



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

The Lord Chief Justice's Report

2010-12



This report covers the period January 2010 to June 2012. A number of other publications provide greater detail on matters addressed in it and are referenced in the text and Appendix 1.

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Introduction

By Lord Judge, Lord Chief Justice of England and Wales

No one needs reminding that the period covered by this report – from January 2010 to June 2012 – has been a time of exceptional national difficulty. Consequent constraints have affected and will continue to affect every aspect of national life, and the administration of justice is not, and has not, been immunised from the economic crisis.

This report demonstrates that in addition to their responsibilities in each and every individual case which comes before the courts for decision, judges and magistrates have to make a significant contribution to the orderly administration and running of the justice system. It underlines that many different aspects of the administration of justice are under review and reform, whether in criminal justice, civil justice, family justice, and indeed the workings of the tribunal system. The perceptive reader will appreciate that these changes, all intended to improve the efficiency of the administration of justice without any diminution in its quality, add considerably to the burdens on the judiciary. Notwithstanding the concerns expressed by the Senior Salaries Review Body about the potential impact on morale of the steady reduction in value of their terms and conditions visited on the judiciary over a number of years, judges continue to respond to and deal with these additional demands on their time.

The efforts made by the judiciary and the court service staff to support the administration of justice can be readily appreciated. One illustration is the speed and efficiency with which the courts, and the staff employed in them, responded to the disturbances in the streets of our cities during the summer of



2011. This was one contributory factor in bringing them to an end. At the same time, far removed from these disturbances, the courts now sitting in the new Rolls Building continued to make their customary contribution to the wealth of the nation, a contribution which it might be noted far exceeds the budget available to Her Majesty's Courts and Tribunal Service (HMCTS).

I am both grateful for and proud of the contribution made by the judiciary to the maintenance of the rule of law in England and Wales.

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1. The Lord Chief Justice's Responsibilities

1. Previous reviews have set out the constitutional position of the Lord Chief Justice (LCJ) and the judiciary and it remains appropriate to begin this report by setting out the statutory framework which guides the exercise of his functions.

2. Under the Constitutional Reform Act 2005, as Head of the Judiciary and President of the Courts of England and Wales, the Lord Chief Justice is responsible for:

- representing the views of the judiciary to Parliament, the Lord Chancellor and Ministers of the Crown;
- maintaining arrangements for the welfare, training and guidance of the judiciary of England and Wales, within the resources made available by the Lord Chancellor;
- maintaining appropriate arrangements for the deployment of the judiciary of England and Wales and the allocation of work within courts.

In carrying out his responsibilities the Lord Chief Justice is supported by the staff of the Judicial Office.

3. The Lord Chief Justice presides in the most important criminal appeals and from time to time in civil and family appeals which have importance across the judicial system. As Head of the Judiciary, he chairs the Judicial Executive Board (JEB) and the Judges' Council, two bodies which assist him in managing his responsibilities. He has a statutory role in the judicial appointment process and shares responsibility with the Lord Chancellor for exercising disciplinary powers in relation to judicial conduct.

4. The Senior President of Tribunals has

responsibilities in relation to the tribunals' judiciary which in many respects mirror those of the Lord Chief Justice for members of the judiciary working in courts. In September 2010 the Lord Chancellor announced that he had agreed with the Lord Chief Justice and the Senior President of Tribunals that a single head of the judiciary should be established in England and Wales¹. Such a change would reduce overlaps and create judicial leadership which reflected the integrated HM Courts and Tribunals Service. It would require legislative change and, as yet, an opportunity for this has not been identified.

Judicial leadership

Governance

5. The Lord Chief Justice exercises his executive and leadership responsibilities through and with the support of the Judicial Executive Board (JEB), which meets monthly. Members of JEB include Heads of Division, the Vice President of the Queen's Bench Division, the Senior Presiding Judge and the Chief Executive of the Judicial Office.

6. In 2010 membership of JEB was extended to include the Senior President of Tribunals and the Chairman of the Judicial Studies Board (from 1 April 2011, the Judicial College). This enabled stronger connections between leadership of the courts and tribunals judiciary, ahead of the planned legislative change through which the Lord Chief Justice will assume the leadership of both. It also created a more coherent connection between the governance arrangements of the Judicial College and those of the judiciary as a whole, which is particularly important given the College's role in providing training and development.

1. <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100916/wmstext/100916m0001.htm#-10091614000227>

7. The Lord Chief Justice also chairs the Judges' Council, a body broadly representative of the judiciary as a whole, which meets three times a year. Members include judges selected by the judicial representative groups, as well as all the members of JEB. The Judges' Council was first set up under the Judicature Act 1873. In 2011 membership of the Judges' Council was extended to include a representative of the National Bench Chairs' Forum. Annex 2 lists the members of JEB and Judges' Council as at March 31 2012.

8. The leadership of the judiciary is taken forward through a structure of leadership judges in each jurisdiction who enable the delivery of the LCJ's responsibilities in respect of welfare, guidance and deployment across the country. They take on these leadership roles while maintaining a demanding schedule of sitting in court, and without additional remuneration. Their effectiveness and responsiveness, as well as the commitment of the judiciary and of the wider justice system was evident in the response to the civil disturbances during the summer of 2011, when all those involved worked around the clock so that dedicated courts could sit day and night to deal with the sudden influx of cases.

9. Judges are in a unique position to provide leadership in respect of continued improvements in the efficiency and effectiveness of the justice system. The period covered by this review has seen major judicial initiatives in respect of the Criminal Justice System (paras 36-55) and the Civil Justice System (paras 56-76). The judiciary is also playing an important part in leading reforms to improve the experience of children and families in situations where cases end up in court, including in response to the Government's Family Justice Review (paras 77-98).

Leadership and commitment to increased diversity has been demonstrated at all levels of the judiciary

made. As Baroness Neuberger's Diversity Panel concluded in 2010, there is no single answer to the question of how judicial diversity might be improved.

11. Selection of judges is rightly based purely on merit, and it is crucial that the most able candidates put themselves forward, no matter what their background. The first requirement for increasing judicial diversity therefore remains the availability of a more diverse pool of potential applicants for judicial office. Once judges are appointed, scope for flexible deployment supports the concept of judicial development and increased diversity.

12. While recruitment, retention and development within the legal profession are important in increasing the diversity of the pool of applicants, leadership needs also to be provided from within the judiciary. At the highest level, the LCJ has been clear in his commitment to increasing diversity, in his desire for firms to encourage solicitors to consider a judicial career, in support for more flexible

deployment of tribunals judges and, subject to business need, for measures to enable more flexible working patterns in the High Court and above. Legislative changes to enable a number of these measures are being taken forward in the Courts and Crime Bill currently before Parliament.

13. Leadership and commitment to increased diversity has been demonstrated at all levels of the judiciary, for example in support for marshalling and work shadowing schemes. Examples of practical steps to reach out to wider groups of potential future judges also include the network of over 60 Diversity and Community Relations Judges (DCRJ's). In their own time over the period covered by this report DCRJ's participated in over 180 school, college and university visits, carried out around 150 outreach events in their local communities and hosted over 200 activities for students and legal professionals.

Diversity

10. The judiciary does not yet reflect the diversity of the society that it serves, although progress is being

Open justice

14. The openness of justice is a principle of

importance in the rule of law and supports public confidence in the justice system. The LCJ and the LC agreed that in pursuit of this, the law should be amended to enable for the first time broadcasting of selected court or tribunal proceedings. Safeguards against potential risks to victims, witnesses and defendants enable the judge to refuse filming of a particular case. The Government is taking forward legislation to enable broadcasting through the Crime and Courts Bill. Under the Bill, the joint agreement of the Lord Chancellor and the Lord Chief Justice will be needed for any further extension to broadcasting. The judiciary is working with broadcasters and HMCTS on the practical aspects of this change.

15. The need to provide a framework for live text-based communications from court became increasingly clear during the period covered by this report. In December 2011, following a period of consultation, the LCJ issued a Practice Direction². The effect of this was to allow under certain circumstances text-based reporting directly from the court room. The guidance clarifies the use which may be made of live text-based communications, such as mobile email, social media (including Twitter) and internet-enabled laptops.

