



Office of Manpower Economics

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The Right Honourable Theresa May MP
Prime Minister
10 Downing Street
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28 September 2018

Dear Prime Minister,

THE MAJOR REVIEW OF THE JUDICIAL SALARY STRUCTURE

I am pleased to enclose the SSRB's Report on its Major Review of the Judicial Salary Structure.

The key findings of the Review, as set out in the Executive Summary to the report, are as follows:

- A respected and effective judiciary, at all levels, is fundamental to a democratic society.
- The UK judiciary's reputation has historically been extremely strong. Businesses and individuals from all over the world have wanted their cases to be heard in this country. Legal services had a trade surplus worth £3.4 billion in 2015.
- This international excellence is now under threat. Judges at all levels are recruited from serving legal professionals, mainly barristers (and advocates)



and solicitors. However, it has recently not been possible to fill all the vacancies for the High Court, difficult to fill all the vacancies on the Circuit Bench, and problems are starting to emerge at District Bench level. These problems are unprecedented.

- The recruitment problems are principally occurring because the conditions of service for a judge have become much less attractive to potential applicants. Changes to tax and pensions mean that the total net remuneration in real terms for a new High Court Judge is worth £80,000 less than it was 10 years ago (a 36 per cent decrease); for a new Circuit Judge, it is £49,000 less (a 30 per cent decrease); and for a new District Judge, it is £29,000 less (a 21 per cent decrease).
- In addition, factors other than pay have been affecting recruitment. These include inadequate administrative and IT support for judges in the courts, a significant increase in workload, inflexible working patterns, inadequate rewards for judges taking on leadership roles, and a large-scale breakdown in trust in the government. Many of these factors have been deteriorating over time. In the last Judicial Attitude Survey (JAS), only 2 per cent of judges in England and Wales said they felt valued by government.
- Those who do join the judiciary are motivated by a challenging job and by providing a valuable public service. These expectations are generally fulfilled.
- The problem is that potential judges from the senior ranks of the legal profession are not applying in sufficient numbers. This situation requires urgent and effective intervention. It is generally accepted that the public sector cannot match the rewards for a top QC or solicitor. However, the judicial role needs to be made more attractive in order to recruit high quality legal professionals as judges.
- We are therefore recommending significant increases in the remuneration of judges, with the largest pay increases going where there is the most obvious recruitment need. In reaching our conclusions, we have looked at the needs at different levels of the judiciary. We have also taken account of the high value



of the 1993 Judicial Pension Scheme (JUPRA) to judges who are in membership, compared to the 2015 New Judicial Pension Scheme (NJPS).

- For judges covered by the NJPS, we recommend that the gross pay of a High Court Judge (group IV) should rise to £240,000, backdated to April 2018 (an increase of 32 per cent); that of a Circuit Judge and equivalents (group V) to £165,000 (an increase of 22 per cent); and that of a District Judge and equivalents (group VI) to £117,000 (an increase of 8 per cent).
- For all judges in JUPRA, we recommend a 2.5 per cent pay increase, backdated to April 2018.
- We recognise that it is not ideal for judges at the same level to be paid different base salaries. However, judges are already getting very different total net remuneration, depending on whether they are in the 1993 JUPRA or the 2015 NJPS pension scheme. Even after our recommended pay increases, judges on the 1993 scheme will still be receiving higher total net remuneration than those on the 2015 scheme.
- It is our view that any JUPRA judge who wishes to switch to the NJPS and secure the higher basic pay award should be free to do so.
- We are conscious that there are some serious concerns about the retention of JUPRA judges, and that this situation could deteriorate quickly. The MoJ is best placed to weigh up the risks and benefits of committing additional resources towards retention. There are a range of pay-related measures that could be considered. The SSRB would be happy to comment on specific propositions, and to do so quickly, if desired.
- We are also recommending new pay supplements to recognise judges in groups V and VI who take on extra leadership responsibilities, regardless of pension scheme membership. These supplements should only apply for the time that judges undertake these leadership responsibilities.
- We stress that these changes in pay need to be accompanied by improvements in workforce planning, improved court infrastructure, and more opportunities for salaried judges to achieve a better work-life balance.



- This Major Review was commissioned by the then Lord Chancellor in October 2016 and was re-endorsed by subsequent Lord Chancellors, each of whom confirmed that they would consider its recommendations seriously and in a timely fashion. We trust that this commitment will be met.

I stress the importance of this final bullet point and that the government should engage expeditiously with our recommendations.

I am sending copies of this letter and the report to the Chief Secretary to the Treasury and the Lord Chancellor and Secretary of State for Justice.

Yours
Martin Read

Dr Martin Read CBE
Chair
Senior Salaries Review Body

