

Online Procedure Rule Committee
Minutes of meeting 18 December at 14:30

Members in attendance

- 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 Clark (SC)
- Fraser Morris (FM)
- Adria Aranda MoJ (AA)

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
- Laura Glazebrook, MoJ
- Irram Khan, OPRC Secretariat
- Alasdair Wallace, MoJ
- Wan Fan, MoJ
- Vijay Parkash, MoJ
- Rezina Rai, MoJ
- Pablo Hilaire, MoJ
- Tracy Parker-Priest, HMCTS
- Chris Beardsell, MoJ
- Ewan Wickson, MoJ

Item one - Welcome, Apologies and Introductory Remarks

1. **Apologies** from the MR. The PFD chaired the meeting in the MR's absence and welcomed everyone in attendance.
2. **Minutes** from the last meeting, on 20 November 2023, were approved.
3. **Action log** – no comments.

Item two – MoJ policy discussion

Reflections on the launch event and forward look

4. The PFD reflected on the strong attendance at the launch event which included a broad cross section of the targeted audience. The MR's speech landed well with the audience, presenting a clear view of direction of travel for the committee. The speeches of the Lord Chancellor and the Lady Chief Justice displayed their strong personal commitment to the work of the OPRC.
5. SR reflected on the positive response to the Ecosystem map. A number of people had expressed their support and were keen to get involved with the next steps of the programme.
6. The PFD suggested building on the momentum of the launch event by continuing regular communication with those who attended the event.

7. HT confirmed that the Expression of Interest for non-judicial sub-committee members closed on 15 December. There were 41 applications received and an additional late application. The committee confirmed that they would consider the late application.

The Organisation for Economic Co-operation and Development (OECD) event

8. SR updated the committee on the recent event in Slovenia convened by the OECD under the UN Sustainable Development Goal 16. SR discussed plans for engagement with other jurisdictions such as Spain who are dealing with similar challenges to their justice system.
9. It was agreed that it would be interesting to learn from other jurisdictions and explore the progress of others in comparison to England and Wales, through the OPRC. It was noted that the focus on access to justice, and use of digital technologies to support this was a consistent theme.

Programme Update

10. SR explained that MoJ Policy are developing a programme mandate and a governance structure that will ensure related work across MoJ is presented, both internally and externally, as part of the same vision for civil, family and tribunals as announced on the 20th of November. This will include Legal Support, Legal Aid and Dispute Resolution teams.
11. Iteration of the CFT ecosystem map is ongoing, including continuing validation and adding service providers. Next steps will be to review the journey and pain points to identify system-wide policy interventions that will enable development of the future system design.
12. SR confirmed the discovery phase of the private family law exemplar would conclude shortly. MoJ were investigating further exemplars that could be conducted next year from within the civil jurisdiction.

OPRC work programme/ Statutory Instrument

13. HT confirmed that the Judicial Review and Courts Act requires that the kind of proceedings that the OPRC can make rules for will need to be specified in secondary legislation. HT provided an explanation of the process required to implement the work programme of the OPRC:
 - Initially, MoJ and HMCTS and judiciary will need to agree areas the OPRC can add value in making rules and where there is existing or planned functionality which will support online rules. Following this, engagement will take place with the other rule committees as well as the OPRC itself.
 - Agreement will then be sought from the Lord Chancellor to allow work to begin drafting the statutory instrument (SI).
 - MoJ will seek a parliamentary laying date, likely to be 3 months ahead, and drafting will commence.

- The SI will then be laid in draft in Parliament, with debates in both houses. The earliest it can be expected to be approved is about 6 weeks from laying.
14. HT noted from previous discussions, the committee had agreed it would be important to include proceedings from across all three jurisdictions to form the statutory instrument.
 15. The committee discussed the various options across each of the jurisdictions. It was agreed that a broad focus on property and possession would be beneficial and offer a cross-jurisdictional approach. The committee also agreed that financial remedies in family may be a suitable option. The next step will be to seek ministerial agreement.

Item 3 - Family Exemplar project

16. SC provided an update of the Private Family Law Exemplar project. The project aims to develop a digital tool that will create a user-centred guided pathway in separating or separated families with children and looking to resolve children/financial arrangements. The pathways will focus on signposting and guidance, and dispute resolution.
17. SC provided an overview of the key findings from stakeholders which related to timing, understanding the available options, a non-adversarial approach, the changing family landscape, stakeholders seeking a joined-up approach across government and age-appropriate content.
18. SC also reflected on the importance of any digital advice providing trusted and accurate content. There would be no technological shortcuts to ensuring accurate information but once in place, the information could be made accessible in more innovative ways.
19. SC confirmed the upcoming priorities for the team were commencing work on a civil exemplar relating to pre-action advice and mediation, developing the Ecosystem map using a system thinking lens to identify where interventions can be most valuable, and progressing to the next phase of the private family law exemplar.

Item four - API Project

20. The Priority Projects (PPT) team is an internal consultancy team within MoJ which has been investigating the feasibility of building digital capability via an Application Programming Interface (API) to transfer case data directly from dispute resolution providers to HMCTS.
21. APIs were described as a digital tunnel which allows digital systems to communicate with each other. The current landscape was explained as labour intensive, requiring users to resubmit data which consequently increased risk of error. The team were working on a streamlined transfer of data which would provide a simpler user experience.
22. The work is in a discovery phase and some issues around resourcing and development capacity had been identified.
23. The committee discussed the issues, including whether any HMCTS data standards were already in existence and the options regarding authentication

models. Types of authentication models were discussed. Firstly, a case-by-case basis would mean that a dispute resolution provider would need to sign an agreement every time they wanted to share data. An alternative option would be to create a list of providers who have signed a data sharing agreement.

24. It was agreed that learning from previous examples would be sensible, and mapping of the existing landscape would assist with this.

25. The type and quantity of information shared would need to be considered and may vary depending on the type of case.

26. It was noted that the technology sub-committee would explore these issues in depth.

Item five - Discussion points

Nothing further raised.

Item six - AOB

27. HT suggested cancelling the January OPRC meeting and instead using the time for the next sub-committee meeting. There is currently only one agenda item for January which can move to February.

28. It was agreed that secretariat would seek agreement from the MR as Chair and confirm as soon as possible.

Actions:

- SR to provide a written update of the OECD event.
- SC to provide slides from the Family Exemplar update.
- The PPT team to provide mapping of the existing API landscape.
- MoJ to confirm with the MR's office whether to cancel the January OPRC meeting and replace with the next sub-committee meeting.