

PRESS CONFERENCE

THE LADY CHIEF JUSTICE OF ENGLAND AND WALES

(Baroness Carr of Walton-on-the-Hill)

on

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THE LADY CHIEF JUSTICE: Thank you very much. Well, good morning, very good to see you all. I gather that some of you had trouble getting in through security. If so, I apologise. Perhaps you look more menacing than you really are. But it is a great pleasure to see you here. Some old faces, if I can put it that way, and also some new faces. So I'm very much looking forward to the next 45 minutes or so.

As you are all aware, this is my first press conference as Lady Chief Justice. So, as I say, it is a real pleasure to be here. I am, I think, just past, by a month or so, my first milestone of 100 days in office. I have had many hundreds of meetings. I've given quite a few speeches and I've attended quite a few ceremonial occasions as well. I've done a lot of listening inside the judiciary and I've done a lot of engagement and building relationships outside it as well. So it has been a tremendous four months or so, so far.

It's on record, but let me just quickly summarise if I may, where I think my core ambitions lie at the moment. I think first, and front and centre, is that I am here to recognise and promote the strengths and the positives of our judicial system and that includes in particular communicating effectively what I see is the vital role of the judiciary in supporting democracy, society and the economy. Because a well-functioning justice system is essential to the economic growth and the health of society as a whole.

It's not about money. We may want to talk just about money, we may want to talk about that. We know that the UK legal services sector is the second largest in the world. We know that the sector brings in £43.7 billion a year into the UK economy, and we know that we have internationally recognised and respected courts. But, at the same time, we know that it's not just about money, it's about families, it's about people's lives; it's about morals and it's about how we treat people, and how the law treats people.

When it comes to promoting the strengths and values, I'm particularly well-placed to do that in the commercial sector, having been a commercial practitioner for 25 years and then, latterly, a judge sitting in the business and property courts. So it's something that, as I say, I'm keen to promote.

Within this first overarching theme is the question of the fundamental safeguarding of judicial independence and, in that context, the development of better public understanding of justice and the rule of law. You come in here, a bit more about that later if I may, but the principle of open justice is front and centre for me. I think there is much to be done on transparency. You all know, I think, that I have created a new Transparency Committee still very much in its infancy, but it is up and running and it's a very exciting piece of work.

The second area of my ambition is the question of judicial unity. This is broader than the aim of simply harmonising jurisdictions and, for example, increasing cross-deployment. It's about fostering a more inclusive judicial culture, a culture that is respectful, a culture that is diverse, welcoming and inclusive for everybody.

The third area – no spoiler alerts here – is the question of backlogs, timeliness, and the maintenance of quality. I know that timeliness is a real concern at the moment, and I understand that swift and effective disposal of disputes is crucial for individuals, it's crucial for families, and it's crucial for businesses; businesses that need to be able to move forward with certainty and stability, children who need the best start in life, parents who need to be helped to get back to work rather than fight against each other, potentially unnecessarily. Part of the drive on timeliness is of course the question of modernisation and digitisation. That's got... well, it is very important, and we've got to build on the progress so far, and I feel that we have got to make sure that we don't take our foot off the pedal in keeping pressure on, so that modernisation is not a one-stop shop, it's a continuing thing that we maintain throughout, to continue improvement.

Across the board, when we look at timeliness, there has to be significant investment, and I say across the board again, it's not just about the judges and the courts, we are in a sense the end of the road. It's about organisations like Cafcass, and it is about the legal profession as a whole, the criminal bar in particular we know is suffering.

So the criminal bar, for example, needs proper funding, and it needs protection, and the system needs to be looked at holistically from beginning to end if it's going to serve the public in the way that the public deserves. So a slightly gloomy third area, and certainly a challenging one, I am aware of the challenges but I do have an innate and informed sense of optimism and I have an innate and informed sense of confidence. My biggest asset is my judges, they are extraordinary, they work in extremely difficult conditions, they work tirelessly and they are committed, they really are committed to serving the public and the rule of law, and that is a very special thing and you feel it every day when you go out and about in the country visiting courts.

I wanted to close before opening the floor up, with a few remarks about you, the press. A free, strong press is fundamental to democracy. You provide scrutiny and you provide transparency across all three branches of the state, including the judiciary. I'm aware from my conversations with you of the pressures that you are under in terms of workload and resources. But I am keenly aware that the public's understanding of the judiciary and the work that I am doing and the administration of justice as a whole is based in very, very large part on what the public reads in the press. So, for me, strong, high-quality reporting is very much in my interests as well as in the public interest.

Now, I'm not expecting, let alone asking for any favours, I am confidently expecting impartial scrutiny, that is actually what I want, but I do want to play my part in giving you the best information possible that I can to achieve that overarching aim. So, in that vein, I look forward to answering your questions. I think you've had the rules read out to you more times than you could possibly want, but we're not going to talk about specific cases, we're not going to talk about political matters or high-level policy issues that I can't get engaged in. Thank you very much.

CHAIR: Okay, and you are already raising your hands. If I could ask, as we take questions, if you announce yourself and your publication, just ahead of your question. Dominic?

DOMINIC CASCIANI: Yes, I'm Dominic Casciani, BBC. Can I start in the third of those areas on backlogs, inevitably?

THE LADY CHIEF JUSTICE: Yes, yes.

DOMINIC CASCIANI: I was just looking at the figures again as I came in on the train this morning and I was looking at what's going on in the Crown Court. The Crown Court backlog has gone up by 9 percent.

THE LADY CHIEF JUSTICE: Yes.

DOMINIC CASCIANI: I didn't have time to fish out the timeliness figure. But then I looked at immigration and asylum and the immigration asylum backlog has gone up over the last year.

THE LADY CHIEF JUSTICE: Yes.

DOMINIC CASCIANI: But the timeliness improved though.

THE LADY CHIEF JUSTICE: Yes.

