

Terms of Reference for the Major Review of the Judicial Salary Structure

Background

- 1) The Senior Salaries Review Body (SSRB) will carry out a Major Review of the Judicial Salary Structure across the United Kingdom with the aim of submitting advice to the Lord Chancellor by November 2026. The last Major Review report was submitted in October 2018.
- 2) A Major Review provides an opportunity to examine more fundamental issues affecting the judicial pay structure. Judicial pay is among the highest in the public sector, reflecting the expertise and experience required. The judiciary have received pay awards of 7% and 6% over the last two pay rounds, which met the SSRB's recommendations in full. The overall judicial remuneration for the 2024/25 financial year is estimated at £778 million.

Purpose and remit

- 3) In making recommendations the SSRB should consider wider public sector pay policy set out in evidence and budgetary constraints. The Ministry of Justice will outline affordability considerations in its evidence submission. To maximise value for money, recommendations should support wider aims to improve productivity across the justice system.
- 4) The Major Review will address key issues affecting the judiciary, including issues previously identified in the SSRB annual reports. This Major Review will be more focused than in 2018 with a focus on the issues at paragraph 5, producing recommendations that the government can implement to address these.
- 5) Key issues to address are:
 - a) **Recruitment shortfalls**
 - i) Ensuring consistent recruitment of high calibre judges by addressing persistent recruitment challenges in specific judicial offices and regions, and the extent to which pay incentivises candidates to apply, including reviewing the effectiveness of the London Weighting allowance.
 - ii) Recommend a range of flexible pay options to draw on to address current recruitment issues, and options that could be used in similar future scenarios as they may arise.
 - iii) Consider flexible pay options to respond to temporary increases in demand. Options should cover both recruitment into the judiciary and attracting existing judicial office holders.
 - b) **Attractiveness of judicial offices**

- i) Assess the extent to which pay is a factor in the attractiveness of judicial office and deliver recommendations which help sufficiently retain high calibre judges to keep the justice system running to capacity.
- ii) Evaluate whether the relative attractiveness of salaried and fee-paid office is supporting adequate resourcing, and whether/to what extent pay is a factor in decisions to apply to salaried office.
- iii) Assess the extent to which roles and responsibilities differ across salaried and fee-paid office and make observations on whether the evidence supports differentiating pay between the two.

c) Organisation and leadership

- i) Assess the extent to which leadership and management functions are required across the judiciary and how these can support greater efficiency in the justice system, including how those with leadership responsibilities might lead the out-of-court work of their judges.
 - ii) Evaluate whether the current level of remuneration is effective in incentivising recruitment into leadership posts and management roles to enable the judiciary to carry out this important work, and the arrangements in place to assess whether leadership expectations are being met. This should include ensuring that the Sheriffs Principal and Chief Coroner posts are appropriately remunerated to reflect leadership responsibilities, within the existing pay structure.
 - iii) Additional roles may also need to be considered, based on submitted evidence.
- 6) The SSRB should consider the potential impacts of ongoing and future reform activities across the justice sector throughout the course of the Major Review, including the Independent Review of the Criminal Courts.

Scope of the Review

- 7) The following roles are in scope of the Major Review:
- a) Salaried judicial posts whose pay is the responsibility of the Lord Chancellor.
 - b) Fee-paid judges who have a salaried comparator post; primarily in seeking to understand the fee-paid to salaried pipeline.
 - c) Devolved judicial posts; The SSRB should consider evidence from the devolved administrations on the roles of salaried and fee-paid devolved posts.
 - d) Fee-paid non-legal members in devolved administrations that fell outside of the scope of the SSRB's *Non-Legal Members Fees Review 2023*. The devolved administrations will give evidence to the SSRB on issues affecting these offices.
- 8) Aside from the posts in 7.d), fee-paid non-legal members are out of scope for this Major Review, with the SSRB having undertaken a review of these fees recently

- 9) Annex A provides a list of all posts in scope of the Major Review.
- 10) Recommendations should utilise the existing salary bands where possible. The salary structure should move towards coherence and simplicity and facilitate flexibility in cross-deployment between offices. The SSRB may recommend where certain appointments should move to different bands.
- 11) While total remuneration and benefits are relevant, further pension reforms and substantive changes to judicial terms and conditions of appointment are outside the remit of this review. The Ministry of Justice recognises that some aspects of terms and conditions may have implications for pay, and therefore the SSRB may want to make observations on these elements.
- 12) The Advisory and Evidence Group will provide a forum to consider wider issues which arise in the course of the process, including the outcomes of wider reviews in the justice system.
- 13) The SSRB will continue to undertake annual reviews of judicial pay alongside the Major Review. These annual reviews will ensure that the Lord Chancellor continues to receive the SSRB's advice on the overall judicial paybill, taking the macroeconomic factors at the time (e.g. inflation or private sector wage growth) under consideration.

Process

- 14) The SSRB are an independent pay review body which, among other remit groups, provides advice to the Lord Chancellor on matters relating to judicial remuneration. In conducting the Major Review, the SSRB will, as relevant, operate in accordance with their general Terms of Reference as issued by the Cabinet Office.
- 15) It is expected that the SSRB will provide recommendations for the 2025/26 (currently underway) and the 2026/27 pay rounds in the interim and ensure effective coordination between those reviews and the Major Review. The Lord Chancellor will write to the Chair of the SSRB to set out the remit and anticipated timelines for these as the Major Review progresses.
- 16) 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:
 - Ministry of Justice;
 - Lady Chief Justice of England and Wales;
 - Senior President of Tribunals;

- Scottish Government;
- Lord President of the Court of Session;
- President of the Scottish Tribunals;
- Northern Ireland Executive;
- Lady Chief Justice for Northern Ireland;
- Welsh Government;
- President of Welsh Tribunals;
- Judicial Appointments Commission, Northern Ireland Judicial Appointments Commission, Judicial Appointments Board for Scotland

17) The purpose of the Advisory and Evidence Group is to:

- a) provide advice to the SSRB on the organisation and operation of the judiciary as required;
- b) help ensure the SSRB has timely access to the required data and information;
- c) support the SSRB in resolving gaps and inconsistencies in evidence as they emerge;
- d) support the SSRB in ensuring any research which the SSRB may commission as part of the review adds genuine value and represents good value-for-money.

18) 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.

19) 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.