



Review Body on Senior Salaries

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Major Review of the Judicial Salary Structure Consultation on Job Placement

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SUMMARY

This consultation is part of the Major Review of the Judicial Salary Structure by the Review Body on Senior Salaries (SSRB), which was commissioned in October 2016 by the Lord Chancellor. It has two main objectives:

- a) To present the SSRB's initial conclusions on a future judicial salary structure, including whether any posts are proposed to move from their current salary groups; this follows an extensive Job Placement Research Exercise, supported by a Judgement Panel drawn from across the judiciary in all parts of the UK.
- b) To present the SSRB's initial propositions on how, in future, the pay system might reward and incentivise judicial leadership, and recognise high levels of judicial specialisation, while also becoming simplified.

The SSRB's initial conclusions are:

- a) There is no case for radical change to current judicial salary structures. A few posts should be moved to a different pay group, reflecting changes over recent years, but these are a minority.
- b) There is a strong case for changes to how the judicial salary structure is conceptualised, to support better, more flexible recognition for judges who take on leadership roles, especially in the current Salary Groups 5 and 6.1, and 6.2 and 7. At present, virtually the only way to recognise judicial leadership is to move a post into a higher salary group. This means that some judges who undertake important leadership roles that do not merit uplift to the next highest pay category are not currently rewarded. A more sophisticated system of leadership increments, that recognised these other leadership roles, would be highly beneficial.
- c) There is, and will remain, a need to continue to reward the small group of judges who are recognised (e.g. through success in a Judicial Appointments Commission (JAC) competition¹) as experts in highly specialised areas, and

¹ Throughout this document where the JAC is mentioned this includes equivalents in devolved administrations: the Judicial Appointments Board for Scotland (JABS) and Northern Ireland Judicial Appointments Commission (NIJAC).

who therefore take on the most complex specialist cases. There would be benefits in recognising such judges by awarding a single, substantial increment.

- d) To simplify the judicial salary group structure, the SSRB's preferred option is that current Salary Groups 5 and 6.1 should be combined into a new Group V, and Salary Groups 6.2 and 7 into a new Group VI. This change would be accompanied by introducing leadership increments, and an increment for a small group of specialist judges, as described above. **No changes to judicial job titles or status, or to terms of appointment, are envisaged in any of these proposals.**
- e) The value of the top leadership increment, and the value of the specialist increment, would, for Group V, be at least equivalent to the current Group 5 rate, and for Group VI to the current Group 6.2 rate, (both as increased to whatever level the SSRB recommends in this Major Review).
- f) The SSRB also proposes introducing a new Group VII, to capture a small number of posts which, for grading purposes, appear to fall at a lower level than the current Salary Group 7.

This represents a judicial salary structure that should be better adapted to current and future needs to incentivise leadership. The SSRB believes that these proposals would benefit the judiciary, without representing a significant change to the status quo, which the SSRB does not believe is required. The SSRB would welcome views, before it presents its final recommendations to government. It would, of course, be for government to accept or reject the recommendations, and decide on any timescales or transitional arrangements.

These proposals and this consultation do not cover judicial pay rates or the differentials between judicial salary groups. These questions are being considered separately by the SSRB, on the basis of earlier calls for evidence. Respondents to this consultation are asked not to repeat that earlier evidence but to respond to the issues about job placement and salary structure, rather than levels of pay.

Section 1. Introduction

Context

1.1. In October 2016, the then Lord Chancellor wrote to the chair of the Review Body on Senior Salaries (SSRB) to ask the review body to carry out a Major Review of the Judicial Salary Structure. At the core of the Major Review are two tasks: the allocation of in-scope judicial posts into groups to form the basis of a salary structure; and consideration of remuneration levels for each group.

1.2. This Consultation seeks information relevant to the judicial salary structure and the grouping of posts, including how best to recognise judicial leadership. The relevant sections of the Terms of Reference for the Major Review require the SSRB to:

- a. 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;
- b. determine whether the structure of judicial salary groups can be simplified;
- c. consider whether there are newly created and transferred judicial posts which need to be allocated to salary groups;
- d. consider evidence on the appropriate grouping of judicial posts; and
- e. consider how best to reward and incentivise judicial leadership.

1.3. The full Terms of Reference for the Major Review are at Appendix A².

1.4. This Consultation about the judicial salary structure represents one strand of evidence collection for the Major Review. This is an open consultation, but responses are particularly welcomed from the judicial office holders whose posts are included in the scope of the Review and their representative associations. The posts in scope of

² Further information on the Major Review can be found at <https://www.gov.uk/government/publications/letter-from-the-chair-of-the-ssrb-judicial-sub-committee-to-the-uk-judiciary>. Note that since the Terms of Reference were endorsed, it has been agreed that the SSRB will aim to deliver its report to government in September.

the Major Review, shown with reference to the current salary structure, are at Appendix B.

1.5. A separate Call for Evidence has already taken place to gather a range of information relating to remuneration³.

The grading structure and job placement

1.6. The SSRB commissioned a research exercise to consider the placement of posts in the current salary structure and, specifically, to highlight any inconsistencies and anomalies in the current post grading structure. This is referred to throughout this document as job placement or the Job Placement Research Exercise. An approach based on a judgement panel process was used which, through the provision of standardised job summaries for each post (compiled with the aid of the relevant judicial offices) and the involvement of a range of judges from across the UK, ensured that views on job placement were based on evidence about each role. The process did not have to lead to consensus about all posts but required that any disagreements about job placement be identified and understood. In the event, in the majority of cases, there was consensus on the placement of posts. The Job Placement Research Exercise is described further at Appendix C.

1.7. In addition, the SSRB has gathered evidence on job placement from its programme of visits, largely undertaken in late 2017, where members of the Judicial Sub-Committee met with members of the judiciary from across the UK. Substantial evidence has also been provided in responses to the Call for Evidence, including from over 40 judicial associations and representative groups.

1.8. This Consultation is specifically about the judicial salary structure, the placement of posts in this structure and how the structure should recognise leadership and specialist skills. Information is not being sought about rates of pay or the differentials in pay between salary groups. Evidence on these issues has been gathered separately, including in the Call for Evidence.

1.9. The SSRB will draw together the two strands of work – on salary structure and rates of pay – in its recommendations on the Major Review which it aims to present to government in September. It will be for government to determine whether to accept

³ The Call for Evidence closed on 28 February 2018.

the recommendations and the timescale for implementation. If accepted, the SSRB envisages that the detailed transitional arrangements would be a matter for further discussion: these are not a matter for this consultation. Separately, the SSRB will consider the levels of pay which might be appropriate at each level and the amounts payable as additional increments. Therefore, responses to this Consultation should focus on the principles of the proposed structure, without reference to how they might be implemented or any assumptions about levels of pay.

Consultation questions

1.10. This Consultation asks respondents to consider a series of questions and provide their views on, and evidence about: the salary structure, the placement of posts and the way that leadership and specialist posts should be treated in the salary structure. Respondents should answer the questions having considered the detail of, and basis for, the proposals as set out in this document without reference to possible levels of pay. The questions are presented, in context, in Sections 2 and 3 of this document and as a complete list in Section 4.

Responding to this Consultation

1.11. Please note that this is not a general call for evidence. Responses are requested to the specific questions set out in this Consultation document: respondents are not required to answer every question. Brief supporting arguments and evidence should be provided. However, if you have already submitted relevant material to the Call for Evidence and wish to highlight it, please cross-refer to your Call for Evidence submission. Please do not replicate material already provided.

1.12. All responses should be submitted electronically using the accompanying form to the following email address: judicialsalaries@beis.gov.uk. The deadline for responses is **Monday 14th May** 2018. The SSRB's secretariat team will email to confirm receipt of all responses to this Consultation. Please note, however, that the SSRB will not respond directly to evidence submissions. The Review Body's consideration of the evidence and the conclusions it draws will be included in its final published report on the Major Review which it aims to submit to the Lord Chancellor in September 2018.

1.13. If you require any further guidance or assistance, please email (judicialsalaries@beis.gov.uk) or contact the SSRB secretariat by telephone on 0207 211 8315 during normal office hours.