DOMINIC CASCIANI: It's not by much, but it's certainly improved.

THE LADY CHIEF JUSTICE: Yes.

DOMINIC CASCIANI: And I'm just wondering what early insights you've been building into what is happening in the different branches in relation to backlogs and timeliness. Because, obviously, you haven't got control of all the levers, but I'm assuming you're building some kind of conclusions about what's working and what's not in trying to deal with this.

THE LADY CHIEF JUSTICE: Yes. I think that's a really good point, because actually at the heart of One Judiciary is learning best practice from other jurisdictions. To give you a very good example, something that the tribunals have done that we are now doing in civil is the introduction of what we call "virtual regions", which means listing, as it were, in the ether not linked to a particular physical court, and so what it means that something can go into the virtual region and any court, any tribunal in England and Wales, can deal with that particular case. That obviously speeds things up because you're not tied to a particular court that may be under particular pressure. So I think learning from other jurisdictions is something we haven't been doing enough of and it's something I think One Judiciary will really promote and improve. That's an example in the tribunals.

You talk about the number of cases going up in the tribunals and you're absolutely right, because the Home Office has been ploughing through cases, so the workload in the tribunals has gone up very significantly. They're doing a great job. But I think there's a lot of cross-fertilisation when it comes to good learning, and we need to do more of that.

DOMINIC CASCIANI: But I mean, virtual regions, could you really apply that process in crime?

THE LADY CHIEF JUSTICE: Yes... oh, in crime?

DOMINIC CASCIANI: I mean, that would be really difficult.

THE LADY CHIEF JUSTICE: Well, you're right, I don't think I've seen virtual regions as such working, but we can certainly move cases around the Crown Courts very effectively. We've had that with court closures. Courts are very collaborative wherever they can be, Crown Court centres. So we can help each other there. I mean, virtual regions could work in crime, I suppose, when you're having a purely remote hearing, which might happen at a pre-trial and preparation hearing. So there's scope for it there, but I agree with you, it's not the obvious landing place.

DOMINIC CASCIANI: You can ship victims and witnesses around the country and...?

THE LADY CHIEF JUSTICE: No, no, but you can move them around within reason.

DOMINIC CASCIANI: Right.

THE LADY CHIEF JUSTICE: Yes?

CHAIR: Charles.

CHARLES HYMAS: Charles Hymas from the Daily Telegraph.

THE LADY CHIEF JUSTICE: Yes, hello Charles, nice to meet you.

CHARLES HYMAS: Hi. Are there any other innovations that you're looking at? Like, for example, we had during COVID the sort of Nightingale Courts.

THE LADY CHIEF JUSTICE: Yes.

CHARLES HYMAS: You had possibly longer hours, so it'd been much more flexible on the hours because if people work then they could come. Are you going to look at that as well, and, in so far, how radical do you think you could be on that?

THE LADY CHIEF JUSTICE: Yes, thank you for the question. So the Nightingale Courts actually are still up and running, aren't they? I think we've got 24 still up and running and they were critical in COVID. I think without them we would have had an additional eight and a half thousand cases in the pipeline by the end of September 2022 and they are still now an invaluable resource when we have estate problems and listing problems. So they are very much still in action. I think that there are things like the virtual regions I would be looking at and if you go around the Crown Courts in particular, you will find some pretty creative use of space going on. So there are dedicated courtrooms now exclusively used for video hearings and the like.

So the answer to your question is that we are looking at all viable options to improve practice. You've heard, I know, about the Crown Court Improvement Group, which is led by the Senior Presiding Judge, and that really does work. I went to one of its meetings in my first month, and the reason, the beauty of it, is you get all parts of the system together in one meeting room, so from the usher to the probation service to the prison deliverer, all realising the knock-on impacts of delays or problems in their part of the system can have. So I think we are looking at all options. If we can be creative in our hours then I'm sure... and we are sitting maximum hours I know in some courts already, and using the courts to the best capacity, but of course that all requires support from resources, not just judges. So it involves staff, security, and so on and so forth. So it's quite a complicated picture.

But the short answer and the short takeaway is that I am looking to be as creative as possible. When it comes to radical options, I don't hold the levers to really make a significant inroad, in my assessment, to Crown Court timeliness in particular. I can chip away at the edges, and it doesn't put us off, we're still doing everything we possibly can. But I don't see us knocking tens of thousands of cases out of the system without something pretty radical, that would include not so radical lifting the pause on magistrates' sentencing powers, so they go back up to 12 months, and then looking, I think, at disclosure, looking at the balance of cases that go to the Crown Court as opposed to the Magistrates Court and so on and so forth.

CHARLES HYMAS: Those are things that the government would have to really address?

THE LADY CHIEF JUSTICE: Exactly, and at the end of the day, I would suggest, respectfully, a long, hard, medium to long-term strategy. Look at all of these issues. So not day by day, but standing back and taking a long breath and looking at the system as a whole. I mean, we had the Auld review, didn't we? We had the Brian Leveson review. There is work there that one can go back to, look at and draw upon, potentially. But I think the problems are very, very deep-rooted and they're not going to go away overnight, I'm afraid.

CHARLES HYMAS: I mean, Justice Secretary Alex Chalk said a red line is needed in jury trials. But you would share that view?

THE LADY CHIEF JUSTICE: Yes, I think so at this stage. I mean, there has been talk of intermediate courts like they have in Scotland, where they have an intermediate court, don't they, of a high sheriff who can sit on intermediate cases that I would place between the Magistrates Court and the Crown Court where the judge sits with two laypeople, I think, and we do have exceptions for complex fraud trials, for example, where a judge can sit without a jury and there are situations where that can happen, but I think at the moment it would... yes, the resting point is that jury trial is still a hallowed principle of the English justice system.

