



To: Family Division Liaison Judges
Designated Family Judges
HMCTS Delivery Directors
HMCTS Heads of CFT

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Title: **E-working in the family jurisdiction**

1. Purpose

- 1.1. To provide an update on plans for modernising e-working in the family jurisdiction and explain how research has been conducted to date.
- 1.2. To follow up on the recent pause on rolling out the e-filing solution developed by HMCTS colleagues in Manchester Civil and Family Justice Centre.
- 1.3. To inform you about work underway in preparation for the launch of the Public Law Reform Project in October 2017.
- 1.4. By providing all of the above, to help DFJ Areas to make informed decisions about implementing local changes during the interim period between now and when new national products become available.

2. Summary

- 2.1. A pause was put on the further roll out of digital solutions, in particular the Manchester e-filing system, to allow an assessment to be made about the level of risk posed by these systems in relation to business continuity and data security following a recent survey undertaken.
- 2.2. The Reform programme will use the Public Law Project, which is due to start in October 2017, as a pathfinder to develop the 'evidence management' common component across CFT which will be the solution for document management and evidence upload. This will replace or modify many of the local solutions currently in place for e-filing and e-bundles.
- 2.3. It is hoped that the first release of this solution will be available spring of 2018, following a pilot early in 2018.

3. The current position

3.1. The funding secured for the Reform Programme means we are able to plan for the much needed digitisation of our services. For the family jurisdiction, the first project to launch was Divorce Online which is progressing well with a new digital application for personal applicants currently being piloted. The next family project to launch will be the Public Law Project in October 2017. We are very aware however, that a variety of new systems have already been implemented in DFJ Areas, either led by HMCTS colleagues working with local judiciary or led by local authority partners, some of whom have invested in systems to improve digital working in family courts.

3.2. A survey was recently undertaken to bring our awareness of the variety of digital systems implemented locally up to date in preparation for the Public Law Project. From the results we know that local practice falls into four types of e-working:

- **e-files** – this is where courts are using electronic files in place of a paper file by saving documents on a shared drive thereby enabling remote access by staff and judiciary;
- **e-filing** – a system developed by HMCTS staff in Manchester Civil and Family Justice Centre which enables the filing of electronic documents by email that are then automatically saved within the appropriate electronic court file stored on a shared drive;
- **e-bundling** – there are a number of systems in existence, all funded by local authorities, that either enable them to produce an electronic bundle that can be emailed directly to parties, staff and judges, or in some instances local authorities host (provide access to) the electronic bundle (and again in some instances other case file documentation too) to all who require access, via a cloud-based storage space requiring individuals to login to that cloud-based storage.
- **in court digital presentation** – this is achieved either through individuals, such as a judge or a solicitor, accessing their saved version of the e-bundle on their device whilst in a hearing or by simultaneously accessing a shared version of the e-bundle via the afore-mentioned cloud-based storage (which requires wifi). There is also at least one instance of a court using Clickshare (available in many criminal courtrooms) to enable controlled simultaneous display of e-bundles on multiple screens in a courtroom.

3.3. All **42** DFJ Areas responded to the survey. The results told us that **27** are using e-files opposed to using paper files, **17** are using the e-file to access documents in the courtroom, **15** designated family courts are using the Manchester e-filing system and there are **58** Local Authorities that provide an electronic bundle.

4. Our progress towards achieving a reformed e-working solution for family courts

4.1. Our overall vision is to have, wherever possible, paperless processes from issue to resolution across civil, family and tribunals (CFT) jurisdictions. Realisation of this vision has already commenced with the pilot of the new online application for divorce. The Public Law Project will launch in October 2017 and will, like divorce, seek to digitise the whole process from start to finish.

4.2. Most elements of e-working will not just be a requirement for public law cases, but will be a requirement across CFT and crime services. The Reform Programme has already identified a number of 'common components' that, as the name suggests, will be common across multiple services and jurisdictions, and as outlined above one of these is the 'evidence management' common component. A dedicated team has already been assigned to design and develop this component, taking account of cross jurisdictional needs, and their work will include design and delivery of new products to change the way documents are filed digitally and evidence is uploaded and used at hearings digitally. We are already working closely with that team to develop plans for the future and Public Law will be the pathfinder for both the design and development of future products and the first pilot of their use. Along with other infrastructure plans already being implemented, including the rollout of Wi-Fi and dual screens in family courts, we can therefore expect to see significant improvement in digital working in relation to public law over the coming

months and year. We anticipate that the greatest and most widely felt benefits in relation to the future public law process is in the delivery of the evidence management component, hence starting here with both our research and our work towards some high level requirements.