Section 2. Potential amendments to the current salary structure

Introduction

2.1. In considering the judicial salary structure, the Terms of Reference for the Review require that the following issues are addressed:

- a. How to ensure that the salary structure is fit for purpose into the future.
- b. How to create a straightforward and simple pay structure which is applicable across a range of organisations and in different jurisdictions.
- c. How to acknowledge and reward leadership responsibilities and the requirement for specialist skills across a breadth of posts.

2.2. The design of almost any pay system has to incorporate multiple objectives. In the case of the judiciary, the SSRB has heard, as a core principle, that each of the current judicial salary groups has to encompass a broad range of work, both in terms of specialisms and in taking on leadership roles. But there is also a strong view that there are occasions when it is essential for the pay system to recognise particular leadership responsibilities, and specialist skills or areas of work.

2.3. Considering the future judicial pay structure, the Terms of Reference ask the SSRB to consider the scope for simplification and to ensure that the structure is able to respond to any future changes in the justice system. The SSRB has heard no evidence for radical change, and does not believe its proposals would constitute radical change. However, it does believe there is some scope to make the pay structure clearer and conceptually simpler within the current framework.

2.4. The SSRB's preferred approach is set out below.

Leadership

2.5. The SSRB has heard two recurrent views on the leadership position. First, some existing leadership roles are not recognised in the existing salary structure, and ought to be. An important reason for this is that the only recognition typically currently available would be to move a post into a higher salary group. This makes it difficult to reward leadership positions that are less weighty than those currently recognised, but are nonetheless important.

2.6. A second view the SSRB has heard is that leadership roles that do attract extra reward should only do so while a judge is undertaking those roles. Some leadership roles are currently held by appointment until retirement (usually after recruitment by the JAC), and others are fixed term (some of which are not subject to JAC recruitment). It is not the intent of the SSRB to suggest altering those terms of appointment, or to alter the posts recruited through the JAC. But at present, a judge who moved from, for example, Group 6.1 to Group 5 by taking on the leadership of a larger circuit court jurisdiction, would continue to be paid on the Group 5 spot rate if they moved on, several years later, to take a less demanding circuit bench role. Such an arrangement had some rationale under the previous final-salary pension scheme. But under the new average salary scheme it should be made easier for the pay system to support, rather than impede, a judge who wished to move between more demanding and less demanding roles, and who might remain in the judiciary longer if this were possible.

2.7. The SSRB therefore proposes that two, or perhaps three, levels of leadership increment could be introduced, to recognise intermediate leadership roles within a salary group. Leadership increments would be pensionable, and awarded for as long as the leadership post was held (either until retirement or by fixed-term appointment, as now).

Specialism

2.8. The specialist position is more complicated. The SSRB has heard fewer suggestions that the basic pay structure here is flawed (which does not, of course, imply that the levels of pay are considered correct). There is already an acceptance of the need to recognise the extra contribution, and skills, of highly experienced judges, particularly at the circuit bench/upper tribunal level, who will handle the most complicated cases. Many of these require scarce specialist knowledge that is valued in the external labour market and for which a labour market premium is paid. Such judges are appointed following a JAC competition.

2.9. The SSRB wishes, overall, to maintain the current structural arrangements. However, it notes that, in terms of an effective pay system, it can be appropriate for specialist skills to be recognised by means of extra increments, rather than through promotion to a higher pay group. It therefore believes that, for the small number of judicial posts which have been recognised as requiring an uplift, as described in para

2.8, this could be handled by awarding a substantial increment. As with the leadership increments, this increment would be pensionable. These proposals do not envisage changes to job titles, status or terms of appointment.

2.10. The SSRB is clear that it does not propose to recommend the introduction of a general increment for the seriousness or difficulty of cases. This is on the basis that such factors are already captured in the core rates of pay for each level of judiciary. Nor is the aim to introduce any generalised presumption of recognising specialisms; the SSRB has heard strong representations that a collegial judiciary, in which all areas of work are valued, is important to the smooth functioning of the system.

Salary structure simplification

2.11. The Major Review terms of reference ask the SSRB to consider whether the structure of judicial salary groups can be simplified. Such simplification is rarely straightforward, and the SSRB is very conscious that there is no demand for radical change. However, the SSRB does believe that some useful steps can be taken.

2.12. The pay changes linked to Leadership and Specialisms, set out above, mean it should be possible to have more clearly defined salary groups aligned to each broad category of the judiciary. These would represent a different way of conceptualising the current status quo, rather than any fundamental change.

2.13. Taking into account the evidence received and considered to date, the SSRB believes that the posts in Salary Group 5 generally consist of judges with leadership roles or specialist skills relative to judges in Salary Group 6.1. Similarly, judges in Salary Group 6.2 have leadership or significant specialist responsibilities relative to Salary Group 7.

2.14. Therefore, the SSRB's preferred option is currently that the current Groups 6.1 and 5 should be combined, with leadership and significant specialist roles recognised through the additional increments mentioned above. In this document, this new group is referred to as Group V. If this were implemented, it is expected that future judges who would have entered the current Group 5 would, in the new Group V, have their leadership responsibilities or significant specialist skills recognised through payment of additional increments. The value of the top leadership increment, and the value of the specialist increment, would be at least equivalent to the current Group 5 rate, (increased to whatever level is agreed following this Major Review). An intermediate

increment (or increments) would be introduced to recognise other leadership positions which are not as onerous as these. These increments would distinguish their pay from that of other Group V judges (who might be considered part of the former Group 6.1). Job titles and status and terms of appointment would be unaffected.

2.15. Similarly, the SSRB is of the view that the current Groups 7 and 6.2 should be combined, with leadership roles recognised through the additional increments mentioned above. In this document, this new group is referred to as Group VI. As above, if this change were implemented, it is expected that future judges who would have entered the current Group 6.2 would, in the new Group VI, have their leadership responsibilities recognised through payment of additional increments. The value of the top leadership increment would be at least equivalent to the current Group 6.2 rate, (increased to whatever level is agreed following this Major Review). An intermediate increment (or increments) would also be introduced to recognise other real leadership positions which are not as onerous as these. These increments would distinguish their pay from that of other Group VI judges (who might be considered part of the former Group 7). Job titles and status and terms of appointment would be unaffected.

2.16. The SSRB is clear that it is not feasible or desirable to create separate grades to reflect all the nuances in the number and breadth of individual judicial roles and responsibilities. The Judgement Panel has confirmed the usefulness of keeping broad comparability of judicial posts within easily interpretable grades. The SSRB is not proposing to introduce a system of increments for recognising the range of leadership and specialist functions for judges in current Group IV and above.

Posts below the current Group 7

2.17. Based on the results of the Job Placement Research Exercise and other evidence received, with reference to the analytic criteria agreed for the Job Placement Research Exercise (see Appendix C), it appears there are some posts which should be placed, for grading purposes, at a lower level than the current Salary Group 7. The posts are mainly Tribunal posts in devolved authorities and are already outside the current salary structure. The SSRB has yet to determine whether it would be appropriate to have more than one level of pay within the new Group VII.

Levels of pay within the new salary groups

2.18. If the proposed approach is progressed, the SSRB will consider the number of increment levels within the new salary groups, and the differentials in pay between them, when it develops its detailed proposals on pay rates. Those discussions cannot be prejudged. However, the SSRB does not see these proposals as a cost-reduction mechanism; rather, they are intended to facilitate a judicial pay system that can more readily respond to the needs of the courts and tribunals, and the interests of those who will take up judicial roles in the future, and incentivise leadership roles that are, in the main, currently unremunerated.

Advantages of the SSRB's preferred approach

2.19. The SSRB considers that its preferred approach has several potential merits:

- a. It would simplify the judicial pay structure.
- b. It provides flexibility and, therefore an ability to respond more readily to future changes in the justice system.
- c. It responds to the problem of unrecognised leadership posts and provides a more straightforward way to reward judges for taking on particular responsibilities, for as long as they retain them.
- d. By splitting the Group V “specialist” increment from the “leadership” increments, it would be easier, in future, to increase one without having to increase the other; this would make it easier to provide extra pay where it was most needed, in a timely fashion.
- e. It provides a clearer signal of which judges would have the status of being recognised for their experience and specialist knowledge, and which are being recognised for the leadership responsibilities that they have taken on.

