



Justice Committee

Oral evidence: [Pre-appointment scrutiny hearing for HM Chief Inspector of the Crown Prosecution Service](#), HC1117 Wednesday 11 March 2015

Ordered by the House of Commons to be published on 11 March 2015.

Written evidence from witnesses:

- Kevin McGinty

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Members present: Sir Alan Beith (Chair); John Howell; Andy McDonald; and John McDonnell

Questions 1-39

Witness: **Kevin McGinty**, preferred candidate, gave evidence.

Chair: This is an appointment hearing for the post of chief inspector of the Crown Prosecution Service. First, I must ask whether any members have interests that they need to declare.

Andy McDonald: Chair, I should declare that I was formerly a criminal legal aid practitioner, which is of some relevance.

Q1 Chair: Mr McGinty, I have to ask you whether you have any interests to declare. We had an unhappy experience of not being told about interests when dealing with a completely different appointment. Do you have any interests that are relevant?

Kevin McGinty: Not currently. I was a barrister many years ago. I was employed by the CPS for four years, between 1988 and 1992.

Q2 Chair: Thank you very much. The background to this appointment is a bit unusual. I will have to ask you some questions about how we got to where we are, because they are relevant to your own position. What role did you have in the previous attempt to fill this post, which did not result in a preferred name being given to this Committee? What role did you have in that process?

Kevin McGinty: My position in the Attorney General's Office is deputy legal secretary, predominantly responsible for criminal matters. There needs to be a head in the office who

has oversight of any competition that is run. This was a public appointments competition. It is the only public appointment that the Attorney General actually makes. In the early days, I attended a meeting at the Cabinet Office that talked about the general practice that you apply when going through a public appointments process. I then started the competition off, but the bulk of the work was done by other people in the office.

Q3 Chair: But your name appeared as the person candidates could speak to in order to get more information about the post.

Kevin McGinty: Yes, absolutely. The purpose of giving a name for candidates is that they have the opportunity to talk to someone who knows something about the role. Given my role within the Attorney General's Office, that fell to me.

Q4 Chair: How many candidates did you speak to in that process?

Kevin McGinty: The first time round, I think that they interviewed four candidates. All of them rang me up to speak to me.

Q5 Chair: Did you play any role in advising the Attorney General as to whether he should go ahead and make an appointment at the end of that process?

Kevin McGinty: No, none. The board that carried out the competition was chaired by someone from the Office of the Commissioner for Public Appointments but also included the director general of my office. It was she who took forward any discussions with the Attorney General.

Q6 Chair: When a new process was started, initially you were still expecting to play the role of the person who advised candidates if they had questions to ask about it, weren't you?

Kevin McGinty: Once it became known to me that there was not going to be someone put forward for appointment—

Chair: In the first round.

Kevin McGinty: In the first round. I then thought very hard about whether or not this was something that I might want to do. It was only after that that I gave it any serious consideration—and then not immediately. It took me some time to decide whether or not I wanted to apply for this. Indeed, I talked to some of the people I know in the criminal justice system about whether they thought that would be a good idea or not.

Chair: It must be the case that you took some time over it. When we were shown the draft of the candidate pack for the second round of the appointment process, your name was still on it.

Kevin McGinty: I had nothing to do with that. It must have been an accident. I had nothing to do with the process after the interviews that took place the first time.

Chair: Does that mean that the Department—

Kevin McGinty: Nor, I should say, Sir Alan, did I see anything that came out of that competition. I did not see any of the board reports or any of the comments made on those who went forward for the competition—nothing.

Q7 Chair: But the documentation was submitted to us with your name on it—at the draft stage, not in the form in which it finally went out. Was that simply an error, or does it suggest that at that stage the Department did not know that you were going to apply?

Kevin McGinty: No. We are a very small Department; there are only 30 to 35 of us. I had certainly told people that I would consider applying—I was considering applying. Obviously they would not know that I was going to until I put the form in—absolutely. It would have been an error, carried on from the process that had been started. I did not see any of those papers.

Chair: The name was still in the computer.

Kevin McGinty: It was still in the computer; yes.

