1. I am the Senior President of Tribunals. I am the Head of Jurisdiction of the unified Tribunals in the United Kingdom and the Employment Tribunals in Great Britain.

2. The administrative justice system of which the Tribunals are a part is vast and affects many of the most vulnerable people in society. It has developed in a piecemeal manner over the years to respond to the need for flexible and informal means of redress for people against poor and erroneous decision-making. Modernisation provides the opportunity to enhance access to justice for these people.

3. There is no serious argument that the agreement entered into in 2015 between the Lord Chancellor, Lord Thomas of Cymgiedd CJ and myself to modernise the justice system in England and Wales, was necessary. The need to finance urgently needed change was clear. The problem to be solved included lengthy delays that are inimical to justice, process and language that are unintelligible to all but the specialist user and a system that is too costly and complex so that access to justice is impaired by the lack of affordable representation.

4. I remain of the view that delivering effective and efficient administration of justice at the same time as improving access to justice and the quality of outcomes cannot be achieved without transformational change. In the absence of such change, the existing slow, paper-based processes, and with them the public’s trust and respect for the justice system, will continue to deteriorate. It was in response to that position that the Courts and Tribunals Modernisation Programme was agreed.

5. The judiciary have throughout argued for a principled basis for the transformation that is necessary and have identified the principles by which that transformation should be judged. Those principles are:

   a. To ensure justice is accessible to those who need it
   b. To design systems around the people who use them
   c. To create a system that is financially viable using a more cost-effective infrastructure (better and effective use of IT, buildings and new working practices)
   d. To eliminate the most common causes of delay
   e. To retain the UK’s international standing as a world class provider of legal services and the judiciary as world leaders in the delivery of justice, and
   f. To maintain the constitutional independence of the judiciary.

6. At every stage of the programme, the judiciary have taken a full part in the leadership of the change that is necessary. We are included in every level of governance from
the main HMCTS Board through to the individual project teams. We work with external review and audit organisations and help commission the design and evaluation teams. It is an intensive and collaborative process that involves judges being embedded in project teams with designers and technical experts, judges advising on best practice in each jurisdiction in each of our Judicial Engagement Groups (JEGs) and judges helping to make decisions in project and programme boards.

7. In the Tribunals, we have created a Tribunals Change Network that brings together all of our project judges, the judges who advise on the JEGs, the leadership judges from the Tribunals Judiciary Executive Board and the representatives of our judicial associations. The Network discusses projects and the plans that underpin them and advises on our communication and engagement. External scrutiny of what we do in the Tribunals is provided by the Administrative Justice Council, which is a body that is independent of Government and the judiciary, administered by the charity JUSTICE. The council has academic, pro-bono and advice sector panels to focus advice and research where it is needed from the perspective of the user.

8. During 2018 we undertook one of the largest judicial engagement exercises in modern times, known as ‘Judicial Ways of Working’. The outcome of that process led to jurisdictional plans and in the case of the Tribunals, a strategy, which was published and is now being implemented. The strategy can be read in full in my report to the Lord Chancellor and Secretary of State for Justice delivered in November 2018 called The Modernisation of Tribunals 2018 (see Appendix A or follow this link: https://www.judiciary.uk/wp-content/uploads/2019/01/Supplementary-SPT-report-Dec-2018_final.pdf). Since then I have published a detailed Innovation Plan which sets out the major projects with which we are involved and our plans for implementation of the strategy during 2019/20 (follow this link https://www.judiciary.uk/wp-content/uploads/2019/04/InnovationPlanFor2019-20Copy.pdf).

9. The Tribunals strategy was written with the advice of the Tribunals Change Network. It reflects the consensus of my judges. It identifies principles, design concepts and actions which will inform the way we run our projects and also how we develop our estate, use information technology and change ways of working. It will be used to inform and help us scrutinise the design of new process and the digitisation of that process as part of the Modernisation Programme. It answers the questions whether, and if so how, access to justice will be affected. It describes the involvement of my judges and panel members.

10. The projects which embody these principles are now being trialled. In 2019/20 there are seven major projects each of which is being trialled by a lead Tribunal. They are set out in detail in the Innovation Plan which accompanies this statement. They are as follows:
a. Social Security and Child Support (SSCS) Project (Continuous Online Resolution)
b. Immigration and Asylum (IAC) Project (New End to End Process)
c. Tax Tribunal Project (Fully Video Hearings)
d. Employment Tribunal Project (Core Case Data and Common Capabilities)
e. All Tribunals (Hearing Room Presentation) Project
f. Upper Tribunal Project (Using the RCJ CE-File for Appeals and Judicial Reviews)
g. All Tribunals (Digital Recording).

