



House of Commons  
Justice Committee

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# Appointment of the Chair of the Judicial Appointments Commission

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**Sixth Report of Session 2022–23**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 6 December 2022*

## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

### Current membership

Sir Robert Neill MP (*Conservative, Bromley and Chislehurst*) (Chair)

Rob Butler MP (*Conservative, Aylesbury*)

Angela Crawley MP (*Scottish National Party, Lanark and Hamilton East*)

Janet Daby MP (*Labour, Lewisham East*)

James Daly MP (*Conservative, Bury North*)

Maria Eagle MP (*Labour, Garston and Halewood*)

Kate Hollern MP (*Labour, Blackburn*)

Paul Maynard MP (*Conservative, Blackpool North and Cleveleys*)

Dr Kieran Mullan MP (*Conservative, Crewe and Nantwich*)

Edward Timpson MP (*Conservative, Eddisbury*)

Karl Turner MP (*Labour, Kingston upon Hull East*)

### Powers

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/justicecttee](http://www.parliament.uk/justicecttee) and in print by Order of the House.

### Committee staff

The current staff of the Committee are Robert Cope (Clerk), Philip Jones (Second Clerk), Anna Kennedy-O'Brien (Committee Specialist), Tanya Lightfoot-Taylor (Committee Specialist), Su Panchanathan (Committee Operations Officer), George Perry (Committee Media Officer), Jack Simson Caird (Deputy Counsel), and Melissa Walker (Committee Operations Manager).

### Contacts

All correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8196; the Committee's email address is [justicecom@parliament.uk](mailto:justicecom@parliament.uk). You can follow the Committee on Twitter using @CommonsJustice.

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# Appointment of the Chair of the Judicial Appointments Commission

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## Pre-appointment hearings

1. Pre-appointment scrutiny hearings by select committees for certain ministerial appointments were introduced in 2008. Select committee pre-appointment hearings provide opportunity for:

- scrutiny of the quality of ministerial decision-making;
- providing public reassurance, in addition to the processes of the Office for the Commissioner of Public Appointments, that those appointed to key public offices have been selected on merit;
- providing public evidence of the independence of mind of the candidate;
- enhancing the appointee's legitimacy in undertaking his or her function, including providing the public with an insight into the candidate's views on the policy issues related to the role.

There are seven ministerial appointments in relation to which the Justice Committee may undertake formal pre-appointment scrutiny. Six of these are appointments by the Secretary of State for Justice: HM Chief Inspector of Prisons; HM Chief Inspector of Probation; the Prisons and Probation Ombudsman; the Chair of the Judicial Appointments Commission; the Chair of the Independent Monitoring Authority; and the Chair of the Office for Legal Complaints. The seventh is an appointment by the Attorney General: HM Chief Inspector of the Crown Prosecution Service.

## Judicial Appointments Commission

2. The Judicial Appointments Commission (JAC) was created on 3 April 2006, under the provisions of the Constitutional Reform Act 2005. The JAC is a Non-Departmental Public Body, sponsored by the Ministry of Justice. Its remit is to recommend for appointment candidates for judicial office in courts and tribunals in England and Wales up to and including the High Court, and for some tribunals with a UK-wide jurisdiction.<sup>1</sup> The JAC also provides administrative support for the most senior judicial appointments and, at the request of the Lord Chancellor, may participate in those processes. The JAC does not select magistrates or judicial office-holders for the UK Supreme Court but in the case of the latter, the Chair of the JAC sits on the selection panel.

3. Under the Judicial Appointments Regulations 2013 the Lord Chancellor has three options when a recommendation has been made by the JAC: he can accept the recommendation, reject the recommendation if he considers the candidate is unsuitable, or require the Commission to reconsider its recommendation if he considers that there is either insufficient evidence that the candidate is suitable or evidence that the person is not the best candidate on merit. The Lord Chancellor must give the JAC in writing his reasons for rejecting or requiring reconsideration of an appointment.

