

# **Major review of the judicial salary structure**

## **Report on the placement of judicial posts**

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# Institute for Employment Studies

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# 1 Executive Summary

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- 1.1 This report sets out the process followed, and the results from, the Job Placement Research Exercise commissioned by the Office of Manpower Economics (OME), on behalf of the Senior Salaries Review Body (SSRB), and carried out by the Institute for Employment Studies (IES), to support the Major Review of the Judicial Salary Structure. The purpose of the exercise was to make recommendations on placing 168 judicial posts into equivalent salary groupings. This would in turn facilitate the SSRB in considering what changes might be necessary to the current judicial salary structure and, within that, whether changes should be made to the placement of individual posts within the structure.
- 1.2 The placement exercise was conducted through a Judgement Panel comprised of members representing a cross section of the judiciary. The main conclusions of the Judgement Panel were that:
  - The criteria for the placement of posts should apply on the same basis throughout the UK judiciary, including in the devolved administrations of Scotland, Wales and Northern Ireland;
  - The current salary placements are broadly correct; with some suggestions as to individual posts that should change salary group;
  - Where management responsibilities are undertaken on a fixed-term basis they should be recognised through an additional allowance for the duration of that term;
  - There should be no distinction in the rates of pay between fee-paid roles and the salaried equivalents for those roles, even where there are differences in the types of cases dealt with by fee-paid and salaried members of the judiciary;
  - There is a need for an additional salary Group 8 to accommodate judicial posts which are below the range of posts currently captured in Group 7.
- 1.3 In commissioning the work, the OME was clear that it wanted the work to adopt a judgement panel process which would take account of expert views. Judgement Panel members, nominated by the Judicial Office and equivalents in the devolved administrations, were asked to confirm whether or not the current salary placements were broadly correct with reference to the job summaries provided and based on their knowledge and understanding of the judiciary. They were not asked to consider, from first principles, whether the current salary groupings are appropriate or carry out a job evaluation exercise.
- 1.4 Following the Judgement Panel Meeting IES developed descriptors to show the characteristics of each judicial post against the criteria used in this review. These descriptors help to validate the Judgement Panel outcome.

1.5 Our main conclusion from this work is that Group 6.2 should not be used in future. This is because:

- It is inconsistent with the principle that each of the salary groups should accommodate a broad range of the judicial posts;
- Most of the posts that are in 6.2 have been placed there to distinguish them from Group 7 posts because they have additional management responsibilities. These additional responsibilities could more effectively be replaced by an allowance.

1.6 We would like to thank all of the members of the judiciary and officials, and in particular the Judgement Panel members, for the invaluable support and advice they have provided to us in carrying out this project.

## 2 Terms of reference

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- 2.1 IES's initial proposal was on the basis that the Judgement Panel would carry out a "Grouping" exercise in which judicial posts would be placed into seven groups, based on the current salary structure. We designed an approach that would have enabled the Judgement Panel to evaluate the posts from first principles and enable them to place posts into groupings and to confirm whether the current salary groupings were appropriate by scoring jobs against some pre-defined criteria.
- 2.2 During the project we were asked by the OME to modify our approach and ensure that the Judgement Panel meeting was conducted on the basis of the Judgement Panel Members' responses to the following questions:
  - a. Does the post exercise significant leadership responsibilities that are not, at present, adequately recognised through being positioned in its designated salary group? If so, to describe these briefly; and,
  - b. Is the post currently in, or linked to, the appropriate salary group? If not, to indicate which salary group the post should be in (which might be a higher or lower group than at present).
- 2.3 Our work has primarily been based on the responses to question b. above, and the implications of these responses for the overall structure. Matters relating to levels of pay are not within the scope of the work carried out by IES.

## 3 Methodology

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- 3.1 At the outset IES were provided with a list of the judicial posts in scope for the review, together with associated job descriptions and some additional relevant information. We drafted 110 Job Summaries, which is all of those for which we had usable job descriptions by the end of August 2017.
- 3.2 The Job Summaries were written in a structure that reflected the criteria that was to be used for the groupings of posts. The criteria are set out below:

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Criteria	Description
Jurisdiction	The range of court participation, the nature of jurisdiction, and the types of cases heard.
Complexity and diversity of cases	The depth of specialisation and the complexities of the facts and the law, including the length of hearings and the number of matters typically handled within a day.
Impact and sensitivity of decisions	The impact of decisions on the public and on litigants. This includes the extent to which decisions are binding on lower courts.
Court craft	The skills required to conduct judicial proceedings, including case management, communication skills, dealing with information and delivering judgments.
Leadership and management	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.

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- 3.3 The Job Summaries provided details of the Jurisdiction, and a summary of the main aspects of the roles under each of the other criteria. However, this information was largely taken from job descriptions drawn up and assembled by the Judicial Office (and equivalents). It became apparent that not all of the job descriptions contained the information necessary to complete a summary under all of the above headings and to enable consistent placement of posts into groups. Missing information included:
- Quantitative information relating to the scale of management and leadership;
  - The more qualitative aspects of the demands placed on judicial office holders, including dealing with many different matters in a single day, the particular sensitivities of some types of decisions and the different impact that cases may have on the parties.



