**JUSTICE COMMITTEE**

**THE WORK OF THE LADY CHIEF JUSTICE**

Witness(es):

The Rt Hon Baroness Carr of Walton-on-the-Hill,

Lady Chief Justice of England and Wales

Chair:

Sir Robert Neill MP

on

Tuesday, 16th January 2024

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**CHAIR:** Order, order. Welcome to this session of the Justice Committee. A particular welcome to our witness, the Lady Chief Justice, Baroness Carr of Walton-on-the-Hill. Delighted to see you, Baroness Carr, thank you for coming.

**THE LADY CHIEF JUSTICE:** Good afternoon, I'm very pleased to be here.

**CHAIR:** Thank you for coming to help us. We just have to start with a little formal declaration of interest, which we do every time. I am a non-practicing barrister, former consultant to a law firm.

**EDWARD TIMPSON KC MP:** I'm a barrister with a current practicing certificate, but not undertaking any court work. I'm a former solicitor general, former chair of the National Child Safeguarding Practice Review Panel, former chair of Cafcass, and my brother is chair of the Prison Reform Trust.

**THE LADY CHIEF JUSTICE:** Yes, thank you.

**JAMES DALY MP:** I'm a practicing solicitor and partner in a firm of solicitors.

**RACHEL HOPKINS MP:** My declaration of interest shows I'm a member of PCS Trade Union.

**CHAIR:** Thank you very much, everybody. Well, Baroness Carr, it is historic, of course, because you are the first Lady Chief Justice of England and Wales, and many congratulations upon that.

**THE LADY CHIEF JUSTICE:** Thank you. It's very good to be sitting here.

**CHAIR:** We've always had a very good relationship, a constructive relationship, with your predecessors, and we look forward very much to working with you in the years going forward. I'm conscious that when dealing with any member of the judiciary, we have to be careful with what we can and can't ask, and the Committee are very alert to the constitutional conventions, that we don't ask the judiciary to come into the realms of politics and to ask upon any matters, questions on or comment upon any matters of potential political controversy or emerging government policy, and rest assured we will stick to that, as we have always done, again, with your predecessors. But I did think there might be a couple of things that we might, within those parameters, usefully touch upon, if it is convenient to you.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** The first relates to the Government's intention expressed to bring in some legislation to quash convictions in relation to the Post Office Horizon matter, which raises a number of constitutional issues which I will not ask us to ventilate here. But I am conscious that there was some comment, not from this committee, but some comment apparently in the media, suggesting that there had been some consultation and/or agreement in some form or other with the senior judiciary. My understanding is that that is not the case and, of course, there is always regular dialogue between the judiciary and ministers, but there is a long-standing convention which is well set out in the Cabinet Manual that members of the judiciary do not comment on legislation or government policy, and I think we would want to make it clear that we stick by that. I hope that my understanding is that any reporting of any kind that suggests otherwise is inaccurate.

**THE LADY CHIEF JUSTICE:** Thank you, Chair. On this topic, could I start by saying that any miscarriage of justice is, of course, deeply troubling. Everyone who knows about the Horizon cases is concerned, and I share that concern as of course does the judiciary. It is not news for the judiciary, because of course the High Court judgment in 2019, after two years of robust and fearless case management, delivered the judgment that forms the foundation of the ability to overturn these convictions. The first appeals and references came into the criminal courts in around the summer of 2020 and since then the courts, both at Court of Appeal and Crown Court level have done nothing but progress those cases efficiently, effectively and robustly. There has been a bespoke constitution in the Court of Appeal set up for this purpose, chaired by the Vice President of the Court of Appeal Criminal Division. There are systems and very efficient systems in place. So insofar as there is a narrative out there which suggests that the courts have been unable to cope with these cases, or would in the future be unable to deal with large volumes of these cases, that is simply very far off the mark. It is simply not factually correct. So that is the context. As for principle, as you rightly say, Chair, it is not and never has been for the judiciary to comment on the wisdom of proposed legislation, that is well established, and it is something that the judiciary has never done and nor have I done. So you are quite right to say that it follows that insofar as I have had any discussions with the Lord Chancellor, I have not expressed any view on the proposed legislation as such. I did, last Monday, at the Lord Chancellor's urgent request, have two short conversations with him remotely, that is the extent of the consultation which took place, but I am very grateful for the opportunity to make it absolutely clear that any suggestion that the judiciary has given any proposed legislation the green light is simply not true.

**CHAIR:** That is fine, unless there is anything else you felt properly able to say we will leave it at that.

**THE LADY CHIEF JUSTICE:** No thank you.

**CHAIR:** Thank you very much. Then the other matter is one which I think does invoke the exception to the Convention and that is this: the matter which relates simply to the operational impact of any potential actions upon the courts. You will have seen some headlines in the newspapers today suggesting that, “the Prime Minister will fast track migrant appeals against deportation to Rwanda by drafting in 150 judges and freeing courtrooms”. I don't know if [you are constitutionally?] able to say about the practical implication of that?

**THE LADY CHIEF JUSTICE:** Well, yes, I'm afraid that this headline draws matters of judicial responsibility into the political arena. Parliament has legislated, we the judiciary have acted in preparation for that legislation but, to be absolutely clear, matters of deployment of judges, the allocation of work for judges, and the use of courtrooms is exclusively a matter for the judiciary, and more specifically a matter for myself and the Senior President of the Tribunals and it's really important, Chair, that people understand that clear division.

**CHAIR:** I think we understand that.

**THE LADY CHIEF JUSTICE:** I know, I know. I know you do.

**CHAIR:** Let's hope others do too and, again, you've made that very clear and I'm sure that will be picked up. Having dealt with those two preliminary matters then, perhaps we can just move on to the broader picture that comes to you as a new Chief Justice. It will be interesting to know what your priorities are for your time in office, how you see the role, what are the principal challenges for the judiciary, for the courts and for the system?

**THE LADY CHIEF JUSTICE:** I think that my ambitions lie in three key areas. The first area is to recognise and promote judicial strength, and under that heading I would include communicating effectively the vital role in supporting democracy, society and the economy as a whole, safeguarding judicial independence and continuing to increase transparency. The second area is to build judicial unity. Now, of course, that involves one judiciary but it involves more than that, including the fostering of a truly inclusive culture, one that is respectful and welcoming and inclusive, supportive across the board and strengthening diversity. The third area is the reduction of backlogs, the improvement, obviously, of timeliness and the maintenance of quality. In that context, I wanted to take the opportunity to emphasise the importance of a well-functioning society, and the well-functioning justice system as essential not only to the economic growth, but also to society as a whole. So what I'm talking about is about individuals and families being able to move on and work productively. I'm talking about children being settled for the future and having the best chance in life. I'm talking about a criminal justice system that deters people from committing crime, and I'm talking about businesses being able to move forward with certainty and stability, free from disputes. On a more general economic level, of course, members of this committee will know the numbers. The UK legal services sector is the second largest legal services sector in the world. It brings into the UK economy tens of billions of pounds of money. It is a world-class international institution with a world-class respected… business and property courts in particular here, bringing in large volumes of international work. Of course, there are invisible exports and invisible imports involved in all of this. But all of that is really important to me and underpins much of what I have in my vision.

You asked me about the challenges. Well, there are many obvious challenges. Backlogs and timeliness is obviously at the forefront. I also think that the challenges for me will probably lie in the unexpected, things that I cannot see coming round the corner, and the fact that when I have to deal with those challenges, I probably, if not inevitably, will not be holding all the levers that are needed to solve the problems. So I see those as being the challenges, in broad terms, ahead of me. I know that, in all this, my biggest asset is my judges. Because the judges of England and Wales in the courts and tribunals work tirelessly and fearlessly with a single purpose, which is to serve the public and the rule of law, and that gives me both optimism and confidence.

**CHAIR:** That's very promising and optimistic in a realistic way. Do we do enough, do you think, actually, to promote the values of our system as a society, as a country? You make a very fair point about the strength of English law, is it sometimes underappreciated, do you think?

**THE LADY CHIEF JUSTICE:** I think the key to this is communication and understanding, and the better we communicate and the more the public understands what we do, the stronger will be the message. We do do a lot in the commercial sector, with the City and UK PLC to promote the international work that we do. The Treasury, I hope, is fully aware of the literal value of the work that we do. But across the board, and I know this committee has done a lot of work in the criminal sentencing arena, does the public understand enough of really how valuable we are, not just in money terms but in societal terms, across the board, and how this unravels, I think, across to the health sector, to the education sector, to the housing sector? We aren't in a silo, we don't live and work in a silo, and I think to improve the understanding as to how we intermesh with all parts of life is something I'd like to work on.

**CHAIR:** You came to the role with a reputation as a communicator. I remember commentators have mentioned that on your appointment. Are there any specific initiatives perhaps you're looking to bring forward to increase the effectiveness and intensity of communication?

**THE LADY CHIEF JUSTICE:** Yes, well, it's baby steps. I'm anxious not to move too fast, but transparency is an obvious target, and I have set up a Transparency Committee which is going to be chaired by a specialist judge. It's not fully populated yet, but its terms of reference will be roughly to promote access to justice. In this vein, I won't be looking just at broadcasting. I think it's access to documents, and I think it's access to information, because at the end of the day, we know that so many members of the public know what they do from what they read and see in the media. So if I can get high quality reporting across the board and make that as easy as possible, I'm a happy person.

**CHAIR:** Well, let's then try and move down to a number of those other topics and challenges that you've referred to. Ms Hopkins?

**RACHEL HOPKINS MP:** Thank you, and you're the first Lady Chief Justice, and we absolutely should celebrate that.

**THE LADY CHIEF JUSTICE:** Thank you.

**RACHEL HOPKINS MP:** It's a real milestone. So focusing on, and you've touched on it yourself, about some of your priorities around diversity and inclusion, what are some of the barriers to the judiciary being more diverse and inclusive, and particularly among those senior roles?

