

Justice Committee

Oral evidence: [Work of the Lady Chief Justice](#), HC 421

Tuesday 25 November 2025

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Members present: Andy Slaughter (Chair); Pam Cox; Linsey Farnsworth; Sir Ashley Fox; Warinder Juss; Tessa Munt; Mrs Sarah Russell; Vikki Slade; Tony Vaughan.

Questions 1 – 70

Witnesses

I: The Rt Hon. Baroness Carr of Walton-on-the-Hill DBE, Lady Chief Justice and President of the Courts of England and Wales.

Examination of witness

Witness: Baroness Carr of Walton-on-the-Hill.

Chair: Welcome to this afternoon's session of the Justice Committee, where we are very pleased to have the Lady Chief Justice, Baroness Carr, in front of us, to answer a series of questions from members of the Committee. Before we get on with that, members of the Committee will make their declarations of interest, starting with Sir Ashley Fox.

Sir Ashley Fox: Good afternoon: Ashley Fox, Member for Bridgwater. My interests are set out in the register.

Mrs Russell: Good afternoon. Sarah Russell, the Member for Congleton: my interests are as set out in the register. I am a member of various trade unions and am also the chair of the all-party parliamentary group on access to justice—as of this morning.

Tony Vaughan: Good afternoon, Baroness Carr. My name is Tony Vaughan. I am the MP for Folkestone and Hythe. I am a barrister and King's counsel, and an associate tenant at Doughty Street Chambers.

Baroness Carr of Walton-on-the-Hill: Thank you; it is nice to see you.

Chair: I am the Chair of the Committee, Andy Slaughter. I am the Member for Hammersmith and Chiswick. I am a non-practising barrister, a patron of two justice-related charities, The Upper Room, for ex-offenders, and Hammersmith & Fulham law centre, and a member of the GMB and Unite trade unions.

Tessa Munt: Good afternoon, Baroness Carr. My name is Tessa Munt. I am the Member for Wells and Mendip Hills, in Somerset. Everything is as per the register, but I would just highlight the fact that I am the vice-chair of the APPG on penal affairs and the vice-chair of WhistleblowersUK, which is a non-profit-making organisation.

Vikki Slade: Good afternoon. I am Vikki Slade. I am the Member for Mid Dorset and North Poole. My interests are as per the register.

Linsey Farnsworth: Good afternoon, Baroness Carr. My name is Linsey Farnsworth. I am the Member of Parliament for Amber Valley, in Derbyshire. My interests are as per the register, but of particular relevance today is that I was a Crown prosecutor for more years than I care to remember.

Baroness Carr of Walton-on-the-Hill: I remember.

Pam Cox: Good afternoon. My name is Pam Cox. I am the chair of the APPG on penal affairs, and my other interests are as declared on the register.

Warinder Juss: Good afternoon, Baroness Carr. I am Warinder Juss, the



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Member of Parliament for Wolverhampton West. I am a solicitor, but not practising, and I am a member of the GMB trade union executive council as well as of various APPGs.

Q1 Chair: Baroness Carr, it is almost exactly a year since you were last before the Committee, and quite a lot has happened in the world of justice since that time. As always, when we have senior members of the judiciary here, there is an opportunity for you to make an opening statement to the Committee, before we go on with questions.

Baroness Carr of Walton-on-the-Hill: Thank you. I promise I will not abuse the opportunity by going on for too long. Thank you, Chair, for inviting me. You are absolutely right: it is almost a year to the very day since I was last here. Many members of the Committee are now familiar to me, which is great. There are a few new faces, which is also very good to see.

I am also conscious that it is the day before the Budget and that the Government are shortly to announce their response to Leveson part 1, in particular, so there is an awful lot going on. As you anticipate, it has, indeed, been another very busy year for me, with court visits—I think I have done more than 20 court centres—several international visits, countless bilateral meetings, school visits, prison visits and too many lectures and speeches to count.

I wanted to start by expressing my thanks for the Committee's engagement over the past year, including to you, Chair, for your thoughtful engagement on issues concerning the rule of law. That is an issue that demands constant vigilance. I know that the whole Committee has been working hard. Among other things, in the spring you heard evidence from the Master of the Rolls on civil justice, and you produced an excellent report on the work of the county court. I was delighted to see the Government publicly accepting, on the back of your report, that, among other things, civil digitisation is a priority; so thank you for that. I think you also heard a month ago from the president of the family division, in person.

For me to communicate what the judiciary does and how it does it seems to me more important than ever. The outside world, including Parliament, remains unaware of much of what we do, and a few recent events have illustrated that vividly. It is one of the many reasons why today is a most welcome opportunity.

I would like to open with a simple but, I think, important message. For the judiciary at the moment, it is, as far as I am concerned, business as usual as far as possible. As I will explain, that very much does not mean standing still; but it is an important aspect of what I have been saying to judges up and down the country. In difficult and challenging times, you know that quietly, and without fanfare, they are just getting on with the day job. That, I think, deserves recognition and gratitude; but it should also, I hope, provide some reassurance to the public, so that, with all that is going on around us, we are trying not to be distracted.



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It is not my intention, in these opening remarks, to dwell on the many challenges. Their nature and scope are probably very well known to the Committee. You know that we have resourcing problems. We know significant changes to the criminal justice system are likely, including, in particular, to the magistracy. We know that there is a new policy on the abolition of the immigration and asylum chamber. We know that there are constitutional developments concerning the Sentencing Council. We know that there is an ongoing interplay between media, politics and the work of the judiciary. My views on many of those matters are, I think, well known, but they are all part of the backdrop against which we operate.

What do I mean by my theme of business as usual? Of course, I mean that we are working hard on daily caseloads. You know that receipts are outstripping disposals in many jurisdictions, including the criminal jurisdiction. The open case backlog is 26% up on where we were last year. You know that receipts in the immigration tribunals have rocketed, up 45% from where they were last year. The trajectory—the modelling—for receipts in the future is only going upwards, and faster than we had anticipated.

As part of this business as usual—the daily caseload—I want briefly to emphasise the proactive judge-led modernisation work that we are doing all the time, alongside that. I feel that there is a real and tangible energy and commitment across the judiciary to bring about change that goes way beyond simply reacting to problems as they unfold; and I think that many politicians and members of the public might be surprised to learn about much of the work that is going on. I could come up with an incredibly long list of examples of the sort of work that I am talking about. I have limited myself to a short one: AI and transcripts, video hearings, transparency and open justice, the criminal courts improvement group, and magistrates' governance and recruitment. I will pick out from that enticing list just two topics, if I may: AI and transcripts.

First, I deal with AI. After careful piloting, every judicial office holder in England and Wales has access to the Microsoft Copilot chat tool. If we are not the only jurisdiction in the world to have achieved that, I believe we are one of the first. In addition, we have just under 300 leadership judges with access to additional functionalities. We are working with HMCTS to build a cross-jurisdictional, bespoke judicial AI tool. It will, as you might expect, be looking at transcription, interpretation and things like bundle summarisation, analysis, chronologies, summaries and search capacity. Work is being done on a prompt library. Did you know that there is now a job being a prompt engineer? Well, there is, and they are working for us, looking at whether we can improve our prompt functionalities. We also have work going on in the Judicial College focusing on a prompt library on the Copilot that is on everyone's computer, which I just referred to.

I remember well that this time last year Mr Babarinde asked me about the use of AI in transcripts. We have been making good progress there, as I hoped we would; so I want to report back. Transcripts, of course, play many different functions. They are an external tool in terms of access to



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justice, but can also lighten the load of a judge every day in court, because the judge does not need to take notes at such a ferocious rate on a computer. There is a variety of benefits to keep in mind.

In the immigration and asylum chamber, since January we have been piloting with HMCTS the use of AI for transcripts; and it has been a great success. I hope that it will be rolled out. There are bids for that work to be carried out. That is a very positive development, and I am sure that it holds massive potential for the future.

On transcripts more generally, if I may, they have rightly been a massive topic of debate and discussion inside and outside Parliament recently. We discussed this last year as well. It is a very important issue. In general terms, my position is that, if a hearing is in public, you should be entitled to a transcript of the hearing, subject to fees and reporting restrictions. This of course has particular salience given Sir Brian Leveson's proposals for the magistrates courts to become courts of record. It is a very lively topic. If you look at the work of my Transparency and Open Justice Board, you will see under key objective 2(3)(c) that effective access to, among other things, transcripts is a key target. It is good for me in terms of open justice and enhancing public understanding of and confidence in the work that we do.

As we discussed last year, releasing a transcript is not as straightforward as you might instinctively think. Different jurisdictions have operated different practices and one of my goals will be to ensure and promote better consistency in those practices; but ultimately it is important to remember that the provision of transcripts is a matter for, and the responsibility of, the Ministry of Justice. Judges make the decisions and impose reporting restrictions if that is appropriate. The mechanics of releasing transcripts is something that judges do not have the time or resource to do.

I want to flesh that out, because it is easy to think, "What's she talking about? Why is it so complicated to release a transcript?" We can all immediately think of the potential for compromise to the anonymity of victims, particularly with jigsaw identification and cases involving multiple complainants, or breaches of reporting restrictions that are in place for confidentiality or fair hearing reasons.

There are some perhaps less obvious complications that I should flag up to you, just so that they are in the public domain. Think for a moment about the Rehabilitation of Offenders Act 1974 and how you are going to interact with that legislation and the policy behind it. It provides that people are entitled, at a certain point, depending on the nature of their crime, to have the slate wiped clean.

Please also think carefully—I do not want to go into detail—about the potential for the use of transcripts for improper purposes: sexual gratification or harassment. Once the documents are in the public domain, they can be used. We know what goes on in prisons and elsewhere. There are many ways in which this sort of material can be used, which would not



be seen as helpful, or perhaps even in the public interest. So quite a lot is wrapped up in there. It is not a straightforward exercise, which is, I think, why people have struggled with it a little in the past.

I want to move on, in the open access space, to one final topic before rounding up. That is the publication of decisions from the immigration and asylum chamber. There has been a bit of a false narrative going on here. The narrative that I have been sensing, rightly or wrongly, is that somehow judges have been standing in the way of the publication of first-tier tribunal immigration and asylum decisions. If there is such a narrative, it is not only inaccurate but entirely unfair. The only thing that has been holding back the publication of transcripts from first-tier tribunal decisions is resources. In May, I set up a taskforce to look at what we could do to get publication of these decisions, and that taskforce has put forward a bid and a model for the work to take place.