16. Particular sensitivities exist in cases involving children and families. The President of the Family Division has been actively considering the best way to raise public awareness of the way the courts deal with family cases and of the role of the Court of Protection. The framework for reporting from the family courts is complex and the President worked with fellow judges and media representatives to commission a comprehensive and authoritative guide, which was published in July 2011. The President also supported the HMCTS pilot scheme for reporting anonymised judgments on the free Bailii site³.

Pay and Pensions

17. The morale, recruitment and retention of judges

of the highest calibre depends in part on the adequacy of their financial reward. In their latest, 34th Report, the Senior Salaries Review Body (SSRB) drew attention to the dangers inherent in a three year pay freeze and the reduction in the value of the judicial pension schemes likely to result from the Government's policy in respect of public sector pension schemes. SSRB valued the benefit accruing to a judge under the judicial pension scheme for each year of service to be 34 per cent of that judge's total reward.

18. In relation to pay, SSRB indicated that the value of the take-home pay of circuit judges had reduced by 15.9 per cent. Application of the same formula to judges of other grades showed a similar position:

Grade	Percentage
District Judge	16.5
Circuit Judge	15.9
High Court Judge	17.1
Court of Appeal	18.4

19. In relation to pensions, as elsewhere in the public sector, a contribution liability has been imposed, further reducing take-home pay. The extent to which the Government seeks to reduce the annual accrual value of benefits under the judicial pension schemes is unknown. Whatever it is, it will reduce the total reward of a judge still further.

20. Paragraph 6 of the SSRB report stated: "We are growing increasingly concerned that the morale and

2. www.judiciary.gov.uk/courtreporting

3. www.judiciary.gov.uk/publications-and-reports/guidance/2011/family-courts-media-access-reporting
www.bailii.org

motivation of our remit groups is being adversely affected by the deterioration, both relative and absolute, in their terms and conditions." This observation is self-explanatory; the cumulative effect is likely to cause judicial retention and recruitment problems.

Relationship with the Executive

21. As Head of the Judiciary the LCJ is responsible for representing the views of the judiciary to Government. The Ministry of Justice and the Lord Chancellor have responsibilities in relation to the courts, judiciary and wider justice system, including the pay and conditions of members of the judiciary.

22. Regular meetings with the Lord Chancellor and the Permanent Secretary for the Ministry of Justice enable discussion of issues of joint interest and provide an opportunity for the LCJ to raise awareness of the practical aspects of Government proposals on the justice system. Over the period covered by this report, much work has been done on possible reforms to the system for selecting judges, in which the Judicial Appointments Commission also plays an important part. Changes set out in the Government's Crime and Courts Bill will amend existing arrangements in the Constitutional Reform Act.

23. The LCJ and senior members of the judiciary meet other Ministers and law officers as is necessary on matters of mutual interest, such as developments in the justice system. Judges have a unique perspective to offer on the likely practical impact of changes and ways in which efficiency and effectiveness can be improved. Relations between the executive and judiciary, whilst fully respecting the separation of powers, are constructive.

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Relationship with Parliament

24. Since the General Election, there has been an increase in the number of judges invited to assist Parliament with their enquiries. In the period covered by this review:

- The LCJ has appeared before the House of Lords Constitution Committee twice, in 2010 to discuss the 9th Report of Session 2010-11 and in 2011 to discuss the Judicial Appointments Process. He has in addition appeared before the Justice Committee in 2010 to discuss the work of the Lord Chief Justice, and the Joint Committee on Human Rights in 2011 in relation to human rights judgments.
- Judges have appeared before the Public Accounts Committee in relation to the work of CAF/CASS.
- Judges have assisted the Justice Committee in its work on access to justice, the operation of the family courts, the Probation Service and sentencing guidelines.
- Judges have appeared before the Joint Committee on Privacy and Injunctions and the Defamation Bill Committee.
- A number of judges have offered views to the House of Lords Constitution Committee on judicial appointments.
- The Chief Magistrate appeared before the Home Affairs Committee in relation to extradition issues.

25. Judges are able to provide valuable technical advice to Parliament, which is particularly useful in an era of increasingly complex legislation. However, for appearances to be mutually beneficial both the judiciary and Parliament need to be mindful of their respective roles – as Parliamentarians are aware, there are some areas of enquiry in which it is not appropriate for judges to become involved, for example in relation to political matters or issues relating to a particular case. Being drawn into such matters would be damaging for both future involvement in the work of committees and for the

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impartiality and reputation of the judiciary. For this reason, care is exercised by those involved when responding and in considering invitations to judges to appear before Parliament.

Wales

26. The Lord Chief Justice exercises his functions as Lord Chief Justice of Wales as well as of England. He meets the First Minister and officials from the Welsh Government to discuss practical aspects of Government proposals on the justice system in Wales. He is supported and advised on matters affecting the administration of justice in Wales by the Wales Committee of the Judges' Council, which he chairs. The Vice-Chair is Lord Justice Pill. In addition, the Judicial College governance arrangements include a Wales Training Committee, the Chairman of whom, Mr Justice Roderick Evans, is a member of the Judicial College Board. The Committee makes recommendations about the specific courts and tribunals' training needs of judicial office-holders in Wales, and those who sit from time to time in Wales.

27. Since 2007, administration of the courts in Wales has been organised and delivered within the boundaries of Wales. Reserved tribunals are now also administered on this basis, devolved tribunals having always been administered within Wales' borders under the aegis of the Welsh Government. Courts with competence in Wales have increasingly come to have a base in Wales. A Mercantile Court, a Chancery Court and an Administrative Court have been established in Wales. Cardiff is at present the only place outside London in which the Civil Division of the Court of Appeal sits. Sittings of the Criminal Division of the Court of Appeal and of the Upper Tribunal have also taken place in Wales. To a large

extent, cases heard in Wales are presided over by a judiciary based in Wales.

28. At present, consideration is being given to the scope of Welsh devolution in respect of justice by the Constitutional and Legislative Affairs Committee of the National Assembly for Wales (NAW) and by the Welsh Government (WG). The Silk Commission will also consider this topic as part of a review in to the present constitutional arrangements in Wales, and is expected to report its findings by the end of 2013.

29. With the advice of the Wales' Committee of the Judges' Council, the Lord Chief Justice has responded to the Constitutional and Legislative Affairs Committee inquiry and Welsh Government consultation drawing attention to practical aspects of such a change. A response within the same parameters will be provided to the Silk Commission in response to their call for evidence, which is expected to be in early 2013.

Her Majesty's Courts and Tribunals Service (HMCTS)

30. In June 2010 the Government consulted on the closure of 157 courts in England and Wales. The judicial response to the consultation highlighted that courts were important features of local life and that access to justice within reasonable travelling distance was essential. However, the financial realities were recognised. The LCJ accepted that a number of the courts should close, while drawing attention to those where further discussion was warranted and those which he felt should remain open. Judicial office-holders and court staff responded admirably during this unsettling period. Following the consultation the Lord Chancellor decided to close 143 courts. One hundred and twenty-nine courts have been closed to date.

31. In March 2010, the Lord Chancellor announced the bringing together of Her Majesty's Courts Service (HMCS) and the Tribunals Service (TS) in a new single organisation, HM Courts and Tribunals Service. The Lord Chief Justice and wider judiciary supported this organisational change, which took effect on the 1st April 2011. HMCTS, like HMCS,

is accountable jointly to the LC and the LCJ. Whilst the underpinning principles governing HMCTS reflect those that were in place for HMCS, the framework document which governs the organisation was revised and updated. The HMCTS board has three judicial members.

32. The establishment of HMCTS was accompanied by a wide-ranging reform of the administrative support to courts and tribunals, which delivered important financial savings, but which also led to the loss of a significant number of staff. This was driven by the need for cuts in public expenditure, which have affected all parts of the public sector. The LCJ and wider judiciary are grateful for the long and loyal service to the justice system of many of those staff members who left HMCS and HMCTS in the period covered by this report, and to those who remain supporting the operation of courts and tribunals.