11. If these projects are to be successful, they must enhance access to justice, safeguard the principles of the rule of law, in particular the scrutiny that is provided by public and open participation, and the protections that have been developed over time in our procedures. The principles agreed with the Tribunals judiciary during judicial ways of working, which are set out at Appendix E to my Report, are important. They emphasise the independence of the judiciary and the way that principles underpinning the rule of law must be respected in the Modernisation Programme.

12. 2019/20 will be the most important year so far in the Modernisation Programme for the implementation of our strategy and the testing of new ways of working. What we do in Tribunals will not work if we fail to ensure that the digitally excluded and vulnerable are in a better position as a consequence of the changes we make. Many of our users are litigants in person who rely on voluntary support and advice groups, families and friends. Our default position is that our users must be able to access justice by a method that is appropriate to their needs. However successful new digital process may be, some users will need to be able to take advantage of a paper process. We will provide new paper processes that reflect new digital processes. In addition, we are putting in place significant assistance for those who would like to use digital process but who need help to do so. One of the services that we hope to rely upon is the assisted digital service. In addition, each of the new processes in the Tribunals involves authorised officers supporting the judiciary. We are very accustomed to this role in Tribunals. Authorised officers work under the close supervision of individual judges and to their direction. They can assist users to submit applications and prepare bundles. This form of case supervision has already led to a very successful improvement in the understanding and timeliness among users in the SSCS project. It is an integral part of the new end to end asylum process.

13. Each of our projects trials one or more of the keys elements of the Modernisation Programme. If successful, a project is then made available to another Tribunal or jurisdiction. What is successful depends on the experience of the user including the judiciary and panel members and an evaluation of the new process and its outcomes by independent researchers and the Insight and User Research team of HMCTS. We have commissioned research to be able to improve the way we understand and
evaluate access to justice during 2019/20. In the Tribunals, we are committed to the idea that an ethical use of secure and protected data will create a feedback loop not just for judges and HMCTS to use but also for the primary decision makers in Government departments and agencies to consider when they try, as they do, to improve their decision making.

14. I now chair a new justice council, the Administrative Justice Council, which discusses and helps us to evaluate the Modernisation Programme. The AJC was set up as a joint initiative of Government, the judiciary and civil society in March 2018. It is administered by JUSTICE and is independent of the Government and the judiciary. It has a membership across the judiciary, ombuds*, academics, civil services and organisations representing users of the administrative justice system. It has the advantage of representing interests throughout the UK. There are three panels that provide research, advice and resources to the full Council: the Pro Bono Panel, the Advice Sector Panel and the Academic Panel.

15. A key strategic objective in the Council’s business plan is: “to consider how to make the administrative justice system more accessible, fair and efficient” and one of its aims is “to consider the impact of modernisation of tribunals on litigants in person”. The AJC is working towards this in a number of ways.

16. The Pro Bono Panel is leading a stakeholder engagement survey which aims to increase understanding of the existing and potential capacity of frontline agencies and advice bodies to provide digital/online assistance to users. The findings from the survey will be shared with the Council and other sectors, and may be used to support policy makers in understanding the impact of digitisation on the most vulnerable in society.

17. The Advice Sector Panel provides the voice of the advice sector and their clients. In particular, they have ‘on the ground’ experience of how digitisation affects them. They have worked closely with the Pro Bono Panel in developing the stakeholder engagement survey and will assist in the second part of the project which will help to evaluate the effectiveness of triage, information, guidance and signposting i.e. whether users can navigate the system effectively with the assistance available.

18. The Academic Panel have set up a working group on Tribunals modernisation and have organised invaluable workshops to discuss issues raised by the judiciary and the pro-bono and advice sector panels and to generate academic interest in further research. Without their assistance it would not have been possible to develop many of the principles we have been discussing into practical protections and processes. The panel has enabled the Tribunals to participate in an impressive series of seminars and discussions during 2018.

19. The Council has the advantage of a broad spectrum of interests from across the United Kingdom and co-operates with its colleagues in the Civil Justice Council and the
Family Justice Council so that all Civil, Family and Tribunal jurisdictions might benefit from lessons that are learned. It has a strong working relationship with HMCTS operational and reform teams, Ministry of Justice policy officials, insight and data analysts and the devolved Tribunals.

20. The judicial associations in the Tribunals who come together collectively as the ‘Tribunals Forum’ make an impressive contribution to the work that we do. Their collaborative involvement is not to be underestimated. Every step of the Modernisation Programme that is developed with my leadership and project judges is reflected in parallel conversations with the Forum whose careful and informed advice is of significant value to us.

21. The improvement of speedy, informed decision making by innovative and specialist methods is ingrained into the way the Tribunals work. It is part of our law, our Rules, practices and culture. Change is not easy and requires constant attention to principles, detail and the consequences for everyone of what we do. The Tribunals judiciary are agreed that the Modernisation Programme is necessary to enable us to continue to abide by the duties that are placed upon us.

March 2019