House of Commons
Justice Committee

Appointment of HM Chief Inspector of the Crown Prosecution Service

Eleventh Report of Session 2014–15

Report, together with formal minutes

Ordered by the House of Commons
to be printed 11 March 2015
The 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

Rt Hon Sir Alan Beith (Liberal Democrat, Berwick-upon-Tweed) (Chair)
Steve Brine (Conservative, Winchester)
Rehman Chishti (Conservative, Gillingham and Rainham)
Christopher Chope (Conservative, Christchurch)
Jeremy Corbyn (Labour, Islington North)
John Cryer (Labour, Leyton and Wanstead)
Nick de Bois (Conservative, Enfield North)
John Howell (Conservative, Henley)
Rt Hon Elfyn Llwyd (Plaid Cymru, Dwyfor Meirionnydd)
Andy McDonald (Labour, Middlesbrough)
John McDonnell (Labour, Hayes and Harlington)
Yasmin Qureshi (Labour, Bolton South East)

The following Members were also members of the Committee during the Parliament:

Mr Robert Buckland (Conservative, South Swindon); Christopher Evans (Labour/Co-operative, Islwyn); Mrs Helen Grant (Conservative, Maidstone and The Weald); Ben Gummer (Conservative, Ipswich); Mrs Siân C James (Labour, Swansea East); Gareth Johnson (Conservative, Dartford); Jessica Lee (Conservative, Erewash); Seema Malhotra (Labour/Co-operative, Feltham and Heston) Robert Neill (Conservative, Bromley and Chislehurst); Claire Perry (Conservative, Devizes); Mrs Linda Riordan (Labour/Co-operative, Halifax), Anna Soubry (Conservative, Broxtowe); Graham Stringer (Labour, Blackley and Broughton); Elizabeth Truss (Conservative, South West Norfolk), Karl Turner (Labour, Kingston upon Hull East), and Mike Weatherley (Conservative, Hove).

Powers

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.

Publication

Committee reports are published on the Committee’s website at www.parliament.uk/justicecttee and by The Stationery Office by Order of the House.

Committee staff

The current staff of the Committee are Nick Walker (Clerk), Daniel Whitford (Second Clerk), Gemma Buckland (Senior Committee Specialist), Hannah Stewart (Committee Legal Specialist), Ana Ferreira (Senior Committee Assistant), Ellen Bloss (Committee Support Assistant), Conor Johnson (Sandwich Student), and Liz Parratt (Committee Media Officer).

Contacts

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1 **Introduction**

1. The term in office of the incumbent Chief Inspector of the Crown Prosecution Service, Mr Michael Fuller, concludes at the end of March 2015, and the Attorney General’s Office (AGO), after consulting us, began a recruitment process for the next Chief Inspector in September 2014. On 3 December 2014 the Attorney General, Rt Hon Jeremy Wright MP, wrote to us to say that the process had produced no preferred candidate for him to put forward, and that the competition would be rerun. On 3 March 2015 he wrote to us following this second recruitment process to say that his preferred candidate was Mr Kevin McGinty. With his letter the Attorney General enclosed a copy of the candidates’ pack, Mr McGinty’s c.v., and a briefing for the Committee. We append all this material to this Report, without Mr McGinty’s personal contact details. The Attorney General’s Office also informed us that Mr McGinty had not declared any conflict of interest which might affect his appointment to the position of Chief Inspector.

2. In accordance with standard procedures, we held a pre-appointment scrutiny hearing with Mr McGinty on 11 March. The transcript of that hearing is published on our webpages. The conclusion of this Report sets out our view of Mr McGinty’s suitability for the post, on the basis of the information available to us.

3. The post of Chief Inspector of the CPS is one of seven which fall within the remit of the Justice Committee. In 2010 we held a pre-appointment scrutiny hearing with Mr Fuller, and endorsed his suitability for appointment. In relation to this appointment process, we held an evidence session with Mr Fuller the week before the pre-appointment hearing with Mr McGinty: this session could be described as an exit interview, with the additional purpose of obtaining Mr Fuller’s view on issues which would need to be dealt with by his successor. We wish to place on record our appreciation for the very good work which Mr Fuller has done during his time in post.

4. In the next section of this Report we first set out the background to the Inspectorate and the role of the Chief Inspector, and explain the recruitment process.

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1 Appendices 1 to 4.

