



Review Body on Senior Salaries

Review Body Chair: Dr Martin Read, CBE

Judicial Sub-Committee Chair: Sharon Witherspoon, MBE

Major Review of the Judicial Salary Structure

Call for evidence document

17 January 2018

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Section 1: Summary and call for evidence questions

1.1 In October 2016, the then Lord Chancellor wrote to the chair of the Review Body on Senior Salaries (SSRB) to ask the review body to carry out a Major Review of the Judicial Salary Structure. This call for evidence about the judicial workforce represents one strand of evidence collection for the Major Review. This is an open call for evidence, but responses are particularly welcomed from the judicial office holders whose salaries and fees are the subject of this review and their representative associations.

1.2 At the core of the Major Review are two tasks: the allocation of in-scope judicial posts into groups to form the basis of a salary structure; and consideration of remuneration levels for each group. In addition, the Terms of Reference for the Major Review require the SSRB to consider how best to reward and incentivise judicial leadership. This call for evidence therefore seeks information relevant to grouping of posts, remuneration and leadership. It is one of a number of exercises gathering data and information for the Major Review.

1.3 Views relating to the position of specific posts in the salary structure are welcome in response to this call for evidence. However, this call for evidence will be followed by a consultation expected to be in spring 2018 on the findings and recommendations arising from research on job placement and grouping of judicial roles. The consultation will be an additional opportunity to provide views on the position of specific judicial offices within the judicial salary and fee structure.

1.4 Further information about the Major Review is provided in section 2 of this document. Section 3 provides background information about recent changes that will have affected judicial office holders, focusing mainly on changes to the courts and tribunals system, the judicial workforce and its remuneration since the last Major Review in 2011.

1.5 This call for evidence asks respondents to consider and provide their views on, and evidence about, the questions relating to a number of thematic topics set out

in section 4 of this document. It is not expected that all respondents will answer every question and some areas of questioning will only be relevant to certain groups of judicial office holders. All call for evidence questions are listed below for reference.

1.6 All responses should be submitted electronically using the accompanying form to the following email address: judicialsalaries@beis.gov.uk. The deadline for responses is 28th February 2018. The SSRB's secretariat team will email to confirm receipt of all responses to this call for evidence. Please note, however, that the SSRB will not respond directly to any individual submitting evidence; the review body's consideration of the evidence and the conclusions it draws will be detailed in its report.

1.7 Further information about the process for responding to this call for evidence is contained in section 5. If you require any further guidance or assistance, please email (judicialsalaries@beis.gov.uk) or contact the SSRB secretariat by telephone on: 0207 211 8315. Please note that queries can only be handled in office hours.

Call for evidence questions

Remuneration and other benefits

- Q1. To what extent is total remuneration currently correctly set, including in relation to appropriate recruitment pools in the legal profession and elsewhere, in order to recruit, retain and motivate high-calibre judicial office holders? What evidence is there about how differentials have changed over time and how this has affected recruitment, retention and motivation?
- Q2. How does the pension offered to the judiciary, including the design of the Judicial Pension Scheme 2015 (or the Northern Ireland Judicial Pension Scheme 2015) and taking into account policy on taxation of pension benefits, act as an incentive or disincentive to recruiting, retaining and motivating high-calibre judicial office holders? If you consider the current arrangements to act as a disincentive, are there changes or improvements you could suggest?

Q3. What other aspects of financial or non-financial reward act as an incentive or disincentive to recruiting, retaining and motivating high-calibre judicial office holders?

Recruitment, retention and motivation

Q4. What data and evidence can you provide on the recruitment of sufficient numbers of candidates to judicial posts and the factors that influence that, including eligibility for posts?

Q5. What data and evidence can you provide on the availability and willingness of sufficiently high-calibre candidates to join the judiciary and the factors that influence that?

Q6. What are the trends in resignation or early retirement of members of the judiciary and what factors are driving those trends?

Q7. What are the trends in motivation or morale among members of the judiciary and what factors are driving those trends?

Q8. Are there instances where inappropriate grading of posts has created recruitment, retention or motivation problems and what impact has this had?

Leadership

Q9. To what extent does the current system incentivise and reward judicial leadership, both across the system and for particular groups of judges? Is this done fairly and consistently, and why?

Q10. Are there cases of where the leadership component of certain judicial posts is insufficiently recognised in the pay and grading system, or of inconsistencies or anomalies in this regard?

Q11. Should financial recognition for leadership only run for the period that a judge occupies a leadership position? If it should extend beyond that date, why?

Q12. In addition to court management and leadership, what job characteristics does the current system reward, and are there areas of substantive skills that are insufficiently remunerated?

Policy context

Q13. What policy changes or reforms to the justice system since 2011, in which jurisdictions, have affected the nature and content of judicial roles and what impacts has this had? What impact will future planned changes have?

Q14. Specifically, how have, or will, such policy changes and reforms affected recruitment, retention and motivation of high-calibre members of the judiciary, and why?

Strategic context

Q15. How important is a suitably staffed and skilled judiciary and what are the impacts of failing to recruit a sufficient number of suitably qualified individuals to judicial roles? Please comment on the economic impacts, the impacts on wider society or both.

Other comments

Q16. Do you have other matters that fall under the scope of this call for evidence that you wish to raise?

Section 2: Introduction

Process and scope

2.1 In October 2016, the then Lord Chancellor wrote to the chair of the Review Body on Senior Salaries (SSRB) to ask the review body to carry out a Major Review of the Judicial Salary Structure. Such reviews occur approximately every five years and the last reported in 2011. Dr Martin Read, the SSRB chair, responded in November 2016 to accept the Lord Chancellor's request. The aim of the review is to examine the pay structure currently in place, looking at the salary groups and the allocation of roles to them, and the level of pay required to recruit, retain and motivate high-quality judicial office holders. Additionally, the SSRB was asked to consider and make recommendations on whether the salary structure should be simplified and how best to reward judicial leadership.

2.2 The full SSRB will make all major decisions and agree the final recommendations that are submitted to Government. However, some actions, such as taking some evidence and commissioning research, are delegated to the SSRB's Judicial Sub-Committee (JSC). This sub-committee is supported by an Advisory and Evidence Group (AEG) comprising a number of representatives from: the judiciary; the UK Government; the Scottish Government; the Northern Ireland Executive; the Welsh Government; and the Judicial Appointments Commission. Both the JSC and AEG are chaired by Sharon Witherspoon, a member of the SSRB. One of the first tasks of the AEG was to advise on the drafting the terms of reference for the Major Review. These were agreed by the Lord Chancellor in April 2017 and are set out in Appendix A. The full membership of the AEG is provided in Appendix B.

