



JUDICIARY OF  
ENGLAND AND WALES

# The Lord Chief Justice's Report 2019



# The Lord Chief Justice's Report 2019

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## Introduction by the Lord Chief Justice

The judiciary of England and Wales and the staff who support them in Her Majesty's Courts and Tribunals Service and the Judicial Office, work to uphold the rule of law and secure the administration of justice across all jurisdictions. The year covered by this Report has seen increased pressure in most jurisdictions against the reality of extremely tight resources. More is being done with less.

It is a matter of regret that resources have not been made available by government to begin to tackle the backlog of repairs and maintenance needed in the court estate.



One of the most enjoyable parts of my job is travelling to visit courts and meet judges and magistrates across the country. That also allows me to see first-hand the poor conditions in which both staff and judges work in many court centres and which have to be endured by members of the public. I am continuing to press for funding to tackle the maintenance problems that must be addressed to bring our court buildings back into a decent condition. I am raising this with the government at every opportunity.

In June the government announced their response to the Senior Salaries Review Body Report into judicial remuneration and have committed to legislative change to deal with the fundamental problems which flow from changes to the Judicial Pension Scheme. That commitment, together with the interim steps now in place, is welcome. It will help to secure the strength and quality of the judiciary and ameliorate problems in recruitment. The number of High Court judges recently recruited is greater than last year. We are not yet back to full strength, but I am optimistic that the position is on the mend. That said, there was a worrying shortfall in the recruitment of salaried members to the District Bench this year which will have adverse consequences for the family and civil jurisdictions.

We have continued to build on the work of our Diversity and Community Relations Judges, who now number about 120. Visits to schools continue apace and materials have been made available online. In May, the Royal Courts of Justice hosted students from eight local schools for a judicial Question Time event. A panel of judges from a range of jurisdictions answered penetrating questions from the students. It was clear that those attending appreciated the opportunity to meet judges and understand a little better the work we do. A recording of the event was made available online.

Outreach work of this sort is being expanded. In October 2019 I launched an online course about the judiciary of England and Wales which will be available to the public: "The Modern Judiciary: Who They Are, What They Do And Why It Matters". The course is designed to explain the workings and the purpose of the modern judiciary to young people across the country. This MOOC (Massive Online Open Course) has been developed by the judiciary in partnership with

King's College, London and will be hosted on the FutureLearn platform. The course will be open and accessible to the general public free of charge and commences in January 2020.

The modernisation of the courts continues with an expansion in the availability of digitised access. The reform or modernisation programme involves much which is designed to make good decades of underinvestment and bring our systems and processes into the 21st Century. I am grateful to government for its continued financial support for this reform, which is vital. The judiciary continues to make available the expertise and time of very many judges to help shape the programme with a view to insuring that its components improve the administration of justice.

Technology advances at an astonishing pace. The impact of artificial intelligence on all aspects of our personal and professional lives continues to be the subject of debate and speculation. Earlier this year, I set up an advisory group on AI to consider those aspects of the topic to which the judiciary might most helpfully turn its attention. The group will consider the opportunities provided by AI to support the work of judges and the functions of the courts. The group's first task has been to gather information on the subject, but their discussions have already turned to judicial training and the use of AI in judicial decision making. My purpose in establishing the expert group was to ensure that our thinking proceeds in parallel with technological advances rather than being taken by surprise in the future.

The judges and magistrates of England and Wales at every level do a remarkable job in difficult circumstances. They are dedicated to the public interest. They have my profound thanks for what they do and deserve the thanks of all those they serve. So too do the dedicated staff in Her Majesty's Courts and Tribunals Service and the Judicial Office.

This has not been an easy year and the future is replete with financial and other uncertainty. The judiciary and all those who work in the courts will continue to rise to meet the challenges we face.

# 1. Leading a modern judiciary

## Leadership of the judiciary

The Lord Chief Justice recognises the importance of good leadership in the judiciary both to support the welfare of judges and to enable the continuous improvement to the administration of justice in each jurisdiction. The strength of the judiciary depends on the way in which senior judges lead and support judges through the jurisdictions.