2 HM Chief Inspector of the Crown Prosecution Service

The CPS and HMCPSI

5. The CPS was established in 1986, under the Prosecution of Offences Act 1985, and the way in which it undertakes its role is governed by two key documents: the Code for Crown Prosecutors and the service’s Casework Quality Standards. The CPS is the principal prosecuting authority for England and Wales, acting independently in criminal cases investigated by the police and others. The CPS advises the police in the conduct of investigations, decides whether cases should be prosecuted, and in complex or serious cases determines the charges to be brought. It prepares cases and presents them in court, using in-house advocates and members of the independent criminal bar, and it provides information and assistance to victims and prosecution witnesses.

6. In 1995 a body was established as an internal quality assurance unit within the CPS. The Crown Prosecution Service Inspectorate was constituted as an independent statutory body on 1 October 2000 following recommendations from Sir Iain Glidewell’s review of the Crown Prosecution Service as a whole. The Crown Prosecution Service Inspectorate Act 2000 gives the Chief Inspector the functions of inspecting the CPS, reporting on any matter to do with the performance of the CPS referred to him by the Attorney General, and reporting annually to the Attorney General on the operation of the Service. The Inspectorate also inspects the Public Prosecution Service of Northern Ireland under the powers delegated by the Chief Inspector of Criminal Justice Inspection Northern Ireland. Since May 2014, the HMCPSI has also had the right to inspect the Serious Fraud Office, under the Anti-social Behaviour, Crime and Policing Act 2014. The inspection work which it undertook before that date on the SFO was by invitation.

7. HMCPSI’s purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services through the process of inspection, evaluation and identification of good practice. The Inspectorate produces reports with its findings and recommendations. HMCPSI routinely undertakes inspections and follow-up inspections of the performance of CPS Areas, some of them focusing on particular aspects of the CPS’s work in those areas, such as the way they handle victims and witnesses. In addition it undertakes a range of thematic inspections, some jointly with other criminal justice inspectorates. It also advises the Director of Public Prosecutions on the performance of each CPS Area, headquarters’ directorates and of the CPS as a whole in relation to these issues. The Inspectorate has about 30 staff in offices in London and York, and had expenditure of just over £2.5 million in 2013/14.

The Chief Inspector

8. HM Chief Inspector of the Crown Prosecution Service is an independent statutory office-holder reporting to the Attorney General as the Minister responsible for superintendence of the Crown Prosecution Service. The candidates’ pack for the current recruitment describes the role as follows:
The Chief Inspector is responsible for delivering and developing inspection programmes and methodology against which CPS and SFO are inspected. The Chief Inspector is actively engaged in leading the day to day inspection process and needs a comprehensive understanding of how inspection works and what both good and poor services mean for the public. This will need to be delivered in the context of reducing resources and the reports will need to help the CPS and SFO in taking forward new ways of working in a positive way.

This appointment is to be for a fixed term contract of four years, at a salary of £120,000 per annum.

**The recruitment process**

9. In September 2014 the Attorney General consulted us on the job advertisement for the recruitment process. We replied suggesting further emphasis be given to five areas where it seemed to us a Chief Inspector would need to demonstrate ability –

- managing finances and resources at a time of budget constraints
- engaging successfully with key stakeholders
- maintaining independence
- observing the principles and practice of natural justice and diversity
- willingness and ability to follow up recommendations to foster continuous improvement.

The essential criteria published in relation to the second running of the competition, which began in December 2014, reflected, to some degree, each of these suggestions, except that no explicit reference was made to the ability to maintain independence. We were pleased to hear Mr Fuller tell us that in his time in the post his operational judgment had not been challenged or questioned by the Law Officers, even though he saw his role as often bringing bad news to Ministers, which can be unwelcome to them. For this post, as for other Chief Inspector posts within the criminal justice system, we consider that an essential criterion which candidates should be able to demonstrate they meet is the ability to withstand any political pressures on them to change the conclusions which they draw from their inspection work.

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3 Appendix 2.
4 Qq 21 and 23, HC 1100
3 The candidate

11. The Attorney General’s preferred candidate, Mr Kevin McGinty, is currently Deputy Legal Secretary and Director (Operations) in the AGO. As will be seen from Mr McGinty’s c.v., he has had a long career in the Office, including a period of 14 years advising the Attorney General in his role as Attorney General for Northern Ireland. In his early career, Mr McGinty spent five years as a practising member of the Bar and four years as a Principal Crown Prosecutor in fraud cases.

12. At the pre-appointment hearing we asked Mr McGinty about a wide range of matters bearing on his suitability for the post, including on the challenges facing the Inspectorate, the CPS and the SFO. He gave considered and knowledgeable responses on all these points. He also showed a good understanding of the role of Chief Inspector, and the relationships which it involves with our Committee, Parliament, the Attorney General’s Office, the prosecution services, and other stakeholders.

