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COURTS AND  
TRIBUNALS JUDICIARY

# **Judicial Ways of Working – 2022**

## **Civil**

**April 2018**

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# Foreword from the Lord Chief Justice

The Courts and Tribunals Reform Programme was launched in 2016 with a joint statement from the Lord Chief Justice, the Senior President of Tribunals and the Lord Chancellor. In 2017, our plans for the future were described in 'Judiciary Matters'. These reforms will deliver savings – a necessary condition for securing the financial support of the government – but they will transform the way we operate the system of justice for the benefit of the public and enhance the administration of justice. Our approach to this modernisation must be rooted in our shared commitment and dedication to improving the administration of justice and access to justice so that we continue to uphold the rule of law.

Part of the underlying model for reform agreed in 2015 was to reduce the size of the Courts and Tribunals Estate but end up with buildings in a decent condition for our staff, the judiciary and the public. That remains an essential part of the overall package. Meanwhile, some of the developments in online services have already been outstandingly successful and provide models for the future.

It is now time to focus on the detail of how reform will affect you as a judge, panel member or magistrate in the jurisdictions in which you sit. The 'Judicial Ways of Working' documents that are attached are jurisdiction specific and have been provided by each head of jurisdiction. They summarise the detail of the plans that are being developed with Judicial Engagement Groups and the judges and magistrates who work in individual projects, to whom we are very grateful. The positions that are set out have drawn on the enormous collective experience of those judges and magistrates. The purpose of the documents is to invite each of you to become involved in providing your view about those positions and how reform should be developed in your jurisdiction. Your contribution is essential if we are to continue to administer justice in the public interest.

You are invited to contribute in two ways. There is a survey that accompanies the Ways of Working documents which includes specific questions and opportunities to set out your own ideas. There will also be a programme of meetings around the country where members of the Judicial Reform Board and leadership judges will be available to answer your questions and discuss your ideas. I very much hope you will feel able to complete the part of the survey that relates to your jurisdiction(s) and to identify which meeting would be the most convenient for you to attend.

Thank you very much for your help and continued support.

**Ian Burnett**

**Lord Chief Justice**

**April 2018**

# A. Reform for the Civil Jurisdiction

## Judicial Ways of Working: The Civil Jurisdiction

### 1. Introduction

- 1.1 Through Judicial Ways of Working 2022 we are seeking judicial views across all jurisdictions, Crime, Civil, Family and Tribunals, but the purpose of this document is to identify and focus on particular elements of reform relevant to the civil jurisdiction whilst judges in other jurisdictions will receive a version specific to those jurisdictions.
- 1.2 Reform certainly in civil is very much informed by the Civil Court Structure Review (July 2016) and whilst the leading role played by the civil courts should be acknowledged, there is much to be done.

### 2. Digital systems

- 2.1 It is an inherent element of the Reform programme that all parts of the court service will make much greater use of digital systems. Reform proposes a set of technology applications, known as 'Common Components', that will support the IT infrastructure for use across Civil, Family and Tribunals. The aim is to reduce the amount of paper and paper files that are used in civil work and to ensure that case progression (that is the court administration chasing parties as to compliance with our orders to ensure the case progresses as we directed) and judicial case management is dealt with digitally. This system is also intended to support paperless hearings for appropriate cases.
- 2.2 There should be no reason in principle to fear greater digital working in the civil jurisdiction: indeed, it is perhaps noteworthy that civil is some way behind other parts of the court service in the use of digital working. In crime, the Digital Case System (DCS) means that paper has all but been eliminated in Crown Court hearings. Although the system has had and continues to have its teething problems, most Crown Court judges would say that it is a significant improvement.
- 2.3 Similarly, digital working at the Rolls Building, through the use of the CE-File, has meant that – other than for full hearings and trials – the cases have been progressed, and queries from parties have been resolved, using a digital system. This too has worked and it is intended that there will be a roll out of an equivalent digital case management system to support digital working in the Court of Appeal, High Court, Upper Tribunal and Employment Appeal Tribunal in RCJ and District Registries.
- 2.4 The principal complaints concern the reliability of the IT equipment and the absence of training of the judiciary for the use of that system. It should be axiomatic in the future that Reform won't work if the equipment does not, and that no digital system should be imposed on the judiciary without proper training.
- 2.5 Accordingly, it is thought that the greater use of digital systems in civil will inevitably lead to time and costs savings, and we will first see the effect of digital working in civil money claims, possession claims (although excluding any contested hearing) and civil enforcement.

### 3. Online Civil Money Claims

- 3.1 This is commonly, if inaccurately, referred to as the online court. Currently, it is available to litigants in person and some legal representatives, although not yet all. It so far deals with the making of claims and the response; the next stage, which is being developed, deals with the exchange of evidence. The aim is to have an online system that will manage and resolve claims through appropriate means for low value civil money claims under £25,000.
- 3.2 Judicial involvement in the online system will be two-fold. First, there will be the need for referrals during the process as and when problems arise. It is not thought that this will require extensive involvement. Secondly, if the parties are unable to resolve their differences and have followed the process in the online system as far as it will eventually go, then, necessarily, there will be a hearing/ trial. A judge will plainly be required for that purpose.
- 3.3 It is envisaged that there will be the need for what have been called 'case officers' (in the legislation introduced in the previous parliament, the description is 'authorised' staff; for more details see Annex A: the legislation, p. 14) to be involved in some aspects of the online system. The precise role of case officers is currently being developed by the CPRC sub-group (chaired by Birss J) which is piloting the various stages of the online system itself. One area will be to deal with the increased demand for mediation/ ADR which it is thought the online system will promote.

### 4. Possession claims

- 4.1 An HMCTS project is due to start in October 2018, which will look to make possession claims available online and speed up the administrative elements of the process. There is no intention that any contested hearing should be conducted online or by video.

### 5. Enforcement

- 5.1 An HMCTS project is just starting that will look at ways in which to streamline the enforcement process across all parts of the civil jurisdiction. Although long overdue, the parameters of the project are still being finalised.
- 5.2 There will be judicial involvement and input into this process via the Civil Judicial Engagement Group (JEG; see Annex C for more details) and a lead judge to work with HMCTS.

# A. Reform for the Civil Jurisdiction (cont'd)

## 6. Legal advisers

- 6.1 Both the Briggs review and other Reform documents stress the potential importance of case officers ( undertaking some of the more routine work. As noted above, part of that work will be referable to the online system. What about the rest of the civil jurisdiction?
- 6.2 At present, legal advisers undertake certain work which used to be done by judges. The parameters of their role are set out in PD 51Q (PD 2E as from 7 May 2018). At present, a working group made up of members of the CPRC, the civil JEG, and the CET are working on proposals which would see an expansion of these powers. At present, it is considered that the proposed expansion should be by way of the PD rather than a more radical exercise.
- 6.3 Furthermore, there are some matters which, in accordance with the decision of the Judicial Executive Board, must be regarded as set in stone. Those are that:
- (a) legal advisers will be trained and supervised by judges;
  - (b) legal advisers will be co-located with judges unless agreed by the MR;
  - (c) the parties will, as a matter of right, be able to have the decision of any legal adviser reviewed by a judge.

