

Online Procedure Rule Committee

Minutes of meeting 11 March at 14:30 -16:30

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

- Sarah Rose, MoJ
- Harriet Ainsworth-Smith, MoJ
- Helen Timpson, MoJ
- Samantha Clark, MoJ
- Ewan Wickson, MoJ
- Neal Barcoe, MoJ
- Bill Dowse, MoJ

Non-members in attendance

- Lord Justice Baker
- Lord Justice Birss
- Natasha Clegg, MoJ Secretariat
- Nick Lee, Judicial Office
- Rose Rand, MoJ
- Sarah Clark, MoJ
- Rachel Peters, MoJ
- Bee Ezete, PFD's Private Secretary
- Sam Allan, MR's Private Secretary
- Joshua Gibson, SPT's Private Secretary
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Item One – Welcome, Apologies and Introductory Remarks

1. Minutes of the last meeting approved.
2. Apologies from Mrs Justice Joanna Smith.

Item Two – Programme Update

Programme Overview:

1. Sarah Rose (SR) gave an update that in the Spring Budget it was announced there would be funding for a Private Family 'One Stop Shop', which will be delivered by the DJS Programme working closely with colleagues in Family Policy. A total of £55m has been allocated to the Family Jurisdiction, with the amount for the 'One Stop Shop' expected to be confirmed as £28m over a four-year period (to be confirmed by HMT). SR explained that this is part of a wider package of Family Justice measures, including the expansion of Pathfinder and Early Legal Advice pilots. The DJS Programme team will take forward planning and delivery for the 'One Stop Shop', to ensure that a cross-jurisdiction focus for development of online information and signposting services is retained as part of the DJS Programme. The delivery of the One Stop Shop project will link closely to the overall DJS system design work, which will identify lessons learnt from the Family Jurisdiction, as well as how they, as well

as any digital capabilities developed, can be applied to the Civil and Tribunals Jurisdictions.

2. PFD thanked the team for their hard work on securing the funding and recognised the amount of work that has been done to get to this point.
3. MR agreed that this is a great achievement and stressed that focussed work must also continue in the Civil Jurisdiction and tribunals.
4. SR gave an update on the Programme governance that has been put in place. The first Programme Board – with membership from Directors across policy and operational areas – took place on 4th March. It was Chaired by Amy Randall and there was positive engagement from attendees. The Board signed off the Programme Mandate, which sets out the remit and purpose of the Programme to deliver the shared vision announced in November 2023. SR explained that this is a significant step forward, as it supports the Programme team’s work to coordinate activity in this space.
5. In response to the update on governance, MR noted the importance of differentiating between the OPRC and MoJ Policy and Digital teams. He said that the OPRC should be clear of its discrete role in the online environment, i.e., creating rules, governance, and data standards in the pre-action and action spaces, supported by MoJ personnel.
6. MR noted that upon getting the Statutory Instrument in place and when the sub-committees have been appointed, the OPRC needs to do more public facing engagement. He asked for an update on the recruitment to the OPRC sub-committees. Brett Dixon (BD) updated that the interviews were due to finish in three weeks from the date of this meeting.

Item Three – DJS System Design

1. SR introduced the system design work, which is building upon the ecosystem map that was previously shared with the OPRC at its October 2023 meeting. The MoJ team has started work to review the ‘pain points’ in the current user journeys and map the vision for DJS against the map to identify areas for transformation. SR explained that this work involves colleagues within policy, digital and the judiciary, advice sector, dispute resolution providers and legal professionals to get a rounded understanding of the problems and opportunities. Upcoming engagements include attendance at the Legal Support stakeholder conference and a meeting with the Law Society.
2. Sarah Stephens (SS) gave an update on her presentation on the OPRC to the Justice Innovation Group, a working group of the A2J Foundation, of which SS is a trustee, which aims to innovate solutions to bridge justice gaps and address challenges.
3. MR recognised that the launch event in November was a momentous point, which now needs to be reinforced by further public facing work. The Committee agreed and stressed the need for clarity and a strong narrative on the OPRC’s role within the pre-action dispute resolution space to enable clear outward communications to take place.

4. The Committee agreed that a paper is required for the next meeting to outline what it will mean for providers to form part of the DJS.