2.3 The SSRB usually makes annual recommendations on the pay of its judicial remit group, which comprises full-time and part-time salaried judges across the United Kingdom whose pay is determined by the Lord Chancellor. For this Major Review, however, the SSRB has been asked to consider a wider range of judicial office holders. In addition to its usual remit group, it will make recommendations on fee-paid judicial office holders and a number of devolved judicial offices in Scotland, Northern Ireland and Wales. Members of the tribunals' judiciary are part of the remit

of the Major Review; these judicial office holders have not been part of previous Major Reviews, although a separate review of tribunals' judiciary remuneration took place in 2008 following the formation of the Tribunals Service. A full list of the judicial offices in scope of the Major Review is provided in Appendix C.

2.4 Alongside the consideration of the judicial pay structure that is taking place through the Major Review, at the request of the Lord Chancellor, the recommendations on an annual pay award for the SSRB's standard judicial remit group in 2018-19 will be included in the Major Review report. The Lord Chancellor's letter is provided in Appendix D.

2.5 The Terms of Reference for this review require the SSRB to consider the total remuneration of judicial office holders. It is beyond the scope of this work to make recommendations on judicial pension policy. Nevertheless, in making pay recommendations with reference to total remuneration, the SSRB needs to consider a range of factors, including pensions. The questions included in this call for evidence therefore allow respondents an opportunity to submit evidence about pensions and other aspects of the overall reward package for judicial office holders.

Job placement research exercise

2.6 A key function of the Major Review is to ensure that the judicial roles are appropriately grouped in the correct points in the judicial salary scale. Views relating to the position of specific posts in the salary structure are therefore welcome in response to this call for evidence.

2.7 Separately, the Institute for Employment Studies (IES) has been commissioned to carry out research to arrive at a provisional grouping of posts, guided by expert input from a Judgement Panel formed of members of the judiciary and other stakeholders. Following the completion of this work, a separate consultation will be launched on the findings and recommendations arising from this comparative analysis. This is expected to be in spring 2018.

2.8 The findings from the IES research, which will be consulted on separately, will not themselves be influenced by the responses to this call for evidence. To minimise replication, respondents to the later consultation exercise will be encouraged to refer back to their submissions to this call for evidence and will not be expected to provide the same information twice unless they have new points to make.

2.9 The findings from the call for evidence and the consultation will be considered alongside each other by the SSRB in informing its subsequent recommendations to Government.

Other research and data and information collection

2.10 Two other research projects have been commissioned to support the Major Review. The National Centre for Social Research has been commissioned to undertake a survey of newly appointed members of the judiciary to gather quantitative evidence about their pre-appointment earnings and information that will help the SSRB to understand a range of motivational factors in relation to this group.

2.11 The second commissioned project, being undertaken by the University of Cambridge, is to identify barriers to judicial recruitment by gathering qualitative evidence to explore the reasons why some with the apparent skills and experience to take up judicial posts (at various levels) do not apply.

2.12 The SSRB is also collating relevant quantitative data on the judiciary and judicial system from official and published sources and will be carrying out additional analysis and making tailored data requests as appropriate, including from the Ministry of Justice and Judicial Appointments Commission. This will include gathering data on retirements and early departures from the judiciary, and evidence on the contribution made to the UK economy of legal services and an effective courts and tribunals system.

2.13 Members of the Review Body have also carried out a programme of visits to meet judges and officials from all countries of the UK, covering the courts and tribunals systems. Views and evidence from those conversations will be considered by the SSRB, alongside other evidence, in forming its final recommendations.

Individuals and organisations that met the SSRB in the course of its review are invited to submit written evidence if they wish to add to or reiterate what they said in those discussions.

2.14 Following the completion of this call for evidence, the SSRB and its Judicial Sub-Committee will also take formal oral evidence from a number of individuals and judicial associations. However, the time available to take oral evidence will be limited and all associations and individuals that wish to provide evidence to the SSRB are asked to contribute in writing to this call for evidence.

Section 3: Recent changes affecting judicial office holders

3.1 This section provides context to this call for evidence by outlining major recent historical changes that have had a substantial effect on judicial office holders and their work. It mainly focuses on changes to the courts and tribunals system, the judicial workforce and its remuneration since the last Major Review in 2011, but first outlines the substantial constitutional and structural reforms that took effect from 2005 onwards.

Changes prior to 2011

3.2 The Constitutional Reform Act 2005 enshrined in law the independence of the judiciary and made fundamental changes to the relationship between the executive, legislature and judiciary. This included modifying the office of Lord Chancellor to remove its judicial functions and establishing the Supreme Court of the United Kingdom (which came into existence in October 2009) to replace the Appellate Committee of the House of Lords. The Act made substantial changes to the responsibilities and management roles of senior judges. In particular, the Lord Chief Justices of England and Wales and Northern Ireland became heads of the judiciary for their respective jurisdictions and were made responsible for the training, guidance and deployment of individual judges. Similarly, the Judiciary and Courts (Scotland) Act 2008 established the Lord President as head of the Scottish judiciary with responsibility for the welfare, training, guidance, conduct and deployment of individual judges.

3.3 The 2005 Act also introduced new processes for judicial appointments in England and Wales and Northern Ireland: the Judicial Appointments Commission (JAC) and Northern Ireland Judicial Appointments Commission (NIJAC) were established as independent commissions to select candidates for judicial office. The Judiciary and Courts (Scotland) Act 2008 provided a statutory basis for the Judicial Appointments Board for Scotland (JABS), which selects candidates for judicial office in Scotland.

3.4 There have also been major changes to the legal and administrative structures of courts and tribunals over the last 11 years. The Tribunals, Courts and Enforcement Act 2007 brought together over 30 different tribunals into the Tribunals Service. The implementation of these reforms involved, from 2008, the functions of certain tribunals being transferred into the First-tier Tribunal and Upper Tribunal (each of which is divided into chambers). The Employment Tribunal and Employment Appeal Tribunal form a separate pillar within the tribunals system. The 2007 Act also established the office of Senior President of Tribunals as head of the tribunals judiciary. The Tribunals and Courts Services were then merged to form Her Majesty's Court and Tribunals Service (HMCTS) in 2011. The Judiciary and Courts (Scotland) Act 2008 established the Scottish Court Service as an independent non-ministerial department, managed by a corporate board chaired by the Lord President, with effect from April 2010.

The Courts and Tribunals System

England and Wales

3.5 The Crime & Courts Act 2013 implemented changes to the structure of the courts system in England and Wales. These reforms, intended to increase efficiency, replaced the previous system in which there were around 170 county courts with geographical jurisdictions, each of which was an individual legal entity, and a family justice system in which cases could be heard in a number of different types of court. This legislation instead created a single county court and single family court. Cases in these courts could be heard in multiple geographic locations across England and Wales but with consistent procedures and governing legislation.

3.6 The 2013 Act also included provisions relating to the appointment and deployment of judicial office holders. The changes relating to judicial appointments aimed to promote judicial diversity and included allowing salaried judges to work part-time in the High Court and above. They also included an equal merit provision, which allowed diversity to be taken into account when there were two or more candidates of equal merit. The legislation also gave the Lord Chancellor and the Lord Chief Justice statutory duties to encourage judicial diversity. In relation to

judicial deployment, the 2013 Act enabled the Lord Chief Justice to deploy judges more flexibly to different courts and tribunals of equivalent (or lower) status.