## 7. Courts and Tribunals Service Centres

- 7.1 One element of the Reform project is the creation of new Courts and Tribunals Service Centres (CTSCs). These are largely administrative centres and the responsibility of HMCTS. It remains to be determined precisely which staff will occupy these CTSCs and what they will do, although the current intention is that they will deal with all those areas of work that have gone through the reform process. When the first CTSC opens for divorce, probate and SSCS tribunal work, it will leave the current, paper based work in the existing bulk and business centres in Northampton and Salford. The bulk and business centres will clearly be busier than the service centres in the early post reform days, but with their volume of work decreasing as the work of the service centres increases as reform takes hold. How and the pace at which that will develop in practice remains to be seen.
- 7.2 We are interested in what services will remain in the civil court centres. It has been made clear that staff at the court centres must include those responsible for listing. Roles such as the Digital Support Officer, who will deal with technical difficulties, and staff to help manage video hearings, will also be retained in court centres. It may be that other functions, such as answering the phone, bulk scanning and the many administrative functions associated with the running of courts as well as assisting those using new online service can be dealt with more efficiently at the CTSCs.

## 8. Other pilots

- 8.1 The civil jurisdiction is expressly affected by the flexible operating hour pilots. A decision will be expected soon.
- 8.2 Currently, there are cross-jurisdictional pilots in respect of fully video hearings (in the tax tribunal) and assisted digital which, if successful, will need to be considered in the context of civil work. We regard assisted digital as being of particular significance because of its implications for access to justice. The aim is to try and ensure that litigants in person have proper access to the range of digital systems available to everyone else.

**Terence Etherton**

**Master of the Rolls and Head of Civil Justice**

**Peter Coulson**

**Deputy Head of Civil Justice**

**April 2018**



## B. Your views on how we work with Reform

### To shape Reform, we need to get your views

Reform must be done “with” the judiciary, not “to”. In support of this, we the judiciary must do two things:

- Firstly, set out some guiding principles for how we want to work in 2022 in the context of Reform
- Secondly, provide our views on the most significant questions the Reform Programme is grappling with in relation to the administration of justice

Whilst the Judicial Engagement Group (JEG) has had a continuing involvement, now is the time to seek much wider views so that the judiciary shapes Reform. This section, prepared under the instructions of the Lord Chief Justice and the Judicial Executive Board (JEB), gives you the opportunity to do this. We have identified 9 principles for how we the judiciary will work in 2022 in the context of the 7 Reform programmes and 52 projects (see Annex B). We set out some judicial positions for Reform to incorporate into its design and delivery plans. There is an ambition to improve efficiency overall where possible, but that does not always mean replicating the same processes across the jurisdictions. The end point for each jurisdiction will look different.

### Way of working 2022

### How this should be achieved

Set out below are 6 ‘ways of working’ directly linked to changes brought about by HMCTS Reform:

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|--|--|
| <b>1. Use of digital systems</b>                                 | <ul style="list-style-type: none"><li>• The judiciary will have the benefit of standardised, digital case management systems and paperless working. Prior to being made digital, case progression and other administrative processes will be reappraised so they are more efficient and effective than current ways of working.</li></ul>  |
| <b>2. Use of technology for hearings</b>                         | <ul style="list-style-type: none"><li>• Judges will decide whether to conduct hearings by telephone, video-link, online or in person. There will be no compromise to the principles of transparency, access to justice and open justice. If users struggle with technology, they should receive the appropriate assistance or alternatives through the ‘assisted digital’ service provided by HMCTS.</li></ul>   |
| <b>3. Cases dealt with in ways proportionate to their nature</b> | <ul style="list-style-type: none"><li>• Judges will always hear the more complicated and sensitive cases. Legal advisers or case officers may be authorised to deal with certain specified types of more routine work. Alternative dispute resolution methods should also be used more widely in some jurisdictions, if suitable, to secure speedier and fair outcomes.</li></ul>  |
| <b>4. Use of simple, accessible procedure rules</b>              | <ul style="list-style-type: none"><li>• There should be clear procedure rules for those accessing justice online, with consistent, predictable and easier to understand processes. People should get help when and how they need it. In the absence of legislation, the Online Procedure Rule Committee recommended in the Briggs report is in abeyance, and in the interim the option of the Civil Procedure Rule Committee drafting rules to facilitate reform pilots pending introduction of the legislation is being explored.</li></ul>   |
| <b>5. Authorisation to perform routine judicial functions</b>    | <ul style="list-style-type: none"><li>• The appropriate use of well trained, legally qualified legal advisers should allow a greater share of judicial time to be spent on decision-making in court and substantive case management (less time spent on routine box work). There should be sufficient supervisory mechanisms in place so that there is no detriment to the quality of justice. As for authorisation of work to ‘case officers’ (applicable in other jurisdictions, but in Civil only for a legislation-dependent Online Court), the role and its use should be developed with the judiciary, subject to judicial oversight, and supported where necessary with legislation and/ or procedural rules.</li></ul> |
| <b>6. A modern estate, properly staffed</b>                      | <ul style="list-style-type: none"><li>• A reduced estate should not compromise the quality of justice administered. The HMCTS Board has agreed that money saved will be used to fund investment in fewer, more modern buildings. They should be equipped and maintained to a higher standard. Buildings also need to be properly staffed by people to support the administration of justice and to provide for the needs of some of the most vulnerable in society.</li></ul>  |

A further 3 considerations are not directly linked to the Reform Programme, but have significant implications for how the judiciary will work in 2022. Judicial Executive Board recognises that these important issues require a long term strategy and further work. You will be asked for your views on these topics in the Judicial Attitudes Survey which will be released in June 2018.

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|---|---|
| <b>7. Greater opportunity to work across jurisdictions</b>            | <ul style="list-style-type: none"><li>• There will be an opportunity to work across jurisdictions where there is sufficient demand and an aspiration from judges to do so. This will be supported by the requisite training to ensure there is no diminution of specialist skills. It will be done on an ‘opt-in’ basis and through a transparent selection process as part of the deployment powers of the Lord Chief Justice and Senior President of Tribunals.</li></ul> |
| <b>8. A diverse judiciary able to work more flexibly</b>              | <ul style="list-style-type: none"><li>• Appointment and career progression will continue to be based on merit, mindful of the need for the judiciary to reflect society and maintain its confidence. There will be more salaried part-time working roles and greater support for more flexible working patterns.</li></ul>  |
| <b>9. Leadership judges clear in purpose, supported in their role</b> | <ul style="list-style-type: none"><li>• The role of leadership judges will be clearly defined, supported by the necessary training required to manage these responsibilities. There will be more consistent support for regional and local leadership judges.</li></ul>   |

