

Terms of Reference for the Review of the Judicial Salary Structure

1. The Review Body on Senior Salaries will carry out a review of the salary structure for the judiciary across the United Kingdom with the aim of submitting its advice to the Lord Chancellor by June 2018.

Purposes of the review

2. The review will, as relevant, operate in accordance with the SSRB's general Terms of Reference as set out in Appendix 1.
3. It will have regard to the Government policy that public sector pay awards will average 1 per cent in each year up to 2019-20 and that pay awards should be targeted where possible. However, the SSRB will need to look fundamentally at the pay structure, taking into account judicial recruitment in the light of the external market, retention and motivation. The changing nature of judicial roles will also be relevant. It is, therefore, not possible to determine in advance the overall change in the judicial pay budget that the recommendations of this review may imply.
4. The purposes of the review are to:
 - (i) determine whether the current structure of judicial salary groups is fit for purpose in the light of future plans for the justice system in each jurisdiction and recent and expected changes in the nature of work undertaken at different levels;
 - (ii) determine whether the structure of judicial salary groups can be simplified;
 - (iii) consider whether there are newly created and transferred judicial posts which need to be allocated to salary groups;
 - (iv) consider evidence on the appropriate grouping of judicial posts;
 - (v) consider what remuneration differentials between salary groups are justified by the relative job weight of the posts in each group, taking into account the nature of the different roles and the skills required, and different recruitment pools;

(vi) consider whether total remuneration for each salary group is correctly set, including in relation to that of appropriate recruitment pools in the legal profession, in order to recruit high calibre office holders at all levels of the judiciary;

(vii) consider whether total remuneration for each salary group is correctly set, including in relation to senior people elsewhere in the public sector, bearing in mind the unique responsibilities and constraints of judicial office, in order to retain and motivate high calibre office holders at all levels of the judiciary;

(viii) consider how best to reward and incentivise judicial leadership; and

(ix) make recommendations as appropriate in the light of evidence received and the review body's judgement.

Scope of the review

5. The review covers salaried judicial posts whose pay is the responsibility of the Lord Chancellor and fee paid judges who have comparators with those posts. In addition, it includes fee paid courts judges whose pay is the responsibility of Scottish Ministers, judges and legal members in the devolved tribunal systems in Scotland, Wales and Northern Ireland, and the new post of Summary Sheriff in Scotland. The corresponding list of all judicial posts in scope for the review is set out in Appendix 2.

Process

6. 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:

- Lord Chief Justice for England and Wales;
- Lord President of the Court of Session;
- Lord Chief Justice for Northern Ireland;

- Senior President of Tribunals;
- Ministry of Justice;
- Scottish Government;
- Northern Ireland Executive; and the
- Judicial Appointments Commission

7. The purpose of the Advisory and Evidence Group is to:

- provide advice to the SSRB on the organisation and operation of the judiciary as they affect the review;
- help ensure the SSRB has timely access to the required data and information;
- help assess gaps and inconsistencies in evidence as they emerge and how they might be addressed; and
- help ensure any research which the SSRB may commission as part of the review adds genuine value and represents good value-for-money.

8. 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.

9. 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.

Appendix 1: Terms of Reference of the Review Body on Senior Salaries

The Review Body on Senior Salaries provides independent advice to the Prime Minister, the Lord Chancellor, the Home Secretary, the Secretary of State for Defence, the Secretary of State for Health and the Minister of Justice for Northern Ireland on the remuneration of holders of judicial office; senior civil servants; senior officers of the armed forces; very senior managers in the NHS¹; police and crime commissioners, chief police officers in England, Wales and Northern Ireland; and other such public appointments as may from time to time be specified.

The Review Body may, if requested, also advise the Prime Minister from time to time on Peers' allowances; and on the pay, pensions and allowances of Ministers and others whose pay is determined by the Ministerial and Other Salaries Act 1975. If asked to do so by the Presiding Officer and the First Minister of the Scottish Parliament jointly; or by the Speaker of the Northern Ireland Assembly; or by the Presiding Officer of the National Assembly for Wales; or by the Mayor of London and the Chair of the Greater London Assembly jointly; the Review Body also from time to time advises those bodies on the pay, pensions and allowances of their members and office holders.