3.7 The Ministry of Justice and HM Courts and Tribunals Service, in collaboration with the judiciary, are currently developing plans for further reform. These include a programme of modernisation of the court and tribunal system with the simplification and digitisation of processes and procedures in various jurisdictions (for example, expanding the use of virtual hearings) alongside an investment in estates and IT. One of the aims of these reforms is to effect substantial changes to the working practices of the judiciary.

3.8 The Ministry of Justice also consulted on modernising judicial terms and conditions in 2016. The consultation response, published in February 2017, stated that the UK Government intended to implement a number of changes. These included introducing legislation to make all judicial leadership positions fixed term appointments, and introducing an expectation, rather than a guarantee, of the number of days that fee-paid judges in the courts are required to sit.

Northern Ireland

3.9 The Justice Act (Northern Ireland) 2015 established a single jurisdiction for County Courts and Magistrates' Courts in Northern Ireland. This replaced court boundaries based on local authority areas and aimed to provide flexibility to manage the distribution of court business more efficiently.

3.10 In November 2011, the Lord Chief Justice of Northern Ireland was appointed President of the Coroners' Courts in Northern Ireland, placing a duty upon him to address the significant backlog of legacy inquests. The approach taken has included appointing a High Court Judge as the Presiding Coroner and some County Court Judges as Coroners.

3.11 A review of civil and family justice (led by Lord Justice Gillen) reported in September 2017 and made recommendations for reforms to the family and civil justice systems in Northern Ireland. A Family Justice Board and a Civil Justice

Council have been established in shadow form to plan for the implementation of agreed review recommendations.

Scotland

3.12 The Courts Reform (Scotland) Act 2014 introduced substantial reforms to the function of the civil courts in Scotland. The 2014 Act included a number of provisions in response to recommendations made by Lord Gill in his 2009 Scottish Civil Courts Review, which was concerned with improving efficiency and ensuring that cases are heard at an appropriate level in the court structure. Three elements of the reforms are most relevant to the SSRB Major Review:

- A major transfer of litigation from the Court of Session to the Sheriff Court by means of a significant increase in the exclusive competence of the Sheriff Court.
- The creation of a new office of Summary Sheriff to deal with summary criminal business and some civil claims.
- The creation of the Sheriff Appeal Court in September 2015 which gave Sheriffs Principal a new appellate jurisdiction over summary crime. Further, all decisions taken in the Sheriff Appeal court are now binding on all courts of equal or lower jurisdiction across Scotland.

3.13 The 2014 Act also formed a merged Scottish Courts and Tribunals Service with powers to provide administrative support to both courts and tribunals. The Tribunals (Scotland) Act 2014 created a new structure for tribunals dealing with devolved matters in Scotland. This Act simplified the previous structure of devolved tribunals by creating a First-tier Tribunal (divided into chambers) and an Upper Tribunal (which may comprise separate divisions), collectively known as the Scottish Tribunals. It also brought the Scottish Tribunals under the leadership of the Lord President, created the new office of the President of the Scottish Tribunals and specified the process for appointing tribunal members. The Scottish Government intends that devolved tribunals will move into the new Scottish Tribunals structure in an incremental manner; the first jurisdiction transferred in December 2016 and the last devolved jurisdiction is due to transfer in April 2022.

3.14 In line with the recommendations of the Smith Commission in 2014, the management and operation of the tribunals dealing with matters of reserved UK law in Scotland (with limited exceptions) will also be devolved to the Scottish Parliament. The Scotland Act 2016 contained an enabling power for this devolution and the Scottish and UK Government are currently working with the judiciary to develop and implement arrangements for this transition.

Wales

3.15 The Wales Act 2017 created the office of President of Welsh Tribunals. The responsibilities of this office include ensuring the accessibility of devolved Welsh tribunals and that hearings are conducted fairly and efficiently, and making appropriate arrangements for training and welfare of members. This legislation also includes provisions to enable cross-deployment both within devolved Welsh Tribunals and between Welsh Tribunals and reserved courts and tribunals for England and Wales.

The Judicial Workforce and Remuneration

Pay

3.16 Members of the judiciary have been subject to pay restraint since the last Major Review was concluded. There was no pay uplift for judicial office holders in 2010-11, 2011-12 or 2012-13. Since 2013-14, the Government has awarded, in line with the recommendations of successive SSRB reports, annual pay uplifts of 1% for all judges. This was in line with the Government's public sector pay policy and consistent with the treatment of most other public sector workforces over this period.

3.17 In February 2017, the Government introduced a temporary measure that aimed to address concerns about recruitment and retention among judicial office holders in higher salary groups, who would be most affected by pension tax changes (see paragraphs 3.23 and 3.24), until the completion of the Major Review. This comprises a taxable, non-pensionable allowance equal to 11% of salary being paid

to High Court Judges and Lord Justices of Appeal who were members of the Judicial Pension Scheme 2015.

3.18 The last Major Review concluded in 2011 and its recommendations were included in the SSRB's 33rd report. The Government did not respond to these recommendations for four years, stating that this was because the overall cost of implementation exceeded the limits set in public sector pay policy. None of the recommendations made in 2011 have been implemented. When initiating the current Major Review, the Lord Chancellor provided assurance to the SSRB chair that the Government will engage seriously, and in a timely manner, with the recommendations made. It was agreed that the SSRB would start this Review on the basis of the situation as it is now, in the light of the significant changes since evidence was gathered for the 2011 Review.

Pensions

3.19 In 2010, the coalition Government established an independent commission to review the provision of public service pensions with the aim of placing them on a sustainable and affordable basis for the longer term. The Government subsequently legislated to introduce new pension schemes for groups within the public sector, including the judiciary.

3.20 Following consultations in 2012 and 2014, the Judicial Pension Scheme 2015 and the Northern Ireland Judicial Pension Scheme came into operation on 1 April 2015. Some of the main differences between these 2015 schemes and the previous pension scheme available for members of the judiciary (the Judicial Pension Scheme 1993) include the following:

- The pension paid upon retirement is calculated based on career average earnings, rather than final salary.
- Unlike the 1993 scheme, the 2015 schemes are registered schemes for taxation purposes.
- An automatic additional lump sum is no longer received on retirement (although 2015 scheme members can choose to take part of their own earned pension as a lump sum).

- The 2015 schemes are open to both salaried and fee-paid judicial office holders, while only salaried judges were eligible to join the 1993 scheme.