# 1. Use of digital systems

*The judiciary will have the benefit of standardised, digital case management systems and paperless working. Prior to being made digital, case progression and other administrative processes will be reappraised so they are more efficient and effective than current ways of working.*

## Proposed judicial positions to shape Reform

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The following information sets out the current thinking on this way of working:

- **Civil, Family & Tribunal (CFT) digital platform:** There should be a single IT system to issue, manage and determine eligible CFT cases. Existing systems such as Caseman should eventually be replaced as part of the modernisation programme.
- **Interim solutions:** Interim technology solutions should not compromise the efficiency and effectiveness of courts, particularly in the implementation of the 'Common Components' to support digitisation.
- **Reliable IT:** In future, IT should be robust and reliable, the necessary hardware available to judges, and systems must be kept up to date. There should be clear contingencies so that delays to court business are minimised. New systems should be free of DOM1 and developed with essential facilities such as access to diary systems and basic case management systems (CMS data).
- **Judicial interface:** The judicial interface (the judicial entry point to the IT systems) should be clear and intuitive, so that we can properly navigate the system, manage cases, write judgments, and capture notes digitally as required.
- **Scheduling and listing:** Listing remains a judicial function. A new digital system should support the local court listing officer in listing cases under judicial direction, but should not replace them. It should be no less flexible than current arrangements and should permit swift responses to emergencies, for instance a need to find a judge and court available to deal with an urgent application.
- **Training:** Judges should receive full IT training to use the future digital systems.
- **Support:** Trained IT support should be available in each court in case judges encounter challenges in using software.
- **Management information:** Leadership judges should have access to secure, live data relevant to caseloads, backlogs compared to sitting days, and performance in their court. This data source should be used consistently between the judiciary and HMCTS, and be linked to a clear set of measures agreed by the judiciary.

## Questions

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The design of new IT systems across Civil, Family and Tribunals (CFT) is still in its early stages. Your comments on how it should be designed for the needs of the public and to promote digital working in the civil courts would be welcome.

- **Q1:** What might be the advantages or disadvantages from paperless working on a fully digital case management system; which kinds of cases would present problems being paperless; and why?
- **Q2:** What method of training in IT would best suit you? The following seem to be the possibilities: written instructions, video instructions, small group training from judges and/ or HMCTS – or a mix of all of the above.

*We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.*

## 2. Use of technology for hearings

Judges will decide whether to conduct hearings by telephone, video-link, online or in person. There will be no compromise to the principles of transparency, access to justice and open justice. If users struggle with technology, they should receive the appropriate assistance or alternatives through the 'assisted digital' service provided by HMCTS.

### Proposed judicial positions to shape Reform

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The following information sets out the current thinking on this way of working:

- **Right to allocation based on case types:** The decision on whether a hearing is conducted on video, phone or face to face should always be for the judge dealing with the case to make. There should be practice guidance issued to support judges.
- **Provision for litigants in person:** Prior to allocation for a video hearing, the service will be checked to ensure it is appropriate for the specific litigant. They should be given guidance for uploading evidence. Consideration should be given for how to ensure that no unconscious bias results from greater use of technology in hearings, such as those who incur difficulties with their technology.
- **Open justice considerations:** Justice must be seen to be done whatever the medium for the hearing. As a minimum, the public and the media should be able to see and hear that which they can currently see and hear.
- **Practical support and set-up:** Operation of equipment should be the responsibility of HMCTS staff in each courtroom, for example, by a court clerk, legal adviser or court associate. Trained technical support should be provided on-site by HMCTS staff in each court building, for example, by a Digital Support Officer. Off-site support should be provided for the listing system for fully video hearings, for example, by a remote administrator or usher, so that cases are 'queued' with the participants waiting online to be called on.
- **Quality of the equipment:** Video hearings and their audio record should be of high quality such that it replicates what can presently be seen and heard in court. There should be clear safeguards that alert the judge and other participants if there is a momentary video/ audio dropout.
- **Judicial presence:** The judge should be clearly distinguishable from other parties in a video hearing, and be able to note who is in the room, so that a) they can see there is no inappropriate influence being exerted or other misconduct which undermines the credibility of the proceedings, and b) they can gauge litigants' and witnesses' non-verbal reactions to the evidence presented and the comments of others.
- **Security of video hearings:** All information, including the live video feed, should be kept secure by appropriate safeguards. Where information is shared or stored, it should be done in a way compliant with information security principles.
- **Assisted digital:** If there is to be greater use of digital technology, assistance should be available for litigants in person who have difficulty with it for whatever reason, whether that is because they find the use of computers difficult or impossible, have language difficulties or any disability. The support should include providing assisted digital services to litigants in person face to face as well as over a telephone helpline, up to a consistent standard across the regions. For those for whom there is no alternative to paper, there should be provision within HMCTS to scan those papers so they can form part of the digital case file. Assisted digital should assist them in producing paper versions of communications from the court. This will be an HMCTS responsibility.

### Questions

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The JEG and the Judicial Working Group on video hearings are continuing to discuss the guidance which would be given to judges about the types of hearings where technology is most appropriate. Your input would be welcomed.

**Q3:** In what circumstances should a face-to-face hearing in a court always be required? What criteria might be applied (complexity of fact/ law, value, case type or combination)?

**Q4:** How can we best ensure that for appropriate hearings the seriousness of court proceedings is brought home to those participating by video? How can we ensure the integrity of the hearing is maintained e.g. no off screen coaching?

**Q5:** In what ways can open justice and transparency be achieved for fully video and telephone hearings?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.



### 3. Cases dealt with in ways proportionate to their nature

*Judges will always hear the more complicated and sensitive cases. Legal advisers or case officers may be authorised to deal with certain specified types of more routine work. Alternative dispute resolution methods should also be used more widely in some jurisdictions, if suitable, to secure speedier and fair outcomes.*

#### Proposed judicial positions to shape Reform

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The following information sets out the current thinking on this way of working:

- **Litigation as a last resort:** Measures should be taken to ensure that litigants in person have guidance about treating litigation as a last resort, and that non-meritorious claims do not get to court.
- **Case initiation:** Eligible cases (Online Civil Money Claims and in future possession claims) that are initiated online on the CFT digital platform should include the provision and signposting of up-to-date guidance on sources of affordable advice and of alternative dispute resolution, and summaries of the legal principles applicable to the litigant's dispute. N.B. this is not suggesting contested possession claims should be determined online.
- **Alternative dispute resolution (ADR):** ADR should be promoted by the civil courts particularly in the allocation and directions stage. ADR should complement the court process, not substitute it. It should be predominantly conducted by independent parties, e.g. mediators. It should not be disproportionately expensive or time-consuming to the value or importance of the case. Where signposting is given, it should clearly lay out ADR provisions to the public.
- **Case progression and management:** Cases should be progressed speedily by administrative functions, enabled by future digital systems, and managed by the proportionate level of expertise for the case type. The judiciary should continue to have broad discretionary case management authority to oversee this process.
- **Decision-making :** Final determination, as opposed to some routine case management decisions, should only ever be judicial.