In reaching its recommendations, the Review Body is to have regard to the following considerations:

- the need to recruit, retain, motivate and, where relevant, promote suitably able and qualified people to exercise their different responsibilities;
- regional/local variations in labour markets and their effects on the recruitment, retention and, where relevant, promotion of staff;
- Government policies for improving the public services including the requirement on departments to meet the output targets for the delivery of departmental services;
- the funds available to departments as set out in the Government's departmental expenditure limits;
- the Government's inflation target.

¹ NHS Very Senior Managers in England are chief executives, executive directors (except medical directors), and other senior managers.

In making recommendations, the Review Body shall consider any factors that the Government and other witnesses may draw to its attention. In particular, it shall have regard to:

- differences in terms and conditions of employment between the public and private sector and between the remit groups, taking account of relative job security and the value of benefits in kind;
- changes in national pay systems, including flexibility and the reward of success; and job weight in differentiating the remuneration of particular posts;
- the relevant legal obligations, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability.

The Review Body may make other recommendations as it sees fit:

- to ensure that, as appropriate, the remuneration of the remit groups relates coherently to that of their subordinates, encourages efficiency and effectiveness, and takes account of the different management and organisational structures that may be in place from time to time;
- to relate reward to performance where appropriate;
- to maintain the confidence of those covered by the Review Body's remit that its recommendations have been properly and fairly determined;
- to ensure that the remuneration of those covered by the remit is consistent with the Government's equal opportunities policy.

The Review Body will take account of the evidence it receives about wider economic considerations and the affordability of its recommendations.

Appendix 2: Judicial Posts in Scope of the Review

Salaried Judges

Lord Chief Justice

Lord Chief Justice of Northern Ireland

Lord President of the Court of Session

Master of the Rolls

President of the Supreme Court

Chancellor of the High Court

Deputy President of the Supreme Court

Justices of the Supreme Court

Lord Justice Clerk

President of the Family Division

President of the Queen's Bench Division

Senior President of Tribunals

Inner House Judges of the Court of Session

Lords/Lady Justices of Appeal

Lords/Lady Justices of Appeal (Northern Ireland)

High Court Judges²

High Court Judges (Northern Ireland)³

Outer House Judges of the Court of Session

Vice-Chancellor of the County Palatine of Lancaster

² Includes the posts of President, Employment Appeal Tribunal and the Presidents of the Upper Tribunal (Tax and Chancery Chamber, Administrative Appeals Chamber and Lands Chamber) who are High Court Judges.

³ High Court Judges in Northern Ireland are also known as Puisne Judges. Includes the post of President of the Upper Tribunal (Immigration and Asylum Chamber), who is a High Court Judge in Northern Ireland.

Judge of the First tier Tribunal (Social entitlement Chamber) and Deputy Judge of the Upper Tribunal (former Chief Asylum Support Adjudicator, Asylum Support Tribunal)

Chairman, Scottish Land Court / President, Lands Tribunal for Scotland
Chamber Presidents of First-tier Tribunals (Immigration and Asylum Chamber, General Regulatory Chamber, Health, Education & Social Care Chamber, Property Chamber, Social Entitlement Chamber, and Tax Chamber)

Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)

Circuit Judges at the Central Criminal Court in London (Old Bailey Judges)

Judge Advocate General

Permanent Circuit Judges, Employment Appeals Tribunal

President, Employment Tribunals (England & Wales)

President, Employment Tribunals (Scotland)

Recorder of Belfast

Recorder of Liverpool

Recorder of Manchester

Senior Circuit Judges

Senior District Judge (Chief Magistrate)

Senior District Judge, Principal Registry of the Family Division⁴

Sheriffs Principal

Specialist Circuit Judges, Chancery, Mercantile, Patents & Technology & Construction Court

Vice Presidents of the Upper Tribunal (Immigration and Asylum Chamber) (former Deputy Presidents, Asylum and Immigration Tribunal)

Chamber President of the First tier Tribunal (War, Pensions and Armed Forces Compensation Chamber)

Chief Bankruptcy Registrar

Chief Chancery Master

Circuit Judges

⁴ This role is unfilled and Judicial Office will advise if this can be removed.