JONATHAN AMES: You referred to the media, and indeed you just referred to Scotland. Should England and Wales, where there's broadcasting of sentencing remarks now that is generally considered to have been quite a success, should we look at, should England and Wales look at, following Scotland with wider broadcasting criminal trials?

THE LADY CHIEF JUSTICE: I'm obviously going to ask the Transparency Committee to look at this. I have looked quite hard at Scotland, because actually although there is power to broadcast I think all of the proceedings, that does require all parties consent, and that means it hardly ever happens. So you're probably ahead of the game here, but I have yet to see a fully televised trial in Scotland since the broadcasting extension was brought in, I could be wrong. It's certainly—

JONATHAN AMES: But cameras have a much wider scope in Scotland.

THE LADY CHIEF JUSTICE: Do they? They go way beyond the courts?

JONATHAN: They show counsel, they show...

THE LADY CHIEF JUSTICE: Oh, I see, yes, absolutely. So they... Absolutely. But I would still repeat. I don't know if anybody in the room can think of having seen a high-profile Scottish trial fully broadcast, and I think the hitch is you need the consent of all the parties, which is, it would appear, a significant stumbling block. The answer to your question, Jonathan, is I am absolutely committed to looking at extending the current rules on broadcasting.

I mean, first and foremost, we know the sanctity of the administration of justice is first and foremost. So we can't do anything that jeopardises the administration of justice, and I think there are, in that context, real difficulties about filming witnesses, for example. But I am very interested in extending filming to a wider cohort of judges than is the case currently, and I'm also really interested in looking at extending filming across more jurisdictions at first instance. So we know the Court of Appeal Civil Division is live-streamed and we know the Crown Courts, at certain levels can be broadcast. But I would ask, rhetorically, what about the Administrative Court sometimes, what about the Commercial Court? Is there scope for extending broadcasting to those jurisdictions? Without having done the work, I can see real attractions to something like that.

I would say one of the reasons, and again, you're very close to this, but one of the reasons why it has been such a success, and my goodness, haven't the last few weeks shown the impact of live broadcasting of sentencing remarks in these horrendous criminal cases? But I think that the hallmark has to be maintaining and preserving the administration of justice in that sense, and the reason it's worked so well is because I think we rolled it out very slowly. So the contracts with Sky took a long time to negotiate, and that has been really worthwhile, because if it went wrong at the beginning, we wouldn't be talking about extending it, would we?

The same goes for the family transparency reporting, which has been such a success due to, if I may say so, the brilliant reporting, the responsible journalism that has taken place, which has meant that there haven't been any glitches so far, touch wood. That has enabled us to roll it out across the country, to 16 new courts, and now also rolling it out for financial remedies hearings, which is fantastic, and testament actually to all bits of the system. I don't think 10 or 20 years ago we would ever have imagined getting cameras or reporting into family courts, would we? I do not think so.

JONATHAN AMES: Can I just follow up, you say that the administration of justice is paramount. What are the potential fears? What could go wrong with wider broadcasting?

THE LADY CHIEF JUSTICE: So the fears, obviously, we want the best evidence from the witness, so we don't want the witness worrying about any more than they already have to worry about. So it's getting the best evidence from the witness. It's making sure that nobody starts playing to the

crowd, and I would suggest it also means making sure that people aren't watching for the wrong reasons, that they aren't getting a kick out of somebody's distress and misery, which is almost inevitably there in these difficult cases. So I think there are lots of things to look at.

CATHERINE BAKSI: Good morning, Catherine Baksi, freelance. In the Post Office Horizon inquiry, one branch of people that so far don't seem to have come under any scrutiny are the judges, and I mean with the exception of Mr Justice Fraser, it could be said that they have not behaved admirably. They've taken pleas from people where there is no evidence, sentenced innocent people to lengthy times in prison, and also failed to spot a trend of hundreds of people being prosecuted by the Post Office. Are you concerned about judicial failings there, and is there any internal investigation that you're doing to see what went wrong?

THE LADY CHIEF JUSTICE: So let's start with Mr Justice Fraser's judgment, which was a heroic piece of work. A judgment delivered... and after all, it's that judgment that forms the platform for all of these convictions to be quashed. It is the fresh evidence. It is the basis of the convictions being overturned. He delivered that judgment in record time, given the amount of evidence and the amount of issues that he had to deal with. You need to remember, don't you, and I know you know this, but in the Crown Court it is not the judge who convicts, it's the jury, and it will be the jury that decides on the evidence before it whether or not somebody is guilty. Equally, if somebody pleads guilty and that person is represented, it's not for the judges to go behind that plea. So I would resist any suggestion that there is any basis for implicating the judiciary in any of the very egregious failures that do appear to have gone on in terms of the prosecution of these sub postmasters, for whom we all feel enormous empathy where they have been wrongfully convicted.

CATHERINE BAKSI: And what about the failure to spot the trend? One might have thought that would have been picked up by presiding judges or circuits?

THE LADY CHIEF JUSTICE: We don't monitor trends, judges are independent, decisions are independent and sentences are made by judges on the basis of the law as it stands to the facts and applied to the facts as they find them. So no.

CATHERINE BAKSI: So there's nothing the judiciary could have done to stop the most egregious miscarriage of justice in British legal history earlier than they did?

THE LADY CHIEF JUSTICE: Well, that's a sort of multifaceted question. I don't accept that there is any basis for implicating the judiciary in any of these wrongful convictions, so far as I can see.

CATHERINE BAKSI: Thank you.

CHAIR: Thanks, Arlene?

ARLENE GREGORIUS: Arlene Gregorius, Law in Action.

THE LADY CHIEF JUSTICE: Yes, very nice to see you again.

ARLENE GREGORIUS: Joshua Rozenberg can't be here—

THE LADY CHIEF JUSTICE: I know.

ARLENE GREGORIUS: but he is with us through my phone.

THE LADY CHIEF JUSTICE: I saw you way back in 2021 or 2, I think.