#### Questions

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The application of Alternative Dispute Resolution (ADR) is still an area for exploration.

**Q6:** What further steps can we as judges take to encourage the use of ADR at an early stage of the proceedings?

**Q7:** Subject to the requirements of open justice do you think that there is greater scope in appropriate cases (where there is no factual dispute for example) to determine claims on paper (as it happens under CPR 27.10 at present)?

*We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.*

## 4. Use of simple, accessible procedure rules

*There should be clear procedure rules for those accessing justice online, with consistent, predictable and easier to understand processes. People should get help when and how they need it. In the absence of legislation, the Online Procedure Rule Committee recommended in the Briggs report is in abeyance, and in the interim the option of the Civil Procedure Rule Committee drafting rules to facilitate reform pilots pending introduction of the legislation is being explored.*

### Proposed judicial positions to shape Reform

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If the requisite legislation enables the creation of Online Procedure Rules:

- **Securing time to develop the rules:** There should be a timetable, protected time and expert support for the significant work required to develop rules collaboratively for online working in Civil, Family and Tribunals. The OPR should be supported by the MoJ in the same way as the CPR is currently.
- **Language:** There should be Welsh equality with English as a language for conducting litigation in Wales, in accordance with the requirements of the Welsh Language Act 1993. An original Welsh language input may be necessary instead of just translation from English.

### Reform proposals that would be influenced by your views

- **Online Procedure Advisory Group (OPAG)** – The OPAG is looking at creating a single set of Online Procedure Rules across Civil, Family, and Tribunals. These rules would underpin the online process that the lay person would use to make it easy and simple to navigate.

There are plans for legislation to create an **Online Procedure Rule Committee (OPRC)**. The OPAG is preparing for this. If legislation is not enacted, the Civil Procedure Rule Committee will continue to oversee any rule changes for online procedure rules.

### Question

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The development of the Online Procedure Rules is at an early stage. We are interested in your views on how this should be done.

- Q8:** What do you consider to be the key features or principles for a simplified set of procedure rules that would make them particularly easy to understand and suitable for litigants in person?

*We welcome your answers to this question along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.*

## 5. Authorisation to perform routine judicial functions

The appropriate use of well trained, legally qualified legal advisers should allow a greater share of judicial time to be spent on decision-making in court and substantive case management (less time spent on routine box work). There should be sufficient supervisory mechanisms in place so that there is no detriment to the quality of justice. As for authorisation of work to 'case officers' (applicable in other jurisdictions, but in Civil only for a legislation-dependent Online Court), the role and its use should be developed with the judiciary, subject to judicial oversight, and supported where necessary with legislation and/ or procedural rules.

### Proposed judicial positions to shape Reform

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The following information sets out the current thinking on this way of working:

- **Legal Advisers:** The legal adviser - who will be legally qualified – and his/ her role should be as it is set out in 'A. Reform Summary' paragraph 6.2 namely;

*“Furthermore, there are some matters which, in accordance with the decision of the Judicial Executive Board, must be regarded as set in stone. Those are that:*

- (a) legal advisers will be trained and supervised by judges;*
- (b) legal advisers will be co-located with judges unless agreed by the MR;*
- (c) the parties will, as a matter of right, be able to have the decision of any legal adviser reviewed by a judge.”*

Any authorisation that is not part of a prospective Online Court (OC) will be handled by a legal adviser. The following positions relate to the role proposed for the 'case officer' only as it applies to a legislation-dependent OC.

- **Role:** 'Case officers' should undertake routine, administrative work. Cases referable to the online system should be handled by the 'case officer' to conduct case management for resolution and simple telephone mediation. The parties will, as a matter of right, be able to have the decision of a 'case officer' reviewed by a judge.
- **Co-location:** 'Case officers' exercising judicial functions should be co-located with the judiciary.
- **Supervision:** The existing structures for oversight should be maintained. If the powers of the roles are enhanced, consideration should be given as to whether there should be a mechanism for the judiciary to provide professional development feedback.
- **Training:** Judicial representatives will contribute to the design and delivery of training for 'case officers' undertaking authorised functions.
- **Recruitment:** All individuals authorised to exercise 'case officer' functions should have the appropriate level of qualification, experience and training.
- **Retention:** A clear and coherent leadership structure should support the retention of quality people by developing their expertise along a clear and attractive career structure.

### Questions

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The precise role of the legal adviser is being looked at (with CPR 51Q as the starting point and PD 2E as from 7 May 2018) by a working group made up of members of the CPRC, the civil JEG, and the CET. Meanwhile, the role of the 'case officer' in a prospective Online Court is still subject to determination. We would welcome your input on the extent and powers of the legal adviser.

**Q9:** While trained legal advisers will be increasingly authorised to carry out the bulk of routine box work/ case management in the future (following guidance from and under the supervision of the judiciary), what types of work/ procedure should be retained by judges; and, if so, what criteria (complexity of fact/ law, value, case type or combination) should be applied to identify such work?

**Q10:** Legal advisers will do important work. It is of fundamental importance that they have the opportunity to speak to and seek guidance from judges. Initially this may be time consuming. How best could this be dealt with?

*We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.*

## 6. A modern estate, properly staffed

*A reduced estate should not compromise the quality of justice administered. The HMCTS Board has agreed that money saved will be used to fund investment in fewer, more modern buildings. They should be equipped and maintained to a higher standard. Buildings also need to be properly staffed by people to support the administration of justice and to provide for the needs of some of the most vulnerable in society.*

### Proposed judicial positions to shape Reform

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The following information sets out the current thinking on this way of working:

- **Fit for purpose court and tribunal buildings:** The court and tribunal estate should be a modern set of buildings in good condition, with guaranteed capacity to meet business needs and disabled access in accordance with the Equality Act 2010. Ensuring the security of judges and court users is a non-negotiable requirement.
- **Application of the design guide:** The Court and Tribunals Design Guide should set the minimum requirements for refurbishment works and new buildings. It should be applied on a case by case basis, and place due weight both on hearing room layout and other facilities in the buildings. On a regional basis, leadership judges should be consulted over requirements.
- **Adequate staffing:** HMCTS staff should be of the quantity and quality, along with all other support, to meet the judiciary's needs. There should be proper procedures in place between the court and the Courts and Tribunals Service Centres (CTSCs) to allow immediate communication and exchange of information, for example for litigants running late for a hearing or where urgent applications are delivered to a court.
- **Supplementary provision:** "Supplementary provision" of justice facilities, i.e. courts held in buildings which are not part of the court estate (previously described as "pop up courts"), should be available where there is business need. This should offer the opportunity to improve access to justice, but should not be a substitute for court and tribunal buildings where there is permanent demand. Regional leadership judges should decide its deployment. No premises should be used where the security of judges and indeed staff, parties and those attending any hearing cannot be assured in accordance with the agreed minimum standards.
- **Flexible operating hours:** If/ where flexible operating hours are considered, they should not mean longer working hours for the judiciary and anti social hours of working should not be imposed.
- **Judicial relocations:** Judicial relocations required by reductions in the court estate should be kept to a minimum and should not involve moves into lower quality accommodation, or into interim accommodation or interim lease extensions without a sustainable agreed end state. Clear policies and procedures should be in place for relocation subsistence, expenses and specific ways of working considerations.

