

Complaints Commission which from April 1 replaces the Police Complaints Authority.

The new body will have wider powers than the old authority and has attracted top names: its chairman is Nick Hardwick, former chief executive of the Refugee Council, and its deputy chairman is a former director of Liberty, John Wadham.

And in the front line, in charge of the investigators themselves — is the other deputy chairman, Claire Gilham. How does she feel about about leading the charge into the

many cases because they are seen as the agency of last and often of first resort for many of those who could be seen as disadvantaged. There seemed to be so many parallels with the challenges for the police and those in police custody with those in the mental health sector.

Her legal background — litigation in a high street practice, local authority childcare advocate, deputy district judge — is a small part of a highly impressive CV. She has also lectured at Salford University, served on the Mental Health Commission and chaired the inde-

Set up under the Police Reform Act 2002, partly as a result of the Macpherson report, the IPCC will have a "guardianship role". Other changes include the right of appeal for complainants as well as the presumption of disclosure, so that it will have access to the investigating officer's report. The IPCC can also take over disciplinary proceedings and present a case to the disciplinary tribunal.

There are 18,000 complaints against the police each year. The biggest category is minor assault

under the direction of the IPCC, with the most serious cases likely to be subject to full, independent civilian investigations.

The IPCC's commitment is to "vision and values, justice, independence, diversity, openness, integrity and stakeholder involvement" and the 15 commissioners are from a range of backgrounds. Six are women, of whom five have a legal background. But can the "tail wag the dog" and change the cartwheel culture that is so problematic?

Gilham says, "If it's the case that

the officer, on the defensive, who will then react rather than negotiate. There will also be moves to ensure that complaints aren't skewed by that culture and that the delivery of police services is not skewed by that culture — but they are slow boulders to move."

The other difference from the Police Complaints Authority is that the IPCC will have a much larger budget — £23 million — with £1 million for IT investment. It will have regional offices in Cardiff and

and a similar "with" could be deterred because the process is seen as intimidating.

"I expect to see a rise in the number of complaints, partly because the IPCC will cover complaints against both police officers and staff, but this is also an issue of access. When I came into the job, I found that complaints had to be recorded in writing — that puts up a barrier. In the culture we live in, we should expect to be able to complain, not just be silent."

POLICE officers in Tripura, India, were recently condemned by a justice minister for asking a sorcerer to help them to find £3,000 in cash had gone missing from a bank. The English legal system has had various encounters with unconventional techniques. In 1994, Stephen Andrew Young was convicted at Hove Crown Court for a double murder but his conviction was quashed and a retrial was ordered when it was shown that, during their retirement for a night at a local hotel, some jurors had held a séance to help them to come to a decision. In another case, in 2002, a Chinese tenant who adhered to the dictates of feng shui, the ancient art of arranging objects and space to promote wellbeing, relied on his beliefs when refusing to accept new premises from his landlord. Judge Anthony Hallgarten ruled that this was indistinguishable from rejecting new premises on the basis of an astrological prediction. He ruled that the landlord was not obliged "to comply with a belief that would stifle normal economic interests

France has plenty of women judges — why don't we?

It's not time to resort to quotas yet, writes Tilly Rubens, but she argues that more should be done to encourage diversity on the bench

LAST summer the French Justice Minister, Dominique Perben, threatened to introduce a quota for judges into the French legal system. Why? More than 80 per cent of those entering the French judiciary are women and this was considered unacceptable because it was felt that male claimants and defendants could lose confidence in a system dominated by women.

The number of women entering the legal profession in England and Wales is growing. In 2003, 65 per cent of law graduates were women. They made up 57 per cent of entrants to the solicitors' profession and just over 50 per cent of those called to the Bar. Does this mean that women will soon be entering the judiciary at the same rate as their French sisters? Unfortunately, the statistics suggest not. Women still make up only 16 per cent of the judiciary and 6 per cent of judicial posts in the appellate courts. The crucial question is why women lawyers are still not applying to the bench in sufficient numbers.

One reason may be the large numbers leaving the profession



Margaret Bennett: obstacles

early in their careers. Whereas in France women usually start judicial training immediately after law school, in England and Wales they are not considered until they have been in practice for ten years. By this stage, many have already left. Fiona Muxlow, chairwoman of the Association of Women Solicitors, believes that the long-hours culture at many law firms is partly to blame for the high departure rate.

Margaret Bennett is a solicitor specialising in family law and has

ten years' experience as a deputy district judge. She sat at the Principal Registry of the Family Division of the High Court until last year. Bennett says she was "lucky" that women were reasonably well represented in the Principal Registry. However, she still feels that there are a number of obstacles for women to overcome.

Bennett believes that the demands of private practice are the main reasons why women solicitors are not applying for judicial office. In larger partnerships there may be resistance from other partners to release women from fee-earning work, especially if they have already had time off for children. Smaller firms, coping with the increasing bureaucracy of compliance and regulatory requirements, simply cannot afford it. Bennett says that she is "not seeking a new appointment at the moment because of the demands of the practice".

Bennett also feels that some judicial posts are geared towards a traditional male lifestyle. High Court judges, for example, spend six months away from London on circuit and living in digs. The judges dine and relax in places where they are entertained by local officials and dignitaries who are predominantly male. She says that there is a "centuries-old practice and long-standing culture of camaraderie that is somewhat alien to women".

Women may also still feel that the judicial lifestyle is not compatible with family life. Linda Pearce is a barrister specialising in housing and family law and has sat as a deputy district judge since 1999. She has two children, aged 10 and 8, and feels that one of the big problems for judges with young children is the lack of flexibility in the system. Deputy district judges sit one day a week and these will be booked up to six weeks in advance. However, if she is unable to sit on a particular day, for example because one of her children is ill, it can be difficult to arrange cover at short notice. If she cannot get cover she will be letting down a whole list.

There is also a problem if a mother is appointed to a bench some distance from home. Pearce cites the example of a friend with young chil-



Linda Pearce: flexibility

dren who lives in London, passed the selection procedure and was offered a full-time post in Northampton. The woman had to turn down the appointment simply because she would have spent too much time travelling.

Pearce believes that the appointments procedure for deputy district judges is "very fair" but that the process takes too long. In her case, it took a year from completing the application form to being appointed. She said that this time was very

"unsettling" and it was difficult to plan her work.

The Department for Constitutional Affairs is trying to encourage more women applicants. It has relaunched the judicial shadowing scheme, which will enable lawyers who are interested in judicial appointments to shadow a district or circuit judge for up to five days. The scheme is particularly aimed at women and ethnic-minority lawyers and will give participants first-hand experience of life on the bench.

Time will tell whether such schemes, and the proposed reforms to the judicial appointments system, will result in more women applying. However, it is also vital that we address the more fundamental reasons why women are not applying to the bench. Only then will Lord Falconer of Thoroton have to threaten to introduce quotas into the English system.

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