2.20. Further detailed work would be required to identify the full range of posts that might qualify for increments. For example, the SSRB is aware that Resident Judges and Regional Tribunal posts would be candidates in respect of leadership, and Circuit Judges in the Chancery / Mercantile court and specialist tribunal members (e.g. surveyors) would be candidates for the specialism increment. There will also, inevitably, be some follow-on questions of detail. For example, the SSRB has not yet

formed a view about the appropriateness of an additional increment for leadership for a judge who was already getting a specialist increment. There may also be a few posts, currently recognised within Salary Group 5, whose leadership responsibilities are particularly extensive and would merit further recognition via an additional increment; for example, the SSRB notes a view that Sheriffs Principal have a particularly wide range of responsibilities. The SSRB would welcome comments on these questions, noting that in some instances it may well be best for the leaders of the judiciary in the different parts of the UK, rather than the SSRB, to take final decisions.

2.21. Any of the changes under discussion, if implemented, would apply to new entrants to judicial posts, from a point in the future. It would be for the Ministry of Justice (and equivalents in the devolved administrations) to discuss and implement any transitional arrangements. However, the SSRB is making these proposals on the assumption that, if accepted, no present member of the judiciary would see a reduction in their current base pay arising from their implementation.

Proposed salary structure

2.22. Taking all the above into account, in outline terms, and with some example posts shown, the proposed salary structure could be as follows⁴:

⁴ Devolved Welsh posts are not included in this table given the limited range of posts.

New Salary Group	Current Salary Group	Example England and Wales and UK tribunals post	Example Scotland post	Example Northern Ireland	
I	1	Lord Chief Justice of England and Wales			
I.I	1.1	President of the Supreme Court Master of the Rolls	Lord President of the Court of Session	Lord Chief Justice of Northern Ireland	
II	2	Chancellor of the High Court	Lord Justice Clerk		
III	3	Lord/Lady Justices of Appeal	Inner House Judge of the Court of Session	Lord/Lady Justices of Appeal	
IV	4	High Court Judge	Outer House Judge of the Court of Session	High Court Judge	
V	Additional increments may be paid at these levels	5 and 6.1	Senior Circuit Judge Upper Tribunal Judge Circuit Judge Chamber Presidents of First Tier Tribunals ⁵	Sheriff Principal Sheriff Chairman Scottish Land Court	County Court Judge President Lands Tribunal (Northern Ireland)
VI		6.2 and 7	Judge First Tier Tribunal District Judge Employment Judge	Summary Sheriff Legal Member Pensions Appeal Tribunal	District Judge Coroner Employment Judge Legal Member Appeals Tribunal
VII		New group	Salaried Medical Member, Social Entitlement Chamber	Adjudicator, Parking and Bus Lane	Adjudicator, Northern Ireland Traffic Penalty Tribunal

Alternative approach

2.23. The SSRB is conscious that its preferred approach may be seen as too disruptive a change for introduction at present, particularly with regard to the “specialist” increment, where it is less clear that there is a fundamental problem with the current position. On the basis of what the SSRB has heard, that disruption is likely to be greatest for the current pay Group 5.

⁵ Except the post of Chamber President of the First Tier Tribunal, Pensions and Armed Forces Compensation Chamber which is currently Salary Group 6.2. See para 3.9.

2.24. Therefore, a less coherent but also less disruptive proposition, would be to change arrangements for leadership increments as described above, but to retain the current pay Group 5 as the explicit spot rate for the highly experienced and specialist judges. These would include, for example, judges sitting in the Chancery, Commercial, and Technology and Construction courts, and the Old Bailey judges. A case has been made to the SSRB that the Upper Tribunal Judges should also fit into this category. However, the SSRB's preferred option is to achieve the same aims (in terms of pay) by way of the model outlined above.

2.25. The SSRB would welcome comments on the perceived merits or disadvantages of either of these approaches.

Consultation questions on salary structure proposals

2.26. The above discussion leads to six specific questions in relation to the SSRB's preferred approach for the salary structure. **In all cases, please explain your reasons with supporting evidence.**

Salary structure simplification

Question 1: In the context that increments will exist for certain leadership and specialist posts, the SSRB proposes that the current Salary Groups 5 and 6.1 should be merged (into proposed Salary Group V), in the way described in paras 2.13 and 2.14. Do you disagree with this proposed merger? If so, why?

Question 2: In the context that increments will exist for certain leadership posts, the SSRB proposes that the current Salary Groups 6.2 and 7 should be merged (into proposed Salary Group VI), in the way described in para 2.15. Do you disagree with this proposed merger? If so, why?

Question 3: The SSRB is currently considering the creation of a new Salary Group VII for posts that belong below the proposed new Salary Group VI? Do you disagree with this proposed new Salary Group? If so, why?

Increments

Question 4: The SSRB is currently considering the introduction of increments, that would recognise leadership and certain specialist skills, as described in paras 2.5 to 2.10. Do you disagree with this approach? If so, why?

Question 5: Following from the above, if the SSRB progresses work on this approach, how many levels of increment do you think would be appropriate for leadership? What circumstances could determine when a post would be eligible for such an increment?

Alternative proposition

Question 6: While having a clear preferred approach, the SSRB has also set out an alternative proposition, which would retain the current Group 5 as the explicit spot rate for the highly experienced and specialist judge. Are there disadvantages in the preferred approach that would be addressed by the alternative proposition?

Section 3. Detailed post placement

3.1. The Judgement Panel process has provided the SSRB with detailed views on post placement. The Panel considered in turn the posts in scope of the Major Review to identify those which it felt were not adequately recognised in the current Salary Groups. The Judgement Panel's deliberations were based on the current salary structure and the changes proposed referenced to the current Salary Groups. However, the SSRB has developed its alternative approach to the salary structure (discussed in Section 2) in the light of the Judgement Panel's observations.

3.2. The table below records all the salaried posts for which proposals for post placement changes (based on the current salary structure) were made by the Judgement Panel, with the Panel's reasons for the proposals. It also records posts where the SSRB has taken a different approach from that recommended by the Panel. The SSRB's observations as to how the Panel's proposals could be realised in its alternative salary structure are also shown below.

Post Title	Current placement (Current salary structure)	Suggested Change by Judgement Panel (Current salary structure)	Reasons put forward by the Judgement Panel ⁶	SSRB comments	Proposed placement in proposed new structure
Upper Tribunal Judge	6.1	5	Should be moved up to 5 based on the level of judicial work that these posts now cover.	The SSRB is currently of the view that it should accept the Judgement Panel recommendation.	V
Registrar of Criminal Appeals	6.1	5	Based on the complexity and level of responsibility.	The SSRB is currently of the view that this placement could be addressed in the proposed new salary structure with the post qualifying for a specialist increment.	V

⁶ Note that in a couple of cases the Judgement Panel proposed a change due to the complexity or seriousness of cases but the SSRB proposes that these aspects are covered in the core rates of pay.