Q8 Chair: You can see the difficulty that this presents for anyone looking at it from the outside. In fact I will ask you one more question before I put this general point to you. Did you advise in any way on the way in which the second round should be conducted—the tests that candidates should be given and all that sort of thing?

Kevin McGinty: Absolutely not. Sir Alan, I can give you some assurance in this way, perhaps. This is run by a public appointments commissioner. I had dealt with Margaret Foster,¹ I think—I cannot remember her name—in the early stages. However, as soon as it became clear that I was going to be an applicant the next time round, she ensured that the process was absolutely fair. This is a fair process. It would be unfair, I think, if in an open competition it was not open to me to apply the second time round, given the failure to find a candidate the first time.

Q9 Chair: What would you say to the charge that you had the opportunity—and may, to some extent, have taken it—to clear the way for you to apply in the second round? That is to say, to the extent that you had any role in the first process and that first process did not lead to an outcome, it created the opportunity for you to apply at the second stage.

Kevin McGinty: Sir Alan, that would require the collusion of a number of people, including all of those who were on the board: our own director general, a public appointments commissioner, someone from Her Majesty's inspectorate of constabulary and a lord justice of appeal.² They signed off the competition as being fair. I have no doubt that it was.

Q10 Chair: When we look at the second-stage process and the way in which you describe it—and we have no reason to assume otherwise—once that process was under way, you were treated and would expect to be treated in just the same way as any other applicant.

¹ *Note from witness:* the correct name is Margaret Scott.

² *Note from witness:* he was a High Court judge rather than a lord justice of appeal.

Kevin McGinty: Absolutely.

Q11 Chair: What would you like to say about what makes you a particularly suitable candidate for the job?

Kevin McGinty: I have a lot of experience in the criminal justice field. I started off at the Bar, where I had a mixed practice both of defending and prosecuting. I did some matrimonial work, too. I spent four years within the Crown Prosecution Service fraud division. I have vast experience of prosecution, having been in the Attorney General's Office for some 21 years—not just in England and Wales, but in Northern Ireland. In Northern Ireland, I saw through all of the changes that happened after the criminal justice review, which included the creation of a new prosecuting authority. With a PPS, I went through its first inspection.

For the last three or four years, I have worked quite closely with the current inspector, Michael Fuller, in his relations with the Attorney General and the reports that he has done. I understand the process. I understand how the Crown Prosecution Service works and its importance. I understand the importance of the Serious Fraud Office and what it does. I understand, too, the importance of having an absolutely independent inspectorate that provides the material for others to hold those two bodies to account.

Q12 Chair: How were you tested or examined in the process on how you could relate to the stakeholders in the system? How was that done?

Kevin McGinty: I was asked varied questions in the course of the interview. The interview was the standard civil service competency-based interview. They had my CV before them and tested me on some aspects of it. My CV and background show what work I have been doing with the Crown Prosecution Service and the Serious Fraud Office over the last 10 to 15 years. I have many contacts within the criminal justice system. I had referees, obviously, which were taken up.

Chair: Thank you very much. I will turn to Mr McDonald.

Q13 Andy McDonald: Good morning, Mr McGinty. Your CV, which was sent to us by the Attorney General's Office, says that you have “a thorough understanding, based on years of experience, of the roles and challenges facing the CPS and SFO in maintaining high prosecutorial standards in a criminal justice system of diminishing”—

Kevin McGinty: Resources.

Andy McDonald: Ah—that is the word we were looking for. It is missing.

Kevin McGinty: I am sorry.

Q14 Andy McDonald: It diminished to nothing. Do you think that there is any further scope for the CPS to make savings?

Kevin McGinty: When the savings that were agreed by the CPS were made some years ago—there was a cut of about 30%—that was based on the assumption that there would be a reduction in the case load. It started off that way, but it has proved not to be the case now. Indeed, the case load is increasing again. The sort of cases that are coming through are the more complex cases—historical child abuse and more terrorism cases. The CPS is stretched just about as far as it can be.

That is not to say that further savings cannot be made within the criminal justice system. Anyone who goes into a magistrates court, or, indeed, a Crown court now, and watches the process will see that there are inefficiencies. The way in which those have to be addressed will itself require investment.