Rolls Building

33. In Autumn 2011, major building work was completed on a dedicated courthouse for the Chancery Division, the Commercial Court, the

Admiralty Court, and the Technology and Construction Court. The Rolls Building was officially opened by HM The Queen in December 2011. This purpose-built courthouse with modern, high quality, facilities is the largest business court in the world. Its presence underpins the City of London's position as the world's pre-eminent financial centre for both international and national dispute resolution and spearheads the contribution of some £25.6 billion⁴ to the gross national product made by the provision of legal activities.

Office of the Chief Coroner

34. In the course of the passage of the Public Bodies Act 2011, it was agreed that the post of Chief Coroner of England and Wales set out in the Coroners and Justice Act 2009 would be retained, rather than abolished, although without the appellate function which was originally part of the role. The Chief Coroner, His Honour Judge Peter Thornton QC (who was appointed by the Lord Chief Justice following the 2009 Act), will now take up his duties in September 2012.

35. The Chief Coroner will provide national leadership to the coronial system with the aim of setting standards and promoting best practice. He will play a key role in developing a new statutory framework for coroners, including rules and regulations as well as guidance and practice directions within which coroners will operate. The Chief Coroner also has statutory functions relating to the Lord Chancellor's responsibilities for coroners. He will work with a range of interested groups including coroners, the Coroners Society of England and Wales, local authorities and voluntary organisations. A new Bereaved Organisations Committee is being set up to assess the improvements which the changes bring for the bereaved.



Left: HM The Queen at the official opening of the Rolls Building

4. Office of National Statistics, Annual Business Survey (release date 14 June 2012) Section M

2. Criminal Justice

Workload and performance

36. Resident and Presiding Judges around the country provide leadership, guidance and support to their colleagues. Among other things, they scrutinise performance statistics for their court centres and work with colleagues to understand differences and find ways of improving performance. Detailed court statistics are published on the internet⁵. They show that over the period covered by this report, while the volume of cases and number of sitting days have reduced, the number of cases dealt with in a day has increased and backlogs are generally falling, particularly in London.



37. Improvements in the timeliness of the court processes result in part from a sustained focus by members of the judiciary on this area. Examples include work to reduce the number of unnecessary hearings, the number of late guilty pleas and the length of trials, all of which increase costs and delay justice. Following pilots of Early Guilty Plea arrangements in court centres across the country, arrangements are being rolled out nationally in close co-operation with others who play an important part in the efficiency and effectiveness of the system, where defendants in particular may consider that delay is in their interest.

38. It is rarely in the interests of justice to adjourn a trial. The Stop Delaying Justice campaign, led by magistrates and district judges working together, aims to ensure that trials are fully case managed at the first hearing and disposed of at the second hearing. The project has the support of the Justices' Clerks' Society, the Magistrates' Association, the National Bench Chairmen's Forum and the Chief Magistrate. It has led to a more robust approach to applications for adjournments.

39. The efficiency and effectiveness of the Criminal Justice System is affected by procedures which set out requirements on parties ahead of their appearance in court. Judges are in a good position to spot the adverse impact of these. A committee of senior judges chaired by the LCJ meets most weeks to address day-to-day and longer term issues affecting the operation of criminal justice, such as the implications of proposed changes to arrangements for fraud trials.

40. In September 2011 Lord Justice Gross published his review of disclosure in criminal proceedings which was prompted by concerns that, in some cases, disclosure appeared to take too long and cost too much, yet added little of benefit to the proceedings.

5. http://data.gov.uk/dataset/judicial_and_court_statistics
<http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual>
<http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly>

The review focused upon cases of serious and complex fraud, especially those involving large amounts of electronic material. As technology advances, such material will only increase, and with it the challenge of efficient criminal litigation.

41. The review took the views of judges, ministers, prosecutors, advocates, litigators and academics, amongst others. The resulting recommendations are available online⁶. The judiciary is now working

closely with representatives of those affected to introduce changes to improve the system. For example, work with the Attorney General to consolidate guidance to ensure that those involved in the disclosure process know what is expected of them.

42. The efficiency of the Criminal Justice System is also determined by the quality of advocacy. The judiciary has been closely involved in the formulation

Case study: the Early Guilty Plea Scheme

Almost 75 per cent of all cases in the Crown Court currently end in a guilty plea before the trial starts, but guilty pleas can come late in the process, causing additional costs and uncertainty for victims and witnesses.

An early guilty plea reduces emotional cost to victims and witnesses and the financial costs to the Criminal Justice System, enabling resources to be focused where they are needed, on cases that go to trial.

The Early Guilty Plea Scheme involves early identification and fast tracking to an early hearing of those cases likely to plead guilty, or where the case for the prosecution is overwhelming. Defendants who plead guilty at this hearing are afforded the maximum reduction in sentence available for a guilty plea under existing guidance, and are sentenced on the same day.

Early results of the scheme are encouraging:

- A large number of the cases nominated for the scheme are being concluded at an earlier stage in proceedings than those cases not within the Scheme.
- Even when defendants do not plead guilty at an early hearing, the case moves more quickly through the system because the early hearing is used as a plea and case management hearing, where the timetable is set for remaining stages.
- Early review of the evidence by the Crown Prosecution Service (CPS), which is an element of the scheme, has proved beneficial in that CPS has been able to identify at an earlier stage those cases which should be discontinued, or charged in a different way.
- The number of defendants electing trial in the Crown Court, for offences which could be tried in the less expensive magistrates' court, has decreased.

6. <http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/disclosure-review-september-2011.pdf>

of the Quality Assurance for Advocates Scheme and has provided considerable advice and guidance to the legal regulatory bodies that are devising the scheme.

43. Over the period covered by this report, a considerable amount of work has been done by judges in relation to issues that affect particular categories of witnesses. For example, judges have been providing assistance in implementing arrangements to allow children who are victims and witnesses to have all of their evidence pre-recorded in order to avoid the stressful experience of a court appearance.

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44. Work has also been carried forward in relation to the entirely different issues which arise in relation to expert witnesses. Judges have worked with the Forensic Science Regulator, the Royal Society, the Royal Statistical Society and a number of scientists across a broad range of fields to improve the information which is put before judges and juries. For example, steps have been taken to produce standard written materials that can form a statement of the underlying science, from which the scientific experts can then address the particular issues in each case. Work is well advanced in producing material on DNA which will cover the science currently used. It is intended that this material will be updated when new science emerges and there is agreement as to its reliability.

Statutory position and bodies

45. Under section 8 of the Constitutional Reform Act 2005, the LCJ is the Head of Criminal Justice. In discharging this responsibility, he receives support from a number of members of the judiciary, many of

whom represent his views on various boards and bodies. The Presiding Judges for each of the Circuits play a vital role in supporting those members of the judiciary and magistracy working in the Crown Court and magistrates' courts across England and Wales. Additionally a wide range of judges, including those in leadership roles and members of the Council of HM Circuit Judges, the Magistrates' Association and the National Bench Chairmen's Forum make a substantial contribution to the running of the Criminal Justice System, both locally and nationally. National bodies which play an influential part in the development of criminal justice include the Criminal Procedure Rules Committee, the Sentencing Council and the Criminal Justice Council.

Criminal Procedure Rule Committee

46. The Lord Chief Justice chairs the Criminal Procedure Rule Committee. The Committee's statutory obligations⁷ include making rules to ensure that "the Criminal Justice System is accessible, fair and efficient".

47. In 2010 the Committee began a practice of a full consolidation of the Rules every October, at the start of the legal year. Amendments are made each April in one go, rather than piecemeal. Such a system of regular consolidation and amendment ensures that practitioners have access at predictable and regular intervals to clear and straightforward Rules which dictate the way in which cases should be managed.

