



HM Courts &
Tribunals Service

HM Courts & Tribunals Service

Framework Document

July 2014



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Framework Document

Presented to Parliament

by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

July 2014

This document replaces the previous version of the HM Courts & Tribunals Service Framework Document that was published in April 2011



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1. Introduction

- 1.1. HM Courts & Tribunals Service ('the agency') is an agency of the Ministry of Justice and was created on the 1st April 2011. It operates on the basis of a partnership between the Lord Chancellor and the Lord Chief Justice.
- 1.2. The Lord Chancellor is the minister responsible to Parliament for courts, tribunals and the justice system. He has a statutory duty to uphold the continued independence of the judiciary. His statutory responsibilities include ensuring that there is an efficient and effective system to support the business of the courts and tribunals, resourcing the system adequately, and ensuring that the judiciary is supported in undertaking its function to deliver justice independently¹.
- 1.3. The Lord Chief Justice of England and Wales is the president of the courts in England and Wales and his statutory responsibilities include judicial deployment, the provision of welfare, training and guidance to the judiciary, and representing the views of the judiciary to the Lord Chancellor and ministers of the Crown.
- 1.4. The Senior President of Tribunals is at present a separate judicial office with similar, but not identical, responsibilities to the Lord Chief Justice. For as long as the separate statutory office remains, references hereafter to the Lord Chief Justice should be taken as including references to the Senior President (modified so far as necessary to take account of any differences in his statutory functions for the time-being).
- 1.5. This Framework Document reflects an agreement reached by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals on a partnership between them in relation to the effective governance, financing and operation of HM Courts & Tribunals Service.
- 1.6. The Lord Chancellor and Lord Chief Justice will not intervene (whether directly or indirectly) in the day-to-day operations of the agency and have placed the responsibility for overseeing the leadership and direction of HM Courts & Tribunals Service in the hands of its Board. The Chief Executive is responsible for the day-to-day operations and administration of the agency.
- 1.7. HM Courts & Tribunals Service provides the system of support, including infrastructure and resources, for the administration of the business of the courts in England and Wales and those tribunals throughout the United Kingdom, for which the Lord Chancellor is responsible. The agency provides the support necessary to enable the judiciary, tribunal members and magistracy to exercise their judicial functions independently.
- 1.8. To the extent that the functions of the Senior President of Tribunals and of the former Tribunals Service (as now inherited by HM Courts & Tribunals Service) extended beyond England and Wales, nothing in this framework is to be taken as

¹ Section 1 Courts Act 2003, section 39 of the Tribunals Courts and Enforcement Act 2007.

affecting the continuation of the previous arrangements in relation to other parts of the UK, or in particular their relations with and responsibilities to respectively the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland, or any other authority in those other parts.

2. Aim and objectives

2.1. The Lord Chancellor and the Lord Chief Justice have set the following aims and objectives for HM Courts & Tribunals Service.

Aim

2.2. To run an efficient and effective courts and tribunals system, which enables the rule of law to be upheld and provides access to justice for all.

Objectives

2.3. The objectives of HM Courts & Tribunals Service are to:

- provide the supporting administration for a fair, efficient and accessible courts and tribunal system;
- support an independent judiciary in the administration of justice;
- drive continuous improvement of performance and efficiency across all aspects of the administration of the courts and tribunals;
- collaborate effectively with other justice organisations and agencies, including the legal professions, to improve access to justice;
- work with government departments and agencies, as appropriate, to improve the quality and timeliness of their decision making in order to reduce the number of cases coming before tribunals and courts.

Joint Responsibility

2.4. All staff have a joint responsibility to the Lord Chancellor and the Lord Chief Justice for the effective, efficient and speedy operation of the courts and tribunals. All members of the judiciary have a similar responsibility to the Lord Chief Justice to work with the staff to deliver these objectives.

2.5. Staff work subject to the directions of the judiciary in relation to the conduct of the business of the courts and tribunals in matters such as listing, case allocation and case management, in accordance with existing Crown, county and magistrates' court and tribunal processes.