The Lord Chief Justice has commissioned and supported the development of annual training events for local leadership judges. Development for leadership and management judges has been expanded and now comprises three cross-jurisdictional levels: training for newly appointed leaders, continuation training for those more experienced and bespoke induction for senior judicial leaders. The programmes are judge-led, delivered to cross-jurisdictional groups in partnership with relevant experts and include digital resources and guidance to aid learning. Work is progressing on developing clear job descriptions which include leadership roles.

## Career conversations and appraisal

Since July 2018 all salaried judges across England and Wales are being offered career-based conversations with their leadership judges. These discussions enable a regular dialogue about professional aspirations, workload and opportunities to broaden experience. A flexible deployment policy has been developed to offer better support to judges who wish to broaden their experience. There is ongoing work to establish the use of appraisals (initially for fee-paid judges) to assist in career development and to support the judicial recruitment process.

The existing Recorder Appraisal Scheme is being extended to family and civil jurisdictions. In October 2019 a number of Circuit judges were trained to be Recorder appraisers. Civil and family schemes follow a similar process to that in crime although the family scheme is initially being run as a pilot in a limited number of courts.

## Welfare

In November 2018 the Judicial Professional Support Service was launched in order to provide those judges trying traumatic cases with relevant support and pastoral care. The scheme is intended to provide appropriate assistance either on a one-off basis or tailored to the needs of the judge. Early feedback has been positive.

## Training

The Lord Chief Justice has statutory responsibilities for judicial training. The Judicial College delivers training for approximately 22,500 judges, tribunal members and magistrates as well as approximately 1,000 coroners and coroners' officers.

In 2018 and 2019 the College delivered 365 residential courses for the judiciary attended by 13,084 participants. Training encompasses substantive jurisdictional induction and continuation training, cross-jurisdictional issues including judicial skills, welfare and resilience, judicial ethics, leadership



and management and judgecraft. Social context and diversity principles are embedded through case studies and e-diversity modules on intercultural communication.

The College also prepared a range of distance learning and training packs for local delivery by magistrates and accredited legal advisers including a complete refresh of the Domestic Abuse (Crime) training materials and production of new appraisal forms and guidance. It published Bench Book updates for use by approximately 14,300 magistrates and 1,100 legal advisers.

A Welsh language survey was run by the College in autumn 2018 to inform the training response to assist the language training needs of judges sitting in Wales.

College Publications include the Equal Treatment Bench Book, the Crown Court Compendium, jurisdictional Bench Books, Tribunals Journal and e-letters that provide updates in the crime, civil and family jurisdictions and for those who sit in Wales.

The Judicial College has a new media suite where videos can be filmed for its digital Learning Management System (LMS) and live webcasts conducted. Online training modules and reference materials can be accessed at any time through the LMS which is continuously developing with the focus this year on improvements to its search engine functionality. The core theme of the Senior Trainers' Conference, held in February 2019, was 'Embracing new digital tools and methods of training' in recognition that the judiciary increasingly uses digital skills in day to day work and in preparation for improved digital processes brought into effect by system reform.

## 2. Appointments and Diversity

### Appointments

The Forward Programme for recruitment, which sets out the cycle of judicial selection exercises, is coming to the end of its second year. It has seen the Judicial Appointments Commission (JAC) run the highest number to date of salaried and fee-paid recruitment campaigns across the courts and tribunals. These resulted in over 1,000 recommendations for appointment in the year to April 2019, including 10 for the High Court.

The Lord Chief Justice welcomes the steps taken by JAC to improve selection processes. A highly successful streamlined application for future High Court and Deputy High Court Judges has now been rolled out as well as to some leadership recruitment exercises. Additionally, the first combined online qualifying test for fee-paid entry level posts, that of Judge of the First-tier Tribunal and Employment Tribunal and Deputy District Judge, launched in late March 2019 and will be reviewed at the conclusion of the exercises.

### Diversity

The Lord Chief Justice has set out the fundamental importance of diversity within the judiciary and the need to take action to address underrepresentation. While acknowledging that much has been achieved there is a great deal still to do.

