



National Forum for Implementation of the Report on Access to Justice for Self-Represented Litigants

WEBSITE SUMMARY

Introduction

Over a 100 delegates from across England Wales and representing a variety of sectors attended an event in London on 30 November 2012.

The national forum followed a series of regional events, and was designed to provide an opportunity for everyone to review progress with the CJC working group's report ([http://www.judiciary.gov.uk/JCO%2fDocuments%2fCJC%2fPublications%2fCJC+papers%2fCivil+Justice+Council+-+Report+on+Access+to+Justice+for+Litigants+in+Person+\(or+self-represented+lit\)](http://www.judiciary.gov.uk/JCO%2fDocuments%2fCJC%2fPublications%2fCJC+papers%2fCivil+Justice+Council+-+Report+on+Access+to+Justice+for+Litigants+in+Person+(or+self-represented+lit))), but primarily to look ahead to what more could be done ahead of the legal aid reforms in April 2012, which would inevitably see a rise in SRLs in the justice system.

Chairman of the CJC working group, Robin Knowles CBE, QC, had produced a 12 months on implementation report, summarising progress made on the report's recommendations. This highlighted some key developments:

- Some modest investments have been made (by Government and others) to enable a number of advice sector and pro bono bodies to undertake projects to review or provide services and materials to assist SRLs;
- Considerable efforts have had an effect in increasing collaboration between groups in the system, with the Attorney General's National Pro Bono Committee and the Access to justice Foundation co-ordinating;
- The Judges' Council and the Ministry of Justice have set up dedicated groups to co-ordinate work on SRLs
- A range of new materials has been produced to assist SRLs – 10 updated AdviceNow action guides, a 'nutshell' guide to resolving disputes, a guide to the small claims process is in preparation, as are guides by and for judges, and for court staff, and another from the Bar Council. The Royal Courts of Justice Advice Bureau is developing a web-based assistance facility – CourtNav – to be piloted in January 2013 and to assist people complete court forms. LawWorks is developing a new form of electronic advice for SRLs and those advising them;
- Developing more Personal support Units (PSUs) in court centres;
- Efforts are being made to assist Law for Life in its work to improve public legal education

Opening addresses

Lord Dyson, Master of the Rolls, welcomed delegates, and said that his own experience of SRLs had been light until his recent re-introduction to the Court of Appeal. With an increase in SRLs inevitable from next April a number of challenges were presented, a key one being ensuring that SRLs could still get access to justice.

Lord Dyson said that the efforts of those present and the groups they represented would be critical in assisting SRLs, but the work needed to be prioritised and the co-ordinated, and he praised the CJC for co-ordinating this work and Robin Knowles for providing valuable leadership.

Lord McNally, Minister of State, Ministry of Justice, said that the difficult economic conditions meant that difficult legislation was required, and he was not able to give commitments on financial support. However, he wanted Government to play its part in the working together approach that was being adopted for assisting SRLs. He welcomed the report and the progress made since, and he said that its applicability to the family justice system was another important area. The MoJ had provided some pump-priming funds to help experts in the field, and he supported any measures to help people decide how to resolve disputes and how to navigate courts if necessary.

Lord Neuberger, President of the UK Supreme Court, had chaired the CJC when the original report was published, and was attending to show his support for the work. He paid tribute to the remarkable people who had produced the report and were now developing materials and services following on from it. He said for him the issue was fundamentally about ensuring the rule of law – a one of the most fundamental tenets of any civilised and democratic society. SRLs needed help, not just to pursue cases, but also not to become overwhelmed by them. Courts and judges needed help – to assist SRLs, but not to the point of losing their impartiality.

Implementing the report

Robin Knowles led this session, the context being an unprecedented challenge to help people understand and exercise their rights. He was enormously encouraged by the range of expertise and experience drawn to the event, and encouraged everyone to forge new links over the day for the common agenda. He emphasised that this group was an illustration of the adage that the sum could be greater than the whole of its parts. The focus should be on what could be achieved in the next six months, but with an eye on what would be required thereafter.