I do not know what impression you have of the volume of decisions we are talking about every year, but please bear in mind that it is 30,000 and more. So if, for example, the National Archives, which is where all other judgments get published at the moment, were to take on that sort of volume, it would be a major undertaking; or you would have to set up a new engine to cope with the publication of these decisions. I want to make it absolutely clear that, way before the debate appeared to be taking place in public, we, the judiciary, were on it with a taskforce, looking at ways of publishing these decisions. It is all part of my constant theme, which is that the more there is access to and public understanding of the work we do and the judgments we produce, the better. It is, as far as I am concerned, a one-way street. I thought that information might be useful for the Committee.

In conclusion, Chair, I emphasise that I am obviously keen not to sugar-coat the performance position of the courts and tribunals. We clearly need, this afternoon, to discuss some fundamental issues. The latest judicial attitude survey confirms high levels of stress and very heavy workloads within the judiciary. This year has again shown the level of responsibility—an important word—carried by judges under what has sometimes been relentless scrutiny. Think of Epping; think of Palestine Action. Last year in this Committee we talked about the summer riots of 2024. The judiciary has, I think, continued to demonstrate its ability to respond at speed, when appropriate, and under pressure. Trust in the judiciary rightly remains high if you look at the surveys and the evidence. That, to my mind, is all thanks to business as usual. Thank you very much.

Q2 Chair: Thank you very much indeed. We will go straight into questions and I will begin with one or two questions on the theme of judicial independence. Following your appointment, Baroness Carr, you said that you were “determined to foster the independence of the judiciary separate from both Government and Parliament”. How would you characterise the current relationship between the Government, Parliament and the judiciary?



Baroness Carr of Walton-on-the-Hill: Thank you for that. Again, I very much welcome that debate. I see fostering a collaborative, constructive relationship between the judiciary, Government and Parliament as an absolute priority. It is important to say at the outset that an awful lot of work goes on in this space behind the scenes that people do not know about and probably do not need to know about; but you will not be surprised to hear that my primary relationship is with the Lord Chancellor of the day; I meet with him or her very regularly, in person and remotely. I see the Home Secretary and the Prime Minister, and Members of the senior judiciary engage on a regular basis with all relevant Ministers, depending on their cohorts; so an awful lot of work goes into this relationship.

It is often said that, if there were not sometimes disagreements, it would be something to worry about rather than to applaud, and I endorse that. Where we disagree, it is always professional, understanding the different tensions and the different interests that we represent. In answer to your question, Chair, on that level it has remained constructive and collaborative. It was an extremely good relationship with the now Home Secretary, whom I have already seen in her new capacity. The new Lord Chancellor has landed on his feet and obviously is very familiar with many of the issues that we are dealing with.

That is, as it were, a slightly personal response in terms of the role of the Lady Chief Justice. Of course, at a higher level, we have had splendid engagement from MPs. We have had 75 visits to courts—I know that you visited Chelmsford, Mrs Cox—and we have a good strategy of engagement there. I think 19 more visits are planned, with another 31 in the pipeline. Everything that the Committee can do to encourage MPs to visit their courts would be very welcome.

We also have parliamentary liaison judges, strategies and engagements with speakers, and so on and so forth. I would not want to omit reference to the Foreign Office, because we have a very successful international programme and, in that context, at the beginning of the legal year and elsewhere we work very closely with the Foreign Office—not only its lawyers but the perm sec and the Foreign Secretary herself.

Do unpick any of that if there is anything particular that you would like to ask, Chair, but, genuinely, relationships are really good. I look forward to my engagement, and I think that that is a mutual feeling. The rules are clear; the lines are drawn. The most important thing for me in talking about my relationship with the Lord Chancellor of the day, which is the most important relationship, is that I feel able to have a healthy debate. We discuss what are sometimes very difficult issues. A willingness to change position and be flexible, and to listen and learn, is incredibly important, and that is the sort of relationship that I have with the Lord Chancellor.

Q3 Chair: That is the positive side of it. There have, however, been recent high-profile examples of public political commentary on live cases—with



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risks, obviously, of contempt—as well as judicial decisions and the suitability of individual judges, based on decisions or other things in their previous lives. What challenge does that narrative pose for the judiciary?

Baroness Carr of Walton-on-the-Hill: That is a very important topic. I will address it because it is important that you understand my position, but I would say that I do not consider that any of those events fundamentally damaged the relationship between the judiciary and the Government or Parliament of the day. It was a moment when I hope everybody had a moment to stand back and reflect. Without, again, being too positive, I want to put on record the fact that there is an awful lot of accurate reporting and responsible and healthy debate, all of which is to be welcomed.

I think you know my position: that nobody has ever suggested that you cannot disagree with a judgment of any court. You are able to criticise and debate it. In the sorts of politically charged areas where judges are being asked to make decisions, it is inevitable, is it not, that everybody is going to have their own view—not necessarily a single view?

There have been a number of occasions in the media and a single occasion in Parliament when things went badly wrong, as far as I am concerned. The problem, for me, was the inaccurate narrative—the inaccurate premise—of the debates that were taking place, in a manner that led to immediate security threats to my judges. If you choose to debate on a premise that is so false, and sounds so remarkable, that the judge's competence, bias or integrity—call it what you want—is called into question, that, for me, is a line in the sand.

One of the problems of the world we now live in, with social media, is that the reach is so fast and widespread, it is impossible to wind the clock back. Once the narrative is out on social media, you cannot bring it back in and you cannot correct it. It will be there forever.

To reflect on the particular instance that I think the Committee will have in mind of debate in Parliament, it seems to me that with parliamentary privilege and all the protections that it carries comes a heavy responsibility. The responsibility is to debate responsibly, fairly and accurately. Get your facts right; then there can be no legitimate complaint, subject to attacking individual judges' integrity, and so on and so forth. That was the issue for me. As I say, the immediate trigger was what happened to the judges on the ground in terms of their personal security; but I do think you can break the consequences of this sort of event down into four particular categories. They all matter, but on different levels.

The first level is the threat to the rule of law and the democratic process, because if things are being presented in a way that is inaccurate, in Parliament and then in the media and beyond, politicians and members of the public are going to be making decisions about, for example, whether or not to leave the convention on a completely flawed premise: is there a



need or not? That seems to me a fundamental threat to the rule of law and the democratic process.

The next level is the security concerns that I have referred to. The next level is the pragmatic challenge for me in this context when this happens, which is in recruitment, retention and getting judges to sit in these jurisdictions. You know from my evidence last year that the overwhelming percentage of judges in immigration and asylum are fee-paid. They can vote with their feet. They are not employed. They are not full-time judges; 70% of tribunal judges are fee-paid. So I pose the question, rhetorically: if, when you sit in that jurisdiction, you are at risk or your judgments are at risk of ridicule and inaccurate reporting on a flawed premise, why would you? So it is recruitment, retention and the business-as-usual case: how do I keep business as usual going?

The fourth level at which I respectfully suggest this sort of incident has repercussions is public confidence. I said at the beginning that trust in the judiciary rightly remains high, but that cannot be taken for granted, and every incident that undermines that trust needs to be fully justified and thoroughly examined.

There are lots of levels to the concern. To emphasise, the headline is: criticise, disagree—all of that is entirely legitimate and, indeed, welcome; it is part of an open, healthy democracy. But an inaccurate narrative on a flawed premise is, I think, very dangerous, particularly in a parliamentary context where you are ring-fenced. Obviously, judges are not there. They do not have a voice. That is an additional layer of compromise.

Chair: Thank you. Let me bring in Sir Ashley.

Q4 Sir Ashley Fox: Thank you. You have talked about the need for public confidence, Lady Carr. On the subject of immigration tribunal decisions, surely the best way of ensuring that judgments are not open to ridicule is to ensure that the whole judgment is available; then people can make a judgment. You have said the only thing stopping that happening is resources. How much money do you need to make that happen?

Baroness Carr of Walton-on-the-Hill: I do not know the cost. I would not want to put a figure on how much it would cost to get the system up and running, but I can try and get one for you, Sir Ashley, if that would help. I do not think it would be a lot, but I think it is enough for it to be a block at the moment. It certainly needs to go through the process. Certainly, the National Archives would need significant investment to be able to take on the 30,000 or so decisions that are made every year. Putting the recording equipment in the tribunal hearing rooms will cost something as well. In the grand scheme of things, given what is at stake, I would suggest that there is a very compelling case for it.

May I add one point, because I think it is a very pertinent point that you raise? I think that we, the judges, are getting better at making our judgments more accessible. You have heard me speak before about press



summaries. I gave evidence to the Constitution Committee. I have the luxury of being able to do a press summary for all my decisions, because I am not doing eight a day. I am doing big cases—important cases—so I have time to do a press summary. Any member of the press will tell you how invaluable a press summary is, because it can cut to the chase and, obviously, help everybody to understand better. Tribunal judges do not have that luxury. They are doing a lot of decisions fast. Press summaries probably are not practical without slowing the whole thing down; but we are doing a lot of work to make sure that we minimise as far as we can the scope for misunderstanding.

Q5 Sir Ashley Fox: If the resources were made available, how quickly do you think this could be implemented across the system?

Baroness Carr of Walton-on-the-Hill: I think it could be very fast indeed. I cannot see any barrier to that at all. As to the work in terms of training and looking at how we can make judgments more accessible—and when I say the lower courts I do not mean that pejoratively; I mean the courts where a high volume goes through—everybody is working at this, out of self-preservation, apart from anything else. The clearer your judgment, the less likelihood there is of somebody being able to make hay with it.

Q6 Sir Ashley Fox: Just one more, if I may. Some charities acting for victims of the grooming gangs have discussed their difficulty in getting transcripts of trials. It seems to be more difficult than for other matters. Is there a particular policy reason why it would be more difficult; or are individual courts reluctant for different reasons? Can you offer an explanation of why it might be more difficult to get a transcript of a grooming gang trial than another court case?

Baroness Carr of Walton-on-the-Hill: I think we have to be very clear on where we are now, which is why I said what I did at the beginning; I think it is for the MOJ to deal with the release of transcripts. I do not think there has been consistent practice across the courts, and that is something I want to address.

My suspicion as to why these transcripts are particularly difficult and complicated to release is that they are multi-complainant and deal with sex cases, so the victims have anonymity; they are the most complicated transcripts to redact or decide what you can and cannot release, and how. Also, I am sorry to say, they are the sorts of transcripts that are most vulnerable to abuse. That may be an issue that has to be dealt with separately, and perhaps it does not matter. But I absolutely agree with you that there have been inconsistencies in the past. Inconsistency is undesirable and we need to get to grips with it, because it is an issue that has been gaining a lot of traction. That is one of the reasons why I took it, as it were, front up.

I think that the reasons—and I am only speculating—will just be an abundance of caution. I do not think there is any suggestion of an attempt



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to cover up. It is just that, you know, it would be awful to get one of these releases wrong, wouldn't it?

Sir Ashley Fox: Thank you.

