



Office of Manpower Economics

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Lord Chief Justice for England and Wales
Lord Chief Justice for Northern Ireland
Lord President of the Court of Session
Senior President of Tribunals
Salaried and fee-paid judges in UK Courts and Tribunals

13 December 2016

Dear Judges

MAJOR REVIEW OF THE JUDICIAL SALARY STRUCTURE

As you are aware, the Senior Salaries Review Body (SSRB) has been commissioned to carry out a Major Review of the judicial salary structure. The SSRB agrees such a review is needed, and the SSRB Chair has written to the Lord Chancellor confirming that the review body has accepted the commission.

We aim to submit our advice by June 2018, as requested by the government. This is a tight timescale and is not wholly within the SSRB's control. Completing the review will require detailed support and input from the judiciary and others. I thought it might be helpful if I set out some initial thoughts about what the SSRB expects the review to involve. I would be grateful if you could share this letter with your judicial colleagues. It will also be published on the Office of Manpower Economics website. I am copying this letter to the Chair of the SSRB, Dr Martin Read, CBE.



Scope and coverage

The review will cover, and make recommendations on, the pay of the SSRB's standard judicial group. This comprises full-time and part-time salaried judicial office holders in the courts and tribunals of the United Kingdom. In addition, at the request of the Lord Chancellor, it will make recommendations on fee-paid judges who have comparators within the salaried judiciary. At the request of the Scottish Government and the Lord Chancellor, the SSRB will also make recommendations on judges in the devolved Scottish tribunal system and on the newly created post of Summary Sheriff.

The Lord Chancellor has asked the SSRB to:

- consider whether the current salary structure is fit for purpose;
- evaluate roles carried out by all judicial office holders;
- consider the growth of leadership roles within the judiciary; and
- advise on the positions and level of pay required to recruit, retain and motivate high calibre office holders at all levels of the judiciary.

The review will look at where we are now and consider future developments. It will not start from previous review recommendations but constitute an independent examination of the issues in its own right.

Governance

The whole of the SSRB will be involved in the Major Review, and the SSRB will be responsible for making decisions about the final recommendations it wishes to put forward. In line with previous reviews, the SSRB has also formed a Judicial Sub-Committee, of which I am the Chair, to ensure that we assemble the evidence needed to consider the issues rigorously.

The Advisory and Evidence Group

As with the last Major Review, a group will be formed to support the work of this one, which I will chair. This will be called the Advisory and Evidence Group (AEG). The AEG will meet with the Judicial Sub-Committee at the offices of the Office of Manpower Economics in central London, with dial-in facilities provided if necessary.



The initial role of the AEG will be to assist the SSRB in drafting the Terms of Reference for the Major Review, prior to their submission to the Lord Chancellor. The Terms of Reference need to be submitted to the Lord Chancellor by mid-February so she can finalise them by the end of February 2017 if we are to meet the timetable for the Major Review.

However, the SSRB thinks it is important that the AEG remain active throughout the review, keeping us closely in touch with judicial expertise, views and sentiment. The AEG will also help ensure that the SSRB has timely access to the data and information we need, and help it assess emerging gaps in evidence and how they might be filled. The Review will need to set a number of deadlines for the submission of data and information. These must be met if the report is to be submitted on schedule, and the assistance of members of the group will be vital if we are to achieve that.

The AEG will also advise on how any research the SSRB decides to commission to support its work on the Major Review can add genuine value.

The AEG will consist of judges representing the three UK jurisdictions, the tribunals judiciary and fee-paid office holders. The Ministry of Justice, the Judicial Appointments Commission and the devolved administrations will also be represented. The Ministry of Justice is coordinating the process for identifying members of the group. This is well underway but will need to be completed quickly if the timetable for the review is to be kept on track.

Wider consultation with the judiciary

The Advisory and Evidence Group will have a crucial role in helping to ensure that we consider the widest range of appropriate evidence, and assess it from a variety of viewpoints. It is not however a replacement for wider consultation with the judiciary. The SSRB will take a number of active steps to ensure active consultation with the judiciary at various points in the Major Review.

Since I joined the SSRB earlier this year, members of the judiciary have been very generous in initiating, and responding to, SSRB requests for meetings and attendance at various types of hearings. SSRB colleagues and I have visited judges



in courts and tribunals in a number of locations, interviewed a number of different types of judges, and convened group discussions of various sorts. We have been grateful for the hospitality we received and impressed by the candour and insight of those we met. This has helped me to get a broader picture but, more importantly, has also helped to refresh the knowledge of the SSRB as a whole about a range of issues relevant to the judiciary.

Continued engagement with the judiciary is crucial to the success of the Major Review. In the course of the review, SSRB members will be undertaking further visits to, and meetings with, judges across the United Kingdom and in different salary groups. We have already received various offers of further engagement, which we have noted and for which we are grateful, although it will not be possible to finalise our programme of visits and meetings until after the Terms of Reference are agreed.

While individuals or representatives of the judiciary may contact the SSRB via our secretariat at any time, I should add that we will also of course carry out a more formal consultation exercise to seek formal evidence from all parties that wish to provide it to the Major Review. We will also take oral evidence from various parties. I will write again providing further information on this exercise, including timings, after the Terms of Reference are agreed.

The SSRB is very pleased to be undertaking this important task and I look forward to engaging with you and your judicial colleagues and others throughout the course of the review. And once again, both I personally, and the SSRB, are very grateful for all the help and information you have so far given us.

Yours sincerely



Sharon Witherspoon
Chair of the SSRB Judicial Sub-Committee

cc: Dr Martin Read, CBE