**THE LADY CHIEF JUSTICE:** That's such a good question. Can I also join you in celebrating, it's not about me, but the fact that we do have a first female Lady Chief Justice, and also to celebrate the appointment of Lady Simler to the Supreme Court, and the promotion of Lady Justice Whipple, who has taken over the exciting role of diversity and inclusivity and leadership? So there is lots to celebrate, but far from complacent. There are real barriers. I think one of the barriers for the judiciary is that we are, almost by definition a second career, so we are dependent on the available pool and, as you know, I think you will, I'm sure, be very familiar with the work of the Judicial Diversity Forum. I do feel passionately it's about working from the bottom up, and working with the professions, in fact with the schools and the universities, right from the beginning to make sure that we're getting the most able people, the most diverse cohort of people, from which to select our judges. So I think the biggest barrier is making sure that we do get the right people in that pool from which to select the brightest and the best. The statutory minimum is something like five to seven years before applying to become a full-time judge. You know in practice, the years, sadly, are much larger than that. It was 25 years I was in practice before I applied for the High Court, and I think the average is sort of 15 to 20 years before you dip your toe in the water. So I think those are the dynamics. Also, people don't necessarily retire very fast. So the numbers depend on people moving on, and we aren't in control of that either.

So how to overcome those challenges? Well, no spoiler alert. The Judicial Diversity Forum is front and centre working together with combined annual statistics, we have got a good new refresh out I think last week as to what action the JDF, the Judicial Diversity Forum, is going to be taking this year. Diversity is, for me, effectively the day job. It's always there. Our judges are involved in so many schemes, I couldn't even write them down on a piece of paper. *[Laughs]* There's reverse mentoring, there's targeted outreach, there's shadowing, there's mentoring. I'm sure that there are more things that we can do, but we are busting a gut to do whatever we can. You know that we now have our own five-year diversity strategy. We've published what our particular priorities are for this year, and our two priorities are going to be to look at the profile of black judges, to deeply dive as far as we can into the reasons as to why we haven't got more black judges, and the second area is to look at accommodation for disabled people.

I think it's really important that we look at diversity as well in all its forms. It's not just race, it's not just gender, it's socioeconomic, it's across the board, it's solicitors, it's legal executives. So I want to look at it in as broad a way as possible, whilst of course focusing on those areas where there may be particular and the most pressing needs. It's an exciting area to be in. Some of the schemes are really exciting, reverse mentoring.

**RACHEL HOPKINS MP:** Hmm.

**THE LADY CHIEF JUSTICE:** You've heard about it. It's a two-way street because we get so much out of these brilliant young people who come and tell us about their lives and their experiences, and they in turn walk away going, “Well, the judge was actually quite normal, actually almost quite nice,” and that's great, maybe that's the best communication strategy there is out there. Those sorts of schemes, let me be clear, aren't just involving district judges or magistrates. We've got members of the Court of Appeal fully signed up. So it is non-hierarchical, something that I am also very, very keen on.

**RACHEL HOPKINS MP:** Thank you. I am pleased to hear you reference socioeconomic diversity, class diversity, as much as those others you have talked about. There was a survey and 53% of the respondents to the Bar Council survey had experienced or observed bullying at work reported, and a judge has been responsible, and in response the Bar Council has described bullying as a systemic issue. Do you agree?

**THE LADY CHIEF JUSTICE:** I have actually been in very close contact with the Bar Council on this piece of work, and I welcome any of this type of work. The more information we can get, the more insight we can get, the better, frankly. So, obviously, I was very troubled to see this. We, I, I hope, could not be clearer that bullying is not to be tolerated. It's something that we are constantly looking at. We've issued a statement of expected behaviour, I'm sure you've been told about that. I was involved in the redrafting of the Guide to Judicial Conduct, which has made the statement of expected behaviour part of the guide, so it's actually an annex to the guide, it is front and centre. I do of course realise that a statement, you may be sitting there thinking, “Well, a statement's a statement.” It's got to be put into action. We've got to encourage people, if there is legitimate complaint, to come forward, to make it absolutely clear what the routes for complaint are so that we can stamp on it. But I do believe, amongst other things, that leading by example is really important. So, recognising the problem, stamping on it and dealing with it robustly when it occurs, but also, as I say, trying to lead by example. I mean, after all, I said this to the Chancery Bar Association in an interview a few weeks ago, what we really want is not only for everybody to be treated fairly and respectfully, a bare minimum I would suggest, but also to get the best out of them and to get the best points out for argument. The best way of doing that is making people feel comfortable so that they can come forward and they can present their arguments and we will get the right result.

So it's important on a number of levels. It is an important report. I've got it very much on board. The issue is very much in my sights. We are making our approach and our position, I hope, as clear as we can. The second strand of my themes, the judicial unity, is part of this. It's inclusivity. It's making people understand how their behaviour can impact on people, how to avoid it, how to spot it, how to report it if necessary. We have had – forgive me if I'm repeating what Lord Burnett said – a lot of inclusion training. That has been rolled out to the entire judiciary, so all of the leadership judiciary has been trained. I've participated. It was excellent. That covers all forms of bias and behaviour.

Sometimes people don't realise that they’re not behaving appropriately, or they don’t realise or appreciate the impact they’re having, and so helping people to understand that is very promising. So, a lot of work there, but it’s got to be embedded, words have got to be put into action and I’m confident we will get there and, as I say, I hope to lead by example.

**RACHEL HOPKINS MP:** And hopefully when we talk to you again in a year or two’s time, we’ll be able to see evidence of poor behaviour that’s been tackled and dealt with and improving behaviour.

**THE LADY CHIEF JUSTICE:**  Yes. There is a very robust complaints system, you know that. I don’t know that the precise numbers are for complaints coming in, but I think the annual tally of complaints upheld is only about 30 to 50 a year, on average, not a lot. So I don’t know myself what the phrase “systemic issue” means, I don’t want to get over carried away with it, but I certainly think that highlighting the issue is really important, and it’s not just in court, is it? It’s outside court, it’s wherever you go and I think that’s another important message, it’s not just how you behave with advocates in court, it’s across the board.

**RACHEL HOPKINS MP:**  Thanks. Another survey of 373 legal professionals that was carried out by University of Manchester in 2022 showed that 56 percent of respondents had witnessed at least one judge acting is a racially biased way towards a defendant. So can you elaborate what your response is to this and some of the other findings from the University of Manchester’s report on racial bias and the judicial—

**THE LADY CHIEF JUSTICE:**  No, thank you. I mean, again, that’s a high-profile report, a lot has been written about it. My response would be equally positive, in the sense that I welcome it, and we need all this information, we need to have all the input. I would repeat what I said about the Statement of Expected Behaviour and the training. I would also say, again, forgive me if you know this, but we are having yet another refresh of the Equal Treatment Bench Book, we’re making it… and that’s going to be coming out in a couple of months. Chapter 8 deals with racial bias, it’s tighter, it’s shorter, and it's full of practical guidance. So I hope it’s going to be a really useful tool to go alongside the Statement of Expected Behaviour, the refreshed guide. Then the final thing I would say would be racial bias is obviously a matter of real concern, if that is an issue that needs to be addressed we need to look at it but we also need to contextualise it, that it’s part of a bigger picture of diversity in the round.

**RACHEL HOPKINS MP:**  Thank you. Thank you, Chair.

**CHAIR:** Mr Timpson?

**EDWARD TIMPSON KC MP:** Thank you very much, Chair. In your opening… and before I go any further I should say I also very much welcome your appointment as the first Lady Chief Justice, it’s fantastic to see.

**THE LADY CHIEF JUSTICE:**  Thank you.

**EDWARD TIMPSON KC MP:**  In your opening you mentioned the three key areas that you want to concentrate on, one of which, I think the second one, was increasing judicial unity and there was a passing reference to the One Judiciary reforms which at the heart of those aims to try and bring courts and tribunals closer together as well as, for judges, greater opportunities for cross-deployment, career development, progression, and so on. I know it’s early days, but you’ve had previous involvement in these reforms, so could you give us a sense of where those reforms have got to and what One Judiciary is looking like for a judge as we sit here?

**THE LADY CHIEF JUSTICE:**  Thank you very much. One Judiciary is obviously one of the main items of progress that I could see through in my time as Lady Chief Justice, so I’ve given it a lot of attention and worked very closely with the Senior President of Tribunals who’s lived with this, of course, for a lot longer than I have. You know that last summer the government consulted on the proposals and I gather the government’s about to publish its response to the consultation process in relation to One Judiciary. What we really need is a legislative slot, please. *[Laughs]* I’ve been asking for one for a long time, and I will continue asking for one, but to get the structural change through that we want to bring in on the courts and tribunal side, we do need legislation. It should be non-political, it should be non-controversial, depending on the Government’s response and I need to get it through and there are a number of other nuts and bolts issues that I would like to get through. But One Judiciary in its… if I could call it its narrow sense of cross-deployment we are seeing successes. We’ve got many judges, for example, courts judges who sit in mental health tribunals, we’ve got senior circuit judges who sit in the employment appeal tribunals, we’ve got DJMCs, so district judges who sit in the magistrates’ courts sitting in the Crown Court and we’ve recently trained up 20 or so tribunal judges to sit in the civil and family courts. So it is all happening, we need to make sure the necessary training and induction procedures are there so there is no threat to quality in the sense of experience and training, that’s very important, but it is really important, it’s good for the system, it’s good for morale, and it’s good for career progression, so it’s really important. It’s also the One Judiciary theme, if I may go slightly beyond the cross-deployment issue itself, we talked a little bit about hierarchy and how I’m very keen to make the judiciary more inclusive as one when we are outside the court and tribunal hearing rooms. Because we, by definition, work in a very hierarchical world with routes of appeal but outside the court, actually, we’re all equal. Doesn’t mean we don’t need leadership, but sometimes the voice of the most experienced magistrate may be much more relevant and powerful than the voice of a senior high court judge, for example. So, for me, One Judiciary goes beyond the nuts and bolts, which is very important, the structural aspects, the cross-deployment aspects. It’s a culture as well. And as we improve cross-deployment, as I hope we will, we will be fostering, I hope, this inclusive sense of a judicial family where everybody feels welcome.

**EDWARD TIMPSON KC MP:**  The legislative vehicle that you spoke to, which is currently caught up somewhere in Whitehall, we do not know where, how much of that will practically set back the progress that you want to see as opposed to what can be done with it still sitting somewhere on a shelf?

