MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL

INFORMATION AND COMMUNICATIONS TECHNOLOGY COMMITTEE

MONDAY 21 MARCH 2016 AT 4.30 PM

FORMER TRAINING ROOM, LEVEL -1 PARLIAMENT HOUSE

MINUTES

Members Present: Lord Tyre (Chair)
Sheriff Sean Murphy
Tony Jones (Solicitor)
Stuart Duncan (Head of Delivery: Criminal Justice and Parole, Scottish Government)
Graeme Hill (Director of Corporate Services and Accounts, Scottish Legal Aid Board)
Craig McCorkindale (Director for Civil Courts Reform, Scottish Courts and Tribunal Service)

In attendance: Yvonne Anderson (Depute in Charge of Offices of Court, Court of Session)

Support: Inez Manson (Deputy Legal Secretary, Lord President's Private Office)
Bridget Lee (Policy Officer, Scottish Civil Justice Council)

Apologies: Gavin MacColl (Advocate)
Lauren Bruce (SCJC member, Citizens Advice Scotland)
Nicola Anderson (Policy and Legislation Branch, Scottish Courts and Tribunal Service)

Item 1: Welcome, apologies and agreement of private papers

1.   The Chairman welcomed Graeme Hill, who was attending the Committee for the first time, and Inez Manson, attending for Edward McHugh, and all those present. Apologies were noted from Gavin MacColl, Lauren Bruce, Nicola Anderson and Edward McHugh.

2.   The Committee agreed not to publish the following papers: 5.1.

Item 2: Previous meeting

Item 2.1 – Minutes of previous meeting **(Paper 2.1)**

3.   **The Committee agreed the minutes from the previous meeting.**

Item 3: Proceedings

Item 3.1 – New SCJC Update by email **(Oral)**

4.   Bridget Lee explained that the new SCJC Update, which now goes out to Members approximately every two months by email, gives an outline of the policy areas being considered by the Council and Committees. Following the recent Strategy Meeting, consideration is being given to how the Committees can best be kept informed of each others' work.

5.   The Chair asked for the oral update on the Council's Strategy Meeting, which was to have been raised under AOCB, to be given at this point. Bridget Lee informed the Committee that the Council had held a Strategy Meeting on 14 March for Council Members and Committee Chairs to consider the Council's work over the past year and priorities for the coming year. The meeting also looked at how the Council could measure success and whether there should be changes to the committee structure. The meeting took the form of a number of presentations and group discussions and will inform the Council's Annual Programme for the next year. It was noted that the Committee will be informed of the output of the Strategy Meeting, and particularly any changes to the committee process or remits, in due course.

Item 4: Work Programme

Item 4.1 – SCTS update on the ICMS Project **(Oral)**

6.   Craig McCorkindale provided an update on the ICMS project. The previous 12 months had been focused on building the system and from now until October the project would be in the implementation phase. This would involve testing the system in a small number of sheriff courts and in the Court of Session, and then updating the system based on the results of the testing. There will be parallel running of the current and the new systems before data about current cases is transferred onto the new system. A key aspect of successful implementation is ensuring that court staff have confidence in the new system through the provision of training and guidance. The project is currently on track to 'go live' in October.

Item 4.2 – SG update on the Justice Digital Strategy **(Oral)**

7.   Stuart Duncan provided an update on the Justice Digital Strategy. His team had been tasked with developing maps of both the criminal and civil justice processes which were endorsed by the JDS Direction Group in December. They are currently developing a digital evidence vault (a national digital repository where

information such as documents, statements, CCTV, etc. can be shared in a controlled, secure manner). On the civil side they are looking at adding more content to the mygov.scot website, in addition to the information on housing and victims and witnesses that is already in place. Content about the legal aid process is going to be added in the next couple of months.

8.   There are proposals for online dispute resolution (ODR) being considered as part of the Justice Digital Strategy and Stuart Duncan had provided a diagram and a note for the Committee about this. These proposals are at an early stage and it has not yet been decided how they will be developed and to what area of the civil justice system they would be applied to. The proposals look at the 'user journey' as a whole and the different entry points that users have to the civil justice system, including the provision of advice at an early stage and how this may avoid a problem becoming the subject of a civil dispute in the courts. There are similarities to the proposals put forward in Professor Susskind's and Lord Justice Briggs' reports proposing an online court in England and Wales.

Item 4.3 – SLAB update on Making Justice Work online information project **(Oral)**

9.   Graeme Hill provided an update on the Making Justice Work online information project, MJW3. This project has come to an end and the focus in JDS on the civil side is looking at using online information to promote early dispute resolution, where appropriate. The next phase of discovery, scheduled to complete in June 2016, will consider the feasibility of this model to a specific problem type. The example chosen is the Simple Procedure (Courts Reform (Scotland) Act 2014 for all cases up to £5,000). This topic ties in with developments elsewhere in the civil justice system.

10.   SLAB is looking at simplifying their internal systems and considering how their online systems could be better integrated, possibly by being accessed via mygov.scot in the future.

Item 5: Research and consultations

Item 5.1 – Online dispute resolution and the online court (Papers 5.1 and 5.1A&B)

11.   The Committee had received a paper summarising the proposals for online dispute resolution and the online court in the Civil Justice Council's report *Online dispute resolution for low value claims* and Lord Justice Briggs' *Interim Report to the Civil Courts Structure Review.*

12.   There was general agreement in the Committee that some form of online dispute resolution was inevitable in the future. It was thought there could be public demand for services to be provided in this way. It was noted that the JDS civil process map of ODR proposals envisaged disputes that required judicial

determination being heard in a courtroom whereas the proposals for England and Wales put forward the possibility of judicial determination being provided via the internet. It was thought that consideration might be given to online judicial determination in Scotland in the future although the JDS proposals were currently focused on early resolution of disputes as there is anecdotal evidence that many people lack information as to how to resolve problems and providing information at an early stage may help disputes to be resolved without going to court.

13.   It was noted that the Committee had received a demonstration of a Dutch ODR system for family law when they visited SLAB which is an example of what can be achieved with technology.

14.   The Chair informed the Committee that he had written to Lord Justice Briggs inviting him to come to a meeting of the Committee and discuss his proposals for an online court. **The Committee were invited to consider what questions they might have for Lord Justice Briggs and to forward these to the Secretariat so that Lord Justice Briggs could be informed of them in advance.**

Item 6: AOCB

15.   The Chair thanked Sheriff Murphy for attending the Strategy Meeting on his behalf and Sheriff Murphy thanked the Secretariat for providing speaking notes for the meeting.

Item 7: Date of next meeting

16.   The Committee noted the date of the next meeting:

- Monday 13 June 2016 at 4.30pm

Scottish Civil Justice Council Secretariat

March 2016