- 3.4 In some instances, the Job Summaries were rewritten and amended by post holders and the extent to which the Judicial Office (and their equivalents) controlled the validation process varied. It was not therefore possible to maintain a complete consistency of style and content throughout.
- 3.5 Early in September 2017, the Job Summaries were sent to the judicial offices for validation. This proved to be a lengthy process as there were issues with the quality of the summaries arising from the nature of the underpinning job descriptions. In addition, during this validation process it became clear that some posts had been omitted from the list of posts in scope of the Review. This culminated in a number of changes and additions to the list of posts in our terms of reference. It was also decided that Job Summaries were required for all of the 168 posts in the revised terms of reference list.
- 3.6 The Job Summaries were finally validated as *sufficiently accurate for the limited purposes of the Job Placement Research Exercise* in January 2018. It was agreed with the Judicial Offices that 17 of the 168 posts should be matched to salaried equivalents leaving Judgement Panel members to respond to the questions in paragraph 2.2 for 151 individual posts.
- 3.7 These 151 posts included 70 posts designated as “Other” which were not assigned to a salary group and Judgement Panel Members were asked to assign these posts to a group. The “Other” posts were all fee-paid and many of them could be readily matched to their salaried equivalents.
- 3.8 The Judgement Panel process had two key stages:
- a. Stage 1: individual assessment and completion of spreadsheet;
  - b. Stage 2: collective plenary discussion – the Judgement Panel meeting.
- 3.9 Against this structure, the process then proceeded as follows:

	<b>Date</b>
Judgement Panel Members were provided with files of the Job Summaries for 168 posts, a Spreadsheet Tool to record their responses and Guidance to explain how their work should be carried out.	2 February 2018
A telephone conference was held to deal with questions of Judgement Panel Members. Following the telephone call a note of questions raised and answers provided was circulated to all Judgement Panel Members.	9 February 2018
Judgement Panel Members completed their individual assessments using the Spreadsheet Tool. Returns were received from Judgement Panel Members.	19 February 2018
IES provided an Agenda and supporting papers to Judgement Panel Members in advance of the meeting. These papers included: A summary of “cross-cutting” issues from the returns made, to aid discussions in the Judgement Panel Meeting (these are reproduced in Annex B); The list of posts showing the Consensus Placements where the majority of Judgement Panel members had agreed that the post should be placed.	28 February 2018

	<b>Date</b>
The Judgement Panel meeting was held and the outputs from this meeting are included in Section 4.	2 March 2018

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3.10 We received individual returns from 25 Judgement Panel members. These members comprised:

- a. England and Wales Courts' Judiciary:
  - i. One Appeal Court Judge
  - ii. One High Court judge
  - iii. Five representatives of the Circuit Bench (including Crime, Family and Specialist Civil)
  - iv. Four judges from the District Bench (including Court of Protection)
  - v. One District Judge (Magistrates Court))
- b. England and Reserved Tribunals
  - i. One Employment Judge
  - ii. Four judges (including a Chamber President and Upper and First Tier Tribunal judiciary)
- c. Scotland
  - i. One Senator of the College of Justice
  - ii. One Sheriff
  - iii. One Tribunal Judge
  - iv. A representative of the Scottish Government (commenting on Scottish Tribunal posts only)
- d. Wales
  - i. One judge representing devolved Welsh Tribunals
- e. Northern Ireland
  - i. One High Court Judge
  - ii. One Employment Judge
  - iii. A representative of the Northern Ireland Government (Department of Justice) (commenting on NI tribunals posts only)

3.11 In Annex A we provide a summary of the returns showing the responses to the two questions on paragraph 2.2, the number of posts on which Judgement Panel

members made comments, or indicated that they were “Unable to comment” and how the posts categorised as “Other” were placed<sup>1</sup>.

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<sup>1</sup> One of the returns was not received in time to be included in the papers for the Judgement Panel Meeting although a copy of the response was tabled at the meeting.

## 4 The Judgement Panel meeting outputs

- 4.1 The Judgement Panel meeting took place on 2 March 2018, chaired by Martin Williams, the Director of the OME. The meeting reviewed the placements of the 151 posts that Judgement Panel members had made as individuals and discussed those posts where there was less consensus as to what the correct salary group should be. In this section we set out the key points arising from the Judgement Panel meeting. It should be stressed that, while what is below records what IES, in consultation with the chair, considered to be the majority views of the Judgement Panel after its discussion, in some cases the discussion did not resolve the disagreements. Hence, it should not be assumed that the recommendations were supported by all members of the Panel.
- 4.2 At the outset of the meeting, the cross-cutting issues set out in papers provided for the meeting were discussed, and the Judgement Panel Members confirmed their understanding of these issues. The cross-cutting issues that were provided to Judgement Panel Members along with the meeting papers are set out in Annex B.

### Review of the posts and suggested changes

- 4.3 Most of the posts reviewed by the Judgement Panel were felt to be in the correct salary group (as had always been anticipated). Below is the list of individual posts that were discussed, with suggested comments or changes, and a note of reasons for the suggestions.

Post Title	Salaried/ fee paid	Consensus Placement <sup>2</sup>	Suggested Change <sup>1</sup>	Reasons/Remarks
Senior President of Tribunals	Salaried	2		A fixed-term allowance may be appropriate due to the heavy leadership responsibilities.
Lords/Lady Justices of Appeal	Salaried	3		A fixed-term allowance may be appropriate for the Senior Presiding Judge role.
High Court Judge	Salaried	4		A fixed-term allowance may be appropriate for some roles.

<sup>2</sup> This is the salary group where the majority of Judgement Panel Members believe the post should be placed.

<b>Post Title</b>	<b>Salaried/ fee paid</b>	<b>Consensus Placement<sup>2</sup></b>	<b>Suggested Change<sup>1</sup></b>	<b>Reasons/Remarks</b>
Presiding Coroner (Northern Ireland)	Salaried	4		This is at group 4 because the role is filled by a High Court Judge alongside other roles.
Sheriffs Principal	Salaried	5		A case was made for moving this higher based on additional judicial and leadership responsibilities, or for paying fixed term allowances for some roles.
Judge of the First-tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal	Salaried	5		This is a historic situation and post may not exist going forward.
Vice Presidents of the Upper Tribunal (Immigration and Asylum Chamber)	Salaried	5		This is a historic situation and post may not exist going forward.
Registrar of Criminal Appeals	Salaried	6.1	5	Based on the complexity and level of responsibility.
Senior Masters and Registrars	Salaried	6.1		Not discussed at the meeting but a leadership premium may be needed if Masters and Cost Judges move up to 6.1.
Upper Tribunal Judge	Salaried	6.1	5	Should be moved up to 5 based on the level of judicial work and in accordance with previous SSRB recommendations.
Deputy Senior District Judge (Magistrates' Courts)	Salaried	6.2	6.1	Should be moved up to 6.1 based on the size of judicial and management responsibilities.
Masters and Cost Judges	Salaried	7	6.1	Agreed that Masters should move to 6.1 based on complexity of cases although the same point does not apply to Cost Judges.
Presiding District Judge (Magistrates' Courts) (Northern Ireland)	Salaried	7	6.2	This should move up to 6.2 based on judicial and management responsibilities.
Presiding District Judge (Northern Ireland)	Salaried	7	6.2	As with Presiding District Judge (Magistrates' Courts)