The Lord Chief Justice is very grateful for the considerable time devoted and effort made by judges to encourage applicants from the widest possible range of backgrounds to consider a judicial career and to support them through a comprehensive range of targeted outreach programmes and workplace shadowing and mentoring. Judges have been working with the professions, JAC and the Ministry of Justice to deliver the Pre-Application Judicial Education programme, launched in April 2019, to offer to those from underrepresented groups considering applying for judicial roles skills-based training and detailed information on all aspects of judgecraft. The Judicial College has been instrumental in developing materials for the programme to ensure they are available for anyone to access online.

The judicial diversity statistics, published on 11 July 2019, showed that as at 1 April 2019 7% of courts' judges and 11% of tribunal judges declared themselves as BAME. 32% of courts' judges and 46% of tribunal judges were women. Between 2014 and 2019 the number of BAME judges increased by 2 percentage points in both courts and tribunals whilst the number of female judges has increased in courts by 7 percentage points and tribunals by 3 percentage points over the same period.

Work is underway to consider combining the JAC statistics on recommendations for new appointments and Judicial Office statistics on the diversity of the current judiciary. These statistics are expected to be presented alongside diversity information from the professional bodies or their regulatory bodies as appropriate. This would enable better tracking of underrepresented groups from the professions through the JAC recruitment process and into the judiciary and also help to develop a better understanding of the eligible pool to ground more reliable comparisons.

In June 2019 the government announced its response to the Senior Salaries Review Body's (SSRB) major review. The Lord Chief Justice welcomed the commitment to pursue legislative change to address the fundamental problems identified by the SSRB. Together with the accompanying interim settlement which affects a minority of judges, this will help address the recruitment problems the judiciary has faced in recent years.

## 3. Courts and Tribunals Modernisation

The judiciary has continued to work closely with Her Majesty's Courts and Tribunals Service (HMCTS) in helping to shape development of the reform programme which is bringing new technology and modern ways of working to the way justice is administered. The Lord Chief Justice is committed to the programme which ensures that vital developments for the future of the courts, judiciary and public access are implemented.

Each jurisdiction has its own Judicial Engagement Group (JEG) made up of a cross-section of judicial office holders from within the jurisdiction, and judicial working groups are attached to individual reform projects.

Continued judicial engagement with the programme, including input into the design of new products and services, is vital to success. The Lord Chief Justice remains grateful to all judicial office holders who commit time and effort to it as well as to HMCTS for their continued efforts to implement the programme.

The Courts and Tribunals (Judiciary and Functions of Staff) Bill received Royal Assent on 20 December 2018.

The electronic case management and filing system (currently used in the Rolls Building jurisdictions) has now been extended into the Central Office of the Queen's Bench Division.

The Lord Chief Justice, with the Master of the Rolls and the Senior President of Tribunals, gave oral evidence to the Justice Select Committee's inquiry into the HMCTS reform programme on 10 July 2019.<sup>1</sup>

### Estates

In January 2019 two Courts and Tribunals Service Centres opened in Birmingham and Stoke marking a significant milestone within the reform programme and a step towards HMCTS's future operating model. The Centres support the courts and tribunals by delivering administrative services. On 17 May 2019 the Government published its response to the 'Fit for the Future' estates consultation outlining the future strategy and approach to reforming the court and tribunal estate in England and Wales.

There continue to be a number of problems which affect the entire court and tribunal estate including the age and poor condition of the buildings and delays in getting reported problems fixed which can affect business with hearings adjourned. Examples include flooding and IT and power outages. Physical problems can also create security breaches. Rural courts are often neglected at the expense of those in large cities and there is a general lack of funds for basic maintenance and repair which are often desperately needed.

This year there have been no further consultations about court closures.

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<sup>1</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/hmcts-court-and-tribunal-reforms/oral/103778.html>

## Communication

'Judicial Ways of Working' (JWOW) was a consultation exercise carried out in 2018 that received 10,000 responses from judges, panel members and magistrates. A number of themes emerged in the responses, including the reliability of new technology and the need for effective training. In December 2018, the jurisdictional responses to the consultation were published. The feedback gathered through JWOW will continue to shape and guide the reform programme.

