Transparency and Open Justice Executive Board

Terms of Reference and Membership

Purpose

1. The Transparency and Open Justice Executive Board is a judiciary-led body responsible for providing judicial leadership, strategic direction and decision-making for the delivery of the Transparency and Open Justice programme and the implementation of the Transparency and Open Justice Board's Key Objectives across the courts and tribunals of England and Wales.

2. The Executive Board will set the overall strategic direction of the programme, oversee delivery across jurisdictions and workstreams, and ensure that significant issues, risks or proposals requiring senior judicial consideration are escalated to the Lady Chief Justice (LCJ) where appropriate.

3. The Executive Board discharges its functions as a judicial body. The Ministry of Justice and HMCTS are not members of the Board and do not participate in its decision-making. They may, however, attend meetings as observers where their attendance would assist the Board's consideration of matters relevant to the delivery of the Transparency and Open Justice programme. Observer attendance may be arranged on an ad hoc, regular or semi-regular basis, subject to the agenda and at the discretion of the Chair. Observers may be invited to contribute to discussions where appropriate, but the Board's strategic direction and decisions remain matters for the judicial members of the Executive Board.

4. The Executive Board recognises that the Ministry of Justice and HMCTS are key strategic partners in the delivery of the programme. Many aspects of the Board's work may have operational, financial, legislative or policy implications, and effective progress is likely to require constructive engagement with, and where appropriate support from, the Ministry of Justice and HMCTS. The Board will therefore ensure that issues requiring departmental, operational, financial, legislative or policy input are identified at an appropriate stage and, where necessary, raised with the Ministry of Justice and/or HMCTS through the agreed governance and escalation arrangements. That engagement is intended to assist the Board to understand dependencies, risks and practical constraints, to support

prioritisation and implementation of the Board's Key Objectives, while preserving the Board's judicial leadership and decision-making functions.

Background

5. The Transparency and Open Justice Board was established by the LCJ in April 2024 to promote transparency and open justice across the courts and tribunals of England and Wales. Following the development of the Board's Key Objectives and the launch of public engagement, the Board has moved into an implementation phase.
6. A revised governance structure has therefore been introduced to support effective delivery while maintaining appropriate judicial oversight. This structure comprises:
    a. the Executive Board;
    b. a Steering Group; and
    c. jurisdictional or thematic Working Groups.

Role and Membership of the Executive Board

7. The Executive Board will:
    a. make strategic decisions concerning the delivery of the Transparency and Open Justice programme, and escalate matters to the LCJ where approval or senior judicial direction is required;
    b. provide strategic leadership and direction.
    c. oversee delivery against the Board's Key Objectives.
    d. resolve cross-jurisdictional issues and ensures alignment across workstreams.
    e. consider escalations from the TOJ Steering Group where strategic input, prioritisation or decisions are required;
    f. commission further work where required; and
    g. keep under review the overall delivery framework, principal risks, dependencies, and issues affecting implementation.
8. For the avoidance of doubt, the Executive Board's role is to **determine strategic direction and key decisions for the programme**. Detailed design, development, and implementation activity will ordinarily be undertaken by the Steering Group and relevant Working Groups, subject to reporting and escalation to the Executive Board as appropriate.
9. Matters that may be escalated to the LCJ include, in particular:
    a. proposals requiring formal approval by the LCJ;
    b. issues with significant constitutional, reputational or cross-jurisdictional implications;
    c. material risks to delivery of the Board's Key Objectives; and

d. any matter which, in the judgment of the Chair, requires senior judicial consideration.

Membership

The members of the Executive Board are:

Chair:

- Mr Justice Nicklin (Chair of TOJ Executive Board)

Secretariat:

- Deepti Davenport (Project Management Lead, Secretariat)

Members:

- Lady Justice Cockerill (Deputy Head of Civil Justice)
- Lord Justice Edis (Vice-President of the Court of Appeal, Criminal Division)
- Lord Justice Dove (Deputy SPT, Chair of the Tribunals Procedure Committee)
- Mr Justice Johnson (King's Bench Division)
- Judge Barry Clarke (President of Employment Tribunals)
- Judge Sutherland Williams (President of HESC)
- Mrs Justice Lieven (Family Division)
- Nathan Cox (Deputy Chief Executive Office, Judicial Office)

Observers:

- John Wallis (Deputy Director, Judicial Engagement and Strategic Reform, Ministry of Justice)
- Steven Chapman (Service Owner, Common Components, HMCTS)

Other Judicial Office Representatives:

- Lisa Allera (Head of News, Judicial Office)
- Simon Block (Principal Strategy Advisor, TOJ Policy Lead, Judicial Office)

10. Meeting arrangements and administration

11. The Board meets monthly for 30 minutes. Meetings may be held less frequently during judicial recess.
12. The agenda and any papers will be sent at least 48 hours in advance of the meeting.
13. A meeting note recording key points, decisions and actions will normally be provided within 5 working days of the meeting. Meeting notes will be prepared by the Secretariat, which may use Microsoft Copilot to assist in the preparation of the note. Responsibility for the accuracy of the note shall remain with the Secretariat.
14. Meetings may be recorded solely for the purpose of preparing the meeting note. Any such recording will be deleted once the note has been finalised.

