

# PRESS CONFERENCE

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES

(The Right Honourable the Lord Burnett of Maldon)

on

Tuesday, 7 February 2023

at

UNKNOWN LOCATION

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**CHAIR:** Thank you all for coming to this press conference. A few reminders, we have got 45 minutes, a couple of ground rules that were in the op note but you are well versed. No questions on specific cases or political matters. The Chief is going to do a short address, after which time we will invite questions. If you raise your hand and then say who you are and where you are from beforehand. Over to you.

**THE LORD CHIEF JUSTICE:** Good morning everybody. Since we last met an important focus for the judiciary has been to find ways to increase the rate at which cases are completed to help to deal with high volumes of work and outstanding case loads across the courts and tribunals. The work of the Crown Court Improvement Group has brought together all of the organisations involved in the court process to identify and promulgate best practice and to look carefully at their own practices to iron out inefficiencies. A new Better Case Management handbook has recently been published, together with a Listing Protocol. The fruits of all that work are being implemented.

In the Family Courts the Public Law Outline Initiative has launched, refocusing efforts on meeting the statutory 26 week target in care cases. Intensive work is underway in other areas of family work, in the tribunals and in the county court to increase the throughput of cases and reduce the number of hearings a case requires before it is finally resolved.

There have also been significant steps in advancing transparency. The President of the Family Division has launched the pilot for press reporting in family cases. In the Crown Court an increasing number of high-profile sentencing remarks have been broadcast from around the country, and I am grateful for the part the media play in these developments, which I believe are important steps in upholding the principle of open justice and in achieving greater public awareness and understanding of the work of the courts. That work continues this month with the launch of a new online course focusing on the rule of law, which is one of the features of this country's system of government, which underpins all civic and commercial activity. The course complements the intensive work done by hundreds of judges and magistrates in schools and in the community to foster understanding of the rule of law and the place of judges in upholding it.

We continue our work both independently and through the Judicial Diversity Forum with the legal profession, the Judicial Appointments Commission and the Ministry of Justice, to make the judiciary more reflective of the society we serve. Part of our work includes a drive to ensure the courts and tribunals provide inclusive working environments, together with an increasing focus on judicial welfare. The efficient and effective administration of justice is central to upholding the rule of law, which, as I have said, underpins the smooth functioning of our economy and stability of society. For the courts and tribunals to perform their function effectively in the future there must be continued investment to address the problems of capacity we have experienced. All aspects of the system must be nurtured, people, infrastructure and systems, to ensure that there are enough judges, lawyers and staff, and adequate buildings and IT infrastructure to hear cases promptly.

The judges and magistrates in our courts and tribunals will continue to serve the public and strive to sustain the rule of law and the administration of justice.

Thank you.

**CHAIR:** Martin?

**MARTIN BENTHAM:** Martin Bentham from The Evening Standard. You noted there in your remarks about improving efficiency and so on, but did not mention the criminal courts. Is it a source of concern to you that there is still a very big backlog in the criminal court? There has not really been a great deal of progress there. Are you concerned about that? Are you concerned about the impact on victims, particularly of those crimes which are rapes and other sexual offending, which

are particularly traumatic, and are you being let down in a sense by other factors as well as dealing with problems that you can address yourself?

**THE LORD CHIEF JUSTICE:** Well I did mention the Crown Courts because the Crown Court Improvement Group which I referred to, which I set up now 18 months ago, was designed to focus intensely on what is going on in the Crown Court and work towards improvements. The important feature of the Crown Court Improvement Group which I think has been critical to its success is that all of the players in the system, starting with the police, the CPS, the prison service, those who deliver prisoners to court, the probation service, the judiciary, the legal profession, all of them have been brought together in an environment where they can talk to each other openly and confidentially about their own shortcomings as much as anyone else's shortcomings. We live in a world, I am afraid, where there is too often a tendency for finger pointing, 'Not me, them', and we have tried to squeeze that out of the serious work that has been done to improve what is going on in the Crown Court.