Post Title	Current placement (Current salary structure)	Suggested Change by Judgement Panel (Current salary structure)	Reasons put forward by the Judgement Panel ⁶	SSRB comments	Proposed placement in proposed new structure
Principal judge, First Tier Tribunals, Property Chamber – Land Registration	6.2	6.1	There were a range of views on which salary group the post should be placed, the majority of Judgement Panel Members agreed it should remain in 6.2.	The SSRB is currently of the view that this placement should be akin to a that of a Regional Judge, currently in 6.1, as the work of the posts seem comparable.	V
Regional Judge, Property Chamber	7	6.2	Uplift to 6.2 based on the level of judicial work and leadership	The SSRB is currently of the view that this placement should be akin to a that of a Regional Judge, currently in 6.1, as the work of the posts seem comparable.	V
Surveyor Members, Upper Tribunal (Lands)	6.2	6.2	Consensus reached that the placement of this post should remain in 6.2.	The SSRB is currently of the view that this post should be in the same grouping as other Upper Tribunal Judges	V
Masters and Cost Judges	7	6.1	Agreed that Masters should move to 6.1 based on complexity of cases although the same point did not apply to Cost Judges.	The SSRB is currently of the view that these posts, including the Costs judges, should be moved to the proposed Group V in the new structure.	V
Insolvency and Company Court Judges (formerly Bankruptcy Registrars)	7	7	Consensus that the post should remain in 7	The SSRB is currently of the view that these posts should move to proposed Group V in the new structure, based on the complexity of the cases they hear.	V

Post Title	Current placement (Current salary structure)	Suggested Change by Judgement Panel (Current salary structure)	Reasons put forward by the Judgement Panel ⁶	SSRB comments	Proposed placement in proposed new structure
Salaried (Regional) Medical Members, Social Entitlement Chamber	7	8	This should be in 8 as the duties are not equivalent to other Group 7 salaried and it is currently paid below the Group 7 rate of pay.	The SSRB is currently of the view that this post should be considered for placement in the new Group VII.	VII

3.3. Many of the Judgement Panel's specific recommendations related to movements between existing Salary Groups 6.1 and 5. As discussed in Section 2, the SSRB is currently proposing that these Groups should be combined to form a new Group V, with leadership and specialisms recognised through increments to achieve the same aim. The SSRB is similarly proposing that existing Salary Groups 7 and 6.2 should combine to form the proposed new Group VI.

3.4. Specific posts are discussed below.

Potential moves between new salary groups

3.5. Principal and Regional Judges in the Property Chamber appear to the SSRB to do work akin to that of other Regional Judges, in a very specialist subject area. The SSRB believes that these posts should be placed in the proposed Salary Group V.

3.6. Surveyor members of the Upper Tribunal (Lands) appear to the SSRB to be doing work akin to that of other Upper Tribunal judges. Since it appears likely that Surveyor members of the Lands Tribunal in Scotland will also move to the Upper Tribunal, the same logic applies (a move to proposed Salary Group V, alongside other members of the Upper Tribunal).

3.7. Masters and Costs judges are currently in Salary Group 7, yet evidence suggests they carry out complex and specialist work that is more comparable to a Circuit Judge. Their current job placement alongside District Judges in Salary Group 7 appears anomalous. The SSRB is, therefore, of the view that this post, which according to its current grading would be placed in the proposed Salary Group VI, is

instead placed in the proposed Salary Group V. Similar considerations apply to the Insolvency and Company Court Judges (formerly Bankruptcy Registrars).

3.8. The SSRB notes that Salaried (Regional) Medical Members, Social Entitlement Chamber, although nominally currently in Salary Group 7, are paid at a lower rate than other Group 7 judges and are of the view that this post should move to a new Salary Group VII.

3.9. The SSRB gave careful consideration to the position of the Chamber President of the First Tier Tribunal, War, Pensions and Armed Forces Compensation Chamber. This post currently sits in Group 6.2, whereas other Chamber President posts sit in Group 5. While noting that there was a case for treating all Chamber President posts similarly, the Judgement Panel on balance considered that this post should not move, because it stood out in having a particularly small number of judges to oversee. The SSRB discussed and agreed with the Judgement Panel view.

3.10. The SSRB notes that the Judgement Panel considered that the post of Deputy Senior District Judge (Magistrates Courts) should move from the current Group 6.2 to Group 6.1. This would equate to a move to the new Group V. However, on balance, the SSRB is currently of the view that the post should remain in the same salary group as other District Judges (the new Group VI) but with appropriate recognition of leadership made through the payment of an additional increment. The Judgement Panel also proposed that the posts of Presiding District Judge (Magistrates' Courts) (Northern Ireland) and Presiding District Judge (Northern Ireland) should move to from the current Group 7 to Group 6.2. The SSRB is currently of the view that these posts should be placed in the new Salary Group VI with the post qualifying for a leadership increment.

3.11. The Judgement Panel also discussed some posts where there were, as a consequence of the individual assessments, diverging views on placement due to consideration of leadership. As indicated above, the alternative salary proposals allow for reward for leadership, and detailed work would be required to assess which posts would be eligible for any additional increment.

Question 7: Do you agree or disagree with the proposals set out in the table at para 3.2 and described in paragraphs 3.5 to 3.11? If disagreeing, please indicate the specific post(s) covered, and provide a brief rationale.

Posts not in the current grading structure

3.12. The Judgement Panel was asked to consider the placement of posts covered by the Review that are not currently assigned to a Salary Group. This category mainly includes posts in tribunals, particularly the devolved tribunals. The criteria for determining placement was consistent with that used for all the other posts and as explained at Appendix C. Where the Judgement Panel considered that a post's duties were below those of Group 7, the post has been placed in the new Group VII.

3.13. The proposed placement of these posts is captured in Appendix D.

Question 8: Do you agree or disagree with the placement of previously unplaced posts as set out at Appendix D? Please explain your reasons in respect of specific posts with supporting evidence.

Other posts

3.14. Taking all the above proposals into account, the proposed new structure showing the placement of all the posts in scope of the Major Review is at Appendix D.

Question 9: Do you have any other comments regarding the placement of posts in the proposed new salary structure as set out at Appendix D? Please explain your reasons in respect of specific posts with supporting evidence.

Section 4. Consultation questions

4.1. For ease of reference the consultation questions are listed here. **In all cases, please explain your reasons with supporting evidence.**

Salary structure simplification

Question 1: In the context that increments will exist for certain leadership and specialist posts, the SSRB proposes that the current Salary Groups 5 and 6.1 should be merged (into proposed Salary Group V), in the way described in paras 2.13 and 2.14. Do you disagree with this proposed merger? If so, why?

Question 2: In the context that increments will exist for certain leadership posts, the SSRB proposes that the current Salary Groups 6.2 and 7 should be merged (into proposed Salary Group VI), in the way described in para 2.15. Do you disagree with this proposed merger? If so, why?

Question 3: The SSRB is currently considering the creation of a new Salary Group VII for posts that belong below the proposed new Salary Group VI? Do you disagree with this proposed new Salary Group? If so, why?

Increments

Question 4: The SSRB is currently considering the introduction of increments, that would recognise leadership and certain specialist skills, as described in paras 2.5 to 2.10. Do you disagree with this approach? If so, why?

Question 5: Following from the above, if the SSRB progresses work on this approach, how many levels of increment do you think would be appropriate for leadership? What circumstances could determine when a post would be eligible for such an increment?

Alternative proposition

Question 6: While having a clear preferred approach, the SSRB has also set out an alternative proposition, which would retain the current Group 5 as the explicit spot rate for the highly experienced and specialist judge. Are there disadvantages in the preferred approach that would be addressed by the alternative proposition?

Potential moves between new salary groups

Question 7: Do you agree or disagree with the proposals set out in the table at para 3.2 and described in paragraphs 3.5 to 3.11? If disagreeing, please indicate the specific post(s) covered, and provide a brief rationale.

Posts not in the current grading structure

Question 8: Do you agree or disagree with the placement of previously unplaced posts as set out at Appendix D? If disagreeing, please indicate the specific post(s) covered, and provide a brief rationale.

Other posts

Question 9: Do you have any other comments regarding the placement of posts in the proposed new salary structure as set out at Appendix D? If disagreeing, please indicate the specific post(s) covered, and provide a brief rationale.

Section 5. Next steps

5.1. Responses to this Consultation will form part of the evidence for the Major Review, as discussed in Section 1.

Submitting a response

5.2. This Consultation will run for 3 weeks from Friday 20 April to Monday 14 May. **All responses should be submitted by 14th May.**

5.3. All responses should be submitted electronically to the following email address: judicialsalaries@beis.gov.uk. Responses should be provided on the form available on this website: <https://www.gov.uk/government/organisations/review-body-on-senior-salaries>. Responses may be supported by supplementary electronic documents or information if appropriate. The SSRB's secretariat team will email to confirm receipt but, as discussed in Section 1, the SSRB will not reply directly to individual responses.