Q7 **Pam Cox:** Thank you for your answer and indeed the question. Would you agree that, although there may be inconsistencies in the release of these transcripts, we should be very careful to guard against the exploitation of that fact?

Baroness Carr of Walton-on-the-Hill: You put it in a nutshell, but I do hope that when I am back here next year I will be able to point to a more consistent overarching policy to be agreed with the MOJ that this is something they have to take forward and put the resources into to deal with it. It is a priority. I understand why these transcripts are seen as so valuable for the victims.

Q8 **Chair:** You mentioned in your introduction, Baroness Carr, changes to adjudication in the asylum system. We have written to the Home Secretary with a whole series of questions about that because we are not quite clear about the nature of these new adjudicators; where they will come from; how that will speed up the process; how much money is attached to that; and how this one decision, one appeal system would work. Can you shed any light on that?

Baroness Carr of Walton-on-the-Hill: No. I do not think I am in a position to do so. The decision is obviously a policy decision. As ever, we will stand ready to respect the will of Parliament in whatever it decides to bring in and what changes it chooses to make. We will respect parliamentary sovereignty in the normal way. However, as to the mechanics of it I am not in a position to share anything. What I can tell you is that we were given little to no notice at all about the decision to abolish the asylum chamber.

Q9 **Chair:** To be clear, that is what is happening to the first-tier tribunal.

Baroness Carr of Walton-on-the-Hill: That is what I understand the public announcements have stated. We were given 24 hours' notice of that development. I have made it extremely clear that I will do everything I can to lead and support the current judges who are sitting in that jurisdiction and have little to no information as to what their future looks like in terms of timelines and the like.

Q10 **Chair:** Where does this leave the upper tribunal and the opportunity for judicial review?

Baroness Carr of Walton-on-the-Hill: I am sticking to script here, Chair, in the sense that I do not have a script, but I am being careful because I am not sure how much is in the public domain. My understanding is that there will be a route of appeal to the upper tribunal from the independent body of adjudicators. As I say, it is very early days. The new Senior President of Tribunals, Lord Justice Dingemans, and I are doing everything



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we can to look after, if I can put it that way, the immigration and asylum judges who have this news to grapple with.

- Q11 **Mrs Russell:** On that topic, I appreciate you have not been briefed on this and so you may not have the answer, but how many tier 1 and tier 2 immigration tribunal judges are there, so that we can understand how many people are impacted?

Baroness Carr of Walton-on-the-Hill: I think you are going to be impressed; I hope so. I happen to know that there are 85 full-time equivalent immigration and asylum tribunal judges, and I think also 275 fee-paid judges. "Full-time equivalent" is a dreadful phrase to use when talking about people. I would prefer to say that there are about 100 salaried immigration and asylum tribunal judges producing 85 full-time equivalents. It is 87 and 250. What did I say? I meant 87 full-time and 250 fee-paid. Was I about right?

- Q12 **Chair:** Just before we move off the thorny issue of politicians and the judiciary, in part of the Sentencing Bill a so-called democratic lock has been imposed on the Sentencing Council, whereby approval is needed by you and the Lord Chancellor before guidelines can be issued. What discussion did you have with the Lord Chancellor prior to that piece of legislation being produced, and do you have any concerns about subjecting guidelines to ministerial approval?

Baroness Carr of Walton-on-the-Hill: Before answering the question, I hope you do not mind if I take the opportunity to record the tragic loss from the unexpected death this summer of Lord Justice William Davis. He served with extraordinary distinction as chair of the Sentencing Council. His loss is very keenly felt throughout the criminal justice system.

I do not think I should go into the detail of my discussions with the Lord Chancellor before this draft legislation came out, but I do welcome the opportunity to speak about it. I will not go over the illustrious 15-year history of the Sentencing Council and its remarkable work in promoting consistency and transparency across the criminal justice system. The many hundreds of guidelines are, frankly, part of the DNA of every Crown court and magistrates court's judges, day in, day out. The calibration and constitution of the council was very carefully constructed, securing that everybody's interests were protected through a combination of membership of the council—eight judges and six other specialists—and an exhaustive consultation process, of which you, Chair, and the Committee are intimately well aware. It is a very carefully and well-constructed and well-functioning organisation. My voice is heard through a representative. I am not a member of the council, but I have a representative who can feed in my views; likewise, the Lord Chancellor of the day has a representative who can feed in the Lord Chancellor's views at every stage of the process.

Against that background, clearly the draft legislation, if implemented, has the potential significantly to undermine confidence in and the



independence of the Sentencing Council. There are two clauses; we focus on clause 19, which is the veto clause, but clause 18 is not to be ignored. Theoretically, clause 18 would enable the Lord Chancellor of the day to bring the work of the Sentencing Council to a halt. Clause 18 provides that the annual business plan of the Sentencing Council must be approved by the Lord Chancellor. A question has been raised in the Constitution Committee or in the House of Lords as to quite what the consequences of non-approval might be.

Those are policy matters as well as practical matters and I do not want to get too stuck in, but my position is that, of course, a power of veto on the part of the Lady Chief Justice or Lord Chancellor does not sit easily when we are dealing with an organisation that is independent. That is its DNA. So the idea that I have a power of veto over an independent organisation is entirely counter-intuitive. I cannot see realistically any situation in which I would exercise that power of veto, because my views are represented through my representative on the council. The council is made up of the experts I have described. There is an exhaustive consultation process. It is difficult to see how the clause would ever be of any meaningful value, but then it is a matter for Parliament and others. Of course, that is the here and now. One never knows what is round the corner. Whether or not one legislates on the basis that it is all right to let it in because it will not do any harm at the moment may or may not be a sound one for legislation. That is a matter for others, not for me.

I think the Committee ought to know that the mood in the Sentencing Council is pretty bleak. There is deep uncertainty hanging over its head at a time when it could not be more important. You could argue that, if the Gauke reforms and Leveson come in, it is more important now than it has ever been. As you know, under the relevant legislation I nominate eight representatives—the judges. I have made it clear to them that I consider their positions to be entirely independent and a matter for the individual conscience of each judge. As far as I am concerned, they must act in accordance with their own conscience and views of what independence and the rule of law means in the light of any legislation that goes through Parliament.

I am not threatening or saying anything in *terrorem*; I am just saying that as a matter of fact that is my understanding of the position and that is what I have said to the judges. We will all wait to see what Parliament decides and, in the light of that decision, individual judges will be able to take their own positions. I will support them in those individual decisions as being a matter for their own individual independence.

- Q13 **Mrs Russell:** In the course of the debates on the Sentencing Council and in other debates in Parliament, many members of the judiciary have been characterised as lefty, activist lawyers. I was wondering whether in your experience and independent position there are any, or many, judges whom you would consider to be lefty, activist lawyers.



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Baroness Carr of Walton-on-the-Hill: I deprecate the phrase “activist judges”. What we have are judges who are being asked to make legal decisions in a highly politically charged environment on highly politically charged issues. They have to make a decision that will be politically charged. It does not mean that they are politically activist. It is a great pleasure to be talking to the lawyers in the room, but I would encourage everybody to turn to paragraph 25 of Lord Bingham’s judgment in a case called *Locabail*. You will see him set out, with characteristic brilliance, the essence of what the judicial oath means and where you draw the line. You leave your background at the door of the court. That is how our system works.

Fee-paid judges, but not full-time salaried judges, can be serving Members of Parliament. We have many eminent jurist judges such as Sir Ross Cranston, who was a Labour MP and went on to be a highly distinguished member of the senior judiciary. The narrative of digging into a judge’s past and what political party they belonged to, whether they did pro bono work for an asylum charity and the suggestion that that somehow creates actual or apparent bias in the mind of that person sitting five years later in an immigration chamber is not a proposition that would be acceptable to anybody who understands the rules. Maybe there is more to be done in improving public understanding of what I am talking about, but the rules are very simple. If there is some connection or proper basis on which to say there is an appearance of bias, or actual bias, the Home Office, for example, is extremely well placed to raise a challenge and invite the judge to recuse themselves. My experience is that judges are incredibly careful when it comes to issues of bias. They over-declare or tend to over-share on the basis that that is the safest course to take so it can never come back to bite you.

I recognise the phrase because I have seen it, heard it and read it, but I do not see it in my judges and I do not think it is a healthy or appropriate approach. As I say, it is confusing the fact that judges are making legal decisions in arenas that are highly politically charged.

Q14 **Chair:** Is it not the case that more so than in past years the judiciary are being pulled into a political narrative? The House of Lords Constitution Committee produced a report very recently.

Baroness Carr of Walton-on-the-Hill: It is a very good report.

Chair: It is a good report. They said the judiciary should play a more active role in tackling misleading narratives about courts and their decisions. Is that a good idea, or would that further muddy the water? Whose job is it to stand up for the independence of the judiciary?

Baroness Carr of Walton-on-the-Hill: I feel it is very much a shared responsibility. The Constitution Committee was very helpfully focusing on something I was discussing with Sir Ashley—for example, press summaries. We have to get better at getting out there and making things as accessible and simple as we can. You know from experience over the



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past year that I will certainly speak out if I feel that I have to. I do not want to do so, but I will if I have to. It is a shared responsibility. I would underline what the Constitution Committee said. It is a shared responsibility of all politicians as well as the serving Government of the day and the judiciary, and I think we are stronger together. The Lord Chancellor has particular responsibilities, discrete and bespoke to them, to speak out, and I am very grateful for the statements that both the Lord Chancellor and Attorney General have been making in recent times to stand up for the judiciary. It is regrettable that it is necessary, but I do very much feel that we should be doing it all together in a joined-up fashion, certainly not competing with each other.

It is also important to emphasise something that I have been talking about with others. Timing is quite important. It goes back to the point about social media reach. Once something is out there, it mushrooms, does it not? It multiplies many times. So nipping things in the bud early on is absolutely key, which means that making the correction, making the point and making the objection, whatever it is, has to be done in the heat of the moment, then and there, rather than a week later when nobody is thinking about it any more and the damage is done because the narrative is out. It is a point of real and present danger. With the particular issues we are dealing with, we all have to stand up as necessary, but we also need to do it at the very point in time it is happening rather than six months down the line, or even a week later.

Q15 **Vikki Slade:** It is nice to meet you.

Baroness Carr of Walton-on-the-Hill: You too.

Vikki Slade: This is my first time meeting you.

Baroness Carr of Walton-on-the-Hill: You are a few days in, I think.

Vikki Slade: Yes. This is my second meeting.

Baroness Carr of Walton-on-the-Hill: Congratulations. It is the best Committee.

Vikki Slade: One of the things that inspired me to join the Committee was a visit to my local court.

Baroness Carr of Walton-on-the-Hill: Where did you go?

Vikki Slade: Poole.

Baroness Carr of Walton-on-the-Hill: Great.