3.21 When the 2015 schemes were established, some members of the Judicial Pension Scheme 1993 were eligible for transitional protection. Those who were within ten years of their normal pension age (65) on 1 April 2012 were granted full protection to remain members of the 1993 scheme. Those who were aged between 51½ and 55 at that date were given tapering protection, allowing them to remain in the 1993 schemes for a time-limited period. The Government also introduced a transitional protection allowance that would allow eligible judges (those in post on 1 April 2012 but not eligible for full protection) to opt out of joining the 2015 scheme and be paid an additional allowance alongside salary in lieu of pension accrual. These arrangements were subject to a legal challenge¹ and, in January 2017, the Employment Tribunal concluded that the transitional protection mechanisms unlawfully discriminated on the basis of age. The Government has appealed this decision and, at this time, a consideration by the Employment Appeal Tribunal is pending.

3.22 As part of its response to litigation relating to the employment rights of fee-paid judicial office holders (see paragraphs 3.25 to 3.26 below), the Government created a Fee-Paid Judicial Pension Scheme in 2017. This scheme is open to current and former fee-paid judicial office holders in all UK jurisdictions who have been determined to be eligible for pension rights no less favourable than those provided to salaried judges under the Judicial Pension Scheme 1993.

Pension taxation

3.23 There have also been changes in recent years to Annual and Lifetime pension tax thresholds. The Annual Allowance is the limit determining the maximum increase in the value of benefits that a scheme member can earn over a particular tax year without incurring a tax charge. The Allowance was reduced from £255,000 to £50,000 from April 2011, and further reduced to £40,000 with effect from 2014-15. In the Summer Budget 2015, the Chancellor announced that, from April 2016, the

¹ *Lord Chancellor and Ministry of Justice v Ms V McCloud & Others and Mr N Mostyn & Others*

Allowance would be tapered at a rate of £1 for every £2 of income received over £150,000, down to £10,000 for those with income over £210,000. This change affects those judicial office holders who are members of the 2015 pension schemes in our remit groups if they are paid more than £110,000 a year and see an increase in their pension benefits of more than £40,000 in a given year. It will not affect those who remain in the 1993 scheme, as this is unregistered for tax purposes. As a result, most salaried judicial office holders who are members of the 2015 schemes will experience a reduction in overall net remuneration.

3.24 The Lifetime Allowance is the maximum amount of pension savings an individual can build up over their life from all registered pension schemes without incurring a tax liability. Between April 2012 and April 2014, the Allowance was progressively reduced from £1.8 million to £1.25 million, and then reduced further to £1.0 million from April 2016. The 2015 budget also reduced the Lifetime Allowance from £1.25 million to £1 million from April 2016, with tax charges payable on pension benefits above this level. For 2018-19, the Lifetime Allowance will increase in line with the consumer price index (CPI), rising to £1,030,000.

Litigation relating to fee-paid judicial office holders

3.25 Since 2011, a number of judgments have been made in relation to litigation brought by current or former fee-paid judicial office holders against the Ministry of Justice and relevant departments in Northern Ireland. While some litigation is still ongoing, judgments made to date² have already resulted in substantial changes in relation to the remuneration and conditions of service for fee-paid members of the judiciary.

3.26 Prior to these judgments, fee-paid judicial office holders were not eligible to receive a judicial pension. Differences also existed between the terms and conditions for fee-paid and salaried members of the judiciary, such as in relation to annual leave and sick pay. It was ruled that, under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, these differences were unlawful if a

² Including by the UK Supreme Court in 2013 the case of *O'Brien v Ministry of Justice* and the Employment Tribunal on January 2014 in *Miller & Others v Ministry of Justice*

fee-paid judicial office was judged to have a 'comparator' office within the salaried judiciary. As a consequence the UK Government and relevant departments in Northern Ireland have made a number of changes, including providing for eligible fee-paid judicial office holders to become members of a judicial pension scheme and making changes to the daily fee rate for certain offices and to the activities for which fees could be claimed. These changes have also affected some fee-paid judicial office holders in Scotland.

Section 4: Thematic topics on which evidence is sought

4.1 At the core of the Major Review are two tasks: the allocation of in-scope judicial posts into groups to form the basis of a salary structure; and consideration of remuneration levels for each group. In addition, the Terms of Reference for the Major Review require the SSRB to consider how best to reward and incentivise judicial leadership. These requirements give rise to a number of key thematic topics where information needs to be collected through this call for evidence. These topics are discussed below, in turn.

4.2 The SSRB will also be guided by its standing Terms of Reference, including the need to make recommendations with regard to recruiting, retaining, and motivating suitably able and qualified people to the groups within its remit.

4.3 The call for evidence is one of a number of exercises gathering data and information for the Major Review, as outlined in section 2.

4.4 Evidence may take various forms. Opinions and arguments are welcomed and will be taken into account by the SSRB, but will be strengthened if they are supported by material such as factual information, data, case study examples (anonymised as appropriate and, when relevant, including calculations and worked examples) and research findings.

4.5 Statistical information is of particular importance. Data will be sought separately from a number of sources including official published data, the Ministry of Justice and Judicial Appointments Commission. The SSRB will also draw on the findings of the 2016 Judicial Attitudes Survey, as discussed in its 2017 annual report³. There is, therefore, no general requirement for respondents to provide data from the above sources. However, the SSRB strongly welcomes respondents

³ The Thirty-Ninth Annual Report on Senior Salaries 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629679/SSRB_2017_report_Print.pdf

highlighting particular findings from the above or other statistical sources, including local management data, if doing so provides relevant context or support to opinions being expressed or arguments being made.

4.6 Respondents are invited to comment generally or in relation to, or from the perspective of, particular judicial levels or roles. Views from the perspective of expert knowledge of those roles are particularly welcome. However, as noted in section 1, the position of specific judicial offices within the judicial salary and fee structure will also be the subject of a later consultation.

Remuneration and other benefits

4.7 To assist its consideration of salary levels for each judicial group, the SSRB welcomes responses to the following questions. **In each case, respondents are invited to comment on the current position and whether and how it has changed since 2011. Where calculations are included, please provide workings.** *For example, respondents may provide examples of what external roles are comparable to holding judicial office, the relative levels of remuneration in such roles and how the comparison has changed over time.*

Question 1: To what extent is total remuneration currently correctly set, including in relation to appropriate recruitment pools in the legal profession and elsewhere, in order to recruit, retain and motivate high-calibre judicial office holders? What evidence is there about how differentials have changed over time and how this has affected recruitment, retention and motivation?

Question 2: How does the pension offered to the judiciary, including the design of the Judicial Pension Scheme 2015 (or the Northern Ireland Judicial Pension Scheme 2015) and taking into account policy on taxation of pension benefits, act as an incentive or disincentive to recruiting, retaining and motivating high-calibre judicial office holders? If you consider the current arrangements to act as a disincentive, are there changes or improvements you could suggest?

Question 3: What other aspects of financial or non-financial reward act as an incentive or disincentive to recruiting, retaining and motivating high-calibre judicial office holders?