The position is still relatively difficult for us. Before the pandemic the outstanding caseload in the Crown Court was about 40,000. It is important that everyone understands that that does not mean 40,000 trials. During the course of the pandemic the outstanding case load went up to, in round numbers, 60,000, then it began gently to decline. In April last year it was at about 58,000. Now for reasons that all of you fully appreciate there were difficulties in the Crown Court which led to the volumes going up again and they topped out – and this is an unaudited figure – at just about 63,000 at the height of what was called the Bar strike. Since then it has been coming down gently. It is, in fact, in the first couple of months after the resolution of that dispute coming down a little more quickly than we were expecting, it has come down by about 2,000 roughly, and we expect that reduction to continue. But the critical thing about the work of the Crown Court Improvement Group is that it has looked closely at all working practices across the system with a view to increasing the throughput of cases, reducing the number of hearings before a case is concluded, and critically making sure that information is provided early on in the process through the police and the CPS to enable informed decisions to be made by defendants. In other words, at the moment far too many cases resolve through guilty pleas late in the process and the aim of much of this work is to encourage the resolution of cases that will end up with guilty pleas earlier. That will be a benefit for everyone involved in the system, because, in my view, it is not so much the raw outstanding case load that matters most but the time it takes for cases to be heard.

That comes directly to the point that you asked. It is in nobody's best interests that there are long delays in the resolution of criminal cases that need trials.

**MARTIN BENTHAM:** In other words, the guilty plea ones are slowing the process down, they could be dealt with, expedited, and the other ones, more time cleared for the other ones in essence. Thank you.

**CHAIR:** Joshua?

**JOSHUA ROZENBERG KC:** Joshua Rozenberg. As you indicated in your introduction, although we see you in court much of your work goes on behind the scenes, phone calls, meetings, conversations and so on. What challenges have you faced in defending the rule of law, particularly recently?

**THE LORD CHIEF JUSTICE:** You are right, as with so many relatively big jobs, most of what has to be done is not necessarily entirely visible. The rule of law, as I indicated in my opening remarks, is absolutely fundamental to the proper functioning of society and the UK and its various component parts are seen by many as the cradle of the rule of law. Legal historians would argue about when the really significant steps were taken, but it has been absolutely bedded in for centuries. I have long been concerned that the rule of law is taken for granted by most people in this country, if they

think about it at all, and that is why we have been doing so much work in schools and communities, for example. But I am entirely confident of the commitment of the Prime Minister and his senior ministers to the rule of law. I had a very productive meeting with him only a couple of weeks ago when we started off with a discussion about the rule of law. I think I am not breaching any confidences in saying that, but he made it clear that it was absolutely non-negotiable.

So that is extremely encouraging, extremely encouraging, because I read, as you all do – although some of you write it as well – about hypothetical threats to the rule of law in some areas of government policy, but I am being reassured, and reassured at the highest level, that the rule of law will be respected.

**JOSHUA ROZENBERG KC:** So would we be right to infer that you told Rishi Sunak of the concerns about the rule of law that were being reported and expressed your concerns?

**THE LORD CHIEF JUSTICE:** You will understand why, Joshua, I cannot divulge precisely what I said to the Prime Minister and what he said to me, and I do not speak quite in that sort of language, but it was a common ground that was established at the outset of our discussions, which then of course flowed into all sorts of other areas, that the rule of law is non-negotiable.

**JOSHUA ROZENBERG KC:** Thank you.

**CHAIR:** Dominic?

**DOMINIC CASCIANI:** Dominic Casciani, BBC. Can I just go back to see if we can get the detail on your own understanding of the trajectory on one element of the delays... well I appreciate that there are issues in different sectors. Last week there was quite a lengthy session of the Justice Select Committee where MPs were pressing for more detail from the MoJ about the direction of travel beyond this fairly simplistic target of getting the backlog, down to 53,000 by March 2025. What is not clear to me is what do we expect along the way, so do you have any sense of targets you are aspiring to hit and see hit between now and that time? But also, particularly, what is happening with things like judicial recruitment? Are you confident you are going to have enough judges sitting to help the cases through? Has there also been any consideration given to the potential impact on charging rates, assuming the Home Office meets its target of getting 20,000 new officers in uniform by the new financial year? All these things are going to play into the trajectory, I'm just wondering what do you see going forward beyond that 53,000 target by March 2025?