Vikki Slade: I was quite shocked at the state of it. In the courtrooms themselves, a great job had been done to make them as accessible and workable as they could be, but the whole estate was in a terrible condition.

Baroness Carr of Walton-on-the-Hill: May I ask which courts you visited? Crown, county, mags?



- Q16 Vikki Slade:** I visited the magistrates courts and all of the wonderful tall buildings that sat alongside them in which the staff were doing their very best in a really bad situation. I understand that at your previous appearance you spoke about the drastic action that was needed. One of the things I was particularly concerned about was the suggestion that courts should be having a rationalisation of building use. Given that in the south-west there is real regional inequality in how people get to courts and the distances between them, what are your thoughts about how that rationalisation might look and what works would need to be done to make the court system function for the people who need to use it?

Baroness Carr of Walton-on-the-Hill: We went through a very painful process in Wales, where there are real accessibility problems between courts as well as transport problems. I think you make a very valid and important point. Regional justice and the practicalities of it all are very important. I think rationalisation has to take into account AI, audio, video and progress that we will be making. We are doing some pilots on remote sentencing hearings in the west—Salisbury in Wiltshire—that are working really well. We cannot ignore the fact that there has to be some rationalisation in that sense, but I absolutely support your direction of travel in saying that we have to keep an eye on access to justice and what that really means on the ground for the normal people who need access. So don't worry, I will not be getting rid of court buildings if I have anything to do with it—at least that is what I will be saying—and will be trying to influence it.

I am wondering when I was last at Poole magistrates. I cannot remember how bad the condition of the buildings is at the moment.

- Q17 Vikki Slade:** Some of it was pretty difficult.

Baroness Carr of Walton-on-the-Hill: Lack of heating?

Vikki Slade: People were sitting there with coats on. It was either too hot or too cold. There were tiny little rooms where people did not have decent spaces in which to work with each other. The courtrooms themselves were in a reasonable state, but certainly the places to wait and to work for magistrates and all the staff to support them were not great.

Baroness Carr of Walton-on-the-Hill: HMCTS staff are absolutely incredible. We got an increase in capital maintenance and estate project funding in the last concordat round since my last appearance. That was increased to £148.5 million, up from £120 million. That was very welcome, but it still falls well below what is needed to address a £1.3 billion maintenance backlog across the estate.

To put this in context, HMCTS has to deal with over 300 courts and tribunal buildings; 170 county courts and 70 Crown court centres. It is a vast, sprawling estate which ranges from very old and dilapidated Victorian buildings to some state-of-the-art buildings. It is a massive endeavour. There have been problems not just in Poole. At Nottingham Crown court the roof has been a complete nightmare. We lost 100 sitting days in



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January simply because of the roof problems, of which you are aware. We have lost days in Northampton because of drainage problems in the cells; in Wolverhampton there have been problems with boilers and ventilation. We still have courts closed through RAAC; Harrow is taking much longer than we would have hoped; and we are still reeling from the collapse of the independent contractor ISG, which was working on a number of our new projects and went into liquidation. We are still losing very large numbers of sitting days every year due to maintenance problems.

HMCTS is doing its level best with the funds that it has. We also have to deal with security improvements as part of these works with barriers and the like. We are now looking at a world where, depending on the response to Leveson, there will have to be adjustments to the court estate to take account of different ways of working there as well, potentially. It is a big issue. We talked about it last year and I suspect we will be talking about it next year, but thank you for putting down your marker about the need to look at the geographical layout, geographical distances and access to justice in that sense.

- Q18 Vikki Slade:** There is a £600 million development in Salisbury Square in the City of London, which obviously is part-funded by the private sector. What are your thoughts on that? Do you have hopes for more estate-related engagement and partnerships with other people, and how do you feel about more private money being used to invest in the estate?

Baroness Carr of Walton-on-the-Hill: I would not describe the City of London development as “private”, but I know what you mean. It is a sort of hybrid. The City of London courts will be fantastic. This time next year, if I am back in November, we should have had handover. There will be 18 new courts: new Crown courts, magistrates courts, civil courts and a fraud centre for the world. It will be flagship and fantastic. I was at the bottoming-out ceremony and topping-out ceremony. It has been a very important and fantastic collaboration with the City and, as you say, it is a huge financial investment from the City.

There are tensions in working with the private sector in terms of rule of law and independence, so it is not straightforward. I think HMCTS is trying to extract itself from various private finance initiative properties at the moment. My answer to you would be that we are a little hesitant about the private sector, but we are very strong in being more creative than we have been perhaps historically in how to model the estate solution. For example, in Cardiff, where we desperately need a new civil justice centre, a building has been identified that would involve Government and the local authorities all working together to reconfigure a structure that is already there. My message is that we need to be more creative and find solutions and opportunities like those with the City of London, but whether I, or the HMCTS and the Government, will be going out with a bowl to the private sector is a little more complicated.

We should not be in this position. There is a moment that I would like to take at some stage, and perhaps now is that moment, just to ask the



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Committee to stand back. We are dealing with estates and we are going to talk about backlogs and resourcing problems, every which way we look. In the justice system as a whole we have been dealing with a number of big issues—for example, early prisoner release. One or two did involve some court errors in processing certain information.

When these incidents happen and we are dealing with such big problems, it is worth standing back and contextualising the work of the Committee, my work and the justice system as a whole, remembering that we are nearly at the bottom of the list of priorities in the current spending ladder. At the top is health, then education, defence and you go right to the bottom. The justice budget, including prisons, probation and the courts and tribunals, is less than half that of the transport budget. We are coming in at £11.5 billion. I think the budget for the health department is £800 billion and more. Education is right up there, although not as much; defence is right up there. I am sorry: it is £188 billion for health; £86.7 billion for education; £26.2 billion for transport; and justice is £11.5 billion.

My point is that these are political decisions, but political decisions have political consequences. You have on-the-ground consequences for these decisions, so when things go wrong and we do the best we can with what we have, there is only so much that we can do within the present context. Unless somebody takes a radical look and says, “Actually, I don’t think justice should be bottom of the list; I think justice is up there with defence or education,” nothing is going to change. I do not want to sound pessimistic because you can see that we are up for it; we will do everything we can to get the most out of every penny we get and we are not giving up, but, unless there is a radical recalibration of where we are in the pecking order, we will be having these sorts of discussions for a very long time. That is a big moment and it is a big issue, but I do think it is worth every now and then just standing back. We have to examine when things go wrong why they go wrong and why we must not let it happen again and what we can do better, but that is the reality of the political will. Of course, we are not just talking about now but decades. I am not trying to target any particular regime at all; it has just been a historic position. When you look at a 3% increase on last year’s budget, it might be said you are not starting from the right place.

Q19 Linsey Farnsworth: Thank you for mentioning Nottingham Crown court, my old stomping ground. I can’t tell you how many times over the years I have had to dodge a bucket that is collecting rainwater dripping down.

Baroness Carr of Walton-on-the-Hill: I remember that outside court 1; when I was sitting in Nottingham the resident judge brought in a bit of his own carpet to fill the gap for the jury between the entry to the court and stepping into court. The roof has been a disaster. Have you been recently?

Q20 Linsey Farnsworth: I have not been recently. I dread to think what it is like since I left, but thank you. In the east midlands we often feel that we are overlooked in all manner of policy areas, so it is nice to have that recognition. The resourcefulness of the judge does not surprise me. It will



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not surprise you that I would like to return to a hot topic we discussed last year: sitting days. We discussed this at some length last time, so I do not necessarily want to do a rerun of that, but, recalling last year, you agreed with the then Lord Chancellor that the concordat process had not worked as it should have done. Has there been any improvement this year?

Baroness Carr of Walton-on-the-Hill: Talking about shared responsibilities, you and I can take some joint credit for this because we have made some progress, including on the sitting day metric. Do you remember that we talked about that metric and multi-year settlements? We have not reached an agreement this year, but we certainly made real progress in looking at a better metric and getting a multi-year settlement for the reasons we discussed last year.

I said last time that I agreed with the Lord Chancellor—and we did both agree—that the previous concordat had not worked well. It worked much better in two particular respects, first in terms of timeliness. We agreed the concordat in March, which was tremendous, before the year started, and the Lord Chancellor of the day, now Home Secretary, deserves great credit for that. That was the first time in a long time—perhaps the first time ever—that the concordat process was completed by the beginning of the next year.

The second area in which we have made great strides is transparency. Under the framework agreement, there is a specific clause—7.4, I think it is—that says I am entitled to as much transparency as the Ministry of Justice is with HMCTS working through the build-up to the concordat process. There was much greater transparency with the judges, with me, as to how the concordat process was being built up and conducted, and that was extremely welcome.

I do not know whether you think this is the process not going well, but as a matter of record, however, in the last concordat process, for the first time ever, I did not reach agreement with the Lord Chancellor of the day on one discrete element of the offer—the offer of Crown court sitting days. The offer under the concordat was of 110,000 sitting days as a fixed limit. I was not prepared to accept that. Therefore, in accordance with the framework agreement under clause 7.2 of the framework agreement, I formally recorded my concerns to the Lord Chancellor about the offer.

What happens when an element is not agreed—accepted by me—is that the offer is effectively imposed on the judiciary. Of course, I made it clear that I would work with whatever we were given, and if there were any further days down the line we would accept and work with those in the normal way to the best of our ability. It was a matter of regret that I was unable to accept the offer on Crown court sitting days. I accepted all other elements of the offer. I maintained then and I maintain now that, given the current crisis in the Crown courts, we must be allowed to sit to our maximum capacity. That can be done in a number of ways. It can be an open-ended maximum, or what can be done, as has happened in previous years, is to have a notional minimum sitting day figure but with a



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commitment to fund however many extra days can be sat. My position has not changed on any of that. We spent some time discussing Crown court sitting days last year.

The process is working much better in terms of timeliness. The current Lord Chancellor is working very hard, again, to achieve conclusion of the process by the beginning of the year. Transparency is much better. We are working on the sitting day metric and on a multi-year settlement. We are thinking hard about the sorts of issues that we are discussing in this Committee and I am grateful for the engagement.

Q21 **Linsey Farnsworth:** That is great. The Lord Chancellor has confirmed 111,250 Crown court sitting days now.

Baroness Carr of Walton-on-the-Hill: For this year. We have 110,000, and we got another 1,250 at the beginning of the legal year.

Q22 **Linsey Farnsworth:** That is still not the maximum capacity that you would have. What would that maximum be?

Baroness Carr of Walton-on-the-Hill: As last year, I am being told by HMCTS 113,000.

Q23 **Linsey Farnsworth:** That brings me to my next question, which arises from Sir Brian Leveson's review. He recommends an allocation of sitting days of 130,000 per year. Do you agree with that recommendation?