48. The consolidation that came into force in October 2011 included a new Part 16 on reporting

7. Courts Act 2003, section 69(4)

restrictions to reflect the Practice Direction permitting the use of live text based communication, such as Twitter, from court. A new Part 3.10 came into force to clarify the power of the court to make timetables for trials so that they are completed efficiently to a proportionate timescale. The Committee also introduced rules to allow the electronic authentication of court documents, removing some longstanding and outdated requirements for conventional signature. These amendments all provide for increased modernisation and efficiency within the system.

49. An amendment that came into force in April 2012 contains a new Part 9 which clarifies the procedure for the allocation of trials and sending cases, as well providing a basis for the abolition of committal proceedings, should the Government wish to take this forward.

Sentencing Council

50. The Sentencing Council is an independent non-departmental public body of the Ministry of Justice, and replaced the Sentencing Guidelines Council and the Sentencing Advisory Panel on 6 April 2010. The Sentencing Council is chaired by Lord Justice Leveson; the Lord Chief Justice is its President, although not a member. Other judicial members include two Court of Appeal judges, two High Court judges, a Circuit Judge, District Judge (Magistrates' Courts) and a magistrate. There are six non-judicial members, all with significant experience of the criminal justice system.

51. The Sentencing Council has a broader remit than its predecessor bodies including objectives to develop and monitor the effect and impact of sentencing guidelines, and to raise public awareness of the practice and realities of sentencing. Judges and magistrates find the work of the Council invaluable in providing guidelines which offer a clear, fair and consistent approach to sentencing.

Sentencing Council

In the period covered by this report, the Council has published a number of definitive guidelines on sentencing, including:

- assault offences (March 2011)
- aggravated, domestic and non-domestic burglary (October 2011)
- drug offences (January 2012)
- a single guideline which dealt with three separate elements of sentencing practice (March 2012)

A consultation on dangerous dogs offences was launched in March 2012.

Further information on the work of the Sentencing Council can be found at <http://sentencingcouncil.org.uk>

The Criminal Justice Council

52. The Criminal Justice Council draws together expertise from a broad range of people whose work has an impact on the Criminal Justice System, including judges and magistrates. Previously chaired by Lord Justice Leveson, the Council is now chaired by Lord Justice Gross, and is consulted by Government about the development and implementation of criminal justice policy.

53. In the period covered by this report, the Council submitted responses to two substantial Government Green Papers on sentencing and legal aid and offered the Ministry of Justice and Home Office guidance on a wide range of other topics.

The development and implementation of criminal justice reforms

54. Judges, while not involved in the development of policy, are able to offer expert views on the practical impact of proposed changes in criminal justice arrangements and are often asked to provide their expertise in responding to consultations on the operation of the Criminal Justice System. Frequently judges of the High Court do much of the work in committing the views of the judiciary to paper. For example, a response to the Law Commission's consultation in relation to kidnapping in January 2012 and a response to a consultation on forced marriage in March 2012.

55. The Lisbon Treaty and the Justice and Home Affairs Five Year Work Programme under the Stockholm Programme have the potential to result in significant changes in criminal justice in England and Wales. The European Committee of the Judges' Council has engaged constructively in the reform process, with a view to ensuring that European Commission proposals and changes to domestic legislation take account of the system of criminal justice in England and Wales. The judiciary is involved in roundtable meetings attended by leading academics and officials from the Ministry of Justice and Home Office to ensure a shared understanding of developments in Europe. Members of the judiciary also meet and share practical insights with the European Commission and judges from other countries.

3. Civil Justice

Workload and performance

56. Detailed court statistics are published on the internet⁸. The majority of civil justice cases are heard in county courts, and the figures for the last five years for which full year data is available (see table below) show that the numbers of claims being made has

fallen progressively. However, the pressures on civil justice remain powerful, with the increasing complexity of cases and specialism of the law meaning that workload and performance cannot be measured on mass volume alone.

Year	Total 'money' claims	Total non-'money' claims	Total insolvency petitions	Total proceedings started
2006	1,717,239	399,334	66,966	2,183,539
2007	1,552,627	392,236	66,951	2,011,814
2008	1,586,637	407,215	70,272	2,064,124
2009	1,460,074	343,120	76,211	1,879,405
2010	1,231,171	319,446	65,919	1,616,536

57. Designated Civil Judges around the country provide leadership, guidance and support for all judges sitting in county courts. This can involve dealing with a sudden rise in a particular type of case for which a consistent approach by the courts is needed (in advance of any guidance from the judgment of the higher courts) – such as credit hire

agreements. Or it may be agreeing arrangements for hearing new types of civil cases following legislation, such as gang injunctions, introduced by the Policing and Crime Act 2009.

58. There has been substantial change to the processing of cases in the period of the review, with

8. http://data.gov.uk/dataset/judicial_and_court_statistics
<http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-annual-2011>
<http://www.justice.gov.uk/statistics/courts-and-sentencing/judicial-quarterly>

dedicated court business centres (at Haywards Heath and now Salford) opening to handle initial claims, which if contested are then passed to the relevant local county court. This is intended to modernise the process and make it more efficient. The judiciary have supported the reform in principle and practice, with judges supervising work at the centres. The civil judiciary is very supportive of moves to increase e-working, and the ability of parties to conduct business electronically.

59. Civil justice also covers the work of a number of specialist jurisdictional courts; in the Chancery Division; Bankruptcy Court, Companies Court, Patents Court; in the Queen's Bench Division; the Admiralty Court, Commercial Court and Technology and Construction Court. All of these courts deal with highly complex litigation, and the expertise of the UK's judiciary attracts substantial international demand for determination of disputes in England and Wales. The Court of Appeal Civil Division hears appeals from across the broad spectrum, and also family and administrative justice appeals.

The Administrative Court

60. The work of the Administrative Court is varied, comprising the administrative law jurisdiction of England and Wales, as well as a supervisory jurisdiction over public bodies and officials, including inferior courts and tribunals and the decisions of local and central government. This supervisory jurisdiction is exercised exercised in the main through the procedure of Judicial Review (JR).

61. In the legal year 2010-11 immigration and asylum judicial reviews amounted to over 80 per cent (7,513) of all civil JR applications, although less than 15 per cent of substantive hearings.

62. Following provisions in the Borders and

Immigration Act 2009, the Lord Chief Justice transferred 'fresh claim' Judicial Review work to the Immigration and Asylum Chamber of the Upper Tribunal (UTIAC). This has relieved some of the burden of this work on the Administrative Court⁹.

63. The Administrative Court nevertheless remains under enormous pressure, in particular when dealing with urgent applications for interim relief and judicial review in circumstances where people are being removed from the UK by charter flight. These cases present acute problems for the Court; removals of up to 70 people at a time are not uncommon and can generate a significant number of applications in the days and hours – indeed right up until the last minute – before a flight.

64. A Queen's Bench judge is on duty 24 hours a day, every day, to hear applications for judicial review which cannot be delayed until the normal hours of business although, for reasons of efficiency, great efforts are made to organise business so these applications are dealt with during the daytime by a judge of the Administrative Court.

65. Administrative Courts in Cardiff, Birmingham, Leeds and Manchester have been operational since April 2009 and are now well established. Collectively they account for around 10 per cent of the overall work of the Administrative Court. Cases of real importance, often where the issue is of particular interest locally, are routinely heard in the courts outside London, ensuring litigants, public authorities and the wider community are able to see these matters being decided within their local area.

Statutory position and bodies

66. The Master of the Rolls is President of the Court of Appeal (Civil Division) and Head of Civil Justice. He has overall responsibility for civil justice, and is

9. <http://www.judiciary.gov.uk/publications-and-reports/practice-directions/tribunals/tribunals-pd>

chairman of the Civil Justice Council and the Civil Procedure Rules Committee (CPRC). Civil cases are heard by Court of Appeal, High Court, Circuit and District Judges, High Court Masters and Registrars and a range of fee-paid judicial office-holders.

Leadership for these judges comes from the Master of the Rolls, but also – through the Deputy Head of Civil Justice and the Senior Presiding Judge – from regional Designated Civil Judges, normally covering two or more counties. There are also lead judges for the specialist courts such as the Commercial Court. These judges provide direction and guidance to their colleagues, but also play an important role in feeding back issues and concerns to the senior judiciary. The Council of Circuit Judges and Association of District Judges make influential contributions to the operation of the civil and family jurisdictions.