13. An unusual and potentially troubling feature of this appointment is the fact that Mr McGinty, as a senior official in the Attorney General’s Office, had an involvement in the arrangements for the first recruitment process, which did not produce a preferred candidate. He was involved in initial discussions about the process and was the Department’s contact point for candidates to ask for further information about the role. We needed to be confident there could be no question of Mr McGinty having been able to influence the outcome of the first process to enable him to put his name forward as part of a re-run recruitment. On the basis of what Mr McGinty told us, we are fully satisfied, first, that he had no influence on the outcome of the first recruitment and, secondly, that he did not in any case form an intention to apply for the post until after that outcome had occurred. Mr McGinty pointed out that the process had taken place under the auspices of the Commissioner for Public Appointments, and with a strong and independent appointment panel.

14. We asked Mr McGinty more generally whether his longstanding career in the Attorney General’s Office, which has included responsibility for superintendence of the CPS and the SFO, could lead to a perception that, if appointed, he might be unwilling to assert his independence or challenge his former colleagues or those in the prosecution services with whom he had had extensive professional contact. We were again satisfied by Mr McGinty’s responses on these points.

Conclusion

15. We conclude that Mr McGinty is fully suitable to be appointed as HM Chief Inspector of the Crown Prosecution Service, and we wish him well in carrying out his responsibilities.
Appointment of HM Chief Inspector of the Crown Prosecution Service

Appendix 1

Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, from Rt Hon Jeremy Wright QC MP, Attorney General, 9 September 2014

The recruitment of a Chief Inspector for Her Majesty’s Crown Prosecution Inspectorate (HMCPSI)

The contract of the current Chief Inspector of HMCPSI ends at the end of March 2015. As you are aware, this is a public appointment. I enclose a draft advert for you to consider. I would be grateful for your thoughts on the advert and any amendments you may consider appropriate.

The outline timetable for the recruitment is as follows:

June    Contact with Commissioner of Public Appointments who have appointed an independent assessor
August   Recruitment consultants GatenbySanderson selected
September Advert to the Chair of Justice Committee, and if approved, to go live
November Identify preferred candidate and notify Justice Committee
December Pre-appointment hearing and confirm appointment, subject to Committee report
1 April 2015 Take up appointment

I hope the timetable meets with your approval and look forward to hearing your views regarding the advertisement.

Draft job advert for the position of HM Chief Inspector of the Crown Prosecution Service

Appointment title:   HM Chief Inspector of Crown Prosecution Service
Organisation:       Attorney General’s Office
Location:           20 Victoria Street, London SW1H 0NF
Starting date of appointment: 1 April 2015
Closing date for applications: ??
Length of appointment: 4 years fixed term
Time commitment: Full time
Remuneration: £120K plus pension
Expenses: Reasonable travel and subsistence expenses in accordance with civil service rules

Overview

The intention is for the preferred candidate to be identified by November 2014, and for them to be in post by 1 April 2015.

The appointment is for a period of five years.

Candidates for the post will be subject to scrutiny by Parliamentary Select Committee prior to appointment. Such hearings will be non-binding but the Attorney General will consider the committee's conclusions before deciding whether to proceed with the appointment.

Background to the Organisation

Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) is an independent inspectorate. HM Chief Inspector of HMCPSI is a statutory appointment reporting directly to the Attorney General, but operating independently of Government and the services under its scrutiny. Appointment is by open competition and is made by the Attorney General. The organisation has offices in both London and York. It is possible for the Chief Inspector to be based in either London or York.

Role of Her Majesty's Crown Prosecution Service Inspectorate

HMCPSI is the independent Inspectorate for the Crown Prosecution Service (CPS), the principal prosecuting authority for criminal cases in England and Wales, and the Serious Fraud Office (SFO). The purpose of the Inspectorate is to enhance the quality of justice through independent inspection and assessment of prosecution services, and in so doing improve their effectiveness and efficiency. It has also assisted the Criminal Justice Inspectorate for Northern Ireland in its Inspections of the Public Prosecution Service.

The Inspectorate is responsible for delivering and developing programmes of inspection and the inspection methodology against which CPS and SFO are inspected. The Chief Inspector is actively engaged in leading the day to day inspection process and needs a comprehensive understanding of how inspection works and what both good and poor services mean for the public. This will need to be delivered in the context of reducing resources and the Reports will need to help the CPS and SFO in taking forward new ways of working in a positive way. The new Chief Inspector will need to be capable of developing this understanding quickly to inform his or her work.

The responsibility for the production of all inspection reports including findings and recommendations sits with the Chief Inspector. They will provide independent assurance to the public.

