

## Online Procedure Rule Committee

Minutes of meeting 20<sup>th</sup> November at 14:30

### 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

- Donal Galligan, Ombudsman Association (DG)
- Rachel Tocknell, MoJ (RT)
- Daniel Simpson, MoJ (DS)
- Neal Barcoe, MoJ (NB)
- Steven Jarman, MoJ (SJ)

### Non-members in attendance

- Lord Justice Baker
- Lord Justice Birss
- Mrs Justice Joanna Smith
- Harriet Ainsworth-Smith, MoJ
- Helen Timpson, MoJ
- Sarah Rose, MoJ
- Nick Lee, Judicial Office
- Bee Ezete, PFD's Private Secretary
- Shane O'Reilly, SPT's Legal Advisor
- Sam Allan, MR's Private Secretary
- Laura Glazebrook, MoJ
- Irram Khan, OPRC Secretariat
- Marcelle Palmer, MoJ
- Alasdair Wallace, MoJ
- Carl Poole, MoJ
- Natasha Stewart, MoJ
- Adria Aranda MoJ

### **Item one - Welcome, Apologies and Introductory Remarks**

1. The meeting opened with introductory remarks, which included confirmation of the OPRC's launch event later that evening. This event would feature addresses from the Lady Chief Justice and the Lord Chancellor.

### **Item two - Ombudsman landscape**

2. Donal Galligan presented an overview of the ombudsman landscape and the role of the Ombudsman Association: Established in 1993, the Association represents a wide geographical area, covering the United Kingdom, the Republic of Ireland, the Crown Dependencies, and the Overseas Territories. There are 18 Ombudsman Schemes covering England and Wales. The Association covers both public and private sectors, adhering to government recognised best practices.
3. The importance of ombudsman schemes was highlighted, particularly in relation to both current and future legal systems. All schemes are required to meet the same criteria around independence and best practice.
4. The discussion covered the varying powers of different ombudsman schemes depending on the sector, available online routes and the eventual aim is to allow people to log a complaint online which can be shared with a case management system. It was observed that several ombudsman websites already allow users to lodge complaints online, and it is possible to start an online complaint and continue it via telephone.
5. It was clarified that while different government departments own the schemes, there are networks for sharing practices and learning opportunities.

### **Item 3 - Lawtech user journeys**

6. The subject of Lawtech was introduced in relation to its interaction with the work of the OPRC. Application Programme Interfaces (APIs) which facilitate the transfer of digital information, were described in the context of Lawtech providers operating within the CFT system. The complexity of data transfer between Lawtech systems, due to varying data requirements, was highlighted.
7. Lawtech was broadly defined as any use of technology to supplement or replace the traditional methods used for the delivery of legal services, including online dispute resolution, tech companies in the advice space or AI-generated advice.
8. Reflections were made between the future role of the OPRC and the governance of Lawtech and legal service providers in the context of professional standards. The cross-jurisdictional relevance of Lawtech for users with multi-faceted legal issues was noted.
9. The existing landscape of Lawtech providers use AI systems that generate information using a simple data set but with clear potential to expand their services to cover people facing multifaceted problems.
10. A query about the regulation of Lawtech was raised. While generally unregulated, there is a distinction between aiding and providing legal advice or dispute resolution.
11. The Lawtech sector is keen to engage with the OPRC.

#### **Item four - MoJ policy updates**

##### **Family Law Policy:**

12. A summary was provided, highlighting key areas of focus:
  - Supporting separating parents to resolve their issues earlier: The government's response to consultation will be published soon and will set out a programme of reform.
  - There is collaboration with DWP and DFE on family hubs which will provide a one stop shop for advice.
  - Investigatory approach in proceedings: There will be greater emphasis placed on the voice of the child and domestic abuse support.
  - There is a system-wide focus on efficiencies to ensure cases are heard quickly.
  - Domestic abuse reform: Amendments to the Victims and Prisoners bill regarding parental responsibility suspensions (Jade's law).
  - Weddings and divorce law: Reforms to wedding and divorce law, with ongoing policy work on financial remedies for separation and divorce.

##### **Civil law policy update:**

13. Four core work streams were discussed:
  - Fixed recoverable costs: The Jackson review has been designed to improve access to justice at proportionate cost, with rule amendments due in April.
  - Renters Reform bill: The bill introduces significant changes to tenants' law and impacts courts and tribunals, including the Property Chamber.
  - Enforcement: A recognition that this can be a complicated process and need to update the approach towards administrative enforcement methods, such as attachment of earnings, to simplify judgment enforcement.

- Integrated small claims mediation: fully integrating mediation, aiming to allow for quicker, cheaper resolution for claims up to £10,000.

14. The committee discussed whether the rules resulting from the Renters Reform Bill should emanate from the ORPC since it is a digital process and agreed this would be for the rule committees to decide.

## **5. Discussion**

### **Sub-committees:**

15. An expression of interest advert to recruit non-judicial sub-committee members was ongoing and the link would be available at the launch. It was agreed that a meeting of a sub-committee in shadow form should be organised before the next OPRC meeting. Official-level attendees for the sub-committee have been identified.
16. The work to deliver the shared vision statement being launched at the event was being brought together within MoJ as a programme including colleagues from Justice Digital and digital leads from HMCTS.

### **AOB**

17. None.

### **ACTIONS:**

- DG to provide the Secretariat with a list of complaints handlers.
- Invite NB and SJ back to the committee at a future date.
- MoJ Policy/Secretariat to organise an initial sub-committee meeting in shadow form.
- Members to contact the Secretariat if they would like to propose an agenda item for the next meeting.