

Justice Committee

Oral evidence: [Pre-appointment hearing: Chair of the Judicial Appointments Commission](#), HC 925

Tuesday 6 December 2022

Ordered by the House of Commons to be published on 6 December 2022.

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Members present: Sir Robert Neill (Chair); Maria Eagle; Edward Timpson; Karl Turner.

Questions 1 - 49

Witness

I: Helen Pitcher OBE, preferred candidate for the Chair of the Judicial Appointments Commission.

Examination of witness

Witness: Helen Pitcher OBE.

Chair: Welcome to this session of the Justice Committee. We are considering the pre-appointment hearing for the chair of the Judicial Appointments Commission, and we will come to the Lord Chancellor's preferred candidate, Ms Pitcher, in just a moment. First of all we have to make our declarations of interest. I am a non-practising barrister and former consultant to a law firm. I know Ms Pitcher through her work as chair of the Criminal Cases Review Commission and my work as an officer of the all-party parliamentary group on miscarriages of justice.

Maria Eagle: I am a non-practising solicitor, Chair.

Karl Turner: I am a non-practising barrister, but my wife is a fee-paid tribunal judge in the first-tier tribunal system, which I suspect is relevant for this session.

Edward Timpson: I am a qualified barrister with a practising certificate, which I moved from a non-practising status when I had a summer internship as the Solicitor General, when I took silk. My brother is chair of the Prison Reform Trust, and, as of this month, I will be a council member of Justice, the charity.

Q1 **Chair:** Thank you very much everybody. Ms Pitcher, thank you very



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much for coming to see us. You have had very long experience as a non-executive director and a lot of board experience, I can see, in the private sector. Then you became chair of the Criminal Cases Review Commission. What made you take that interest in criminal justice?

Helen Pitcher: I studied law at university, Queen Mary. Professor Zellick—Graham Zellick, as he was then—was one of my tutors at that time, so I have always had an interest in the law and standards in the law. I have had a variety of roles in that area. I am a lay member of the Employment Appeal Tribunal, but I recuse myself when it overlaps with other things I am doing. I have been on the PCC of the Bar Council and I was also chair of the QCSP—the Queen’s Counsel, as it then was, selection panel. There are a number of areas where I have been involved.

When the Criminal Cases Review Commission came up I was very interested in the role because of the kind of work it does; it is the last chance for people in the criminal justice system if they have exhausted their other rights, although they have not always exhausted their other rights. They come to us, sometimes, as what we would call a no appeals case. The Post Office was a case in point. We gave a resort to people who might not have had one. That was why I applied. I was absolutely delighted when I got it. I have been enjoying it, and doing it for the last four years. I was extended a year ago for a second term and the commission is now running well. It has its challenges, as all organisations do.

Q2 **Chair:** I understand that. Is that something you are going to continue doing if you take up the JAC chair?

Helen Pitcher: Yes.

Q3 **Chair:** Is that compatible, do you think?

Helen Pitcher: I don’t think there is an actual or perceived conflict. It is work of a very different nature. I do not review cases at all. That is not part of my role. I am there to chair the organisation and the board and to ensure that we discharge our statutory responsibilities appropriately. I do not perceive any overlap at all, or any potential conflict.

Q4 **Chair:** How long does your position as chair of the CCRC run?

Helen Pitcher: It has another four years.

Q5 **Chair:** I see. The two will run in parallel for much of your term of office. How much time do you have to devote to the CCRC?

Helen Pitcher: In terms of time to the CCRC, it is two days a week, but that is flexible as to how it comes. It is not a Monday and Friday; it is as and when I am needed. I have set board dates that are in the calendar, and I do quite a bit of stakeholder management in the role as well. It is roughly 10 days a month.

Q6 **Chair:** My experience of non-exec work, at a much lower level, is that the



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official number of days you are supposed to do is probably the minimum, and people generally end up doing rather more, almost pro bono.