### Question

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In future, more courts and tribunals may become multi-jurisdictional where appropriate. Careful consideration is needed of the types of case for which this would and would not be suitable.

**Q11:** What are the advantages or disadvantages of having court buildings and courtrooms/ hearing rooms that are used by a combination of jurisdictions?

*We welcome your answers to this question along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.*



# Annex A | Reform: the Business Case

Reform is a six-year £1bn investment to modernise the court estate and invest significantly into IT provision, and in doing so improve how courts and tribunals work. Government is committed to investing more than £700 million to modernise courts and tribunals, and over £270 million more in the criminal justice system. The proceeds from estates sales will also be used to support Reform. The c.£1bn investment will be spent in the following ways:

- £270m developing a Common Platform with the Crown Prosecution Service .
- £230m modernising and reforming the court estate.
- £280m developing digital systems.
- £220m on other Reform Programme costs, including core programme costs, training and development.<sup>1</sup>

The price for this investment is a requirement for long term spending reductions. The aim is to reduce annual costs by approximately £250m by 2022, from a current cost base of £1.6bn per annum. Approximately 16,500 HMCTS officers (at the start of Reform) will reduce to just over 10,000. The 460 buildings that made up the court estate has been reduced to 350 so far, with more reductions due to come.

The judiciary has a shared commitment to help deliver the proposals agreed between the Lord Chancellor, the Lord Chief Justice, and the Senior President of Tribunals. This commitment extends to realising the judicial savings as agreed with HMCTS and HM Treasury in successive versions of the Programme Business Case. These savings total £81m<sup>2</sup>, subject to updates to the Business Case. They will be achieved through a combination of measures dependent on each jurisdiction, the detail of which is being further developed by the Judicial Office together with HMCTS.

At the point of sign-off of the last Programme Business Case (November 2017), it was anticipated that these savings would break down as follows:

- **Civil:** £8m was anticipated to be saved from efficiencies in conducting case management, ADR and hearings (including video technology and better guidance given to litigants in person); increased use of case officers for routine box work and out of court resolution (at judicial discretion); making some box work automated; and a reduction in some types of hearing owing to an expansion of other types of resolution.
- **Family:** £16m was anticipated to be saved from efficiencies resulting from digital processes and in improved ways of conducting hearings.
- **Tribunals:** £41m was anticipated to be saved from increased use of case officers for preliminary issues, case management hearings, box work, and interim applications (dependent on the chamber, where this is appropriate); efficiencies in conducting hearings (including video technology, use of online hearings, and use of online dispute resolution); reductions in demand for summary and written reasons; and reductions in withdrawn bail applications in the Immigration and Asylum Chamber.
- **Crime:** £14m was anticipated to be saved from indications of pleas being made online; efficiencies in conducting hearings (including use of video technology and automation); efficiencies in case progression (including use of the Common Platform).
- **Cross-CFT:** A further £3m was anticipated to be saved from a series of 'Early Initiatives' across Civil, Family, and Tribunals, such as changes to the issuing of Attachment of Earnings Orders and to Tribunals authorisations.

The spread and composition of these savings are under scrutiny and we anticipate that further conversations will be required at the Judicial Executive Board and the Tribunals Judicial Executive Board to agree how they are achieved.

This does not mean that any salaried judge will be made redundant, nor is there a mechanism to do so. Recruitment and deployment decisions will continue to ensure that the business need is met.

<sup>1</sup> Figures taken from 'Judiciary Matters: HMCTS Reform Briefing Note', February 2017, p.11; ongoing engagement with HMCTS is being taken to understand the exact makeup of the unspecified costs.

<sup>2</sup> Jurisdictional figures do not sum to £81m owing to rounding.



# Annex A | Reform: the Legislation

Primary legislation will be required for some elements of the Reform Programme to be delivered. A Prisons and Courts Bill was introduced in the House of Commons in February 2017 but was not passed as Parliament was dissolved ahead of the General Election. In a written submission to the Bill Committee, the Lord Chief Justice and the Senior President of Tribunals noted that the legislation was “a critical enabler”<sup>3</sup> which will support access to justice and strengthen the rule of law.

The Queen’s speech in June 2017 announced that the Government would be introducing legislation to ‘modernise the courts system’. This legislation will be introduced as soon as parliamentary time allows. A summary of the court reform measures that were included in the Prisons and Courts Bill is set out below.

## Cross-Jurisdictional

- *Local justice areas*: Abolish local justice areas to increase flexibility in the deployment of magistrates and where a case can be heard.
- *Authorised staff (also known as ‘case officers’)*: Provide for the authorisation of court and tribunal staff across the jurisdictions to exercise judicial functions. The relevant Procedure Rule Committees will have the power to specify which functions may or may not be undertaken by authorised staff in the Crime, Civil, Family and Tribunals jurisdictions. Apply statutory independence and immunities to these staff. Reform the role of justices’ clerks – removing the role from statute to enable the creation of a more flexible, cross-jurisdictional leadership role for authorised court and tribunal staff.
- *Open Justice*: Ensure open justice for fully video and audio hearings (subject to existing reporting restrictions), including the creation of new criminal offences to guard against abuse.

## Crime

- *Streamlining case management, allocation and sending procedures*: Allow defendants to indicate their pleas in writing (preferably online) in all offences, and enable allocation and sending of either-way offences online by removing statutory requirements for hearings where the defendants are physically present. Remove the requirement for defendants charged with indictable-only offences to make a first appearance in the Magistrates’ Court by sending indictable-only cases to the Crown Court directly.
- *Automatic online convictions and statutory standard penalties*: Create a new online procedure for adults who plead guilty to the least serious offences to be convicted, sentenced and pay their fines entirely online.
- *Video and audio hearings*: Enable more matters to be dealt with by video-links or by fully video or audio hearing. All use of video-links remains at the discretion of the court which has to be satisfied that it is in the interest of justice and that the participants will be able to participate effectively.

## Civil, Family, and Tribunals

- *Online Court and Rule Committee*: Establish a new Online Procedure Rule Committee (OPRC) that will be able to create new Online Procedure Rules in relation to the Civil, Family and Tribunal jurisdictions. The OPRC will provide simplified rules to support online procedure.
- *Employment Tribunal reform*: Change the legislative framework of Employment Tribunals to bring them into line with other tribunals and enact reform and new rules in a consistent way.
- *Enforcement powers*: Extend enforcement powers to the High Court so that the Court can make Attachment of Earnings Orders for the recovery of monies due under a judgment debt, as far as practicable on the same basis that the County Court can make such orders using a fixed deductions scheme.
- *Panel Composition*: The Composition Order, which provides the SPT with greater flexibility in setting panel composition, was laid before Parliament in February 2018. The Lords have already debated and approved the Order, and we are now awaiting a date for the Commons debate before the Order can be implemented. We anticipate this will take place in April/May 2018.