**THE LADY CHIEF JUSTICE:**  Well, I need it, I need it, I can’t restructure the senior judiciary without it and there are all sorts of other aspects of reform with a small ‘R’ that I would like to bring in that will affect recruitment and indeed performance as a result. And this is because one of the things you may be asking me about later, I don’t know, is why haven’t we been able to recruit more district judges in the south east where there is a shortage at the moment? Well, there is a feeling, a strong feeling, and I know my predecessor spoke about this, that we need to look again at the balance between terms and conditions for salaried judges as opposed to fee paid judges. Should we be improving conditions for salaried judges and making the full-time judicial post more attractive, hence improving recruitment there? Well, I need legislation for that. So, the answer to your question is that without a legislative slot I am hindered, and materially so.

**CHAIR:** [If I could perhaps just?] interrupt for one second, perhaps to spell out a little more precisely what it is that need a legislative slot to do? You probably know, but for the public at large it might help.

**THE LADY CHIEF JUSTICE:**  Yes. No, no, quite. Well, we need to rejig the tribunal system so that I become… this sounds very megalomaniac, it’s not supposed to, that I become the judge in charge of the tribunals as well as the courts and the Senior President of the Tribunals becomes effectively a head of division. So there is a more unified structure, the tribunals come closer together with the courts and we work more as one cohesive system together.

**CHAIR:** And it enables system of deployment—

**THE LADY CHIEF JUSTICE:** Correct.

**CHAIR:** —and so on, listing. Yes, okay.

**THE LADY CHIEF JUSTICE:**  Correct. This would never be to lose the beauty of the different…   
“culture” is the wrong word, but the differences between courts and tribunals, that will all be preserved—

**CHAIR:** Yes, sure.

**THE LADY CHIEF JUSTICE:**  —but making us more a cohesive whole.

**CHAIR:** Sorry, Mr Timpson.

**EDWARD TIMPSON KC MP:**  Thank you, Chair. Beyond that, of course, there’s also the impact these reforms may have on some of our neighbouring jurisdictions, and thinking particularly around the arrangements for reserve tribunals and how that relates to both Scotland and Northern Ireland. Have you had an opportunity so far to have any discussions with the Lord President in Scotland or the Lady Chief Justice in Northern Ireland on this matter?

**THE LADY CHIEF JUSTICE:**  I might have had the opportunity, I’m not sure whether I’ve had the opportunity. I have spoken to them, but if I have, I haven’t taken it, I’m afraid I’ve left that to the Senior President of Tribunals. But I do know from him that he has been in close contact with them and they are content with what has been proposed, that’s my understanding.

**EDWARD TIMPSON KC MP:**  Thank you. I’m going to return to where you were anticipating maybe some questions around the recruitment of judges, and looking specifically at the criminal courts, a key component of that that we saw through COVID and the need to maximise the days and the sittings for criminal courts, in particular the Crown Court. You mentioned the difference between a fee paid judge and a salaried judge, first of all for the benefit of those listening, could you just explain the difference?

**THE LADY CHIEF JUSTICE:**  So fee paid is a part-time judge, so somebody who can practice as a solicitor or a barrister at the same time but will sit perhaps four weeks a year as a judge, so as a part-time judge. Fee paid judiciary is very important, it’s important to fill business need, it’s also very important for career progression because it allows people to find out whether they like being a judge and whether or not in due course they’d like to be a full-time judge. Thank you for giving me that chance. And the salary judiciary is full-time judiciary, people who decide that they are prepared to give up practice effectively forever to become a judge in one of our courts or tribunals. Did you want me to talk about—

**EDWARD TIMPSON KC MP:**  That’s helpful, thank you. If I could then look specifically at how the recruitment within the criminal courts for the necessary judicial capacity is fairing and whether there is, in your view, an over-reliance on fee paid judges and how we can ensure in the future that we get that balance right.

**THE LADY CHIEF JUSTICE:**  I understand why you ask the question, given the historic difficulties there have been in recruiting at Crown Court level. I am pleased to say that there has been a substantial improvement, particularly in the last competition round. So since 2020 we appointed 116 circuit judges and 210 Crown Court recorders. We are actually going at full tilt in the Crown Court, in November I think we hit an all-time high of sitting 10,000 days in crime, that’s not isolated. So we are really going flat out in the Crown Court, which is a significant improvement and very good news. We currently have a competition out for 40, four zero, Crown Court judges, that’s underway, and I am… I don’t know, but I am quietly confident that we will be able to meet that, in which case we will be at full complement, which is a success story, and very, very welcome news. We’ve also, I think, appointed 46 district judges in the magistrates’ court and 55 deputy district judges in the magistrates’ court. So that is good news, as I say. You ask to what extent are we reliant on fee paid judges, and I think my answer would be that we are reliant on fee paid judges. My ambition would be for the split to be roughly 80/20, 80 percent salaried, 20 percent fee paid. We’re moving in the right direction, we’re not there yet—

**EDWARD TIMPSON KC MP:**  Do you know what it is?

**THE LADY CHIEF JUSTICE:**  I don’t know, I’m afraid I don’t know exactly what it is, I’m very happy to give you the precise figure after this meeting. As I say, in a way there’s an independent justification for using fee paid judges, not just business need, but for the reason I identify, but I certainly would like to see us what I regard as being the optimal 80/20 split. I think that would be a good place but, you know, at the moment there are courts that still do badly need fee paid support, Canterbury Crown Court springs to mind, actually. But I can provide you with a degree of reassurance here, as I have said, for the reasons I’ve given, there’s been a marked improvement.

**EDWARD TIMPSON KC MP:**  And your 80/20 rule, does that relate to just criminal courts, or are you talking more widely across the court system?

**THE LADY CHIEF JUSTICE:**  At the moment I’m talking just criminal. I’m not sure precisely what the… where we put our feet down in civil and family. I wouldn’t be surprised if it was quite similar and it may be the same, again, I can come back to you on that.

**EDWARD TIMPSON KC MP:**  Just looking at what we call the civil courts, and particularly around the district judge selection which you mention and some of the challenges in the south east in particular and we know that the exercise conducted in June last year out of the 100 vacancies that there were, there were, I think, 237 applications but only 49 candidates were recommended for appointment. Over and above what you’ve already said, what’s your understanding as to why that may be the case, and as someone who was the Vice Chair of the Judicial Appointments Commission until this time last year, do we think we need to look at the recruitment process and whether it’s hitting the right notes?

**THE LADY CHIEF JUSTICE:**  I think the only logical conclusion from that exercise would be that there weren’t enough sufficiently good candidates, that’s the answer. The test is merit, and it’s important that test is applied, and if people don’t meet the standard then I’m sure nobody, but nobody, would want that person to be appointed. There has been a massive effort for the current round to encourage numbers, a huge outreach exercise, and the Senior Presiding Judge has been very clear that there is more scope for flexibility about deployment. I think you probably know, one of the big or one of the big disincentives has been perceived to be that you may end up being sent to a court in Liverpool when you live in Cornwall and that’s put people off applying and the Senior Presiding Judge has been very alive to that. There used to be something called a five-year rule where you couldn’t move from your first court until you’d been there for five years, that’s been waived, effectively, and reassurances given that you will be put as close to home as you possibly can be. I know the numbers for the current exercise are much, much greater than they were last time round, no doubt the product of that extensive outreach exercise. Whether or not it produces enough numbers to fill all the spaces, obviously I don’t know and I can’t say. But we need to encourage, it goes back to the looking at terms and conditions for salary versus fee paid judges, if you’re being very well looked after as a fee paid judge, well you apply to be a full-time district judge. So that’s part of the exercise there. So, again, I think things are improving, perhaps not as fast as they are in crime, but beginning to move in the right direction there, I hope so. We’re doing what we can, I feel we’re doing what we can.

**EDWARD TIMPSON KC MP:**  Just finally from me on this before I hand over to my colleague, Mr Daly.

**THE LADY CHIEF JUSTICE:**  Yes.

**EDWARD TIMPSON KC MP:**  The salaried judges, just having taken some soundings from them, one of their reasons for feeling a little bit miffed about the imbalance between their workload and that of fee paid judges is also the out of court work that they have to do, the admin that’s coming on top of that as well as the conditions of some of the courts that they’re working in, is that something that you in your position can do anything about? If not, what would you be recommending to the committee that we should be pushing for?

**THE LADY CHIEF JUSTICE:**  Yes, I would be looking at giving me a legislative slot to look again at terms and conditions for salaried judges to make them as attractive as possible. You touch on a very good point, why we need salaried judges, not just fee paid judges. Not only can salaried judges by definition do longer cases because they’re there the whole time, there’s more continuity for a case. They can also take on leadership roles, HR roles, you know, diversity outreach, community roles that fee paid judges can’t, and they can also do the box work, so the day is longer. At the moment, I can’t see any obvious solution. I mean, I think fee paid judges do do box work, I suspect the salaried judges just feel that they end up by definition being there all the time and therefore doing more. But I am very alive, I’ve spent a fair bit of time already with the Association of District Judges, I will be spending as much time as I can this year, and by that I mean the district judges themselves and the magistrates, actually. But I do hear you and I share your view that this is a really… I mean, district judges are the engine room of civil justice and family justice, they are incredibly important, they do the most incredibly difficult, complex, and sometimes distressing cases there are out there. They need to be looked after and I’m very keen to listen and do what I can to improve their lot and to make the job as attractive as possible so that we are up to complement and we attract the right sort of applicants. Thank you.

**CHAIR:** Mr Daly?

**JAMES DALY MP:** Baroness Carr, can I just ask, in answering a question that Mr Timpson put to you about the recruitment process, I think you used the phrase, “The test is merit.”

**THE LADY CHIEF JUSTICE:**  Yes.

**JAMES DALY MP:**  Could you explain to us what that means in terms of—

**THE LADY CHIEF JUSTICE:**  The five-million-dollar question.

**JAMES DALY MP:**  Yes.

**THE LADY CHIEF JUSTICE:**  Well, merit, as you know, it’s done by skills and competencies, and that’s how it’s gauged. In fact, that gives me… we are looking at that framework as we speak with a special… anyway, sorry—

**JAMES DALY MP:**  Well, that was basically the question that you… could you just… I don’t want to dwell on this, but I think this important—

**THE LADY CHIEF JUSTICE:**  Yes.

**JAMES DALY MP:**  —the competencies that you… that the process requires, could you just give us examples of those, what the actual—

**THE LADY CHIEF JUSTICE:**  They’re different for different competitions, as you would expect, outstanding intellectual ability, communication skills, leadership, diversity. So those are the sorts of categories.