- 4.3. Digital colleagues have been conducting research through visits to courts and local authorities, to better understand the different perspectives on systems that exist now and those needed in future. Courts visited have included those where local authorities have invested in systems, which has provided valuable insight into the pitfalls and the opportunities that existing systems offer. We also recognise that digital working in the criminal courts is well advanced thanks to Store and DCS and digital colleagues have been considering whether those systems provide options for CFT.
- 4.4. Digital, reform and operational colleagues have been working together to consider the research undertaken to date and to start forming a high level view about what we can deliver and when, so that we can share this information with judicial and operational colleagues. We are pleased to report that we have now formed an early view about where we will start, what we will deliver and the timescales needed to do this and have agreed some next steps to continue our progress. We are sharing this with you very early so it comes with the usual caveats that plans do iterate and improve as more and more detail is understood through research.
- 4.5. As our first step we will introduce a 'shared storage system' solution and as outlined above it is hoped that the first release of this solution will be available spring 2018 following a pilot early in 2018. The solution will begin the process of HMCTS becoming the 'host' of documents and evidence filed electronically with the court, meaning we will store those documents on our new shared storage system in the same way that we used to store the paper version on our files. Local Authorities wishing to use our new capability simply need to be able to provide us the documents and bundles electronically, at the very least as a PDF. Local Authorities will gain access by creating a login and having a unique reference number for the case. Once uploaded, documents will be available for the court to view and if needed can be downloaded and saved in the relevant e-file. Initially, we will require Local Authorities to continue to serve the documents and bundles on the relevant parties, with the long-term aim that the systems capability is increased to allow all parties to the case access to the shared storage system.
- 4.6. We know that more than half of the Local Authorities do not currently work electronically, so it is likely that we will look to encourage some of these as early adopters. We will not expect Local Authorities who have invested in systems that do more than our solution initially offers to adopt this solution and thereby degrade the current ways of working. Over time we will build functionality so that we end up with a final solution that offers most if not all of the functionality that some of the Local Authority systems out there are offering now and it is at this point that we aim to make use of the HMCTS shared storage system compulsory.
- 4.7. As well as filing and storing documents and bundles, we are aiming for the solution to include viewing of these documents in the courtroom to enable some rudimentary in court digital presentation of evidence. To do this we need to make effective use of the witness screens and have an agreed solution for providing access for magistrates, particularly when they retire to consider a case.
- 4.8. For those considering the adoption of the Manchester e-filing system I can confirm that the pause has now been lifted, but I would encourage a review of any decision to implement in light of the functionality coming down the track early next year, just to be sure it remains the right thing to do. The system provides some clear benefits, not least reducing the need to process large volumes of paper and enabling remote access, but it is important to emphasize that the Manchester e-filing system is a tactical and locally developed solution and whilst it has been tested at length in Manchester and other DFJ Areas, it has not been subject to the rigorous testing that new and long term systems being developed in the Reform Programme will be. In addition, it does not have the national support, such as helpdesks, that our established national systems such as FamilyMan has, so that support must come from within the region.

- 4.9. Any areas who do decide to proceed with implementation of the Manchester system should only use Version Two of the system, which is an improved version following feedback from users of Version One. We also ask that those areas currently using Version One work with their local judiciary to agree a plan to upgrade to Version Two as soon as practicable. Finally, it is worth emphasizing that the guidance supporting implementation must be followed carefully, to ensure effective and timely communication to those expected to use the system; if users do not fully understand what is expected of them the system will not work properly. Following the guidance also ensures appropriate use of shared drives to restrict access to personal data contained within electronic files to those who require it.

5. Next steps

- 5.1. We will share the results of the survey with you to continue to raise awareness of the latest systems in place and more specifically what they facilitate in terms of digital working. You may remember we did this about a year ago through the Family Business Authority to share good practice, but we want to do it again to share the latest information.
- 5.2. We will also be sharing our proposals for the future with local authorities to gather their early feedback on how they see their existing systems working in future and also assist those thinking about making an investment in technology in the near future.
- 5.3. We will continue to visit courts, judges and local authorities as we look more closely at specific systems and assess the implications of the changes we intend to bring about over the next year.
- 5.4. We will work with the President of the Family Division to identify a lead judge to support the Public Law Project.
- 5.5. We will provide regular updates to you about our progress given the understandably high level of interest in plans for the future. Please feel free to contact the Service Manager for the Public Law Project, Emma Petty, as well the Project Manager, Leeanne Wheeler, if you would like to share your experience or offer your views about future ways of e-working.