Baroness Carr of Walton-on-the-Hill: Is that for magistrates or for Crown court?

Linsey Farnsworth: Crown court.

Baroness Carr of Walton-on-the-Hill: Okay.

Q24 **Linsey Farnsworth:** Do you think that that capacity could be met by the judiciary?

Baroness Carr of Walton-on-the-Hill: Judicial capacity is not the problem. In magistrates courts, we have a massive recruitment challenge, which we may be coming on to talk about, but in the Crown court I do not think the lack of judges will be the problem. It is the resourcing; it is opening the court, the legal advisers, the ushers; it is the staff. It is the costs around the edges. It is the legal aid for the advocates. All of that comes into it.

Q25 **Linsey Farnsworth:** Where the judiciary is concerned, 130,000 would be feasible, but the other personnel—

Baroness Carr of Walton-on-the-Hill: Across the system.

Linsey Farnsworth: Different stakeholders within the system might be more of a challenge.



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Baroness Carr of Walton-on-the-Hill: That is my sense. I have not done a modelling by reference to 130,000, but I do not think there will be a definite struggle.

Linsey Farnsworth: Thank you for getting to the heart of it so quickly. We can move on and not spend quite as long on it. That was a very efficient way of covering everything I wanted to.

Baroness Carr of Walton-on-the-Hill: Thank you.

Chair: I have four members who wish to come in now. I will call them all.

Baroness Carr of Walton-on-the-Hill: Is that a good or a bad sign, Chair?

Chair: It is bad for me. It makes my chairing look rather ineffective.

Baroness Carr of Walton-on-the-Hill: I have no idea. Are we doing okay for time?

Chair: We will be fine. I will bring everyone in, but if they can be brief that will be good. Warinder first and then Ashley.

Q26 **Warinder Juss:** Baroness Carr, I was just checking my notes from the Select Committee meeting that we had on 11 November. I am not going to be talking about recruitment and retention because we are discussing that later, but I have a note here that says that increasing the number of sitting days will not help in reducing the court backlogs because we have a major problem with not having enough prosecuting and defence counsel. Do you agree with that?

Baroness Carr of Walton-on-the-Hill: It is still a problem, yes. There is no one single answer to solving the problem with the backlogs. It is everything coming together. We have ineffective trials because of the lack of prosecutors, but what is really grabbing my attention at the moment is that the rate of receipts is going up so fast, we are running up the down escalator. We are doing more disposals at the moment than we have done for a very long time. We are sitting more hours in court than we have done for a very long time, but the backlogs are still going up because the level of receipts is soaring. You are right: availability of prosecuting counsel is always a consideration and has been a problem in the past, and is still responsible for some ineffective trials.

Warinder Juss: Thank you.

Q27 **Sir Ashley Fox:** Lady Carr, you said that the Lord Chancellor allocated 111,250 sitting days but that you would have wished to have 113,000 sitting days. Have I got that correct?

Baroness Carr of Walton-on-the-Hill: It was 110,000 in March. We got an additional 1,250 in October, making the 111,250 now. I am told 113,000. I would like to be able to sit to maximum capacity. If that is 113,100, I would like to be able to sit to that.



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Q28 **Sir Ashley Fox:** Are all the other elements available to sit to 113,000?

Baroness Carr of Walton-on-the-Hill: No, it is all the moving parts. It is the prosecutors. It is legal aid; it is court staff; it is the court estate. It is everything.

Sir Ashley Fox: Thank you.

Q29 **Mrs Russell:** In most walks of life, you have a budget for next year, a staffing capacity requirement and all those things. I appreciate you are saying it went better in many respects this year than it ever has before, but only inasmuch as it was agreed before the year started.

Baroness Carr of Walton-on-the-Hill: You mean we are starting low.

Q30 **Mrs Russell:** Yes, essentially. In the normal way of doing business in how the public would plan their lives and their budgets, if you are running a small business, you would not make a decision about your staffing needs for April in May. That is not how it happens. Local authorities usually get their funding allocation round about Christmas eve for the next financial year. Where would you see the ideal sitting? By when would you like to have reached that agreement to make things work as well as they could do?

Baroness Carr of Walton-on-the-Hill: The answer is as early as possible. We talked about multi-year settlements. In a way, that is a bit of what you are talking about. You are at least able to see into year 3. We had the Cabinet reshuffle in September. The then Lord Chancellor was well on her way to making an offer. When a new Lord Chancellor arrives, there is a host of issues to get on top of. This is not easy stuff. There are difficult decisions to be made across the entire justice system, so, quite understandably, he needs time to get on top of those issues and decide what he wants to do. What I am trying to say is that, if we had not had a Cabinet reshuffle, I might have had the concordat process concluded by now for the next year or three.

Q31 **Mrs Russell:** The next question I understand is complex. If you had had the number of sitting days that you would have liked as opposed to the number that you got, do you have any idea roughly how many more cases you could have got through? I appreciate that is not precise.

Baroness Carr of Walton-on-the-Hill: No, I am afraid I do not. I would rather not come up with a figure. I was talking about the disposal rates going up. Disposal rates were 1 point—well, no; I am not going to come up with a figure. Disposal rates have gone up. It does not sound like very much, but the impact is something like 11,000 more cases being disposed of with the disposal rate going up just a few nought percentages anyway.

Q32 **Vikki Slade:** Regarding the thing about the moving parts, on the same visit I sat and watched a district judge at work in the magistrates court. She had 10 prisoners waiting to come into the court, none of whom was being transported from the police station that was 10 minutes away. She



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shared that this sort of ridiculous situation was really causing problems in terms of sitting days. She is not local to Poole. She had come down there. She had six hours. At two hours into the day, she had not seen a single prisoner. I am wondering how that can be made more efficient.

Baroness Carr of Walton-on-the-Hill: What was the point? They were not being delivered from the police station?

- Q33 **Vikki Slade:** The point was that they were not being delivered from the police station. She was sitting there thinking, "I'm a very expensive resource and I can't do my job." It was not so much the court staff; it was the other people in the system.

Baroness Carr of Walton-on-the-Hill: This is exactly the point, which is why the Crown Court Improvement Group is so important because it brings everybody together—PECS, probation, CPS, defence lawyers, bar associations, Law Society—to address these issues. Late deliveries or non-deliveries are a real problem in all courts everywhere. It is exacerbated by the prison crisis because prisoners are being kept in prisons that are not local to the courts, so it takes longer and is a more circuitous route for them to get there. It is all joined up. The most important thing to understand about efficiency in the criminal justice system is that it is all connected, and no one part can be operating at 100% and do the whole job.

- Q34 **Chair:** What worries a lot of people in the professions and beyond is that we are talking about radical steps. Sir Brian Leveson's report talks about restricting trial by jury in some respects at the same time as, for example, the fact that the PECS and the Serco contracts to deliver prisoners to court are performing in a way that whole days of court time are lost and everything that goes with that. I would not necessarily expect you to comment on this, but, as it has recently been published, *The Times* is reporting just now that there will be a much greater restriction on jury trials and that it will only be for cases that result in a sentence of more than five years. All but the most serious cases will be restricted from that point of view. That is a leak at the moment. I would not expect you necessarily to comment on that. When we are talking about the most serious constitutional changes, is the next tool that we do not have in order the basic mechanics of how the court system works?

Baroness Carr of Walton-on-the-Hill: In his review, Sir Brian made it absolutely clear that resourcing was front and centre. As I say, I do not know what the Government's position will be, but if you just take Sir Brian's proposals at face value, so much of it is about probation, prisons, resourcing, rehabilitation and sentencing. If that is not properly resourced along with everything else, the reforms will not have the desired effect or, at least, the effect that Sir Brian desired. It is all joined up: prisons and probation.

Can I go back, if I may, to the stats that I wanted to give you because I mumbled, which I hope is not characteristic? In 2023-24, in the Crown



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court we were disposing at 0.98 per judge—less than a case per day. This year, it has gone up to 1.06 per day. In fact, in August it was 1.14, but ignore August; I do not know what happened there. I am told that 1.06 is the second highest rate this decade, but the point I wanted to make was that that small change has disposed of an additional 11,000 cases. You asked about figures. It was not the precise information that you wanted, but it gives you a feel for something. Prisons, probation, PECS, legal aid and CPS are all joined up. It all needs to work. It all needs to be properly resourced.

Q35 Chair: We heard evidence very recently from Sir Brian in relation to his proposals. He makes a very strong case for why his recommendations need to be taken as a package if appreciable inroads are made into the backlog. Are there concerns that you or other members of the senior judiciary have in relation to even the proposed restrictions on jury trial, let alone ones that go beyond that?

Baroness Carr of Walton-on-the-Hill: Chair, those are policy matters for Parliament. I can simply deal with the practical consequences. As I say, the Parliament and the Government will have to decide what they want to do on these difficult and controversial issues.

I would like to go back to the resourcing of crime because it feeds into the concordat discussion that we had of how things are going. We all understand, and Sir Brian has made it abundantly clear, that resourcing is absolutely key to implementation of his reforms, his suggestions, and we all agree with that. But I hope we can also all agree that that cannot be done at the expense of, for example, civil digitisation. You have been to Central London and you produced your report. I probably should share a pretty fundamental concern I have in the context of the current concordat. My real concern is that civil digitisation is not funded. We have to complete civil digitisation. You have seen the reasons why. We are not going to talk about the business case, the economic growth case and all of that.

I started by saying that you made your very clear recommendations and the Government accepted that digitisation in the county court was a priority. Forgive me if the figures are in the body of your report, Chair, but I am told that to complete civil digitisation in the county court would cost £15 million for the resource budget and £18 million for the capital resource amortised over three years. Put those figures against the fee income from civil. Do you remember, or have you been told what the fee income is from civil county court work? It is £592 million a year. Set the cost—I would suggest minimal—of completing digitisation in the county court in that context.

I am also very worried in the context of the need to fund Leveson reforms, depending on what Government and Parliament decide to do. CE-File is the jewel in our crown; it is the business and property courts, the regional business and property courts in the Rolls Building and all around England and Wales. This is the bedrock of our international draw and economic growth, English law being the law of choice and all the rest of it. The



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contract for our electronic filing system comes to an end. It needs to be replaced. It needs to be replaced with something that is state of the art. The figures I am given to complete or bring in proper CE-File—electronic filing—in the business and property courts are £14 million for the resource budget and £7 million for the capital budget again over three years.

Chair: It is a very low figure for Government IT contracts.

Baroness Carr of Walton-on-the-Hill: I have been told that I can use these figures, so I put them forward as reliable. This Committee will understand all too well the impact of what I am saying. These are really not large sums of money. These are discrete, critical projects, I would have thought, to the justice system as a whole. I understand why we have spoken about crime today. Of course, you heard from the Master of the Rolls and the president of the family division, but really we need to do this job to keep the show on the road in terms of our international standing and our civil justice system. Thank you.