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<sup>3</sup> Lord Chief Justice and Senior President of Tribunals, “Memorandum: Prisons and Courts Bill 2017”, para. 10

# Annex B | Reform: Programmes Summary

Reform is divided into 7 programmes. These are detailed as follows:

- 1. Crime Programme.** This programme aims for cases to progress through the criminal justice system more efficiently and with reduced delays. It plans to reduce the number of hearings taking place in court, and to develop a 'Common Platform' for securely sharing information on a single system.
  - Crime Service Model.** Most summary non-imprisonable offences with no identifiable victim (approximately 840,000 cases) will be taken out of the courtroom and heard by a single magistrate on the basis of the case file. In either-way and indictable cases, defendants will provide an indication of their plea online rather than in a court hearing, while judges and magistrates will, at their discretion, be able to conduct remand hearings through telephone, video-link, or online unless they need to be in court. Other elements of the model, such as partial automation of case progression, are in the process of being designed.
  - Common Platform.** The Common Platform plans to introduce new online case management software so that in a criminal case information can be securely shared. This will mean a shared system from when a police officer charges a case or requests a charging decision from the CPS, to the point the case is decided and the result is recorded formally.
- 2. Civil, Family and Tribunal (CFT) Programme.** The intent is to develop a range of digital services to support the resolution of Civil, Family and Tribunal cases fairly and speedily, underpinned by a set of 'Common Components' to be used across the three jurisdictions.
  - CFT Design.** The CFT programme has identified a set of administrative and judicial procedural steps that are common across CFT, known as the 'common procedures'.<sup>4</sup> The ambition is to unite these under one digital platform, with a single access portal. It will involve automated triage, where appropriate, and more frequent use of alternative dispute resolution. This, and a new set of online procedure rules (subject to primary legislation), will provide clear mechanisms for claims to be brought without legal aid or representation.
- 3. Common Components.** In a separate workstream but aligned to the CFT programme, HMCTS are creating over 30 'common components', a set of applications which will enable a more integrated technology system across CFT. The most important components will be Core Case Data, a way to capture case information, and Document and Evidence Management, which will hold the documents related to a case. A further component will be the Judicial User Interface so that judges and panel members see the same types of screen throughout their use of CFT systems.
- 4. Property Programme.** This programme aims to improve the utilisation of a reduced number of HMCTS buildings, create new designs for courts and tribunals, modernise the remaining buildings, and generate some of the income required for investment elsewhere.
  - Estates reductions.** Taking cases out of the courtroom through fully video hearings will mean the requirements for estates will change. The number of courts and tribunals will be reduced. A number of these buildings will be used by more than one jurisdiction.
  - Court design.** There will also be a programme of modernisation of court and tribunals in line with a new Court Design Guide, so that they are fit for purpose in terms of their equipment and maintenance.
- 5. Infrastructure and Operations Programme.** This programme provides the products and services to enable the others.
  - IT infrastructure.** The programme will install WiFi in every court and tribunal building (and in the case of criminal courts, upgrade it) together with screens. The aim is for courtrooms and tribunal hearing rooms to be properly equipped.
  - Video hearings.** Increased use of video hearings is planned to improve efficiency in conducting hearings. This will be in two forms. First, hearings where one or more parties attend through telephone, video-link or online. Second, subject to legislation, some hearings (particularly preliminary hearings) where all parties attend in this way.
  - Digital scheduling and listing.** A new digital tool is being developed to automate some aspects of the scheduling and listing process, where this is considered appropriate by the judiciary. Listing officers will remain in courts and judicial control of listing decisions will remain because they are a judicial function.
  - Courts and Tribunal Service Centres (CTSCs).** A number of Service Centres will be created as the centralised locations for "contact" and the support and administration of cases. These may include some of the case officers, where the judiciary decide it is not necessary for them to be co-located with the judiciary.
  - Case officers.** As part of the CTSC and 'Regional, Courts and Tribunals' projects, the role of case officers is being considered. This could involve the creation of new roles or the expansion of existing roles, dependent on the staff working in a particular court or jurisdiction currently (see sections A and B5 in this document). The use of case officers will always be in the control of judges.
  - Assisted digital.** Assisted digital refers to the new support arrangements put in place to help users interact with the courts and tribunals via digital channels such as webchat, telephone assistance, and where necessary face to face assistance.
- 6. People and Culture Transformation (PACT) Programme.** PACT will redesign HMCTS to support the new ways of working delivered by Reform. This will include supporting the reduction in staff from 16,500 (at the start of Reform) to just over 10,000.
- 7. Transforming Compliance and Enforcement Programme (TCEP).** This programme involves new technology, a new operating model, and re-procuring contracts to ensure orders of the court are enforced effectively.

<sup>4</sup> According to HMCTS, these are: Signposting (online, printed and verbal); Application and Information Routing; Payment; Identity Verification; Casework and Case File Management; Administrative Decision-Making; Communications and Support; Scheduling and Listing; Hearings, Trials and Sentencing; Recording Decisions; Interface with Partners; Enforcement; Service Improvement.

# Annex B | Reform: Projects Summary

## The Reform Programme

Currently there are 52 projects that sit under 7 programmes to deliver Reform. These are described below together with their start and end dates, as proposed in the most recent Reform business cases. Please note that the dates and details of many of these projects remain under discussion with HMCTS.

### A. Crime Programme

#### Crime Service Model

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
1	Single Justice Service (SJS)	Expanding on the existing Single Justice Procedure. Cases involving summary, non-imprisonable offences with no mitigating circumstances could be digitally managed, or pass through other pathways, e.g. to go before a single Magistrate with access to a legal adviser.	28/02/2017	18/03/2020
2	Video Remand Hearings (previously Virtual Remand Hearings)	Remand hearings conducted directly from the police station/custody through video means (i.e. video conferencing) with any pre-trial work also being managed by video.	03/07/2017	28/10/2020
3	Online Plea and Allocation	Plea and allocation to take place outside the court, through a "virtual" centralised triage function, removing the need for allocation hearings. Defendants will be able to indicate a plea online (with assisted digital as required).	03/07/2017	04/03/2021
4	Case Progression	Cases progressed outside of court by judges and authorised staff under judicial supervision. This will be supported by automated scheduling where possible; interlocutory hearings will happen online, or via video and telephone.	03/07/2017	09/06/2021
5	Court Hearings	Maximising the use of digital and video capability for existing court proceedings.	03/07/2017	08/09/2020
6	Youth	Enabling use of digital channels, considering use of more fully video hearings, making administrative work digital and defining a future operating model for the criminal courts within the Crime Service Model. This will all be considered alongside the constraints of working with young people and their parents and/or guardians.	03/07/2017	28/04/2021