The Chief Inspector is responsible for providing clear and visible leadership to approximately 40 staff and managing a tight budget against competing priorities.

The Chief Inspector is an additional accounting officer and reports to the Treasury Solicitor for the appropriate use of resources in accordance with budgetary delegation arrangements.
Relationship building is key to this role. The new Chief Inspector will need to build a successful working relationship with the other Criminal Justice Inspectors, officials in the sponsoring department and sponsoring ministers.

**Essential Criteria**

It is essential in your application that you demonstrate strong performance across the range of competencies set out below.

Applications are welcome from senior leaders with a wide range of backgrounds from the public, private or voluntary sector who are able to demonstrate the ability to understand and work within the Criminal Justice System.

**Core competencies**

Candidates will be able to demonstrate;

- Resilient and inspiring leadership gained at the highest level with strong experience of leading an organisation through a landscape of change.
- Clear evidence of challenging existing performance to drive forward improvement whilst identifying best practice and encouraging innovation,
- First class communication skills with the confidence and capacity to influence a wide variety of audiences on varying and complex issues.
- Strong organisational skills and positive evidence of successfully managing limited resources and evaluating competing priorities.
- High level of personal and professional conduct and credibility. Demonstrable ability to engage and command the confidence of all.
- Able to analyse and quickly interpret complex information and present well developed, evidence based judgments.
- The ability to inspire public confidence by demonstrating objectivity and transparency.
- A thorough and practical understanding of the criminal justice system of England and Wales.

**Desirable Criteria**

The following criteria although not essential will also be taken into account by the selection panel:

- The ability to develop and communicate a strategic vision for the inspectorate within the criminal justice system.
- Knowledge of prosecutorial responsibilities and functions.
Appendix 2

Letter to Rt Hon Jeremy Wright QC MP, Attorney General, from Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, 14 September 2014

The recruitment of a Chief Inspector of Her Majesty’s Crown Prosecution Service

Thank you for your letter and accompanying draft advert and job description outlining the planned recruitment process for the next Chief Inspector of Her Majesty’s Crown Prosecution Service who is due to be appointed upon the end of the current Chief Inspector’s term in March 2015. I can confirm that I am happy with the timetable you propose for the recruitment and the broad thrust of the draft advert and job description. On the latter, I have a few comments which you may wish to consider.

First, I note that the proposed overview of the role highlights the resource and budget constraints under which the new Chief Inspector will operate. Therefore, there may be merit in drawing out further, within the essential criteria, the need for good financial acumen, operational rigour and resource efficiency skills, perhaps as an addition to the fourth criterion listed. Similarly, there is rightly an emphasis on relationship building within the job description, and you may therefore wish to incorporate the importance of engagement with key stakeholders into the essential criteria.

I believe it would also be desirable for the Chief Inspector’s ability to maintain independence to be emphasised further, perhaps within the penultimate essential criterion; the independence of the Chief Inspector is of great importance in ensuring the public’s trust in the findings and recommendations of the Inspectorate. In addition, having considered the job description at the time of the current Chief Inspector’s appointment in 2009, I note that the essential criteria then included a commitment to the principles and practice of natural justice and diversity. I believe there may be value in including a criterion along these lines on this occasion as well.

Finally, I have been extremely impressed with the practice of the current Chief Inspector in emphasising the importance of following up over time the Inspectorate’s findings and recommendations. I would hope that in choosing a preferred candidate you will be looking for someone who is able to foster a similar ethos of continuous improvement and the monitoring of change over time.

I hope you find these suggestions of use, and I look forward to discussing this important role further with your preferred candidate upon their appearance before the Committee in December.
Appendix 3

Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, to Rt Hon Jeremy Wright QC MP, Attorney General, 3 December 2014

The recruitment of a Chief Inspector for Her Majesty's Crown Prosecution Inspectorate (HMCPSI)

A recruitment exercise for this role has been carried out in accordance with the Public Appointments Commission Code of Practice, chaired by a Public Appointments Chair. It was hoped that there would be a preferred candidate who would appear in front of the Justice Committee on 9 December. Unfortunately, the Board did not recommend any of the applicants for appointment.

There were 16 applications for the role from a range of backgrounds including the Bar, the CPS, the judiciary, wider CJS backgrounds and regulatory bodies. Of these, the panel agreed to pass 5 candidates through to interview. One of these shortlisted candidates withdrew from the competition at this stage. Interviews took place on the 13th and 14th November. The panel was made up of:

Margaret Scott, Public appointments assessor and panel chair;
Rowena Collins Rice, Director General of the Attorney General's Office;
Lord Justice Holroyde, Presiding Judge of the Northern Circuit; and
Drusilla Sharpling, Her Majesty’s Inspector of Constabulary, Wales and Western region.