Civil Procedure Rules Committee

67. The Civil Procedure Rules Committee (CPRC) is an advisory body that agrees the rules for all the civil courts in England and Wales. It plays a valuable if somewhat unsung role in making sure that rules keep pace with new legislation (e.g. gang injunctions) and other changes – for example in new technology. In the period of this report it has dealt with a number of important issues, examples include privacy injunctions, anti-terrorist freezing orders, pilots to test recommendations in the Jackson Costs Review, pre-action protocols for mortgage cases and moves to increase electronic business in the courts.

Civil Justice Council

68. The Civil Justice Council (CJC) is an advisory body chaired by the Master of the Rolls and charged with overseeing the Civil Justice System, to ensure it is as fair, accessible and efficient as possible. Members include representatives from across the legal

profession, court users and consumer representatives as well as the judiciary. The CJC is uniquely placed to analyse and advise on issues in a rounded, objective way.

69. During the period covered by this report, the CJC produced a ground-breaking report on self-represented litigants and assisted with major reform programmes such as the costs review. It also contributed to the development of policies in the civil justice arena, such as the Defamation Bill, and drawing up pre-action procedures for cases to be dealt with fairly, quickly and cheaply. Judges played an integral role in this work. The CJC's reports can be seen on the judicial website¹⁰.

The development and implementation of civil justice reforms

Review of Civil Litigation Costs ('Jackson Review')

70. Concerns about the high and disproportionate costs of civil litigation prompted a root and branch review by Lord Justice Jackson in 2009. He identified the causes and produced 109 recommendations in a major report designed to tackle them. The Government has taken up the vast majority of the proposals, with some key reforms made through the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These include the abolition of the recoverability of a number of add-on costs (such as referral fees), which will dramatically reduce costs and provide a more even playing field for litigation.

71. With a concern for practical implementation of the Jackson reforms, judges in court centres around the country led a number of pilots on a range of the Review's proposals, such as costs management, to test how the changes would work in practice. Examples

10. <http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc>

are a pilot on 'hot-tubbing'; a system where expert witnesses give evidence in turn in a single hearing, rather than separately over a number of days. Reports on the findings of the pilot are available on the judicial website¹¹.

72. A second phase of costs reforms is planned, as outlined in the Government's consultation paper *Solving Disputes in the County Courts*. These include fixed costs for certain types of case, and the proposals will be subject to further discussions with interested parties. The judiciary has played a key role in advising on the issues that need to be addressed and making suggestions for how this might be done – for example in consultation responses, speeches and regular engagement with the Ministry of Justice and HMCTS.

Brooke Report reforms

73. Sir Henry Brooke's report in 2009, *Should the Civil Courts be Unified?*, made a number of recommendations to improve the efficiency of civil courts and to ensure the High Court was only used for the most serious and complex matters. Measures included creating a single County Court; increasing the financial limits on cases that can be conducted in the County Court; and extending the power to grant freezing orders. These measures have been accepted by the Government and the Single County Court forms part of the Crime and Courts Bill currently before Parliament. They will improve the efficiency of the operation of civil courts, and maximise the efficient use of judicial resources.

Anonymity injunctions

74. In April 2010, the Master of the Rolls set up a Committee to examine issues around the use of so

called 'super-injunctions'. This followed concerns expressed by the Culture, Media and Sport Select Committee in a report published in February 2010. Concerns included fears that orders were being made on issues of potential public interest without informing the media, which was unable to report even that a privacy order had been made.

75. The Committee brought together judges and specialist lawyers representing all the interested parties, and published its report on 20 May 2011. This set out a comprehensive analysis of the use of different forms of anonymity injunctions, with definitions and practice guidance for the conduct of such cases. The report's recommendations covered court procedures and issues such as data monitoring to make the process more transparent. It also looked at wider issues such as the relationship between such court proceedings and Parliamentary privilege, and these are topics the Government and Parliament are reviewing. The report was extremely well received, and a new data monitoring system is in place to record numbers of such cases, which are generally agreed to have fallen dramatically.

Court of Appeal mediation scheme

76. In April 2012 a pilot to extend the Court of Appeal's mediation scheme was launched. The Master of the Rolls had asked Lord Justice Rix to chair a group of mediation and pro bono experts to prepare a scheme which would encourage mediation in personal injury and contract disputes under £100,000 value, thus avoiding the extra costs and demands of a full Court of Appeal hearing. The pilot will be reviewed to see if it is proving attractive to parties and effective in resolving disputes.

11. <http://www.judiciary.gov.uk/publications-and-reports/review-of-civil-litigation-costs/judicial-pilots>

4. Family Justice

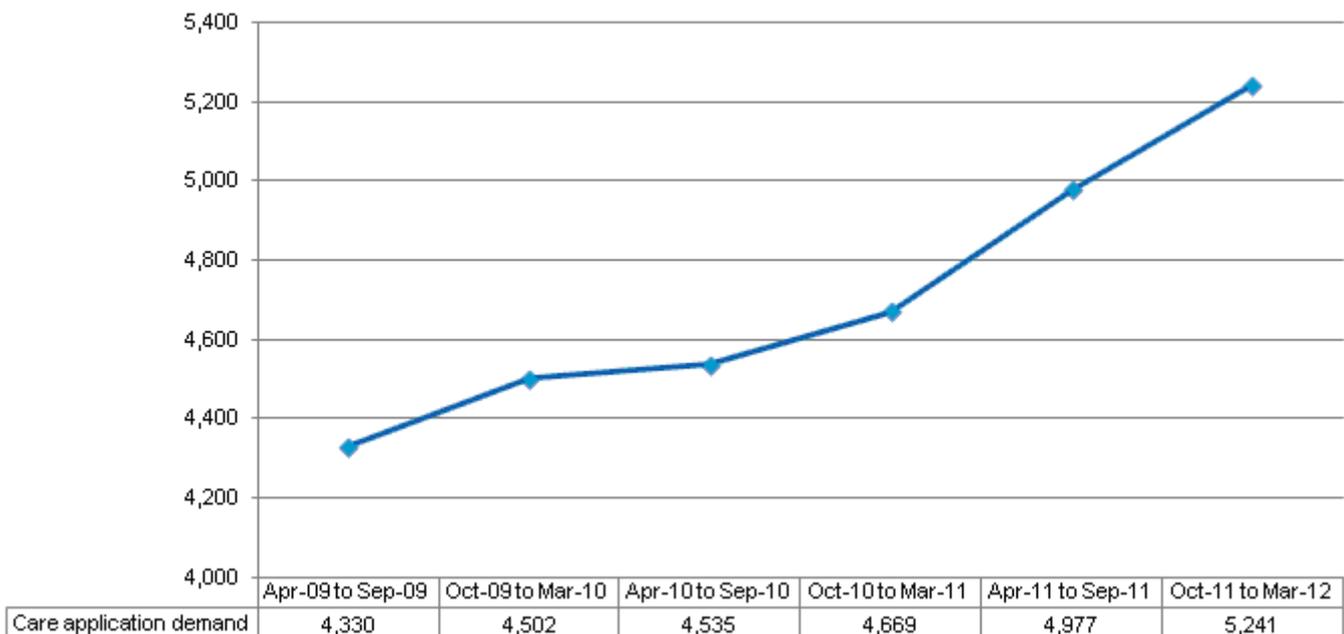
Workload and performance

77. A rise in applications for care and/or supervision orders in recent years has placed considerable additional demands on the courts, on Cafcass and CAFCASS CYMRU and on other parts of the Family Justice System. To help address this, in July 2009, the then President of the Family Division, Sir Mark Potter, worked with judges, Government, HMCTS, Cafcass and CAFCASS CYMRU to reach clear arrangements in a formal agreement for cooperative working which would enable Cafcass and CAFCASS CYMRU to manage increasing demand while maintaining the focus on promoting the welfare of children. The agreement came to an end on 30th September 2011. At this point, the President, with Cafcass and CAFCASS CYMRU, concluded that good practice was engrained and did not require further formal support.

