change has been imposed on the judiciary in recent years.	<input type="radio"/>				
More change is still needed in the judiciary.	<input type="radio"/>				
The amount of change in recent years has brought judges to breaking point.	<input type="radio"/>				
The judiciary needs to have control					

over policy changes that affect judges.	<input type="radio"/>				
Despite any reservations I may have about changes in the judiciary I still enjoy my job as a judge.	<input type="radio"/>				

27. How concerned are you by each of these changes in the judiciary?

	Not concerned at all	Only slightly concerned	Not sure	Somewhat concerned	Extremely concerned
Increase in litigants in person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fiscal constraints	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of experienced judges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of respect for the judiciary by government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal safety for judges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low judicial morale	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attacks on the judiciary in the media	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduction in face-to-face hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inability to attract the best people into the judiciary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Loss of judicial independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stressful working conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to provide any further comment:

Judicial Attitude Survey 2020

Future Planning

28. Might you consider leaving the judiciary in the next 5 years?

- Yes
- No
- I am currently undecided about this
- I will reach compulsory retirement age in the next 5 years but plan to leave before that date
- I will reach compulsory retirement age in the next 5 years and plan to stay until that date

29. On 1 April 2020, what was your age in YEARS and MONTHS?

On 1 April 2020, my age was years and months

30. The following explore your views on judicial retirement:

	Strongly Disagree	Disagree	Not sure	Agree	Strongly Agree
Judges should not be required to retire at 70.	<input type="radio"/>				
The main reason I would leave the judiciary before compulsory retirement age is to do other things while I am able.	<input type="radio"/>				
The main reason I would leave the judiciary before compulsory retirement age is dissatisfaction with my job as a judge.	<input type="radio"/>				

Please feel free to provide any further comments

31. Which of the following factors would make you more likely to leave the judiciary before reaching compulsory retirement age?

(Please select as many options as apply to you).

- Increase in workload
- Lack of career development
- Limits on pay awards
- Reduction in pension benefits
- Lack of respect for the judiciary by government
- Reduction in administrative support
- Further demands for out of hours working
- Introduction of online courts
- Lack of stimulating work
- Increase in litigants in person
- Lack of effective leadership of the judiciary
- Stressful working conditions
- Inability to move to salaried part-time working
- Requirement to sit in a location too far from home
- Attacks on the judiciary by the media
- Personal health issues
- Inability to work more flexible hours
- Uncertainty over the future of my part of the judiciary

- Personal security concerns
- Other (please specify in the box below)

Please feel free to provide a further comment:

32. Which of the following factors would make you more likely to remain in the judiciary until compulsory retirement age?

(Please select as many options as apply to you).

- Appointment to a higher post
- Change of work location
- Higher remuneration
- Better administrative support
- Reduction in workload
- Increased flexibility in working hours
- Greater variation in work
- Better leadership of the judiciary
- Having more leadership responsibilities
- Restoration of previous pension entitlements
- Greater certainty over the future of my part of the judiciary
- Support for dealing with stressful working conditions
- Opportunity for sabbatical
- Opportunity to work part-time
- Reduction in litigants in person
- Better security for judges
- Greater respect for the work judges do

Other (please specify in the box below)

Please feel free to provide a further comment:

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Judicial Attitude Survey 2020

Being a Member of the Judiciary

33. As a judge, to what extent do you feel valued by the following groups?

	Greatly valued	Generally valued	Not sure	Generally not valued	Not valued at all
Public	<input type="radio"/>				
Government	<input type="radio"/>				
Legal Profession	<input type="radio"/>				
Parties in cases that appear before me	<input type="radio"/>				
Court staff	<input type="radio"/>				
Media	<input type="radio"/>				
Judicial colleagues at my court	<input type="radio"/>				
Senior leadership in the judiciary	<input type="radio"/>				

Please feel free to provide any further comments

34. As a judge I feel I provide an important service to society.

Strongly Disagree

Disagree

Not sure

Agree

Strongly Agree

35. I feel a strong personal attachment to being a member of the judiciary.

Strongly

Strongly

Disagree Disagree Not sure Agree Agree

36. I feel I have an important job that I am committed to doing as well as I possibly can.

Strongly disagree Disagree Not sure Agree Strongly Agree

37. Members of the judiciary are respected by society at large

- Less than they were 5 years ago
- About the same as they were 5 years ago
- More than they were 5 years ago

Please feel free to provide any further comments

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Judicial Attitude Survey 2020