Chair: Thank you. We should learn the lessons of our own report.

Q36 **Tessa Munt:** I would like to ask you a couple of questions about welfare and the security of the judiciary and the magistracy, please. The latest judicial attitude survey shows that 39% of judges are worried about their safety in court and 26% are concerned about their safety outside court. A recent survey of magistrates also highlighted that one in four felt unsafe carrying out their duties in court. Do you believe the current measures are sufficient to protect the judiciary and the magistracy? What discussions have you had with the Ministry of Justice and HMCTS regarding greater protection for the judiciary and magistracy?

Baroness Carr of Walton-on-the-Hill: I think about security every single day and sometimes all day because we have had some truly devastating incidents, particularly in the tribunals, but by no means just there. Security, as you point out, is the responsibility of HMCTS and MOJ. We have worked very closely with them and we have made a number of improvements. Am I satisfied with where we are? No, I am not, particularly when we are talking about monitoring on social media and online abuse, which is a particularly difficult area to control.

HMCTS has done some basic physical upgrades. I do not want to go into the details, but work has been done for every court and hearing room to meet minimum safety and security standards. You may remember—or perhaps not, because I had not done it this time last year—that I established a security taskforce in January of this year led by the Deputy Senior Presiding Judge, Lady Justice Yip, and she has been doing an enormous amount of work with her very small group, including a lot of work refreshing the protocols with police. Every police station should now know, when we say “Operation whatever”, exactly what it is. We know what the escalation routes are. We have refreshed protocols. We have much better training, online training and very good, mandatory training for



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all judges. There is a lot of very good work going on there. There is a new judicial harassment protocol and so on and so forth.

I pick out two points. Outside court, I am very worried about that. I do not want to go into details. A lot of car parks are open to the public, and that is a source of enormous concern for me. The other area where we need to look abroad for best practice and learn from what has been done for MPs is to see what we can do about security for judges in the social media and online abuse space. Recently, I am very sorry to have to report that we have seen some very sexist and racist abuse of judges online. Working with the providers to get comments taken down and all the rest of it is not easy and not always as quick as it needs to be. It goes back to my social media reach narrative. These are big issues. We need to do more. We are not there yet. I am doing everything that I feel I can and putting on as much pressure as I can. I am also changing the attitudes of judges. The default position of a judge would be to get on with it. That is the way they are built. I am saying to them, "Just reprogramme. You don't take risks." But I am afraid that there will be serious incidents down the line to come.

Q37 Tessa Munt: It is sad to hear that. I want to skip back a little bit to the survey of magistrates regarding their safety and security. There was a set of recommendations. Are those being taken forward within the movement that you have described?

Baroness Carr of Walton-on-the-Hill: Mr Justice Martin Spencer, who is head of the security committee of the Judges' Council, will be looking at that report in the new year.

Actually, I went to the Magistrates' Association conference on Saturday in Lancaster. I was there remotely. We talked about its excellent reports. There were a lot of very sensible practical recommendations with some good ideas. It is important to emphasise that security in the magistrates court is just as important as security in any other court. There are no different standards there, and they are entitled to exactly the same security as us.

Q38 Tessa Munt: Going back to your comments about online security, you have mentioned some steps already. Should there be others that could be taken to safeguard judges from online abuse and threats, particularly on social media? Do you have a notion of what might have caused this? Do you have a comment to make on that?

Baroness Carr of Walton-on-the-Hill: What might have caused the onset of the increase?

Tessa Munt: Yes.

Baroness Carr of Walton-on-the-Hill: It is multifactorial, is it not? It is society. It is definitely social media. It is attitudes, comity, respect. Comity is what binds us all. Judges respect Parliament and Parliament needs to respect judges. All of that is part of an overall picture. I am sure it is not



just one thing. Even if things get better, I worry if we are ever going to be able to turn the clock back completely.

Tessa Munt: Thank you very much.

Q39 **Chair:** I have a couple of questions on Baroness Harman's review into bullying and harassment at the Bar. It found that there were "abundant, disturbing and compelling accounts of judicial bullying". Do you accept that there is a problem, and what work are you doing to address this?

Baroness Carr of Walton-on-the-Hill: Can I start by saying I am on record as welcoming the Bar Council's focus on this issue? It is really important. They have done some fantastic work. They have accepted all the recommendations that relate to them. We have been doing work on these issues since 2020. As I said in my formal response when Baroness Harman's report came out, there are far too many examples of judicial bullying in that report than there should be. We absolutely need to address these problems, or continue to address these problems.

As you know, way back in 2021 and 2022, we introduced the statement of expected behaviour. We have mandatory inclusion training for all judges. We have our own internal surveys. Although the numbers are not big, every one case for me is one too many. There is a lot of work going on to address this. Most relevantly, Chair, to your question, Barbara Mills KC and I have been together on a number of platforms talking about the work that we are doing together. At least once since the report, she has already met with Lady Justice Whipple, who leads on this area of work. We agree that there are all sorts of things that we could be doing together.

Some of it is a change of culture in terms of empowering people who feel that they have been the subject of unacceptable behaviour to come forward without fear that their prospects or that their personal position will be in any way compromised. We want to look hard at informal routes of complaint because they can be very effective provided that we are not sweeping big problems under the carpet. Individual instances of a lapse that can be dealt with quickly overnight—Mr Vaughan may be able to agree—can be a very effective way of de-escalating issues and sorting things out in a manner that is satisfactory to both the person involved outside the judiciary and the judge.

I want to reassure you that there is a lot of work going on. If I had the resources to have a Talk to Spot for the judiciary, I would. Talk to Spot is the anonymous reporting tool for the Bar to report judicial bullying incidents. A discussion is going on as to whether the judiciary could have access to any anonymous complaints about judges. There is a lot of work going on. No judge can be in any doubt as to my position as to the unacceptability of judicial bullying or in any doubt as to our conviction and commitment to addressing it head on.

Q40 **Chair:** Can I ask you about two recommendations in the report? One is that it recommended removing the three-month time limit for reporting



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bullying or misconduct. The other is that it recommended an independent element—i.e. an independent member alongside you and the Lord Chancellor in determining sanctions for judicial misconduct. Are you prepared to accept either of those?

Baroness Carr of Walton-on-the-Hill: These would be recommendations for the JCIO, not the judiciary. The independent Judicial Conduct Investigations Office will have to decide how it responds to this recommendation. However, I happen to have been the judge in charge of the review of the regulations that took place in 2023, so I am quite sighted on the three-month time limit. Baroness Harman said that we were in some way an outlier with that time limit. We are not—certainly not within the judicial system. Three months is the same time limit as applies to the Supreme Courts of Scotland and Ireland.

Q41 **Chair:** I think she was thinking about it in relation to the Bar Standards Board, the SRA or the GMC.

Baroness Carr of Walton-on-the-Hill: Correct, but if one looks at a judicial comparator we are not an outlier at all. First of all, if there is a pattern of behaviour, times run from the last incident. Secondly, there is always an exceptional discretion—the discretion to extend in exceptional circumstances. A recent example involved a disciplinary matter where a finding of misconduct related to behaviour that took place 15 years ago. It is a question of getting the right balance. I do not know whether you have this information, Chair. It may be helpful. Fewer than 2% of complaints last year or the year before were dismissed for being out of time. Of course, it may be that people look at the time limit and say, “I’m out of time. I won’t complain,” but of complaints made, fewer than 2% were dismissed for being outside the three-month time limit. So it is a question of finding the right balance.

Q42 **Chair:** On sanctions for judicial misconduct, the report said that it created a perception of insufficient independence, that it was simply you and the Lord Chancellor.

Baroness Carr of Walton-on-the-Hill: I do not recognise this perception, and I could not find an evidence base in the report to sustain it. One example was given, and that did not relate to a case of bullying, harassment or discrimination at all. No example was given of a sentence that was deemed to be unduly lenient. Of course, for many years now, sentences have been, if it is the right word, public, so I would have expected to see some individual concrete evidence underlying this perception. Sanction is a matter for the Lord Chancellor of the day and me. I can tell you that if you were in the room I do not think anybody would suggest for a moment that we were anything other than robust, fair and consistent in the application of sanctions. There might be constitutional objections as well. I hope that is insight. Ultimately, it will be for the independent JCIO to respond to those recommendations.

Q43 **Tessa Munt:** Can I pick you up on some of the things that you have just



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said? I am quite surprised by the three-month time limit, and the reason for that is that you have already referred to the fact that society is changing. If you take the Me Too movement, and goodness knows what else, people have become aware of the fact that they are able to report. Certainly, if you look at the judicial attitude survey, 14% of all salaried judges, 7% of fee-paid and 13% of coroners experienced bullying in the last two years. If people feel they are being bullied, they might feel that they are unable to speak out. They do not report it because they feel it will make no difference whatsoever and might adversely affect their future careers, which is a very real concern, is it not? You said "talk to"?

Baroness Carr of Walton-on-the-Hill: Talk to Spot.

Tessa Munt: What is Spot?

Baroness Carr of Walton-on-the-Hill: You have to ask the Bar. I do not know. I do not know why they chose Spot.

Tessa Munt: I am old enough to remember "spotty dog".

Baroness Carr of Walton-on-the-Hill: Yes, but it does not work, does it?

Q44 **Tessa Munt:** No. I am really concerned about that time limit.

Baroness Carr of Walton-on-the-Hill: The time limit does not apply to internal complaints. The judicial attitude survey was talking about internal bullying, discrimination and harassment. The three-month time limit applies to complaints by court users. Actually, you are right. I suppose it could apply to a judge making a complaint against another judge.

Q45 **Tessa Munt:** Might I suggest to you that, if I am going to make a complaint about the language or the way I have been treated as a court user, and it takes me £7,000 to get hold of a transcript, or it might take me a year or whatever to get this stuff together, it is utterly unreasonable to suggest that people should be able to whistle blow on a very serious matter within a period of three months? That is just not real.

Baroness Carr of Walton-on-the-Hill: That is very helpful. I will make sure that the JCIO is aware of your comments. You come from a background of great expertise here. I would emphasise that you do not need a transcript to make a complaint.

Q46 **Tessa Munt:** No, but you might feel you have to if you wish to explain clearly what the language was. I have certainly experienced within the court system and employment tribunal situations where all sorts of things are said about witnesses and what have you that are completely out of order in the view of the people who are going through the tribunal. Trying to get recordings of that is just—

Baroness Carr of Walton-on-the-Hill: The JCIO has independent access to all court transcripts.

Q47 **Tessa Munt:** Yes, but the humans do not.