78. As the CAFCASS data below shows, the upward trend in applications has continued. In 2010-11, HMCTS and the judiciary made arrangements to reallocate court resources to provide an additional 4000 judicial sitting days for family work. This increase in resources is being matched in 2012/13. It is expected that this, along with wider improvements to the Family Justice System, will result in a significant reduction on the present delays experienced in care and supervision proceedings to the benefit of children and families.

79. The total number of children awaiting a resolution to their care and supervision proceedings

Cafcass public law care application demand



in February 2012 was 19,025. Despite the continuing increase in applications made to the courts, this figure was broadly consistent with the preceding six months, indicating that the rate of cases decided had increased.

80. Since December 2008 judges have had the power to direct parents to attend parenting information programmes (PIPs) at an early stage of proceedings in disputes about where a child should live or about contact arrangements. The PIPs are commissioned through Cafcass and CAF/CASS CYMRU and are designed to educate parents about the effect of their disputes on their children, and to encourage them to reach agreement. Initially, there was slow take up of this power (950 in the first year). However, with experience there has been a marked increase in the use of PIPs. In the year to April 2011 13,000 parents attended a PIP. This number increased to 18,279 in 2011-12.

81. Research conducted in early 2011 with parents referred to PIPs found that despite initial reservations, most parents reported finding the experience of attending a parenting programme entirely acceptable and generally supportive¹². Recommendations focussed on how the programme providers could further develop the PIPs to assist parents to resolve their differences away from the court, where it is safe to do so.

82. There has been a steady growth in the number of international family cases, from 116 in the calendar year 2009, to 180 in 2011, and a projected figure of 240 for 2012. Lord Justice Thorpe is the Deputy Head of Family Justice and Head of International Family Law. The small team in his office serves as a contact point for English and Welsh Judges who hear international child protection cases, and who want to contact a foreign judge, as well as for foreign judges who want to contact their counterparts in England and Wales. This judicial liaison can reduce delay, financial costs and emotional distress in cases of

unlawful and lawful removal of children, and increase confidence in contact arrangements when children live with a parent in another country. Further information can be found in Lord Justice Thorpe's recent report¹³.

The Court of Protection

83. The Court of Protection has jurisdiction over the property, financial affairs, and personal welfare of those who lack the mental capacity to take decisions themselves. The Court has to decide whether a person has the capacity to make a particular decision for themselves and if necessary make declarations, decisions or orders on financial or welfare matters affecting them. Where circumstances require ongoing decisions for people lacking capacity, the court may appoint a deputy to take on this responsibility.

84. In making its decisions, the Court must consider a statutory checklist to ensure it focuses on the best interests of the person lacking capacity. It must also make the least restrictive order possible in the circumstances. The majority of applications require the Court to exercise its powers under the property and affairs jurisdiction, rather than to make welfare decisions. Very few applications are contested and nearly all are decided on the basis of paper evidence without holding a hearing. In around 95 per cent of cases, the applicant does not need to attend court.

85. The Court of Protection came into being on 1 October 2007. In December 2009, following complaints regarding administrative delays, possibly caused by over-complex procedures and forms, Sir Mark Potter set up a committee to review the rules governing these matters. The committee comprised judges, administrators and practitioners and in June 2010 made recommendations designed to address the legitimate concerns raised by users. In particular, proposals were made for new forms and simpler

12. 'Building Bridges? An evaluation of the costs and effectiveness of the Separated Parents Information Programme' www.education.gov.uk/publications/

13. <http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/international-family-justice-report-2011-2012.pdf>

procedures for dealing with applications in routine property and affairs matters. Those changes which could be made quickly and easily have been put in place, others require more in-depth legal consideration and await introduction.

86. In the period of this report, the Court of Protection has worked to reduce costs and improve performance. Decisions based on case papers are now made within ten working days, new applications are issued within 48 hours (instead of two to three weeks), and the time taken for those seeking a straightforward property and affairs order has reduced from over 20 weeks to ten weeks (six weeks of which are statutory waiting times). These significant performance improvements have been achieved by reviewing administrative processes, resulting in efficiency savings and a much improved service to the court's users.

87. In January 2012, with minimal disruption to business, the London operation of the Court of Protection moved to the Royal Courts of Justice, bringing it into closer proximity to colleagues and to the High Court Judge in charge of the Court of Protection.

Statutory position and bodies

88. The President of the Family Division is responsible for the family courts of England and Wales. He is supported by Family Division Liaison Judges, each with responsibility for one region, and they in turn have support from a Designated Family Judge (DFJ) for each care centre. The magistracy also plays a valuable role in the family courts and where

they are co-located with the district and circuit judges in the county court, substantial savings in cost and greater administrative efficiency have been achieved.

Family Procedure Rules Committee

89. The President is the Chair of the Family Procedure Rules Committee and in December 2010 he oversaw the conclusion of the project to formulate new rules of court. The new rules came into force in April 2011. They are drafted in modern language and align and streamline family procedure in the High Court, county courts and magistrates' courts.

Family Justice Council

90. The President of the Family Division is the Chairman of the Family Justice Council which at a national and local level promotes an independent, interdisciplinary approach to family justice, bringing together experts from the law, health and social care to support and advise government on the reform of the Family Justice System. All levels of family judiciary, from magistrates to High Court judges, are represented on the

council to provide advice on the full range of family proceedings.

91. Over this reporting period, the Family Justice Council has devoted much of its efforts to the Family Justice Review. The Council submitted a written response to the Review's call for evidence and gave oral evidence to the Panel. Both the interim and final reports of the Review cite the evidence of the Family Justice Council extensively and frequently, indeed more than any other respondent.

The magistracy also plays a valuable role in the family courts and where they are co-located with the district and circuit judges in the county court, substantial savings in cost and greater administrative efficiency have been achieved.

Work of the Family Justice Council

As well as work relating to the Family Justice Review, during the period covered by this report, the Family Justice Council¹⁴ has published and disseminated a number of guidance and best practice documents including:

- Guidelines in relation to children giving evidence in family proceedings
- Guidelines on the instruction of experts from overseas in family cases
- Protocol for Process Servers: Non-Molestation Orders
- Guidelines on disclosure of Multi-Agency Risk Assessment Conferences (MARACS) into court proceedings

The identification and dissemination of best practice is one of the Council's key functions. The best practice guidance produced by Council is principally aimed at judiciary, legal practitioners and other professionals working in the Family Justice System e.g. those carrying out risk assessments in domestic violence cases. The purpose of the guidance is to promote best practice and encourage its adoption across the whole jurisdiction.

The Council has some resource to promote research and evidence-based policy in reforming the Family Justice System.

In March 2012, the research project led by Professor Jane Ireland on *Evaluating Expert Witness Psychological Reports: Exploring Quality*, part funded by the Council, was published. This small but groundbreaking study on the quality of psychologists' reports in family proceedings has stimulated debate on how best to promote quality control in the use of expert evidence in the family courts. This is an important issue because problems with the supply of appropriate experts and with the quality of the reports produced can be a major cause of delay, especially in public law proceedings.

The Council will be working closely with the Ministry of Justice in identifying proposals for the more selective and appropriate use of expert evidence in family proposals.

14. <http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/fjc/index>

The development and implementation of family justice reforms

92. In June 2010 the Government established the Family Justice Panel, chaired independently by David Norgrove. The panel had a wide-ranging remit, covering private and public law children proceedings and the legal and administrative processes across the whole of the Family Justice System. Judges and judicial organisations have a unique perspective on the operation of the justice system and provided views to the panel, as did the Family Justice Council. Over the same period, Professor Eileen Munro was separately commissioned by the Department for Education to review child protection in England, and the Family Justice Review Panel worked closely with her when formulating its recommendations for change.

93. In November 2011, the Family Justice Review Panel published its final report. While supporting the existing legal framework, its findings were critical of many practical aspects of the system, identifying a lack of coherent working between agencies, and resultant delays in resolving cases, particularly where children were involved.