<b>Post Title</b>	<b>Salaried/ fee paid</b>	<b>Consensus Placement<sup>2</sup></b>	<b>Suggested Change<sup>1</sup></b>	<b>Reasons/Remarks</b>
Salaried (Regional) Medical Members, Social Entitlement Chamber	Salaried	7	8	This should be in 8 as the duties are not equivalent to other Group 7 salaried and it is currently paid 80% of Group 7.
Chamber President, Health and Education Chamber of First-tier Tribunal for Scotland	Fee-paid	7	6.2	Should move to 6.2 due to leadership responsibilities.
Chamber President, Housing and Property Chamber of First-tier Tribunal for Scotland	Fee-paid	7	6.2	Should move to 6.2 due to leadership responsibilities.
Chamber President, Tax Chamber of First-tier Tribunal for Scotland	Fee-paid	7	6.2	Should move to 6.2 due to leadership responsibilities.
Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment)	Fee-paid	6.1	5	Matched to Upper Tribunal Judge.
Legal Adjudicator, Criminal Injuries Compensation Appeals Panel for Northern Ireland	Fee-paid	8	7	Matched to First-tier Tribunal Judge.
Legal Member, Upper Tribunal for Scotland	Fee-paid	8	5	Matched to Upper Tribunal Judge.
Legal Members, The Lands Tribunal for Scotland	Salaried	8	6.1	Matched to the current positioning of the Upper Tribunal Judge.
Member of the Scottish Land Court	Salaried	8	7	Matched to First-tier Tribunal Judge.
Non-legal Chair, Criminal Injuries Compensation Appeals Panel	Fee-paid	8	7	Matched to First-tier Tribunal Judge.
Upper Tribunal Judge (where a legal qualification is a requirement of appointment)	Fee-paid	6.1	5	Matched to Upper Tribunal Judge.
Valuer Chair, First-tier Tribunal (Property Chamber) Residential Property	Fee-paid	7	8	Agreed that this should be 8 since it is below the current Group 7.

1. This does not include changes where the consensus was for an allowance within the same group.

4.4 In Annex C we show the 151 posts on which Judgement Panel members were asked to comment prior to the Judgement Panel meeting. Some of these posts are

very specific (eg 'Senior President of Tribunals'); others, such as High Court Judges, undertake a wider range of different responsibilities within the same judicial office.

## Other issues arising during the discussion

- 4.5 There was general support for the idea of a fixed-term allowance for leadership responsibilities. This should apply where the appointment is for a fixed term enabling the post holder to return to their original judicial responsibilities and the salary for their group when the term comes to an end. This idea was discussed for the Senior President of Tribunals and the Senior Presiding Judge roles, and for other leadership roles.
- 4.6 The main difference between fee-paid and the salaried judiciary is in the allocation of cases rather than management responsibilities. It will be difficult to distinguish between fee-paid and salaried posts purely on the basis of management responsibilities because there are fee-paid posts with management responsibilities (especially in the devolved Tribunals) and many salaried judges do not have management responsibilities.
- 4.7 The Panel noted that the distinction between Circuit Judges and Senior Circuit Judges was difficult, and that there were some current inconsistencies and important leadership roles that went unrecognised. Panel members considered that there was a difference between Senior Circuit Judges (Leadership), who take on leadership responsibilities for fixed terms, and Senior Circuit Judges (Non-Leadership), whose appointments, confirmed by the JAC, are based on the specialist nature of their work. There was some support in the Panel for a more fundamental reform of the system, treating Circuit Judges and Senior Circuit Judges (Leadership) as a single group, with pay arrangements that offered extra rewards for taking on the more demanding roles, for as long as the judge remained in that leadership role. They noted that the same principle could not be applied to the small number of Senior Circuit Judges (Non-Leadership); it was not possible to step down from a specialist role in the same way. There was also some support in the meeting for a pay enhancement for Circuit Judges who are authorised to sit in the High Court, who are currently paid less than fee-paid Deputy High Court Judges doing the same work.
- 4.8 There was a clear view that there was a little need for leadership allowances for District Judges. However, there was a widespread view that the overall differential between Group 7 and Group 6.1 was too great when considering the work in the two groups.
- 4.9 The Judgement Panel particularly considered the position of Employment Judges, including Employment Judges (Northern Ireland). Some Panel members were strongly of the view that they were wrongly placed at present, and should either be moved to a higher salary group or a new salary group should be created for them. This argument was based on the complexity and length of the cases that an Employment Judge might hear, and the far-reaching implications of some of these cases. However, the majority view on the Panel was that, while Employment Judges focused in depth on one specific area of law, other Judges in this salary group (for

example, on the District Bench) had to be capable of handling a broader spectrum of cases across many different areas of law. In addition, First Tier Tribunal Judges deciding a tax, property, immigration or social security matter could be handling cases that required significant specialist knowledge or involved technical complexity. Therefore, in widening the discussion to posts in the current salary group 7, the majority view of the panel was that Employment Judges District Judges and First Tier Tribunal Judges were correctly placed alongside each other.