#### Common Platform:

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
7	Single Justice Services - Automated Track Case Management System (ATCM)	Part of the new digital service that will include obtaining pleas from defendants online. It is expected to apply to summary only and non-imprisonable cases dealt with under the Single Justice Procedure (SJP) where trials are overseen by a single magistrate. This ATCM System would be used from the prosecutor's receipt of the case in the Magistrates' Court through to a decision.	TBC	01/04/2020
8	Charge to IDPC	Enabling police officers to initiate pre-charge decisions with prosecutors and enabling the prosecutors to complete that charge.	TBC	30/06/2019
9	Online Plea	Changing the way that defendants can enter a "guilty" or "not guilty" plea. This project is aiming to make the process digital, so that defendants could enter a plea online and in written format.	TBC	01/06/2019
10	Digital Mark-Up	A court resulting tool for legal advisers and court associates in the Magistrates' Court, for all criminal cases. The service will be a digital process to record and transmit the results of the judicial decision makers in Magistrates' Courts to the current case management system (Libra).	01/10/2014	01/03/2018
11	Crown Court End-to-End	Covering case management and other capabilities to support processing of guilty plea cases in the Crown Court. The initial delivery will focus on Sentencing Hearings only within the Crown Court. Subsequent delivery will extend the services to all types of Crown Court hearings and into the Magistrates' Court.	TBC	01/12/2018



# Annex B | Reform: Projects Summary

## B. Civil, Family, and Tribunals Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
12	Adoption	An end-to-end solution for adoption cases.	01/02/2018	31/10/2019
13	Upper Tribunals	New digital ways of working across Upper Tribunals and the RCJ.	01/04/2019	30/09/2020
14	Online Civil Money Claims (OCMC)	A new online process will be used for the management of relatively simple and lower value civil disputes. The project will also automate and streamline the procedure for other civil money claims.	01/04/2016	29/11/2019
15	Possession	The accelerated possession claims process will be made digital. As an interim step, automation of administrative processes will be implemented to make processes more efficient and save money. Considerations are being given to ways of standardising the administration of possession cases.	01/10/2018	30/06/2020
16	Court of Protection	People using the Court of Protection will be able to initiate and manage their cases online.	01/02/2019	29/01/2021
17	RCJ Services	Identifying areas of focus to improve services in the RCJ and wider High Court District registries and Upper Tribunals.	03/10/2016	30/09/2019
18	Divorce	Delivering a transformed divorce service for people who want to end their marriage or civil partnership. This project will also reduce the HMCTS resource required to administer those cases. A digital service for applications for: divorce, nullity or judicial separation of marriage or civil partnerships, and online payment of fees.	01/04/2016	31/01/2019
19	Private Family Law	Implementing systems and processes to enable private family law litigants to initiate and manage their cases online.	01/08/2019	30/04/2021
20	Family Public Law	This project will transform our public family law function to enable users, including local authorities, to start and manage cases online for all public family law and adoption cases.	02/10/2017	31/10/2019
21	Probate	Implementing a streamlined, digital system to speed up and simplify the process for users who apply for a grant of probate in non-contentious cases.	01/04/2016	02/01/2019
22	Social Security & Child Support (SSCS)	Establishing a new, digital process to improve the experience of appellants, allowing them to submit, track and manage their appeal online. This will include verification checks and an online listing tool.	01/04/2016	29/03/2019
23	Specialist Tribunals	The project will establish new ways of working across the tribunals, developed on a tribunal-by-tribunal basis.	02/01/2019	30/06/2021
24	Immigration and Asylum Chamber (IAC)	Developing the administration of the Immigration and Asylum Chamber's service so that it can adapt according to different needs of users. It will enable case resolution both online and by video.	01/12/2017	29/11/2019
25	Employment Tribunals (ET)	This project will use a combination of the tribunals authorisation and the civil money claims models to develop an ET service that can change the way it works according to what the user needs. This will include the ability to resolve cases online and by video.	01/11/2019	30/06/2021
26	Civil Enforcement	Reviewing the structure of civil enforcement to deliver better information and increase the likelihood of successful enforcement. This includes increased guidance, a simplified process, and a digital system to increase efficiencies.	03/04/2018	30/10/2020

# Annex B | Reform: Projects Summary

## C. Common Components

A full list of the projects within the Common Components Programme will be made available on the Judicial Intranet in due course.

## D. Property Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
27	Birmingham Estates Rationalisation Project (BERP)	Rationalising the HMCTS Civil, Family and Tribunals (CFT) estate in Birmingham to realise long term savings. Delivering a Birmingham CFT hearing estate that is fit for purpose and can withstand future change.	30/07/2014	30/04/2018
28	Estates Reform Project 1 (ERP1)	Reviewing the utilisation of HMCTS estates and removing surplus capacity.	01/09/2015	29/03/2019
29	Estates Reform Project 2 (ERP2)	Reducing the property profile of HMCTS further, enabling a more fit for purpose and modern court estate.	01/08/2016	29/04/2022
30	Hammersmith & Camberwell Green Project	Reviewing the utilisation of HMCTS estates and removing surplus in London.	01/06/2015	31/03/2020
31	The Court Design Guide	Defining the principles and standards upon which HMCTS will base future building design.	01/06/2016	31/05/2018



# Annex B | Reform: Projects Summary

## E. Infrastructure and Operations Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
32	IT Infrastructure – Screens	Implementing screens for the judiciary, and litigant in person and witness screens to Civil and Family courts and tribunals.	31/07/2018	31/03/2020
33	IT Infrastructure – WiFi	Deliver WiFi in remaining CFT hearing venues. Refit of HMCTS WiFi to Crime sites-funded from PBC3. Screens in CFT Venues, review the WAN/LAN networks, capability for Video Hearings and specifications for Alternative Provision.	18/07/2016	29/03/2018
34	IT Infrastructure – Video Hearings (VH) Hardware	Providing video conferencing equipment in the local tier to support video hearings.	19/04/2017	29/03/2019
35	IT Infrastructure – RCJ WiFi and Screens	Implementing WiFi and screens in the RCJ.	23/06/2017	29/03/2019
36	Video Hearings (previously Virtual Hearings)	Implementing hearings in a digital environment outside traditional courts or tribunals. Developing the capacity to provide 'On the Day Management' of hearings, where the hearing attendees can be welcomed, communicated with and directed digitally. A telephone conferencing system will be delivered as part of the project.	01/09/2016	31/05/2019
37	Scheduling & Listing	Implementing a scheduling and listing tool to be used by court listing officers to support their work.	02/05/2017	TBC
38	Bulk Scanning & Printing	Supporting the digitisation of services by establishing a bulk scanning service. It will also reduce printing and postage costs by establishing a centralised bulk printing solution. Local printing and scanning solutions are out of scope for this project.	01/09/2016	18/12/2018
39	Courts, Tribunals and Regional Tier	Developing a new organisation design for the staff operating within the courts and tribunals. This project, together with the CTSC project, includes work on the role of the case officer, rather than it being a separate project in its own right.	31/08/2017	31/03/2022
40	Enterprise Performance Framework (EPF)	Developing a new performance framework to measure the performance of HMCTS (as a technology project it forms part of this programme, not PACT).	03/07/2017	31/01/2020
41	Flexible Operating Hours (feasibility study)	Completing a pilot and evaluation across a series of sites in different locations and jurisdictions to examine the feasibility of flexible, extended operating hours for hearings. Note that this project is not necessary to deliver the business case for Reform.	30/09/2016	TBC
42	Online Tier	This project will shape HMCTS' online presence, signposting, information and guidance on accessing or using HMCTS services. It will make it easier for customers to self-serve, to make informed choices, and to understand what is happening.	TBC	TBC
43	Courts and Tribunals Service Centres (CTSCs)	Delivering a number of centralised case administration centres for HMCTS in England and Wales by consolidating administrative activity. This project, together with the Regional, Courts and Tribunals project, includes work on the role of the case officer, rather than it being a separate project in its own right.	01/04/2017	12/12/2022
44	Assisted Digital	Providing support to members of the public (including litigants in person) who have limited digital capability or who are unable to access resources/information digitally.	01/09/2017	01/03/2022
45	Judicial Fees & Expenses Payment System (JFEPS)	Improving the payment of fees and expenses to all court judges and tribunal judges and panel members. The project is creating an online system to handle the processing of claims and expenses, which now includes fee-paid members.	01/12/2015	29/03/2018