**THE LORD CHIEF JUSTICE:** Well, Dominic, the multifaceted nature of your question hints at the complexities of the system that we are dealing with.

**DOMINIC CASCIANI:** Indeed.

**THE LORD CHIEF JUSTICE:** I cannot set targets; it would first of all be entirely inappropriate for me to do so, but also the criminal justice system, or cases coming in to the courts, and particularly as we are focusing on it, the Crown Court, are entirely demand led. In other words, by the time a case comes to the courts others have been dealing with it and we have to deal with whatever comes into the courts. Now in a paper which we wrote last year for the Public Accounts Committee we indicated that as the judiciary we would like to get to a position where all cases in the Crown Court that are ready to be heard can be heard within about six months. Now that chimes with the custody time limits effectively. Cases where defendants are remanded in custody must be tried within certain periods, there are statutory limits which can only be extended for good reason and a fairly narrow range of reasons. Most of those cases are still being tried within the custody time limits and some have been extended. The cases that are taking longer are, by and large, the non-custody cases, ie. when the defendant is not remanded in custody.

We expect the numbers to continue on a downward trajectory, that is the numbers of outstanding cases. I am not in a position to predict how quickly they will come down or to what level they would come down. The ambition of the MoJ that you identified of 53,000 in 2025 was one which I think I described to a Select Committee as not as ambitious as I would like to see myself, but it has also, of course, been subject to the events of the Bar action in the intervening period.

There are two particular sub-points that you raised, which I can deal with briefly. The first is judicial recruitment. In the last round of recruitment for circuit judges the number recruited for the Crown Court fell short of the request that was made by 16 judges. Now each Crown Court judge sits about 200 days a year, and so you can just work it out, that is actually quite a significant shortfall. What we have done to try to make good that shortfall is take three distinct steps; the first is to encourage recorders, so they are fee paid judges who try Crown Court cases, to increase the number of days they make available to sit, and that has been successful to an extent. The second is to authorise a number of recently retired crown court judges to sit in retirement, and they provide an extremely useful resource. The third has been for the first time to take advantage of a statutory provision which has existed since 1981, to enable district judges who sit in the Magistrates' Court to try cases in the Crown Court. My memory is that I think it is 28 or 29 have been authorised to do that. That figure may not be entirely accurate and we are hoping that each will contribute about 50 days. So these three things we are doing to enhance judicial capacity. There is another competition running to recruit crown court judges at the moment, which is partway through the Judicial Appointments Commission. It is obviously not possible for me to predict precisely how that will turn out, but I hope that it will do better than last year.

Then your point about charging rates flows into, if I may say so, a bigger question. The volume of work coming in to both the Magistrates' Court and the Crown Court remains depressed as compared with the period before COVID. I do not know why, and I put it that way because nobody has been able really to explain to me why it is that the overall volume of charging for criminal offences remains depressed as compared with pre-COVID. There are signs in the latest figures that have been published very recently by the Crown Prosecution Service that charge rates are going up, and going up particularly in some areas. It is an issue that we are keeping a close eye on and I have asked both the MoJ and the Home Office to keep a close eye on it, because for planning purposes we all need the best information that can be provided by those departments about what the likely flows of work are going to be in the months and year or two ahead.

**DOMINIC CASCIANI:** Based on the information which is available to you I infer from this it is a little bit difficult to actually predict whether the 53,000 target is realistic or lacking ambition, is too ambitious, because there are these factors which you just really cannot see, am I right?

**THE LORD CHIEF JUSTICE:** I think that is right. There are so many different things that are capable of having an impact on the volume of cases that can be disposed of in the Crown Court that precise predictions are really very difficult, and I am certainly not in a position to make one, and I would be surprised if anyone else were.

**CHAIR:** Lizzie?

**LIZZIE DEARDEN:** Lizzie Dearden from The Independent. I saw the report that was released by the European Court of Human Rights the other day, and it actually showed that there were far fewer adjudications in relation to the UK than almost any other European nation party to the court's jurisdiction. So with that in mind I just wondered if you could almost explain briefly how the Court works in relation to the jurisdiction of England and Wales, and whether yourself and other judges feel that their rulings are somehow constrained or at danger of being overruled at all?