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<sup>1</sup> Constitutional Reform Act 2005, Schedule 14

4. The JAC is responsible for designing, planning and conducting recruitment campaigns. Section 63 of the Constitutional Reform Act 2005 provides that any selection made by the JAC or one of its panels must be made on merit and be persons of good character. Where two or more candidates in a selection exercise are judged as being of equal merit, the JAC can give priority to one or more candidates from underrepresented groups through its equal merit approach.

5. The JAC has made progress in improving the diversity of the judiciary since its establishment. Lord Kakkar, the outgoing Chair of the JAC told the Justice Committee during his reappointment hearing that:

Since the JAC was established, 16% of applicants and 11% of recommendations have been from minority communities. In the eight-year period prior to the establishment of the JAC, those figures were 3.5% and 4% respectively.<sup>2</sup>

6. However, more work is required. The most recent statistics were published in July 2022. They show that there continues to be a statistically significant difference in outcomes from legal recruitment exercises between ethnic minority and white candidates, and for solicitor candidates compared with barristers. The disparity in outcomes for ethnic minority candidates is not seen in non-legal tribunal member recruitment. Gender and ethnic diversity is much lower in the senior levels of the legal professions and the judiciary. There has been a reduction in the proportion of judges that have a solicitor background and no evidence of recent change in the proportion of black and other minority ethnic judges.<sup>3</sup>

7. The JAC has also had difficulty in filling recent recruitment rounds. The Ministry of Justice plans for 1,000 new judges to be recruited in 2022–23 across all jurisdictions. This will include 80 circuit judges and 125 recorders. However, while the number of recorders selected in the 2019 and 2020 recruitment rounds exceeded targets, the recent recruitment campaigns for Crown Court judges have not filled their quota. The 2020 circuit judge competition sought 63 judges and appointed 53. The vacancy request in the most recent circuit judge exercise was 78. The JAC received 224 applications and made 62 recommendations. The vacancy request in the most recent district judge exercise was 100. The JAC received 247 applications and made 67 recommendations.<sup>4</sup>

## The role of the Chair of the Judicial Appointments Commission

8. The Chair of the Judicial Appointments Commission is a Royal appointment subject to the Constitutional Reform Act 2005 and the Judicial Appointments Commission Regulations 2013. According to the MoJ's role and person specification, the Chair:

- Must be a lay member;
- Must be a person resident in England or Wales who has never held any judicial office;
- Cannot have ever been a practising lawyer; and

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2 Oral evidence given by Lord Kakkar to the Justice Committee, 29 June 2021

3 [https://judicialappointments.gov.uk/wp-content/uploads/2022/07/20220714-JDF-Statement-to-Accompany-Publication-of-Diversity-of-Judiciary-Report-2022.final\\_.pdf](https://judicialappointments.gov.uk/wp-content/uploads/2022/07/20220714-JDF-Statement-to-Accompany-Publication-of-Diversity-of-Judiciary-Report-2022.final_.pdf)

4 Law Society Gazette, LCJ 'remains concerned' about judicial recruitment, 12 October 2022

- Cannot be employed in the Civil Service of the State.

The Chair is expected to:

- Uphold the principles of judicial independence and the recruitment, on merit, of a high-calibre, diverse judiciary on the basis of fair and open competition;
- Lead, manage, motivate, and appraise Commissioners;
- Oversee the implementation of the Commission's strategy and priorities;
- Develop and maintain an effective partnership with the Chief Executive to ensure the delivery of the Commission's strategy and priorities including a high volume of judicial appointment recruitment exercises;
- Establish strong and constructive working relationships with the judiciary, the Lord Chancellor, Parliament, senior civil servants, the legal profession and other key stakeholders;
- Sit on selection panels for the most senior and/or sensitive appointments alongside other Commissioners;
- Be the public face of the Commission, promoting and acting as an ambassador for its work and the rule of law; playing a leading role in cooperation with the Lord Chief Justice and Lord Chancellor and other partners, including the Judicial Diversity Forum, in securing a more diverse judiciary;
- Support the recruitment, by the Ministry of Justice, of Commissioners and to ensure that each is fully inducted and appraised.