Recruitment, retention and motivation

4.8 The SSRB invites additional evidence on recruitment of high-calibre candidates to the judiciary and the retention and motivation of judicial office holders. If commenting on whether it has been possible to maintain a sufficient number of office holders for a particular judicial role, it would be helpful if respondents could make it clear how they define sufficiency. This could, for example, be in terms of workload or effects on the wider courts and tribunals system and wider society. It is not necessary to repeat evidence already provided in relation to other questions. Again, comments are invited on the current position and whether and how it has changed since 2011. *For example, respondents may provide information on where posts in individual courts or tribunals have been left unfilled and to outline the reasons for, and impacts of, this.*

Question 4: What data and evidence can you provide on the recruitment of sufficient numbers of candidates to judicial posts and the factors that influence that, including eligibility for posts?

Question 5: What data and evidence can you provide on the availability and willingness of sufficiently high-calibre candidates to join the judiciary and the factors that influence that?

Question 6: What are the trends in resignation or early retirement of members of the judiciary and what factors are driving those trends?

Question 7: What are the trends in motivation or morale among members of the judiciary and what factors are driving those trends?

Question 8: Are there instances where inappropriate grading of posts has created recruitment, retention or motivation problems and what impact has this had?

Leadership

4.9 The Terms of Reference for the Major Review require the SSRB to ‘*consider how best to reward and incentivise judicial leadership*’. In this sense, the SSRB is focused less on intellectual leadership and more on responsibility for the leadership and management of a jurisdiction, chamber or court/tribunal centre. Leadership encompasses all the management and leadership that judicial office holders may be required to carry out, including responsibilities for other judicial office holders, for listing and allocation of cases, practice rules/directions and liaison with the court services and others on policy matters.

4.10 The SSRB therefore invites comments on the issue of leadership, as well as other skills the system does, or potentially should, reward. *For example, respondents may highlight instances where roles with similar leadership responsibility are treated inconsistently and highlight the impacts of this at both the level of the individual and the level of a court or tribunal.*

Question 9: To what extent does the current system incentivise and reward judicial leadership, both across the system and for particular groups of judges? Is this done fairly and consistently, and why?

Question 10: Are there cases of where the leadership component of certain judicial posts is insufficiently recognised in the pay and grading system, or of inconsistencies or anomalies in this regard?

Question 11: Should financial recognition for leadership only run for the period that a judge occupies a leadership position? If it should extend beyond that date, why?

Question 12: In addition to court management and leadership, what job characteristics does the current system reward, and are there areas of substantive skills that are insufficiently remunerated?

Policy context

4.11 The judiciary has been subject to a number of reforms and developments since 2005. The SSRB is interested in any views on the impact of these changes

that have not been already provided in response to questions above. Respondents do not need to repeat information provided in section 3, but are invited to expand on the impacts of those changes, or to highlight others.

Question 13: What policy changes or reforms to the justice system since 2011, in which jurisdictions, have affected the nature and content of judicial roles and what impacts has this had? What impact will future planned changes have?

Question 14: Specifically, how have, or will, such policy changes and reforms affected recruitment, retention and motivation of high-calibre members of the judiciary, and why?

Strategic context

4.12 To provide context to its recommendations on the pay and grading structure, the SSRB is interested in views on the importance and impact of a suitably staffed and qualified judiciary; and, conversely, any economic and societal costs that would result from not being able to appoint enough sufficiently qualified and experienced candidates. *For example, respondents may cite examples of where a high-quality or well-staffed judiciary has helped to secure or achieve wider economic or social benefits, or where the absence of such conditions has had an adverse economic or social impact. Reference to relevant research findings would also be helpful.*

Question 15: How important is a suitably staffed and skilled judiciary and what are the impacts of failing to recruit a sufficient number of suitably qualified individuals to judicial roles? Please comment on the economic impacts, the impacts on wider society or both.

Other comments

4.13 Any further evidence of relevance to the Major Review not covered by the questions above may be provided in response to question 16.

Question 16: Do you have other matters that fall under the scope of this call for evidence that you wish to raise?

Section 5: Process for submitting evidence and next steps

5.1 This call for evidence will run for 6 weeks from Wednesday 17th January to Wednesday 28th February. Therefore **all responses should be submitted by 28th February**.

5.2 All responses should be submitted electronically to the following email address: judicialsalaries@beis.gov.uk. Responses should be provided on the form available on this website: <https://www.gov.uk/government/organisations/review-body-on-senior-salaries>. Responses may be supported by supplementary electronic documents or information if appropriate. The SSRB's secretariat team will email to confirm receipt but, as discussed in section 1, the SSRB will not reply directly to individual responses.

5.3 In addition to answering the listed questions, the form includes a section in which you can specify whether you are responding as an individual or on behalf of a representative organisation. If you are responding as an individual and are a current or former judicial office holder, please select the relevant options to indicate this and provide the title of your judicial office. If you are responding on behalf of a representative organisation, please complete the relevant boxes to enter the name of your organisation and to briefly describe whom the organisation represents, the size of its membership and, where applicable, how the views of members were obtained.

5.4 When responding, please bear in mind the scope of this review. The terms of reference are contained in Appendix A and the list of judicial offices in scope is at Appendix C. Please note too the plans, as set out above in paragraphs 2.6 to 2.9 for a consultation in spring 2018 on the findings and recommendations arising from the research on job placement and grouping of judicial roles being conducted by the Institute for Employment Studies (IES).

Confidentiality

5.5 The responses to this call for evidence will not be published, but the SSRB may include references and quotations from evidence provided in its report. The review body will not identify named individuals when reporting on the responses that it receives to this call for evidence unless it relates to parties the SSRB routinely quotes in its normal annual review processes or if it is agreed with the individuals concerned in advance.

5.6 Information provided in response to this call for evidence, including personal information, could be subject to a request under access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). The Office of Manpower Economics, which provides secretariat support to the SSRB, must deal with any such request in accordance with relevant statutory framework. If you consider that any of the information that you have provided is confidential, it would be helpful if you could explain why; there is a section on the response form in which you can input this information. This will mean that, if the Office of Manpower Economics receives a request for disclosure of the information, it can take full account of your explanation. However, we cannot give an assurance that confidentiality can be maintained in all circumstances.

Next steps

5.7 Responses to this call for evidence will form part of the evidence for the Major Review, as discussed in Section 2.

5.8 Queries should be sent to: judicialsalaries@beis.gov.uk. Alternatively, the SSRB secretariat team can be contacted by telephone on: 020 7211 8315.

Appendix A: Terms of reference for the Major Review of the Judicial Salary Structure

1. The Review Body on Senior Salaries will carry out a review of the salary structure for the judiciary across the United Kingdom with the aim of submitting its advice to the Lord Chancellor by June 2018.

