



Business Plan 2019/2020

The Civil Justice Council is an Advisory Public Body, established under the Civil Procedure Act 1997 with responsibility for reviewing the operation of the civil justice system, highlighting problems, identifying opportunities and making recommendations for improvements in order to modernise the court system and improve access to justice.

This is achieved through drawing on the expertise and experience of members and other professionals, working collaboratively on research projects with partner Universities in the field of civil justice and hosting events to inform the public and professionals.

The Council also seeks to respond to relevant MoJ and other departments' consultation papers relating to the civil justice system by seeking advice from members to co-ordinate suitable and representative responses as necessary.

The CJC's work programme necessarily reflects a combination of (i) being reactive to emerging themes and issues, (ii) responding to government consultations and requests to examine particular areas of the operation of the civil justice system, and (iii) proactively using the insights derived from its membership and their wider networks to identify challenges and opportunities that will affect the CJC's mission.

In the next period of this business plan, key features of the environment shaping the CJC's work include:

- Access to justice concerns for those without means, or legal capability
- Funding of litigation
- Court reform, in particular, the digitisation of the courts
- The UK's withdrawal from the EU

Meetings are held four times a year and members have the opportunity to present new items for the Council's consideration which may form part of its work going forward. The Council is supported by its secretariat to ensure that it works in line with the guidelines for public bodies. The secretariat acts to support all working groups, to ensure compliance with the guidelines of the Office for the Commissioner of Public Appointments and that accurate records of meetings are kept.

Within 'desired outcome and evidence' in the final column of the pages that follow, the CJC will strive to monitor and measure impact, including to inform next steps.

Core Objectives

Objective	Body Responsible	Proposed Action	Desired Outcome & Evidence
1. To review the operation of the civil justice system, highlight problems and make recommendations for improvements	CJC	Draw on the expertise and experience of members and other professionals to ensure the CJC is fulfilling its statutory role	Areas for review identified and steps taken to assess and report on possible reforms to improve the system in these areas; reports published with Council's suggestions
2. To work collaboratively on research projects with academics in the field of civil justice	CJC with support from the Secretariat	Explore issues of concern relevant to the CJC's statutory role and highlight relevant issues	The CJC is academically respected. The Council remain aware of academic developments in the area of civil justice. Areas for review are identified and reviewed regularly by the Council to improve the civil justice system.
3. To provide a collective voice for positive change in all areas of the civil justice system	CJC with support from the Secretariat	To seek advice from members to co-ordinate suitable and representative responses to Government and other consultations	CJC contributes to civil justice policy and decision making by adding expert views on proposals and their impact on civil justice
4. To monitor and advise on implications of the UK's withdrawal from the European Union	CJC	To provide support and advice on the challenges of converting and then reviewing EU civil law	An effective transition of the civil legal system
5. To promote the work of the Council and to engage more effectively with other bodies in the civil justice system by improving	Council Members and Secretariat	To publish summaries of Council meetings and working group reports To publish Annual Report To organise an annual public meeting	Increased Council efficacy through greater visibility of the work which it is doing

communications and outreach work			
6. To provide Secretariat support for the work of the Council	Secretariat	To follow guidelines for recruitment and appraisal To support and service all meetings	Full compliance with the guidelines of the Office for the Commissioner of Public Appointments Members feel fully supported Accurate records of meetings are kept

CJC Working Groups

<p>Access to Justice Working Group Working group chaired by: Robin Knowles J Working group objective: To continue to implement the CJC report on access to justice for those without means and work with the judiciary, the Ministry of Justice (MoJ) and advice sector to put in place activities that will assist those unable to afford advice and representation</p> <p>Relates to core objectives: 1, 3 and 5.</p>			
Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To continue to monitor how Assisted Digital updates impact access to justice	Access to Justice WG with support from the Secretariat	To provide a more detailed and focused consideration of the challenges and risks of digitisation of court processes, and how to best respond to these	Improved design and planning of public services, and a better user-experience
To contribute to collective work to improve Public Legal Education (PLE)	Access to Justice WG and CJC	To work collaboratively with other bodies to improve PLE	Increased public awareness and understanding both of resolving disputes and the legal system
To continue to work with the Government, judiciary, LIP support strategy, professions and advice sector to develop services and resources for those unable to	Access to Justice WG	To assist work of LIP support strategy and other initiatives e.g. LIP Engagement Group on HMCTS reform	Improved links and networks between advice and service providers Improved accessibility and reliability of reference material Litigants can resolve their disputes at the earliest opportunity

afford advice and representation			
To monitor progress of the LASPO part one action plan	CJC, Access to Justice WG and Ministry of Justice	To attend joint meetings to remain in touch with the action plan and advise MoJ as necessary	CJC advise on future implementation

Anti-social behaviour injunction (ASBI) Working Group

Working group chaired by: HHJ Barry Cotter QC

Working group objective: to produce a report in response to widespread concern about: the way that ASBIs are being applied for and/ or used in the courts; the limited powers afforded to the court; and the lack of involvement of third parties in the process.