2.6. Staff have a responsibility both to the Lord Chancellor and to the Lord Chief Justice to ensure that any advice they give is high-quality, impartial, transparent and honest.

2.7. Existing line management arrangements and the terms of conditions of employment of members of staff within the agency remain unaffected by the joint responsibility. The extent to which staff fulfil their responsibility will be reflected in the annual objectives and appraisals of all Senior Civil Servants within HM Courts & Tribunals Service and those in the courts and tribunals who work most closely with the judiciary.

3. The Chief Executive

- 3.1. The Chief Executive is responsible for the day-to-day operations and administration of the agency and for the leadership of its staff. He works under the general direction of the Board.
- 3.2. The Chief Executive's responsibilities include:
 - efficient and cost-effective management of HM Courts & Tribunals Service so as to ensure it meets its objectives and targets;
 - effective leadership to the staff of HM Courts & Tribunals Service;
 - developing the agency's strategy and business plans;
 - the performance of the staff of HM Courts & Tribunals Service;
 - reporting on performance to the Board and, as necessary, to the Lord Chancellor and the Lord Chief Justice;
 - ensuring that the Board and, as necessary, the Lord Chancellor and the Lord Chief Justice are provided with high-quality, impartial, transparent and honest advice on the operation and administration of the agency and any proposals for changes to its work or role;
 - providing advice to the Lord Chancellor on issues other than the operation and administration of the agency in line with his duty as a civil servant, as and when requested.
- 3.3. The Chief Executive, supported and advised by Board members as appropriate, will consult the Lord Chancellor and Lord Chief Justice on the handling of operational matters which could give rise to substantial public, parliamentary, judicial or ministerial concern.
- 3.4. The Chief Executive is designated as Agency Accounting Officer by the Principal Accounting Officer and is accountable to that person and to Parliament for those responsibilities.
- 3.5. The appointment of the Chief Executive is conducted in line with Cabinet Office guidelines and with a selection panel that includes a senior judge nominated by the Lord Chief Justice. Candidates for appointment to the position of Chief Executive may meet the Lord Chief Justice or his nominee.
- 3.6. The Chief Executive's remuneration is agreed in accordance with the performance and reward arrangements for members of the Senior Civil Service.
- 3.7. The Chief Executive is accountable to the Permanent Secretary, or his delegate, for his personal performance. The Permanent Secretary will consult the Senior Presiding Judge on such matters.

4. The Board

- 4.1. The Board is responsible for overseeing the leadership and direction of HM Courts & Tribunals Service in delivering the aim and objectives set by the Lord Chancellor and the Lord Chief Justice. The Board will specifically:
- approve the allocation of the annual budget and any significant in-year changes to it;
 - monitor the delivery of strategic objectives and performance targets;
 - support the establishment and maintenance of a strong working relationship between the staff of HM Courts & Tribunals Service and the judiciary at all levels;
 - approve the agency's corporate governance framework and controls, and monitor their operation;
 - ensure that the planning, performance and financial management of the agency is carried out efficiently and effectively and with openness and transparency in relation to the Lord Chancellor and the Lord Chief Justice;
 - contribute to the development of and approve the strategic plans and the annual business plan for the agency;
 - advise, provide challenge and scrutiny and, where necessary, give direction to the Chief Executive in relation to the strategy of the agency, the overall delivery of its business plan and the key risks relating to the operation of the agency.
- 4.2. The Board will support the Senior President of Tribunals in the discharge of his specific functions under the Tribunal Courts and Enforcement Act 2007, including in particular section 2 (the duty to have regard to the need for tribunals to be accessible, for their proceedings to be fair, quick and efficient, for members to be experts and in the development of innovative methods of resolving disputes).
- 4.3. On urgent matters the Chief Executive, in consultation with the Chair and the Senior Presiding Judge, may act on behalf of the Board.
- 4.4. The Chief Executive will ensure the provision of reports to each meeting of the Board on operational performance, budgetary matters, potential future developments and key operational decisions and strategic risks.
- 4.5. The Lord Chancellor and the Lord Chief Justice approve the appointment of all Board members, save those holding ex officio positions. The membership of the Board comprises:
- An independent non-executive Chair, appointed in accordance with the arrangements set out in paragraph 4.7;
 - The Senior Presiding Judge for England and Wales and two further Judicial representatives, one nominated by the Lord Chief Justice and the other by the Senior President of Tribunals. They are the representatives of the Lord Chief Justice and the judiciary and keep the Board informed of the views of the Lord Chief Justice and the judiciary on the agency and its operations;