94. The President of the Family Division has expressed his support for the panel's recommendations, which aim to achieve stronger leadership and coordination of those involved in family cases, reducing delay and strengthening the voice of children. In private law, the recommendations aim to help more people to sort out their affairs for themselves without bringing their cases to court. This aim is supported by the President with the caveat that it is important to protect children and parents from violence within

families, and that it will be vital to ensure there are mechanisms in place to achieve such protection.

95. Nearly all of the Panel's recommendations were accepted by the Government, including the establishment of a Single Family Court, which is being taken forward in its Crime and Courts Bill. The Single Family Court will be a national court, meaning that all family proceedings will be issued in the Family Court (save for those few which must originate in the High Court). The current distinctions between what must be issued in the High Court, county courts and magistrates' courts, which can be bewildering for court users, will disappear and users will have a simple system for application, and a consistent approach to subsequent hearing location. This will also enable rationalisation of processes in

respect of family business, ensuring that cases are administered in the most efficient and effective way possible.

The Single Family Court will be a national court, meaning that all family proceedings will be issued in the Family Court (save for those few which must originate in the High Court). The current distinctions between what must be issued in the High Court, county courts and magistrates' courts, which can be bewildering for court users, will disappear

96. The judiciary has a crucial role in modernising family justice on the ground, working closely with others, in particular HMCTS. In October 2011 Mr. Justice Ryder was appointed as Judge in charge of the Modernisation of Family Justice, leading the work to take forward recommendations of the Family Justice Review

which relate to the role of the judiciary. The work is wide-ranging, extending from arrangements for the leadership and management of a single family court, to the fine detail of case management of both private and public law applications. Early steps include practical guidance from the President of the Family Division on how to manage cases to increase efficiency within the existing legal framework.

97. One underlying issue of the Review was the weakness of data collection across the family courts, without which it is difficult to monitor the position or be confident about effective and efficient case management. The judiciary is now working closely with HMCTS on a pilot of a new data collection process using existing IT provision.

98. Work to modernise family justice will involve

considerable consultation with government and the many agencies working across the Family Justice System. The judiciary is in a pivotal position to secure change; however the project is highly dependent upon the support of others, including HMCTS. Co-operation of others involved is close, with a shared desire to improve the experience of children and families. Ryder J provides regular updates on his progress on the internet¹⁵.

15. <http://www.judiciary.gov.uk/publications-and-reports/reports/family/the-family-justice-modernisation-programme>

5. Military Justice

99. The Judge Advocate General (JAG) is head of the service judiciary and presiding judge of the Court Martial. The current JAG is His Honour Judge Jeff Blackett. He is assisted by the Vice Judge Advocate General (VJAG) and six Assistant Judge Advocates General (AJAGs). They are all independent civilian judges appointed by the Judicial Appointments Commission. The JAG deals with criminal trials of Service men and women (and civilians covered by the Service jurisdiction) in the Royal Navy, the Army and the Royal Air Force for serious offences (or where the defendant chooses not to be dealt with summarily by the Commanding Officer).

100. Although the system of military justice is a distinct from its civilian counterpart, the Lord Chief Justice and the senior judiciary maintain regular contact with the Judge Advocate General concerning the state of the Court Martial and on other matters of common interest.

101. Cases are heard in a standing court known as the Court Martial created by the Armed Forces Act 2006 section 154. Serious matters, including offences against the civilian criminal law and specifically military disciplinary offences, may be tried in the Court Martial, which is broadly analogous to the Crown Court.

102. Recent years have seen a modest but notable reduction in the number of trials in the Court Martial since 2008. This is most likely a consequence

of the high operational tempo of the Armed Forces and the reduction and redeployment of British forces in Germany and elsewhere.

Trials in the Court Martial 2008-2011

2008	2009	2010	2011
731	702	634	623

These figures do not include the Summary Appeal Court or Standing Civilian Court trials which are also conducted by Judge Advocates.

103. In order to make flexible and efficient use of judges, section 26 of the Armed Forces Act 2011 enables Judge Advocates to sit in the Crown and Magistrates' Courts by virtue of their judicial appointment as a Judge Advocate. It is expected that this practice will be of benefit to both the Court Martial system and the civilian courts.

6. The Judicial Office

104. The Judicial Office (JO) supports the LCJ and the other members of the senior judiciary, including the Senior President of Tribunals, in the discharge of their statutory and constitutional responsibilities. For reasons of efficiency, it also administers aspects of some processes (for example judicial appointment) on behalf of the Lord Chancellor.

105. The Office was established in 2006 following the changes brought about by the Constitutional Reform Act. It is headed by Anne Sharp as Chief Executive, reporting to the Lord Chief Justice. The JO has undergone considerable changes in the period covered by this report.

106. In 2010, the secretariats for the Civil and Family Justice Councils were brought into the JO. In 2010 a review of Judicial HR functions resulted in some judicial HR functions being transferred from the MoJ to the JO, creating a unified structure from October 2011.

107. From January 2011 the Office for Judicial Complaints (OJC), established in 2006 as an 'associated office' of MoJ, was brought within the JO's structure. The OJC provides support to the Lord Chief Justice and the Lord Chancellor in their joint responsibility for judicial discipline. Its work enhances public confidence in the justice system by enabling investigation of concerns about the personal conduct of members of the judiciary, if appropriate with subsequent disciplinary sanction. The independence of OJC investigations is maintained within the Judicial Office. Further information about OJC's performance is available at www.judicialcomplaints.gov.uk

108. In April 2011 the OJC launched a review of the current rules and regulations governing judicial

discipline. The review seeks to address inconsistencies in the current procedures which must be followed and to streamline the system so that it is efficient, fair and proportionate. Details of the review may be found on the OJC's website.

109. The Judicial Studies Board, established for over 30 years, was an integral part of the Judicial Office from its establishment. On 1st April 2011 the Judicial College was created by bringing together previously separate arrangements for training judicial office-holders in the courts (the Judicial Studies Board) and Tribunals Service (through the Tribunals Judicial Training Group). The Judicial College Board, chaired by Lady Justice Heather Hallett (also a member of JEB), sets the direction for the College and oversees its governance.

110. The College trains all judicial office holders in the knowledge and skills they need to carry out their duties through a wide range of induction and continuation programmes which cover substantive law, evidence and procedure; the acquisition and improvement of judicial skills; and the social context of judging. Further information on the work of the College is available on the internet¹⁶.

111. The establishment of the Judicial College mirrored the coming together of HM Court Service and the Tribunals Service. At the same time support to the Senior President of Tribunals was also brought within the JO (including in respect of tribunals in Scotland and Northern Ireland), as was support for the Judge Advocate General. In the course of 2012 support to the newly appointed Chief Coroner will also be provided from the Judicial Office.

112. All of these changes contributed to the establishment of a more coherent provision of

16. <http://www.judiciary.gov.uk/training-support/judicial-college>

support for the judiciary as a whole, and were achieved with a budget reduction of £2.9m and a reduction of staff numbers by more than ten per cent,

when compared on a like-for-like basis with the resource previously allocated to the functions.

The Judicial Office

The purpose of the Judicial Office is to support the judiciary in upholding the rule of law and delivering justice impartially, speedily and efficiently in the interests of society as a whole.

Judicial Office activities include:

- supporting work to improve the efficiency and effectiveness of the justice system;
- supporting the judiciary in responding appropriately and effectively to developments that will affect the delivery of justice;
- organisation of training and development for judicial office-holders in courts and tribunals, through the Judicial College;
- research, analysis and administrative support for the senior judiciary and its governance bodies;
- providing human resources and welfare support to members of the judiciary and judges with leadership responsibilities;
- supporting the development of a more diverse judiciary and taking forward the recommendations of the Judicial Diversity Task Force;
- working with the Judicial Appointments Commission (JAC) and HMCTS on judicial appointments;
- communication, media advice and information, including provision of the judicial intranet and maintenance of the www.judiciary.gov.uk website and supporting Twitter feed;
- dealing with complaints about judicial conduct through the Office for Judicial Complaints, accountable jointly to the Lord Chancellor and Lord Chief Justice;
- supporting the Family and Civil Justice Councils in providing independent advice to Government.