Robin introduced a range of topics to be discussed, drawing in for brief updates those closely concerned with developing materials and services in that area. Numerous topics were covered, including:

- Public legal education
- How law students can make a contribution and supervision required
- AdviceNow's updated guides to assist SRLs - <http://www.advicenow.org.uk/advicenow-guides/>
- Services offering online advice to SRLs
- Challenge of raising awareness of what was available, even among advice sector
- Challenge of providing pro bono clinics, especially outside London
- Degree to which non-specialists can support people in complex areas like social welfare
- Guides in production to assist more sophisticated SRLs or intermediaries
- Form checking services – Freshfields working with the RCJ advice bureau
- Working with front-line court staff
- Regional pilots in Newcastle and Norwich to support SRLs
- Degree to which represented parties' lawyers can assist SRLs and court without damaging client interests
- Judges' position in assisting SRL but maintaining a fair hearing, judicial training

- Support for responsible McKenzie Friends
- Family judiciary – towards a more inquisitorial court process where both sides unrepresented, parallel for civil?

A plenary discussion followed to cover some of this ground in greater depth, and featuring a panel of:

Professor Hazel Genn DBE, QC, UCL
 Judith March, Director of the Personal Support Unit
 Nick Hanning, President of CILEX
 HHJ Martin McKenna, Designated Civil Judge
 Paul McKeown, North East Legal Support Trust

First Break-out Sessions

Four sessions took place looking at the following broad topic areas:

- Education, Guides & Information
- Case-specific Good Early advice
- At Court (inside and outside the courtroom)
- Networks & Co-ordination

Useful discussions took place in all these sessions. The facilitators reported back on some of the key points covered at a plenary session following the breakouts. Each of the sessions had raised issues to be looked at further, and which the CJC and individual agencies could progress, in many cases working collaboratively. The need for and value of better co-ordination was a recurring theme in the discussions.

Topics covered included:

- Legal education in schools as part of the Citizenship curriculum
- Outreach work to take legal advice to people
- Making and reviewing resources online
- Ensuring the LSC telephone gateway was aware of resources
- Expanding PSU services at courts
- Offering mediation to SRLs
- Counter services at courts
- Information sent to parties by the Salford Business Centre
- McKenzie Friend notice, amending the Practice Direction
- Improving judicial training on SRLs
- Lack of national co-ordination of advice networks
- Better communications between agencies and for SRLs
- Risks of 'referral fatigue' for SRLs
- Identifying and helping the 'new' SRLs
- Barriers to pro bono services and overcoming them

Second Break-out sessions

Five groups (judiciary, national agencies, local agencies and universities, professional bodies and Civil servants) met to look at how they in their sector could take work forward in the coming six months and beyond.

Next steps & final remarks

Robin summarised some of the issues and themes arising over the day. He welcomed further thoughts from delegates on e-mail (to cjc@judiciary.gsi.gov.uk). He left delegates with six things to consider:

1. To pass on to others the ground covered at the forum, to build the work outwards as well as upwards.
2. To pass on further reflections for use by the CJC.
3. To consider a resulting paper from the CJC on action points for the next 6 months.
4. When considering priorities for action, remember that small steps all contribute to overall progress.
5. Let the CJC know what is happening, share information.
6. Consider accepting an invitation to a follow-up Forum in a year's time.

Robin thanked the team who had helped him organise the Forum, and said two watchwords should guide everyone's work on this initiative – co-ordination and leadership.

Lord Dyson concluded proceedings by saying he had been struck by the huge amount of constructive work taking place. The scale of the problem faced was obvious to everyone, but it was clearly being tackled with enterprise, flair and commitment. He said it was clear there was a need for greater co-ordination, and he felt it had been a very successful event and a spur for further action. He finished by thanking Robin for his brilliant chairing of the day, as well as his work as the driving force in this important work.