

28th April 2021

Dear Peter

Courts' Modernisation Programme

Thank you to you and Pamela for meeting with the Reference Group on 8th December to update us on the Courts' Modernisation Programme and for your indication that NICTS would be happy to meet with the RG in the future to keep us updated on progress.

The RG had a further meeting on 20th April 2021 with a follow up discussion on the presentation. We thought it would be helpful to summarise our thoughts and observations following that discussion. We understand that you are moving on to a new role and we are happy for you to share this letter with your successor.

1. Given that implementation of the programme of reform may take up to 10 years, monitoring in a timely way the effectiveness of the reforms as they roll out will be important. We were therefore pleased for confirmation that there will be ongoing stakeholder engagement (including with the RG) throughout the process.
2. In the interim, we believe that effectiveness could be monitored effectively through the creation of good data systems. The RG view is that the development of a more comprehensive management information system would enable NICTS to identify how many personal litigants were in the courts and tribunals at any one time, as well as being able to identify at what point litigants become represented, unrepresented or drop out of the system. This data on volume and litigant journey would better equip NICTS to be responsive to the needs of the litigant population and to continue to pivot the system modernisation to emerging information. We would draw your attention to the report by Dr Natalie Byrom of the Legal Education Foundation, '[Digital Justice: HMCTS data strategy and delivering access to justice](#)', which identifies the core elements of a data and modernisation strategy for the Ministry of Justice, which we feel would be equally applicable to Northern Ireland's justice system.
3. Whilst recognising the potential benefits of new technologies, the RG believes that technology can also be daunting for some litigants in person. Accordingly, it is essential that this group is not disenfranchised by any reforms. Your

indication that the forthcoming consultation on the Digital Strategy would make clear that this will not be the case was therefore welcome.

4. The legacy of the pandemic and the impacts for litigants in person of accessing justice remotely, are issues of real concern to the RG. Many litigants in person have found the use of virtual hearings difficult and it will be important to ensure that appropriate support is in place so that they can have equal access to justice, particularly as digital services are further developed. There would be significant value in co-producing some of the new services planned within NICTS and the Litigant in Person Reference Group would be happy to help with that. There may also be value in learning lessons from the implementation of Universal Credit by the Department for Communities, particularly to ensure digital inclusion for all court users, including litigants in person.
5. Although some litigants in person may be daunted by technology, there are also those who are very IT literate and it may be helpful for NICTS to find a way of obtaining their views directly and utilising their skills and experience as the Modernisation Programme progresses. Again, the RG would be happy to assist with this.
6. The RG noted the choice of Probate Online for a pilot. Despite your explanation that the Modernisation Programme is not linear and that other projects will run alongside the pilot, the RG has reservations about its relevance to most court users, not least litigants in person, given the non-contentious nature of the business.
7. The RG believes that, as the programme of reform rolls out, it will be critically important to ensure that any system put in place to measure the effectiveness/success of the reforms, captures the views of litigants in person in a timely way.
8. Finally, we believe, given the estimated duration of the Modernisation Programme, that the “quick wins” identified in the RG’s court visit reports (previously submitted to NICTS) should not be delayed. For example, we are keen to see the improvements recommended to court signage to facilitate easier navigation by service users, implemented. We were therefore pleased to note your confirmation that NICTS intends to deliver on the “quick wins” quickly as part of the overall reform of services.

If there is anything in relation to the above on which you or your successor would like further clarification or if there is any way in which the Reference Group can be of assistance, please don’t hesitate to come back to us.

In the meantime, best wishes for your new role.

Yours sincerely,

Sinead Mulhern

Litigant in Person Reference Group (Chair)