County Court Judges (Northern Ireland)
Deputy Chamber Presidents (Health, Education & Social Care Chamber)
President, Appeals Tribunal (Northern Ireland)
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)
President, Lands Tribunal Northern Ireland
Regional Employment Judges (formerly Regional Chairmen, Employment Tribunal)
Registrar of Criminal Appeals
Senior Costs Judge
Senior Judge of the Court of Protection
Sheriffs
Social Security and Child Support Commissioner (Northern Ireland)
Upper Tribunal Judges (Administrative Appeals Chamber, Immigration and Asylum Chamber⁵, Lands Chamber and Tax and Chancery Chamber)
Vice-President, Employment Tribunal (Scotland)

Chairman, Mental Health Review Tribunal (Wales)⁶
Deputy Senior District Judge (Magistrates' Courts)
Principal Judge, First-tier Tribunal (Property Chamber)
Surveyor Members, Lands Tribunal (Northern Ireland)
Surveyor Members, Lands Tribunal (Scotland)
Surveyor Members, Upper Tribunal (Lands)
Vice-Judge Advocate General
Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)

Assistant Judge Advocates General
Chairmen, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)
Chief Medical Member, First-tier Tribunal, Social Entitlement Chamber and Health, Education & Social Care Chamber
Coroners (Northern Ireland)
Costs Judges
District Judges

⁵ These judges are also called Senior Immigration Judges.

⁶ The Welsh Assembly Government is responsible for the Chairman of the Mental Health Review Tribunal (Wales) post

District Judges of the Principal Registry of the Family Division⁷

District Judges (Northern Ireland)

District Judges (Magistrates' Courts)

District Judges (Magistrates' Courts) (Northern Ireland)

Employment Judges (England and Wales and Scotland)

Judges of the First-tier Tribunal (Health, Education & Social Care Chamber,
Immigration and Asylum Chamber⁸, Property Chamber, Social Entitlement
Chamber, Tax Chamber and War Pensions and Armed Forces Compensation
Chamber)

Masters of the Senior Courts

Registrars of the Supreme Court

Masters of the Supreme Court (Northern Ireland)

Presiding District Judge (Magistrates' Courts) (Northern Ireland)

Salaried Medical Members, Social Entitlement Chamber

Summary Sheriff (Scotland)

Fee Paid Offices

Lord Justice of Appeal (sitting in retirement) England and Wales

Lord Justice of Appeal (sitting in retirement) Northern Ireland

High Court Judge (sitting in retirement) England and Wales

High Court Judge (sitting in retirement) Northern Ireland

Deputy High Court Judge England and Wales

Deputy High Court Judge Northern Ireland

Temporary Judge of the High Court under section 7(3) of the Judicature (Northern
Ireland) Act 1978

Deputy Supreme Court Master

Deputy Supreme Court Registrar

Deputy Circuit Judge

Recorder

⁷ This role is unfilled and Judicial Office will advise if this can be removed.

⁸ These judges are also called Immigration Judges.

