



Ministry
of Justice

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Mr Neil Higginbottom
Senior Salaries Review Body
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Dear Mr Higginbottom,

DEPARTMENTAL EVIDENCE TO THE SENIOR SALARIES REVIEW BODY

1. I am writing further to your letter dated 26 July, requesting the Ministry of Justice's evidence for the 2015 Review Body Report on Senior Salaries.
2. The main points about the Ministry of Justice's evidence are as follows:
 - Public sector pay policy for 2015-16 is that pay awards will average 1%. Current public sector pay policy means that a pay settlement of **1% applied evenly across the board** would again be our **preferred approach** for the judiciary.
 - This reflects the view expressed by the senior judiciary in their previous evidence to SSRB that, in the context of pay restraint, it is less divisive and in the round fairer if all judges were treated the same.
 - We recognise that due to the independence of the judiciary, and the need to consider the key principles behind the SSRB's recommendations – principally to continue to recruit and retain high quality judiciary - it is right that Government takes the recommendations of the SSRB seriously and that clarity is provided in respect of our assessment around any recommendations made.
 - Therefore, we have considered the recommendations set out in the 2011 Major Review and evaluated them fully. Implementing the recommendations as set out provides a particular litigation risk in relation to some of them, as a result of recent litigation brought by O'Brien and others. Therefore the Government is keen to hear SSRB's views before making any decision in respect of those recommendations.
 - We have described how it may be possible to implement the new salary groups and rates this year and remain within public sector pay policy; however to achieve this requires agreement to the **entire package** of recommendations as described in **Table 6** on page 19.

- We may be willing to consider this further; however, this will depend on the evidence of the judiciary and the final SSRB report. Any such course must, however, be within the 1% award total and considered as usual within the overall public sector pay context.
- The Ministry is required to meet challenging efficiency targets, and this will continue into the future. Any increases in judicial pay must be absorbed within existing budgets.

3. We have enclosed a report containing our evidence for your information.
4. We look forward to meeting the Review Body on **9 December**, if required, to discuss points covered in this evidence

Yours sincerely

Helen Whitehouse
Deputy Director, Judicial Policy, Pay and Pensions Directorate