ARLENE GREGORIUS: That's right, yes, yes. Very nice to see you.

THE LADY CHIEF JUSTICE: You too.

ARLENE GREGORIUS: Just saying with the Post Office scandal, if I can call it that, so I hope this will not fall foul of the political questions to be safe. So the government is proposing to put forward legislation that would clear all those convicted, essentially by statute. Now, what is your view of clearing people by statute rather than through appeal through a normal court?

THE LADY CHIEF JUSTICE: Yes, so we don't know what the government is actually proposing, and we wait to see what is advanced. I think... and I hope you've seen enough of me already to know that if I have to speak out, I will. The rule of law is clearly engaged, and it is for the courts to make judicial decisions. These are court-ordered convictions, and if there comes a point in time when the rule of law has to be confronted in this context, then I will confront it.

ARLENE GREGORIUS: Thank you.

ALISTAIR GRAY: Hi, Alistair for the FT.

THE LADY CHIEF JUSTICE: Hi Alistair.

ALISTAIR GRAY: You mentioned earlier this jurisdiction's status as a legal hub internationally.

THE LADY CHIEF JUSTICE: Yes, yes.

ALISTAIR GRAY: But you've also mentioned the problems at the lower end, if I can put it that way, of the justice system. Is there any degree to which those two things are linked? In other words, to what extent is there a risk that those problems start to erode our reputation in justice internationally?

THE LADY CHIEF JUSTICE: Yes. That's a really good point, if I may say so. A very significant risk. You can't silo out the Rolls Building or the courts that are operating well from the condition of the estate as a whole. So it does impact on us, and the fact that our court estate across the board is not in good shape does potentially influence our standing internationally. It's a matter of common sense. I mean you would all have looked abroad at Singapore, at the other jurisdictions, the buildings that they have there and the facilities that they have, including when it comes to IT. So this is a real issue and I've read Sam Townend's interview this morning, and he makes some very good points.

CHAIR: Tristan?

TRISTAN KIRK: Tristan Kirk from the Evening Standard. You said at the start about the values within our justice system, and promoting fairness and I guess a good run of things. Can I ask about the very bottom of the justice system, the single justice procedure (SJP)

THE LADY CHIEF JUSTICE: Yes.

TRISTAN KIRK: It's an area that I have paid particular attention to, and within it, I'm sure you know, the defendant is very often, if not almost always, not legally represented. The way that it is operated means that there's no prosecutor at the end of the process, no prosecutor involvement and the magistrates now are sitting, as I understand it, without legal advisors directly involved in every decision, and the data that's emerged shows that legal advisors don't necessarily look and review each case that go through single justice procedure, and so you essentially have a process where a magistrate, who is not formally legally qualified, making decisions when there's no other legal involvement. Are you happy with the way that that system works? Is there any proposal that

you see about reforming that system to make it work a little bit more effectively, more fairly, for the people involved?

THE LADY CHIEF JUSTICE: So I look at the single justice procedure from two angles, one from the perspective of the defendant, and then from the perspective of transparency and justice. Looking at it from the perspective of the defendant, if a defendant is summonsed and wants to have a trial and an open hearing, they can ask for that as a matter of right. So that's the first point. If, for some reason, the summons doesn't reach them, they have an automatic right within 21 days to reopen the decision that's been made against them, and it will be set aside and the matter will be looked at afresh. So those are the first points in terms of the defendant's position.

The transparency side of it. Have you recently been on the single justice procedure cause list? It's actually worth going to. I'm sure you have, but it's actually a very detailed cause list. You get the name of the defendant, you get particulars of the offence in a way that you don't on any other cause list that I've seen, so you will actually see "Mr Barnaby driving 60 miles an hour in a 30 mile an hour speed limit on the date," and you'll be told the date and the time when the hearing is going to take place. Equally, the results... I know you get the results on a weekly basis. Accredited media can have access to case documents, so you can have access to the summons, you can have access to witness statements, a defence statement if there is one.

We're dealing with low level, but nevertheless I recognise still important, issues for everyday people. These are important matters but they are low level, and it is a proportionate way of dealing with them and I think the necessary safeguards are there, both in terms of open justice and in terms of protection for the individual involved.

CHAIR: Alex?

ALEX WARD: I'm Alex Ward, I work for the Daily Mail. You talk about your second point that you want to have a unified judiciary with more diversity within it, and predecessor, in his outgoing report, mentioned that there's incremental progress being made in the changing face of the judiciary. I realise that you've got a strategy from 2020 to 2025, but beyond that, what do you think are the steps that need to happen to change this, perhaps have a judiciary that's more reflective of the UK?

THE LADY CHIEF JUSTICE: More reflective in terms of diversity?

ALEX WARD: Yes.

THE LADY CHIEF JUSTICE: I mean, diversity is a day job. We've got a lot to do. We're doing well in terms of solicitors. We're doing quite well in terms of gender, and you'll know that I see diversity not simply limited to race or indeed gender. I see it as expanding to socioeconomic diversity and the like. So we are doing increasingly well with solicitors. Over half of our tribunal judges are solicitors by background. We are doing much better with women, certainly up to the higher levels, and we are making progress with certain ethnic minorities. We are not making enough progress when it comes to black people in particular. We do not have enough black judges, and that's a priority for me to look at this year, and also actually disabled judges. That's something I don't think we've looked at sufficiently in the past and those are two of our focus areas under our strategy for this year. I mean, it's a really pressing area. We are doing so much in the space. You know that. You can't turn for some sort of a mentoring scheme, or an opportunity, or an outreach, or a speech to schools. We've got fantastic diversity and community relation judges. We've got focal point judges. We are really trying, but we are still not getting sufficient results, and it's something we've got to keep working at.