**JAMES DALY MP:**  I… as the members of this committee will know, I’m the, sort of, I’ve got the solicitor’s chip on my shoulder—

**THE LADY CHIEF JUSTICE:**  Oh, yes, right.

**JAMES DALY MP:**  —about various things and one of the things that I feel, from my own experience, I was in the criminal courts for two decades, is that I think that solicitors are… it is not as easy for solicitors to make their way onto the Bench, and I think that the Bar has generally wanted to preserve the judicial role for itself.

**THE LADY CHIEF JUSTICE:**  I couldn’t be more enthusiastic about getting solicitors on board. I was going to say that we have a solicitor lady justice in heading up at my request the review of the judicial skills and abilities framework, for this very reason. I think we are really beginning to make progress with solicitor appointments, including at senior judicial level, but I absolutely understand the concerns of the solicitors profession as a whole that somehow, it’s geared against them.

**JAMES DALY MP:** If you’ve got a solicitor who is fabulous at the job, but they’ve stayed in X magistrate court their whole career, and they’ve defended a certain level of cases but they’ve got the empathy, they know how the court system works, but perhaps they can’t… perhaps they can, but perhaps this sort of intellectual ability that’s required… I just fear the system doesn’t respect or respond to lived experience of people within the court system. I think it’s requiring tests that are not necessary in terms of… we may disagree on this, but I think a robust intelligence is enough to be a district judge, I don’t think you need to be a great intellectual giant.

**THE LADY CHIEF JUSTICE:** I have to say, I can’t tell you off the top of my head what the test is for district judges, whether it’s outstanding intellectual ability or what the test is. I need to say, I don’t need to tell you, but I need to say for the record, of course all of this is for the Judicial Appointments Commission, which is entirely independent. So that’s the first point to make. But I absolutely can assure you that the JDF, actually, the Judicial Diversity Forum, is on this. It’s a major topic of conversation. It’s reflected in the latest overarching methodology that I would encourage you to look at on the JDF website because it actually… its aspiration is that your background should not be a determinant of your likely success in the recruitment process.

**JAMES DALY MP:** I think so. This is my last point, but I think it’s… I never thought, so when I was practising, basically everyone had one eye, potentially, on being a judge, because that was the career progression, as it did. At this moment in time there appears to be a dearth of applications. I mean, Mr Timpson made reference to 237 applications for 100 vacancies. I mean you’ve already touched on… well, we don’t know why only 49 candidates were recommended, but the lack of people actually applying for this is incredibly concerning. And it wasn’t, during the time we practised—

**THE LADY CHIEF JUSTICE:** 239 should be enough. If we had 239 people who met the standards, so it would appear, that would be enough.

**JAMES DALY MP**: I think there is a crisis in terms of the number of people applying. You’ve touched on that. It can’t just be… I suppose I’m musing rather than anything else, because I can’t understand it, because I know how much criminal defence solicitors earn, and if you compare that to what a district judge earns, it’s chalk and cheese. So it’s not terms and conditions, in the sense that the practitioners who I worked with.

**THE LADY CHIEF JUSTICE:** I wouldn’t agree that there’s a crisis. I absolutely agree with you that there is work to be done in terms of promoting solicitors. There are some really good news stories, they are not just… if you look at district judges, I will, if I may, after the meeting, give you some statistics, because I may be missing a point here, the statistics for solicitor entry at DDJ and DJ level may be extremely high. The concern used to be, oh, but there are no High Court judges who are solicitors, and there are no solicitors in the Court of Appeal. That is significantly improving and it’s really exciting. So let me get back to you with some statistics and next year, ask me the same questions.

**JAMES DALY MP**: I have no doubt. I have complete faith in… I think you’re a fantastic appointment and I think you’ll get to the heart of these issues. I think it is fair just to point out that there is an issue there that requires investigation.

**THE LADY CHIEF JUSTICE:** I do mentor quite a few solicitors and I mean, you know, it’s a second career. It’s there for everybody.

**JAMES DALY MP**: Yes. And my last point is just picking up on something Miss Hopkins said, which I think is incredibly important. Because when we talk about behaviours in court, how can I put it? It might just be my own experience, I’ve never noticed, necessarily, a judge acting in an inappropriate way against somebody based upon their background or anything else, I may have missed that. But I have seen, on a very regular basis, behaviour and the way you talk to advocates, which if it was in a normal workplace would be simply not acceptable. I just wonder how you feel that type of behaviour, which I think is quite regular behaviour in certain courts in this country, and how confident junior barristers in particular, or junior solicitors, can be in the complaints process and not feel that if they do complain, it’s going to be held against them in some way in terms of their career progression?

**THE LADY CHIEF JUSTICE:** Lots in there, very fertile territory. I would encourage anybody with a legitimate complaint to use whatever procedure is appropriate, whether it’s informal, mediation or a more formal complaints procedure. So nobody should ever feel that it would ever be held against them, we have a clear whistleblowing policy, etcetera, etcetera. But to answer the first part of your question, which is there is inevitably a degree of formality in court, isn’t there, there are titles to use and it’s not going to be like having a conversation over a kitchen table, nor, I venture to suggest, should it be. But I think your point is we need to recognise the impact of how we come across and the impact that can have on the people who come before us, the litigants in persons, the disadvantaged, the vulnerable. And of course many people are disadvantaged and vulnerable. We just need to have that awareness. That is training, it’s understanding, it’s the senior judiciary setting the bar high, I hope, and getting the message across, as I try to explain.

At the end of the day, it’s about everybody feeling whether they’ve won or they’ve lost they’ve had a fair hearing. Everybody feeling they’ve had the opportunity to say what they wanted to. And at the end of the day, that’s what brings about a just result because what the judge should want is the best points, mostly clearly expressed so that the right result is reached. So it’s in everybody’s interests. It’s a really important area and I’m sure that there are improvements that can be made. It is a modern judiciary, judges work very hard, everybody’s stressed quite a lot of the time. So it can be a challenging environment, to put it mildly, but these are really important points. There is, if I may, slightly off the point, but nevertheless, an exciting new initiative which we’ve introduced which is to indicate that wherever a silk is leading a junior barrister in any case of any complexity and the junior barrister has done a lot of the groundwork, the court will expect the junior barrister to have an advocacy opportunity and that is diversity, because we know that the stats show there are many more women who are juniors than there are men, but it’s also career progression. I think it could also bring about a slightly different atmosphere, not respectful but more inclusive, recognising the challenges facing advocates and for judges to calibrate as well to promote young people. That’s an important initiative for diversity reasons but it may also help some of the behavioural issues that you’re raising.

**JAMES DALY MP**: Thank you very much. Thank you, Chair.

**CHAIR:** I think I had one or two silks in my career who gave me advocacy opportunities without much advance notice, but… *[laughs]*

**THE LADY CHIEF JUSTICE:** Yes, I know, turning round, I know, yes. You take the next witness.

**CHAIR:** Exactly, yes. But I think that’s a really interesting initiative. The other thing I was just going to mention, we actually mentioned magistrates in passing, and I wonder if that actually says it all?

**THE LADY CHIEF JUSTICE:** No, the highlight of last term, I think I’m told I had 318 engagements, 27 speeches and 11 ceremonials, and of all of that list the highlight was the magistrates’ appreciation that the Lord Chancellor hosted at the Old Bailey. Magistrates, as you will know, carry out more than 95 percent of criminal work in England and Wales. They are largely volunteers. They do an exceptional job, and I have really focused on them last term and I will continue to focus on them as I visit the courts around the country this coming year. To see their justified pleasure in their very well-deserved recognition was a very special moment. They really do extraordinary work in sometimes very difficult circumstances. They’ve had to deal with a lot of reform, a lot of IT challenges. They are really special.

**CHAIR:** As far as you’re concerned, you want to make sure that they are part of One Judiciary?

**THE LADY CHIEF JUSTICE:** Absolutely. So wherever I go, if I find that there are civil and family courts and the judges are on the second and third floors and the magistrates are on say the ground floor and there’s no dining room, because very often there is nowhere to eat, I encourage the civil and family judges to invite the magistrates in to make sure that they are talking to each other and socialising together when time permits, so that they all feel unified and working together in, as I say, a common cause.

**TAHIR ALI MP**: As Lady Chief Justice you have the statutory responsibility to maintain the appropriate arrangements for the welfare of the judiciary. How do you plan to fulfil this role?

**THE LADY CHIEF JUSTICE:** So, new to the role, I’ve checked up very carefully on my actual obligations and I think I have to maintain welfare arrangements within the resources that the Lord Chancellor provides, so I’m constrained by that. I was a welfare judge, actually, leadership judge for a number of years and have been involved in many of the HR tools that have gone up on the judicial website, videos and links to all the sort of support there is available. It’s extremely important and of course I come in at a time where we now have a judicial health and wellbeing strategy up and running. So it forms part of my second area, the judicial unity, the inclusivity theme. It’s really making sure that we keep available all the tools that we have for judges to use, that we look hard at what more can be done to support, but it’s making sure, for example, that leadership judges have enough protected time to carry out the work that they’re asked to, and that they feel supported by their own leadership judges to raise any concerns. There is a lot of support out there, we have a very good HR support team with access, and the website is bristling with links and information. But, like anybody else in the 21st century working at speed and under pressure, judges do get stressed, and they do get anxious. They get anxious about security, they get anxious about workload and sometimes, particularly, our civil and family judges are working in very small rooms and very close proximity to people who are losing their homes or their children or being made bankrupt. Those are stressful situations and we’re all human at the end of the day. So I’m very aware of this obligation that you rightly refer to, and I’m going to make sure that the judicial HR committee is up and running and we meet our strategy objectives, as far as we possibly can.

