

**ACC Court Users Group Meeting
Monday 24 May 2021
Conducted via MS Teams**

Attendees:

Mr Justice Swift – Judge in Charge of the Administrative Court

Celia Cave (CC) – Senior Legal Manager (SLM)

Geraint Evans (GE) – Operations Manager

Jyoti Gill (JG) – Senior Legal Manager (SLM)

Margaret Newton (MN) – Clerk to Swift J

Monika Patel (MP) – Operations Manager

Ben Amunwa (BA) – 36 Group

Tim Baldwin (TB) – GC Law

Jessie Brennan (JB) – Bindmans

Heather Brown (HB) – Richard Buxton

Richard Buxton (RB) – Richard Buxton

Lois Clifton (LC) – Simpson Millar

Fiona Couzens (FC) – Equality Human Rights

Lee John-Charles (LJC) – GLD

Shu Shin Luh (SSL) – Doughty Street

Jawaid Luqmani (JL) – Luqmani Thompson

Elizabeth Mackie (EM) – GLD

Christina Parkinson (CP) – HMRC

Rebecca Richardson (RR) - NMC

Darren Rogers (DR) – Leigh Day

Sasha Rozansky (SR) – DPG Law

Rakesh Singh (RS) – Public Law Project

Maya Somroo (MS) – NMC

Dean Tolman (DT) – Blackstone

Jamie Tucker (JT) – 39 Essex

Katy Watts (KW) – Liberty Human Rights

Angela Fraser - Minutes

Apologies

Jo Clow (JC) – Senior Ops Manager

**ACC Court Users Group Meeting
Monday 24 May 2021
Conducted via MS Teams**

Meeting started at 09:30 am

1. Welcome and Apologies

1.1. Swift J welcomed everyone and noted attendees from the court side, CC, JG, GE and MP.

2. Court Performance (Stats)

2.1 Swift J referred to the Court Performance Summary sent out with the agenda covering the period 1 January to 30 April 2021 and hoped users have had sufficient time to review.

2.2 Swift J reported waiting times are a little slower compared to last term and provided a brief summary:

- Ordinary paper applications for Single Judge decisions taking longer and are currently under target. The practical explanation being due to Judges allocated to other areas of particular concern, such as crime/trials and so on.
- Paper applications have a direct impact on other tasks, for example renewal applications/hearings and substantive hearings.
- There is a slight bottleneck, but it is hoped that performance will be back to normal by the end of term.

2.3 Receipts and disposals are comparable.

2.4 A new performance indicator has been provided from April 2021 showing the number of Immediate applications received week by week. Swift J stated his instinct is that these figures are likely to be lower compared to the same period last year.

2.5 Information on the number of hearings fixed versus the number of hearings conducted, has been broken down by remote hearings, part remote (hybrid) and in-person. This reflects the position from January 2021 and shows the Court is managing more in person hearings, in-line with the Covid restriction changes. It is hoped by the end of July there will be a greater proportion of in-person hearings and thus reported at the next meeting.

2.6 There were no comments/observations from the group.

3. CPR Part 54 Practice Directions

3.1 Swift J informed the final version of revised Practice Directions, sent out recently, will come into effect on 31 May 2021. Swift J explained that the website guidance, available since the middle of last year, will also be updated to reflect the new Practice Directions.