5.4. If you have already submitted relevant material to the Call for Evidence and wish to highlight it, please cross-refer to your Call for Evidence submission. Please do not replicate material already provided.

5.5. In addition to answering the listed questions, the form includes a Section in which you can specify whether you are responding as an individual or on behalf of a representative organisation. If you are responding as an individual and are a current or former judicial office holder, please select the relevant options to indicate this and provide the title of your judicial office. If you are responding on behalf of a representative organisation, please complete the relevant boxes to enter the name of your organisation and to briefly describe whom the organisation represents, the size of its membership and, where applicable, how the views of members were obtained.

Confidentiality

5.6. The responses to this Consultation will not be published, but the SSRB may include references and quotations from evidence provided in its report. The review body will not identify named individuals when reporting on the responses that it receives to this Consultation unless it relates to parties the SSRB routinely quotes in its normal annual review processes or if it is agreed with the individuals concerned in advance.

5.7. Information provided in response to this Consultation, including personal information, could be subject to a request under access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). The Office of Manpower Economics, which provides secretariat support to the SSRB, must deal with any such request in accordance with relevant statutory framework. If you consider that any of the information that you have provided is confidential, it would be helpful if you could explain why; there is a Section on the response form in which you can input this information. This will mean that, if the Office of Manpower Economics receives a request for disclosure of the information, it can take full account of your explanation. However, it cannot give an assurance that confidentiality can be maintained in all circumstances.

Further guidance

5.8. Queries should be sent to: judicialsalaries@beis.gov.uk. Alternatively, the SSRB secretariat team can be contacted by telephone on: 020 7211 8315.

Appendix A: Terms of Reference for the Major Review

Appendix B: Posts in scope of the Major Review

Appendix C: The Job Placement Research Exercise

Appendix D: The proposed salary structure

Terms of reference for the Major 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 below.
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 C.

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;

- Welsh Government; 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.

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 NHS⁷; 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.

⁷ NHS Very Senior Managers in England are chief executives, executive directors (except medical directors), and other senior managers.

The Review Body may, if requested, also advise the Prime Minister from time to time on Peers' increments; and on the pay, pensions and increments 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 increments 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.

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.

Posts in scope of the Major Review

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
	Salary Group 1	
1.	Lord Chief Justice	
	Salary Group 1.1	
2.	Lord Chief Justice of Northern Ireland	
3.	Lord President of the Court of Session	
4.	Master of the Rolls	
5.	President of the Supreme Court	
	Salary Group 2	
6.	Chancellor of the High Court	
7.	Deputy President of the Supreme Court	
8.	Justices of the Supreme Court	
9.	Lord Justice Clerk	
10.	President of the Family Division	
11.	President of the Queen's Bench Division	
12.	Senior President of Tribunals	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
	Salary Group 3	
13.	Inner House Judges of the Court of Session	President of Scottish Tribunals
14.	Lords/Lady Justices of Appeal	Includes the following roles: <ul style="list-style-type: none"> • Senior Presiding Judge • Deputy Senior Presiding Judge • Deputy Head of Civil Justice • Vice President of the Court of Appeal (Civil Division) • Vice President Queen's Bench Division
15.	Lords/Lady Justices of Appeal (Northern Ireland)	
	Salary Group 4	
16.	High Court Judge	Includes the following roles: <ul style="list-style-type: none"> • Vice-Chancellor of the County Palatine of Lancaster • Presiding Judge • Family Division Liaison Judge • Business & Property Courts Supervising Judge • President of the Employment Appeal Tribunal • President of the Upper Tribunal (Administrative Appeals, Immigration & Asylum, Tax & Chancery, Lands)
17.	High Court Judges (Northern Ireland)	
18.	Presiding Coroner (Northern Ireland)	
19.	Outer House Judges of the Court of Session	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
	Salary Group 5+	
20.	Judge of the First Tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal	
	Salary Group 5	
21.	Chairman, Scottish Land Court / President, Lands Tribunal for Scotland	
22.	Chamber Presidents of First-tier Tribunals	Immigration and Asylum Chamber General Regulatory Chamber Health, Education & Social Care Chamber Property Chamber Social Entitlement Chamber Tax Chamber
23.	Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland)	
24.	Senior Circuit Judge (non-leadership)	SCJ at the Central Criminal Court in London (Old Bailey Judges) Specialist Circuit Judges, Chancery, Circuit Commercial, Patents (IPEC) & Technology & Construction Court
25.	Senior Circuit Judge (leadership)	Recorder of Liverpool Recorder of Manchester Designated Civil Judge Designated Family Judge Resident Judge
26.	Judge Advocate General	
27.	Circuit Judge of the Employment Appeals Tribunal	
28.	President, Employment Tribunals (England & Wales)	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
29.	President, Employment Tribunals (Scotland)	
30.	Recorder of Belfast	
31.	Senior District Judge (Chief Magistrate)	
32.	Sheriffs Principal	
33.	Vice President of the Upper Tribunal (Immigration and Asylum Chamber)	
	Salary Group 6.1	
34.	Senior Masters and Registrars	Includes: <ul style="list-style-type: none"> • Chief Bankruptcy Registrar • Chief Chancery Master • Senior Master – Queen’s Bench Division • Senior Costs Judge • Senior Judge of the Court of Protection
35.	Circuit Judge (non-leadership)	
36.	Circuit Judge (leadership)	Includes: <ul style="list-style-type: none"> • Designated Civil Judge • Designated Family Judge • Resident Judge
37.	County Court Judge (Northern Ireland)	
38.	Deputy Chamber President, Health, Education & Social Care Chamber	
39.	Deputy Chamber President, Upper Tribunal Lands	
40.	Regional Judge	Includes:

