

Online Procedure Rule Committee

Minutes of meeting on 10 February 202 at 14:00-15:15

Conducted in a hybrid format at The Rolls Building (Royal Courts of Justice), Fetter Lane, London and via video conference.

Members in attendance

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

Speakers

- Cathryn Hannah (CH) Item 3

Non-members in attendance

- Lord Justice Baker
- Lord Justice Birss
- Mrs Justice Joanna Smith
- Sarah Rose, MoJ
- Harriet Ainsworth-Smith, MoJ
- Irram Khan, OPRC Secretariat
- Anna-Maria Covelli, MoJ
- Amrita Dhaliwal, MoJ
- Marcia Williams, MoJ
- Vijay Prakash, TPC Secretariat
- Nick Lee, Judicial Office
- Joshua Gibson, Judicial Office
- Crystal Hung, MR's Legal Advisor
- Amy Shaw, Acting Private Secretary to the MR
- Connor Robson-Keschari, Deputy Private Secretary to the MR
- Heidi Bancroft, SPT's Private Office
- Tracy Parker-Priest, HMCTS
- Rosemary Rand, HMCTS
- Jason Latham, HMCTS

Item one - Welcome, Apologies and Introductory Remarks

1. Apologies: PFD
2. Minutes: the minutes from last meeting on 9 December were approved.

Item two – Statutory Instrument

3. HT confirmed that the draft SI to give the OPRC rule making power was laid on 29 January 2025. The team are awaiting updates on the debate schedule, likely to be after parliamentary recess.

4. Proceedings potentially in scope for the next SI include OCMC, damages and employment. HT will update the committee on the timeline after consulting with the relevant policy teams and HMCTS. This would be subject to Ministerial agreement.

Item three – Legal Support Strategy

5. CH provided an overview of the three areas of focus for legal support strategy: Delivery Models, Data and Evidence, and Funding.
6. The committee discussed the importance of modern, connected digital services to improve access to justice.
7. The SPT suggested the MoJ Legal Support policy team liaise with the Administrative Justice Council to support their efforts in promoting pre-action dispute resolution.
8. The committee suggested the Administrative Justice Council, MoJ Legal Aid policy team, and other relevant stakeholders meet to discuss and coordinate efforts to improve the delivery of legal support and legal aid services.
9. SS expressed an interest in the activities of the Legal Support Policy team, especially regarding different models of service delivery. She highlighted the significance of mutual learning and information sharing to contribute to the inclusion and pre-action model workstreams of the Committee.
10. It was agreed CH would be invited to the next meeting of the pre-action model workstream.
11. The committee also discussed the development of AI in the advice sector and the importance of its safe and effective use. CH confirmed her team is arranging workshops with LawTech organisations in this area.
12. It was agreed the legal aid policy team would be invited to the March meeting of the OPRC to provide an update on developments in that policy area.

Item four – Sub-committee – Pre-action model

13. Baker LJ discussed the work ongoing to develop a model framework to facilitate the digital provision of services to assist parties in resolving disputes.

14. The committee discussed the scale of the task and gave their support to the progress of the workstream noting resourcing and financial constraints.
15. The committee discussed that the working group would create principles and standards to ensure consistency and fairness across all providers, including data standards for information storage and disclosure.

Item five - Property and Possession

16. Birss LJ updated the committee on the recent meeting with HMCTS and MHCLG and their implantation plan for the Renters Rights Bill.
17. The next Property & Possession meeting is scheduled for 14 February and Males LJ will take over as chair. It was confirmed that the working group now has a Welsh judge in its membership.
18. SPT discussed the potential increase in tribunal cases resulting from the Renters Right bill.
19. Joanna Smith J noted that she has recently met with the Tribunals Policy team who advised MoJ and MHCLG are working to together to manage the impact from the Renters Rights bill and to address the pressure on the tribunals jurisdiction.
20. The committee agreed that an update on the Tribunals digital system should be provided by HMCTS at the next meeting as part of the update on the possession service.

Item six – Future of CFT

21. GB highlighted the cross-over between the work of the Pre-action model workstream and the Future of CFT workstream, emphasising the importance of ensuring cohesion between the two.

Item seven– Inclusion

22. SS updated the committee on the work of the Inclusion workstream, focusing on mapping existing guidelines and standards in government digital standards and the HMCTS barriers framework.
23. The workstream will examine how these guidelines and standards intersect with the digital space to ensure inclusivity. The group is considering whether to produce a short one-page document or a more comprehensive policy around inclusivity principles. There is a possibility that the inclusion

workstream might function as a task and finish group, with members migrating to other workstreams as the work develops.

24. The MR commented that he felt that the Inclusion workstream was sufficiently important that it should remain a standalone committee and should not merge.

AOB

25. Joanna Smith J noted that she has asked the TPC sub-committee on employment to produce a paper on the opportunities for digital and pre-action space and agreed to circulate to the committee.

Actions

- Legal Aid Policy team to be invited to the next meeting.
- CH to be invited to the next Pre-action model workstream meeting.
- HMCTS to be invited to the next meeting to discuss Property and Possession.
- TPC sub-committee paper on employment issues in the pre-action space to be circulated to the committee.