- The agency Chief Executive and three Executive Directors nominated by the Chief Executive (but including the Finance Director and Tribunals lead Director). The number may be increased for a specified period and a specified purpose on terms to be agreed by the Lord Chancellor and Lord Chief Justice, after consultation with the Chair;
- Three Non-Executive Directors, one of whom chairs the Audit and Risk Assurance Committee. Non-Executive appointments are based on a recommendation from a panel including the Chair, the Chief Executive, and a senior judge nominated by the Lord Chief Justice. Their terms of appointment are jointly agreed by the Chief Executive and the Chair.

- 4.6. The Permanent Secretary may nominate a Ministry of Justice member.
- 4.7. The primary duty of the Chair is to chair and lead the Board in the successful performance of its functions. The Chair may also represent the agency in discussions and building relationships with the Department, the judiciary, other departments and other interested parties. The Chair has direct access to the Lord Chancellor, the Lord Chief Justice and other departmental ministers.
- 4.8. The appointment of the Chair is based on a recommendation from a selection panel that includes a person nominated by the Permanent Secretary and a senior judge nominated by the Lord Chief Justice. No person who is a serving judicial office holder or serving civil servant can seek appointment as Chair. The terms and conditions of the appointment are agreed between the Lord Chief Justice and the Lord Chancellor, or their nominees.
- 4.9. The Board endeavours to reach agreement on matters for which it is responsible. Where the Board cannot reach agreement in this way the Chair will refer the issue in question to the Lord Chancellor and the Lord Chief Justice for a decision.
- 4.10. The Board is governed by Terms of Reference, agreed by the Board and approved by the Lord Chancellor and the Lord Chief Justice. The Terms of Reference include details of the frequency of meetings, arrangements for the absence of the Chair from a meeting and what will constitute a Quorum.

Accountability of the Board and removal of members

- 4.11. The Board reports every three months to the Lord Chancellor and Lord Chief Justice on the performance of its functions and on all matters that it sees fit, in addition to any other matters on which it is asked to report.
- 4.12. The judicial members are accountable to the Lord Chief Justice in respect of their conduct as members of the Board and may be removed subject to a process agreed between the Lord Chancellor and the Lord Chief Justice. Removal from the Board will have no bearing on the member's judicial appointment.
- 4.13. The other members of the Board are accountable to the Lord Chancellor for their conduct as Board members. The Lord Chancellor may remove these members from the Board subject to a process agreed with the Lord Chief Justice and consistent with any appropriate Civil Service requirements.
- 4.14. A loss of the confidence of either the Lord Chancellor or the Lord Chief Justice in a member of the Board may be a factor in invoking such processes.

5. Relationship with the Ministry and other bodies

- 5.1. The Ministry of Justice develops policies under the direction of ministers. Those developing policy in the Ministry will consult the Chief Executive and the Board on the operational impact of policy changes that may affect the administration of the courts and tribunals. The Chief Executive and Board have no role in the approval of such policies. The Lord Chancellor and his ministers will consult separately with the senior judiciary on their policies as and when appropriate.
- 5.2. HM Courts & Tribunals Service works co-operatively and openly with all bodies, including other government departments, that have an interest in its work and with which the agency can engage to deliver an efficient and effective service that is accessible to, and valued by, its users.

6. Accountability to Parliament

Parliamentary committees

- 6.1. The Chief Executive and the Permanent Secretary or his delegate may be asked to appear before the Committee for Public Accounts concerning their respective Accounting Officer responsibilities.
- 6.2. Invitations received from other parliamentary committees relating to HM Courts & Tribunals Service will be considered by the Chief Executive who will consult and advise the Lord Chancellor and the Lord Chief Justice as appropriate.