Purposes of the review

2. The review will, as relevant, operate in accordance with the SSRB's general Terms of Reference as set out below.
3. It will have regard to the Government policy that public sector pay awards will average 1 per cent in each year up to 2019-20 and that pay awards should be targeted where possible. However, the SSRB will need to look fundamentally at the pay structure, taking into account judicial recruitment in the light of the external market, retention and motivation. The changing nature of judicial roles will also be relevant. It is, therefore, not possible to determine in advance the overall change in the judicial pay budget that the recommendations of this review may imply.
4. The purposes of the review are to:
 - (i) determine whether the current structure of judicial salary groups is fit for purpose in the light of future plans for the justice system in each jurisdiction and recent and expected changes in the nature of work undertaken at different levels;
 - (ii) determine whether the structure of judicial salary groups can be simplified;
 - (iii) consider whether there are newly created and transferred judicial posts which need to be allocated to salary groups;
 - (iv) consider evidence on the appropriate grouping of judicial posts;
 - (v) consider what remuneration differentials between salary groups are justified by the relative job weight of the posts in each group, taking into account the nature of the different roles and the skills required, and different recruitment pools;

- (vi) consider whether total remuneration for each salary group is correctly set, including in relation to that of appropriate recruitment pools in the legal profession, in order to recruit high-calibre office holders at all levels of the judiciary;
- (vii) consider whether total remuneration for each salary group is correctly set, including in relation to senior people elsewhere in the public sector, bearing in mind the unique responsibilities and constraints of judicial office, in order to retain and motivate high-calibre office holders at all levels of the judiciary;
- (viii) consider how best to reward and incentivise judicial leadership; and
- (ix) make recommendations as appropriate in the light of evidence received and the review body's judgement.

Scope of the review

5. The review covers salaried judicial posts whose pay is the responsibility of the Lord Chancellor and fee-paid judges who have comparators with those posts. In addition, it includes fee-paid courts judges whose pay is the responsibility of Scottish Ministers, judges and legal members in the devolved tribunal systems in Scotland, Wales and Northern Ireland, and the new post of Summary Sheriff in Scotland. The corresponding list of all judicial posts in scope for the review is set out in Appendix C.

Process

6. The main SSRB body will make all major decisions and agree the final recommendations. The SSRB will delegate some or all activities such as the taking of some or all evidence and commissioning research to its Judicial Sub-Committee. The Sub-Committee shall consult an Advisory and Evidence Group comprising representatives nominated by the:
- Lord Chief Justice for England and Wales;
 - Lord President of the Court of Session;
 - Lord Chief Justice for Northern Ireland;
 - Senior President of Tribunals;
 - Ministry of Justice;
 - Scottish Government;
 - Northern Ireland Executive;

- Welsh Government; and the
- Judicial Appointments Commission

7. The purpose of the Advisory and Evidence Group is to:

- provide advice to the SSRB on the organisation and operation of the judiciary as they affect the review;
- help ensure the SSRB has timely access to the required data and information;
- help assess gaps and inconsistencies in evidence as they emerge and how they might be addressed; and
- help ensure any research which the SSRB may commission as part of the review adds genuine value and represents good value-for-money.

8. Meetings of the Advisory and Evidence Group shall be chaired by the Chair of the Judicial Sub-Committee of the SSRB, or in the Chair's absence by another member of that Sub-Committee.

9. The SSRB will invite written evidence from members of the judiciary and from others, including the Government, with an interest in judicial remuneration, recruitment, retention and motivation. The SSRB and Judicial Sub-Committee will also take oral evidence and may consult further if there are questions on which it wishes to receive more evidence before drafting its final report.

Terms of Reference of the Review Body on Senior Salaries

The Review Body on Senior Salaries provides independent advice to the Prime Minister, the Lord Chancellor, the Home Secretary, the Secretary of State for Defence, the Secretary of State for Health and the Minister of Justice for Northern Ireland on the remuneration of holders of judicial office; senior civil servants; senior officers of the armed forces; very senior managers in the NHS⁴; police and crime commissioners, chief police officers in England, Wales and Northern Ireland; and other such public appointments as may from time to time be specified.

⁴ NHS Very Senior Managers in England are chief executives, executive directors (except medical directors), and other senior managers.

The Review Body may, if requested, also advise the Prime Minister from time to time on Peers' allowances; and on the pay, pensions and allowances of Ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975. If asked to do so by the Presiding Officer and the First Minister of the Scottish Parliament jointly; or by the Speaker of the Northern Ireland Assembly; or by the Presiding Officer of the National Assembly for Wales; or by the Mayor of London and the Chair of the Greater London Assembly jointly; the Review Body also from time to time advises those bodies on the pay, pensions and allowances of their members and office holders.

In reaching its recommendations, the Review Body is to have regard to the following considerations:

- the need to recruit, retain, motivate and, where relevant, promote suitably able and qualified people to exercise their different responsibilities;
- regional/local variations in labour markets and their effects on the recruitment, retention and, where relevant, promotion of staff;
- Government policies for improving the public services including the requirement on departments to meet the output targets for the delivery of departmental services;
- the funds available to departments as set out in the Government's departmental expenditure limits;
- the Government's inflation target.

In making recommendations, the Review Body shall consider any factors that the Government and other witnesses may draw to its attention. In particular, it shall have regard to:

- differences in terms and conditions of employment between the public and private sector and between the remit groups, taking account of relative job security and the value of benefits in kind;
- changes in national pay systems, including flexibility and the reward of success; and job weight in differentiating the remuneration of particular posts;

- the relevant legal obligations, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability.

The Review Body may make other recommendations as it sees fit:

- to ensure that, as appropriate, the remuneration of the remit groups relates coherently to that of their subordinates, encourages efficiency and effectiveness, and takes account of the different management and organisational structures that may be in place from time to time;
- to relate reward to performance where appropriate;
- to maintain the confidence of those covered by the Review Body's remit that its recommendations have been properly and fairly determined;
- to ensure that the remuneration of those covered by the remit is consistent with the Government's equal opportunities policy.

The Review Body will take account of the evidence it receives about wider economic considerations and the affordability of its recommendations.

Appendix B: Advisory and Evidence Group membership

The Advisory and Evidence Group (AEG) comprises the members of the Judicial Sub-Committee (JSC) of the Review Body on Senior Salaries and representatives of groups of judicial office holders, the UK Government, the Northern Ireland Executive, the Scottish Government and the Judicial Appointments Commission. Current AEG members are listed below. The organisation or group that each individual represents is provided in brackets.