# Annex B | Reform: Projects Summary

## F. People and Culture Transformation Programme (PACT)

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
46	Org Design (Workstream)	Completing organisation design work, including considering the size and cost of the future HMCTS organisation.	14/11/2016	12/12/2022
47	People Proposition (Workstream)	Developing the future employment model considering diversity, equality, reward, performance, careers on offer and opportunities for career development.	14/11/2016	12/12/2022
48	Employee Engagement (Workstream)	Defining the engagement strategy and plan to increase engagement at all levels.	14/11/2016	12/12/2022
49	People Transition (Workstream)	Reviewing, updating and developing policies for recruitment, retention, redundancies and redeployment.	14/11/2016	12/12/2022
50	Capability Development (Workstream)	Identifying the new skills and capabilities required in the HMCTS workforce. Building the knowledge and developing interventions and change leadership to support this.	14/11/2016	12/12/2022

## G. Transforming Compliance and Enforcement Programme (TCEP)

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
51	Transforming Compliance and Enforcement Programme (TCEP)	Increasing both the level and the efficiency of the collection of criminal financial impositions through improved business processes and IT systems. This will consolidate administrative activity through a reduced number of sites and headcount. The improved IT systems will also increase the levels of collection through improved verification and data segmentation functionality.	04/01/2016	30/04/2019
52	Approve Enforcement Agency (AEA)	Covering the re-procurement of Approve Enforcement Agency (AEA) contracts, due to expire, including a review of how this service is provided.	01/08/2016	30/04/2019

# Annex C | Judicial Governance Groups

The table below describes the various groups that make up the Judicial Reform Network (JRN). The JRN is the collection of groups that will help to drive Reform across the Judiciary.

Group	Description
Judicial Executive Board (JEB) & Tribunals Judiciary Executive Board (TJEB)	<ul style="list-style-type: none"> <li>The JEB/TJEB are the most senior decision-making forums for providing a judicial view on design or implementation questions.</li> <li>JEB/TJEB receives regular updates on Reform from JRB.</li> </ul>
Judicial Reform Board (JRB)	<ul style="list-style-type: none"> <li>The JRB functions on behalf of the judiciary to drive Reform, lead and manage change, inform and if necessary involve judicial office holders in the Reform process, and ensure Reform is shaped by Judicial views where appropriate.</li> <li>The JRB will take all necessary decisions about Reform on behalf of the judiciary and, where necessary, refer those decisions to JEB and TJEB.</li> </ul>
Judicial Reform Board – Courts (JRB-C)	<ul style="list-style-type: none"> <li>The JRB Courts group focuses on Reform issues specific to Courts jurisdictions. This involves regular review of judicial engagement to ensure Reform questions relating to courts receive the right level and type of judicial consideration at the JRB.</li> </ul>
Tribunals Judicial Strategy Group (TJSG)	<ul style="list-style-type: none"> <li>The TJSG focuses on Reform issues specific to Tribunals. This group helps to ensure Reform questions relating to Tribunals receive the right level and type of judicial consideration at the JRB.</li> </ul>
Judicial Reform Steering Group (JRSG)	<ul style="list-style-type: none"> <li>The JRSG provides a view on design questions that have cross jurisdictional implications.</li> <li>The JRSG oversees and coordinates the work of the JEGs and align JEG contributions where a cross jurisdictional view is required.</li> <li>JRSG is as a point of escalation for JEG Chairs on matters that require further consideration from JRB or JEB/TJEB.</li> </ul>
Judicial Ways of Working Group (JWOW)	<ul style="list-style-type: none"> <li>The JWOW group reviews and provides a viewpoint on cross-jurisdictional design questions. Specifically, it will focus on how those questions will affect judicial policies and procedures.</li> <li>The JWOW group also considers the major enablers that will change ways of working. These include training, supervision, location, deployment, practice guidance, leadership, and welfare. It is recognised that some of these questions are not just related to Reform.</li> </ul>
Judicial Engagement Groups (JEG) and the Magistrates Engagement Group (MEG)	<ul style="list-style-type: none"> <li>JEGs/the MEG provide a view on Reform design questions for specific jurisdictional service models.</li> <li>There are JEGs for Family, Tribunals, Civil, Crime, and the MEG for Magistrates.</li> <li>JEGs/the MEG commission, oversee and support working groups and Reform working group judges, magistrates and panel members specific to their jurisdiction.</li> <li>Judges on working groups or Reform project boards will be aligned to and update the relevant JEG/the MEG. If the Working Group is related to a cross jurisdictional matter it will align to and update either the JRSG or JWOW group.</li> </ul>
Regional Leadership Groups (RLGs)	<ul style="list-style-type: none"> <li>Six Regional Leadership Groups act represent respective Local Leaderships Groups.</li> <li>RLGs consider Reform implementation implications at a regional level and provide guidance on the effective use of LLGs and their membership based on regional implementation plans for courts and tribunals.</li> </ul>
Local Leadership Groups (LLGs)	<ul style="list-style-type: none"> <li>Local Leaderships Groups help to guide delivery efforts at a local level. There are twenty three cross-jurisdictional LLGs, six CFT focused LLGs and six Crime focused LLGs.</li> <li>LLGs make decisions on local implementation of Reform and help to communicate with the wider judiciary. To date they have met quarterly; this may become on an “as needed” basis.</li> </ul>
Project working groups	<ul style="list-style-type: none"> <li>Project groups will include judicial representation to garner input into specific project design and implementation decisions.</li> <li>These groups report up to an appropriate JEG regarding status and decision-making.</li> </ul>