I can give you an example. The CPS is taking forward the process of digitalisation. That is a very important process for it. It will save it a great deal of money from not having to print out vast numbers of papers for the court and for the defence. However, it requires the courts to make an investment, both in terms of training the judges to use material digitally and in terms of wi-fi being available in courts. It also requires an investment by defence solicitors, so that they have a secure link by which this material can be sent to them in the first place and they can deal with the material electronically.

If further cuts are to be made within the criminal justice system, there has to be a much more joined-up approach to how those cuts are made. Once you have an integrated approach to making savings, it is inevitable that there will be compromises. Some of the agencies will find that at some stage they have to spend more money in order to make savings in other parts of the system.

Q15 Andy McDonald: I wanted to ask you about what you thought the challenges were in the short and medium term. You have touched on that to some degree; please feel free to expand on it. In particular, do you think that there is improvement needed in the standard of the CPS's charging decisions?

Kevin McGinty: There is always room for improvement. Unless you get it right every time, there is clearly room for improvement. As you know, the CPS now releases quite a lot of the charging decisions back down to the police. That needs to be looked at carefully. I noted what Mr Fuller said when he was before you last week on the need for the police to be trained, to make sure that they are reaching the right decisions and getting the advice that they need, where they need it, from the Crown Prosecution Service.

The whole process of transforming summary justice, which is the other matter the Crown Prosecution Service is pushing forward on, requires things to be done right the first time. If things are done right the first time, time is saved and money is saved, but there is clearly more work to be done in terms of getting the charging right.

Q16 Andy McDonald: We have touched on this in previous sessions. What is your view on the quality of CPS in-house advocacy?

Kevin McGinty: As you know, Mr Fuller is about to publish his report; I think it is his

third report on advocacy. The CPS is in quite a difficult position in relation to advocacy. It wants to provide its staff with a good career progression. Some of them want to do advocacy. A lot of them do advocacy in the magistrates court, where virtually all of it is done by the Crown Prosecution Service. It is natural for some of its staff to want to go on to do some work in the Crown court.

Advocates are trained—they are not born good advocates, as you know. To be a good advocate, you need practice. That applies to the self-employed as well as to the employed Bar. Part of the problem that the Crown Prosecution Service has had, which I know that this director has been trying to address, is giving the advocates that it does have—she has reduced the number—the opportunity to do more work in court.

There are a number of issues that the director will have to address over the next few years, as things get more pressed, including whether or not it is a more efficient use of the resources that she has to get those lawyers back out of court and into reviewing files. But I have to say that it would be a shame if there was never an opportunity within the Crown Prosecution Service to do work in the Crown court.

Q17 Andy McDonald: Do you know why the independent Bar is perceived as being of a standard that is more than acceptable, as compared with in-house advocacy? Do you have any observations on why that should be so?

Kevin McGinty: I am sorry—I missed part of your question.

Andy McDonald: We were told that the assessment of the standards of advocacy provided by the independent Bar was that they were at a satisfactory or higher level, as compared with in-house advocacy within the CPS. I wonder whether you have put your finger on why that should be so.

Kevin McGinty: I have been a barrister myself and was on the Bar Council for the three years that have just finished. You become a good advocate by practice. That is what makes you a good advocate—hard work and practice. If you are not getting the practice, you will not be a good advocate. Unless those in the CPS get the opportunity to do as much practice as they can, they will not ever be as good as the self-employed Bar. Equally, not all of the self-employed Bar are very good. Anyone who has sat in court will recognise that there are some very good advocates, some who are competent and some who, frankly, are not very good. It comes with practice.

Q18 Chair: Do you think that too high a proportion of CPS lawyers' work is on guilty pleas?

Kevin McGinty: What I said about practice is true. Practice is not just taking guilty pleas through—it is taking trials through. Unless you have gone through the whole process of a trial, you are not going to be good at it. The difficulty that the CPS has if it is going to train up really good in-house advocates is to be able to give them an almost total diet of advocacy work. That is quite difficult to fit into the model that it currently has. I know that it is something the director is currently trying to address.