The panel concluded that while each of the 4 candidates showed some of the essential criteria outlined in the job specification, there could be other potential candidates, who had not applied this time who could provide more evidence of their suitability for the role. This being the case, it was decided to re-run the competition.

The outline timetable for the new competition is as follows

December Advert to the Chair of Justice Committee, and if approved, to go live
Early Feb Identify preferred candidate and notify Justice Committee
February Pre-appointment hearing and confirm appointment, subject to Committee report
1 April 2015 Take up appointment

I hope the timetable meets with your approval and that we will be able to agree a date in February with you for the pre-appointment hearing.
Appendix 4

Letter from Rt Hon Jeremy Wright QC MP, Attorney General, to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, 3 March 2015

Chief Inspector for Her Majesty’s Crown Prosecution Inspectorate (HMCPSI)

Further to my letter dated 9 September, the process for identifying a preferred candidate for this role has now concluded. Kevin McGinty is my preferred candidate.

The pre-appointment scrutiny hearing is scheduled to take place on 11 March. I attach an overview of the process and Kevin McGinty’s CV and declaration of interests in preparation for this hearing.

I hope this provides you with the required information. Please let me know if further details are required.

Candidate brief

Introduction from the Attorney General

Thank you for your interest in applying for the role of Chief Inspector of HM Crown Prosecution Service Inspectorate (HMCPSI). This is a unique role, leading an organisation which is responsible for maintaining quality, driving change and promoting good practice within the Crown Prosecution Service (CPS) and the Serious Fraud Office (SFO).

The role of Chief Inspector is a crucial one within the criminal justice system and I want to appoint a person who is best fitted for this important post. He or she will be leading the inspectorate at a time when, more than ever before, the public and the taxpayer, expects a criminal justice system performing at the top of its game, and responsive to the public interest. I have no fixed view on where the best candidate may come from but I welcome interest from as wide a variety of potential candidates as possible. I want to appoint someone who can clearly demonstrate the leadership qualities, vision and integrity to do the job well regardless of the candidate’s background or previous experience. I do not assume there is any particular professional pool from which the successful candidate must come. If on reading the job specification you feel you have the qualities I am looking for, you should apply.

Background

Her Majesty’s Crown Prosecution Service Inspectorate (HMCPSI) is the independent inspectorate for the Crown Prosecution Service (CPS) which is the principal prosecuting authority for criminal cases in England and Wales. The purpose of its work is to enhance the quality of justice and make an assessment of prosecution services that enables or leads to improvement in their efficiency, effectiveness and fairness.

The independence of the Chief Inspector is of great importance in ensuring the public’s trust in the findings and recommendations of the Inspectorate.
Chief Inspector of HMCPSI is a statutory appointment reporting directly to the Attorney General and complementing the Attorney General’s superintendence function, but operating independently of Government and the services under its scrutiny.

HMCPSI employs:

- Legal Inspectors – to assess the quality of prosecution decisions and legal processes. Legal inspectors are made up of solicitors and barristers with backgrounds in prosecution, defence and private practice.

- Business Management Inspectors – to assess the quality of management and planning in the organisations we inspect. Business Management inspectors are experienced staff with skills in areas such as management, business planning, audit, change management and governance.

- Corporate staff – to assist in the running of the inspections and HMCPSI.

In total it has approximately 30 staff with offices in both London and York.

HMCPSI submits an annual report to the Attorney General on the operation of the CPS which is laid before Parliament. It also advises the Director of Public Prosecutions (the independent head of the CPS) on the performance of each CPS Area, headquarters’ directorates and of the CPS as a whole in relation to these issues.

HMCPSI has also inspected other prosecuting agencies by invitation, such as the Service Prosecuting Authority and inspects the Public Prosecution Service of Northern Ireland under the powers delegated by the Chief Inspector of Criminal Justice Inspection Northern Ireland.

For the first time since its creation in 2000 the HMCPSI now has statutory powers to inspect beyond the CPS. Legislation was made in 2014 which means that the Serious Fraud Office is now subject to statutory inspection.

For more information about the organisation please see:

http://www.justiceinspectorates.gov.uk/hmcpsi/about-hmcpsi/#.VBmhQ_ldVqU

To see the Business Plan for the coming year please see


The Role

The Chief Inspector is responsible for delivering and developing inspection programmes and methodology against which CPS and SFO are inspected. The Chief Inspector is actively engaged in leading the day to day inspection process and needs a comprehensive understanding of how inspection works and what both good and poor services mean for the public. This will need to be delivered in the context of reducing resources and the reports will need to help the CPS and SFO in taking forward new ways of working in a positive way.
Person Specification

Please ensure that in your written application you give evidence of proven experience against each of the essential criteria below. This evidence will be developed and discussed with those candidates invited for interview.