Helen Pitcher: That is very true, and I anticipate, if I were lucky enough to get this role, that certainly in the early months it would take considerably more than that to get up to speed. I have other roles in my portfolio and there are roles that I would relinquish. I can guarantee that I will have the time necessary to do this role appropriately.

Q7 **Chair:** Can you help us as to which ones you would relinquish?

Helen Pitcher: I cannot, because I have not discussed it with the relevant chairmen, as yet.

Q8 **Chair:** These are some of your private sector—

Helen Pitcher: Yes.

Q9 **Chair:** You understand that that will be necessary.

Helen Pitcher: I absolutely know that. If I am successful I will have those conversations in very short order. Certain appointments come to an end. The Public Chairs' Forum is a two-year fixed term and I will be relinquishing that next year.

Q10 **Chair:** Are you confident that you can do justice to this job, which is a big one, and the CCRC at the same time?

Helen Pitcher: Absolutely confident. I have a very good senior management team in the CCRC. It was a matter of public record when I inherited the CCRC that it was somewhat dysfunctional. It is not now, and it works very well. I am confident that I can discharge both. Otherwise I would not have put myself forward for this role.

Q11 **Chair:** The specification for the chair of the JAC talks of a commitment of two days per week. Given the amount that has to be done, are two days enough? Obviously, the shortfalls in recruitment of judges and recorders in past rounds have to be made up, plus there is the fact that this year you will have to deal with the appointment of the Lord Chief Justice, which is an additional process. Have the Government really given you enough time and resource to do this?

Helen Pitcher: I do not think it will be. Indeed, my ideal, as and when I know if I am successful, would be to start the induction process in what is left of December; that is going to go fairly rapidly. As I always say to people when they are looking at non-exec or commissioner roles, when you are first given the time, you really need, in the early days, to double it, if not triple it. That means I would be working quite a bit in what some people would regard as personal time, across weekends and so on. I don't have an issue with doing that.

Q12 **Chair:** I understand that. If you come to the conclusion that the resource available, both in terms of your time and in the support, is not adequate for the demands, what would you do about that?



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Helen Pitcher: I would have conversations with the relevant people and agree how best to resolve it.

Q13 **Chair:** Who would be the relevant people?

Helen Pitcher: In the case of CCRC, first and foremost, it would be with my board and the MoJ as our sponsoring Department. We would agree how to take it forward.

Q14 **Chair:** You don't rule out saying to the Ministry of Justice and to the Lord Chancellor, if need be: "This job needs more time than it is allocated."

Helen Pitcher: Yes, absolutely.

Q15 **Chair:** Obviously, you have had a chance, having gone through the process, to take a view of the Judicial Appointments Commission. Do you have any preliminary views as to its effectiveness, its operation? Any preliminary thoughts as to what you might do differently, or not?

Helen Pitcher: As yet I think that is premature to say. I know there have been a number of reviews of both process and statutory consultation, and suggestions have been put forward to the Lord Chief Justice about unconscious bias training, induction, appraisal and so on. I would want to take a look at what has gone on before, and is reported in the annual report and accounts, to decide what would be appropriate. In my early stages, apart from the fact that clearly the process for the Lord Chief Justice will be an urgent one, I would want to spend a lot of time talking to people and getting to understand in detail the issues and the risks that go with them, and then determining whether that in any way affects the strategic priorities going forward.

Q16 **Chair:** You have had experience of making appointments, obviously, in your private sector non-exec career. It is a bit different, though, isn't it, when you are appointing people who constitutionally have both independence and security of tenure, in a way that you would not have in the commercial sector? What do you think is the difference in approach that you would have to adopt to that? What do you perceive as the important thing to do to recognise the difference of a position in the judiciary from any other posts?

Helen Pitcher: It is a lifetime tenure, virtually. That is very important. The process being very robust, the panel members understanding the roles, requirements and responsibilities, and the soundings that you take to understand actual performance and the impact of that performance are all key. That is no different from appointing people whether they be CCRC commissioners or non-executives. You need independence, integrity, and the appropriate skills mix. The actual process is very similar. The potential ramifications if you get it wrong are very different.

