



Ministry
of Justice

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JUDICIAL PAY REVIEW 2020-21

First, I would like to thank the Senior Salaries Review Body (SSRB) for its wide-ranging Major Review. The Government has accepted many of the SSRB's recommendations and its report has been crucial to informing the direction of travel on judicial remuneration. I can assure you that the robust and independent advice given by the SSRB to the Government is highly valued and that I attach considerable importance to the expert and independent judgement of the SSRB.

I am pleased to write to you to formally commission the SSRB to undertake the 20/21 pay review for all salaried judicial office holders for whom I set the rate of remuneration. This letter sets out the details of that commission.

Context for 2020/21

As you will be aware, my Department must balance the need to have a remuneration package which helps attract the best legal minds to take up, and remain in, judicial office, with the need to ensure value for money for taxpayers and meet increasing demands on the justice system. For these reasons, I expect affordability to be a key part of your consideration when determining your recommendations. I will set out more detail of my Department's affordability position in our written evidence.

In line with your observations in the Major Review the Government's response committed to implement a long-term pensions solution which addresses the causes of recruitment problems highlighted. The Government is also now considering the impact of the outcome of the *McCloud* litigation. In addition, the Government has also announced a review of the Annual Allowance taper. While this work continues, I would ask the SSRB to provide its pay award recommendation for the judiciary regardless of individual judges' pension scheme membership.

I am acutely aware that in the Government's response to the SSRB's Major Review we committed to seeking further advice from the SSRB on a few specific points. While I hope over time we will be able to respond to your recommendations to develop greater capacity for judicial HR, I believe that these questions must be resolved promptly to provide certainty to the relevant judicial offices holders, and that they cannot wait for another Major Review. I have set out my proposal for this year in the detailed remit section below.

As you will know, in response to the Major Review's worrying findings regarding recruitment and retention issues at key tiers of the judiciary, the Government announced recruitment and retention allowances

(RRA) for certain judicial office holders where there was overwhelming evidence of recruitment problems. The Major Review found emerging evidence of a recruitment problem at the District bench. While the Government concluded that this did not justify the introduction of the RRA for District Judges, we made clear our commitment to closely monitor this situation. Since then, of course, the 2019/20 increase has had an impact on the pensions tax payable by this cohort. As I have already emphasised, the long-term pensions solution to which this government has committed will address the underlying issues here. However, I am aware that there continues to be evidence of recruitment problems at the District Bench. I would therefore ask the SSRB to consider carefully all of the latest available evidence on recruitment and retention within salary group 7, and in particular at the District Bench, when making, and within the limits of, its annual award recommendation.

Detailed remit

I would like the SSRB to make recommendations to Government on the annual judicial pay award for 2020/21 for all judicial office holders for whom I set the rate of remuneration. This should take account of evidence which will be provided by my Department on the affordability of any award as well as evidence on recruitment, retention and diversity of judges. I plan to submit written evidence to you in November 2019.

Following the Government's Response to the Major Review, I would also be grateful if the SSRB could consider the appropriate salary group placement of:

- Upper Tribunal Judges, and
- Senior Masters and Registrars, specifically the offices of Senior Master of the Queen's Bench Division, Chief Chancery Master, Senior Costs Judge, and Chief Insolvency and Company Court Judge.

In its Major Review response, the Government committed to asking the SSRB to look specifically at these roles because we were unable to accept the SSRB's proposal of a revised salary structure with incremental allowances to reflect leadership responsibilities, and therefore had to adopt an interim position for these two judicial offices. I would ask that recommendations in this area consider whether the two offices in scope are appropriately placed in their current salary grouping, whether they should instead be moved to a higher salary group, or whether a new group in between two existing groups (for example, between groups 6.1 and 5) should be created as the most appropriate place for one or both of these offices. Again, my Department, working with the Judicial Office, will provide evidence to inform the SSRB's recommendations.

I thank you again for your Major Review and look forward to considering your recommendations for judicial pay, which I expect to receive by March 2020. I would be happy to discuss the contents of this letter and my office will be in touch to arrange a convenient time.

RT HON ROBERT BUCKLAND QC MP