Parliamentary Commissioner for Administration

- 6.3. The administrative work of HM Courts & Tribunals Service is subject to the jurisdiction of the Parliamentary Commissioner for Administration (PCA). Under section 110(2) Courts and Legal Services Act 1990, work done by HM Courts & Tribunals Service at the direction or on the authority (whether express or implied) of a judge or a person acting in a judicial capacity is not, however, subject to the PCA's jurisdiction.
- 6.4. The Permanent Secretary is the Principal Officer of the Ministry of Justice for the purposes of PCA referrals, but he delegates responsibility for reporting and replying on matters concerning HM Courts & Tribunals Service to the Chief Executive.
- 6.5. The Chief Executive of HM Courts & Tribunals Service reports PCA referrals that raise significant issues to the Board and keeps it informed about the action being taken.

Parliamentary questions and parliamentary correspondence

- 6.6. The Chief Executive and other agency staff may receive correspondence direct from an MP or peer on matters concerning the operation of, or services provided by, HM Courts & Tribunals Service. The Chief Executive, or any staff to whom this function has been delegated, will respond to such correspondence directly, in a manner consistent with his responsibilities to the judiciary and ministers and will consult with the Lord Chief Justice where appropriate.
- 6.7. If the question or correspondence relates to matters solely within the responsibility of the Lord Chief Justice, it is referred to the Lord Chief Justice.

7. Finance, resource allocation, performance and reports

7.1. The Public Expenditure Allocation

- Prior to HM Treasury (HMT) making its allocation to the Ministry, the Lord Chancellor has a duty to keep the Lord Chief Justice informed about his department's resourcing discussions with HMT.
- The Lord Chief Justice may write to the Lord Chancellor representing the views of the judiciary; if he does so the Lord Chancellor will forward that letter to the Chief Secretary to the Treasury.
- The Lord Chancellor will convey the final departmental settlement to HM Courts & Tribunals Service Board and to the Lord Chief Justice, along with any response from HMT to the Lord Chief Justice's letter.

7.2. Allocation to HM Courts & Tribunals Service

- The Lord Chancellor will endeavour to reach agreement with the Lord Chief Justice in relation to the allocation to HM Courts & Tribunals Service.
- The Lord Chancellor makes the allocation to HM Courts & Tribunals Service in accordance with his duty under section 1 Courts Act 2003, section 39 of the Tribunals, Courts and Enforcement Act 2007 and his oath of office under section 17 Constitutional Reform Act 2005 to ensure the provision of resources for the efficient and effective support of the courts for which he is responsible.
- If the Lord Chief Justice has any concerns about a proposed or actual allocation to HM Courts & Tribunals Service the Lord Chief Justice may record his position to the Lord Chancellor and, if he so wishes, to Parliament.

In-year adjustments

- 7.3. The Lord Chancellor will endeavour to reach agreement with the Lord Chief Justice on any significant in-year adjustment in the allocation to HM Courts & Tribunals Service. The Chief Executive will present any in-year changes in the agency budget to the Board.
- 7.4. At every stage of the resource allocation process the Ministry and HM Courts & Tribunals Service staff will act openly and transparently, and ensure that the Board, the Lord Chancellor and the Lord Chief Justice are all equally sighted on all aspects of the plans for resource allocation, both prior to and after allocation by HMT to the Ministry of Justice.

Financial management

- 7.5. Reports on the agency's financial performance are submitted to each Board meeting, and if necessary between meetings of the Board.
- 7.6. Reports on the agency's financial performance are supplied to the Ministry at such times, and in such manner, as the Ministry reasonably requires. In the event of any significant concerns being raised, these are drawn to the attention of the Board.