Q17 **Chair:** Greater, clearly. How does that influence your approach, the ramifications being greater?



Helen Pitcher: Because the JAC is responsible for the recommendation of appropriate candidates, it is important that the wider system needs to have in place processes that might deal with potential inappropriate conduct, and with issues around decision making and how they might be handled if those decisions are wrong. I think there needs to be, surrounding all this, a system that appropriately appraises and develops, and gives people feedback—I think the term is “formative feedback”, which is not one I particularly like—to help them to understand where the issues might be.

Q18 **Chair:** Those are sound observations, but none of them is the responsibility of the JAC.

Helen Pitcher: No. That comes, I think, through a couple of things. One is stakeholder management. My understanding is that recently various recommendations were made to the Lord Chief Justice about behaviours, training and development, to make sure that those processes are in place. Those were welcomed and will be implemented. I think it is a case of influencing within the system. The Judicial Diversity Forum can form part of that. It is those kinds of areas.

Q19 **Chair:** Does that run any risk of mission creep by the JAC?

Helen Pitcher: I hope not. I do not think it should, because if the relationships are right you can have open dialogue about potential issues. The mission and the purpose of the JAC is very clear. It is selecting on merit and good character, and contributing to the diversity pool. That is really clear.

Q20 **Chair:** And you have no desire to expand the remit beyond that.

Helen Pitcher: No. The JAC has enough to do.

Chair: Thank you.

Q21 **Karl Turner:** The job description calls for “experience of working within significant budgetary constraints to deliver value for money.” What challenges do you foresee around that, and what experience do you have in delivering in that area?

Helen Pitcher: CCRC is a direct example. We deliver within a very limited budget. When my predecessor left, he said he had 4p in the pound, when he had had 10p in the pound for every case he did when he started. Delivering within a budget is always a challenge. You do it in commercial organisations and I did it as an executive, but working within an ALB context, you need to be able to deliver within your budget.

You also need to be able to look for increased efficiencies. Many ALBs, including us, changed their business model during the pandemic and reduced their office footprint. There are then more funds available to put into the core work of the organisation. Sometimes you have to ask for more money, but you have to put together a very reasoned business case, usually based on volume of work. If you can demonstrate that you



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have gone as far as you can with efficiencies—there are always further places to go—and you are handling those kinds of transformations, you can do that. I am conscious that a number of ALBs, including CCRC and I believe the JAC, from the annual report and accounts, underspent on their budget last year. That can be a matter of timing, but it also can be a matter of the changed business model.

Q22 Karl Turner: That is helpful. You mentioned that sometimes you have to ask for more money. Are you prepared to seek assurances from the Lord Chancellor that there might be, frankly speaking, more money in the offing, especially in the context of a current recruitment drive? I think it is accepted that there is probably a need for 1,000 more judges. Are you prepared to see the Lord Chancellor about that?

Helen Pitcher: If we needed more money, which it is too early for me to say at the moment, I am sure that the senior management team could advise me of that and brief me appropriately in order to have the relevant conversations. I am conscious, however, that justice is not always one of the areas where people want to give additional budget.

Q23 Karl Turner: Yes. The essential criteria for the role include an ability to chair boards effectively and handle the relationship between the board and the executive. Can you elaborate on your own experience of doing that?

Helen Pitcher: I have been chairing boards for 30 years in a variety of sectors. I enjoy chairing boards, working with them and ensuring that the dynamic and the decision making is effective. Earlier, I alluded to the fact that when I inherited CCRC there had been a positively damning tailored review of the board and its work. My first role when I arrived was to get to grips with the organisation and the issues and then to restructure the board and put in place appropriate decision-making processes. It is something I do.

As a chair, unusually I have undergone training in leading from the chair, at INSEAD and so on. Typically, people learn from seeing either good or bad chairing practice and deciding what they might do, but committing to that development is important to me. I have pre-meetings with my non-executive directors, both the non-independent ones at the CCRC and the independent ones, as well as with the SMT, to make sure that there is clarity around the papers and how they are presented and that questions are asked in an appropriately probing but respectful manner. We have just done a public board for CCRC, for instance.

