



Business Plan

June – December 2021

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Overview

The Civil Justice Council (CJC) is an Advisory Public Body, established under the Civil Procedure Act 1997. The CJC is responsible 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.

The CJC by its very nature is not a delivery body. Its success comes in its ability to champion issues and its power to convene the right organisations and individuals to effect change.

The CJC strives to hold a full complement of members from a diverse range of backgrounds and industries who are able to support the Council to meet its core objectives. The Council is seeking to improve diversity amongst its membership in order that it is more representative of those engaging with the civil justice system and society as whole. It is hoped that greater diversity will bring new ways of thinking to Council and will enable it to more effectively fulfil its statutory remit as new and different viewpoints are represented. A recruitment campaign for five new members is underway and expected to conclude later this year.

The CJC's work programme necessarily reflects a combination of:

- being reactive to emerging themes and issues,
- responding to government consultations and stakeholder requests to examine particular areas of the civil justice system, and
- proactively using the insights derived from its membership and their wider networks to identify challenges and opportunities for improvements in the system.

The CJC has agreed a set of [prioritisation](#) criteria to assess its work, and potential work, and to promote consistency and ensure relevance.

For the Council to effectively fulfil its purpose it draws on the expertise and experience of members and a vast network of stakeholders and organisations, working collaboratively on research projects in the field of civil justice and hosting events to inform and connect the public, government, judiciary and professionals. The CJC is academically respected and it is important that the Council remain aware of academic developments in the area of civil justice.

The Council aims to capture the value of interacting strands of its own work and in relation to the wider sector to encourage collaboration, ensure work is not being duplicated and contribute to the bigger picture of the civil justice system.

The CJC will strive to monitor and measure impact, including to inform next steps.

Rationale

The time frame for this business plan from June to December 2021 was chosen to reflect the pace of the work by the Council under the chairmanship of Sir Geoffrey Vos, the Master of the Rolls (MR). It also necessarily reflects the wider circumstances and events under which the civil justice landscape operating noting that further change is likely in the short to medium term. The document may become iterative as work progresses.

In the current period, key features of the environment shaping the CJC's work include:

- Court reform, in particular the digitisation of the courts
- Collecting and using data to understand the effect of the civil justice system
- Access to justice concerns for those without means or legal capability
- Recovery from the Covid-19 pandemic
- (Alternative) dispute resolution
- Supporting the MR in delivering his vision for the future of Civil Justice.

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 provide a collective voice for positive change in all areas of the civil justice system.	CJC members and 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.
3. To promote the work of the Council and to engage more effectively with HMCTS and others, in the civil justice system by improving communications and outreach work, particularly organisations to whom recommendations have been made.	CJC members and Secretariat	To publish summaries of Council meetings and working group reports. To publish an Annual Report including updates on implementation of recommendations. To organise an annual public meeting.	Increased Council efficacy through greater visibility of the work which it is doing. To share the work of the Council more widely.
4. To improve the diversity of the Council.	CJC	To recruit five non-judicial members to the Council with expertise in the following: A barrister; analysis information architecture, econometrics; digital technologies, information technology; small and medium-sized enterprises; and, other areas of expertise relevant to civil justice.	To increase representation, allowing the Council to more effectively fulfil its statutory remit as new and different viewpoints are represented.
5. To use data about the civil justice system to inform its ongoing programme of work.	CJC	To work with HMCTS to improve the collection, publication and sharing of relevant data.	To have data to inform the CJC's work and recommendations. To be able to use data to measure the impact of the CJC's work.

Working Groups

Small Claims

Work chaired by: HHJ Barry Cotter QC

Work Objective: To implement a national approach in improving efficacy and efficiency in the way small claims are dealt with.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
Improve the issuing of small claims.	Subcommittee with support of the Secretariat.	To review current listing practices of small claims across a range of County Courts.	The working group was formed after the CJC meeting of 29 th January 2021. The working group consists of experienced District Judges from large, medium and small court centres. The group's report will be published on 3 June 2021. Contributes to core objective 1 and 5.
Improve the issuing of small claims.	Expanded Working Party with support of the Secretariat.	To create extended Working Party to look at items not covered in the interim report (published 3 June 2021).	To review: Proportionality and the small claims procedure; Pre-issue and post-issue mediation; Pre-issue information; Better guidance for litigants and directions in simple language; Harmonisation of directions; The impact of the changes to RTA personal injury claims; Written/template judgments; Guidance as to when the remote hearings may be appropriate in small claims. Contributes to core objectives 1 and 5.