**TAHIR ALI MP**: You mentioned security and you say often the courts are pretty small. There was a recent event at Milton Keynes court where the judge was attacked, and HMCTS called it “shocking but extremely rare”. However, the court staff say that this was not an isolated incident. How should the judiciary and HMCTS respond to the growing concerns around security?

**THE LADY CHIEF JUSTICE:** My response would not have been that these incidents are isolated. Actually, such a serious attack as the one that took place here is rare, but that’s not really the point, is it? You’ll understand, in relation to that incident, criminal proceedings are still ongoing, so there’s nothing I can say too much. But I’ve been to visit Milton Keynes, I’ve met the judge and I’ve visited the site.

**TAHIR ALI MP**: Specifically, that case, but—

**THE LADY CHIEF JUSTICE:** No, I’m happy to talk about the incident in broad terms. It was extremely serious. The Senior Presiding Judge was there the next day, the President of the Family Division was the next day, I visited as I said on the 4th of January. It does mark a real issue of concern. I’ve had, as I’ve said on a number of occasions already, I take my hat off to the civil and family judges up and down the country who do this incredibly challenging and demanding work in circumstances sometimes when they are entitled not to feel very safe. What this incident has sparked, as you would imagine, is a very serious incident review that’s being carried out, that’s involving and being led by the senior presiding judge, amongst others, as well as an internal review. It’s also led us to trigger, perhaps this is a silver-lining to an otherwise very dark cloud, led us to review our security protocols to make sure that they’re up to speed, and more than anything else, actually, to make sure that our judges are all aware of what protection they have available to them, what the protocol entitles them to, when they are entitled to call for police protection, when they are entitled to say, “I need to be in a Crown Court for this hearing,” to make sure that we identify potentially violent people in advance of hearings so that everything can be set up in good time. Ultimately, I have told the judges in no uncertain terms that if at the end of the day they do not feel that it is safe for them to conduct that hearing in those circumstances they should not proceed. So I’m glad and thank you for raising it. It has been treated as an incident of the utmost gravity. HMCTS is of course responsible for security in courts and tribunals but of course I am there to make sure that it is acted upon in an appropriate way at all levels. So there is support there, but I think that the incident has highlighted a number of aspects that can be improved.

**JAMES DALY MP**: Thank you very much. I think it’s undeniable that the court estate, like anything else, has its issues, shall we say, and different courts have different issues. Just in general, how do you think the poor condition of the court estate impacts the justice system and its users?

**THE LADY CHIEF JUSTICE:** Thank you. When I have been going round the courts, estates is the issues that comes up time and time again. It comes up with the judges and it comes up with the staff. I think we face something like around a hundred unplanned courtroom closures every week. It’s a very, very high number, and about 200 near-closures every month, affecting about 20 court buildings. So as I say, when I go out and about, these estates issues are very real. When I visited in a London Crown Court, I was told there was no drinking water. When I arrived at Snaresbrook, I bumped into a judge who was going down to the cells to sentence somebody because the panic alarms in court had broken down. These are very serious problems, and of course they impact on performance, by definition. You can’t use the course, you can’t list the case, you can’t be efficient. But beyond that, there’s also the knock-on effect on security, and there’s a knock-on effect, frankly, on morale. It doesn’t make you feel great if you are doing a difficult case and you’ve got a bucket next to you because the roof is leaking.

**JAMES DALY MP**: What do you see the role of Lady Chief Justice is in influencing these issues in hopefully a positive manner?

**THE LADY CHIEF JUSTICE:** Yes. The long-term ambition would be to have a separate funding stream for what is an endemic, ingrained problem across the estates of the courts and tribunals in England and Wales. That may be a pipe dream, if I’m not mixing my metaphors, but to treat it outside the annual concordant system. Now the Lord Chancellor is very well aware of these problems and did a fantastic job in securing, as you know, for the first time, a two-year settlement. We are very grateful to him for that £200million two-year settlement, which is obviously a significant improvement on one year. But, in the long-term, the problems are so embedded that, you know—

**JAMES DALY MP**: I suppose what I’m interested in is the nature of your role in relation to the court estate. I’m not even particularly asking for your opinion in respect of it. I don’t think you’re a surveyor, and I may be wrong about that, but is it part of the role that you produce a list, your judges say, you know, “My Crown Court has got this, that and the other problems,” and you feed that into the centre. Is that how it works?

**THE LADY CHIEF JUSTICE:** This is all for HMCTS, it’s responsible for the running of the estates but it gets money from the treasury through the MoJ and all the rest of it. My job, insofar as in answer to your question is it’s my job to make sure that HMCTS are aware of all the problems as they are. If necessary, yes, if they need a list, we can provide them with one, but it’s impressing upon all those involved the importance, and your question, the consequences of a poor estate. At a very basic level, you’ve got to keep us safe. If you can’t do that then the courts won’t open. If we’re safe, then is it actually acceptable? Is it freezing cold? Is it boiling hot? So my job is to make sure that HMCTS in particular is aware of all the problems and to make the best case that I can in my regular discussions with the Lord Chancellor, to make sure that he’s aware of the problems. But he definitely is aware of these problems.

**JAMES DALY MP**: What are judges or other professionals telling you, at the moment, about work that is currently being undertaken on the courts? I’m assuming it is. And how that’s impacting sitting days, physical capacity, etcetera, etcetera.

**THE LADY CHIEF JUSTICE:** If it’s planned work, we can plan and the impact will be as negligible as possible, so we can work with different courts and move around it. It's the unplanned closures that inevitably have the most impact, because they are much more difficult to accommodate *[laughs]* by definition. It's hand to mouth, scrabbing around trying to find solutions.

**JAMES DALY MP:** The other question I just wanted to touch on, which my colleagues may touch on as well, is this issue regarding court use and court capacity. Now, I don't know whether you have the figures, I'm not asking you in respect of the figures, but I could go to say Manchester Magistrates Court and there would be a significant number of courts there on every single day that are not being used. Now, there might be a number of different reasons for that, and I suspect that for various reasons in various courts there are courtrooms that are perfectly accessible and could be used but are not, again, for various reasons, which I personally believe is playing its part in the backlog and the difficulties. Now, do you think there is some truth in what I'm saying in respect of that? And, secondly, it's all sorts of matters, but how do we get those courtrooms up and running, do you think, of the earliest opportunity to tackle the backlog?

**THE LADY CHIEF JUSTICE:** Well, in the Crown Court, as I say, we're sitting to maximum capacity.

**JAMES DALY MP:** Right, okay.

**THE LADY CHIEF JUSTICE:** So if there are empty courtrooms that are not being used, the reason will be either a lack of staff, lack of staff support, administrative support, security support and/or lack of judicial resource. It will be one of those two reasons. But I know it must feel slightly disconcerting when you go around the courts and you can see rooms that are not being used. Sometimes there's a good reason for it, if we're sitting to capacity we simply can't sit anymore, but if we're sitting under capacity and there's an available room then it will be staff shortages and the like that are to blame.

**JAMES DALY MP:** But sorry, just to be clear, from your perspective and from what has been fed into you, we are at essentially maximum capacity in the Crown Court?

**THE LADY CHIEF JUSTICE:** In the Crown Court, yes.

**JAMES DALY MP:** And do you have anything for magistrates courts or the lower courts in terms of that?

**THE LADY CHIEF JUSTICE:** I don't. I don’t have a capacity figure for you, I don't have a sense on the magistrates front.

**JAMES DALY MP:** Thank you very much, Chair.

**CHAIR:** [Inaudible] about the Crown Court, there was an interesting piece of work done by the Institute for Government which talked in terms of a “productivity crisis”, that is their words, not necessarily mine, and that perhaps links into discussions we've had about the backlog, judicial capacity and so on. What's your assessment as to whether or not that's an accurate reflection, Baroness Carr, and if it is partially accurate at any rate, what is needed to try and overcome that?

**THE LADY CHIEF JUSTICE:** So I think productivity crisis needs to be set in the context that, as I say, the Crown Courts are actually functioning extremely well at full capacity.

**CHAIR:** Yes.

**THE LADY CHIEF JUSTICE:** That said, the backlogs are at an all-time high.

**CHAIR:** I was reading that, yes.

**THE LADY CHIEF JUSTICE:** We all know that actually what matters is not necessarily the number of backlogs, but timeliness. So, looking at timeliness, I would agree with the Institute of Government that it is a multi-factorial position, that is for sure. I think in no particular order, and perhaps non-exclusively, my top list would be a combination of the following: the fact that there is a very high volume of work, sometimes that is the product of political wind. If there is a decision to prosecute a certain type of case in a certain area, that will lead to a lot more work, but the fact of the matter is that we know receipts are going up. By “receipts” I mean a number of cases coming in. The second factor is that fewer people are pleading guilty. That may be a vicious circle, that may be because of delays, so people decide they are going to plead not guilty and see what happens down the line. The third factor is that there are more sexual offence cases. We know that they are the most complex, they take the longest, and they are the least likely to produce a guilty plea. The fourth factor is prisons, overcrowding of prisons, which, among other things, leads to late deliveries, which has a very significant impact on disposal and timeliness, because if somebody arrives even half an hour late to court, that means arrival at 11 o’clock, you do not see your barrister until 11.15, court does not start until quarter to 12. You can see on a small sheet the sort of impacts there. The fifth is the estate problems that we have been talking about, losing days through courts that are not functioning or cells that are not functioning so trials cannot proceed. The sixth factor is, of course, the Bar. We had the strikes, I am not talking about the strikes anymore. I am talking about the fact that, as you may have read when Max Hill KC retired, he was saying he could not find barristers to prosecute his cases. So a lack of advocates is at the moment a real problem in efficiency.

So the Crown Courts are actually performing very well but, yes, absolutely, we have a backlog/timeliness problem and the answer is multifactorial. What can we do about it? I think that was the second part of your question. Well, I think the best prospect for immediate improvement is the Crown Court Improvement Group, which I'm sure you've heard about, Lord Justice Edis, the senior presiding judge, chairs that. The beauty of that group, and I made it a priority to attend one of its meetings in my very first month actually; it's extremely impressive. It brings together probation, prosecutors, everybody; ushers, transcribers, everybody involved in the system so they can understand how everybody works together and what the knock-on effects are. So you have prisons, deliveries, probation, judges to look at the best ways of achieving best performance and minimising delays. There was a refresh, as you know, of better case management through that group.