Baroness Carr of Walton-on-the-Hill: I understand completely why you would say they might want it before they make a complaint.

Q48 **Tessa Munt:** Of course. You have to be accurate.

Baroness Carr of Walton-on-the-Hill: Yes, absolutely. I just want to emphasise—I do not want anybody to be misled—that you do not need one. I understand you might definitely want one, but I want to be clear so that there is no perception out there that you cannot make a complaint without a transcript. You can. I understand your point, which is that you would want to see the transcript before you make the complaint.

Q49 **Tessa Munt:** Indeed. I would want to clarify.

Baroness Carr of Walton-on-the-Hill: I do understand that. That is very helpful. You have put the case very forcefully.

Q50 **Tessa Munt:** Thank you. What I am really meant to be asking you about is recruitment and retention, but it all leads into this anyway. If adopted, the recommendations of Sir Brian's Review of Criminal Courts would require the immediate expansion of judicial capacity, yet the judicial attitude survey flags that the number of salaried judges intending to leave the profession in the next five years outstrips the number of fee-paid judges considering applying for salaried posts. Is there a risk that the judiciary will just not be able to meet its capacity requirements? What discussions have you had about increasing judicial capacity beyond the previously agreed vacancy levels?

Baroness Carr of Walton-on-the-Hill: I think we are looking at magistrates in the context of Leveson. Is that right?

Tessa Munt: It is the whole judicial capacity. We are talking also, are we not, about salaried judges? The whole thing seems to be in scope.

Baroness Carr of Walton-on-the-Hill: Just dealing with magistrates, the recruitment of magistrates is the responsibility of the Ministry of Justice. They are absolutely acutely aware of the problem. We are under-magistrated already. We are short of the number of magistrates we need now by a couple of thousand. If the Leveson reforms or something like it go through, we will need a huge number of additional magistrates. I know the Ministry of Justice is very well sighted on this and aware of the magnitude of the challenge, as is the Magistrates Leadership Executive, the organisation supporting the Senior Presiding Judge on recruitment. There is going to be an expenses review by the MOJ. We are looking at all sorts of incentives of meeting what is undoubtedly a huge challenge if the numbers I am hearing are right in terms of the number of magistrates we might need. There is the valuing of magistrates, valuing employers, recognising employers' contributions in releasing their employees to become magistrates and all that sort of thing.

On the wider platform, there are some areas where there is no shortage in recruitment and other areas where there is a shortage. We have talked in



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the past about district judges and some other areas. The problems there will normally be jurisdiction-specific or location-specific. We know with district judges and employment tribunal judges, in particular in London and the south-east, that we have a problem. The single factor that stands out all the time is the cost of living. That is normally the explanation.

I am very worried about magistrates' recruitment, in answer to your question. I am concerned about other areas where we are under-recruiting and where we need to think about what more we can do. Overall, outside the magistracy and district judges in particular, I am not presently in complete despair, which is the tone of the question. I am not there—at least not yet.

Q51 Tessa Munt: You are not down about it all. Thank you. What consideration has been given to Sir Brian's recommendation for greater use of flexible judicial deployment using district and deputy judges in the Crown court?

Baroness Carr of Walton-on-the-Hill: We do not know what the Government's response will be to Leveson and all the rest of it. Flexible deployment, as everybody in the room knows, is something that I am generally very much in favour of. It is a good thing on a number of different levels. At the moment, it is a bit difficult to answer the question when I do not know what the post-Leveson world is going to look like. In the criminal justice sphere, we have only 39 DJMCs. That is district judges who sit in the magistrates court. I would imagine that they are going to be quite busy in the magistrates court post Leveson, so I do not see that much immediate scope for bringing them into the Crown court. Very many deputy High Court judges are already sitting in the Crown court because they are recorders. I do not see this as being a silver bullet or some great big moment to increase capacity or change the trajectory or direction of travel. With cross-deployment, as you know, we will always have to make sure that whoever is being cross-deployed is properly trained. There need to be resources for that and all the rest of it.

In principle, yes, but it is not leaping out at me at the moment, when I look at the numbers of judges, that we are not cross-deploying or flexibly deploying enough in a way that is damaging the system.

Q52 Tessa Munt: You have already referred to the shortage of district judges. The head of family justice suggested to the Committee that judicial pensions—

Baroness Carr of Walton-on-the-Hill: Yes, I read that. It does not stand out to me as being a major contributing factor. I commend to you to read, if you have time, the submissions of the Council of His Majesty's Circuit Judges, the Association of His Majesty's District Judges and the Association of High Court Masters and ICC Judges. They have put in brilliant responses to the major salary review from the SSRB. You will see in particular from the submission of the Council of His Majesty's Circuit Judges some really good numbers work done on pensions. I do not see it as being a major



factor. I have no evidence to suggest it is the major factor behind London and the south-east.

Tessa Munt: Thank you very much.

Q53 **Tony Vaughan:** Thank you, Baroness Carr, for your answers so far. I am going to ask about diversity of the bench, which I know is something that you have made a priority and it is very important to you. I want to start where you left last year, although I was not here. My briefing note says that in your evidence before the Committee last year you acknowledged the lack of progress with increasing the numbers of black judges, which, as we know, still persists. You referenced the pipeline as the problem, which I understand refers to the problems with the lack of diversity in the pipeline of candidates applying. Is improving the pipeline still the strategy? If so, do you think that that is enough, particularly given that the diversity of the pipeline is improving very slowly? For example, this year in the 2025 KC appointments, there were 10 applications and zero black people were appointed.

Baroness Carr of Walton-on-the-Hill: There were zero. In answer to your question, clearly, it cannot be just about the pipeline. Logically, it is the starting point, and that is why we work very closely with the professions, including the Law Society, to work on diversity within the pipeline. I would not for a moment suggest that is the beginning and the end of it. As you know, I have been focusing in particular on the lack of black judges that we have. It was wonderful to swear Mrs Justice Obi in this year, the second black High Court judge ever, which is wonderful in a way but awful in another, is it not, when you say it out loud? It was a wonderful occasion.

In answer to your question, there is a lot of work going on here in the new diversity strategy. Improving the number of black judges will remain my focus for the next year. I have quite an impressive list of work that we have been doing in this space, and I am going to share it. On outreach, our review last year showed very strong participation by black legal professionals—5% to 7% compared to 2% to 3% eligibility. You always have to look at eligibility of the pool as a starting point. It is really great that we are getting the black lawyers into our outreach schemes. We are building good relationships with the Black Solicitors Network law centres to improve engagement. We have relaunched our scheme for under-represented groups using a cohort model with 11.8% of mentees identifying as black.

We have Bridging the Bar this week. In the High Court and the Court of Appeal, we have people from under-represented cohorts shadowing us. There is the wonderful news of the establishment of the UK Association of Black Judges in the Supreme Court this summer. That is going to be a very powerful organisation, and we need to listen to what it is telling us. There is a race working group led by Lady Justice Whipple that is looking to address differential outcomes for black applicants working with the JAC in particular. We have the JDF, the Judicial Diversity Forum, working group



investigating the reasons for under-representation. We are having a roundtable forum next month with black lawyers to inform our future work. As I have said, a priority for next year in our new diversity strategy will be looking at why we have so few black judges in that. We have to recognise it will be slow and it is frustrating, but we are not going to give up. It is a combination of the pipeline and all the work that we are doing that we need to keep focused on.

- Q54 **Tony Vaughan:** Looking at higher court appointments specifically, because, as we know, diversity in the wider court system is different from diversity in the High Court, Court of Appeal and the Supreme Court, in their 2017 report on judicial diversity JUSTICE identified the importance of having proper career progression pathways into the High Court bench from the county court, the Crown court and the tribunals judiciary. One way to aid that progression is for judges in those courts to be ticketed to sit in the High Court under section 91 of the Senior Courts Act, which enables those judges to have relevant experience that may assist them in an application to the High Court bench in the future. In the same way, you have practising lawyers who can sit under section 94.

First of all, do you agree that that section 91 pathway should be expanded so that judges from courts and tribunals can access that complex work and essentially have that as an aid to any application that they may make in future?

Baroness Carr of Walton-on-the-Hill: I do not agree, actually. Section 91 is very much a business-need model. All judges who are section 91-ticketed can apply to be section 94-ticketed. I think that is right. I will be corrected if I am wrong. I do think that career progression is extremely important. I do not want you to leave with any other impression. But section 91 is a business-need-driven model, and that is the right way round. There has been litigation involving it as well.

In terms of career progression, it is worth pausing to remember that we have just had three appointments to the High Court from the county court. We have had Mark Cawson into the chancery division, Heather Norton and somebody else—I have just gone blank—promoted into the High Court. There is a pathway, and it is wonderful when it happens. It is important at all levels that, as part of our offering, we do look at proper career progression opportunities. I would agree with that very much.

- Q55 **Tony Vaughan:** What are the mechanisms, if it is not section 91, for judges in those courts and, if it is an access point, for, say, KCs or barristers who are in private practice?

Baroness Carr of Walton-on-the-Hill: As I say, I think that a circuit judge can apply for section 94 authorisation as well as section 91. Also, you will find that 50% of circuit appointments recently were made up of district judges. There is a clear pathway. It may get more complicated towards the upper echelons, but you will find that more than ever there is



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career progression between the district bench and the circuit bench, and there is a path from the circuit bench to the High Court bench.

- Q56 **Tony Vaughan:** Lord Justice Vos made a comment in an employment tribunal case last year about a perception that coming from the lower courts was less preferable from the perspective of the judiciary or the JAC than if you were coming through a practitioner route. Do you agree with that, or do you think that each route should be equivalent?

Baroness Carr of Walton-on-the-Hill: It has to be merit-based. Not all judges but some of them are ambitious, and career progression is important if that is what you want. It is really important to remember that some of the best judges have no ambition to do anything other than the job that they are doing. I sat with District Judge Terry Phillips in Newcastle. He, I would have thought, has every potential to move on if he wanted to. He does not want to do any other job. He thinks it is the most important job. He is making more difference to more people every day than in any other jurisdiction. "Eyes ahead", sometimes, is a very good message. Obviously, career progression is important, but I do not think we operate a model, as happens in other countries in Europe, where it is a career from the beginning to the end and you work your way up through the judiciary. It is a different model here.

- Q57 **Tony Vaughan:** Do you think that if we get better at allowing judges to grow up through the system, as happens in civil law countries in Europe, that would be one way to improve diversity in the higher courts given this diversity disparity between the lower courts and the senior courts?