Item Four – Digital Exemplar Updates (Family & Civil)

Family Exemplar:

1. Ewan Wickson (EW) introduced himself as the Product Manager working on the digital exemplar projects. EW gave a demonstration of the prototype that has been built for the Family Exemplar following research and public consultation about a guided pathway for separating families.
2. The Committee thanked EW and gave positive feedback on the prototype. EW outlined the next steps, which include undertaking further iteration and testing (including a mock-up of a chat bot powered by Artificial Intelligence), as part of developing route map to ‘One Stop Shop’.

Civil Exemplar

1. EW gave an update on the progress of the Civil Disputes exemplar, which has considered individuals and small business with a dispute over £10k in value and explored why they do not go through early resolution. EW thanked Lord Justice Birss and MR for the out-of-committee meeting that has helped shape how the team has organised the work going forwards.
2. Interviews have been completed with a range of individuals and businesses, representing those who pursued legal matters and those who did not, or who dropped out of the user journey.
3. EW explained that the next step is to complete the analysis of user research and play back the findings. The Committee expressed its interest in receiving an update when the insights are available.

Item five – Work Programme

1. HT introduced Paper 4 and opened the discussion on timescales for the SI and decisions required.
2. The committee discussed the approach and generally agreed that the development of high-level rules should take place by the sub-committees concurrently with the OPRC designing principles and setting questions for the sub-committees to consider. During this process, consideration needs to be given to existing rules (service specific rules).
3. MR asked when the sub-committees will be in place, given that this work needs to progress rapidly. HT explained that members will be identified by the time of the next meeting of the OPRC on 15 April but will be unlikely to have held their first meetings.

Item six – Overview of Private Family Law Delivery Programme

1. Neal Barcoe (NB) gave an update on the Private Family Law Delivery Programme. A funding package of £55m for the next three years was announced in the Spring Budget. The funding will cover three key areas, which build upon an announcement in January about early resolution:

- The rollout of Pathfinder courts in PFL. A pilot has been running in Dorset and North Wales and will be expanded to Cardiff and Birmingham. The pilot has shown that Pathfinder enables quicker and more effective hearings.
 - Piloting free early legal advice to parties considering coming to court in PFL cases.
 - The online tool to support earlier resolution of disputes and diverting parties from court, currently being developed on a small scale within the exemplars in Digital Justice System.
2. The announcement in January also included a change in the procedure rules to strength Mediation Information Assessment Meetings (MIAM), which will be coming online on 29th April to ensure parties are taking all required steps before coming to court. Improved screening for domestic abuse mediators and training for mediations, working with domestic abuse commissioner, was also announced.

Item seven – Jurisdictional Update Tribunals Policy

1. Bill Dowse (BDo) updated on Tribunals Policy. A significant amount of work is happening around the Immigration Asylum Chamber due to a large increase in the volume of appeals at the end of 2023 (record of around 9,000 in December 2023). Preparation is ongoing for the implementation of the Illegal Migration Act.
2. SPT asked for an update on property and employment. BDo explained that his team is working to align the Employment Tribunal (ET) rules with other Tribunals. The ET rules will go to TPC by the end of April and digital reform is being rolled out in test sites. Property is not going through the digital reform currently, but there are numerous changes taking place in the housing market. BDo and SR have been exploring taking work forward in the property space.
3. Committee thanked Bill for his update.

Item eight – Discussion Points (Sub-Committee Recruitment & Future Agendas)

1. BD gave an update on the recruitment to the Sub-Committees, which is taking place via online interviews over the coming weeks.
2. The Committee thanked those participating in the interview process and stressed the importance of recruiting the right people to the sub-committees.

AOB

1. HT informed the OPRC that the MoJ team has received a Microsoft Co-pilot licence and recommended that we the team prepare a paper to the next month's for the meeting in April to outline how Artificial Intelligence can support the OPRC's work. The MR confirmed that he was happy with this.

ACTIONS & DECISIONS

1. HT to draft a paper on the OPRC for the CPRC and TPC on property and possession in due course.

2. OPRC Secretariat to schedule a moderation session to review appointments to the sub-committees.
3. MoJ Policy to draft a one-pager on the uses of Copilot for the OPRC to discuss at its April meeting.
4. MoJ Policy to bring paper to next meeting on the role of the OPRC in the DJS and pre-action space.