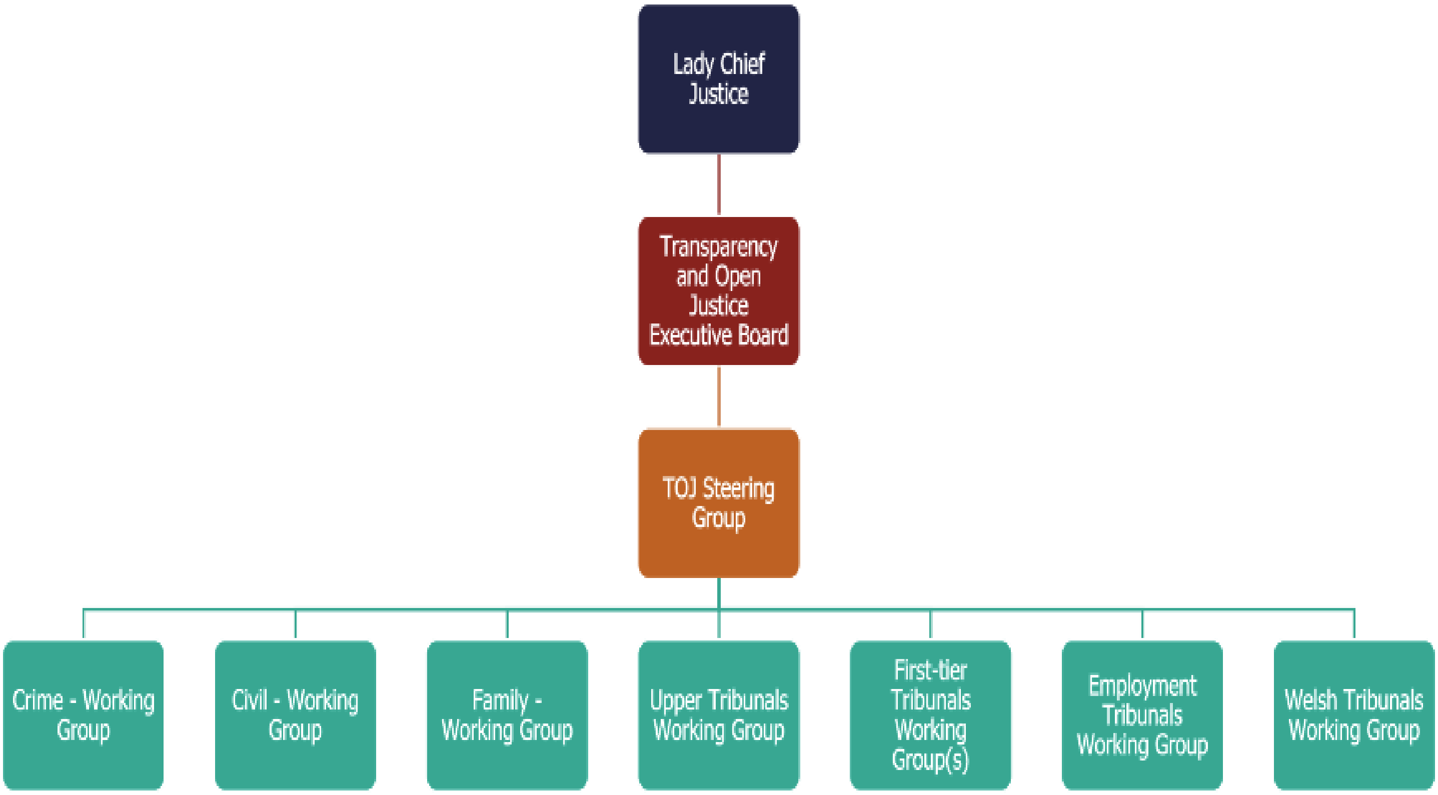
15. Members unable to attend should inform the Secretariat as soon as reasonably practicable. Where appropriate, and with the agreement of the Chair, a suitable deputy may attend in their place.
16. These Terms of Reference will be kept under review to ensure that the membership, remit, and governance arrangements remain accurate and effective.
17. The quorum for a meeting of the Executive Board shall be the Chair (or a judicial member nominated by the Chair to preside) and not fewer than three other members, of whom at least two shall be judicial members.
18. The Executive Board will ordinarily seek to act by consensus. Where consensus cannot be reached, the Chair shall determine how the matter is to be resolved or whether it should be deferred or escalated.
19. The Secretariat will maintain an action log and decision log and will monitor progress against actions between meetings.

Reporting structure and escalation

20. The Executive Board is **responsible for the strategic direction and principal decision-making of the programme**. Where a matter requires the approval of the LCJ, or in the view of the Chair otherwise requires senior judicial consideration, it will be escalated by the Chair. The Chair will also hold quarterly bilateral meetings with the LCJ to provide updates on progress, risks and matters requiring senior judicial oversight.
21. The **Steering Group will oversee the work of the jurisdictional and thematic Working Groups** and will escalate significant issues, risks, dependencies, or decisions requiring Executive Board consideration.
22. The **Working Groups will sit beneath the Steering Group and will progress the detailed work required to implement the Board's Key Objectives**. They will report progress, risks, and emerging issues to the Steering Group.

Review of Terms of Reference

23. These Terms of Reference will be reviewed annually, or earlier if required, by the Executive Board. Any substantive amendments will be approved by the Chair.


Lady Chief Justice
Transparency and Open Justice Executive Board
TOJ Steering Group
Crime - Working Group
Civil - Working Group
Family - Working Group
Upper Tribunals Working Group
First-tier Tribunals Working Group(s)
Employment Tribunals Working Group
Welsh Tribunals Working Group