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
		<ul style="list-style-type: none"> • Regional Tribunal, Judge Social Entitlement Chamber • Resident Judge, Asylum and Immigration Chamber
41.	Regional Employment Judge	
42.	Registrar of Criminal Appeals	
43.	President, Appeals Tribunal (Northern Ireland)	
44.	President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
45.	President, Lands Tribunal Northern Ireland	
46.	Sheriffs	
47.	Social Security and Child Support Commissioner (Northern Ireland)	
48.	Upper Tribunal Judge	Administrative Appeals Chamber Immigration and Asylum Chamber (also known as Senior Immigration Judge) Tax and Chancery Chamber
49.	Vice-President, Employment Tribunal (Scotland)	
	Salary Group 6.2	
50.	President, Mental Health Review Tribunal (Wales)	
51.	Chamber President of the First Tier Tribunal, War, Pensions and Armed Forces Compensation Chamber	
52.	Deputy Senior District Judge (Magistrates' Courts)	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
53.	Designated Judge, First Tier Tribunal, Immigration & Asylum Chamber	
54.	Principal Judge, First-tier Tribunal, Property Chamber - Land Registration	
55.	Member, Lands Tribunal (Northern Ireland)	
56.	Surveyor Members, Lands Tribunal (Scotland)	
57.	Surveyor Members, Upper Tribunal (Lands)	
58.	Vice-Judge Advocate General	
59.	Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
	Salary Group 7	
60.	Assistant Judge Advocate General	
61.	Employment Judge (Northern Ireland)	
62.	Chief Medical Member, First-tier Tribunal	Social Entitlement Chamber Health, Education & Social Care Chamber
63.	Coroners (Northern Ireland)	
64.	District Judge	Civil Family
65.	District Judge (Northern Ireland)	
66.	District Judge (Magistrates' Courts)	
67.	District Judge (Magistrates' Courts) (Northern Ireland)	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
68.	Employment Judge	England and Wales Scotland
69.	Judge of the First-tier Tribunal	Health, Education & Social Care Chamber Immigration and Asylum Chamber (also called Immigration Judge) Property Chamber Social Entitlement Chamber Tax Chamber General Regulatory Chamber War Pensions and Armed Forces Compensation Chamber
70.	Masters and Cost Judges	Includes: <ul style="list-style-type: none"> • Master of the Queen's Bench Division • Chancery Division • Cost Judge
71.	Bankruptcy Registrar	
72.	Masters of the Court of Judicature (Northern Ireland)	
73.	Presiding District Judge (Magistrates' Courts) (Northern Ireland)	
74.	Presiding Master of the Court of Judicature (Northern Ireland)	
75.	Presiding District Judge (Northern Ireland)	
76.	Full-time Salaried Legal Member of the Appeal Tribunal (Chair) (Northern Ireland)	
77.	Regional Judge, Property Chamber	
78.	Deputy Regional Judge, Property Chamber	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
79.	Deputy Regional Valuer, Property Chamber	
80.	Salaried (Regional) Medical Members, Social Entitlement Chamber	
81.	Summary Sheriff (Scotland)	
	Fee Paid Offices	
82.	Lord Justice of Appeal (sitting in retirement) England and Wales	
83.	Lord Justice of Appeal (sitting in retirement) Northern Ireland	
84.	High Court Judge (sitting in retirement) England and Wales	
85.	High Court Judge (sitting in retirement) Northern Ireland	
86.	Deputy High Court Judge England and Wales	
87.	Deputy High Court Judge Northern Ireland	
88.	Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	
89.	Deputy Masters and Cost Judges	Includes: <ul style="list-style-type: none"> • Deputy Master of the Queen's Bench Division • Deputy Taxing Master • Deputy Costs Judge • Deputy Master of the Chancery Division
90.	Deputy Bankruptcy Registrar	
91.	Deputy Circuit Judge – sitting in retirement	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
92.	Recorder	
93.	Deputy District Judge	Civil Family
94.	Deputy District Judge (Magistrates' Court)	
95.	First-tier Tribunal Judge (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	Health, Education & Social Care Chamber Immigration and Asylum Chamber (these judges are also called Immigration Judges) Property Chamber Social Entitlement Chamber Tax Chamber General Regulatory Chamber War Pensions and Armed Forces Compensation Chamber
96.	Upper Tribunal Judge (where a legal qualification is a requirement of appointment or has gained the relevant experience in law))	Administrative Appeals Chamber Immigration and Asylum Chamber (these judges are also called Senior Immigration Judges) Tax and Chancery Chamber
97.	Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
98.	Surveyor member (Chair only) Upper Tribunal Lands	
99.	Legal Chair, Criminal Injuries Compensation Appeals Panel	
100.	Non-legal Chair, Criminal Injuries Compensation Appeals Panel	
101.	Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
102.	Temporary Assistant Judge Advocate General	
103.	Valuer Chair, First-tier Tribunal (Property Chamber) Residential Property	
104.	Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943	
105.	President of the Pensions Appeal Tribunal for Northern Ireland	
106.	Deputy President of the Pensions Appeal Tribunal for Northern Ireland	
107.	Temporary Judge (Scotland)	
108.	Re-employed former Judge (Scotland)	
109.	Part-time Sheriff (Scotland)	
110.	Part-time Summary Sheriff (Scotland)	
111.	Temporary Sheriff Principal (Scotland)	
112.	Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)	
113.	Re-employed former Summary Sheriff, or part-time Summary Sheriff, acting as Summary Sheriff (Scotland)	
114.	Re-employed former Appeal Sheriff (Scotland)	
115.	Deputy Statutory Officer (Northern Ireland)	
116.	Deputy County Court Judge (Northern Ireland)	
117.	Deputy District Judge (Magistrates' Court) (Northern Ireland)	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
118.	Deputy Social Security Commissioner for Northern Ireland	
119.	Deputy Child Support Commissioner for Northern Ireland	
120.	Deputy Coroner (Northern Ireland)	
121.	Deputy District Judge (Northern Ireland)	
122.	Fee-Paid Employment Judge, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	
123.	Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	
124.	President of Welsh Tribunals	
125.	President of the Rent Assessment Committees Wales	
126.	Legal Member of the Rent Assessment Committee Wales	
127.	Legal Member Mental Health Tribunal Wales (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
128.	Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment or has gained the relevant experience in law)	
129.	President of Special Educational Needs Tribunal Wales	
130.	President Welsh Language Tribunal	
131.	Legal Member Welsh Language Tribunal	
132.	President Adjudication Panel Wales	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
133.	Legal Member Adjudication Panel for Wales	
134.	President, Agricultural Land Tribunal Wales	
135.	Legal member Agricultural Land Tribunal Wales	
	Other Judges and legal members in the following devolved tribunal systems in Scotland and Northern Ireland:	
	Scotland - Salaried	
136.	Deputy Chair of the Scottish Land Court	
137.	Member of the Scottish Land Court	
138.	Legal Members, The Lands Tribunal for Scotland	
	Scotland – Fee Paid	
139.	Legal Member, First-tier Tribunal for Scotland – assigned to Housing and Property	
140.	Legal Member, First-tier Tribunal for Scotland – assigned to Tax Chamber	
141.	Legal Member, Upper Tribunal for Scotland	
142.	Chamber President, Housing and Property Chamber of First-tier Tribunal for Scotland	
143.	Chamber President, Tax Chamber of First-tier Tribunal for Scotland	
144.	Legal Member, First-tier Tribunal for Scotland, Assigned to the Health and Education Chamber	
145.	Chamber President, Health and Education Chamber of First-tier Tribunal for Scotland	
146.	Legal Member, Scottish Charity Appeals Panel	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
147.	Legal Member, Mental Health Tribunal for Scotland	
148.	President, Mental Health Tribunal for Scotland	
149.	Legal Member, Police Appeals Tribunal	
150.	Adjudicator, Parking and Bus Lane Adjudicators	
151.	President, Pensions Appeals Tribunal for Scotland	
152.	Legal Member, Pensions Appeals Tribunal for Scotland	
	Northern Ireland	
153.	Legal Chair, Care Tribunal	
154.	President, Charity Tribunal for Northern Ireland	
155.	Legal Member, Charity Tribunal for Northern Ireland	
156.	Chairman, Criminal Injuries Compensation Appeals Panel for Northern Ireland	
157.	Legal Adjudicator, Criminal Injuries Compensation Appeals Panel for Northern Ireland	
158.	Chairman, Mental Health Review Tribunal	
159.	Legal Member, Mental Health Review Tribunal	
160.	Legal Chairman, Northern Ireland Health and Safety Tribunal	
161.	Adjudicator, Northern Ireland Traffic Penalty Tribunal	
162.	President, Northern Ireland Valuation Tribunal	

	Judge Title and Salary Group	Other Judges in Scope or Jurisdiction
163.	Legal Member, Northern Ireland Valuation Tribunal	
164.	President, Special Educational Needs and Disability Tribunal for Northern Ireland	
165.	Chairman, Special Educational Needs and Disability Tribunal for Northern Ireland	
166.	Legal Member, Appeal Tribunals	

The Job Placement Research Exercise

1. The Job Placement Research Exercise sought structured input from representatives from across the UK judiciary (the Judgement Panel)⁸, to help with two key tasks:

- a. To identify judicial posts that exercise leadership responsibilities that are not at present appropriately recognised through their position in the salary group;
- b. To identify any judicial posts that should be moved to a different salary group, because the salary group where they currently sit does not reflect the judicial role and responsibilities that they have to carry.

2. The Panel was also asked to give a view on the salary group for all judicial roles in scope for the Major Review, including roles in devolved tribunals, which are not currently assigned to one. For fee-paid posts the Judgement Panel was asked to consider the appropriate salaried comparator.

3. To assist the Judgement Panel, standardised Job Summaries were written to capture the key aspects of each of the judicial roles in scope of the Major Review under five analytic headings:

Analytic heading	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.

⁸ Representatives were nominated by the London Judicial Office and equivalents in the devolved administrations.

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	<p>Responsibility for the leadership and management of a jurisdiction, chamber or court/tribunal centre.</p> <p>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.</p>

4. These summaries were written by the SSRB's contractor, the Institute for Employment Studies, based on detailed job descriptions provided by the relevant Judicial Offices and their equivalents in the devolved administrations. Once drafted, these job summaries were then returned to the Judicial Offices, and equivalents, for them to validate and confirm that each summary was *sufficiently accurate for the limited purposes of the job placement exercise*.