In January 2019 a dedicated judicial reform communications team was established to increase the regularity and accessibility of updates on the reform programme. The subsequent improvement in reform-specific communications has seen the amount of reform updates double, the variety of channels widen, and the introduction of more interactive and digital channels. These included a series of 'digital demonstrations' in courts across the country, hosted by members of the Family and Tribunals Judicial Engagement Groups (JEGs) and presented by HMCTS reform project leads. The demonstrations provided the opportunity for judicial office holders to get hands-on, practical experience of the incoming digital services designed for their jurisdiction, as well as the chance to ask questions and hear about the work of the JEGs.

## Judicial Library and Information Service

The Judicial Library and Information Service provides judges with access to online legal information via eLIS – an in-house online library services portal housed on eJudiciary. It provides immediate access to up-to-date law whenever and wherever required. This supports the modernisation programme in HMCTS by making new technology and modern ways of working available to the judiciary. It is important judges have the skills to use these resources efficiently and effectively; therefore a comprehensive training programme has been developed in collaboration with the judiciary. It mixes individual and group training sessions in tribunals and courts with a range of online training resources including videos and guides and is delivered by dedicated eLIS trainers.

## 4. External engagement

### Working with government and parliament

The Lord Chief Justice and other senior judges regularly meet the Lord Chancellor, Justice Ministers, the Permanent Secretary to the Ministry of Justice, the Home Secretary, the Attorney General, and, ad hoc, other ministers and permanent secretaries. The Lord Chief Justice also meets the Prime Minister.

The Lord Chief Justice has continued to meet informally and regularly members of the House of Commons Justice Select Committee and the House of Lords Constitution Committee and the Parliamentary Clerks supporting them throughout the period covered by this report. The strong working relationship between officials in the Judicial Office and the Parliamentary Clerks positions the judiciary as ready to assist parliament within constitutional boundaries. In particular the Lord Chief Justice appeared before the House of Commons Justice Select Committee after the publication of his 2018 annual report. He identified his priorities as the recruitment and retention of new judges, particularly at the more senior levels, the low morale of the judiciary as a whole and the reasons for it and the need to modernise the court system. His evidence included the importance of funding the court estate and the scope for improving access to justice by having a digital process for litigation. He stressed the work being done on increasing judicial diversity, the increased provision for welfare support for judges and the schools' educational programme.

Members of Parliament, Peers, and Parliamentary Clerks at the invitation of the judges visit courts and tribunals to see their work first-hand.

### The legal profession

The judiciary has an inherent interest in the legal professions. The adversarial system works only when advocates and litigators embody the highest standards of conduct and ethics and owe an overriding duty to the court. The Lord Chief Justice and Judicial Office have regular meetings with the representative and regulatory bodies.

### Schools' Engagement programme

Since the launch in 2018 of the expansion of the judicial Schools' Engagement programme the judiciary has reached more than 12,000 students in schools and universities. This renewed initiative reflects the Lord Chief Justice's desire to enhance school students' understanding of the rule of law and the justice system and to encourage them to consider future careers in the judiciary.

The number of judges volunteering to act as dedicated Diversity and Community Relations Judges (DCRJ) has increased to 120. They held a 'Question Time for Schools' event at the Royal Courts of Justice and participated in local and national mock trials.

An online resource has been developed for teachers and students at [www.judiciary.uk/schools](http://www.judiciary.uk/schools). It includes lesson plans and videos of judges explaining their work. There are also links to material provided by public legal education charities. The Lord Chief Justice is very grateful to judges for their work in this area, and also to Young Citizens, the National Justice Museum and the Bingham Centre for the Rule of Law for their help.

New social media channels on Facebook and Instagram are being used alongside the existing Twitter account to showcase the work of the DCRJs and raise awareness of the justice system to a younger audience. In the first three months online content on the new channels has been engaged with over 4,000 times.<sup>2</sup>

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<sup>2</sup> Engagement is the measurement of online interaction e.g. likes, comments, shares and views.