Financial delegations

- 7.7. The Principal Accounting Officer of the Ministry of Justice makes delegations to the Chief Executive, which he may revise from time to time. The delegations and any changes are reported to the Board.
- 7.8. Subject to standard government supply procedures and the financial delegation authority, the Chief Executive has authority to approve all expenditure within the Departmental Expenditure Limit and the delegated authority which is consistent with the strategic and business plans for HM Courts & Tribunals Service.
- 7.9. The Chief Executive is accountable for expenditure on the operation of HM Courts & Tribunals Service in delivering its services and for income it receives for those services. The Chief Executive must be satisfied that expenditure on services provided to the agency by the Ministry (and which are not therefore within the agency) have effective management systems, including financial monitoring and control systems.
- 7.10. The Chief Executive, as the Agency Accounting Officer, has the right to approve all items of expenditure, use receipts (subject to departmental guidance), let contracts (after engaging with MoJ procurement to ensure contracts are let in accordance with delegated authority from Principal Accounting Officer), write off losses and make special payments which are within the provision of this Framework Document and consistent with the strategic and business plans. Responsibility for expenditure is at the relevant delegated level in HM Courts & Tribunals Service, consistent with the needs of financial control and propriety.
- 7.11. The Chief Executive has responsibility for ensuring that HM Courts & Tribunals Service can account for its assets. The Chief Executive follows the guidance on the treatment of losses and special payments set out in Managing Public Money and the Ministry of Justice Finance Manual. All claims of value exceeding these limits should be referred to the Ministry.
- 7.12. HM Courts & Tribunals Service capital and change programmes have in place effective governance arrangements agreed by the Chief Executive and the Ministry through which expenditure on those programmes is managed.

Internal delegations

- 7.13. The Chief Executive delegates to other agency officers authority to purchase goods and services (including manpower), pay invoices and use receipts, as far as considered necessary, within the needs for financial control and propriety.
- 7.14. Funding is allocated as formal budgets to the head of units concerned, who are personally responsible for ensuring that their expenditure is consistent with the policies of HM Courts & Tribunals Service and the ambit of the Ministry's vote from Parliament. Delegated authorities are clearly defined in a finance manual or equivalent instructions, and are consistent with the rules of Managing Public Money and the internal accounting policies laid down by the Chief Executive.

General accounting rules

7.15. HM Courts & Tribunals Service is subject to the rules and policies laid down by HMT in Managing Public Money, Financial Reporting Manual and other accounting instructions that are issued from time to time.

Performance measures

7.16. The Chief Executive will work with the Board, the judiciary, the Ministry and other government department officials to agree performance measures which relate to HM Courts & Tribunals Service.

7.17. Performance measures that have an impact upon the judiciary only bind the judiciary when the Lord Chief Justice has expressly agreed that they do so. No performance measure fetters the exercise of judicial discretion or the interests of justice in any individual case.

7.18. The Chief Executive is not accountable for matters relating to judicial performance. Where the Board considers a matter raises such issues, it will be referred either to the Lord Chief Justice or to the Senior President of Tribunals as appropriate.

7.19. Reports on the agency's performance are supplied to the Ministry at such times, and in such manner, as are reasonably required by the Ministry. In the event of any significant concerns being raised by the Ministry these are drawn to the attention of the Board.

Business Plan, Annual Report and Accounts

7.20. The Board participates in the development of the agency's strategic plan. Within the strategic direction set by this plan, the detailed activities for HM Courts & Tribunals Service in the forthcoming financial year are published in an annual business plan. The plan includes:

7.21. the priorities and work programme for the year as derived from the agency's strategic plans;

7.22. performance measures and agency performance standards against which HM Courts & Tribunals Service will measure its performance and achievements;

7.23. the operating assumptions and budget on which the plan is based.

7.24. The Chief Executive, as Accounting Officer, is responsible for producing and signing an audited Annual Report and Accounts on the performance of HM Courts & Tribunals Service during the previous financial year.

7.25. The Chief Executive obtains the approval of the Board to the Annual Report and Accounts, which include:

- a review of the agency's activities during the year;
- performance against the annual business plan;
- a true and fair view of the agency's financial position;
- the agency's Statement on Internal Control;

- any additional information the Lord Chancellor and the Lord Chief Justice may require.