5. The work of the Judgement Panel was conducted in two stages:

a. Stage 1: individual assessment whereby the Judgement Panel members were invited, as individuals, to look at each of the Job Summaries, and indicate whether:

- i. the post exercises significant leadership responsibilities that are not, at present, adequately recognised through its position in its designated salary group; and,
- ii. the post is currently in, or linked to, the appropriate salary group and, if not, to indicate which salary group the post should be in.

- b. Stage 2: collective plenary discussion – the Judgement Panel meeting.
6. Across both stages, Judgement Panel members were invited to consider the placement of posts with reference to one or two suggested “anchor posts” in each of the current salary groups. These “anchor posts” (with their Job Summaries) were offered as a yardstick which Panel members could use to calibrate whether a job title that they were considering should, or should not, be placed in the same salary group as the relevant “anchor post”. These “anchor posts” were:
- a. Group 1: e.g. Lord Chief Justice for England and Wales
 - b. Group 1.1: e.g. President of the Supreme Court
 - c. Group 2: e.g. Chancellor of the High Court
 - d. Group 3: e.g. Justice of Appeal
 - e. Group 4: e.g. High Court Judge
 - f. Group 5: e.g. Senior Circuit Judge, Sheriff Principal
 - g. Group 6.1: e.g. Circuit Judge, Sheriff
 - h. Group 6.2: e.g. Deputy Senior District Judge
 - i. Group 7: e.g. District Judge, Judge of the First-Tier Tribunal
7. The Judgement Panel was not asked to assign every post to a salary group, working from first principles. Where a post is in, or linked to, a salary group at present, in the absence of a good reason for change, the default assumption was that the post should remain in its current salary group.
8. The results of this work were collated so that when the Judgement Panel met in full session, discussion could focus around the posts where there were specific views that they were incorrectly placed.
9. The Judgement Panel meeting took place on 2 March. The SSRB drew on its conclusions and other evidence as reflected in this Consultation document.

The Proposed Salary Structure

(The proposed structure does not indicate which posts are expected to get leadership and/or specialism allowances)

England and Wales and Reserved Tribunals

New Salary Group	Post	Salaried/ fee paid
I	Lord Chief Justice (1)	Salaried
I.I	Master of the Rolls (4)	Salaried
	President of the Supreme Court (5)	Salaried
II	Chancellor of the High Court (6)	Salaried
	Deputy President of the Supreme Court (7)	Salaried
	Justices of the Supreme Court (8)	Salaried
	President of the Family Division (10)	Salaried
	President of the Queen's Bench Division (11)	Salaried
	Senior President of Tribunals (12)	Salaried
III	Lords/Lady Justices of Appeal (14)	Salaried
	Lord/Lady Justices of Appeal (sitting in retirement) (82)	Fee Paid
IV	High Court Judge (16)	Salaried
	High Court Judge (Sitting in retirement) (84)	Fee Paid
	Deputy High Court Judge England and Wales (86)	Fee Paid

New Salary Group	Post	Salaried/ fee paid
V	<i>Seen as equivalent to current salary group 5 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Judge of the First Tier Tribunal (Social Entitlement Chamber) and Deputy Judge of the Upper Tribunal (20)	Salaried
	Chamber Presidents of First-tier Tribunals (22)	Salaried
	Judge Advocate General (26)	Salaried
	Senior Circuit Judge (leadership) (25)	Salaried
	Senior Circuit Judge (non-leadership) (24)	Salaried
	President, Employment Tribunals (England & Wales) (28)	Salaried
	President, Employment Tribunals (Scotland) (29)	Salaried
	Vice President of the Upper Tribunal (Immigration and Asylum Chamber) (33)	Salaried
	Deputy Chamber President, Upper Tribunal Lands (39)	Salaried
	Circuit Judge of the Employment Appeals Tribunal (27)	Salaried
	Senior District Judge (Chief Magistrate) (31)	Salaried
	Senior Masters and Registrars (34)	Salaried
	Upper Tribunal Judge (48)	Salaried
	Registrar of Criminal Appeals (42)	Salaried
Surveyor Members, Upper Tribunal (Lands) (57)	Salaried	
Upper Tribunal Judge (where a legal qualification is a requirement of appointment) (96)	Fee Paid	

New Salary Group	Post	Salaried/ fee paid
	Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment) (97)	Fee Paid
	Surveyor member (Chair only) Upper Tribunal Lands (98)	Fee Paid
	<i>Seen as equivalent to current salary group 6.1 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Circuit Judge (leadership) (36)	Salaried
	Circuit Judge (non-leadership) (35)	Salaried
	Deputy Chamber President, Health, Education & Social Care Chamber (38)	Salaried
	Vice-President, Employment Tribunal (Scotland) (49)	Salaried
	Regional Employment Judge (41)	Salaried
	Regional Judge (40)	Salaried
	Principal Judge, First-tier Tribunal, Property Chamber - Land Registration (54)	Salaried
	Regional Judge, Property Chamber (77)	Salaried
	Masters and Cost Judges (70)	Salaried
	Insolvency and Company Court Judge (Bankruptcy Registrar) (71)	Salaried
	Deputy Circuit Judge (Sitting in retirement) (91)	Fee Paid
	Deputy Masters and Cost Judges (89)	Fee Paid
	Deputy Insolvency and Company Court Judge (Deputy Bankruptcy Registrar) (90)	Fee Paid
Recorder (92)	Fee Paid	

New Salary Group	Post	Salaried/ fee paid
VI	<i>Seen as equivalent to current salary group 6.2 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Chamber President of the First Tier Tribunal, War, Pensions and Armed Forces Compensation Chamber (51)	Salaried
	Deputy Senior District Judge (Magistrates' Courts) (52)	Salaried
	Designated Judge, First Tier Tribunal, Immigration & Asylum Chamber (53)	Salaried
	Vice-Judge Advocate General (58)	Salaried
	<i>Seen as equivalent to current salary group 7 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Assistant Judge Advocate General (60)	Salaried
	District Judge (64)	Salaried
	District Judge (Magistrates' Courts) (66)	Salaried
	Employment Judge (68)	Salaried
	Judge of the First-tier Tribunal (69)	Salaried
	Chief Medical Member, First-tier Tribunal (62)	Salaried
	Deputy Regional Judge, Property Chamber (78)	Salaried
Deputy Regional Valuer, Property Chamber (79)	Salaried	
Deputy District Judge (93)	Fee Paid	

New Salary Group	Post	Salaried/ fee paid
	Deputy District Judge (Magistrates' Court) (94)	Fee Paid
	First-tier Tribunal Judge (where a legal qualification is a requirement of appointment) (95)	Fee Paid
	Legal Chair, Criminal Injuries Compensation Panel (99)	Fee Paid
	Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment) (101)	Fee Paid
	Temporary Assistant Judge Advocate General (102)	Fee Paid
	Legal Chair, National Security Certificate Appeals Tribunal (Northern Ireland) (123)	Fee Paid
	Non-legal Chair, Criminal Injuries Compensation Appeal Panel (100)	Fee Paid
VII	Salaried (Regional) Medical Members, Social Entitlement Chamber (80)	Salaried
	Valuer Chair, First-tier Tribunal (Property Chamber) Residential Property (103)	Fee Paid

Scotland

New Salary Group	Post	Salaried/ fee paid
I.I	Lord President of the Court of Session (3)	Salaried
II	Lord Justice Clerk (9)	Salaried
III	Inner House Judges of the Court of Session (13)	Salaried
IV	Outer House Judges of the Court of Session (19)	Salaried
	Temporary Judge (Scotland) (107)	Fee Paid