Karl Turner: That is helpful.

Q24 Edward Timpson: To go back to the position on the ground at the moment in courts and the need to recruit more judges with the requisite high quality that we want to see, irrespective of where they are in the court system, where would you see your role in establishing, first, what the pipeline looks like and, secondly, how you would strategise either



yourself or with the Lord Chancellor to try to ensure that there is a clear workforce plan? Where that might rub up against the need for a policy change, what would be your approach?

Helen Pitcher: Crikey. That is a very comprehensive question. I am not close enough to this at the moment, but I would want to have the conversation with the Lord Chief Justice, the Lord Chancellor and so on as to the numbers we are looking for, which I know are at least 1,000, if not more, in the forthcoming year; the levels they are at; and some of the issues that there have been in attracting people to those roles. For instance, I am told there has been a problem at the district judge and circuit judge level.

What we need to do—by “we” I mean the total system—is make sure that people understand those roles, have the opportunity to talk to people who might be doing them, which I believe has now been started, and, with pre-appointment judicial education, can get involved in that and work out whether it is right for them, and to make it as attractive as possible. There are certain things we cannot influence. I am told that one of the reasons it is difficult to get district judges and circuit judges is the uncertainty around location when you apply and some of the conditions in the courts. Those are very much outwith our control, so it is how those might be influenced.

Q25 **Edward Timpson:** One of the other perhaps growing issues in the judiciary is the age profile. About a third are over the age of 60. Is that something you will be keen to look at, and how would you factor it into your appointments process?

Helen Pitcher: It is important to look at it. I have recently been told that one of the issues that has been created is that there are not likely to be vacancies in certain courts as a result of the age profile. Looking at that and understanding what it means and how it might be addressed is key because of the term of tenure. I would want to understand what issues it is creating. I would also want to understand the opportunities it might create to attract into those roles more people who are in what is called the third age. I am in that third age so I can say it.

Q26 **Edward Timpson:** To go back to your current role as chair of the CCRC, as part of that you have called for an increase in legal aid rates for lawyers doing criminal appeals. You will have seen that there has been a Government response to that. Do you think that response is adequate, and what action do you think needs to be taken?

Helen Pitcher: I don't know yet because I have not sat down and discussed it with my team, but we certainly intend to sit down and discuss it. There is an issue, in that it used to be that 10% of our applicants who apply to the CCRC might have some form of legal assistance. It is now down at 4%. That is a big issue, because doing work to support people applying to the CCRC is not particularly attractive; it is not well paid, and legal aid is not necessarily given.



When we put in that submission, it was in line with our statutory duty basically to report on systemic issues in the legal profession, and lack of representation is a big issue. It generates even more work for us in the CCRC, because if someone feels they have suffered a miscarriage of justice they will, quite rightly, literally send you chapter and verse as to why they think that, whereas if they have some legal assistance, you get, in effect, a skeleton argument, which points my team towards the pertinent issues without having to work as hard as they have to work to try to find the kernel that says there may be something in this. That could lead to savings which mean you do not necessarily need more budget going forward, although we anticipate an increase in applications because of delays in courts and people feeling that they have not had the right access to justice. We are told by the MoJ that there could be an increase in our workload of as much as 20%, so we need to find efficiencies as well. The lack of support for our applicants—80% of our cases come from in-custody applicants—is a real issue.

Q27 Edward Timpson: I understand that you have other roles, in particular the CCRC. To go back to your time management, how much of that is face to face, how much is travel and how much is sitting at a computer? Do you have any sense or anticipation of what this role would mirror or where it would be different?

Helen Pitcher: CCRC is a remote-first organisation, which went along with our decision to reduce our office footprint to release funds to support frontline casework. I now do not need to go to Birmingham very often. Before we became a remote-first organisation, typically I went in two days a week. I never ever factor in my travel time in terms of cost to the organisation; I do not claim expenses because I do not feel it is right to do that. When I was travelling in on the train I would work all the way up and all the way back. I find that a very efficient use of time.