## 5 Implications and validation

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5.1 Following the Judgement Panel meeting, we were asked to advise on the implications of the conclusions from the meeting for the judicial salary structure and also to provide descriptors showing how the salary groups fit with the criteria set out in paragraph 3.2. The outputs from this work are provided in this section.

### Implications for salary structure

5.2 There are two complexities in the judicial salary structure that make it unique:

- It is a single pay structure covering multiple organisations. This is not just the separate regions of the UK but also the separate Courts and Tribunals within each region which have to be accommodated in a single structure.
- It is not a traditional career path in which judges typically start at the bottom and move up through the ranks. There are three main entry points to which appointments are made from outside the judiciary: at Group 7, Group 6.1 and Group 4. The salaries at each of these entry points needs to enable new entrants to be brought into the judiciary, as well as reflect the different levels at which work is carried out.

5.3 Each of the salary groups has to encompass a broad range of work. This gives the simplicity that is needed to enable judicial resources to be managed effectively. Many of the comments of Judgement Panel members come from differences they see in posts that are within the same group and the perceived need to differentiate between them. However, any increase in the number of salary groups or the creation of additional subgroups, would add to the complexity of the structure and make it less flexible.

5.4 Most of the difficulties arise from the need to accommodate so many leadership roles within the structure because these vary substantially, both in terms of scale and level of responsibility. The simplest way to do this would be to accommodate all posts, including leadership posts, within the existing structure except in situations where:

- a. Leadership responsibilities are allocated on a fixed-term basis. In these circumstances a fixed-term allowance should be paid so the office holder can revert to the substantive salary when the term comes to an end.
- b. A post-holder has management responsibilities for the work of other judges within the same group, but where those responsibilities do not justify the placement of the post in higher salary group. This situation would justify the payment of an allowance over and above the salary for the group in which the post is placed.

- 5.5 If this is done, Group 6.2 is no longer necessary and all posts can be accommodated within 8 salary groups.

## Descriptors

- 5.6 There is a need for descriptors to describe the types of judicial offices that should be allocated to each salary group. This will provide a basis for the allocation of posts to salary groups for this Major Review and enable the salary structure to be managed effectively in the future.
- 5.7 A draft of these descriptors, which reflects the placement of judicial posts that resulted from the Judgement Panel meeting as well as the removal of group 6.2, is shown on the following page. These descriptors can also validate the placement of posts by ensuring that posts reflect the descriptors given under each of the criteria in paragraph 3.2.

Salary Group	1. Jurisdiction	2. Complexity and diversity of cases	3. Impact and sensitivity of decisions	4. Court craft	5. Leadership and management
8	First instance cases only and/ or appeals against administrative decisions.	All cases are within a single jurisdiction.	In the majority of cases the impact on the parties is not significant.	Court craft skills are limited to a particular type of case.	No management and leadership responsibilities in respect of other members of the judiciary.
7	First instance cases only and/ or appeals against administrative decisions. The majority of cases are in a single civil, criminal or tribunal jurisdiction.	Decisions require a broad knowledge of a wide range of law or specialist knowledge of a particular area. Most cases have straightforward outcomes, do not involve complex points of law and are decided on the facts.	Decisions usually only impact on the parties directly involved in the case.	A variety of court craft skills need to be deployed.	Limited to administrative duties, training responsibilities, ad-hoc representation duties and occasional deputising for judges with overall leadership responsibilities.
6	Cases involve more difficult legal issues and/or a mix of disputed facts and law. Criminal cases are serious and typically involve jury trials.	Decisions may require a specialist knowledge of an area of law and cases regularly involve disputed points of law. Office holders typically deal with different areas of law (eg criminal, civil and family).	Decisions usually have a significant impact on the parties to the case.	A wide variety of court craft skills need to be deployed such as case management, jury trials and writing judgments.	Leadership of a small court/tribunal which would typically include responsibility for the work of up to 100 judicial office holders. <i>Leadership responsibilities may place the post in Group 6 even if judicial responsibilities would indicate a lower salary group.</i>

Salary Group	1. Jurisdiction	2. Complexity and diversity of cases	3. Impact and sensitivity of decisions	4. Court craft	5. Leadership and management
5	<p>Civil cases will require the understanding of large amounts of evidence and the need to make decisions on points of law where it is disputed.</p> <p>Appeals against decisions made by lower courts/tribunals.</p>	<p>Decisions usually require a specialist knowledge of an area of law and cases regularly involve disputed points of law.</p>	<p>Some decisions also have implications beyond the parties involved in the case, including for the development of the law.</p>	<p>A variety of court craft skills need to be deployed such as jury trials and writing judgments.</p>	<p>Leadership of a court/tribunal or jurisdiction which would typically include responsibility for the work of over 100 judicial office holders.</p> <p><i>Leadership responsibilities may place the post in Group 5 even if judicial responsibilities would indicate a lower salary group.</i></p>
4	<p>First instance cases involving difficult points of law or where decisions have a national impact.</p>	<p>Cases require the assimilation of complicated facts which are often disputed.</p> <p>Cases also typically involve disputed points of law. Hearings/trials regularly last for more than a week and involve the pre-reading of large volumes of documentation.</p>	<p>Decisions typically have a life-changing impact on the lives of the parties. Class 1 and Class 2 criminal cases fall into this level as do contested child custody cases and civil actions that involve substantial sums of money.</p>	<p>Delivers complex written judgements that are likely to read by others not involved in the case.</p> <p>The management of difficult trials, such as Class 1 criminal cases, fraud and trials involving vulnerable witnesses.</p>	<p>Office holders may also hold substantial leadership and management responsibilities alongside judicial responsibilities.</p>