Applications are welcome from senior leaders with a wide range of backgrounds from the public, private or voluntary sector who are able to demonstrate the ability to understand and work with the criminal justice system.

Essential Criteria

- Demonstrable integrity, and high levels of personal and professional conduct, judgment and credibility.
- The ability to secure public confidence by demonstrating fairness, objectivity and transparency.
- The ability to develop and communicate a strategic vision for the inspectorate within the criminal justice system.
- Resilient and inspiring leadership gained at a senior level with strong experience of engaging and motivating staff at all levels.
- Clear evidence of challenging existing performance to drive forward improvement, identifying best practice and encouraging innovation.
- Strong organisational and resource management skills.
- First class communication skills with the confidence and capacity to influence a wide variety of audiences on varying and complex issues, and evidence of strong engagement with stakeholders.
- Able to analyse and quickly interpret complex information and present well developed, evidence based judgments.
- A good understanding of the criminal justice system in England and Wales, including an understanding of prosecutorial responsibilities and functions.

Terms and Conditions

Post Type: This appointment is for a four year fixed term
Location: The Chief Inspector can be based in either London or York
Remuneration: £120k plus pension

Expenses

Travel expenses and subsistence will be paid when the Chief Inspector is required to travel as part of his/her duties, and will be in line with civil service rules.

Time Commitment

This is a full time appointment. You will be entitled to 30 days annual leave plus public holidays.
Security Clearance

For the successful candidate, final confirmation will be subject to security clearance checks.

Equal Opportunities

We will not tolerate discrimination on any of the following: gender, marital status, sexual orientation, race, colour, nationality, religion, age, disability, HIV positivity, working pattern, caring responsibilities, trade union activity or political beliefs - or any other grounds.

Guaranteed Interview Scheme for Disabled Persons

We also offer a guaranteed interview scheme for disabled applicants who meet our minimum selection criteria.

Standards in public life, political activity and conflicts of interest

Candidates must also confirm that they understand the standards of probity required of public appointees outlined in the “Seven Principles of Public Life” drawn up by the Committee on Standards in Public Life (see Appendix 1).

Public appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable, or political interest which might be material and relevant to the work of the body concerned should be declared. It is important, therefore, that you consider your circumstances when applying for a public appointment and identify any potential conflicts of interest, whether real or perceived.

You will be required to disclose any personal or business interests, including share holdings, which may or may be perceived to be relevant to or in conflict with appointment to this post. This may involve suspending or relinquishing stock market activity.

The (online) Political Activity Declaration will be kept separate from your application and will only be seen by the panel prior to interview – the panel may at that stage explore with candidates any potential for conflict of interest. It is appreciated that political activities may have given you relevant skills, including experience gained from committee work, collective decision making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you may if you choose include it separately in the main body of your application.

Application Process

Recruitment will be conducted in accordance with Cabinet Office and Commissioner for Public Appointments (OCPA) guidance.

Please apply through the website (see link below) sending the following:

- A copy of your CV setting out career history, responsibilities and achievements
- A statement of suitability (max 2 pages) explaining how you meet each of the essential criteria for the post.
• Please ensure you have also completed and submitted the equal opportunities monitoring form, as it appears on the website. The information you provide will be treated as confidential, and used for statistical purposes only. The form will not be treated as part of your application.

• You should also complete the separate online disclosure forms on political activity and conflicts of interests. The latter will also ask for the names and addresses of two referees who will only be contacted if you reach the shortlist stage and only with your permission.

• If appropriate, please submit a statement if you wish to apply under the Guaranteed Interview Scheme for people with disabilities.

Please note that applications may be passed, in confidence, to the Commissioner for Public Appointments and the Commissioner’s auditors for the purposes of complaints investigation and audit (8.2 of the OCPA Code of Practice refers).

The closing date for applications is: Wednesday 22nd January 2015

Applications should be submitted through the GatenbySanderson website via the following link: www.gatenbysanderson.com/job/gse17230

Please see the timetable below for key dates:

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<tr>
<td>Closing Date</td>
<td>10am, Wednesday 22nd January 2015</td>
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<tr>
<td>Short listing meeting</td>
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<td>Panel Interviews</td>
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<td>Ministerial meeting</td>
<td>Monday 23rd February 2015</td>
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Please note if you are unable to attend the preliminary interviews, the panel interviews or the ministerial meeting on the dates shown above, alternatives cannot be arranged.