The eligibility requirements for the role are:

- Personal integrity, sound judgement, discretion, strong communication skills and a personal style that demonstrates authority, trust and humility;
- An appreciation of the importance of the judiciary, its constitutional position, relationship with other branches of Government, and independence and that of the JAC;
- A commitment to recruitment on merit and on the basis of fair and open competition, working with the Lord Chief Justice and the Lord Chancellor as each discharges their statutory duty to encourage judicial diversity;
- The ability to chair Boards and effectively handle the relationship between the Board and the Executive, including experience of working within significant budgetary constraints to deliver value for money;
- Outstanding leadership skills and experience to sustain and develop effective relationships, manage due corporate governance aspects and guide the Commission through challenges;
- The ability to provide proportionate and practical solutions which withstand public scrutiny;

- Substantial current understanding and/or experience of making senior appointments including an appreciation of the need for diversity, whilst maintaining merit, alongside the value of outreach and technology; and
- Experience or understanding or working with Government.

The job description states that experience or understanding of working with the media is desirable.

9. The job specification states:

This is both an exciting and challenging time to join the Commission. Demand for judicial appointment recommendations will remain exceptionally high over the next few years as courts and tribunals seek to recover from the pandemic. The Commission will also seek to build on innovation, developed during the pandemic, to enhance digital tools that will support its increasing workload. The Commission's work with the Judicial Diversity Forum and its work in developing targeted outreach seeks to support a wider more diverse range of people to apply for judicial appointments.

The remuneration for the post is £577 per day and the time requirements are two days a week. The Chair will head an organisation of approximately 90 staff. The appointment is for three years.

## The recruitment process

10. The Lord Chancellor wrote to us on 1 August 2022 to update us on plans for the recruitment of the Chair of the JAC. The letter stated that the Lord Chancellor proposed to offer an extension to the current chair, Lord Kakkar, until 31 December 2022, by when he expected to conclude the campaign for his successor.<sup>5</sup> The campaign was launched on 16 August 2022 and the interviews took place on 13 October 2022. The Lord Chancellor confirmed to us that the appointments process was run in accordance with the Judicial Appointments Commission Regulations 2013, and that Ms Helen Pitcher OBE was selected by a panel chaired by Lord Bew, accompanied by The Rt Hon Lord Burnett of Maldon the Lord Chief Justice, and The Rt Hon Baroness Stuart of Edgbaston. Twenty people applied for the role—61% white, 33% ethnic minority, 6% undeclared; and 61% male, 33% female and 6% undeclared. Four people were interviewed.

## Helen Pitcher OBE, the preferred candidate

11. The Lord Chancellor informed us on 28 November 2022 that Helen Pitcher OBE is the preferred candidate for appointment to the role of Chair of the Judicial Appointments Commission. The Lord Chancellor cited Ms Pitcher's "wealth of experience in relevant non-executive and executive roles, including her current role as Chair of the Criminal Cases Review Commission and as former Chair of the Queen's Counsel Selection Panel".<sup>6</sup> A copy of Ms Pitcher's CV is set out in the appendix to this report. No relevant interests or political activity have been declared by Ms Pitcher.

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5 Letter of 1 August 2022 from the Lord Chancellor to the Chair of the Committee

6 Letter of 28 November 2022 from the Lord Chancellor to the Chair of the Committee



12. During the hearing we questioned Ms Pitcher on her understanding of the role of the Judicial Appointments Commission and the context in which it operates; her ability to fulfil the demands of the post while maintaining other professional interests and whether the time allocated to the role by the Ministry of Justice is adequate; her experience of managing an organisation subject to public sector budgetary restraints; and her ability to lead an organisation effectively and to work alongside other commissioners and a chief executive. We also discussed her priorities for her tenure as Chair, and questioned her on how she plans to meet the high demand for judicial appointment and the challenges in fulfilling recruitment rounds and increasing diversity within the judiciary. We found her answers to be considered, that she had an acute awareness of the environment in which she would be operating and we were reassured by the experience that she would be bringing to the role and her willingness to dedicate such time as is necessary to fulfil all facets of the role.