ALEX WARD: Just to follow up that, you mentioned that you are doing better in terms of gender but not enough black judges, so it's certainly a problem among sort of solicitors, from people who

have spoken to me, they consider this statutory consultation as being a barrier to having a more diverse judiciary. They see it, I mean for want of a better phrase, as an old boys' club.

THE LADY CHIEF JUSTICE: Yes.

ALEX WARD: I mean, I know there has been review of it in the past. Are you open to the idea of looking at that again? Do you think that it is something that is reflective of 21st century Britain?

THE LADY CHIEF JUSTICE: Well, I'm here, which is always a good start, but I would say, I would say that there have been significant changes to the statutory consultation process, including the option of waiving it in those very, very large competitions where I hope many solicitors are applying, where there is unlikely to be statcon for them or indeed for anybody. So statcon is really not used for the huge, normally entry point competitions. Beyond that, I don't share the view that statcon is a barrier or creates in some way an old boys' club. It's a very important part. I mean nobody's asked me about bullying yet, they may, but one needs the best evidence there is to appoint people, sometimes to jobs for life, to have the fullest evidence that we really are appointing, or the JAC is appointing the right people, and statcon can play a really important part on that. I mean and also to mitigate the effects of statcon, now we have one-to-one leadership meetings, so there really shouldn't be anything in statcon – I hope you all know what I'm talking about, statutory consultation – in a piece of statcon that the judge themselves doesn't already know. Because it should have been raised with them at a one-to-one meeting. Billy says, "I want to apply to be an X." Leadership judge says, "Good idea, Billy, but you need to do... you know, your judgments are too late or you're adjourning too many cases," or whatever it is. So content shouldn't actually, as it were, be a surprise in that sense. So one-to-one leadership, waiving of statcon, and otherwise I think it does have an important role. It's in the statute, isn't it? There isn't an option to get rid of statcon, it's embedded in the Constitutional Reform Act 2005. So steps have been taken to explore it, I know this from my time on the JAC, and changes made to make it as fair as possible.

CHAIR: Jonathan?

JONATHAN BROWNING: Hi, I'm Jonathan at Bloomberg. Maybe I'll take up the bullying mantle offer as it were, and ask about that.

THE LADY CHIEF JUSTICE: *[Laughs]* I'll be killed, it was not an offer, it was not an offer.

[Laughter in the room]

JONATHAN BROWNING: Yes, no. The JCIO issued a decision fairly recently on a pretty high-profile example.

THE LADY CHIEF JUSTICE: Yes.

JONATHAN BROWNING: Do you have faith there was enough transparency in that decision when we might have had a pretty good idea about what it involved and where it involved, but there was nothing actually in that single sheet of paper?

THE LADY CHIEF JUSTICE: Yes, that's interesting. So I was a nominated judge on the JCIO for a number of years, and I chaired the working group that looked at transparency issues, and we are still bringing in the reforms, aren't we, to JCIO? We need some more legislation for that. And transparency is something, obviously, I am keen on, but it is a finely balanced issue. I know that where there are complaints of bullying that we will deal with them robustly and fairly, and I think they have been dealt with robustly and fairly in the past, and you are aware of the decision that was made.

CHAIR: Jess?

JESS GLASS: Hello there, Jess Glass, Press Association. You have talked about challenges, and a lot of them quite long-term challenges, such as the court estate and the backlog. What kind of shorter-term challenges do you see on your plate? What challenges do you have that you are optimistic about resolving slightly more imminently than fixing the court estate?

THE LADY CHIEF JUSTICE: Yes, that's a very nice question. Well, One Judiciary is short term. I know I need legislation for it, but we're already beginning to work on cross-deployment and changing that culture, shifting that culture. I went to Field House yesterday, which, as you know, is where tribunals hearings happen and for a valedictory for a very esteemed tribunal judge. That was a good example of making short-term changes. Sometimes you don't need a big step to make a big change. So I'm looking forward to making little steps of progress there. I'm looking forward to the Transparency Committee making reasonably swift action there.

I'm really looking forward in the short term to giving the judiciary my voice. I want to be an ambassador for the judiciary across the board. I have gained, if I didn't have it before, I think I've gained the trust of the judges, and I want in the short term to raise our profile and to raise public understanding of what we do, why we do it, and why it's so important, and the value that we bring, as I said at the beginning, and it's not just money. Sure the money's there, but it's to society as a whole and to the way people live their lives.

CHAIR: Bianca?

BIANCA CASTRO: Thank you. Bianca Castro, Law Society Gazette.

THE LADY CHIEF JUSTICE: Hi, Bianca.

BIANCA CASTRO: I wanted to ask about remote hearings.

THE LADY CHIEF JUSTICE: Yes.

BIANCA CASTRO: Obviously, normally, you send an email to a clerk, you hope they see it in time, and they get back to you but it can be hit and miss as to whether you're able to attend a hearing either on time or that you are able to hear it at all. Obviously, clerks are pressed to only focus on the parties because they need to be fair, but in terms of openness and open justice, personally speaking, it feels like it almost erodes it. You would be able to walk into any courtroom.

THE LADY CHIEF JUSTICE: And you can.

BIANCA CASTRO: And you can. *[Laughs]*

THE LADY CHIEF JUSTICE: *[Laughs]* You physically can walk into any courtroom.

BIANCA CASTRO: And makes that slightly harder, there's a lot more work for clerks in terms of that. Is there any idea around resolving these sort of issues.

THE LADY CHIEF JUSTICE: No, I think what is really helpful for me is to have this sort of feedback and it's the sort of information that I want the Transparency Committee to have. Because when we're talking about access, I am actually talking about having enough, amongst other things, having enough space for you in court when you want to attend physically, which I know is sometimes an issue. So I think that, obviously, there are resourcing issues, as you say, that clerks are pressed, but can we have a centralised system? Can we not make that better for you? I'm very aware from visits I've had that access experience can be very patchy and certainly inconsistent, and I do not

think that's right. I think there should be a consistent protocol. There should be consistent procedures, and there should be a consistent level of service, if I can put it that way. So I think that's the sort of information I hope the Transparency Committee will be able to, if it doesn't already know, will be able to draw on. It must be very frustrating.