That means really focusing, and this is the second part of my answer to the second part of your question, which is I think it's all about the first four to five weeks of a case's life, a criminal case's life. If we can really focus on those early days so that where there should be a guilty plea, a guilty plea is entered, and where there should be a trial we can get that trial on the track, that is where the focus should be. That is my best offer for improving timeliness. That means front loading, front loading so that defendants get access to as much disclosure as early as possible, with the best legal advice possible, to make the right decisions as early as possible, so that those cases that are not going to actually go to trial are disposed of as quickly as possible, and are out of the system. So I don't have a silver bullet. I do think working together through the CCIG is key, and I think the focus has to be on those first four to five weeks. As I said, I mentioned getting the best legal advice as early as possible. That spills into a discussion, perhaps for another day, about criminal Legal Aid, perhaps Legal Aid across the board. My own personal view is that front loading in all jurisdictions is, if not mandatory, then desirable. The Legal Aid provisions in crime would have a role to play here. So no silver bullet. Those would be my offerings as matters currently stand. There are obviously some bigger issues out there; lifting the pause on magistrates’ sentencing powers would be an example of reducing the pressures on the Crown Court and there are obviously, and there have been mentioned in the past, more radical solutions going back to the old review and the Leveson review, and I know Lord Burnett has spoken about intermediate courts and things of that ilk.

**CHAIR:** As far you are concerned, you are open minded about issues of that kind?

**THE LADY CHIEF JUSTICE:** Absolutely. I certainly take the view that the tools that the judges have at their disposal at the moment can hopefully improve situations, but they are not… to repeat the phrase, they are not a silver bullet. They are not going to bring about overnight or significant improvement in the near future is my assessment.

**CHAIR:** Yes. I mean the Government has a stated aim to reduce the number of outstanding Crown Court cases to 53,000 by March 2025. Now, I might say not all the tools are in Government's hands anyway, some things are matters for the judiciary to this, but I mean is that realistic as far as you could observe? Is it capable of being achieved?

**THE LADY CHIEF JUSTICE:** It would be capable of being achieved with radical reform, but as the system currently stands, my own personal assessment is that that's not achievable.

**CHAIR:** And is the radical reform the sort of things we have talked about just now?

**THE LADY CHIEF JUSTICE:** Yes, I'm sure there are lots of potential options, recalibrating offences, fewer triable either way offences, intermediate courts I have already mentioned, but those are major reform issues.

**CHAIR:**  Much of which would have to be in Parliament's hands—

**THE LADY CHIEF JUSTICE:** Exactly, exactly.

**CHAIR:** —because of the legislation required. But to get to where we are at the moment, and having said frankly, we don't think it's achievable to get to 53,000, to maintain the current position, this is on the basis of sitting full out, as you put it Baroness Carr.

**THE LADY CHIEF JUSTICE:** Yes, yes.

**CHAIR:** That's been assisted by lifting the cap on sitting days, hasn't it?

**THE LADY CHIEF JUSTICE:** Absolutely. We're very grateful for that. That's obviously been a massive help.

**CHAIR:** And do I get the sense that to at least maintain the position, ensuring that there's adequate funding, that there is not a cap on sitting days going forward, is critical?

**THE LADY CHIEF JUSTICE:** Absolutely, critical.

**CHAIR:** So if you can't have the money to carry on the top whack of sitting days, the position goes in what direction?

**THE LADY CHIEF JUSTICE:** Yes, well it only goes one way, and that is the wrong way.

**CHAIR:** Exactly, yes. No, that is very helpful. Thank you. Mr Timpson?

**EDWARD TIMPSON KC MP:** Thank you, Chair. Can we turn our focus now onto County Courts, and looking at some of the pressures and workloads that they are currently facing? We've had some recently published statistics, which is looking at the average time taken from claim to hearing in the small and multi and fast track claims; Small, I think it's now 55.6 weeks, and multi and fast track… this is a mean time to trial, 76.4 weeks, about 17 weeks long within 2019. So a trend that none of us really want to see, as well as an increased workload, particularly in money claims and damages claims. Are those statistics providing a fair reflection of how well the County Court system is functioning?

**THE LADY CHIEF JUSTICE:** No, and the reason is a very simple one, which is that the overwhelming number of civil cases in the County Court don't reach trial, they settle, and that's a good thing for everybody. So the timeliness statistics that you're getting only measure those cases that go from issue to resolution at trial, and really what matters, to get a fuller picture, is to see what's happening to all these cases along the way, which will present a very different picture. There are also very significant regional variation in timelines. That is less relevant to you. But the fundamental point is that, particularly in civil, looking from end to end doesn't work if you're trying to get a sense of how well the system is functioning. Timeliness is obviously an issue, but I know that you know that this is where digitisation really comes in in terms of performance, because there are some really important new systems in place that are going to make very, very positive improvements where timeliness is concerned.

**EDWARD TIMPSON KC MP:** Would you just give us a little bit more flesh on that bone, and also any other initiatives that are currently in train or being considered to try and reduce those outstanding caseloads and improve timeliness of the County Court?

**THE LADY CHIEF JUSTICE:** Yes. So to one side, before answering your question, I mean there are all sorts of projects in place at the moment about improving listing practices, sharing best listing practices to make sitting days and working practices more efficient, but the real excitement is digitisation. I know you are going to be hearing from the Master of the Rolls, I think, later on this year, but we've got two systems that I think are of particular relevance. The first is the online Civil Money Claim Service. 480,000 claims issued there, and we can see on the stats real reductions in delay. So, for example, cases receive directions on average nine weeks into their lives, as opposed to 34 weeks, which is a fantastic improvement. The Damages Claim Service as well, more than 111,000 claims have been issued, and, again, real improvements on timeliness. In that context, to elaborate, we now have the online Procedure Rules Committee which was launched very successfully towards the end of last year. I know the Lord Chancellor is a great enthusiast as well, bringing together a committee which can bring consistency across the justice system where digitisation is concerned is really exciting, so that we can really look at bringing end-to-end products and systems where people can be digital from beginning to the end is a really exciting prospect. I think this will be a really good news story when I come back here next year to see how much further progress has been made.

Paper-based progress is still difficult. We've had some hitches with merges of centres but, again, we are bringing in procedures to improve that. The third area obviously I'd mentioned, you know about I'm sure, was mediation. Not only has the Court of Appeal recently confirmed the Court has a power to order parties to mediate, we have automatic referrals for mediation in small claims up and running. Again, that is all part of early resolution where it is appropriate and where the parties want to settle early, which is all good news. So I think digitisation is the name of the game here, and you have nobody better to be in charge of it than the Master of the Rolls.

**EDWARD TIMPSON KC MP:** Yes, he did give evidence to this committee not that long ago, and that was very much his opening, middle and final gambit throughout his evidence.

**THE LADY CHIEF JUSTICE:** *[Laughs]* Yes.

**EDWARD TIMPSON KC MP:** And very forceful it was too. On the point of mediation, the announcement, I think it was last July by the Government, about integrated mediation in these small claims up to £10,000—

**THE LADY CHIEF JUSTICE:** Correct.

**EDWARD TIMPSON KC MP:** —is that what you are referring to?

**THE LADY CHIEF JUSTICE:** Yes, that is what I was saying.

**EDWARD TIMPSON KC MP:** So that is happening, is it?

**THE LADY CHIEF JUSTICE:** Yes, that is happening.

**EDWARD TIMPSON KC MP:** Okay, thank you, and could I now turn to my own area of practice when I was allowed to, the Family Courts?

**THE LADY CHIEF JUSTICE:** Yes.

**EDWARD TIMPSON KC MP:** Just two questions: one on public and one on private. In relation to public law, I had the privilege of being the minister who brought in the 26 weeks’ time limit to public law cases in the Children and Families Act 2014, and we saw off the back of that some really impressive reductions whilst maintaining the quality of the decision-making, evidence gathering, and everything else in relation to those cases. But, more recently, unfortunately, we have seen an elongation back out to I think now on average around 49 weeks. Again, there will be regional variations within that figure. So, on the back of that, are there any steps that are currently being taken to help bring about completion of public law cases involving children within the statutory 26 weeks?

**THE LADY CHIEF JUSTICE:** Yes, I know you are deeply ingrained in this area, and the 26-week statutory time limit is something we are all acutely conscious of, as we are conscious of the fact that it is not being met. But there has been a massive effort to relaunch something called Public Law Outline, and that happened in January of last year. What it does is it provides a template for case management, and the idea is to make cases smaller so you limit the number of hearings per case. Now, it's still early days, because we're just coming up to the first year anniversary, but there are definitely green shoots and really positive signs that this is going to make a difference. We can already see that the number of hearings per case is coming down significantly. So I can't give you chapter and verse, but I can say that there is a huge effort going on to reduce the times involved. I think probably… I don't know if you're seeing the President of the Family Division later this year, I think you are.

**CHAIR:** Yes, we are.

**THE LADY CHIEF JUSTICE:** He may be in a better position then to have some better data. I haven't got anything concrete for you yet, but I am hearing lots of positive noises. So it is really important and that's what is happening at the moment in this area.

**EDWARD TIMPSON KC MP:** Some other positive noises that we do already know about is, just turning to private law proceedings, are the Pathfinder Courts in Dorset and North Wales in my own back door, where they're trialling an improved way of resolving private law children cases, particularly where there's domestic violence and abuse.

**THE LADY CHIEF JUSTICE:** With your Cafcass background that will be very close to your heart.

**EDWARD TIMPSON KC MP:** Absolutely, and we're seeing, not just now in early signs, but after some considerable time now, some significant improvements in timeliness, effectiveness, efficiency and so on.

**THE LADY CHIEF JUSTICE:** And also, improvement in the experience.

**EDWARD TIMPSON KC MP:** Yes.

**THE LADY CHIEF JUSTICE:** Which is part of what we've been talking about. It's not all necessary about outcome and money. The children feel much happier. Every case involves a child or more, and for the children to feel that they are at the centre of what goes on right at the beginning is so important.