## 5. Judicial Data Protection Panel

Progress has been made raising awareness within the judiciary of data protection requirements and embedding compliance. This work has been overseen by the Judicial Data Protection Panel. Its role is to supervise the processing of personal data by individuals, courts and tribunals when acting in a judicial capacity.

The Panel has considered judicial data incidents to identify themes and inform advice and guidance. It has also considered processing of judicial data by systems being rolled out as part of the HMCTS reform programme, such as the impact that moving to the use of electronic filing through the electronic filing system has on data processing.

The Panel considers complaints from individuals about how their personal data has been processed by a court, tribunal or individual when acting in a judicial capacity.



## 6. Criminal Justice

The health of an independent judiciary depends not just on the quality of its judges but also on how judges contribute to the improvement of the justice system. Judges at every level are engaged in additional activities which focus on ensuring the smooth running and improvement of the administration of justice. Judges have been leading reviews on disclosure and changes in practice and procedure are constantly being piloted in Crown Court sites across the country.

The criminal justice system remains under great financial pressure at all levels and the Lord Chief Justice is gravely concerned about the implications for access to justice.

### Court of Appeal Criminal Division

Over the last year there has been a reduction in case receipts including references by the Attorney General. However the number of applications received from litigants in person has risen and these require greater input from legal staff.

Although the average waiting time from receipt to disposal is above target there has been a reduction in the total number of outstanding cases. Given the strain on resources, this is a reflection of the hard work of the judges of the court and the staff who support them.

The Court continues to take steps towards a paperless appeals process. This year the Criminal Appeal Office instigated a change in procedure so that service of notices and grounds of appeal is now by email (save for litigants in person in custody).

Complex sentencing law continues to be a cause for concern and adds to the demand on resources. The Registrar of Criminal Appeals submitted evidence to the House of Lords Select Committee on the Sentencing (Pre-consolidation Amendments) Bill in support of the Sentencing Code and its introduction is to be welcomed.

### Crown Court

There are continued efforts to improve the conditions across the Crown Court estate including ensuring that matters involving minimum security standards and health and safety are recognised by HMCTS and dealt with as a matter of priority. In light of the Crown Court sitting day reduction, receipts and backlogs are being monitored regularly by way of quarterly reviews.

At the end of 2018, outstanding caseloads at the Crown Court were at their lowest level since 2000, with a total of 32,500 cases outstanding. 82,300 sitting days were allocated for the Crown Court in the financial year starting April 2019, on the basis of matching the workload forecast to be received during the year.

At the time it was recognised that the forecast of reduced work flowing into the criminal courts does not reflect a reduction in the crime rate, but is dependent on wider criminal justice resourcing.

A commitment was made with the Lord Chancellor to monitor the sitting day allocation throughout the year. The latest figures indicate that sitting levels for the first quarter of the financial year have resulted in an increase of 430 cases compared to the previous quarter. This is the first time outstanding caseloads have increased since 2014. There is growing evidence that waiting times are getting longer.

The judiciary continue to work with criminal justice agencies to improve the efficiency and effectiveness of the criminal courts through embedding the principles of Better Case Management in the Crown Court. This year the National Improvement Team which provides strategic oversight has focused on access to prisoners and better engagement between the prosecution and defence.

### Magistrates

Despite falling workloads in the Magistrates' Courts and an increased use of out of court disposals, there is a significant shortfall in the number of magistrates. This affects the efficient dispatch of business. A reduction in recruitment in past years and the resignations of those unable to commit to minimum sittings, coupled with the retirement of those who have attained the age of 70, has contributed to the problem. A shortage of legal advisers in some regions has also affected the dispatch of business.

Recruiting more magistrates is essential in all jurisdictions (adult crime, youth and family) and recruitment drives are currently taking place both to increase numbers and to improve the diversity of the Magistracy. In October 2018 direct recruitment to the Family Court was introduced supported by tailored specialist training. In June 2019 23 dedicated recruitment Advisory Committees were created and a new end-to-end recruitment process introduced. A joint-chaired Recruitment and Attraction Steering Group is being established with the Ministry of Justice to oversee and advise on national and local recruitment strategy. HMCTS are commencing a rolling recruitment campaign to attract applicants for the post of legal adviser.