**Pre-appointment Hearing by Select Committee**

In line with government proposals to increase Parliamentary scrutiny of appointments to key posts, the preferred candidate for this post will be required to appear before the Justice Select Committee prior appointment.

Pre-appointment hearings are in public and involve the Select Committee taking evidence from the preferred candidate. Questions are likely to focus on professional competence and personal independence. The candidate will receive a briefing on what to expect from the session. Following the pre-appointment hearing, the Committee will normally publish a report setting out their views on the suitability of the candidate and submit to the Attorney General. Whilst non-binding, Ministers will consider any relevant comments made by the Committee before deciding whether to proceed with the appointment. The report and candidate’s CV may be released into the public domain by the Committee.
Appointment of HM Chief Inspector of the Crown Prosecution Service

Contact Information

Should you wish to have an informal, confidential discussion about the appointment, please contact our advising consultants at Gatenby Sanderson, Sue Jenkins 020 7426 3975 or Mark Turner 020 7426 3983.

Complaints

The selection panel working to the standards of The Commissioner for Public Appointments will assess applications on merit and will employ open and transparent processes, in determining the candidates considered most suitable for this appointment. More details of the Commissioner’s role and their Code of Practice can be found at: www.publicappointmentscommissioner.independent.gov.uk

If you feel your application has not been treated in accordance with the Code and you wish to make a complaint, you should contact Nicola Saunders at the Attorney General's Office on 0207 271 2523 or in the first instance. If you are not satisfied with the response you receive from the Department, you can contact the office of The Commissioner for Public Appointments at publicappointments@csc.gsi.gov.uk.

Curriculum vitae – Kevin McGinty

June 2011 – Present – Deputy Legal Secretary & Director (Operations) AGO

Leadership

I am a member of the Senior Management Team and Executive Board and I provide visible leadership across the whole range of the work of the Attorney General’s Office (AGO), setting direction for operational and policy functions and recruitment.

I have played a key leadership role in taking the office through changes of Ministers and Directors General and through changes of staff, functions and responsibilities. I have managed a programme of change against a reduction in budget, involving staff reductions, office reorganisation and higher staff workloads, whilst maintaining civil service staff survey results that put AGO first amongst all civil service departments this year, second the year before and first the year before that.

I engage actively with key stakeholders, including Ministers, the Director of Public Prosecutions (DPP) and Director of the Serious Fraud Office (SFO), the Chief Inspector of HM Crown Prosecution Service Inspectorate (HMCPSI), the Treasury Solicitor, Permanent Secretaries and senior officials, senior judiciary, the Bar, Law Society and other players in the justice system. I am widely known across the justice system with an extensive range of contacts at all levels and a reputation for integrity and effectiveness in post.

In 2012 I was given temporary promotion to Director General and Head of Office for four months when post was empty.
Criminal Justice

I take the lead on all criminal matters and casework policy concentrating on the complex and sensitive cases that may have political or wider implications. I am responsible for managing the superintendence of the Crown Prosecution Service (CPS), SFO and HMCPSI by the Attorney General (AG) and for all aspects of Ministerial and parliamentary accountability for prosecutions. I act as the first contact within AGO for any serious, complex or sensitive criminal matter both for England and Wales and Northern Ireland. I therefore 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

I am currently leading on work with the Home Office and other departments on Hillsborough, institutional child abuse, under-cover policing and public inquiries. I meet regularly with Cabinet Office over high profile SFO investigations both within the UK and internationally.

I am a member in my own right of the Government’s overarching Criminal Justice Board which includes Ministers, the Senior Presiding Judge, Heads of various criminal justice agencies as well as other key stakeholder members. I chair the Ellison Review Working Group, which consists of counsel, a chief constable and senior police officers, senior lawyers and officials from the Home Office, CPS, security services and the Criminal Cases Review Commission (CCRC), co-ordinating work on identifying potential miscarriages of justice arising out of under-cover policing. I chair the Appeal Committees for both Very High Cost Cases (VHCC) and Graduated Fee Scheme cases.

Legal Profession

I was an elected member of the Bar Council from 2011 to 2014. At AGO I led on the Attorney General’s intervention with the Justice Secretary and the Bar in the dispute over legal aid and the Bar’s decision to withdraw from VHCC work, with the result that a compromise was reached and the problem averted.