7.26. The Annual Report includes a set of annual financial accounts prepared on an accruals basis. The accounts are produced in accordance with a direction issued by HMT under section 7 Government Resources and Accounts Act 2000 and are audited by the Comptroller and Auditor General. The Lord Chancellor lays the Annual Report before Parliament.

7.27. Information on performance against central government financial performance measures and the agency's financial performance standards is included in the notes to the accounts. Information relating to such measures is within the scope of the Comptroller and Auditor General's audit. Information on performance against non-financial performance measures is recorded in the Annual Report.

8. Audit and inspection

Internal audit

- 8.1. The Chief Executive is responsible for making arrangements for the provision of internal audit services within HM Courts & Tribunals Service. The Ministry's Internal Audit Division or other auditors may be used, provided that the service is delivered according to the standards and best practice set by HMT and, in particular, in adherence to the Government Internal Audit Standards.
- 8.2. The Ministry's Internal Audit Division has a right of access to HM Courts & Tribunals Service in support of the Permanent Secretary's responsibilities as Principal Accounting Officer.

The Audit Committee

- 8.3. The Audit Committee is a sub-committee of the Board, appointed by the Board according to standards and best practice set by HMT to support the Chief Executive as Agency Accounting Officer.
- 8.4. The Audit Committee is chaired by a non-executive director. It advises on the agency's corporate governance and risk and control systems.
- 8.5. The Audit Committee advises the Board and Agency Accounting Officer on:
 - strategic processes for risk management, control and governance;
 - accounting policies and the accounts of the organisation;
 - planned activity and the results of both internal and external audit;
 - the adequacy of the management response to issues identified by audit activity;
 - assurances relating to the corporate governance requirements for the organisation;
 - where appropriate, proposals for tendering for internal audit services or for the purchase of non-audit services from contractors who provide audit services;
 - The delivery of services to the agency, as well as the impact on the operations of the agency as a result of any programmes or projects being undertaken either jointly with, or external to HM Courts & Tribunals Service (i.e. by the Ministry or any other organisation);
 - the outcome of investigations on any matter brought to its attention within the scope of its duties.
- 8.6. The Chair of the agency Audit Committee ensures that effective arrangements for communication with the Ministry's Corporate Audit Committee are maintained.

External audit

- 8.7. The Comptroller and Auditor General audits HM Courts & Tribunals Service expenditure and income, examines their regularity and propriety and certifies and reports on the HM Courts & Tribunals Service Statement of Accounts.
- 8.8. The Comptroller and Auditor General sends copies of all management letters and correspondence relating to those letters to the HM Courts & Tribunals Service Finance Director, who draws issues of significance to the attention of the Board.
- 8.9. The Comptroller and Auditor General has access to HM Courts & Tribunals Service books and records by virtue of the National Audit Act 1983 for the purposes of carrying out examinations into the economy, efficiency and effectiveness with which HM Courts & Tribunals Service has used its resources and discharged its functions.

9. Shared Services

- 9.1. HM Courts & Tribunals Service works collaboratively with a range of the Ministry's corporate functions. The Ministry may also provide services to the agency. Such services are provided at a local and regional level within a national framework.
- 9.2. Some support functions are provided by HM Courts & Tribunals Service; others are provided by the Ministry. The precise nature of these may change during the lifetime of the framework at the discretion of the Ministry. Where there is to be significant change in the way support services are delivered or provided then the Lord Chancellor and the Lord Chief Justice will be consulted.

Estates

- 9.3. The Ministry provides facilities for the agency's headquarters from within its corporate estate. HM Courts & Tribunals Service separately controls a significant estate provided for courts and tribunals accommodation and collaborates with other agencies in achieving the best use of resources and delivering services that meet the needs of the justice system.