**13. We agree with the selection board that Helen Pitcher OBE meets the criteria for the position of Chair of the Judicial Appointments Commission and is appointable. We wish her well in the role. We also wish to take the opportunity to place on record our thanks to the outgoing Chair, Lord Kakkar, for his service in the position over the last six years.**

## Appendix: Helen Pitcher OBE - Curriculum vitae

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### **CHAIR - PUBLIC CHAIRS FORUM - 2021 – present**

Founded in 2007, Public Chairs' Forum (PCF) is a unique membership network, exclusive to Chairs of Public Bodies.

### **SENIOR INDEPENDENT DIRECTOR - ONE HEALTH GROUP Ltd - 2019 – present**

A team of specialist Surgeons and healthcare managers working together to provide the best possible diagnosis and treatment for patients, working in conjunction with the NHS since 2004.

### **NON-EXECUTIVE DIRECTOR (NED) - C AND C GROUP PLC - 2019 - present**

A global branded drinks business and 'final mile' distributor. On appointment to the PLC Board, assumed Chairmanship of the Remuneration Committee. Also, a member of the Nominations Committee and the Environment, Social and Government Committee.

### **NED - UB UK (part of YILDZ HOLDINGS) - 2019 - present**

A £2.8bn global manufacturer and distributor of leading biscuit and chocolate brands including McVitie's, Penguin, Jacobs, Godiva etc.

### **CHAIRMAN – CRIMINAL CASES REVIEW COMMISSION (CCRC) - 2018 - present**

Overseeing the performance of the Board and Commission; liaising with MoJ and other stakeholders, Focus of the Commission is to review cases to consider whether these might be referred to the Court of Appeal if the CCRC believes that a case meets the 'reasonable possibility test'.

### **CHAIRMAN - ADVANCED BOARDROOM EXCELLENCE Ltd - 2013 - present**

A leading board effectiveness consultancy offering a full range of boardroom services with an emphasis on excellence, creativity and action focused solutions which support and make a real difference to clients.

### **CHAIRMAN – PLADIS GLOBAL ADVISORY BOARD (part of YILDZ HOLDINGS) - 2015 – 2019.**

£2.8bn turnover division of Yildz Holdings, manufacturing and selling sweet and savoury biscuits e.g. Jacobs, Carrs, Hobnobs, McVities, Penguin, Godiva. Chair of Remuneration Committee.

### **CHAIRMAN – QUEEN'S COUNSEL SELECTION PANEL - 2009 - 2017**

Joined as a panel member, in 2009, and became Chairman in 2011. Outcomes include: increased diversity of those recommended for appointment; improved the quality of feedback and the design and implementation of an appraisal process for all panel members and the CEO.

**DIRECTOR - SAVILE GROUP PLC - 2008 - 2013**

An Alternative Investment Market (AIM) listed Human Capital Group, comprising of Fairplace, CEDAR TM, CMC and IDDAS (now owned by Adecco Group). Responsible for Group level strategy, acquisitions and key commercial relationships.

**CHAIRMAN - IDDAS (Part of the Savile Group) - 2008 - 2013**

Provided experience-based Board Effectiveness, Mentoring, Coaching, Leadership Facilitation, Executive Assessment and Advisory Services to assist Board Directors and Senior Executives supporting their business and career transitions.

**CHAIRMAN AND CEO - CEDAR TM Ltd - 1990 - 2007**

(Part of the Savile Group from 2007). Specialist Human Resource Consultancy with a multi-million turnover, 45 full-time and circa 37 part-time employees.

# Formal minutes

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**Tuesday 6 December 2022**

**Members present:**

Sir Robert Neill, in the Chair

Maria Eagle

Edward Timpson

Karl Turner

The following declarations of interest to the inquiry were made.<sup>7</sup>

Draft Report (*Appointment of the Chair of the Judicial Appointments Commission*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 13 read and agreed to.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

[Adjourned till Tuesday 13 December 2022 at 2.00 pm

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<sup>7</sup> For a full record of interests in relation to this inquiry see the formal minutes for the inquiry pertaining to the meeting on 6 December 2022.