ACC Court Users Group Meeting
Monday 24 May 2021
Conducted via MS Teams

- 3.2 Practical arrangements such as the preparation of electronic bundles will be cross-referenced to the website guidance.
Additionally, details of the best ways to contact the court has already been circulated to the Court User Group delegates and will be available on the website and included in the ACO Guide.
- 3.3 Swift J hoped the revised Practice Directions were self-explanatory, stating one of the objectives is to make the process of bringing a claim for Judicial Review more predictable and ensure fairness to all parties in the proceedings.
- 3.4 The other is to encourage parties to be as concise as possible both when bringing the claim and in their responses. Over the last 10 to 15 years, by incremental progress there has been greater complexity of pleadings. This is largely to the detriment of making a claim. Brevity, concession and directness will now feature more significantly.
Swift J noted this will need to remain under review, as some points may still arise.
- 3.5 RB sought clarification on the lodging of electronic and hard copy bundles. RB was happy to lodge both as the Practice Directions requires but was concerned about getting the hard copy lodged before the deadline expires. RB suggested there would be no prejudice if these were posted and compared practices in the Court of Appeal; the main claim there is lodged electronically with the hard copy to follow.
- 3.6 RB outlined difficulties, physically lodging bundles from London, for example, to the Cardiff Regional Office and noted the additional costs involved. RB suggested It may be easier to send by post and the same benefits would apply for the Admin Office receiving it.
RB hoped to be practical and referenced present remote working provisions.
- 3.7 Swift J pointed out the most important points are the Rules, not the Practice Directions and these need to stay in step with the Rules. One of the initial concerns last March, was being satisfied it was permissible under the Rules to start a claim electronically by email, which was confirmed by checking the White Book.
- 3.8 Where a claim is started in a Regional Office, for example under CPR 7.1A some claims are issued and heard in Wales and papers must be filed at Cardiff. Similarly claims started at the other regions, Birmingham, Leeds and Manchester must be filed at their respective Admin offices, not London.
Swift J emphasised that Practice Directions require the bundle to be lodged with the Court in both electronic and hard copy formats. However in practical terms, if one is up against the time limit, for logistical reasons it may be sensible to contact the Court first to confirm it is okay to send papers electronically. Then make the necessary arrangements for the hard copy to be lodged.
Swift J anticipated in practice this could be worked out by having sensible conversations with the Court.

**ACC Court Users Group Meeting
Monday 24 May 2021
Conducted via MS Teams**

- 3.9 RB appreciated this helpful clarification.
- 3.10 There were no further comments/observations from the group

4. Working Arrangements – June and July

- 4.1 Swift J confirmed the Court will continue to operate in line with existing HMCTS policy. There is of course the possibility of a raft of restrictions being relaxed mid-June and HMCTS policy will duly be reviewed.

Court Administration

- 4.2 Swift J reported staff are working on a rotational basis; attending or working remotely and imagined this will continue to work as well as it has done since January. Swift J indicated Paper Apps/Resulting and Case Progression Teams are operating with staff half in attendance and half working from home and this will continue until the end of term. A similar arrangement is in place for the Listing Team.
- 4.3 At the last meeting details were provided on how to contact the Admin Court by email. Swift J asked that this list continues to be used, so emails are directed to the appropriate team.
- 4.4 The SLM's are generally attending the office 60% of the time and 40% working from home. Other lawyers are attending during part of the week. Swift J reminded lawyers can always be contacted by email.
- 4.5 Swift J reported on access to public counters:
- Issuing Claims and Applications – closed until end July
 - Fees Office – Open by appointment only. Usual arrangements for appointments apply and will likely remain until end July

Hearings

- 4.6 Swift J hoped there would be a greater move to in-person hearings between now and the end of July. Current arrangements remain that the Judge hearing the case will determine whether the hearing is conducted in person, or remotely after considering views from the parties.
- 4.7 Swift J considered lessons learned that some types of straightforward cases are in fact more suited to remote hearings. Other complex hearings, trials and/or those that involve large scale documents are less so. There is an expected shift to in-person hearings, if the direction of travel remains as it is now.
- 4.8 LJC referred to provisions when Court staff send documents to GLD they email the case holder, as opposed to using GLD's primary email address. This has helped and is appreciated, however there have been a few incidents of misdirection. Emails have eventually been received but following delays.

**ACC Court Users Group Meeting
Monday 24 May 2021
Conducted via MS Teams**

- 4.9 CC and JG explained the process of adding in individual secondary details for case workers but noted some errors may have occurred whereby the master email has been incorrectly updated. This has been raised and the team are addressing this, so should be happening less.

In addition when claims are initially lodged the Claimants only provide a generic email address for the GLD therefore at this stage there are no contact details for specific lawyer at the GLD. However when the Court subsequently receives correspondence from the GLD the email details should be updated on the Court's database and staff will be reminded of this. **Action 01/01 CC/JG**

Swift J added, we have a system and try to do our best and said he could be emailed, should this still be a problem.

5. AOB/Next Meeting

- 5.1 No matters arising under AOB.
- 5.2 Swift J indicated his aim to have the next meeting scheduled before the end of term. All agreed this should be conducted via MS Teams. **Action 002/01 MP**
- 5.3 Swift J thanked everyone for their attendance and said any points between now and the next meeting could be raised by email.

Meeting concluded at 10:05 am

Actions:

Serial	Action	On/By	Status
001/01	CC/JG to remind staff about updating email details on Court's database upon receipt of GLD correspondence	CC/JG	
001/02	MP to schedule next meeting – MS Teams Next meeting scheduled – Tuesday 27 July 2021 at 09:15 am	MP	Complete