Review Body on Senior Salaries (SSRB)

Sharon Witherspoon (JSC Chair)

Margaret Edwards (JSC member)

David Lebrecht (JSC member)

Dr Peter Westaway (JSC member)

Judicial Office Holders

The Chancellor of the High Court, Sir Geoffrey Vos (Court of Appeal, and Lead Judge)

The Hon. Lord John Beckett (Scotland Judiciary)

Mrs Justice Simler (High Court)

Sir Wyn Williams, President of Welsh Tribunals (Devolved Tribunals in Wales)

Mr Justice John O'Hara (Northern Ireland Judiciary)

HHJ Lesley Newton (Circuit Bench)

HHJ Howard Kemp (District Bench)

Judge Colin Bishopp (Tribunals (Salaried))

Professor Stephen Hardy (Tribunals (Fee-Paid))

Government and Judicial Appointment Commission

Annabel Burns (Ministry of Justice)

Laurene McAlpine (Northern Ireland Department of Justice)

Jan Marshall (Scottish Government)

Rhian Davies-Rees (Welsh Government)

Professor Noel Lloyd CBE (Judicial Appointments Commission for England & Wales)

Appendix C: Judicial offices in scope of review

Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
Salary Group 1	
Lord Chief Justice	
Salary Group 1.1	
Lord Chief Justice of Northern Ireland	
Lord President of the Court of Session	
Master of the Rolls	
President of the Supreme Court	
Salary Group 2	
Chancellor of the High Court	
Deputy President of the Supreme Court	
Justices of the Supreme Court	
Lord Justice Clerk	
President of the Family Division	
President of the Queen's Bench Division	
Senior President of Tribunals	
Salary Group 3	
Inner House Judges of the Court of Session	President of Scottish Tribunals
Lords/Lady Justices of Appeal	Includes the following leadership roles: <ul style="list-style-type: none"> • Senior Presiding Judge • Deputy Senior Presiding Judge • Deputy Head of Civil Justice • Vice President of the Court of Appeal (Civil Division) • Vice President Queen's Bench Division
Lords/Lady Justices of Appeal (Northern Ireland)	

Salary Group 4	
High Court Judge	Includes the following leadership roles: <ul style="list-style-type: none"> • Vice-Chancellor of the County Palatine of Lancaster • Presiding Judge • Family Division Liaison Judge • Business & Property Courts Supervising Judge • President of the Employment Appeal Tribunal • President of the Upper Tribunal (Administrative Appeals, Immigration & Asylum, Tax & Chancery, Lands)
High Court Judges (Northern Ireland)	
Presiding Coroner (Northern Ireland)	
Outer House Judges of the Court of Session	
Salary Group 5+	
Judge of the First Tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal	
Salary Group 5	
Chairman, Scottish Land Court / President, Lands Tribunal for Scotland	
Chamber Presidents of First-tier Tribunals	Immigration and Asylum Chamber General Regulatory Chamber Health, Education & Social Care Chamber Property Chamber Social Entitlement Chamber Tax Chamber
Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	
Senior Circuit Judge (non-leadership)	SCJ at the Central Criminal Court in London (Old Bailey Judges) Specialist Circuit Judges, Chancery, Circuit Commercial, Patents (IPEC) & Technology & Construction Court

Senior Circuit Judge (leadership)	Recorder of Liverpool Recorder of Manchester Designated Civil Judge Designated Family Judge Resident Judge
Judge Advocate General	
Circuit Judge of the Employment Appeals Tribunal	
President, Employment Tribunals (England & Wales)	
President, Employment Tribunals (Scotland)	
Recorder of Belfast	
Senior District Judge (Chief Magistrate)	
Sheriffs Principal	
Vice Presidents of the Upper Tribunal (Immigration and Asylum Chamber)	
Salary Group 6.1	
Senior Masters and Registrars	Includes: <ul style="list-style-type: none"> • Chief Bankruptcy Registrar • Chief Chancery Master • Senior Master – Queen’s Bench Division • Senior Costs Judge • Senior Judge of the Court of Protection
Circuit Judge (non-leadership)	
Circuit Judge (leadership)	Includes: <ul style="list-style-type: none"> • Designated Civil Judge • Designated Family Judge • Resident Judge
County Court Judge (Northern Ireland)	
Deputy Chamber President, Health, Education & Social Care Chamber	
Deputy Chamber President, Property Chamber – Upper Tribunal Lands	

Regional Judge	Includes: <ul style="list-style-type: none"> Regional Tribunal, Judge Social Entitlement Chamber Resident Judge, Asylum and Immigration Chamber
Regional Employment Judge	
Registrar of Criminal Appeals	
President, Appeals Tribunal (Northern Ireland)	
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
President, Lands Tribunal Northern Ireland	
Sheriffs	
Social Security and Child Support Commissioner (Northern Ireland)	
Upper Tribunal Judge	Administrative Appeals Chamber Immigration and Asylum Chamber (also known as Senior Immigration Judge) Tax and Chancery Chamber
Vice-President, Employment Tribunal (Scotland)	
Salary Group 6.2	
President, Mental Health Review Tribunal (Wales)	
Chamber President of the First Tier Tribunal, War, Pensions and Armed Forces Compensation Chamber	
Deputy Senior District Judge (Magistrates' Courts)	
Designated Judge, First Tier Tribunal, Immigration & Asylum Chamber	
Principal Judge, First-tier Tribunal, Property Chamber - Land Registration	
Member, Lands Tribunal (Northern Ireland)	
Surveyor Members, Lands Tribunal (Scotland)	
Surveyor Members, Upper Tribunal (Lands)	
Vice-Judge Advocate General	

Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
Salary Group 7	
Assistant Judge Advocates General	
Employment Judge (Northern Ireland)	
Chief Medical Member, First-tier Tribunal	Social Entitlement Chamber Health, Education & Social Care Chamber
Coroners (Northern Ireland)	
District Judge	Civil Family
District Judge (Northern Ireland)	
District Judge (Magistrates' Courts)	
District Judge (Magistrates' Courts) (Northern Ireland)	
Employment Judge	England and Wales Scotland
Judge of the First-tier Tribunal	Health, Education & Social Care Chamber Immigration and Asylum Chamber (also called Immigration Judge) Property Chamber Social Entitlement Chamber Tax Chamber General Regulatory Chamber War Pensions and Armed Forces Compensation Chamber
Masters and Cost Judges	Includes: Master of the Queen's Bench Division Chancery Division Cost Judge
Bankruptcy Registrar	
Masters of the Court of Judicature (Northern Ireland)	
Presiding District Judge (Magistrates' Courts) (Northern Ireland)	
Presiding Master of the Court of Judicature (Northern Ireland)	

Presiding District Judge (Northern Ireland)	
Full-time Salaried Legal Member of the Appeal Tribunal (Chair) (Northern Ireland)	
Regional Judge, Property Chamber	
Deputy Regional Judge, Property Chamber	
Deputy Regional Valuer, Property Chamber	
Salaried (Regional) Medical Members, Social Entitlement Chamber	
Summary Sheriff (Scotland)	
Fee Paid Offices	
Lord Justice of Appeal (sitting in retirement) England and Wales	
Lord Justice of Appeal (sitting in retirement) Northern Ireland	
High Court Judge (sitting in retirement) England and Wales	
High Court Judge (sitting in retirement) Northern Ireland	
Deputy High Court Judge England and Wales	
Deputy High Court Judge Northern Ireland	
Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	
Deputy Masters and Cost Judges	Includes: <ul style="list-style-type: none"> • Deputy Master of the Queen's Bench Division • Deputy Taxing Master • Deputy Costs Judge • Deputy Master of the Chancery Division
Deputy Bankruptcy Registrar	
Deputy Circuit Judge – sitting in retirement	
Recorder	