**THE LORD CHIEF JUSTICE:** Well I am aware of the statistics that the number of cases that go from the United Kingdom to the Strasbourg Court is very low indeed. The number of cases that

succeed in Strasbourg against the UK is very low indeed. I think that part of the reason for that is simply that the courts in this jurisdiction have developed a very effective way of dealing with cases that raise convention rights and the Strasbourg judges, including the new President, have said publicly that they value the decisions that are made at the higher levels in the UK on convention points. In other words it helps them develop their jurisprudence. In making that observation I should not be taken as suggesting that we are better at it than anybody else or critical of any other jurisdiction, but that seems to be the view of the Strasbourg judges themselves.

**CHAIR:** John?

**JOHN HYDE:** John Hyde from the Law Society Gazette. Related to the issue about judicial recruitment you said over a year ago now that the state of the courts estates in some cases was embarrassing and was actually putting people off applying to become judges. Has anything changed since then to alter that view? What discussions have you had about getting extra funding and what are your expectations for getting extra funding for the courts' estate?

**THE LORD CHIEF JUSTICE:** Well taking those points I hope in turn, we are confident that a significant number of people are deterred from becoming salaried judges because of the likely working conditions they will encounter. That is fairly obvious when you think about it because those coming to be salaried judges will be practising lawyers, and although not every lawyer's office is palatial by any means, generally speaking when things go wrong they get mended. There are not buckets catching water, when carpets become frayed and fall apart they do not just put duct tape on them, and so forth. So it is one of the factors which we consider is inhibiting some people from becoming salaried judges.

Over the last year, so I am thinking of this financial year, the Ministry of Justice found extra money to devote to capital spending on the courts. It was a significant amount of money but nowhere near enough to begin to make good the degradation that the court estate, or at least parts of it, have suffered in recent years and decades. It should not be forgotten that like any other organisation leases fall in, for example, and new accommodation has to be found for existing courts. So a very recent example was Medway Family and County Court, which I opened at the end of last year. It had been in a building, the lease fell in so new arrangements had to be made. Those types of arrangements, which we get one or two or three a year, consume quite a bit of the capital expenditure. So the position at the moment is, in truth, that capital maintenance of our court buildings is fairly hand to mouth in the sense that something will be mended or replaced if it really has to, but certainly my view is that the precautionary maintenance that, as we all know, if you do not do it at home you get problems, well it is the same with court buildings, is not happening as it should.

I also appreciate that the courts are not unique in this position, at least from what I read in the papers and what I see myself, because we all visit public buildings of one sort or another in the ordinary course of life. But the problem with the courts is that they have been starved of case for a very long time, and sooner or later government is going to have to provide proper resources to make good the degradation that has occurred.

Now looking forward, the third part of your question, I am not blind to the fact that public money – which has never been readily available anywhere – seems even tighter than usual at the moment. Now the way court funding is arranged is that each year there is a negotiation between the Lord Chancellor on the one hand, and me and the Senior President of Tribunals on the other, with our having the advice of the Court Service Board to arrive at a figure which, with luck, we can agree upon, which is sufficient to provide an efficient and effective court service, which is the statutory duty that the Lord Chancellor has. Now those negotiations have only just started and will be concluded, I hope, before the beginning of the new financial year in April. You will understand that

I cannot anticipate what they might be, nor can I give you detail of the sort of discussions that I have been having.

**SIAN HARRISON:** Sian Harrison from the Press Association. I am very sad to hear this may be the last time that we see you in this setting, but I know it has been quite a long and rocky road and I just wanted to know, I am sure you had some huge ambitions when you took on this role, this hugely important role, and they may have been slightly derailed from keeping the show on the road, so to speak, over the past few years which has been, we all know, very difficult, and I think that there has been great advancements, some necessitated by the pandemic in terms of remote courts, cameras in courts, huge point for open justice. But if there was something left over so to speak on your to-do list, what would it be?