Typically, 10 or 12 days a year we will be in the office. We do that for purposes of team building, morale, training, discussing strategy and so on. We have those days, but the board meetings are all remote. That works very well because my board members come from various parts of the country. Being remote has helped us in recruitment, because we have been able to widen outside the Birmingham area, which is very competitive. A lot of regulators have moved there and, frankly, they pay more than we do so that creates an issue.

I live in north London and I am regularly in London, so my intention at the JAC, certainly in the early days, would be to be a very visible presence in the office. Earlier, I was asked whether, if I was successful with this, I would want an office. My answer is no; I would rather sit out in the general area working with people and just use a room for meetings because you get a greater sense of what is going on and the issues. I did that as soon as I joined CCRC. I had a whacking great office when people were so short of space and I said, "Make it a meeting room. I don't need it." The answer is that I will be around and about.



Q28 Maria Eagle: I want to ask you a little bit about diversity. Obviously, the JAC's primary responsibility is not to create diversity in judicial appointments; it is to appoint on merit. None the less, there has been a long-standing view among most Ministers who have ever been in the Department that we need more judicial diversity. When I was a Minister in the Department 12 years ago there was a view that we needed more judicial diversity. I think there has been a view since among many Ministers, who have served in subsequent Governments, that we need an increase in judicial diversity. Although it is not the main job, what prospect do you think there is of managing to achieve some increase in diversity?

Helen Pitcher: I hope there is a strong possibility. I have seen the statistics. There have been improvements. The question is whether they are fast enough and whether the pipeline exists for the pool to draw people from. I know that the JAC has a strong role in supporting the development of that pool and does so through the Judicial Diversity Forum, outreach work and so on. It is not something that will be fixed overnight, but it is a really important focus. It is something I focused on in the CCRC and in the QCSP where I was commended by the Lord Chancellor for increasing the diversity in appointments while I was there. In my other roles I do a lot to promote diversity to support people coming through the pipeline. I do a lot of that on a pro bono basis because I think it is important.

Q29 Maria Eagle: Progress has been glacial. I know that is not your responsibility. If you were to get this role it may become something that is in your mind. In March this year Stephanie Boyce, then president of the Law Society, said: "The Judicial Appointments Commission spends a good deal of its time promoting the case for minimal change, but the need for reform is clear and so too is the need for them to engage with key stakeholders. Just 1% of England and Wales's judiciary is Black—and that hasn't changed since 2014." That is a glacial pace in appointing black judges.

As for women, Lady Hale noted in one of her lectures in 2017: "It is always so much easier to recognise merit in people who are like the people who have always done the job, especially if they are people like oneself." She went on to set out some other issues that she thought were getting in the way of increasing diversity and getting more women involved at senior levels. You say in your CV that the QC selection panel increased diversity of those recommended for appointment during your tenure. How did you set about doing that? How big was the improvement, and how did you set about achieving it?

Helen Pitcher: I cannot remember the statistics.

Q30 Maria Eagle: Was it a glacial improvement, or rather better than that?

Helen Pitcher: I think it was better than that. At the end of the day, Queen's Counsel selection could only be from the people who applied. That is something that starts pre the process, and it will be the same for



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the JAC. How do you get access to a broader pool to convince them this is an area they might be interested in pursuing? Silk is an interesting question as you have to have earned a certain amount of money before you can apply for silk, because you know that your income initially will drop like a stone. That has an impact on the age of people who apply, and it can have an impact on diversity. I think it is about broader education. Outreach is important and being there talking about it. I also have a thing about social mobility which I think is important, but that has implications for what you can afford to do as well.

