Written evidence from HH John Tanzer (CTS0018)

I write as a now retired Circuit Judge, but one who was very closely involved in the decisions concerning and implementation of two IT systems that have proved to work:

- eJudiciary as now used by the full and part time judiciary
- Digital Case System as now used across the criminal courts

I have also been involved in video conferencing.

I would pay tribute to the Department in its willingness to involve the judiciary and court users. Also, to the senior judiciary in involving itself in driving change.

The questions in the consultation, as is traditional, invite a granular, focused group response. Whilst that is perfectly valid, it might be helpful to the committee to have some background thinking to better assess those individual issues and how they might be resolved.

The strategy underpinning the Reform Programme is a three-legged stool:

- Court closures
- Technology
- Staff reduction

Technology is seen as the key to the other two legs but, as a stool, none of them can be removed and the platform remain stable. Nor can technology on its own resolve problems such as physical access to justice. Which will remain a need however much attempts are made to reduce it through technology.

Reform in Justice is no more an option than it is in business or other areas of life. It is an inevitability. The strategy above is cemented. The questions lie in the tactics applied.

For Reform to work and be accepted:

- It must be sold as a benefit – not a cost saving exercise resulting in an inferior outcome
- It must concentrate on the maximum benefit for the maximum number of court users – not be allowed to concentrate on fringe problems to the detriment of the mass
- It must harness the force of the technological market – not reinvent the wheel at great cost
- It must accept that by the time the perfect is attained, perfection will have moved on – therefore target that which is within reach and implement it
- It must avoid being ideologically driven as to how to source – the aim should be flexible sourcing from those subject to market forces to avoid the ossification that has characterised present systems
- It should be ruthless as to failures – for example, is the Common Platform, which breaches most of the above principles, value for money?
- It should not seek to supplant the market by creating its own offerings – which may in any event be illegal
It should be transparent about negative impact such as court closures – and think constructively as to how to ameliorate the impact, even if that means spending money on such as parking and fares.

It should be transparent about the negative impact such as on those who are technologically disadvantaged – and then think constructively about how both technology and extant infrastructure, such as libraries, can ameliorate the impact.

The above is manifestly not an exhaustive list. The aim is to refocus the argument based on the inevitability of change.

To be even less exhaustive with some examples and potential solutions:

**Court closures**

As long as there are sufficient court rooms, or alternative venues used as court rooms, closure in itself is not the problem. The problems are those created by **distance**:

1. **Time**: it will take longer for users to get to court. Therefore, that needs to be factored both as to sitting hours and/or defined listing times.
2. **Cost**: much greater thought will need to be applied as to the ability of users to meet cost. Can cost be reduced by sitting at a time users can get a cheap day return? Should there be a publicly funded attendance system on the lines provided by the NHS? Should proper parking be provided? If it cannot be provided, should the system pay for parking costs?
3. **Video**: avoid proprietary solutions on the spurious ground of security and concentrate on ease of use. Allow people to use the systems that they already possess on their computer, tablets and mobile phones.
4. **Sell the benefits instead of allowing the agenda to be dominated by the problems**. Fewer hearings. Less requirement to be physically present at court. Better outcomes by such as witnesses being available instead of being put off being involved because of the “hassle”.

**Technology**

1. The core lessons learned from the projects I was involved in were:
   a. User involvement in assessing needs
   b. Market involvement in educating users and listening to needs
   c. Use of off the shelf technology
   d. Harnessing the force of the market to ensure that the products adopted would be constantly improved, automatically; without the need for the traditional civil service request for change
   e. That where traditional thinking was applied, as in over video, the result was to limit access, increase cost and delay implementation – all for no discernible benefit in security.
2. In terms of accessibility to court bundles, the same system should be used across jurisdictions. Neither judges nor practitioners, or regular court users, should be required to learn and become familiar with a multiplicity of systems. I failed to get that message across, yet it seems to be an obvious one.
3. Over-hyping technological access difficulty is counterproductive. The emphasis should be on the fact that the overwhelming percentage of the population, and rising, has a smart phone. 95% in the group under 54\(^1\). The inexorable tide is towards near 100% access.
4. Near is, of course, not perfect. In an analogue age one had the problems of
disability, illiteracy and innumeracy. The irony is that technology is making
access for that important group of court users easier in many ways.
Accessibility is built into many programs. Developments have come on a
pace. Such as text to speech. The message is to harness technology as the
solution to access and not see it negatively as a problem.
5. It would be surprising if there were not grave doubts about the Common
Platform. An expensive exercise breaching virtually all the concepts I have set
out. However, the NAO is perhaps the better venue to assess that.

Staff reduction

How this is handled is a Departmental issue.

The only comment that I would wish to make, arising from some 40 years of dealing
with court staff, is that they are under-paid and under-valued. Their pride in doing
their jobs and the service that they perform to the public, particularly in making the
system accessible, is largely un-recognised by their managers. Their reward has been
to be progressively disempowered.

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