Salary Group	1. Jurisdiction	2. Complexity and diversity of cases	3. Impact and sensitivity of decisions	4. Court craft	5. Leadership and management
3	Appeals involving difficult questions of law. Potentially overturning decisions made at the High Court level.	All cases involve contested points of law. The post holder is required to have specialist expertise in a wide range of different areas of law.	Decisions have a wide impact on the public. This includes decisions that have a long-term impact on the interpretation of the law, government and public policy and/or large numbers of individuals. Decisions on points of law that are binding on lower courts also fall into this level.	Delivers complex written judgements that have influence beyond the parties to the case.	Office holders may also hold substantial leadership and management responsibilities alongside judicial responsibilities.
2	Appeals involving difficult points of law which are in dispute. Potentially overturning decisions made by the Court of Appeal.	All cases involve complex points of law.	Decisions are binding on lower courts and have an impact on the future development of law.	Delivers complex written judgements that will influence the future development of the law.	Office holders with substantial leadership and management responsibilities alongside judicial responsibilities such as the Heads of Division in the High Court of England and Wales and The Lord Justice Clerk. <i>Leadership responsibilities may place the post in Group 2 even if judicial responsibilities would indicate a lower salary group.</i>
1.1	Master of the Rolls, President of the Supreme Court, Lord President of the Court of Session and Lord Chief Justice of Northern Ireland.				
1	Lord Chief Justice of England and Wales.				

## Annex A – Information received from Judgement Panel Members

Ref	Number of responses																		
	Does the post exercise significant leadership responsibilities that are not adequately recognised through the placement in Column H?				Do you consider the placement in Column H to be correct?				Suggested changes to existing salaries				Placement of "Other" posts						
	No	Yes	Unable to comment	Comment included	Yes	No	Unable to comment	Comment included	Down	Up	No new group selected	Unable to comment	8	7	6.2	6.1	5	4	3
1	70	11	0	81	50	30	1	101	0	0	30	0	9	38	12	4	2	5	0
2	80	1	0	63	77	4	0	72	3	1	0	4	4	29	9	16	3	5	0
3	31	7	43	0	31	7	43	74	0	7	0	3	49	11	0	3	1	3	0
4	80	1	0	71	80	1	0	42	1	0	0	12	8	25	0	6	3	0	0
5	76	5	0	22	78	2	1	70	0	1	1	4	10	29	10	7	3	5	0
6	61	18	2	95	55	16	10	96	4	12	0	0	17	34	9	3	2	4	0
7	56	9	16	9	55	9	17	8	0	0	9	0	0	0	0	0	0	0	0
8	81	0	0	0	76	5	0	5	1	3	1	0	0	0	0	0	0	0	0
9	78	3	0	13	66	15	0	13	0	2	13	0	0	0	0	0	0	0	0
10	64	6	11	76	62	9	10	78	0	8	1	10	15	27	4	4	5	4	0
11	80	1	0	1	59	10	12	28	7	3	0	0	33	5	2	1	0	2	0
12	78	3	0	73	73	6	2	77	2	2	2	5	2	36	7	10	5	5	0

Ref	Number of responses																		
	Does the post exercise significant leadership responsibilities that are not adequately recognised through the placement in Column H?				Do you consider the placement in Column H to be correct?				Suggested changes to existing salaries				Placement of "Other" posts						
	No	Yes	Unable to comment	Comment included	Yes	No	Unable to comment	Comment included	Down	Up	No new group selected	Unable to comment	8	7	6.2	6.1	5	4	3
13	80	1	0	13	80	1	0	13	0	1	0	0	0	0	0	0	0	0	0
14	77	1	3	4	73	2	6	21	0	0	2	13	43	3	0	1	0	2	0
15	81	0	0	61	81	0	0	37	0	0	0	12	5	13	5	6	3	1	0
16	78	2	1	73	77	0	4	69	0	0	0	6	2	42	3	10	2	5	0
17	37	1	43	71	74	2	5	72	0	2	0	0	5	7	0	0	2	0	0
18	76	5	0	5	76	5	0	19	2	2	0	5	0	45	11	2	1	4	0
19	81	0	0	1	19	9	53	79	0	8	1	0	0	0	1	2	0	0	0
20	20	0	61	0	20	0	61	16	0	0	0	0	0	0	0	0	0	0	0
21	71	4	6	4	73	1	7	43	0	0	1	0	20	31	3	5	1	5	0
22	70	4	7	25	61	8	12	48	0	5	3	0	3	16	1	2	0	2	0
23	79	2	0	88	76	5	0	34	0	1	4	12	30	13	1	4	1	4	0
24	78	3	0	27	78	3	0	27	0	3	0	0	7	15	0	0	0	2	0
25	81	0	0	0	81	0	0	21	0	0	0	0	9	6	0	1	2	1	0

## **Annex B – Cross-cutting issues – Briefing provided to Judgement Panel Members**

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In the following paragraphs we set out the cross-cutting issues. These points are largely background information with which JPMs will be familiar, but JPMs will have the opportunity to comment on these if they wish to do so.

### **The judicial salary structure**

Each of the existing salary groups is designed to encompass a broad range of posts. When deciding on the placement of a post it is necessary to consider whether it fits within the broad range of work covered by the group, rather than making comparisons with individual posts within a group. The SSRB will consider any suggestions from the Judgement Panel for the creation of new salary groups but it will also need to be mindful of the need to keep the overall structure as simple as possible.

The salary group in which a post is placed should be determined by the level at which it is operating, based on the criteria set out in the Guidance provided to JPMs. For example, if a member of the Tax Tribunal is doing the same level of judicial work as a member of the Immigration and Asylum Tribunal, they should be in the same salary group, even if one of them may have previously been a tax partner in a city law firm, and the other a solicitor specialising in legal aid work. Differences in labour markets in different parts of the United Kingdom should not influence the salary groupings at this stage. Similarly, there should not be differentiation between posts (eg tribunal member posts), on the grounds that they require surveyor or medical rather than legal qualifications.

The Judgement Panel are asked to form a view on the placement of posts, based on the criteria, without regard to the levels of pay that may be necessary to recruit and retain people of the required calibre. The SSRB will in due course consider whether, and how, labour market factors should be taken in to account in determining salary levels.