Baroness Carr of Walton-on-the-Hill: It might be, but I am firmly wedded to merit, merit, merit. Promotion has to be on merit. It is important that nothing gets in the way of that. It is an interesting point. Your suggestion or your thinking is that we might have better diversity in the senior judiciary if we had more judges coming through the district judge—

- Q58 **Tony Vaughan:** It is a thought, because we have this disparity between the two levels in terms of diversity, and in circumstances where we are seeing these very persistently low levels of, essentially, groups that are not men. If we work from the Supreme Court downwards, there are two women in the Supreme Court, one minority ethnic person in the Court of Appeal and two black people in the High Court. I might be wrong about that, but that is not the reflection of modern Britain that we can sustainably accept.

Baroness Carr of Walton-on-the-Hill: I have remembered the third judge—Sonia Harris—who was a district judge to start with as well. That is a particularly good story. She was an academic, then a district judge, then a circuit judge, and now she is a High Court judge. That is a good news story.

- Q59 **Chair:** Thank you. We have heard pipeline arguments for a long time. There are no ethnic minority judges in the Supreme Court. As Mr Vaughan just alluded to, there is Lord Justice Singh in the Court of Appeal.



Something is wrong there, is it not?

Baroness Carr of Walton-on-the-Hill: Yes, it is not what we want to see. I couldn't agree more. We are doing better with women, and overall better, but I agree. I may have said it here. If there is something that we are not doing that we should be doing, we are open to all suggestions. There has been a suggestion that there is something to think about. I do not know how much that has been thought about before. These are serious endeavours, and there is a serious commitment. It is not an easy issue. The pipeline argument also is not a fig leaf. We can only recruit from the pool available to us. It is a very substantial point. Yes, we would obviously like the figures to be better.

Q60 **Warinder Juss:** Thank you, Baroness Carr. When I was practising, it always concerned me, considering the number of black and Asian lawyers we have, that they were not represented among the judiciary. I thank you for the initiatives you have mentioned that you are taking.

Earlier you mentioned the Chair of the Bar Council, Barbara Mills KC. I have met her a couple of times and I had a meeting with her as well. She has warned that overt racism may be preventing the appointment of black judges¹. What would be your response to that? What would you say to anyone who is considering applying for judicial appointment? Secondly, could you give some facts about what proportion of the senior judiciary are from black or ethnic minority backgrounds?

Baroness Carr of Walton-on-the-Hill: The answer to the second question is 7% if we are taking High Court and above. Ethnic minorities and black people make up 7%. The answer to your question about my reaction is that I am shocked that Barbara would think that. It is not something that she has said to me, but she has obviously said it to you. The JAC should be told if that is what she thinks and there is an evidence base for it, because it is in the appointments process that the racism will be expressing itself. It is obviously to be condemned and it is utterly unacceptable. If that is what she thinks, she must have evidence for it. She should present the evidence. She is at the Judicial Diversity Forum. The Bar Council has a voice there. Obviously, the JAC is independent. In terms of proportion of black candidates not getting through some of the online tests, the JAC will have to speak for itself, but I understand it has done deep dives into all the tests to look at whether there is any subliminal discrimination, the questions are somehow phrased wrongly or the topics are wrong. My understanding is that nothing has emerged from that to suggest that is the case. Possibly early on, potential candidates were not being given the best advice as to either when to apply or what to apply for. That may be a factor in it, but I just don't know.

¹ Barbara Mills KC has provided a letter, dated 3 December 2025, clarifying the context in which her comments were made that the Committee has published committees.parliament.uk/publications/50590/documents/276242/default/. The Times article referenced in Barbara Mills KC's letter can be found here: *The Times*, [Racism is preventing appointment of black judges, Bar chair fears](#), 8 January 2025



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- Q61 **Warinder Juss:** If we are talking about diversity, we also need to be talking about how the judiciary should represent the whole legal profession. In recent legal recruitment exercises, solicitors made up a larger share of the applicants than barristers, but it was barristers who were more likely to be recommended for appointment.

Baroness Carr of Walton-on-the-Hill: This was the section 94, was it? Which competition was this?

- Q62 **Warinder Juss:** I am not sure exactly. It was relatively recent. The Law Society's president has raised concerns that there is a perception that entry to the judiciary for solicitors is not a level playing field. How would you respond to that?

Baroness Carr of Walton-on-the-Hill: I am disappointed that that is his view. It does not tally in the tribunals. There are more solicitors than barristers sitting in the tribunals. You need to look carefully at what jurisdictions you are talking about. A third of the High Court bench in the chancery division is made up of former solicitors. I have been working very hard with the Law Society to not only deal with solicitors coming in at a lower level but also into the senior judiciary, and encouraging that very much. I will take that up with the new president of the Law Society and see if he has some new information. Actually, we are going in the right way with solicitors. There are more solicitors than ever within all levels of the judiciary, including in the Court of Appeal.

- Q63 **Warinder Juss:** Okay, thank you. Another aspect of diversity is the background—the socioeconomic diversity of the judiciary. A recent survey found that 62% of the senior judiciary attended an independent school. Considering that the figure is that only 7% of pupils and students generally attend an independent school, that is a very high proportion of senior judiciary who are going to independent schools. What do you think we should be doing more there?

Baroness Carr of Walton-on-the-Hill: As much as we can. We are doing a lot, but we need to do much more. Gathering socioeconomic data is quite difficult. You may have picked up that, for the first time this year, we got enough answers on disability to start looking at some meaningful statistics. We still have not got there with socioeconomic data. We do things like the judicial reverse mentoring scheme, which is where judges are mentored by people from outside; 44% of our mentors come from the state school sector and working-class backgrounds. There is an awful lot going on, and we do not have time to go through the individual projects and programmes. I was up in the north-east. The North Eastern Circuit Scholarship scheme is self-funded by the Bar and the judges. They put together £15,000 to sponsor students from deprived backgrounds. It is all about extracting talent. It is very frustrating. We want to get as much socioeconomic diversity in as possible. We need to keep working with these projects and continue to be creative.

- Q64 **Warinder Juss:** On that same issue, Baroness Carr, we have been talking



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about Sir Brian Leveson's Review of the Criminal Courts. If his recommendations are implemented, magistrates are going to perform a much greater role in criminal justice. In a situation where the role is unpaid and largely accessible only to those who can afford to volunteer, how are we going to increase diversity of the magistrates who would be able to afford to become magistrates?

Baroness Carr of Walton-on-the-Hill: Look, I agree. We—it is the Ministry of Justice's responsibility to recruit magistrates—have to look very hard at getting as much diversity in the available cohort as possible. Regarding magistrates, 14% are from an ethnic majority, which is an increase from 11% in 2017; 57% are female, which is up from 54% in 2017; and 45% under 60 years of age, which is a small increase. There is a real challenge in getting particularly younger magistrates to come into the system. If magistrates are doing longer cases, that is much more of an ask if you are already working or if you have heavy family commitments or other commitments; it is going to be a real challenge. We recognise the challenge. We need to do everything we can to make the situation as healthy as it can be, but it is going to be very difficult.

Q65 **Warinder Juss:** Do you have any particular solution in mind?

Baroness Carr of Walton-on-the-Hill: It is going to be outreach, information and public understanding. Some "thank yous" to magistrates would be pretty welcome; some politicians being nice about judges and the magistracy; looking at employers' awards; I do my certificates. It is all this sort of thing, trying to make it as attractive as possible. There is no silver bullet that I have.

Warinder Juss: Thank you.

Q66 **Tony Vaughan:** I have a quick follow-up, if I may, Baroness Carr, to Mr Juss's question. Is the judiciary and/or the JAC collecting data about socioeconomic class-based metrics, such as whether your parents were the first to go to university and parental occupation at 14? A lot of large employers do that.

Baroness Carr of Walton-on-the-Hill: I think we are, but I will need to confirm that. It is certainly something that I would be very interested in. I am pretty sure we are, but I do not want to give a categoric yes or no and get it wrong. I will come back to you on that.

Chair: Can we indulge you for one more topic?

Baroness Carr of Walton-on-the-Hill: I have no idea what time it is.

Chair: We are just on the half hour.

Baroness Carr of Walton-on-the-Hill: One more question.

Chair: Thank you very much. It is from Pam Cox.

Q67 **Pam Cox:** I had better make it a good one then. Thank you very much. I



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want to take you back to your opening remarks where you updated us on AI and digitisation. It is very encouraging to hear all that work that has been going on, especially around transcripts. Is that work directly connecting and shaping the Government's AI action plan for justice in the MOJ?

Baroness Carr of Walton-on-the-Hill: I would hope so. We are doing this with the MOJ. I am not aware. Is there a written action plan?

Pam Cox: I believe so, yes.

Baroness Carr of Walton-on-the-Hill: Yes, well, you and I are looking at each other. I would be amazed if it was not. They know what is going on. I am assuming the answer is yes. Thank you. I want to make sure that it is.

Q68 **Pam Cox:** It is good to be clear. Has the work on AI and digitisation made a difference on data collection, data analysis and data processing? In your previous appearance, you suggested that there were still some issues there.

Baroness Carr of Walton-on-the-Hill: I am not being told at the moment that it is, but I am being told that it will make a difference. It ought to make things a lot easier.

Q69 **Pam Cox:** We know technology is a great enabler, but it can also be problematic, particularly in terms of things like cyber-security. How was the recent hacking of the Legal Aid Agency dealt with? What impact has that had on court proceedings?

Baroness Carr of Walton-on-the-Hill: It has had a massive impact in particular in family. You probably heard about that before. Legally aided lawyers were not being able to attend court, so an adjournment has been granted, and so on and so forth. I think we were principled but sympathetic—as sympathetic as we could be. The hack did not affect HMCTS in any way. Cyber-security risks are at the uppermost of everybody's minds all the time. I certainly know that HMCTS is acutely conscious of it. We ourselves have not taken any additional steps in response to that hack. It affected the working of the courts. It affected massively the lives of those lawyers who depend on legal aid for payment.

Q70 **Pam Cox:** Last year, you were kind enough to facilitate an invitation to me to the Crown Court Improvement Group.

Baroness Carr of Walton-on-the-Hill: Yes, did you take it up?

Pam Cox: We did take it up. In May, I believe, we attended that. It would be really helpful if that group could give an update to the Committee on progress made since then.

Baroness Carr of Walton-on-the-Hill: Absolutely. The six workstreams are up and running: better case management, AI, listing, domestic abuse listing and remote hearings. All of that is up and running. We are about to



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hit a real doing phase. I am very happy to provide you with that update. They will be delighted to give you an update.

Pam Cox: We would really welcome that, so thank you very much.

Baroness Carr of Walton-on-the-Hill: Yes. Do we send that to you, Chair?

Chair: Yes, please. That would be extremely helpful. You have been very generous with your time as always. I hope we have not abused that. We have completed our business a little over time, but thank you so much, Baroness Carr.

Baroness Carr of Walton-on-the-Hill: Thank you for having me. Thank you all very much indeed.

Chair: I will end the proceedings there.