The changes made to the leadership and management of the judicial business of the Magistracy in 2018 have helped to ensure appropriate deployment and allocation of work within magistrates' courts and that the views of the Magistracy will be considered. A positive relationship between the Magistracy and District Judge (Magistrates' Court) has been sponsored by the Chief Magistrate.

### The Criminal Procedure Rule Committee

The Committee has delivered another substantial programme of work culminating in the Criminal Procedure Rules (Amendment No 2) 2019 which came into effect in October this year. The Committee has furthered its aim of creating simple Rules, concisely and clearly expressed to ensure that they are easy to understand and implement. The Committee carefully monitors and responds to developments in the law, both statutory and jurisprudential. The bi-annual cycle of updating the Rules ensures that the processes by which the criminal courts operate are regularly kept up-to-date. When combined with the Criminal Practice Direction issued by the Lord Chief Justice the Criminal Procedure Rules ensure that succinct and comprehensive guidance is provided to the criminal courts.

## Sentencing Council

The work of the Sentencing Council has continued apace this year. It has continued to publish and bring into effect new definitive guidelines: Manslaughter, Child Cruelty, Arson and Criminal Damage, and a General Guideline, containing overarching principles to be applied when no specific guideline is available and Expanded Explanations of factors mentioned in offence-specific guidelines. The Council has consulted on a proposed guideline for sentencing offenders with mental conditions or disorders.

The Council has also commissioned research in line with its statutory obligation to have regard to the need to promote public confidence in the system when developing the sentencing guidelines and monitoring their impact. It has revised the design and content of the website to make it more accessible for all its users including sentencers, practitioners, victims, academics and the public. In particular the Council has taken the important step of making all the Crown Court sentencing guidelines available in digital form on its website thus making the guidelines immediately accessible and quick and easy to use.<sup>3</sup>

## The Court Martial

The Lyons Review of the Service Justice System reported in February 2019 and Ministry of Defence Ministers are currently considering its recommendations. The recommendations are expected to set the framework for policy changes contributing to the next Armed Forces Act which is currently due to be brought into force in 2021. A number of recommendations will also require procedural rule changes and the Service Justice Rules Review Committee are looking at these. The rationalisation of the Court Martial hearing centres to two centres in Bulford and Catterick has worked well and has enhanced efficiency.

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<sup>3</sup> The Sentencing Council produces its own Annual Report <https://www.sentencingcouncil.org.uk/wp-content/uploads/Sentencing-Council-Annual-Report-2018-19-WEB.pdf>

## 7. Civil Justice

Civil judges continue to make a significant contribution to the development and reform of civil courts and the wider justice system. Many have contributed to a diverse range of work which includes better supporting litigants in persons, addressing the costs of clinical negligence cases and supporting alternative dispute resolution.

### Court of Appeal Civil Division

The Court of Appeal is now more accessible than ever due to the successful implementation of live-streaming for selected civil appeals from November 2018. An archive of streamed hearings is available on the judiciary website.

In March 2019 for the first time the Court of Appeal (Civil Division) published data which set out the time it had taken to complete the stages of its work. The number of cases disposed of by the Court exceeded the number of new appeals commenced. There continues to be a disproportionate number of unmeritorious immigration and asylum cases. Work continues with Ministry of Justice to address that issue which will improve the waiting times for hearings.

### High Court

General civil work continues to be very busy. A significant proportion of the trials and applications concern high-value clinical negligence and personal injury actions. A number of personal injury cases involve cross-jurisdiction disputes. There has also been a very wide range of other regular work. This includes Group Litigation Orders, injunctions, contempt hearings, general contractual and restraint of trade cases and appeals from Masters and the County Court.

In July 2019 the procedural rules for media cases were modernised. This included the designation of the Media and Communications List which became a specialist list on 1 October 2019 with exclusive jurisdiction over defamation as well as High Court claims in privacy, data protection, and harassment by publication.

The Commercial Court continues to attract a large number of significant and high value claims and 75% of its work is international.