### **Considerations for the placement of posts**

When assessing the placement of a post it is necessary to consider both the depth and breadth of judicial responsibilities. For example, posts where the work covers a range of different jurisdictions might be considered equivalent to a post which requires a deep specialism in a single area.

The assessment of leadership should not only take account of the nature of responsibility but also the scale of that responsibility. For example, the post of the LCJ of England and Wales is placed in a higher group than the Lord President and the LCJ of Northern Ireland. The job summaries show that each has similar leadership responsibilities within



their jurisdictions, but the scale of those responsibilities are different. This may be particularly relevant when considering judicial posts that exercise leadership, but over relatively small numbers of people and resources.

In talking about leadership that is not currently recognised, we should not assume that recognising it means moving the post into a new salary band. SSRB has already, in its call for evidence, invited comments on the idea of time-limited allowances to recognise leadership among one's peers. Without pre-empting any SSRB decisions, it will be helpful if the Judgement Panel (JP) could consider if there are posts where that might be the right way to recognise leadership roles.

In general, judiciary post holders are experiencing more demanding and complex workloads. It is therefore necessary, if considering changes to a post's salary group, not to look at the post in isolation, but to take account of how its demands compare with those of other posts in its current salary group.

While we will want to take the Judgement Panel's view on this matter, we have started from the general assumption that, if the same judicial role appears to exist in different parts of the UK, then the judicial demands on that post are likely to be equivalent, unless there is obvious evidence to the contrary. For example, we would assume that an Employment Tribunal Judge is doing the same work in the four countries, except for additional jurisdiction of the Fair Employment Tribunal in Northern Ireland, and would therefore fall into the same salary group. It is assumed that differences in terms of volume of cases across different parts of the UK will not be handled by putting the post into a different salary group.

## Placement of “Other” posts

The area where there is less consensus amongst JPM is in the placement of the posts designated as “Other” which are not assigned to a salary group. The following notes may assist JPMs in their deliberation relating to these.

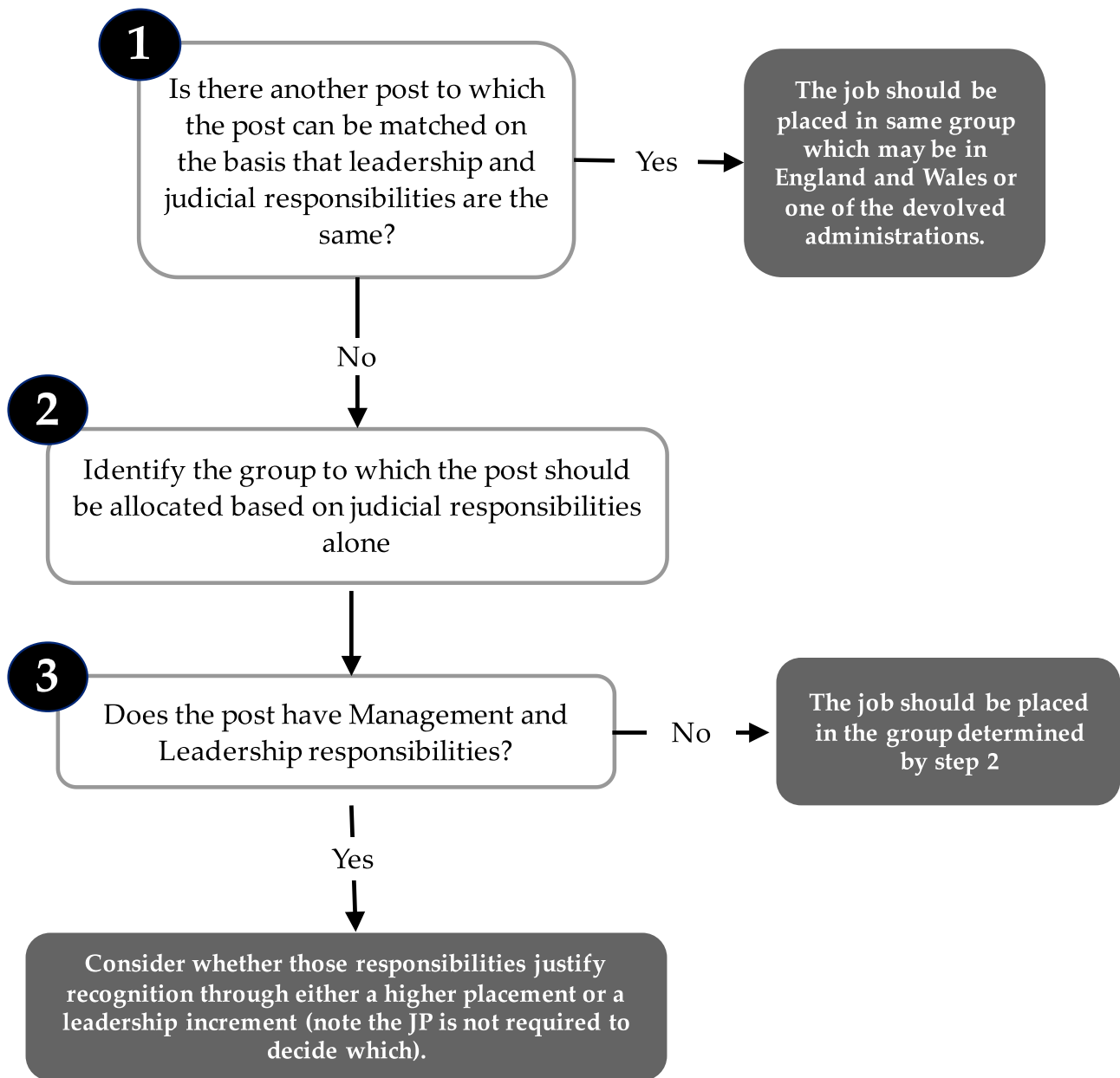
The “Other” posts are exclusively fee-paid posts. In line with recent legal judgments, a fee-paid judge should be placed in the same salary group as the relevant salaried judge, if such a post exists. However, it is recognised that there may be differences between salaried and fee-paid roles that SSRB will need to take into account when deciding on detailed pay arrangements. For example:

- Salaried posts may have leadership responsibilities, such as the management of fee-paid judges, which the equivalent fee-paid post would not have.
- In some jurisdictions salaried judges may deal with more complex cases than fee-paid judges. This could be because fee-paid judges may not be available to deal with lengthy cases and also because fee-paid judges may be less experienced. But whether, and to what extent, this happens may differ from case to case.