Q19 Chair: Can I turn to the Serious Fraud Office? Do you think that the inspectorate reports on the SFO up to now fairly reflect its level of performance?

Kevin McGinty: The history of inspection of the SFO has not been a particularly happy one to date. Under the last director, who initially welcomed a voluntary inspection by HMCPSP, there were later some difficulties in finding a time for that inspection that suited the SFO. At that time, it did not have the statutory power to go in.

I know that the current director would say that the follow-up inspection was perhaps done a little early. I still think that it provides a very solid basis that enables you to look at the work that the SFO is doing—in particular, to look at how it has changed under the current director and to see where the process is leading. The SFO has changed very significantly in the last three years, under the current director. The inspector has an important role, which is to assure you, this Committee, and the Attorney General that those changes are continuing, and continuing in the right direction.

Q20 Chair: Are the recommendations for change that the chief inspector has made where you think that the main improvements should lie?

Kevin McGinty: I think so. They are where the director thought that they lay, too. I do not believe that there was any dispute between the director and the chief inspector. The dispute, in so far as there was one, was about whether or not there had been sufficient time for the changes that the director had made to bed in, to show whether they were providing the changes that they were intended to bring. Mr Fuller accepts that they were the right changes to make and that they should provide the reassurance they were intended to. Quality assurance is very important within the SFO. That has been recognised. As you know, the current director changed things by bringing in Geoffrey Rivlin, a very experienced retired fraud judge, and a new general counsel. Quality assurance is key to what it is trying to do.

Q21 Chair: This Committee has shown some puzzlement—that is one way of putting it—at the funding model for the SFO, which consists of a relatively limited budget and then being bailed out when there are big, blockbuster cases or, indeed, catastrophic mistakes, as in the Tchenguiz case. What is your view of that funding model?

Kevin McGinty: Any lawyer will tell you that, if you can avoid going to court, you should. If you start going to court, you bear risks. Some of the risks are that the case will not go the way you want and you will end up having to pay costs. The SFO needs to bring prosecutions. David Green has made it clear that he wants to see more prosecutions than perhaps his predecessor did, but these are big, expensive cases. If they go wrong, the costs can be very significant.

There is a question as to whether you provide the SFO, which is quite a small organisation in Whitehall terms, with a budget that is large enough to take those sorts of knocks, or whether you provide it with that money when it actually needs it. I know that David Green would say that blockbuster funding is designed to give him the staff and resources that he needs for a specific case. There is no point in him having on his books at all times

specialists in, say, LIBOR matters, if he is going to use them only when he has a LIBOR case in front of him. That is the justification for that. Arguably, blockbuster funding is an efficient way of doing it, because it provides the funding for the cases that he takes. It allows him to bring in the staff he needs to do those cases efficiently, but it does not leave him in the future with a lot of staff he does not necessarily need or want.

Q22 John McDonnell: In your current role, did you advise on that funding level?

Kevin McGinty: No, not directly. I was aware of it. There are not many options in terms of funding for an organisation like the Serious Fraud Office. Either you give it a larger budget or, as the Treasury wanted to do, I think, you limit it to those cases that the director wants to bring. There is a logic to that, when you think about it. It is one that seems to suit the director currently. I am not sure that it is one that would necessarily work for the CPS.

Q23 John McDonnell: How do you control it, though? Is it a bottomless pit?

Kevin McGinty: I do not think that anyone would say that the Treasury is a bottomless pit.

Q24 John McDonnell: In terms of the individual case demands, is it that the SFO comes up with a demand for money and automatically gets it?

Kevin McGinty: No. The Treasury takes an interest in how that money is being spent. That is a role for the inspectorate, too, in due course. We have not developed that yet, but I can see it developing in the future. It is one of the key things about the inspectorate. If you take the example of the CPS for a moment, there are three things that you need to do. First, are you reaching the right decisions in terms of prosecutions? Secondly, are you keeping the promises that you have made? If you have a code for how you treat victims, are you following that code? Thirdly, are you doing the work as efficiently as you can? That is relevant to the point that you have just made about blockbuster funding.