Deputy District Judge	Civil Family
Deputy District Judge (Magistrates' Court)	
First-tier Tribunal Judge (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	Health, Education & Social Care Chamber Immigration and Asylum Chamber (these judges are also called Immigration Judges) Property Chamber Social Entitlement Chamber Tax Chamber General Regulatory Chamber War Pensions and Armed Forces Compensation Chamber
Upper Tribunal Judge (where a legal qualification is a requirement of appointment or has gained the relevant experience in law))	Administrative Appeals Chamber Immigration and Asylum Chamber (these judges are also called Senior Immigration Judges) Tax and Chancery Chamber
Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
Surveyor member (Chair only) Upper Tribunal Lands	
Legal Chair, Criminal Injuries Compensation Appeals Panel	
Non-legal Chair, Criminal Injuries Compensation Appeals Panel	
Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
Temporary Assistant Judge Advocate General	
Valuer Chair, First-tier Tribunal (Property Chamber) Residential Property	
Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943	

President of the Pensions Appeal Tribunal for Northern Ireland	
Deputy President of the Pensions Appeal Tribunal for Northern Ireland.	
Temporary Judge (Scotland)	
Re-employed former Judge (Scotland)	
Part-time Sheriff (Scotland)	
Part-time Summary Sheriff (Scotland)	
Temporary Sheriff Principal (Scotland)	
Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)	
Re-employed former Summary Sheriff, or part-time Summary Sheriff, acting as Summary Sheriff (Scotland)	
Re-employed former Appeal Sheriff (Scotland)	
Deputy Statutory Officer (Northern Ireland)	
Deputy County Court Judge (Northern Ireland)	
Deputy District Judge (Magistrates' Court) (Northern Ireland)	
Deputy Social Security Commissioner for Northern Ireland	
Deputy Child Support Commissioner for Northern Ireland	
Deputy Coroner (Northern Ireland)	
Deputy District Judge (Northern Ireland)	
Fee-Paid Employment Judge, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	
President of the Rent Assessment Committees Wales	

Legal Member of the Rent Assessment Committee Wales	
Legal Member Mental Health Tribunal Wales (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
President of Special Educational Needs Tribunal Wales	
President Welsh Language Tribunal	
Legal Member Welsh Language Tribunal	
President Adjudication Panel Wales	President Adjudication Panel Wales
Legal Member Adjudication Panel for Wales	
President, Agricultural Land Tribunal Wales	
Legal member Agricultural Land Tribunal Wales	
Other Judges and legal members in the following devolved tribunal systems in Scotland and Northern Ireland:	
Scotland - Salaried	
Deputy Chair of the Scottish Land Court	
Member of the Scottish Land Court	
Legal Members, The Lands Tribunal for Scotland	
Scotland – Fee Paid	
Legal Member, First-tier Tribunal for Scotland – assigned to Housing and Property	
Legal Member, First-tier Tribunal for Scotland – assigned to Tax Chamber	
Legal Member, Upper Tribunal for Scotland	

Chamber President, Housing and Property Chamber of First-tier Tribunal for Scotland	
Chamber President, Tax Chamber of First-tier Tribunal for Scotland	
Legal Member, First-tier Tribunal for Scotland, Assigned to the Health and Education Chamber	
Chamber President, Health and Education Chamber of First-tier Tribunal for Scotland	
Legal Member, Scottish Charity Appeals Panel	
Legal Member, Mental Health Tribunal for Scotland	
President, Mental Health Tribunal for Scotland	
Legal Member, Police Appeals Tribunal	
Adjudicator, Parking and Bus Lane Adjudicators	
President, Pensions Appeals Tribunal for Scotland	
Legal Member, Pensions Appeals Tribunal for Scotland	
Northern Ireland	
Legal Chair, Care Tribunal	
President, Charity Tribunal for Northern Ireland	
Legal Member, Charity Tribunal for Northern Ireland	
Chairman, Criminal Injuries Compensation Appeals Panel for Northern Ireland	
Legal Adjudicator, Criminal Injuries Compensation Appeals Panel for Northern Ireland	
Chairman, Mental Health Review Tribunal	
Legal Member, Mental Health Review Tribunal	
Legal Chairman, Northern Ireland Health and Safety Tribunal	
Adjudicator, Northern Ireland Traffic Penalty Tribunal	
President, Northern Ireland Valuation Tribunal	

Legal Member, Northern Ireland Valuation Tribunal	
President, Special Educational Needs and Disability Tribunal for Northern Ireland	
Chairman, Special Educational Needs and Disability Tribunal for Northern Ireland	
Legal Member, Appeal Tribunals	

Appendix D: Letter from Lord Chancellor to SSRB chair of 4 September 2017



The Right Honourable
David Lidington CBE MP
Lord Chancellor & Secretary of
State for Justice

Dr Martin Read CBE
Chair of the Senior Salaries Review Body
8th Floor, Fleetbank House
2 – 6 Salisbury Square
London
EC4Y 8JY

4 September 2017

Dear Dr Read,

INTERACTION BETWEEN MAJOR REVIEW AND 2018/19 ANNUAL AWARD FOR JUDGES

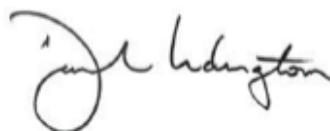
Thank you for the work carried out by the Senior Salaries Review Body for the 2017/18 pay round and for your recommendation on judicial salaries in your 2017 report. The recommendation was adopted and the consequential increases have now been paid.

I am writing to confirm the interplay between the SSRB's annual recommendation of judges pay for 2018/19 and the major review of judicial salaries. I would like the review body to conduct the 2018/19 annual review, and make any recommendations, as part of the current major review of judicial pay which is underway. The annual review, and recommendations, should apply only to those salaried judicial office holders whom usually fall under the remit of an annual review. Given that the major review of judicial salary structures is looking at the pay structure and the wider context in which judicial pay is set over a four or five-year period, I see no need for a separate process looking just at the financial year 2018/19. I am therefore requesting that your recommendation on the annual review is included in the major review due to report in June 2018. The annual pay award to the judiciary will then be backdated to April 2018. I have agreed this approach with the Chief Secretary to the Treasury.

The Chief Secretary and I will be engaging seriously with the recommendations from the major review and intend that any recommendations in respect of an annual pay award will be considered first, allowing time to consider the main proposals of the major review in more detail. The government's response to the major review will therefore be staggered to deliver a response to the recommendation on the annual award for 2018/19 as a priority, and a further response to the recommendations on wider judicial pay structures will follow. My department will continue to work to improve the quality of data available to inform your consideration of judicial pay as part of the annual and major review.

I am copying this letter to the Lord Chief Justice of England and Wales, the Senior President of Tribunals, the Lord President and the Lord Chief Justice of Northern Ireland.

Yours sincerely

A handwritten signature in black ink that reads "David Lidington".

DAVID LIDINGTON CBE MP

T 020 3334 3555
F 0870 761 7753

E general.queries@justice.gsi.gov.uk
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