**EDWARD TIMPSON KC MP:** Which moves me on to the question of the capacity within the Family Court system, and thinking of it from a judicial capacity in particular, to see these trials rolled out, which I think is the ambition of Government more widely across Family Courts, at a pace which is manageable, but also will bring about the best outcomes for children. What is your take on the ability and capacity within the Family Courts to do that, and what impact do you think it could have?

**THE LADY CHIEF JUSTICE:** Yes, so just to rewind so that the public understands, and I'll be corrected if I'm not quite right about this, but essentially this is about front loading the private law experience, so getting Cafcass involved right at the beginning, not halfway or two-thirds of the way through a family case. So Cafcass needs the resources to be able to provide a report very early on on the impact on the child of the parents' dispute and for the parents to listen to the child and see if they can bring about an early resolution, bearing in mind the child's wishes, the impact on the child and so on and so forth. So it's a very good thing, and it has been incredibly well received, as you have said. It's due to be rolled out in Birmingham and Cardiff in spring of this year, and my understanding is that that is going to happen. It is going to require some short-term additional resource because of the Cafcass involvement at this early stage. To roll it out beyond that, obviously, we, the judiciary, would love to roll it out to every family court in the country, but that will require resources and it will require the government to put the money in to fund it.

But, if we stand back to where we almost started and looked at everything in the round, the spin-off benefit of having a parental dispute resolved at the earliest possible stage, the benefit for the child, yes, the benefit for the parents who can go back to work, benefit for parents who are happy, who are healthy, who aren't perhaps as likely to get involved in behaviour that is disturbing or difficult, the spin-off looking beyond the immediate is really important here, if you're looking at the value of the initial investment. There are savings all the way down the line to be made, I think.

**CHAIR:** One of the things we talked about earlier was that the reform programme that HMCTS has been rolling out, which is due to arrive in March of this year, three years on.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** Are you confident that March doesn't mean March now?

**THE LADY CHIEF JUSTICE:** I think there is public knowledge that the crime reform programme is going to be extended to 2025—

**CHAIR:** Yes.

**THE LADY CHIEF JUSTICE:** —and I think that the position on other aspects of the programme is with ministers as we speak. I think the answer I would give, just standing back and giving evidence to the Committee, would be that I've never seen reform as it were as a single project. I've seen it as an ongoing process of modernisation, and I've made it clear from the outset of my time that I don't see it as something that has, as it were, an end point. It's more a rolling programme, and it is not, as it were, just an IT system, it's a question of continuous improvement. That is something I know that everybody is committed to. Common platform is live in all criminal courts, as you know, about 77 Crown Courts and 149 Magistrates Courts. That's got immediate benefits to users, but I think it is going to be an ongoing project in many ways, but it is fundamental. Digitisation and reform has got to be front and centre, and it's got to be funded if we are going to improve performance, as I know this Committee would wish us to be doing.

**CHAIR:** If the funding is there, are there particular areas we should be looking to move to beyond that which is currently underway?

**THE LADY CHIEF JUSTICE:** Yes, I mean there are areas in civil that are “out of scope” at the moment; part eight claims, those are claims that are claims for declarations and things like that, possession claims, enforcement. Enforcement is terribly important actually. It's not necessarily the glamorous end, but it may be the most important end, because a judgment on paper does not mean much if you can't actually enforce it. So, obviously, I'd like to see everything within scope and delivered. *[Laughs]*

**CHAIR:** Yes, no, I understand. So you want it rolled out much more?

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** Where we can. You made a speech to the Civil Justice Council's National Forum in November about the pertinence of data, and getting data right going forward.

**THE LADY CHIEF JUSTICE:** Yes, yes.

**CHAIR:** It's something that this Committee, I think you know, Baroness Carr, has raised on a number of questions.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** Do we make the best use of data? Possibly not.

**THE LADY CHIEF JUSTICE:** Not yet. I think we're getting used to having this new tool at our disposal. It's a very exciting prospect. Of course it's going to enable us to get a better understanding of how we can improve performance, and that's got to be the key of it, but we need to work out how to use it best and that, I think, is still work in progress, to make the most of it and also how to handle it. There are potentially constitutional issues in play here. Who owns it and how is it going to be used? Because it's always important for the judiciary to be in charge of its own assessments in certain areas.

**CHAIR:** There's a little bit of discussion about where AI takes us going forward. Perhaps there's a little controversy about… one judge I think owned up to using some AI as part of their judgment. Is it a threat? Is it a tool?

**THE LADY CHIEF JUSTICE:** I don't think it's a threat. I think it's part of our everyday lives. You may know, but we issued guidance just at the end of last year, I think, cautioning judges against using AI, amongst other things. Of course it's an open system, so anything you put out there is at risk and, of course, ultimately, judges are personally responsible for every word of their own judgments. So caution, I think. Of course, fake material or hallucinations, whatever you want to call it, are not necessarily news to the judiciary. We are used to identifying what is true and what is not in that sense. So I think we have to embrace it. I think it's there to stay. I'm sure that this is an area that we will develop work on, but we do need to be very cautious, particularly in terms of security and confidential information. But we can't close our minds to it, and I'm sure there will be useful things that we can get out of it, particularly in data.

In fact, in Wales, I mentioned the possibility of using AI to translate from English to Welsh and Welsh to English, which might be an uncontroversial way of using AI, I don't know. But I think it's definitely a space to watch.

**CHAIR:** Okay, that's helpful. Can I just move to something different but, again, perhaps salient, and that's Section 28 and RASSO matters? Your predecessor, when he gave evidence to us, at the time the roll out of pre-recorded cross-examination in sexual cases was being developed. He gave his concerns that there were practical difficulties and that there were some fears about how effective it would be. What's your assessment, Baroness Carr, of that?

**THE LADY CHIEF JUSTICE:** Well, it's a really important area, and I'm delighted that you are looking into this. I think you're currently engaged in a report.

**CHAIR:** Yes.

**THE LADY CHIEF JUSTICE:** I couldn't be more delighted that you are doing that. The judiciary as such have never had any concerns in reality about the use of Section 8 for children.

**CHAIR:** No.

**THE LADY CHIEF JUSTICE:** We can see all the benefits of that. Their evidence is usually very short and it's clearly an appropriate way of going forward. But there are real practical concerns beyond the concern you have mentioned about outcome. The practical concerns have come to pass. The using Section 28 for adult intimidated witnesses whose evidence may be very long, and therefore to record it takes a long time, to replay it in court takes a long time, it is therefore very difficult often to accommodate the hearings in a busy court list, both difficult for the court but also difficult for advocates who find it difficult to commit to take on the case in question and, in turn, then end up not wanting to do it at all. So there is a lack of advocates prepared to take on the work. You've then got problems with equipment and so on and so forth. So using Section 28 for adult intimidated witnesses has been very problematic. In terms of outcome, what the judiciary said at the outset was we have concerns because there is no data, there is no research that tells us what impact, if any, using Section 28 in adult cases would have on guilty verdicts.

I understand that Professor Cheryl Thomas has submitted some research to you, which, if I've understood correctly, shows very clearly that there is a significant impact on guilty verdicts. There's a narrative out there, by the way, which says that juries don't convict in, for example, rape trials. That's a false narrative, actually. Rape trials that get to trial before a jury, defendants are more likely to be convicted than not, and the conviction rate is higher than it is for other sorts of offenses. Where the stats go wrong is, if you look at the overall process, that's because, quite understandably, sometimes complainants feel they can't go through with it, or for whatever reason.

**CHAIR:** [Inaudible].

**THE LADY CHIEF JUSTICE:** So focusing, there's a bit of myth-busting to be done there. But these are cases… obviously one has to be incredibly, and is incredibly sensitive to the position of complainants, and one wants to minimise distress so far as possible, although distress, I fear, will always be inevitable in these sorts of cases. But I do wonder whether, if complainants who were offered the Section 28 option understood the impact it might have on a jury's reaction, they would always make that choice. I do not know. But if there is research out there which suggests that the use of Section 28 for adult intimidated witnesses has a material impact, and a negative one, then I think that should be a matter of serious concern.

**CHAIR:** I get the sense that it is generally accepted Professor Thomas is regarded as as authoritative a person as one can be around jury research within the limits of [inaudible].

**THE LADY CHIEF JUSTICE:** Yes, I am not sure what other research there is out there.

**CHAIR:** No, very little.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** [Inaudible]. But it certainly gives the impression that the concerns that your predecessor had and a lot of practitioners have raised after to a degree are supported by that.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** Is that something that can be changed by means of the approach of prosecutors and judges so that there's a better information-based decision to make or not?

**THE LADY CHIEF JUSTICE:** No, I don't think the judges can really impact... I think anecdotal evidence is very dangerous—

**CHAIR:** Yes, yes.

**THE LADY CHIEF JUSTICE:** —by definition. Judges can't comment on the individual cases and experiences they have had.

**CHAIR:** Is it a problem with the statutory scheme?

**THE LADY CHIEF JUSTICE:** Yes, well, I think with the rollout. Pause the rollout—

**CHAIR:** And take stock?

**THE LADY CHIEF JUSTICE:** And take stock.

**CHAIR:** Okay, no, that's clear. On a separate point related to RASSO cases, we recommended the Government establish some specialist rape courts, and they started a pilot of three such courts in 2022. We have to be careful about the definition of what a “specialist rape court” is—

**THE LADY CHIEF JUSTICE:** Yes, I know.

**CHAIR:** —which can be misleading.

**THE LADY CHIEF JUSTICE:** We don't like that phrase. *[Laughs]*

**CHAIR:** No, indeed. In terms of the pilots where you're trying to do it in those three courts, have you got a sense as to how that has operated?

**THE LADY CHIEF JUSTICE:** I haven't got any, as you say, these are not specialist rape courts. This is about providing better wraparound support for complainants in sex cases. I haven't got any hard evidence to provide, it is merely anecdotal but, inevitably, the news is positive. So, thank you, it's better support for complainants at court, better access to appropriately trained staff, case coordinators and the like. Of course, it's a better experience for complainants, which must be a good thing, and I wish we could have them everywhere. *[Laughs]* So yes, it’s Leeds, Newcastle and Snaresbrook at the moment, isn't it?

**CHAIR:** That is right, yes.

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** But that of course comes under funding again, doesn't it?