Q25 John McDonnell: Can I come on to the operation of the inspectorate and the challenges for the future? What do you think about the performance of the inspectorate at the moment? Where do you think it needs to improve? How would you go about improving it?

Kevin McGinty: I always feel slightly uncomfortable about going into a job and having a vision of how things are going to change. I will want to get in there to see how it actually works before doing anything radical about it, if I ever want to do that. I will certainly want to build on the good work that the two inspectors, Stephen Wooler and Michael Fuller, have already done. I do not know to what extent I will be affected by resource reductions; obviously that will have an impact. I want to continue the work that Michael Fuller has done on getting the reports read by more people. I have to accept the fact that not many people are likely to be interested in the detail of an inspection report, but one can get them across.

I want to try to continue the good work that he has done with the staff within HMCPSI. The staff engagement result that he had—this was in a cross-Whitehall survey—was better than the result for the year before. It was 56%. That is nothing like the Attorney General's result, which is in the mid to high 70s and is the highest across Whitehall. There is always

scope for improvement. A happier staff is a more efficient staff, too. I have enjoyed all of the jobs that I have done and want other people to enjoy the work that they do. People should enjoy themselves and be proud of the work that they do. I want them to take ownership of the work that they do, too—to get them more engaged in what they are doing.

Q26 John McDonnell: That is all very meritorious. You have been close enough to the organisation. Be straight with us: what is one of the key things that need to be improved, just from what you know about the organisation at the moment?

Kevin McGinty: Staff morale needs to be improved.

John McDonnell: That is your key aspect of it.

Kevin McGinty: Both inspectors have done a good job of providing excellent reports over the last 10 years. There is more scope for joint inspections. If we are talking about making further savings in the criminal justice system, with agencies working together more closely, it necessarily follows that you will run joint inspections to work out what those agencies are doing together. I know that Michael Fuller has been leading on that. I will want to take that forward.

Q27 John McDonnell: I was going to come on to that. Now that you have raised it, what is your position on merging the inspectorates?

Kevin McGinty: Constitutionally, there are difficulties here. Absolutely key to our constitution is that there is no political interference in the decision whether or not to prosecute. There are few bodies that look at that particular decision. The courts, which are themselves independent, do. The Attorney General, who acts independently of Government, does. The inspectorates do. There will be dangers in having an inspectorate that looks at individual prosecutorial decisions, as the inspectorate does, and is answerable to a Minister who is not acting independently of Government. There is certainly scope for the sharing of services—there are probably savings to be made there—but I would be very uncomfortable with an inspectorate that was doing that work and was answerable to someone other than the Attorney General.

Q28 John McDonnell: What are the priority areas that you would identify for future inspection work?

Kevin McGinty: Because you have to allocate your resources in advance, the nature of the inspection process is that the inspection programme for next year has just been settled by the inspectorate. In terms of priority, there are a few things I have an interest in, particularly in terms of more joint inspections.

I went down to Bristol magistrates court about four weeks ago and sat at the back of the court. It was a domestic violence court. These were simple, straightforward common assault cases that had happened over the Christmas and new year period. They were cases that involved a victim, a defendant and, in some cases, a single witness. There were 14 cases on the list. Seven were dealt with in the morning, none of them conclusively, and the

trials went off to the period June-July. That cannot be right. That is not summary justice of any kind whatsoever. An inspection to see how that works, from investigation right up to the end of the process, is valuable.

I would also like to look at the data that the organisations keep. There is a row going on at the moment about the data that the CPS provides in relation to rape convictions. Part of that argument is based on the fact that the figures that the Courts Service keeps are quite different in nature from the way in which the CPS keeps its data. That is misleading and unhelpful for the public. How organisations go about the management of the figures that they keep bears some examination.

Q29 John McDonnell: Are those performance figures?

Kevin McGinty: Yes. As I understand it, the Ministry of Justice keeps figures on the basis that a case that is not concluded within a year is not a successful case. It is considered to be a failure. In fact, if it is a rape case, it may have gone on for the next 13 or 14 months and resulted in a conviction, so the figures are always slightly out. The CPS takes a different view. It is allocated as a rape case depending on what the allegation is, as opposed to what the charges turn out to be or what the charges the person is convicted on are. There is a mismatch of figures. That does not help public confidence in terms of whether they have been given the right information, which they can trust, about what these agencies are doing.