BIANCA CASTRO: Yes.

THE LADY CHIEF JUSTICE: To put it mildly.

CHAIR: Emma?

EMMA MIDDLETON: Yes, Emma. Hi, Emma from The News Movement. Nice to meet you.

THE LADY CHIEF JUSTICE: Hi Emma

EMMA MIDDLETON: We do Gen Z audiences.

THE LADY CHIEF JUSTICE: Yes.

EMMA MIDDLETON: So, I'm here to help sort of young people understand some of these really big issues.

THE LADY CHIEF JUSTICE: Yes, yes.

EMMA MIDDLETON: So I'm going to keep this really broad: how is the justice system working to keep women and girls safe? Maybe you can give us a really brief overview for our young audience.

THE LADY CHIEF JUSTICE: Yes. We are keenly aware of the particular stresses, distress and issues facing young women and girls when they come into the justice system. We obviously don't legislate, we don't create the offences and the things that they might be worried about or they might think they have suffered from, but we are working very hard to improve the experience. We have new wraparound pilots going around for people who bring complaints of sexual offences to improve the facilities for them, to have case managers to make sure that things are dealt with as promptly and with as much information to those women and girls involved. I would love to hear your readers say that they had confidence in the justice system, and I can understand why, for example, you have to hand your phone over. Are you going to get it back? What are people going to read? That is all really scary. But the police should be doing the job properly. There are protections there, and I think we need to talk to each other and learn from each other to make things better.

EMMA MIDDLETON: I guess that all comes down to trust.

THE LADY CHIEF JUSTICE: Yes.

EMMA MIDDLETON: How do you think, what needs to be done now to rebuild that trust between young women and the broader judiciary, particularly when conviction rates historically for things like domestic abuse have been so poor or so low should I say?

THE LADY CHIEF JUSTICE: There are some myths out there. You are more likely, or a defendant is more likely to be convicted of a rape offence if it gets to trial than for many, many other offences. So actually it's not the conviction rates once you get to trial, the real problems are the attrition rates, by which I mean the things that don't get to trial because people get too exhausted or too scared or they can't face it. I think a big part of this is delay. I think if something awful has happened to

you, and it's going to take two years to get to court, that's not good. So I think the timeliness problems that we've been talking about are really important here.

We have a lot of training for judges and lots of protection for intimidated and particularly very young people. There are lots of steps that we can take to help them give their best evidence. We can pre-record it or we can give them screens in court, and we do everything that we possibly can to help them through the process.

EMMA MIDDLETON: And do you feel like part of your role will be helping establish that sense of you know if people want to come forward, young people, then they're not intimidated to do so?

THE LADY CHIEF JUSTICE: Absolutely. I mean it's about public understanding. Look at me, I'm pretty normal I think. Look at the amazing judges, the women judges who are around who want to share their experiences and want to help, and I am really excited about your work because I think we as an entity need to learn how to communicate much better with your readers, and that's something I'm going to be asking the Transparency Committee to look at. I'm excited about it.

CHAIR: Jonathan?

JONATHAN AMES: The position of retired judges in Hong Kong is very much certainly on the government's agenda. I know you don't want to get into politics, but this is very much a judicial point. Is the current position where many... well quite a few retired British judges are still sitting on Hong Kong's highest Court of Appeal, and not just Hong Kong, there are... indeed your predecessor has taken a role in Kazakhstan, which is not a jurisdiction renowned for its democracy or potentially its adherence to the rule of law, and indeed there are issues around the Gulf States. Is it a concern to you? Is it something that you worry about, the reputation of the judiciary?

THE LADY CHIEF JUSTICE: Jonathan, I'm delighted to say that my predecessor is totally out of my control. *[Laughter]*

JONATHAN AMES: Fair enough. Fair enough.

THE LADY CHIEF JUSTICE: I have no control.

JONATHAN AMES: I don't expect you to have any control over him, but you have control over your own views.

THE LADY CHIEF JUSTICE: Yes.

JONATHAN AMES: Do you have any views on whether British judges should be, first of all, continuing to sit in Hong Kong, not least while Jimmy Lai's trial is widely considered to be a kangaroo process, which could end up in front of them.

THE LADY CHIEF JUSTICE: So the bottom line is, of course, in a wider sense as an individual I read what's going on and there's cause for concern. But as a leader of the judiciary of England and Wales I have no present concerns about what fully retired judges who are no longer sitting and serving here do.

CHAIR: Charles

CHARLES HYMAS: The government, to put it politely, is pushing the envelope on international law as far as Rwanda and also the whole immigration issue is concerned, particularly with the Rwanda bill where obviously there's a direct challenge which the ECHR has actually raised itself and believing that it is wrong what they're proposing.

THE LADY CHIEF JUSTICE: Yes.

CHARLES HYMAS: I just wondered whether you had a view on that.

THE LADY CHIEF JUSTICE: So the Immigration Act is in, the Rwanda bill is being debated and I really can't comment on that. If there are challenges they're likely to come my way, and we will deal with them in accordance with due process. I'm not actually sure, it's in second reading in the Lords, is it?

CHARLES HYMAS: Yes. Next week.

THE LADY CHIEF JUSTICE: This week? This—

CHARLES HYMAS: No, we've had the second reading, it's now going into committee.

THE LADY CHIEF JUSTICE: Right, okay. That's really all I can say, but we're alive to it and we are preparing as best we can what may be down the road.

CHAIR: Okay, Jess at the back?