## Witness

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The following witness gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

**Tuesday 6 December 2022**

**Helen Pitcher OBE**

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

### Session 2022–23

Number	Title	Reference
1st	Women in Prison	HC 265
2nd	Pre-legislative scrutiny of the draft Victims Bill	HC 304
3rd	IPP sentences	HC 266
4th	Fraud and the Justice System	HC 12
5th	Open justice: court reporting in the digital age	HC 339
1st Special	Court capacity: Government Response to the Committee's Sixth Report of Session 2021–22	HC 548
2nd Special	Covid-19 and the criminal law: Government Response to the Committee's Fourth Report of Session 2021–22	HC 644
3rd Special	The Future of Legal Aid: Updated Government Response to the Committee's Third Report of Session 2021–22	HC 698
4th Special	Women in Prison: Government Response to the Committee's First Report	HC 802

### Session 2021–22

Number	Title	Reference
1st	The Coroner Service	HC 68
2nd	Rainsbrook Secure Training Centre	HC 247
3rd	The Future of Legal Aid	HC 70
4th	Covid-19 and the criminal law	HC 71
5th	Mental health in prison	HC 72
6th	Court capacity	HC 69
1st Special	The future of the Probation Service: Government Response to the Committee's 18th Report of 2019–21	HC 475
2nd Special	Rainsbrook Secure Training Centre: Government Response to the Committee's Second Report of 2021–22	HC 565
3rd Special	The Coroner Service: Government Response to the Committee's First Report	HC 675
4th Special	The Future of Legal Aid: Government Response to the Committee's Third Report	HC 843
5th Special	Mental health in prison: Government Response to the Committee's Fifth Report	HC 1117

**Session 2019–21**

<b>Number</b>	<b>Title</b>	<b>Reference</b>
1st	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd	Coronavirus (COVID-19): The impact on probation services	HC 461
4th	Coronavirus (Covid-19): The impact on prisons	HC 299
5th	Ageing prison population	HC 304
6th	Coronavirus (COVID-19): The impact on courts	HC 519
7th	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th	Appointment of HM Chief Inspector of Prisons	HC 750
9th	Private prosecutions: safeguards	HC 497
10th	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th	Sentencing Council consultation on the assault offences guideline	HC 921
12th	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
14th	Appointment of the Chair of the Independent Monitoring Authority	HC 954
15th	Appointment of the Chief Inspector of the Crown Prosecution Service	HC 955
16th	Children and young people in custody	HC 922
17th	Rainsbrook Secure Training Centre	HC 1266
18th	The future of the Probation Service	HC 285
1st Special	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
2nd Special	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
3rd Special	Transforming Rehabilitation: Followup: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152
4th Special	Coronavirus (COVID-19): The impact on probation systems: Government Response to the Committee's Third Report	HC 826
5th Special	Coronavirus (Covid 19): The impact on the legal professions in England and Wales: Government Response to the Committee's Seventh Report	HC 898
6th Special	Ageing prison population: Government Response to the Committee's Fifth Report	HC 976

<b>Number</b>	<b>Title</b>	<b>Reference</b>
7th Special	Court and Tribunal reforms: Further Government response to the Committee's Second Report of Session 2019 and Coronavirus (Covid-19): The impact on courts: Government response to the Committee's Sixth Report of Session 2019–21	HC 1008
8th Special	Coronavirus (Covid-19): The impact on prisons: Government Response to the Committee's Fourth Report of Session 2019–21	HC 1065
9th Special	Children and Young People in Custody (Part 1): Entry into the youth justice system: Government Response to Committee's Twelfth Report of Session 2019–21	HC 1185
10th Special	Private prosecutions: safeguards: Government Response to the Committee's Ninth Report	HC 1238
11th Special	Children and Young People in Custody (Part 2): The Youth Secure Estate and Resettlement: Government Response to the Committee's Sixteenth Report of Session 2019–21	HC 1357