John McDonnell: On prosecution rates and so on.

Kevin McGinty: Sorry?

John McDonnell: It will mislead people on the basis of prosecution rates—successful prosecutions and so on.

Kevin McGinty: Yes. I am not saying that there is an attempt by any organisation to mislead the public, but it is difficult to explain because the figures are kept differently. The only figures we can rely on, technically, are those from the Office for National Statistics. As you know, it takes a very careful approach to these things—rightly so—and they are always a year or two out of date. Quite rightly, politicians and the media want to have information about what is happening now.

Q30 John McDonnell: You are coming into the job. What challenges do you think you will be facing, and how are you going to tackle them?

Kevin McGinty: Sorry, what are the—

John McDonnell: What are the challenges? You are going to come into this job and be faced with a whole range of issues. What are you going to do about it?

Kevin McGinty: I have to repeat exactly what Michael Fuller said at his pre-appointment hearing back in 2010. It is resources. I will repeat what he said, but I think we are perhaps more fortunate than the CPS and SFO in that we have some sort of control over the work we do. We do not have to take on inspections if we do not have the resources to do it, but

the inspectorate plays an important role in maintaining public confidence. It also gives the Attorney General the raw data and also you and Parliament the material you need to hold these organisations to account, which is part of an important democratic function.

Q31 John McDonnell: But you are an insider and that is going on the outside, is it not? Are you going to be able to stand up to the Attorney General and say these resources are needed?

Kevin McGinty: Having worked for seven Attorneys General and nine Solicitors General, I am not going to be in awe of an Attorney General; I am respectful. I think I can do that.

Q32 John Howell: Can I go back to the comment you made about maintaining political independence and pick up the point that has just been made? As an insider within the Attorney General's Office, how are you going to ensure that you do have that independence from political or other pressures?

Kevin McGinty: Independence is one of those things about which there are a number of misconceptions, particularly as to what impacts on independence and what does not. If you take the example of the Attorney General himself, not necessarily this one but any Attorney General, he is a member of his party; he is a Government Minister who is appointed by the Prime Minister, and can be and sometimes is sacked by the Prime Minister. The Attorney General is someone who usually has a political ambition for ministerial office after being Attorney General, yet it is essential to his functions that he acts independently of Government. That should not work but it does. Of all the Attorneys General I have worked with, they have taken an almost perverse pride in their independence. That has been documented to some extent.

Last year it was either my misfortune or fortune to be involved in the whole "on-the-runs" issue, which your colleagues on the Northern Ireland Affairs Committee are looking at and are expected to report on soon. Lady Justice Hallett looked at that. What she talked about in the middle of a report,³ which some criticise as being a slightly murky process, was the integrity with which prosecutors and the Attorney General's Office worked, and their absolute resistance to any pressure from outside to give a favourable rather than lawful result. Similarly, the Director of Public Prosecutions, the director of the SFO and chief inspector are independent but they are subject to the superintendence of the Attorney General.

John Howell: Presumably, you have a close working relationship with both of those organisations.

Kevin McGinty: Yes.

Q33 John Howell: How is that going to change with your new role?

Kevin McGinty: Not that much. It depends on what you think my current role is. My role currently is not to support the CPS or SFO. It is for them to make their case to the Attorney General as to whether they are doing their job correctly. My job effectively is to challenge them to ensure that what they are actually doing and providing by way of

³ *Note from witness:* Lady Justice Hallett spoke of this when describing the OTR scheme.

information is accurate and correct, and they are exploring those areas that the Attorney General ought to be aware of. The Attorney General is responsible to Parliament. I do not suggest that the CPS or SFO would ever deliberately mislead the Attorney General; they do not, but he cannot afford not to know of problems they are actually facing. My function and that of my colleagues in the office is to ensure that the CPS and SFO are providing the information that the Attorney General needs. It is not that dissimilar, save that I will be reaching decisions myself, as opposed to giving advice to the Attorney General.