**THE LORD CHIEF JUSTICE:** Well it's kind of you to say that you are sorry that this will be the last time probably that you see one of these press conferences with me here. It is actually quite difficult to wind one's mind back to six years ago, when I joined the competition to become Lord Chief Justice with the particular things I had in mind then and the pressures and difficulties that were clear then, because of course, COVID changed everything. I do not think that even now many of us, looking back to COVID, quite appreciate the enormous difficulty there was in keeping the court system going, and we played our part, I played my part, and the part played by everybody engaged in it was quite remarkable actually. Of course, it consumed a huge amount of time and a huge amount of energy.

Most of the things that I set out to achieve are inevitably works in process. Very much improving the welfare offering to judges, continuing to work on, and I hope, improve the diversity of the judiciary, playing our part in supporting the modernisation of the courts through the proper use of technology, all of these things are works in progress. There were distinct things about the terms and conditions of judges, which were really important to sort out and they were sorted out.

The biggest thing that immediately springs to mind that continues to be a work in progress is the project which has the label One Judiciary, and the allied project of dealing with judicial terms and conditions, and all sorts of structural things. That is a really big project and successive Lord Chancellors have been supportive, the current Lord Chancellor is supportive, Sir Robert Buckland was supportive, David Gauke was supportive. But it takes time, it takes time for the policy work to be done, but then it takes time to get an appropriate legislative slot to put in place the legislation necessary to support the changes. There is a lot of pressure for legislation, as you will appreciate, and it is perhaps one of the striking differences between the way things work now as compared with the way they worked, if I can call it, in the old days under the old system, in other words before the changes made by the Constitutional Reform Act.

I was very struck before Christmas by an article written by Frances Gibb, which centred around an interview she had with Lord Mackay of Clashfern as he retired from the House of Lords, too soon in most of our views, at 95, and James Mackay of course had been Lord Chancellor in the Thatcher government. A couple of striking things; first Lord Chancellors in those days tended to do the whole parliament, they did not chop and change as happens now, and secondly, one of the points he made, if I remember the article correctly – and forgive me because I was not expecting you to ask about this – was that as Lord Chancellor there is the need to recognise that every few years there needs to be a serious piece of legislation that deals with the needs of the judiciary. I hope that we can get back to that, even though I am conscious of the fact that there will always be competition for available legislative slots. That is the big project which will not be completed by the end of September when I give up being Lord Chief Justice.

**SIÂN HARRISON:** In a nutshell, just what reforms are we talking about?

**THE LORD CHIEF JUSTICE:** Well this is on the One Judiciary Project, bringing the Tribunals Judiciary and the Court Judiciary together and changing the structures to an extent so that the Senior President of Tribunals becomes rather more like a Head of Division, with the tribunals in England and Wales eventually reporting to the Lord Chief Justice. I mean that is a very, I am afraid, simplistic overview. The terms and conditions work is critically designed to deal with some anomalies which many think make it more attractive to remain as a fee paid judge sitting a great deal than to become a salaried judge, and that is all quite technical but it is important.

**SIÂN HARRISON:** So this could help with recruitment and retention?

**THE LORD CHIEF JUSTICE:** Indeed, yes.

**CHAIR:** Have you got time for a few more?

**THE LORD CHIEF JUSTICE:** Yes, I mean I am afraid I have no idea, I can't see what the time is but yes.

**CHAIR:** Dominic?

**DOMINIC CASCIANI:** Just going back to something Sian's mentioned as well, which is about televising the sentencing. I am just wondering, what are your reflections on that, presuming you must have seen televised sentencing remarks. So I am just wondering, we all have strong views about it as journalists, I am just wondering what benefit you see it having brought from your side of things?

**THE LORD CHIEF JUSTICE:** Just winding back I think I am right in recollecting that at my first press conference as Chief Justice I was asked about broadcasting sentencing remarks – I am looking for confirmation to my right; I think I am getting a nod – and I indicated then immediately that it was something that I thought was a good idea for some cases. Now here we are all those years later, but first of all we had to get Government to sign up, and they did, and then as you will know particularly working out the details of it, always more complicated than people think. Then we had COVID which delayed the execution of the plan. But to my mind it has been an unalloyed success. It is one of those things which I think is beginning to enable people to understand much more about what happens when people are sentenced for serious offences, it enables people through the reporting that you are all responsible for to appreciate more of the subtlety involved, in other words to look beyond the headline figure. I think it also helps to demystify what goes on in our courts, and so I very much hope that it will continue and it will grow. We have had now a series of cases of intense public interest where the sentencing remarks have been available to be viewed in full, and I know because those to my right keep an eye on this, that the volume of people that look at them is very large indeed, and it enables you all, particularly broadcasters, to take out some of the critical bits and include it in your news reports, which to my mind is rather better than having a sketch of the judge, however good that sketch may be.