The work of the Business and Property Courts (B&PCs) continues to underpin the position of English law as the global business law of choice with decisions having a wide impact in financial, business, commodities, insurance, shipping and other markets. In 2018 80% of the work of the Patents Court and 58% of the Competition List was international.

In April 2019 the system for issuing applications electronically to the seven B&PC centres outside London (which enhance the connection between the business specialist courts in the regions and London) was extended. Preparations are underway for the small claims track of the Intellectual Property Enterprise Court to be extended across the B&PC centres enabling small local businesses to pursue remedies for passing off, trademark and copyright claims more easily and quickly.

B&PCs continue in their tradition of developing best practice. This includes pilots for new disclosure procedures, cost capping and consulting as to changes to the manner in which witness evidence is case managed. Suitable cases continue to attract use of the Financial List and of the Shorter and Flexible Trials procedures.

Cases issued in the Technology and Construction Court have been increasing, with 15% more cases issued in the Rolls Building in the first six months of 2019 compared to the equivalent period in 2018. Many of these relate to the major infrastructure projects currently underway in the UK such as the upgrades to the London Underground lines, the HS2 projects and renewable energy projects including those off-shore. There have also been an increasing number of cases concerning challenges to public procurement competitions.

In recent years the Administrative Court has become one of the busiest specialist courts within the High Court. The July 2019 edition of the Administrative Court Office Guide reflects legislative and practice changes. Several newly appointed High Court Judges have particular expertise in administrative law.

Receipts in the Planning Court remain steady and cases continue to be dealt with expeditiously.

## County Court

Pressure on local civil justice continues to be acute. At County Court level challenges caused by shortages in civil judicial resources remain, worsening the adverse impact on the timeliness of cases being determined and increasing pressure on the frontline judiciary, despite the recruitment of significant numbers of Deputy District Judges. The numbers of County Court claims fell slightly in the second quarter of 2019 down 6% to 465,000 when compared to the same period in 2018. Priority is being given to improving security standards and health and safety in the County Court. The quality, quantity and breadth of work dealt with by the judiciary within the County Court is recognised and appreciated by the Lord Chief Justice.

## 8. Family Justice

The significant and unprecedented rise in public and private law cases led the President of the Family Division to initiate the judge-led reviews of the system by cross-professional working groups.

### Private Law

There has been a substantial increase in private law cases in the family courts at 51,672 cases started in 2018 and 13,687 cases in the first quarter of 2019 which is an increase of 12% from the equivalent period in 2018 of 12,185 cases.

The family court continues to prioritise the need to deal effectively and appropriately with allegations of domestic abuse when they arise in family proceedings. The judiciary has supported the Ministry of Justice initiative launched in May 2019 to assess the risk of harm to children and parents in private law children cases.

In July 2019 consultation opened on the recommendations of a Private Law Working Group report which focused on practical proposals, seeking to relieve the pressure upon not only the court system but also upon litigants. The proposed measures focus on using the currently available resources.

The final recommendations of the Working Group will be published in early 2020 with a view to implementing changes as soon as possible thereafter.

### Public Law

During the past three years there has been a significant rise in the number of cases coming to court with a total of 19,037 public law cases started during the 2018 calendar year and 4,460 in the first quarter of 2019. This has led to an increase in the backlog of work and a consequential increase in the time taken to dispose of cases from the mean duration of 30.4 weeks during 2018 to 32.9 weeks in the first quarter of 2019.

In July 2019 consultation was invited on the recommendations of a Public Law Working Group particularly on the impact of the unsustainable workload upon the system. The consultation focused on six key areas including local authority decision making and case management. 57 core recommendations are made across these six areas. The final recommendations of the Working Group will be published by the end of the 2019 with a view to implementing changes as soon as possible thereafter.

The Financial Remedies Courts project has recently extended the scope of its pilot to cover nine areas. The project has sought to create a more efficient system including a ticketing and allocation scheme which ensures that cases are case managed and heard by a suitably experienced judge with the relevant knowledge and experience alongside plans to digitise all financial remedies work and promote out of court dispute resolution e.g. arbitration.