It would be helpful if JPMs, during the discussions, indicated any posts where they felt these considerations did, or did not, apply.

Most of the "Other" posts are Tribunal posts in the devolved administrations of Scotland, Northern Ireland and Wales, and some of them are newly-created. We will, at the Judgement Panel meeting, give members some proposed groupings for posts which appear to recur in different parts of the UK (eg a Legal Member of a Mental Health Tribunal), and indicate any existing posts which look reasonable matches. This is intended to help JP members think about which posts might naturally be grouped together.

JPMs may find the following flowchart helpful in their deliberations on the placement of Other posts.



## Annex C – List of judicial posts and changes

The posts for which the Judgement Panel suggested changes are shown in the colour of salary group to which the Judgement Panel proposed that they should move.

	E&W/UK		Scotland		Northern Ireland		Wales	
<b>1</b>	Lord Chief Justice	Salaried						
<b>1.1</b>	Master of the Rolls	Salaried	Lord President of the Court of Session	Salaried	Lord Chief Justice of Northern Ireland	Salaried		
	President of the Supreme Court	Salaried						
<b>2</b>	Chancellor of the High Court	Salaried	Lord Justice Clerk	Salaried				
	Deputy President of the Supreme Court	Salaried						
	Justices of the Supreme Court	Salaried						
	President of the Family Division	Salaried						
	President of the Queen's Bench Division	Salaried						
	Senior President of Tribunals	Salaried						
<b>3</b>	Lords/Lady Justices of Appeal	Salaried	Inner House Judges of the Court of Session	Salaried	Lords/Lady Justices of Appeal (Northern Ireland)	Salaried		
<b>4</b>	High Court Judge	Salaried	Outer House Judges of the Court of Session	Salaried	High Court Judges (Northern Ireland)	Salaried	President of Welsh Tribunals	Fee Paid
	Deputy High Court Judge England and Wales	Fee Paid	Temporary Judge (Scotland)	Fee Paid	Presiding Coroner (Northern Ireland)	Salaried		
					Deputy High Court Judge Northern Ireland	Fee Paid		

	E&W/UK		Scotland		Northern Ireland		Wales	
					Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	Fee Paid		
<b>5</b>	Chamber Presidents of First-tier Tribunals	Salaried	Chairman, Scottish Land Court / President, Lands Tribunal for Scotland	Salaried	Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	Salaried		
	Circuit Judge of the Employment Appeals Tribunal	Salaried	Sheriffs Principal	Salaried	Recorder of Belfast (30)	Salaried		
	Judge Advocate General	Salaried	President, Mental Health Tribunal for Scotland	Fee Paid				
	Judge of the First Tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal	Salaried	Temporary Sheriff Principal (Scotland)	Fee Paid				
	President, Employment Tribunals (England & Wales)	Salaried						
	President, Employment Tribunals (Scotland)	Salaried						
	Senior Circuit Judge (leadership)	Salaried						
	Senior Circuit Judge (non-leadership)	Salaried						
	Senior District Judge (Chief Magistrate)	Salaried						
	Vice Presidents of the Upper Tribunal (Immigration and Asylum Chamber)	Salaried						

6.1		E&W/UK		Scotland		Northern Ireland		Wales	
		Circuit Judge (leadership)	Salaried	Sheriffs	Salaried	County Court Judge (Northern Ireland)	Salaried		
		Circuit Judge (non-leadership)	Salaried	Part-time Sheriff (Scotland)	Fee Paid	President, Appeals Tribunal (Northern Ireland)	Salaried		
		Deputy Chamber President, Health, Education & Social Care Chamber	Salaried	Deputy Chair of the Scottish Land Court	Salaried	President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	Salaried		
		Deputy Chamber President, Property Chamber – Upper Tribunal Lands	Salaried	Legal Members, The Lands Tribunal for Scotland	Salaried	President, Lands Tribunal Northern Ireland	Salaried		
		Regional Employment Judge	Salaried			Social Security and Child Support Commissioner (Northern Ireland)	Salaried		
		Regional Judge	Salaried						
		Registrar of Criminal Appeals	Salaried						
		Senior Masters and Registrars	Salaried						
		Upper Tribunal Judge	Salaried						
		Vice-President, Employment Tribunal (Scotland)	Salaried						
		Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment)	Fee Paid						
		Recorder	Fee Paid						
		Upper Tribunal Judge (where a legal qualification is a	Fee Paid						

	E&W/UK		Scotland		Northern Ireland		Wales	
	requirement of appointment)							
<b>6.2</b>	Chamber President of the First Tier Tribunal, War, Pensions and Armed Forces Compensation Chamber	Salaried	Surveyor Members, Lands Tribunal (Scotland)	Salaried	Member, Lands Tribunal (Northern Ireland)	Salaried	President, Mental Health Review Tribunal (Wales)	Salaried
	Deputy Senior District Judge (Magistrates' Courts)	Salaried			Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	Salaried		
	Designated Judge, First Tier Tribunal, Immigration & Asylum Chamber	Salaried			President and Deputy President of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943	Fee Paid		
	Principal Judge, First-tier Tribunal, Property Chamber - Land Registration	Salaried			President, Special Educational Needs and Disability Tribunal for Northern Ireland	Fee Paid		
	Surveyor Members, Upper Tribunal (Lands)	Salaried						
	Vice-Judge Advocate General	Salaried						
	Surveyor member (Chair only) Upper Tribunal Lands	Fee Paid						
<b>7</b>	Assistant Judge Advocates General	Salaried	Summary Sheriff (Scotland)	Salaried	Coroners (Northern Ireland)	Salaried	Legal Chair Special Educational Needs Tribunal Wales (where a legal	Fee Paid