Deputy Taxing Master
Deputy Costs Judge
Deputy Master of the Queen's Bench Division
Deputy Master of the Chancery Division
Deputy Bankruptcy Registrar
Deputy District Judge
Deputy District Judge of the Principal Registry of the Family Division
Deputy District Judge (Magistrates' Court)
First-tier Tribunal Judge (where a legal qualification is a requirement of appointment)
Upper Tribunal Judge (where a legal qualification is a requirement of appointment)
Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment)
Surveyor member (Chair only) Upper Tribunal Lands
Legal Chairman Mental Health Review Tribunal
Legal Member Mental Health Review Tribunal
Legal Chairman Special Educational Needs and Disability Tribunal
Legal Chairman Care Standards Tribunal
Legal Member Care Standards Tribunal
Judge of the Medical Appeal Tribunal
Immigration Adjudicator
Immigration Judge
Judge of the Immigration and Asylum Tribunal
Legal Member Immigration and Asylum Tribunal
Legal Member Appeals Service
Chairman Social Security Appeals Tribunal
Judge Social Security Appeals Tribunal
Deputy Social Security Commissioner
Judge Child Support Appeal Tribunal
Deputy Commissioner Child Support Appeal Tribunal
Judge of the Disability Appeal Tribunal
Legal Chair Criminal Injuries Compensation Appeals Panel
Non-legal Chair Criminal Injuries Compensation Appeals Panel
Chairman of VAT & Duties Tribunal
Commissioner for the Special Purposes of the Income Tax Acts

Deputy Commissioner for the Special Purposes of the Income Tax Acts

Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment)

Employment Tribunal Chairman

Temporary Judge of the Employment Appeal Tribunal (where a legal qualification is a requirement of appointment)

Temporary Assistant Judge Advocate General

Chairman Information Tribunal

Deputy Chairman Information Tribunal

Chairman Pensions Appeal Tribunals

Member (Chair only) First-tier Tribunal (Property Chamber) Residential Property

Legal Member Pensions Appeal Tribunal

Legal Chair Pensions Appeal Tribunal

Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943

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

Temporary Judge (Scotland)

Re-employed former Judge (Scotland)

Part-time Sheriff (Scotland)

Part-time Summary Sheriff (Scotland)

Temporary Sheriff Principal (Scotland)

Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)

Re-employed former Summary Sheriff, or part-time Summary Sheriff, acting as Summary Sheriff (Scotland)

Re-employed former Appeal Sheriff (Scotland)

Deputy Statutory Officer (Northern Ireland)

Deputy County Court Judge (Northern Ireland)

Deputy District Judge (Magistrates' Court) Northern Ireland

Deputy Social Security Commissioner for Northern Ireland

Deputy Child Support Commissioner for Northern Ireland

Deputy Coroner (Northern Ireland)

Member of a panel of Chairmen of Industrial Tribunals
Member of a panel of Chairmen of Fair Employment Tribunal
Member of a panel constituted under Article 7(1) of the Social Security (Northern Ireland) Order 1998 who is appointed to serve as a member of that panel and is a barrister or solicitor
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)

President of the Rent Assessment Committees Wales
Legal Member of the Rent Assessment Committee Wales
Legal Member Mental Health Tribunal Wales (where a legal qualification is a requirement of appointment)
Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment)
President of Special Educational Needs Tribunal Wales
President Welsh Language Tribunal
Legal Member Welsh Language Tribunal
Legal Member Adjudication Panel for Wales
Legal member Agricultural Land Tribunal Wales

Other Judges and legal members in the following devolved tribunal systems in Scotland and Northern Ireland:

Scotland

First-tier Tribunal for Scotland (The Homeowner Housing Panel and Private Rented Housing Panel and their respective Committees transferred in December 2016 and the Scottish Tax Tribunals will transfer in April 2017).
Upper Tribunal for Scotland
Additional Support Needs Tribunals for Scotland
Scottish Charity Appeals Panel
Mental Health Tribunal for Scotland
Pension Appeals Tribunal for Scotland

Northern Ireland

Care Tribunal

Charity Tribunal for Northern Ireland

Criminal Injuries Compensation Appeals Panel for Northern Ireland

Mental Health Review Tribunal

Northern Ireland Health and Safety Tribunal

Northern Ireland Traffic Penalty Tribunal

Northern Ireland Valuation Tribunal

Special Educational Needs and Disability Tribunal for Northern Ireland

A tribunal under Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972

Appeal Tribunals [Department for Communities]

Industrial Tribunals and Fair Employment Tribunal [Department for the Economy]