Pre-Action Protocols

Work chaired by: Dr Andrew Higgins

Work Objective: The review all aspects of PAPs including their purpose, whether they are working effectively in practice and what reforms, if any, are required.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To look at how PAPs are working for court users, the judiciary and LiPs; the costs associated with PAPs compliance; the potential of PAPs in online dispute	Subcommittee, with support from the Secretariat.	Working group to discuss PAPs, set out recommendations for change (perhaps including detailed proposals for overhaul of the system) and look at the governance of PAPs.	To produce a report which makes recommendations to simplify and improve the role that PAPs play in attempting to bring about settlement. Draft recommendations to be shared with the CJC at its October 2021 meeting.

resolution, and the potential for PAPs to be streamlined.			Contributes to core objectives 1 and 5.
To ensure the pre-action process is straightforward and usable for LiPs.	Subcommittee, with support from the Secretariat.	Liaise with those with expertise in LiPs and ADR.	To understand what changes may have the most impact. Contributes to core objectives 1 and 2.
To ensure that any suggested changes are compatible with online reforms.	Subcommittee, with support from the Secretariat.	Be conscious of changes in online dispute resolution and how PAPs can be built into any future online systems.	 Contributes to core objective 1.

Access to Justice Standing Committee on access to justice for those without means

Work chaired by: Robin Knowles J

Work 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.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
To continue to monitor how digitalisation impact access to justice for those without means.	Access to Justice Committee with support from the Secretariat.	To provide a more detailed and focused consideration of the challenges and risks of digitalisation of court processes, and how to best respond to these.	Improved design and planning of public services, and a better user-experience. Contributes to core objectives 1 and 2.
To contribute to collective work to improve Public Legal Education (PLE).	Access to Justice Committee and CJC.	To work collaboratively with other bodies to improve PLE.	Increasing public awareness and understanding both of resolving disputes and the legal system. Contributes to core objective 3.
To continue to work with the Government, judiciary, litigants in person (LiPs) support	Access to Justice Committee	To assist work of LiP liaison judges, LiP support strategy and other initiatives e.g.	Improved links and networks between advice and service providers. Improved accessibility and reliability of reference material.

strategy, professions and advice sector to develop services and resources for those unable to afford advice and representation.		LiP Engagement Group on HMCTS reform.	Litigants can resolve their disputes at the earliest opportunity. Contributes to core objective 3.
To monitor legal aid.	CJC, Access to Justice Committee and Ministry of Justice.	To attend joint meetings to remain in touch with the action plan and advise MoJ as necessary.	CJC to advise on future implementation. Contributes to core objectives 1, 2, 3 and 5.
To provide an arena for the dissemination of information and collaboration between major stakeholders in the improving Access to Justice space.	Access to Justice Committee with support from the Secretariat.	To arrange a tenth CJC National Forum on Access to Justice for those without means in December 2021. 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 enable challenge and to identify opportunities To look together at what next, and to share vision for the longer term.	To provide an opportunity to come together as a sector for a discussion and exchange of information combining the expertise and experience of the voluntary agencies, the pro bono agencies, court users, the judiciary, business, the Government, the profession, court staff and HMCTS, the funding community, academic institutions, other charities, and the general public. To ensure 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. Contributes to core objectives 2, 3 and 5.

Futures Group

Work chaired by: Professor Richard Susskind

Work Objective: To take a long-term view of the impact of technology on the administration of justice.

Supporting Objectives	Body Responsible	Action	Desired Outcome & Evidence
Horizon-scanning	Futures group with support from the Secretariat.	To monitoring emerging and likely technological developments and keeping the CJC informed of these.	Contributes to core objective 1, 2 and 5.
Reviewing current projects	Futures group with support from the Secretariat.	To advise on whether current systems and activities are feasible and sustainable in the long run.	Contributes to core objective 1, 2 and 5.
Setting direction	Futures group with support from the Secretariat.	Working with the CJC to create a road-map for the justice system through the 2020s.	Contributes to core objective 1, 2 and 5.

Related Bodies

Judicial/Alternative Dispute Resolution (ADR) Liaison Committee

Committee chaired by: Lady Justice Asplin

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 (A)DR 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 assist and provide expert advice as required to the wider community. Support the implementation of more widespread use of (A)DR to improve efficiency and access to justice across the civil justice system.	As a committee of The Judges' Council, the group will report to relevant parties on their work. MOJ and HMCTS to host a single informative webpage for litigants to understand what ADR is and when it might be useful, including videos to improve public understanding of ADR. Contributes to core objectives 1,2 and 3.
To raise the profile of (A)DR.	Lead judge for (A)DR with support from the Secretariat.	To identify and seize opportunities to speak about (A)DR and its benefits.	Greater understanding of (A)DR and its benefits across the judiciary, the professions, and the public. Contributes to core objectives 1,2 and 3.