E&W/UK		Scotland		Northern Ireland		Wales	
						qualification is a requirement of appointment)	
Bankruptcy Registrar	Salaried	Chamber President, Health and Education Chamber of First Tier Tribunal for Scotland	Fee Paid	District Judge (Magistrates' Courts) (Northern Ireland)	Salaried	Legal Member Mental Health Tribunal Wales (where a legal qualification is a requirement of appointment)	Fee Paid
Chief Medical Member, First-tier Tribunal	Salaried	Chamber President, Housing and Property Chamber of First-tier Tribunal for Scotland	Fee Paid	District Judge (Northern Ireland)	Salaried	President Adjudication Panel Wales	Fee Paid
Deputy Regional Judge, Property Chamber	Salaried	Chamber President, Tax Chamber of First-tier Tribunal for Scotland	Fee Paid	Employment Judge (Northern Ireland)	Salaried	President of Special Educational Needs Tribunal Wales	Fee Paid
Deputy Regional Valuer, Property Chamber	Salaried	Legal Member, First-tier Tribunal for Scotland – assigned to Housing and Property	Fee Paid	Full-time Salaried Legal Member of the Appeal Tribunal (Chair) (Northern Ireland)	Salaried	President of the Rent Assessment Committees Wales	Fee Paid
District Judge	Salaried	Legal Member, First-tier Tribunal for Scotland – assigned to Tax Chamber	Fee Paid	Masters of the Court of Judicature (Northern Ireland)	Salaried	President Welsh Language Tribunal	Fee Paid
District Judge (Magistrates' Courts)	Salaried	Legal Member, First-tier Tribunal for Scotland, Assigned to the Health and Education Chamber	Fee Paid	Presiding District Judge (Magistrates' Courts) (Northern Ireland)	Salaried	President, Agricultural Land Tribunal Wales	Fee Paid
Employment Judge	Salaried	Legal Member, Mental Health Tribunal for Scotland	Fee Paid	Presiding District Judge (Northern Ireland)	Salaried		

	<b>E&amp;W/UK</b>		<b>Scotland</b>		<b>Northern Ireland</b>		<b>Wales</b>	
	Judge of the First-tier Tribunal	Salaried	Legal Member, Pensions Appeals Tribunal for Scotland	Fee Paid	Presiding Master of the Court of Judicature (Northern Ireland)	Salaried		
	Masters and Cost Judges	Salaried	Part-time Summary Sheriff (Scotland)	Fee Paid	Chairman, Criminal Injuries Compensation Appeals Panel for Northern Ireland	Fee Paid		
	Regional Judge, Property Chamber	Salaried	President, Pensions Appeals Tribunal for Scotland	Fee Paid	Chairman, Mental Health Review Tribunal	Fee Paid		
	Salaried (Regional) Medical Members, Social Entitlement Chamber	Salaried			Chairman, Special Educational Needs and Disability Tribunal for Northern Ireland	Fee Paid		
	Deputy Bankruptcy Registrar	Fee Paid			Deputy Child Support Commissioner for Northern Ireland	Fee Paid		
	Deputy District Judge	Fee Paid			Deputy District Judge (Northern Ireland)	Fee Paid		
	Deputy District Judge (Magistrates' Court)	Fee Paid			Deputy Social Security Commissioner for Northern Ireland	Fee Paid		
	Deputy Masters and Cost Judges	Fee Paid			Deputy Statutory Officer (Northern Ireland)	Fee Paid		
	First-tier Tribunal Judge (where a legal qualification is a requirement of appointment)	Fee Paid			Fee-Paid Employment Judge, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	Fee Paid		
	Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment)	Fee Paid			Legal Chair, Care Tribunal	Fee Paid		



	E&W/UK		Scotland		Northern Ireland		Wales	
	Valuer Chair, First-tier Tribunal (Property Chamber) Residential Property	Fee Paid			Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943 (112)	Fee Paid		
					Legal Member, Appeal Tribunals	Fee Paid		
					Legal Member, Mental Health Review Tribunal	Fee Paid		
					President, Charity Tribunal for Northern Ireland	Fee Paid		
					President, Northern Ireland Valuation Tribunal	Fee Paid		
					Deputy President Pensions Appeal Tribunals for Northern Ireland	Fee Paid		
<b>8</b>	Non-legal Chair, Criminal Injuries Compensation Appeals Panel	Fee Paid	Adjudicator, Parking and Bus Lane Adjudicators	Fee Paid	Adjudicator, Northern Ireland Traffic Penalty Tribunal	Fee Paid	Legal Member Adjudication Panel for Wales	Fee Paid
			Legal Member, Police Appeals Tribunal	Fee Paid	Legal Adjudicator, Criminal Injuries Compensation Appeals Panel for Northern Ireland	Fee Paid	Legal member Agricultural Land Tribunal Wales	Fee Paid
			Legal Member, Scottish Charity Appeals Panel	Fee Paid	Legal Chairman, Northern Ireland Health and Safety Tribunal	Fee Paid	Legal Member of the Rent Assessment Committee Wales	Fee Paid
			Legal Member, Upper Tribunal for Scotland	Fee Paid	Legal Member, Charity Tribunal for Northern Ireland	Fee Paid	Legal Member Welsh Language Tribunal	Fee Paid

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<b>E&amp;W/UK</b>		<b>Scotland</b>		<b>Northern Ireland</b>		<b>Wales</b>	
		Member of the Scottish Land Court	Salaried	Legal Member, Northern Ireland Valuation Tribunal	Fee Paid		