Relates to core objectives: 1.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To address the current gap in guidance for civil judges on the ASBI scheme	ASBI Working Group, Home Office, Probation Service, Police, Local Councils with support from the Secretariat	To produce a report and make any necessary recommendations to the CJC	The group seek to report by April 2020 to provide clarity on sentencing guidelines and make recommendations for future improvements The wider CJC will seek to review whether recommendations are taken up by the relevant body/bodies and if their implementation has the desired effect

Vulnerable Parties/Witnesses Working Group

Working group chaired by: HHJ Barry Cotter QC

Working group objective: To produce a report which details the problems that vulnerable parties/ witnesses face in the civil courts and explores possible solutions.

Relates to core objectives: 1.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
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To better understand the extent of the problems that vulnerable parties/ witnesses face in the civil courts and possible solutions	Working Group, with support from the Secretariat	To produce an initial draft paper for circulation to a range of relevant individuals/ bodies and a subsequent report for the CJC	Initial report produced about vulnerable parties/witnesses involved in civil claims and opened to responses during public consultation. Working group to consider consultation responses and seek to prepare a final report and recommendations by January 2020.
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Fixed Recoverable Costs in Lower Value Clinical Negligence Claims (FRC) Working Group

Working group chaired by: Andrew Parker

Working group objective: To further progress the work of the working group on FRC for clinical negligence cases with a value up to £25,000.

Relates to core objectives: 1.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To consider and recommend an improved process for clinical negligence claims where the claim has a value of £25,000 or less	FRC WG	(a) To draw up (i) a structure for FRC for such cases to attach to the new process, (ii) figures for FRC in the proposed structure, and (iii) figures for the cost of expert reports (b) To consider how any improved process or scheme of FRC might affect issues of patient safety, including the way in which case outcomes are reported back to healthcare providers for learning purposes	Report published in October 2019 detailing recommendations for a FRC scheme for these cases. The wider CJC will seek to review implementation as appropriate

		(c) To consider how expert reports should be commissioned and funded, including the feasibility of single joint experts for at least some claims, as part of the improved process	
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<p>Boundary Disputes Working Group Working Group chaired by: HHJ Barry Cotter QC Working group objective: To continue supporting the work of the working group on Boundary disputes</p> <p>Relates to core objectives: 1.</p>			
Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To consider the scope for improving the decision-making process in relation to boundary disputes	CJC and joint Royal Institution of Chartered Surveyors (RICS) working group	<p>a) To improve court and tribunal procedure</p> <p>b) To encourage mediation</p> <p>c) To improve information available online, including the RICS website</p> <p>d) To produce information leaflets signposting online information</p> <p>e) To work collaboratively with RICS, mediators and ombudsmen in finalising a pre-action protocol for these types of disputes</p>	Improved processes for boundary dispute resolutions was published in October 2019. MOJ will now seek to consult with the CPRC about whether the proposed protocol and recommendations would need to be incorporated in any rule changes.

Personal Injury (PI) Working Group**Working group chaired by:** Nicola Critchley**Working group objective:** To look at further reforms that could be introduced to lower value (below £25,000) PI claims.**Relates to core objectives:** 1.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To look at further reforms that could be introduced to lower value (below £25,000) PI claims	PI WG	To prevent unmeritorious claims and resolve meritorious claims more quickly and with reduced costs; this is in line with the policy objective	Areas for review identified and steps taken to assess and report on possible reforms to improve the system in these areas

CJC National Forum on Access to Justice for those without means**Work chaired by:** Robin Knowles J**WorkObjective:** To provide an arena for the dissemination of information and collaboration between major stakeholders in the improving Access to Justice space.**Relates to core objectives:** 1 and 5.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To continue work to implement the recommendations of the working group and the conclusions of the CJC National Forum	Access to Justice WG with support from the Secretariat	To arrange an eighth CJC National Forum on Access to Justice for those without means in December 2019 To engage and make connections with others addressing access to justice for those without means, in order to use these channels better To update and share new learning; to	Those unable to afford advice and representation and professionals feel better equipped to obtain effective access to the civil justice system including access to hearing and remedy

		enable challenge and to identify opportunities To look together at what next, and to share vision for the longer term	
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Other Work

Objective	Body Responsible	Action	Desired Outcome & Evidence
To monitor developments in collective redress and actions	CJC	To ensure CJC remains aware of developments and evaluates and inputs where appropriate	CJC advises on future reforms
To monitor development of changes in Welsh Civil Law	CJC	To ensure CJC fulfils its statutory functions in relation to developments in Welsh Civil Law	For discussion

Related Bodies

Judicial Alternative Dispute Resolution (ADR) Liaison Committee			
Committee chaired by: Elisabeth Laing J			
Core Objective: To promote greater use of ADR in all areas of the civil justice system			
Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To provide the judiciary, the ADR community and the professions with a dedicated forum for the discussion and the exchange of information about ADR in the civil justice system	Judicial ADR Liaison Committee with support from the Secretariat	To agree to final list of members To hold first meeting of the Committee and discuss priorities	As a committee of The Judges' Council, the group will report to relevant parties on their work To assist and provide expert advice as required to the wider community Support the implementation of the CJC ADR report recommendations as appropriate