New Salary Group	Post	Salaried/ fee paid
	Re-employed former Judge (Scotland) (108)	Fee Paid
V	<i>Seen as equivalent to current salary group 5 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Chairman, Scottish Land Court / President, Lands Tribunal for Scotland (21)	Salaried
	Sheriffs Principal (32)	Salaried
	Legal Member, Upper Tribunal for Scotland (141)	Fee Paid
	President, Mental Health Tribunal for Scotland (148)	Fee Paid
	Temporary Sheriff Principal (Scotland) (111)	Fee Paid
	<i>Seen as equivalent to current salary group 6.1 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Sheriffs (46)	Salaried
	Re-employed former Sheriff Principal, Sheriff or part-time Sheriff, acting as Sheriff (Scotland) (112)	Fee Paid
	Deputy Chair of the Scottish Land Court (136)	Fee Paid
	Legal Members, The Lands Tribunal for Scotland (138)	Fee Paid
	Part-time Sheriff (Scotland) (109)	Fee Paid
	Re-employed former Appeal Sheriff (Scotland) (114)	Fee Paid

New Salary Group	Post	Salaried/ fee paid
VI	<i>Seen as equivalent to current salary group 6.2 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Surveyor Members, Lands Tribunal (Scotland) (56)	Salaried
	Chamber President, Health and Education Chamber of First Tier Tribunal for Scotland (145)	Fee Paid
	Chamber President, Housing and Property Chamber of First-tier Tribunal for Scotland (142)	Fee Paid
	Chamber President, Tax Chamber of First-tier Tribunal for Scotland (143)	Fee Paid
	<i>Seen as equivalent to current salary group 7 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Summary Sheriff (Scotland) (81)	Salaried
	Legal Member, First-tier Tribunal for Scotland – assigned to Housing and Property (139)	Fee Paid
	Legal Member, First-tier Tribunal for Scotland – assigned to Tax Chamber (140)	Fee Paid
	Legal Member, First-tier Tribunal for Scotland, Assigned to the Health and Education Chamber (144)	Fee Paid
	Legal Member, Mental Health Tribunal for Scotland (147)	Fee Paid
	Legal Member, Pensions Appeals Tribunal for Scotland (152)	Fee Paid
	Part-time Summary Sheriff (Scotland) (110)	Fee Paid
President, Pensions Appeals Tribunal for Scotland (151)	Fee Paid	

New Salary Group	Post	Salaried/ fee paid
	Re-employed former Summary Sheriff, or part-time Summary Sheriff, acting as Summary Sheriff (Scotland) (113)	Fee Paid
	Member of the Scottish Land Court (137)	Fee Paid
VII	Adjudicator, Parking and Bus Lane Adjudicators (150)	Fee Paid
	Legal Member, Police Appeals Tribunal (149)	Fee Paid
	Legal Member, Scottish Charity Appeals Panel (146)	Fee Paid

Northern Ireland

New Salary Group	Post	Salaried/ fee paid
I.I	Lord Chief Justice of Northern Ireland (2)	Salaried
III	Lords/Lady Justices of Appeal (Northern Ireland) (15)	Salaried
	Lord/Lady Justices of Appeal (sitting in retirement) (83)	Fee Paid
IV	High Court Judges (Northern Ireland) (17)	Salaried
	Presiding Coroner (Northern Ireland) (18)	Salaried
	High Court Judge (Sitting in retirement) (85)	Fee Paid
	Deputy High Court Judge Northern Ireland (87)	Fee Paid
	Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978 (88)	Fee Paid
V	<i>Seen as equivalent to current salary group 5 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Chief Social Security Commissioner and Child Support Commissioner (Northern Ireland) (23)	Salaried
	Recorder of Belfast (30)	Salaried
	<i>Seen as equivalent to current salary group 6.1 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	County Court Judge (Northern Ireland) (37)	Salaried
	President, Appeals Tribunal (Northern Ireland) (43)	Salaried
	President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland) (44)	Salaried

New Salary Group	Post	Salaried/ fee paid
	President, Lands Tribunal Northern Ireland (45)	Salaried
	Social Security and Child Support Commissioner (Northern Ireland) (47)	Salaried
	Deputy County Court Judge (Northern Ireland) (116)	Fee Paid
VI	<i>Seen as equivalent to current salary group 6.2 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Member, Lands Tribunal (Northern Ireland) (55)	Salaried
	Vice-President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland) (59)	Salaried
	Presiding District Judge (Magistrates' Courts) (Northern Ireland) (73)	Salaried
	Presiding District Judge (Northern Ireland) (75)	Salaried
	<i>Seen as equivalent to current salary group 7 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Coroners (Northern Ireland) (63)	Salaried
	District Judge (Magistrates' Courts) (Northern Ireland) (67)	Salaried
	District Judge (Northern Ireland) (65)	Salaried
	Employment Judge (Northern Ireland) (61)	Salaried
	Full-time Salaried Legal Member of the Appeal Tribunal (Chair) (Northern Ireland) (76)	Salaried
	Presiding Master of the Court of Judicature (Northern Ireland) (74)	Salaried

New Salary Group	Post	Salaried/ fee paid
	Masters of the Court of Judicature (Northern Ireland) (72)	Salaried
	President of the Pensions Appeal Tribunal for Northern Ireland (105)	Fee Paid
	Deputy President of the Pensions Appeal Tribunal for Northern Ireland (106)	Fee Paid
	President, Special Educational Needs and Disability Tribunal for Northern Ireland (164)	Fee Paid
	Chairman, Criminal Injuries Compensation Appeals Panel for Northern Ireland (156)	Fee Paid
	Chairman, Mental Health Review Tribunal (158)	Fee Paid
	Chairman, Special Educational Needs and Disability Tribunal for Northern Ireland (165)	Fee Paid
	Deputy Child Support Commissioner for Northern Ireland (119)	Fee Paid
	Deputy Coroner (Northern Ireland) (120)	Fee Paid
	Deputy District Judge (Magistrates' Court (Northern Ireland) (117)	Fee Paid
	Deputy District Judge (Northern Ireland) (121)	Fee Paid
	Deputy Social Security Commissioner for Northern Ireland (118)	Fee Paid
	Deputy Statutory Officer (Northern Ireland) (115)	Fee Paid

New Salary Group	Post	Salaried/ fee paid
	Fee-Paid Employment Judge, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland) (122)	Fee Paid
	Legal Chair, Care Tribunal (153)	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 (104)	Fee Paid
	Legal Member, Appeal Tribunals (166)	Fee Paid
	Legal Member, Mental Health Review Tribunal (159)	Fee Paid
	President, Charity Tribunal for Northern Ireland (154)	Fee Paid
	President, Northern Ireland Valuation Tribunal (162)	Fee Paid
	Legal Adjudicator, Criminal Injuries Compensation Appeals Panel for Northern Ireland (157)	Fee Paid
VII	Adjudicator, Northern Ireland Traffic Penalty Tribunal (161)	Fee Paid
	Legal Chairman, Northern Ireland Health and Safety Tribunal (160)	Fee Paid
	Legal Member, Charity Tribunal for Northern Ireland (155)	Fee Paid
	Legal Member, Northern Ireland Valuation Tribunal (163)	Fee Paid

Wales

New Salary Group	Post	Salaried/ fee paid
IV	President of Welsh Tribunals (124)	Fee Paid
VI	<i>Seen as equivalent to current salary group 6.2 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	President, Mental Health Review Tribunal (Wales) (50)	Salaried
	<i>Seen as equivalent to current salary group 7 (does not indicate which posts are expected to get leadership and/or specialism allowances)</i>	
	Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment) (128)	Fee Paid
	Legal Member Mental Health Tribunal Wales (where a legal qualification is a requirement of appointment) (127)	Fee Paid
	President Adjudication Panel Wales (132)	Fee Paid
	President of Special Educational Needs Tribunal Wales (129)	Fee Paid
	President of the Rent Assessment Committees Wales (125)	Fee Paid
	President Welsh Language Tribunal (130)	Fee Paid
	President, Agricultural Land Tribunal Wales (134)	Fee Paid
VII	Legal Member Adjudication Panel for Wales (133)	Fee Paid
	Legal member Agricultural Land Tribunal Wales (135)	Fee Paid
	Legal Member of the Rent Assessment Committee Wales (126)	Fee Paid
	Legal Member Welsh Language Tribunal (131)	Fee Paid

