

Online Procedure Rule Committee

Minutes of meeting 9 October at 14:00

Members in attendance

- Sir Geoffrey Vos, Master of the Rolls (MR)
- Sir Andrew McFarlane, President of the Family Division (PFD)
- Sir Keith Lindblom, Senior President of Tribunals (SPT)
- Sarah Stephens (SS)
- Brett Dixon (BD)
- Gerard Boyers (GB)

Guest speakers

- Samantha Clarke – ACAS
- Stewart Gee – ACAS
- Sara Errington – Motor Insurance Bureau
- Martin Saunders – Motor Insurance Bureau
- Andreea Ardelean – MoJ
- Alexandra Stevens - MoJ

Apologies

- Mrs Justice Joanna Smith

Non-members in attendance

- Lord Justice Baker
- Lord Justice Birss
- Harriet Ainsworth-Smith, MoJ
- Matthew Roberts, MoJ
- Helen Timpson, MoJ
- Sarah Rose, MoJ
- Nick Lee, Judicial Office
- Bee Ezete, PFD's PO
- Shane O'Reilly, SPT's PO
- Sam Allan, MR's PO
- Laura Glazebrook, MoJ
- Irram Khan, MoJ
- Alasdair Wallace, MoJ
- Vijay Parkash, MoJ
- Racheal Powell, MoJ

Item one – Welcome, apologies and introductory remarks

1. MR discussed the letter from Jerome Glass, Director General, MoJ Policy regarding the Digital Justice System which set out the activities the policy team were taking forward, and which expressed commitment to working in partnership with the OPRC.
2. MR updated that in a meeting of sub-committee chairs the previous week a proposal had been put forward that there should be two sub-committees initially rather than four.
3. MR discussed the need to identify rules for 'membership' in the digital justice system space and reflected that developing these could be a job for the liaison and rules committee.
4. The MR mentioned the launch event on 20 November, which will officially launch the OPRC and announce a shared vision statement between judiciary and government, providing an opportunity to engage stakeholders across the system.

Item two – Demo ACAS smarter resolutions

5. Samantha Clarke and Stewart Gee gave an overview of Acas' Smarter Resolution Tool.
6. The SPT explained that there is a huge opportunity to improve the interface between Acas and Employment Tribunals.

7. The tool took 18 months to build which involved extensive user research and digital build. It was delivered in collaboration between internal developers and contractors. It is anticipated that further iterations will follow.
8. BD queried how decisions are taken on the correct level of advice to provide, given the risk of overstepping and providing what might be construed as legal advice. SC explained that Acas have long experience of striking this balance. The aim is to give parties a basic level of understanding of the process but acknowledged that striking the right balance was important.

Item three – Demo official injury claim (Whiplash)

9. Martin Saunders and Sara Errington gave an overview of the Official Injury Claim portal.
10. MR asked how many claims are settled in the first three months. MS confirmed it was a small proportion. There are currently around 640,000 claims in the system and delays do arise due to the slow sharing of medical information. MS explained that they currently don't have any data on the time taken for cases to move through the process.
11. SS asked about the levels of digital literacy required to use the system and the research behind this. And has there been any feedback around lower education groups and older people? MS informed the group that there has been extensive and ongoing user research. An agency has been engaged to look at colour scheme and design, and there is an assisted paper system and a phone line, so those who cannot work the internet have alternative options.

Item four – MJP user journey mapping work

12. Harriet Ainsworth-Smith, Andreea Ardelean and Alexandra Stevens, provided an overview of user mapping work undertaken by the Digital Justice System programme.
 - HAS explained that the mapping tool represents the user journey for civil, family and tribunals as it is now including the pain points, bringing together research from across the Department. We are starting to add providers, initially Online Dispute Resolution, but it will be expanded to include the advice sector, ombuds etc. The map shows a nonlinear journey and represents how people move in and out of the system.
 - The next phase will focus on refinement and adding further details in certain areas.
 - This tool is to be used for both communication with those involved in the system to see how it all fits together, but also for policy teams to better understand current issues, landscape and prioritise work.
13. AA explained that the map represents the landscape currently and enables us to try and understand what happens and how people experience it, as well as the opportunities for improvement. Even though we are looking at different jurisdictions, there are similarities, and the map can show these nuances.
14. The OPRC agreed the value in the map. MR stated important to remember it is not an end in itself, but a tool to demonstrate connection or otherwise across the system, and shape future work.

Item five – Discussion points, subcommittees, and consideration of correspondence Launch event

15. The launch event for the OPRC on 20 November was discussed. OPRC members supported the idea of a joint vision statement on the future of civil, family and tribunals from both the LC and senior judiciary being published alongside the event.

16. There was further discussion on branding of the work and consideration would be given as part of the communications plan for the launch event, ensuring language used is accessible and easily understood by the public.

Sub-Committees

17. The OPRC agreed that initially there would be two committees rather than four, which would cover the same areas previously identified but putting data and technology together and governance and liaison together. Initially these two sub-committees will develop high level guiding principles in these areas. As the work develops the remits of the committees may evolve and become narrower, in which case the sub-committees may divide into smaller groups.
18. There was discussion about the possibility of maintaining a separate committee for liaison and it was agreed this would be re-visited later.
19. The OPRC secretariat proposed that an expression of interest exercise to fill membership of the sub-committees take place. This would be a light-touch version of the public appointments process and take approximately 3 months. It was suggested that the recruitment campaign needs to present a clear structure for the two broad groups, allowing people to express a preference for one or both.

Correspondence

20. The OPRC has received letters from ASCO and Lexis Nexis offering their support for the committee, and it was agreed that this would be responded to by MoJ policy as secretariat to the OPRC.

Actions

1. MoJ to reply to correspondence.
2. MoJ to draft EOIs to recruit for sub-committee members.
3. MoJ to send user journey map to OPRC once available in proper format.