JESS GLASS: Earlier you mentioned about your commitment to open justice, which I'm sure will be welcomed by everyone here, but aside from the Transparency Committee and the kind of slightly higher-level things, how are you going to kind of feed down that commitment to open justice kind of all the way through the judiciary? Because I know, speaking for quite a few people in this room, we all have our horror stories on open justice, whether it's getting access to documents in this building or being unfairly barred from a youth court. So how are you going to pass that down, aside from the Transparency Committee?

THE LADY CHIEF JUSTICE: So I am making progress in terms of broader... I don't like hierarchy outside the courtroom. We are by definition a hierarchical environment because we have roots of appeal, but I like to talk, rather than higher and lower it is sort of we are all the same, we are all judges and we are all in it together. I have now regular open online forums. Those are opportunities that are open to anybody, including magistrates. They are opportunities for me to pick up on a theme and drive it home. I think this Transparency Committee, which I know I have mentioned perhaps once too often, will be important. We haven't really announced it yet. I am talking to the specialist judge who is in charge of it. I am seeing him, I think, later this week to get that up and running. But I do hear you, and you are not the only person to say it, that it is inconsistent and you do really have difficulties.

I think part of the challenge will be to impress upon judges who are already very busy. That this is not just an add-on, it is a fundamental part of the process in allowing proper access to justice. I do sympathise. You can imagine a judge who has a list full of ten cases and the IT may have gone down briefly and the papers are late and the trains aren't working. But it's tough, so it is tough, but I do think it is really important, and so all I can do is go out loud and clear with that message. I'm actually starting to go out on circuit this week. So I will be visiting every circuit in the country by the end of July and I will be visiting specific courts, but at each visit I will then have an open online forum dedicated to that region of the country. So this is well timed, these are sort of messages that I can bed down and promote. If we roll it all back, as one person I wouldn't really have been able to do anything, but look how much I can do now with remote access and the ability to speak to people, hundreds of people at a go. It's about getting the tone right. That's part of my job. My job is to communicate in a way that isn't patronising, that it's encouraging, that it's supportive, and so it's not telling people what to do, it's really making them understand why it's so important that they get this right and where they can go to for help. Reporting restrictions are not easy, you all know that. You sort of say, well, make the normal order, well, actually, you've got to look at the section

and it's not straightforward. So it's not necessarily always straightforward issues, and increasingly we've got children in the system, we obviously had the anonymity orders made by Mrs Justice Yip and so forth, not easy decisions. I know that's an extreme end of it, but the point is well made. So I'll take it away and make sure that it's top of the list for my next open online forum please.

CHAIR: Sorry, Judge, I think we've got a couple more.

THE LADY CHIEF JUSTICE: Sorry, yes.

DOMINIC CASCIANI: Yes, I mean just an observation, picking up off that, my experience is it's not the judges, it's actually the officials working for the judges who don't actually understand their obligations.

THE LADY CHIEF JUSTICE: That's... yes, yes.

DOMINIC CASCIANI: But that's for another date. Can I just pick up on something you said about how the courts deal with victims of rape? Professor Cheryl Thomas at UCL came with some research a couple of weeks ago, or whenever it was published, noting that the rate of convictions went down where complainants gave section 28 evidence.

THE LADY CHIEF JUSTICE: Well, Dom, you do remember when section 28, when the rollout to adults... section 28 for children has always made obvious sense. So we're talking about pre-recorded examination in chief and cross examination of children. It's likely to be very short and obvious that that's a sensible thing to do. Far more complicated when you get to adults. So when it was rolled out, the rollout to adults started. The judiciary said loud and clear, "Has anybody done any research or thought about what impact this may have on conviction rates?" Not that I'm aware of, and now we do have some research, which is very concerning isn't it? Which does suggest, this research, there may be other research, I don't know, but this research does suggest that it may have a very meaningful impact on conviction rates, and I would ask the question if a vulnerable adult or an adult who was offered section 28, this process, knew that it might have an adverse impact on the conviction rate, would that person choose to go through that procedure or would that person say, "I will come to court with the protections that are then available to me in the courtroom if it is going to make a difference to the jury." We're all human. You can sort of see in real terms how different it is when you see somebody remotely and when you see them five yards away.

DOMINIC CASCIANI: So Professor Thomas said that the police and prosecution should be warning complaining about the potential impacts.

THE LADY CHIEF JUSTICE: Okay, right.

DOMINIC CASCIANI: I'm just wondering whether it is a role there for the judiciary, should a judge dealing with a case involving... potentially involving section 28 evidence, should that judge be saying to the complainant, "You need to be aware of the statistic and what the possible effects on the outcome would be."

THE LADY CHIEF JUSTICE: Yes. I'm not sure about that, I'd have to think about it. My instinctive reaction would be is that going to be seen as a little bit too threatening for the witness, if the judge is saying it, is that going to have a different, an unwelcome and unwarranted impact on the witness? Whereas your victim support advisor, your rape support, might just be able to explain it to you in a less threatening, and less challenging environment.

DOMINIC CASCIANI: What about... so yes, should they be encouraging that?

THE LADY CHIEF JUSTICE: Potentially, potentially. I don't know what work is going on in this area. I know that the Justice Select Committee is conducting some research into section 28, and I think that's very welcome.

CHAIR: Okay, maybe one more question. Tristan?

TRISTAN KIRK: Yes, I just wanted to ask what plans do you have to protect the idea of local justice? You will not be surprised that people who come to courts that on justice that happens in their actually area where it takes place so, not passing judgement, courts have closed virtual hearings, they are now talking about virtual decision making, where things can go... plenty of places, recently nobody's thought too much about cases going from London to Wales, in Chester, Liverpool—

THE LADY CHIEF JUSTICE: Yes.

TRISTAN KIRK: With all the innovations and reforms and needs to drive down the backlog, what are you doing to protect local justice?