**DOMINIC CASCIANI:** Point of note.

**JOSHUA ROZENBERG KC:** Sorry to throw this to you towards the end but you will have seen that a trade union, the GMB, now has a judge's branch and you will be getting a letter from the senior organiser expressing concern about an allegedly toxic working environment. The letter from Stuart Fegan says, "Our members have informed me that initiatives advertised internally purporting to address wellbeing are at best tokenistic." He says, "A significant number of judges have reported feeling suicidal because of treatment at work, particularly on the Midlands circuit where we have many GMB judges seeking advice," and he speculates on why that is. What will you be replying to Mr Fegan?



**THE LORD CHIEF JUSTICE:** Well I do not know until I consider the detail of the letter but I am aware of its existence.

**MARTIN BENTHAM:** Are you concerned or do you share the concern of those critics in politics, paying groups, media, who are worried about SLAPPs litigation, the use of Article 8 privacy claims, and the ability of those with pots of money to use the extensive rights of appeal in the courts to protract and grind down their opponents in some cases? Are you concerned that the justice system, the court system allows them the ability to do that as an observer? I realise that as the law stands it is for others to address that if the perceived failings in the structure of the law, but for example, the protracted appeals processes that exist through judicial review right to permission on paper, oral hearings, rights of appeal to the Court of Appeal and so on, all play into the hands of those with, frankly, lots of money and time, to throw at cases; are you concerned that this is happening in the courts?

**THE LORD CHIEF JUSTICE:** Well you prefaced your observations with the reality that this is something which politicians are talking about and campaigners. It is an intensely political topic at the moment and so it would be inappropriate for me to venture into publicly. You will just have to forgive me.

**MARTIN BENTHAM:** I would be grateful if you looked at it from behind the scenes, particularly on the appeal side and also the point that, as an interested party in litigation, for example, the judicial review, apparently you can be hit with very substantial costs even if you are the interested party, which again is an obstacle to media.

**THE LORD CHIEF JUSTICE:** That is actually very, very rare indeed, but—

**MARTIN BENTHAM:** I hope so.

**THE LORD CHIEF JUSTICE:** —to use that expression, I hear what you say and we are very conscious of it.

**LIZZIE DEARDEN:** It's a very quick, follow-up to Dom's question actually, but in relation to the broadcast of sentencing hearings we've had there was some concern initially when it was discussed that it could personalise judges, and perhaps if people were unhappy with the sentencing or aspect of it, drive targeted abuse and harassment towards judges if people were not in agreement with what they said about cases that they felt very strongly about. Has that been seen at all, and are there any examples of judges being abused verbally online or in any way?

**THE LORD CHIEF JUSTICE:** I am not personally aware of it, I look to my right to see if there are any nods from those who might be aware of it. I should say that very few judges bother to look at online comments about them. We all know that there is lots of foul stuff out there, but really I think certainly my approach and that of my senior colleagues is to try to ignore it, but I am not aware of there being any of those problems yet. It is not to say that they may not occur.

**DOMINIC CASCIANI:** Have you had any interest coming up via the circuits, the judges around the country saying, 'We want to do this as well. We want to be more clearly heard when we are dealing with crimes which are of real significance to the public?'

**THE LORD CHIEF JUSTICE:** At the moment, as you know, the statutory instrument permits the broadcasting of sentencing remarks in respect of a relatively limited cohort of judges. The interest from the media is not universal, it has to be said, and one understands that, you want to report on cases that the public really want to hear about and so that will not be all of the cases being done by the judges concerned. I think everybody, including the media, wants to see how this goes and

then whether it should be expanded will be something for further consideration, and almost certainly for consideration by someone other than me.