Decisions on the estate reserved to the Lord Chancellor

- 9.4. The Lord Chancellor has specific statutory duties under the Senior Courts Act 1981, the County Courts Act 1984, the Courts Act 2003 and the Tribunals, Courts and Enforcement Act 2007 in relation to taking the final decision on the location and closure of courts.
- 9.5. The Lord Chancellor takes these decisions after the appropriate public and judicial consultation and after having taken advice from the Board of HM Courts & Tribunals Service.

Human resources

- 9.6. The Ministry works in partnership with the agency's managers to deliver human resource (HR) services.
- 9.7. A Memorandum of Understanding sets out the details of how the arrangements work and the obligations as to efficient and effective delivery of the HR services. Where expectations are not met, the Chief Executive and the Ministry's HR Director discuss and agree action.
- 9.8. The Ministry consults the Chief Executive, along with the other Ministry business heads, to set common HR policy in the following areas:
 - conduct and discipline and grievance procedures;
 - reward management, including pay, grading and benefits;
 - managing organisational change;
 - managing attendance;
 - employee relations;
 - learning and development;

- workplace support.

9.9. The Chief Executive ensures that the necessary arrangements are in place for consultation with the Departmental Trade Union Side at a national level and the appropriate local level.

Information Technology Services

- 9.10. Infrastructure, including desktop and mobile computing as well as support for business applications, is provided to the agency by the Ministry.
- 9.11. There are Service Level Agreements in place between the Ministry and IT suppliers, and a Memorandum of Understanding between the Ministry and HM Courts & Tribunals Service sets out shared expectations regarding service provision and performance standards.
- 9.12. In developing the plans for IT, the agency collaborates with other agencies with the objective of achieving agreement on arrangements for the common management and use of IT.

10. Review, termination and interpretation

- 10.1. This Framework Document will be reviewed formally every three years under arrangements agreed between the Lord Chancellor and the Lord Chief Justice, but may be reviewed at any other time if they so wish.
- 10.2. Any amendments to this Framework Document must be agreed by the Lord Chancellor and the Lord Chief Justice, and by an HMT minister.
- 10.3. Any departure from the provision of this Framework Document must be agreed in writing on a case-by-case basis between the Lord Chancellor and Lord Chief Justice, or their delegates, and an HMT minister if appropriate.
- 10.4. If, after discussion and negotiation, the Lord Chancellor and Lord Chief Justice are unable to agree on a matter that requires their joint approval under the provisions of this Framework Document, the Lord Chancellor will be entitled to make whatever decision about that specific matter he considers appropriate in order that he might meet his statutory duty under section 1 Courts Act 2003 and section 39 of the TCE Act 2007. By doing so, he automatically initiates a review under paragraph 10.1 above. The Lord Chancellor and the Lord Chief Justice would then agree whether their partnership should continue and, if so, on what basis both during the review and subsequently. If the Lord Chancellor and the Lord Chief Justice are unable so to agree, the partnership will be terminated.
- 10.5. The Lord Chief Justice is entitled to terminate the partnership if he concludes that it is no longer compatible with his constitutional position or the independence of the judiciary. By doing so, he likewise automatically initiates a review under paragraph 10.1 above.
- 10.6. If the partnership between the Lord Chancellor and the Lord Chief Justice is terminated for whatever reason, the governance of HM Courts & Tribunals Service will revert to a conventional agency model reporting directly to the Lord Chancellor unless and until a new model is agreed between the Lord Chancellor and Lord Chief Justice or a different legislative framework is put in place. Any detailed arrangements consequent upon the termination of the partnership will be dealt with in the review.
- 10.7. The Lord Chancellor and Lord Chief Justice will, as soon as reasonably practicable, notify both Houses of Parliament if the partnership is terminated or if there are any amendments to this Framework Document.
- 10.8. Copies of this Framework Document and any subsequent amendments will be laid before both Houses of Parliament. Copies are available on HM Courts & Tribunals Service and judicial websites.
- 10.9. Any questions concerning the interpretation of this Framework Document will be resolved if possible by agreement between the Chair of the Board, the Senior Presiding Judge, and the Chief Executive, and in default of agreement, will be referred for decision to the Lord Chancellor and the Lord Chief Justice.

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