In 2012, based on her knowledge of my work, I was chosen by the then Chair, Maura McGowan QC, to take the Chair of the troubled Employed Barristers Committee of the Bar Council. I succeeded in reorganising and refocussing the Committee and arranging for fresh elections for a new Chair in December 2014.

In 2012 I was elected a Master of the Bench of Gray’s Inn and awarded a CBE in the Birthday Honours.

December 1997 – June 2011 – Deputy Director, AGO

During this period I was sole adviser to the Attorney General in respect of all aspects of his distinct and legally separate role as Attorney General for Northern Ireland (and from May 2010 as Advocate General for Northern Ireland). I continued to be responsible for a number of additional England and Wales functions.

Leadership

For 14 years I was the face of the Attorney General in Northern Ireland engaging in issues and at levels that in England and Wales the Attorney General would have engaged personally. This was a key role which required me to engage the trust of main
stakeholders in a complex and very political environment, working directly with Ministers, senior officials, including the Permanent Secretary of the Northern Ireland Office, and senior judiciary.

**Casework**

I built a strong working relationship with the Director of Public Prosecutions for Northern Ireland and his senior staff, the Northern Ireland Office, the Crown Solicitor’s Office, judiciary and police at all levels. I was engaged in all of the complex and sensitive cases arising from the Troubles.

I also undertook additional responsibilities within AGO, notably being appointed Establishment Officer in 2002. This made me responsible for the everyday running of the office, finance, security, IT and staffing. My managerial experience of running a small office is therefore of long standing.

**April 1996 - December 1997 – Legal Adviser**

I was a member of the legal unit of the Bank of England advising on criminal matters. In addition, I advised Committees of the Bank on their regulatory powers under the Banking Act 1987.

**August 1992 - April 1996 – Legal Adviser**

I was a lawyer at the Legal Secretariat to the Law Officers (now AGO) as part of the criminal team.

**December 1988 - August 1992 – Principal Crown Prosecutor CPS (Fraud)**

In this role I was responsible for a broad range of fraud based prosecutions, working with police forces across the country, building up specialist knowledge of large complex fraud cases and dealing with a wide variety of investigations.

**October 1983 - December 1988**

Practising member of the Bar. Tenancy at 3 New Square, Lincoln’s Inn from January 1984. Criminal and Matrimonial practice.

Called to the Bar, Gray’s Inn, July 1982.

**Chief Inspector HM Crown Prosecution Service Inspectorate, Justice Committee briefing**

This competition was carried out in accordance with the Commissioner for Public Appointments’ Code of Practice for Ministerial Appointments to Public Bodies.

A process to appoint to this post was conducted in 2014 and interviews were held in November 2014. No appointable candidates were identified. It was decided to re-run the competition with some amendments made to the person specification. The post was advertised at £120,000, on the Sunday Times and Public Appointments websites. The appointment was offered on a four year fixed term. Gatenby Sanderson was engaged to administer the competition and carry out executive search. Twelve applications were received. Applications were received from candidates with a range of backgrounds including regulatory bodies, Law Officers’ Departments and private sector.
The panel was chaired by Margaret Scott, the Public Appointment Assessor. The other panel members were Rowena Collins-Rice, Director General Attorney General’s Office, Dru Sharpling, Her Majesty’s Inspector of Constabulary and the Hon Mr Justice Holroyde, Presiding Judge of the Northern Circuit.

For each candidate the panel considered their CV and supporting statement giving evidence and examples of their ability to meet the criteria in the role and person specification.

The panel selected a shortlist of four for interview. References on the shortlisted candidates were obtained prior to the interviews.

The interviews started with candidates giving a short presentation on ‘What is your vision for this organisation over the next four years?’ The candidates were then asked questions relating to the essential criteria for the role.

The panel assessed two candidates as appointable and the Attorney General met with both candidates on 24 February 2015. Following the meetings the Attorney General confirmed that the candidate ranked highest by the panel was his preferred candidate.

The preferred candidate is Kevin McGinty.

The Attorney General has been kept informed of progress throughout the process.
Formal Minutes

Wednesday 11 March 2015

Members present:

Sir Alan Beith, in the Chair

Jeremy Corbyn  Andy McDonald
John Howell  John McDonnell

Andy McDonald declared an interest as a former criminal legal aid practitioner.

*****

Draft Report (Appointment of HM Chief Inspector of the Crown Prosecution Service), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 15 read and agreed to.

Several Papers were appended to the Report as Appendices 1 to 4.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 17 March at 9.15am.]
Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/justicettee

Wednesday 11 March 2015

Kevin McGinty, Preferred Candidate
## List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee’s website at [www.parliament.uk/justicecttee](http://www.parliament.uk/justicecttee). The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

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