The Judicial Office business plan is available on the internet¹⁷

17. <http://www.judiciary.gov.uk/publications-and-reports/reports/general/judicial-office-business-plans/judicial-office-business-plan-2012-13>

Appendix One: Publications of interest

Court and other reports and reviews covering the period 2010-12

Review of Civil Litigation costs

January 2010

Final Report by Lord Justice Jackson

<http://www.judiciary.gov.uk/publications-and-reports/review-of-civil-litigation-costs/reports/civil-litigation-costs-review-final-report>

Judicial College

December 2011

Crown Court Bench Book: supplement

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/2011/Supplement+to+CCBB>

November 2011

Criminal Companion

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/2011/Supplement+to+CCBB>

October 2011

Courts Judiciary Prospectus of Education April 2012 - March 2013

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/2011/Courts+Judiciary+Prospectus+of+Education+April+2012+-+March+2013>

September 2011

Tribunals – useful papers

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/2011/tribs-papers>

June 2011

Judicial Studies Board Annual Report 2010-2011

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/jsb-annual-reports/jsb-annual-report-2010-2011>

October 2010

Anti-social behaviour orders – ASBOs

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/Pre+2011/anti-social-behaviour-orders-ASBOs>

Fairness in Courts and Tribunals: A summary of the Equal Treatment Bench Book.

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/Pre+2011/Fairness-in-Courts-and-Tribunals>

Courts Judiciary Prospectus of Education April 2011– March 2012

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/Pre+2011/Courts-Judiciary-Prospectus-of-Education-April-2011-March-2012>

April 2010

Crown Court Bench Book – Directing the Jury

<http://www.judiciary.gov.uk/publications-and-reports/judicial-college/Pre+2011/crown-court-bench-book-directing-the-jury>

Civil Justice Council

Annual Report 2010

<http://www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/cjc-publications/cjc-annual-reports>

May 2011

Findings on “Super-injunctions” – Committee Report

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/super-injunction-report-20052011.pdf>

The Technology and Construction Court

October 2010

Annual report 2009/2010

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Reports/tcc-ann-report-2010.pdf>

Court of Appeal (Criminal Division)

December 2011

Annual Report 2010/11

<http://www.judiciary.gov.uk/publications-and-reports/reports/crime/court-appeal-criminal-division/appeal-court-criminal-division-annualrpt-10-11>

Review of disclosure in criminal proceedings

September 2011

<http://www.judiciary.gov.uk/publications-and-reports/reports/crime/review-disclosure-criminal-proceedings-september-2011>

Family Justice Council

January 2010

Report and accounts 2008–2009

<http://www.judiciary.gov.uk/publications-and-reports/reports/family/fjc-reports-0809>

Court of Protection

October 2010

The second annual report of the Court of Protection

<http://www.judiciary.gov.uk/publications-and-reports/reports/family/court-of-protection/court-of-protection-report-2010>

The Family Justice Modernisation Programme

Monthly updates from Mr Justice Ryder, beginning in January 2012

<http://www.judiciary.gov.uk/publications-and-reports/reports/family/the-family-justice-modernisation-programme>

Judicial Office

Judicial Office Business Plan 2012-13

<http://www.judiciary.gov.uk/publications-and-reports/reports/general/judicial-office-business-plans/judicial-office-business-plan-2012-13>

Judicial Office Business Plan 2011-12

<http://www.judiciary.gov.uk/publications-and-reports/reports/general/judicial-office-business-plans/judicial-office-business-plan-2011-12>

Judicial Office Business Plan 2010-11

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Guidance/business-plan-2010-11.pdf>

Judicial Diversity

May 2010

The Advisory Panel on Judicial Diversity

<http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/advisory-panel-recommendations>

Diversity and Community Relations Judges (DCRJ) Annual Reports

<http://www.judiciary.gov.uk/publications-and-reports/reports/diversity/dcrj-annual-rpt-2008-2009>

Office for Judicial Complaints

Annual Report 2010-11

<http://www.judiciary.gov.uk/publications-and-reports/reports/related-judicial/ojc/ojc-annual-rpt-2010-2011>

Tribunals

March 2012

Senior President of Tribunals - Annual Report 2012

<http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/spt-annual-report-2012>

December 2011

Costs in Tribunals

<http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/costs-in-tribunals-report-december-2011>

February 2011

Senior President of Tribunals - Annual Report 2011

<http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/spt-annual-report-2011>

November 2010

President of Appeal Tribunals' Report 2008-09

<http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/president-of-appeal-tribunals-report-2008-09>

February 2010

Senior President of Tribunals report 2010

<http://www.judiciary.gov.uk/publications-and-reports/reports/Tribunals/spt-report-2010>

Appendix Two: Members of the Judicial Executive Board and Judges' Council, March 2012

Membership of the Judicial Executive Board:

- The Lord Chief Justice of England & Wales: **The Rt. Hon. The Lord Judge (Chairman)**
- Master of the Rolls and Head of Civil Justice: **The Rt. Hon. The Lord Neuberger**
- President of the Queen's Bench Division: **The Rt. Hon. Sir John Thomas**
- President of the Family Division and Head of Family Justice: **The Rt. Hon. Sir Nicholas Wall**
- The Chancellor of the High Court: **The Rt. Hon. Sir Andrew Morritt**
- The Vice-President of the Queen's Bench Division and the Chairman of the Judicial College: **The Rt. Hon. Lady Justice Hallett DBE**
- Lord Justice of Appeal and The Senior President of Tribunals: **The Rt. Hon. Lord Justice Carnwath CVO**
- The Senior Presiding Judge: **The Rt. Hon. Lord Justice Goldring**
- Chief Executive of the Judicial Office: **Anne Sharp**

Judges' Council Membership

Ex officio membership

The Lord Chief Justice of England & Wales: **The Rt. Hon. The Lord Judge (Chairman)**

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The Senior Presiding Judge: **The Rt. Hon. Lord Justice Goldring**

Representative Members

A Justice of the Supreme Court of the United Kingdom: **The Rt. Hon. Baroness Hale of Richmond DBE**

A Member of the Court of Appeal: **The Rt. Hon. Lord Justice Rix**

A Presiding Judge: **The Hon. Mr Justice Griffiths Williams/The Hon. Mr Justice Wyn Williams**

A High Court Judge of the Chancery Division: **The Hon. Mr Justice Norris**

A High Court Judge of the Family Division: **The Hon. Mr Justice Holman**

A High Court Judge of the Queen's Bench Division: **The Hon. Mr Justice Owen**

The President of the Council of Her Majesty's Circuit Judges: **His Hon. Judge Keith Cutler CBE**

The Honorary Secretary of the Council of Her Majesty's Circuit Judges: **His Hon. Judge Neil Bidder QC**

A District Judge (Magistrate's Court): **Senior District Judge (Chief Magistrate) Howard Riddle**

Member of the Association of High Court Masters: **Senior District Judge Philip Waller**

The President of the Association of Her Majesty's District Judges: **District Judge Paul Mildred**

The Honorary Secretary of the Association of Her Majesty's District Judges: **District Judge Tim Jenkins**

A Senior Tribunal Judge: **President of the Lands Chamber in the Upper Tribunal, George Bartlett QC**

A Tribunal Judge: **Tribunal Judge Michael Dineen**

A Tribunal Judge: **Employment Judge Richard Byrne**

A Member of the Magistrates' Association: **Justice of the Peace Mr John Fassenfelt**

A Member of the National Bench Chairmen's Forum: **Justice of the Peace Mr Eric Windsor**

Co-opted Members

Judicial Member on the board of HMCTS: **District Judge Michael Walker CBE**

Liaison with the Judicial Council for Scotland: **His Hon. Judge David Wood**

Non Voting Member: **Chief Executive of the Judicial Office, Anne Sharp**

Secretariat

Ruth Thompson

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