

Fifth Progress Report of the Litigants in Person Reference Group

(Meeting 15th September 2020)

Introduction

At its inaugural meeting on 12th February 2019, it was agreed that a Progress Report summarising key decisions and activities of the Reference Group should be published following each meeting. This is the fifth of those reports and relates to the meeting held on 15th September 2020

1. Fourth Progress Report

The draft Fourth Progress Report was considered by the Reference Group and approved and is to be added to the Reference Group webpage as soon as possible.

2. Visit to Bishop Street Courthouse

Given the current public health restrictions, and to comply with social distancing requirements, it was agreed to carry forward this action point and look to re-schedule the visit when circumstances permit.

3. Report on Workshop held 10th and 11th February 2019

More than 100 people had attended the workshop (10th February) on Dealing with Distressed Clients, Feedback had been very positive with a number of attendees acknowledging the need to better understand the stress experienced by LiPs navigating court proceedings and its potential effect on their participation in the proceedings.

It was agreed that the Reference Group should continue to seek opportunities to work with a range of stakeholders across the justice system with a view to building that understanding.

It was also suggested that maintaining links with the Access to Justice Foundation and the Litigant in Person Support Strategy in GB is important in

terms of accessing other training opportunities and sharing experiences, information on the impacts of Covid 19 and learning generally.

4. The role of Mckenzie Friends

It was agreed that the Reference Group should keep under review any developments in relation to the role of McKenzie friends and consider any options that arise for moving forward the issues identified at the meeting of the sub-group.

5. Review of the Reference Group Terms of Reference

Membership and meeting arrangements

The importance of maintaining equal representation of LiPs and others was agreed. It was also agreed that UU would continue to take the lead in identifying new members. It was further agreed that expressions of interest from potential LiPs should be invited through the Reference Group's webpage. It was noted that arrangements for hosting the webpage are currently under review.

Arrangements for meetings

Consideration was given to changes that might be made to facilitate better attendance at meetings. It was agreed to pilot a later start time for the December meeting and to keep this under review for future meetings.

It is hoped that it will be possible to resume face to face meeting soon. However it was agreed that the option for members to join meetings remotely should be retained in the hope that this will also facilitate attendance.

Priorities 20/21

It was agreed that the initial list of priorities that had been adopted in February 2019 (and listed in the First Progress Report), remain current and should be carried forward.

In addition, the past and ongoing impacts of Covid-19 on LiPs is to be added to the existing priorities for 20/21. The Reference Group should also try to ascertain whether any information is being collected in Northern Ireland or elsewhere on the impacts of the current restrictions on LiPs accessing/participating in the Justice System

6. DoJ/NICTS Response to courthouse visits

A response to the Reference Group's court visit reports had been received from NICTS/DoJ. It was noted that there may be "quick wins" that could be identified in the short term. It was also noted that as part of the wider NICTS Modernisation Programme, work to establish a supporting stakeholder group is ongoing.

Following an indication from Peter Luney (NICTS CEO) that he would be happy to come along to one of the Reference Group's meetings to talk about the Modernisation Programme, it was agreed that an invitation would be issued to him to come along to the next meeting if possible. That would also provide the opportunity to find out more about what has been happening/is planned within NICTS to address the negative impacts of Covid 19

7. Feedback from Shadow Civil Justice Council - 9th September 2020

Following an invitation from the Shadow Justice Council, the Chair had attended the SJC's meeting on 9th September. It had been very positive and constructive exchange and it is hoped that the Reference Group will be invited to provide further updates on its work in the future. It was agreed that it will be important to build on this and to take/create opportunities to interact with the wider legal profession in order to promote greater understanding of the work of the Reference Group and the experiences of LiPs in the Justice System.

It was also agreed that an offer should be extended to the Shadow Family Justice Council by the Chair for the Reference Group to provide an update to the Council on the work of the Reference Group.

8. Webpage

Following discussion on the current hosting of the Reference Group's webpage on the DoJ/NICTS website, it was decided that the information should ideally be held closer to the UU ongoing work on LiPS as a central location for access would be preferable. However the need to ensure that the information is easily accessible was again emphasised and it was suggested that there should be a link to the new the location on the DoJ/NICTS website. It was agreed to explore this further with UU.

Issues around lack of accessible information generally available to LiPs e.g. those in receipt of an initial summons to court, were raised. Little or no

explanation or information on the process is provided to the party in receipt of the summons leading to stress and confusion and impeding effective participation in the process. In addition to keeping in touch with the work to address this ongoing in UU, it was suggested the group may want to highlight this by way of example when we meet with NICTS CEO in December.