**THE LADY CHIEF JUSTICE:** Yes.

**CHAIR:** Is there a sense yet as to how much the cost is of operating in this way per court or…?

**THE LADY CHIEF JUSTICE:** No, I don't know. I don’t have a sense.

**CHAIR:** No. I assume MoJ might have that.

**THE LADY CHIEF JUSTICE:** Yes, must do.

**CHAIR:** HMCTS.

**THE LADY CHIEF JUSTICE:** Or HMCTS, yes.

**CHAIR:** No, that's all right. The CBA have been very concerned, the Criminal Bar Association, about the impact of some of these practical measures on the supply of advocates.

**THE LADY CHIEF JUSTICE:** On Section 28?

**CHAIR:** Yes, Section 28.

**THE LADY CHIEF JUSTICE:** Yes, absolutely.

**CHAIR:** And knock on effects upon listing because of availability and so on.

**THE LADY CHIEF JUSTICE:** Yes, and you read the Criminal Bar Association newsletters and the rest of it.

**CHAIR:** Yes. Does that chime with the judiciary's experience?

**THE LADY CHIEF JUSTICE:** Yes, absolutely. I mean our direct concern is that we can't list Section 28 cases or they get adjourned because we can't find, or an advocate doesn't turn up to deal with it.

**CHAIR:** Okay, that's helpful. Thank you. Mr Timpson again.

**EDWARD TIMPSON KC MP:** I think you were going to look at the broadcasting.

**CHAIR:** I'm sorry, yes, I have turned over two pages.

**THE LADY CHIEF JUSTICE:** But in fact we touched on the Transparency Committee.

**CHAIR:** Yes, I think we dealt a great deal around transparency probably already. I don't know if there's anything else that you wanted to add on that, Baroness Carr?

**THE LADY CHIEF JUSTICE:** No, it is. I mean broadcasting of sentencing has been a tremendous success. It's part of education, it's part of communication, and, as I've said already, I'm particularly keen to promote this sort of open justice and access to justice. I think we've had 35 sentencing hearings that have been broadcast in the last year.

**CHAIR:** Yes, I was struck by one of the observations, I think of your predecessor, that as well as the transparency itself, it's advantageous in terms of portraying the nature of the judiciary themselves.

**THE LADY CHIEF JUSTICE:** Yes, I mean—

**CHAIR:** The sort of people who are in fact judges rather than the perceptions.

**THE LADY CHIEF JUSTICE:** That they are real people doing a difficult job extremely well. I am always very proud, if that doesn't sound unwarranted, very proud when I watch these brilliant judges do these difficult jobs, and the more people, as I've said before, can understand how we sentence and what the process is and why judges reach the decisions they do the better.

**CHAIR:** Is there scope, given it has worked pretty well for sentencing on the whole, do you think there's scope for extending broadcasting to other types of hearings?

**THE LADY CHIEF JUSTICE:** Yes. I think one of the reasons it's worked so well is because it was handled so carefully and, dare I say it, cautiously, when it started up. So everything was thought through, and I wouldn't want to change that approach. The forefront always has to be the administration of justice and the need not to interfere with that. But I certainly would expect the Transparency Committee that I've been talking about to look at the possibility of extending broadcasting, and it need not necessarily be in crime, it may be in the administrative courts, it may be in the commercial courts there should be more filming. So everything's on the table as far as I'm concerned, but I would also say don't get too excited in the sense that we still need to have a cautious, incremental approach. So far, so very good, but we need to proceed carefully.

**CHAIR:** Understood. Mr Timpson?

**EDWARD TIMPSON KC MP:** Thank you, Chair. Interestingly, when the Committee did a visit to Finland and the Netherlands as part of our Inquiry into the understanding of the public of sentencing, they have what they term “media judges”.

**THE LADY CHIEF JUSTICE:** Yes.

**EDWARD TIMPSON KC MP:** I don't know if it’s something whether you've come across, and whether this could form part of your transparency drive—

**THE LADY CHIEF JUSTICE:** Yes.

**EDWARD TIMPSON KC MP:** —and seeing you on the breakfast sofa telling us all about what judges get up to.

**THE LADY CHIEF JUSTICE:** *[Laughs]* I think that's a step too far.

**EDWARD TIMPSON KC MP:** Okay, worth a try.

**THE LADY CHIEF JUSTICE:** But no, and I know that I've read your consultation, I think, or report that the Sentencing Council is going to be responding to quite soon, and we have a principle, don't we, that that judges don't comment on each other's cases? But I certainly think there is scope for looking at the possibility of a “media judge” who could explain how something works completely independently of a specific case. So I read that with interest. I do think that we can communicate better, and there is always scope for improvement.

**EDWARD TIMPSON KC MP:** One area of the court system when we consider transparency, we have to be particularly careful and sensitive about cases involving children—

**THE LADY CHIEF JUSTICE:** Of course.

**EDWARD TIMPSON KC MP:** —and there has been, as you'll be aware, a raft of work done in recent years to try and address that in the right way, most recently by the President of the Family Division’s proposals around transparency and some of these trial courts I believe in Cardiff, Leeds and Carlisle.

**THE LADY CHIEF JUSTICE:** Yes.

**EDWARD TIMPSON KC MP:** Looking at transparency orders and what can and can't be reported by the media, although you referred to in an earlier answer looking at other ways that transparency could operate. So have you thought about how you might build on some of the plans so far that have come out of the work in the Family Division to try and improve transparency, whilst also being cognisant of the potential impact that it could have on children?

**THE LADY CHIEF JUSTICE:** Yes. So I think the President of the Family Division deserves enormous credit. It has taken him two years to work on this review, and it has been a resounding success. It is a magnificent achievement to have opened up the Family Courts in a way I suspect 10, 20 years ago nobody thought possible and so far, again, so very good. There have been no glitches. I am sure that again is because things have been done incredibly carefully and incredibly slowly, but I do and am going to piggyback on this exceptional work and seek to bring this transparency work to learn from it into the Transparency Committee, which I want to be cross-jurisdictional. So I anticipate the work that is going on in the Family Courts, the lessons learned there and the best practices learned there being used to travel out into the discussion about what we can do in civil and other jurisdictions as well. But I do want to pay credit. I don't know what the Committee thinks, but it is a remarkable achievement, and it's gone really well. It's consistent with my sense that the more the public and people understand what we're about, the better it is for the justice system as a whole and for society as a whole, because we need trust and confidence in what we do. There are problems, there are funding problems, but, at the end of the day, we have a first-class judiciary with first-class judges doing really good work, and I'm keen for that to come across.

**EDWARD TIMPSON KC MP:** Thank you.

**CHAIR:** We started this session, Baroness Carr, by talking about the constitutional proprieties and we are very grateful to you for coming along and having this discussion with us today. Going forward, I know you've met Mr Speaker.

**THE LADY CHIEF JUSTICE:** I did.

**CHAIR:** I know he found that very, very helpful.

**THE LADY CHIEF JUSTICE:** It was an extremely enjoyable and productive occasion.

**CHAIR:** Are there other things within the limits of the separation of powers, which of course has to come first, of course, are there other things that you think you can do, or you'd like to seek to do as head of the judiciary, to engage with parliamentarians?

**THE LADY CHIEF JUSTICE:** I think parliamentary engagement is really important. It goes back to this whole theme of better understanding, better communication, whilst always respecting the constitutional boundaries. So, I am keen to look at this, again cautiously, but in a progressive way. A very small point, we had the clerks of the committees round to the Royal Courts of Justice the other day, and that was very good to talk, and yes, we love talking about the rule of law, so we could talk about the rule of law for hours. It was excellent, but it was a very enjoyable occasion to get to know them, as you say, for me to meet with the Speaker of the House, and talk about ways of promoting engagement. An obvious way will be, following the next election, there will be or may be new MPs and new opportunity with induction packs, and I would like to, and indeed we have achieved a slot where we can have a section which educates about the rule of law, where we are, what we do. I would love to see local MPs visiting their courts when time permits, and, again, respecting the relevant boundaries. So I'm excited about all of that, because I see it as an opportunity. A lot of these things we've been discussing today are opportunities, not problems. I see parliamentary engagement as a real opportunity to communicate with the public through MPs, but also to speak to Parliament to inform the debates and improve the quality of the debates that the House has about justice and funding and matters of that nature. So I do think parliamentary engagement is going to be very important in my time, and I'm looking forward to it very much. I know, Chair, you're visiting, I think, your local court at some stage, and I think you're all off to Kingston, am I right about that? Some of you are.

**CHAIR:** We're going to see my old chamber's colleagues [as a resident?].

**THE LADY CHIEF JUSTICE:** That's right. That's right. But one thing that has occurred to me, I suspect you're all far too busy, but it would be my absolute pleasure if anybody ever wanted to come to the Royal Courts for a cup of tea and to be shown around and meet some of my colleagues. They would be delighted to meet you. The offer is very open. I know that you're incredibly busy and it may be too much, but it may be the right time for me to say how much I've enjoyed coming here and also getting to know some of your work better, reading some of your reports, and, as we've discussed already this afternoon, some of the areas you're touching on are really important to my life and the workings of the justice system and what I am and am not able to achieve in the years to come. So thank you for having me, and please do come and visit me and my colleagues at a convenient moment if you have time in your extremely busy diaries.

**CHAIR:** I'm sure we'll work hard to try and take that up. I think that's very much appreciated, Baroness Carr. I'm very grateful to you for that. Thank you for the very wide-ranging discussion that we've had today. I hope that's been helpful. We look forward, as I said at the beginning, very much to working with you. We wish you every success—

**THE LADY CHIEF JUSTICE:** Thank you.

**CHAIR:** —in your tenure of office, which may well outstrip that of many of us. *[Laughter]*

**THE LADY CHIEF JUSTICE:** No.

**CHAIR:** In a sense, we sincerely hope it does.

**THE LADY CHIEF JUSTICE:** Who knows? Thank you very much, Chair.

**CHAIR:** Because that's in everyone's interest, but we're really grateful to you and we look forward to no doubt hearing from you at appropriate times in the future.

**THE LADY CHIEF JUSTICE:** Thank you very much.

**CHAIR:** Session is concluded. Order, order.

[Ends]