



# Office of Manpower Economics

SENIOR SALARIES REVIEW BODY  
FLEETBANK HOUSE  
2-6 SALISBURY SQUARE  
LONDON  
EC4Y 8JX

*Direct Telephone Line*  
*E-mail*  
*Website*

020 7211 8175  
[anne.miller@beis.gov.uk](mailto:anne.miller@beis.gov.uk)  
[www.ome.uk.com](http://www.ome.uk.com)

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

10 January 2018

Dear Judges,

## **MAJOR REVIEW OF THE JUDICIAL SALARY STRUCTURE**

I last wrote to you in June 2017<sup>1</sup> about the Major Review of the Judicial Salary Structure being undertaken by the Senior Salaries Review Body (SSRB). I am now writing about two matters: the timetable for the Review and the Call for Evidence we will soon be launching. I would be grateful if you could share this letter with your judicial colleagues. As with my previous letters, this will also be published on the Office of Manpower Economics website.

The timetable for the Review has always been dependent on the SSRB having a complete list of judicial posts to be included in the Review, as well as summary job descriptions of these for a review of the salary structure. Our initial timetable was based on the list of posts in scope for the review as finalised in March 2017 and required summaries for those posts to be available by September. In the course of this work, we have been advised about a number of additional posts which should have been included in our terms of reference, and various problems with the quality of the underpinning job descriptions necessary to write the summaries. In the end, it

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<sup>1</sup> See: <https://www.gov.uk/government/publications/letter-from-the-chair-of-the-ssrb-judicial-sub-committee-to-the-uk-judiciary>

took until mid-November to establish clearly the posts in-scope for the Review and only now are we at the stage of final validation of the summaries. We are now progressing to the next stages of the Review, but this has inevitably delayed our planned reporting date of end June 2018. We are currently in the process of developing a revised reporting timetable and are of course endeavouring to minimise delay.

Meanwhile, I am pleased to confirm that SSRB will be launching a Call for Evidence on 17 January. This will be open to all, but we particularly welcome, and indeed expect, responses from members of the judiciary and their representative associations. We will also actively gather evidence from the Ministry of Justice, the Judicial Appointments Commission (and their Scottish and Northern Irish equivalents) and other stakeholders about a range of detailed issues not covered by the Call.

The terms of reference for the Review require us to examine a range of issues related to pay and judicial recruitment and retention<sup>2</sup>. Therefore, this Call for Evidence asks questions to provide evidence on the scope of the Major Review in the following topic areas:

- Remuneration and other benefits
- Recruitment, retention and motivation
- Leadership
- Policy context
- Strategic context

The Call for Evidence will be launched on the Senior Salaries Review Body section of the Office of Manpower Economics website<sup>3</sup>. All responses will need to be submitted electronically, using a standardised form, so that we can analyse responses more quickly. It will not be necessary to answer all the questions and replies in relation to any relevant issues are welcome. The closing date for the receipt of these will be 28 February.

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<sup>2</sup> The terms of reference are an annex to the June letter – see footnote 1.

<sup>3</sup> <https://www.gov.uk/government/organisations/review-body-on-senior-salaries>

This is one of many strands of evidence being collected for the Major Review. In addition, we have commissioned three external research projects.

- A contract for a job comparability study has been placed with the Institute for Employment Studies. This work depends on the production of agreed, and relatively uniform, job summaries for each post so that a ‘judgement panel’, providing diverse perspectives from within the judiciary, can help inform our understanding of the current judicial salary structure. We will confirm the date of the judgement panel meeting shortly. The outcome of this work will help the SSRB understand more about the *reasons* why judicial roles are assigned to particular salary scale groups, and highlight where, and why, the SSRB should consider recommending moving some roles from their current grouping. This work will also help us understand more about judicial leadership roles and functions; it is not about rates of pay *per se*. The outcome of this exercise will inform a further consultation in the spring of 2018 which will invite views on proposals about the position of specific judicial offices within the judicial salary and fee structure.
- NatCen Social Research has conducted a survey of judges appointed to a salaried or fee-paid post since April 2012 to collect data on roles and salaries before taking up judicial office, as well as data on individual motivations for joining the judiciary. We are grateful for the support of the judiciary and judicial associations in encouraging responses and to those who have taken the time to complete the survey. NatCen is currently compiling the results for SSRB consideration.
- Finally, the SSRB is interested to understand reasons why seemingly-desirable candidates do not apply for judicial posts. We recognise that this is a potentially sensitive area and evidence has been gathered through a series of focussed interviews. This work is being carried out on our behalf by the University of Cambridge.

In addition to these commissioned studies, we are gathering a range of other relevant evidence, so while we have been delayed by the need to clarify the posts in-scope for the Review, we have continued to collect the other information the Review requires. This has included a number of visits the Judicial Sub-Committee has made to meet a broad range of judges, salaried and fee-paid, from the courts and tribunals judiciary across the UK. We visited Northern Ireland at the beginning of October and Scotland in early November. We have also been to Leeds, Manchester and Swansea and have visited a number of courts in the London area. There are a couple of further visits planned. We are grateful to everyone who has participated in and/or organised these visits, all of which have enabled us to hear a range of views and to understand issues affecting the judiciary.

In September, the then Lord Chancellor confirmed that the SSRB's "routine" annual review of judicial salaries should run concurrently with the Major Review and report at the same time. In addition, he agreed that the annual pay award will be backdated to April 2018, and confirmed that the Government will engage seriously with the recommendations from the Major Review<sup>4</sup>. This is excellent news, not least as there are benefits to being able to progress the two pieces of work concurrently.

The success of the Major Review depends on the collection of robust and comprehensive evidence not only to underpin the SSRB's recommendations, but to ensure they command confidence when decisions about those recommendations are taken. I am indebted to all of the judiciary for the help they given so far, and thank you in advance for the important role you can play in responding to our requests for robust and objective evidence on which we can start to build our recommendations.

Yours sincerely



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<sup>4</sup> See: <https://www.gov.uk/government/publications/lord-chancellor-letter-to-the-ssrb-chair>

Sharon Witherspoon  
Chair of the SSRB Judicial Sub-Committee

Cc: Dr. Martin Read, CBE (Chair of the SSRB)