There is a lot to be done to encourage a broader range of people to apply. There can be a tendency to recruit in your own image. I saw that through my commercial career from time to time. In my Grand Metropolitan days I was one of only four women out of the senior management cadre, so it was very much a goldfish bowl. Sometimes, that is an uncomfortable place to be, so broadening the pool is key; demystifying what the roles are is key. There is work in schools. The Lord Chancellor tells me that a lot of work is done in schools and so on so that people understand early why it is important. I got my interest in law because my friend's father who drove me to school was a solicitor and used to argue with me in the car all the time, because he thought it would be good for me.

- Q31 **Maria Eagle:** It clearly was. Do you have any view on the JAC's interpretation of what merit means. Obviously, you are selecting on merit, and diversity if it can thereafter be brought in is a desirable plus. Do you have any view yet on whether the JAC's current interpretation of what counts as merit is the right one, or whether it has been too conservative in its approach to deciding that candidates are meritorious, or not?

Helen Pitcher: I don't have a view on that at the moment, but it is something I would want to look at quite deeply because it is an important area.

- Q32 **Maria Eagle:** Do you think that non-traditional professional backgrounds are sufficiently valued in the judicial appointments process? Again, Lady Hale had something to say about that. Her own experience was different from that of many judges who are appointed at her level. Do you have any views on whether non-traditional professional backgrounds might be looked at somewhat more favourably?

Helen Pitcher: I know very well Chris Bones, the chairman of CILEX, and the work CILEX is doing in that area. It is an area that could be looked at more deeply.

- Q33 **Maria Eagle:** Lady Hale made the suggestion that perhaps abandoning traditional assumptions about which type of lawyer gets which type of judicial appointment might be a way to go. Is that something you think you can look at?



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Helen Pitcher: It is possible to look at all things. The important thing is appointing on merit and good character because that cuts to the credibility of the profession and that is important, but it should not be an arbitrary bar.

- Q34 **Maria Eagle:** Are you open-minded? Merit can just be seen as someone having had the traditional march up the ranks of the professional to the appropriate level to be appointed to a particular kind of judicial appointment, which is perhaps what has been done in the past, whereas merit might mean that the individual has done very well coming up by a different route. Because you started out in a different place does not mean you will be a worse judge.

Helen Pitcher: That is true.

- Q35 **Maria Eagle:** You are equally meritorious and therefore, if you are a woman or black person, appointable.

Helen Pitcher: That is very true.

- Q36 **Maria Eagle:** Fewer than a third of judges have a non-barrister background and that even excludes from consideration lots of people like those of us in this room, who are or were solicitors, even though we have been actively involved in professional legal work. Do you think there is a reason for that? Is it something that needs to be overcome, or should it just be ignored?

Helen Pitcher: I do not think it should be ignored. I would want to understand it and the reasons why people do or do not put themselves forward, because sometimes it could be, "I don't see people with my background getting through." Applying for any of these positions is quite an onerous process. I know that the JAC has done quite a lot, particularly during the pandemic, in going online, doing role plays, giving the opportunity to talk to judges and things that might make it more accessible. I would certainly be open to exploring with the team, if I joined, how we might take a look at improving that, if at all possible.

- Q37 **Maria Eagle:** There seems to be quite recent evidence of a disparity for ethnic minority candidates in legal judicial selection exercises. In 2021-22, across all the exercises, ethnic minority candidates accounted for 23% of applications and 11% of recommendations. That has happened over the past three years; there has been over-representation in applications but lower recommendation rates than for white, traditional candidates in the outcome. Do you see that as evidence of discrimination?

Helen Pitcher: Without looking more closely into the detail I do not know, but it is always worth looking into the detail, particularly when we are facing an issue of numbers, because we need to understand that we are not selecting out appropriate candidates. That is really important.

- Q38 **Maria Eagle:** Do you think that, in addition to some of the issues you



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have raised about the number of people who apply and the various reasons why people might not apply, there may be an element of bias or discrimination in the process that is followed that leads to outcomes where we can see in the data evidence of disproportionately low appointments?

Helen Pitcher: I believe a recent review said that there wasn't any bias as a result of that.