## 9. Coroners

There have been a number of important guidance notes for coroners<sup>4</sup> published in order to develop consistency across the coroners' jurisdiction including in September 2019 a major new piece of guidance on post-mortem examinations.

The commencement of the medical examiner scheme for England and for Wales in October 2019 is a core component of the interlocking death investigation system envisaged in the Coroners and Justice Act 2009 including the appointment in March 2019 of the first national medical examiner.

Training for coroners and coroners' officers has focused on preparedness for a mass fatality event and dealing with the vulnerable. In January 2019 a system of appraisal was launched for assistant coroners.

Two deputy Chief Coroners were appointed in January 2019.

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<sup>4</sup> The Chief Coroner publishes his own annual review pursuant to section 36 of the Coroners and Justice Act 2009.

## 10. Wales

The Welsh Assembly has passed 63 pieces of primary legislation since 2007 and since 1999 made almost 4,900 Statutory Instruments. The Judges' Council Committee for Wales continues to monitor the impact on the judiciary of increasing levels of divergent legislation. Summer 2019 saw the 10th anniversary of the establishment of the Administrative Court in Wales which was marked by a celebration in the Senedd.

The Lord Chancellor's Standing Committee on the Welsh Language continues to ensure that the various bodies concerned with the administration of justice in Wales treat the Welsh language equally. The Committee defines 'use of Welsh' as in evidence, sentence or an administrative context with the exception of the oath being taken in Welsh. Over the last 12 months the Committee has discussed the use of the Welsh language in police interviews, the quality of the Welsh language translations provided through the Ministry of Justice's language services contract and scrutinised Welsh language provision within the reform of HMCTS and within the sphere of coroners' work. The Family Procedure Rules were amended in December 2018 to enshrine the use of the Welsh language when speaking or in documents.



## 11. EU Exit

The judiciary is working closely with government to understand the likely impact of EU Exit<sup>5</sup> on the courts and tribunals. Contingency planning arrangements have been implemented across the courts and tribunals. This planning includes increasing capacity in jurisdictions expected to see increase in case volumes and/or complexity, and training on EU exit legislation brought in over the past year under the simplified legislative making powers contained in section 8(1) of paragraph 21 of Schedule 7 of the European Union (Withdrawal) Act 2018 to ensure the judiciary is able as best they can within current judicial resources to continue to dispense justice in a timely fashion. Contingency plans for the risk of short-term disruption and disorder have also been established, including some out-of-hours cover in the hours and days immediately following exit.

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<sup>5</sup> This is the situation as the report is published.

## 12. International

The judiciary's enviable reputation worldwide generates many requests from overseas for cooperation or help. The senior judiciary continues to take a sustainable and strategic approach to international engagement. Aims include the development of long-term relationships and promoting the rule of law globally. The Lord Chief Justice is grateful to the many judges who undertake international work in their own time.

There has been a focus on maintaining relationships in Europe, gathering experience and influence in China and the Far East, developing the rule of law and supporting the national interest in the Middle East and North Africa, exploring opportunities in Central Asia, supporting the Commonwealth, training those changing to adversarial systems in Latin America and providing advice to parts of Africa. This work is more often than not carried out in partnership with organisations such as the Foreign and Commonwealth Office, the Department for International Development, Crown Prosecution Service and beyond to ensure impact is strategic and sustained.

The capability of the Judicial College and its international reputation continues to add significantly to the judiciary's international presence. There have been study visits by overseas judges, training overseas, conferences, bilateral meetings with other courts, roundtables and involvement with international judicial organisations.

Judges attended the Day of the Iraqi Judiciary in January 2019. This continues to be a most important relationship between the judiciaries that is extending to Jordan and the Kurdish Region of Iraq.

In April 2019 the Lord Chief Justice attended the Commonwealth Lawyers Conference in Zambia and spoke on the rule of law.

The Standing International Forum of Commercial Courts based in the Rolls Building and administered with the assistance of the City of London now has more than 36 countries or states as members. In June 2019 it published the first multilateral memorandum on the cross-border enforcement of commercial judgments and its first international working group (on case management principles) is currently at work.