THE LADY CHIEF JUSTICE: Let me be clear, all our discussion about virtual regions and all the rest of it, I am personally absolutely wedded to in-person hearings when it's appropriate and necessary. So I do not see IT and virtual hearings taking over substantial trial processes, I see them being, you know, it's an added facility to have to use when appropriate. London to Wales, actually, there are new rules, I'm sure you're aware of them, that have been recently brought in that are very welcome. Claims against Welsh councils, for example, must now be put in place, heard in Wales. That is all part of a general direction of travel, if I'm not mixing my metaphors, which is local justice is very important. We have local business and property courts, so you've got some big technology and construction cases going on in Birmingham relating to Birmingham buildings and Liverpool for Liverpool cases, so local justice I think is incredibly important and I don't think, and I'm on the record as saying that I don't think we're going to continue our modernisation programmes and continue to ring out the changes without local leadership. I think perhaps we've done a lot top down, going back to a hierarchy that I don't really like, I think change and progress and improvements have to come from within and they have to be locally driven, I think, if they're going to succeed.

So I think, in answer to your question in terms of work allocation, it's all about having the cases heard in the right place. I think it's very important and, as you say, it's very important when you, you know, talk about witnesses, how far they've got to travel. If it's a Birmingham case they don't want to travel to wherever you think they're being sent. So local justice is very important and it's important, sorry, local justice... not just local justice in terms of the cases, but local culture, local initiatives, that having a sense of community and localisation, I think generally is very important.

CHAIR: Okay. Are you okay to keep going?

THE LADY CHIEF JUSTICE: Yes, I am fine.

THE LADY CHIEF JUSTICE: Yes, no, I mean, everybody's probably... do we want to move on? I'm happy to stay for a bit.

BIANCA CASTRO: I wanted to ask about disabled judges. You mentioned them briefly. I think the Magistrates Association did some research.

THE LADY CHIEF JUSTICE: Yes.

BIANCA CASTRO: Fairly recently in terms of they were losing disabled magistrates or their ability to sit because they couldn't access the courts.

THE LADY CHIEF JUSTICE: Yes.

BIANCA CASTRO: Is there anything to be done in terms of that, or looking into not only fixing holes in roofs and mice infestations, but also looking into ramps and accessible courts for disabled judges?

THE LADY CHIEF JUSTICE: Absolutely. The problem is money.

BIANCA CASTRO: Yes.

THE LADY CHIEF JUSTICE: But, as I think I said, disability is my second area of real focus under our diversity and wellbeing strategy for this coming year. One of the first things I did when I was appointed was I went to the car park that you arrive at if you're in a wheelchair, and I walked the walk to see how you could actually get in a wheelchair from that entrance, what the procedures were, who you have to phone up, what advance notice you have to give, where you go to the toilet and how many... you can get to the courts but, my goodness, it's a wiggly way, and it's not a lot of fun. It's tiny lifts, lots of corridors, and a lot of fuss, and people shouldn't have to make a fuss. They should just be able to get there. So the problem is money to make these changes, but I think it's something we haven't talked about enough, so I'm glad that you raised it.

CHAIR: Catherine?

CATHERINE BAKSI: One of your focuses, as you've said, is transparency but a lot of judges have suggested that they feel gagged by the guidance on judges to speak to the media and speak out about issues like safety in court. We know that that's an issue because there was a judge attacked recently, and you will be aware that obviously Judge Claire Gillen had a right old game that went up to the Supreme Court when she spoke out. So are you going to be reviewing that media guidance?

THE LADY CHIEF JUSTICE: I don't recognise the idea of "gagging" anybody. We've got a statement of expected behaviour, we've got a guide to judicial conduct, we've got clear whistle-blowing procedures. I've made it absolutely clear, for example, when it comes to security, judges should be shouting out and coming forward. So I don't recognise a culture of gagging at all, and I certainly am going out and about. Whenever I've been asked, whether it's what I'm hearing from a judge or from a report, or the Judicial Attitudes Survey, which we're running again this year, of course, I welcome this information, because we can debate about what bullying is, we can debate about whether this is a genuine complaint or not, the fact of the matter is there are issues out there that we need to address. So the more information I can have, the better.

CATHERINE BAKSI: : Because the guidance makes it a possible disciplinary offence if a judge speaks out without the permission of the resident judge?

THE LADY CHIEF JUSTICE: No, no, no, no.

JONATHAN AMES: You don't agree that that's what the guidance says?

THE LADY CHIEF JUSTICE: That is not the import of the guidance.

JONATHAN AMES: That's how the [

THE LADY CHIEF JUSTICE: Anyway, let's move on.

CHAIR: Jonathan?

JONATHAN BROWNING: Yes, so one of the things that came out of the Post Office cases was the computer is always right.

THE LADY CHIEF JUSTICE: No, yes.

JONATHAN BROWNING: But it obviously wasn't.

THE LADY CHIEF JUSTICE: No.

JONATHAN BROWNING: And I just wondered whether there is sort of thinking going on about looking at that presumption again.

THE LADY CHIEF JUSTICE: This is, I think... that's right. It's section, whatever it is, 99 of the Criminal Justice and Evidence Act, 1999, yes. Yes, well, this would be a matter for parliament. But we know that it was the... That was a governmental change, wasn't it, to bring in that presumption? And that has perhaps come back to bite people. But that would be a legislative step to take. Arlene.

ARLENE GREGORIUS: Quick follow on to your earlier answer about you would confront the rule of law if necessary. What kind of confrontational issue do you have in mind? Or are you saying that Parliament can do what it likes?

THE LADY CHIEF JUSTICE: It was just confronting the rule of law. I certainly don't want to confront anyone in particular. But what I will do is defend the rule of law. I see that as being my job.

CHAIR: Okay. I think we're done.

THE LADY CHIEF JUSTICE: Yes.

CHAIR: Yes?

THE LADY CHIEF JUSTICE: Thank you.

CHAIR: Thank you all for the great questions. There will be a transcript that we can publish this afternoon.

[Ends]