Q34 John Howell: Do you have experience of handling the media?

Kevin McGinty: A little but not much, I have to say.

Q35 John Howell: How is that going to relate to your role in promoting public understanding of, or confidence in, the prosecution service?

Kevin McGinty: I think there are a number of ways of doing that and feeding that information up. The office currently has a press office, and no doubt I will be advised accordingly as to what I should and should not do. I am not keen on developing a personal profile in this role; I am not entirely sure that is necessary, but I understand that an important aspect of this role is to ensure that this message gets out to as many people as possible, and whatever I have to do I will do. It is unusual for a barrister not to want to take the opportunity to talk about himself; so, provided it is channelled properly, it may work. I do not know.

Q36 John Howell: We will forgive you that. Can I move on to your relationship with this Committee? How do you see that relationship developing?

Kevin McGinty: Going back for a moment to independence, independence does not mean that you act in isolation; it does not mean to say you are not accountable. Government have a proper interest in what prosecutors do. It is Governments who are responsible to the electorate for maintaining law and order and will get voted out or in, according to their record. They also have an interest in the money spent by prosecutors to ensure there is good value for money, but Parliament also has an interest. That is shown in a number of ways. It is shown through challenging the Attorney General on the Floor of the House and through PQs, but it is also through Committees such as these. You have regularly taken evidence from the director of the SFO and the Director of Public Prosecutions. No one would ever suggest that undermines their independence. I would like to think I would have exactly the same relationship with this Committee that either of the directors would, and I would be very willing to come and assist you in any way I can. I think that is part of the democratic process and part of the process by which you hold, as you are required to, these organisations to account, and my organisation if I get the job.

Q37 Chair: We would say it enhances their independence, because issues raised with us can be dealt with by the Committee in a non-partisan format. The Committee would take a close interest in any suggestion that the office holder, whether it be this or any other inspector, was being leaned on by the Department. You will not be surprised that we have also questioned

things that might in any way compromise independence. The Attorney General's Department, as you said earlier, is a very small one. You must know personally every single person in it.

Kevin McGinty: Absolutely. I sit down to talk to every one of them during the course of a week.

Q38 Chair: But, sooner or later, as inspector, you may have to say that the Department was unhelpful over some matter that the CPS was trying to do, or that the block to the CPS achieving improvement lay in the Department. These are people you know and have worked with. Is this not a problem for someone coming from the inside track?

Kevin McGinty: I would hope we would never get to that stage because these are evidence-based inspections. You should be able to rely on the evidence you have been able to bring together, but my experience, particularly in Northern Ireland, is that you do what is right. It does not matter if it causes difficulty at the time. If you do what you think is right at the time, personally you can live with the consequences. Obviously, I would not want to have a row with my old Department—who would?—but if that's what you have to do, then that's what you have to do. If that is what has to go into the report, that is what will go into the report.

Q39 Chair: What led you to change your view and become an applicant for the post? When the first process was going on you had chosen not to apply for it, and at the second stage you thought, "I think I will go for it." Did somebody ask you or encourage you to apply?

Kevin McGinty: Honestly, I had not really thought about it the first time round. I was doing my job. Part of my job was to start off this competition. I started it. It was during the course of that, in part talking to people who rang me up for an insight into how the office worked, that I recognised I was interested, and when the opportunity arose thereafter I gave it a lot of careful thought and decided to apply.

Chair: Thank you very much, Mr McGinty. What will happen now is that we as a Committee will meet privately and discuss what view we want to take and what comment we might want to make. If there are issues we want to raise, it might take the form of our first communicating with the Attorney General. It might be next week when we issue a formal report, but all will happen in a short time scale.

Kevin McGinty: Thank you very much.

Chair: Thank you for your assistance.

Kevin McGinty: I also thank the Clerk to the Committee, who was very helpful in preparing me for this process. Thank you very much.

Chair: Thank you. That ends the public session of the Committee.

Oral evidence: Pre-appointment scrutiny hearing for HM Chief Inspector of the Crown Prosecution