Q39 **Maria Eagle:** Was that done by the JAC?

Helen Pitcher: I believe it was done independently, but I would want to take a look at that obviously.

Q40 **Maria Eagle:** I think that to say you will take a look at it is fair enough. A recent University of Manchester study found evidence of racial bias in the judiciary. Some of what was reported was quite shocking. It was published by Keir Monteith KC. It evaluated the racial fairness of judges, racial guidance and diversity, drawing on quite a small survey of 373 legal professionals and existing research. None the less, it found that 56% of those surveyed stated that they had witnessed at least one judge acting in a racially biased way towards a defendant, while 52% had witnessed discrimination in judicial decision making. How will you ensure that prospective applicants are not put off applying because of perceptions about the behaviour of some members of the judiciary, as reflected in that particular study, for example?

Helen Pitcher: As you say, that is quite a small sample. None the less, it is something that needs to be considered. I understand that the judiciary will roll out some agreed appropriate behaviours. There will be training, in particular unconscious bias training, to deal with that where it might have occurred, but beyond that I cannot comment.

Q41 **Maria Eagle:** If you take on the role, are you prepared to take steps through the recruitment process to help ensure that behaviour like that is not prevalent in the judiciary?

Helen Pitcher: Yes. In my discussions in the lead-up to being interviewed and post being interviewed, I received information that the JAC focuses on both the behaviours and the skill and capability. That is really important.

Q42 **Chair:** The one area where there has been a little bit of controversy along similar lines has been the statutory consultee process. It is perhaps not normally something you have to do in the same way in other appointments you have been responsible for making in your private sector board career. Do you have a view on that? It is a legal requirement, but do you have any concerns about it?

Helen Pitcher: It is a legal requirement. I gather there has also been a review of that independently recently, so I would want to take a look at that. It can be enormously helpful, provided the information that the JAC receives is evidence-based. That is important. A waiver can be sought for



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certain positions where perhaps the judiciary does not have line of sight of the applicants, but if it is done appropriately—I am told that the review said it is, although there are some suggestions for improvement, which I am told are being undertaken—then it is there; it is part of the statute and it is making it work.

Q43 **Chair:** For about 12% there was not a consultee. Do you think that is an acceptable figure, or is it something you would want to look at?

Helen Pitcher: I would look at it.

Q44 **Chair:** The review raised at least the perception that you could not determine on the evidence whether there was any direct impact on particular demographic groups. I think one judge was quoted as saying they thought there was a perception of that which might put people off applying. Does that possibility make sense to you? Is it something to which you are alert, and how might you deal with it?

Helen Pitcher: I would be alert to it. Perception is important because that is somebody's truth. Being able to address concerns as to why that perception might arise is really important.

Q45 **Chair:** Have you thought about how you might want to do that at the moment?

Helen Pitcher: Not at the moment.

Q46 **Chair:** The appointment is for three years and is renewable. If at the end of three years, perhaps you are being renewed or not, what would be the test you would want us as a Committee that scrutinises your work to apply as to whether or not you have been successful?

Helen Pitcher: Oh dear.

Q47 **Chair:** What measure would you say showed that you had done a decent job?

Helen Pitcher: I hope that the measures would be that we are managing to satisfy the volume requirements; that there is some movement in the pool of people who are attracted to apply; and that we are considered as panels, as well as in the appointments we make, to be appropriately diverse. Those would be a few areas. I am sure the other one would be that we are operating within budget, or justifying why we cannot and why we need more.

Q48 **Chair:** We have been asking questions. Are there any issues or matters you wish to raise with us?

Helen Pitcher: I don't think so.

Q49 **Chair:** There is nothing else you want to put on record.

Helen Pitcher: No, thank you.

Chair: Thank you very much, Ms Pitcher. We will immediately go into



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private session to consider our report, which we will then send to you and the Lord Chancellor very swiftly.

Helen Pitcher: Thank you very much indeed and thank you for your time.

Chair: Thank you very much for your time and for giving evidence to us. It is much appreciated.