Joining the judiciary

38. Knowing what you know now about your job as a judge would you still have applied for a salaried post?

- Yes
- No
- Not sure

39. Would you encourage suitable people to apply to join the salaried judiciary?

- Yes
- No
- Not sure

Please feel free to provide any further comments

40. The reasons I would encourage suitable people to apply to join the salari

ed judiciary are:

(Please select as many options as reflect your view)

- Challenge of the work
- Sense of collegiality
- Job security
- Intellectual satisfaction
- Salary

- Public service
- Respect in the community
- Pension
- Administrative support
- Less pressurised environment than practice
- Prestige of the job
- Chance to contribute to justice being done
- Other (please specify in the box below)

Please feel free to provide a further comment:

41. The reasons I would **discourage** suitable people from applying to join the salaried judiciary are:

(Please select as many options as reflect your view)

- Isolation of the job
- Constant policy changes
- Lack of variety in the work
- Lack of respect for judges
- Experience of changes to pension entitlements
- Lack of personal control over working time
- Reduction in income
- Lack of administrative support
- Poor quality of physical work environment
- Feeling of being an employee or civil servant
- Judicial appointments process

- Too much out of hours work required to do the job
- Lack of support from the senior judiciary
- Rigid hierarchical work environment
- Too few opportunities for promotion
- Increase in litigants in person
- Other (please specify in the box below)

Please feel free to provide a further comment:

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Judicial Attitude Survey 2020

Leadership

42. Please indicate if you currently:

(Please tick as many answers as apply to you)

- hold a formal leadership position in the judiciary (e.g., President of Scottish Tribunals, Sheriff Principal, President of Sheriff Appeal Court, Administrative Judge, etc.)?
- undertake any additional responsibilities as a judge that are not formal leadership roles (e.g., Judicial Institute for Scotland duties, Judicial Council Committee Chair, etc.)?

43. Would you be interested in taking on more leadership responsibilities in your judicial role?

- Yes
- Yes but there are none available in my jurisdiction
- I would be interested if leadership roles were properly rewarded
- No a leadership role is not for me
- No I have (or have had) enough leadership responsibilities already
- Not at the present time but possibly in future
- Not sure

44. Do you feel that judicial leadership roles are allocated fairly?

- Yes
- No
- I do not know enough about how it is done to say

If you answered No please feel free to provide reasons why

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Judicial Attitude Survey 2020

Covid-19 and this Survey

45. The 2020 UK Judicial Attitude Survey is being run during the Covid-19 emergency, and you are welcome to provide any further comments in the box below about how, if at all, your answers to this survey may have been affected by Covid-19.

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Judicial Attitude Survey 2020

General Information

46. Before being appointed to the judiciary what type of legal engagement were you in?

(Please tick as many answers as apply to you)

- Advocate
- Barrister
- Employed lawyer
- Legal academic
- Legal executive
- QC
- Solicitor
- Solicitor Advocate
- Other (please specify in the box below if you would like to)

47. Are you:

- Male
- Female
- Other

48. What is your age group?

- Under 35

- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60-62
- 63-65
- 66-67
- 68-69
- 70 or over

49. Do you have any of the following?

- Children you support financially
- Caring responsibilities for a family member(s)?

50. This question asks about your education experience

(Please tick as many boxes as apply to you)

- Secondary education - I attended a UK state school
- Secondary education - I attended a UK independent/fee-paying school
- Secondary education - I attended school outside the UK
- Secondary education - other
- University - I was part of the first generation of my family to attend university
- University - I was not part of the first generation of my family to attend university
- Other (please specify in the box below)

51. What is your ethnic group?

- White - Scottish/English/Welsh/Northern Irish/British
- White - Irish
- White - Gypsy or Irish Traveller
- White - Other
- Mixed - White and Black Caribbean
- Mixed - White and Black African
- Mixed - White and Asian
- Mixed - any other mixed background
- Asian - Indian
- Asian - Pakistani
- Asian - Bangladeshi
- Asian - any other Asian background
- Asian - Chinese
- Black - Caribbean
- Black - African
- Black - any other Black background
- Arab
- Any other ethnic group

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The Survey

52. This survey was:

- Too long
- About the right length
- Not long enough

53. How long did it take you to complete this survey?

- No more than 5 minutes
- Less than 10 minutes
- Less than 15 minutes
- Less than 20 minutes
- Less than 30 minutes
- 30 minutes or longer

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Finish

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Judicial Attitude Survey 2020

Thank you for taking part in the 2020 Judicial Attitude Survey. Your answers have now been received.

Your participation has been extremely valuable and very much appreciated.

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