**JOHN HYDE:** Sorry, very quickly, just to follow-up Joshua's question, not commenting on a letter but what is the judiciary doing to protect the welfare of its judges and is enough being done?

**THE LORD CHIEF JUSTICE:** Yes, we are doing a huge amount to protect the welfare of our judges, and in particular the work that we have been doing to identify and deal with what may generally be called inappropriate behaviour has been very forward looking, and in my view, quite far sighted. I gave quite a lot of detail about this to the Justice Select Committee when I saw them in November, I think it was, and there will not be time for me to rehearse it now, but the basic premise is that first we have completely transformed the welfare offering for judges. We started from the premise that we could not assume that uniquely amongst all organisations in this country and the world that we might not have some isolated problems, and so we set out to try to find out what they were. We did a welfare survey 18 months or so ago where we asked expressly about behaviour that was inappropriate of all sorts. We have followed that up through the Judicial Attitude Survey where we have asked the same types of questions and the details of that will all be published in a few months' time. As a result of what we have discovered through those surveys we have initiated training for leadership judges. By leadership judges I do not mean just the very senior judges here but the Designated Family Judges, the Designated Civil Judges and the Resident Judges, who between them lead in family, civil and crime all the big towns and cities in the country. We have initiated training for them to understand better difficulties of this nature, and to ram home that it is their responsibility to deal with behaviour of this sort, if it is happening in their courts or areas that they are responsible for. We have also set in train a mechanism to train all salaried judges in this respect, starting later this year. I am sorry you have got me going now, you will probably regret it.

We established a whistleblowing procedure 18 months ago again I think it is now, which is similar to that which exists in other parts of the public sphere, but also in private companies. We have also completely revamped the grievance procedures to enable judges to raise issues without necessarily making formal complaints about behaviour. We have also put out a public facing statement of behaviour, very similar again to that which every organisation, big organisation nowadays has crafted for its own particular needs. I think we really have been more active in this field than pretty much any other organisation, and I am also conscious of the fact that whatever we do we will never satisfy some people, that is just the reality of life.

As a sort of general observation I think it is important to listen to those who shout loudest and take account of the quality of what they say, but just because somebody shouts loudly you do not completely change your whole way of doing things to satisfy the loud shouters.

**JOHN HYDE:** What did you find in the survey, what examples did you find?

**THE LORD CHIEF JUSTICE:** What we found was that there is a small proportion of judges who feel that they have been the subject of inappropriate behaviour from sometimes other judges and sometimes lawyers and sometimes litigants, but you will have to bide your time to get the whole thing when it is published in a few months' time.

**CHAIR:** I think we are just over.

**THE LORD CHIEF JUSTICE:** Yes, because I am going to have to be elsewhere.

**DOMINIC CASCIANI:** Can I just ask one very, very quick question. This is not my question but I am just wondering about something which affects our daily working lives, which is about access to cases, the whole E-File thing which is pretty useful now, particularly like in the media side of things, cases; what is happening with admin and all that side, judicial reviews and everything? Because

that's often the case where we struggle to keep track of what is happening in the case and access papers. Is there any kind of plans in the works to more open up the way we initially are able to find out about cases, say, 'This one has just been filed, let us keep an eye on that one'?

**THE LORD CHIEF JUSTICE:** That is an issue that I will have to take away as they say, because I am aware obviously of the digitisation of the work of the Administrative Court but I am not aware of whether that makes it more difficult or less difficult for those who are entitled to look at paper, as it used to be, to look at that paper.

**DOMINIC CASCIANI:** The practical example I will give is, for instance, with some of these services now I can get a daily email saying that all these companies have lodged papers suing each other, or there is this new media case. On things like JRs you just don't really hear about them until they are listed, or you have been alerted to it by the parties involved, one of the parties. It is that kind of thing, we are very keen to talk about that stuff.

**THE LORD CHIEF JUSTICE:** Right, okay, well I will ask those to my right to make a note of that and take it to the Administrative Court office so that they can have a look at it. Good, well thank you all very much indeed, it is always good to see you and I wish you all well.

[Ends]