SESSION 8

<u>Visions of the Future</u>

The delivery of e-justice services: 2000 - 2005

by Dominic Hartley
Head of Technology
Department for Constitutional <u>Affairs</u>

Introduction

In my presentation to the ILAG Conference on 10 June, I will outline some possible future options for the delivery of what have been described as 'e-justice' services to the citizen. However, any such discussion needs to be put informed by knowledge of how such services have developed to date. This short paper gives that context, looking back over the period of the last 5 years.

A strategy for e-government services

A key issue across the breadth of government during this time has been how we can use technology to make a real difference to the quality, efficiency and effectiveness of public services. At the centre of our thinking about the role of technology in effecting reform is the recognition that we must give sufficient weight to those most pivotal to an effective justice system, the citizens who use it.

In the civil justice arena, this dependency is clear. If citizens are not aware of their rights and responsibilities, they may end up in disputes they could have avoided and will not be aware of their options for resolving them. If dispute resolution in the civil courts is overly expensive, inconvenient or complex, then ever fewer people will elect to follow this path.

For criminal justice, the interrelationships are more complex. Why report a crime if you see little prospect of a criminal being convicted? Why come forward as a witness if you think that the system will not protect your interests or treat you well? What disincentive is there to those who might be tempted to commit crime, if they feel there is little chance of their being caught and convicted? Why come forward for jury service if most of the trials you are to hear do not actually happen?

So, absolutely central to the aims of the Government, has been the building of confidence in, and support for, the Justice System across all communities. This means that justice needs to be done — without delay — and seen to be done by all who have, or might have, an interest.

The role of technology

What role does the exploitation of technology have in this? The Performance and Innovation Unit's report Electronic Government Services for the 21st Century, launched by the Prime Minister in September 2000, outlined the strategy for e-delivery to citizens. E-government offers "huge opportunities to improve public services for the benefit of citizens in terms of offerings that are more convenient, more joined-up, more responsive and more personalized".

Its deployment must "be driven by the use that citizens make of it" and so it must be "used to join up service provision across departmental boundaries, to break down silo-based delivery networks and to allow citizens to interact with government whenever they choose, whether at home, at work or on the move". Citizens, as consumers of government services "deserve the step change that electronic delivery can provide". This, in turn, will "benefit the citizen as a taxpayer" as a result of greatly increased efficiency and effectiveness.

The challenges of the justice system

Turning these broad aims in to real change on the ground has been a challenging endeavour.

There are a number of factors that make this challenge even greater in the Justice System.

First, the Justice System has features that make it somewhat unique in government.

For example, involvement is a once in a lifetime experience for many of its users and we have to balance the need for efficiency — in terms of cost and speed — with effectiveness in terms of ensuring justice is done and seen to be done Second, historic levels of IT investment for many justice bodies have been low by any measure. Many of the public bodies involved in justice have invested at a level less than half of the UK public sector average and at barely one sixth of that seen in customer-focused service organisations in the private sector. So we start from a low level, in terms of technology exploitation.

Third, the machinery of the Justice System is both large and highly federated, with all that implies for the delivery of change. It touches the lives of very large numbers of citizens every year and involves a number of large organisations and many thousands of professionals, who must all work together, if the system as a whole is to

be efficient, effective and offer its users the quality of service they want and deserve.

The strategy which articulated how the Department for Constitutional Affairs (then the Lord Chancellor's Department) was to meet these challenges was first published in 2000. It set out a lifecycle for the justice system which e-services had to address if they were to be successful, i.e. taken up and used.

Enforcement Decision
Processing,
Preparation &
Management
Initiation
Information
& Guidance
Education
alternative dispute resolution
third party advice and support

I focus below on specific examples that are in train today which illustrate the breadth and direction of e-justice reforms. Central to each of these initiatives have been four key criteria (taken from the April 2002 National Audit Office report Better Public Services through e-Government): **choice**, **accessibility**, **convenience**, **reduced delay** and **efficiency**. **Her Majesty's Courts Service website**
One of the key steps we have to take is to increase transparency in, and accessibility of, the workings of the Justice System. The website of Her Majesty's Courts Service is a key example of this. It makes information about the Crown and civil courts freely available to the citizen. Specifically, it provides:
•   information to the professions and the public in the form of judgments and daily Court lists
•   information to those attending court (as a juror, witness, defendant etc)
•   specific local information, including virtual tours of the Crown Court from the point of view of a juror and a witness (produced in association with the Home Office and Witness Support)
•   information on civil matters such as wills, probate, family, how to make a claim in a civil court and the standards of

service court users can expect from us
• a dedicated portal known as e-LIS, which makes available a vast amount of legal material to the judiciary
• access to several hundred court forms and leaflets, including a pilot which allows some forms to be completed and submitted online

As a result of the continued programme of improvements to the site the number of hits has steadily increased, frequently putting it into the top 10 of all government websites.

Turning to the criteria mentioned above, we hope the site is a model example of the coherent presentation of information which delivers real benefits to consumers. It does this by offering:
• choice — an important additional access channel for all forms of court information, particularly court forms and leaflets
• accessibility — in, for example, its publication of an increasing number of court judgments within 24 hours (often much less) of them being delivered, the site plays a vital role in the Lord Chancellor's aim of improving access to justice and the law
• reduced delay — the dissemination of daily court listing information on the website and the information the site displays from XHIBIT ensure that better use is made of court resources and that waiting times for the hearing of cases are kept to a minimum
• efficiency — the publication of judgments on the site means that the effective promulgation of important case law has been greatly speeded; the service provided via the Lexicon portal means that our judges can also be confident that they will have the latest jurisprudence quickly and easily to hand

The CLS Direct website

CLS Direct, the website of the Community Legal Service, marked an important landmark in the creation of citizen-centric services and is aimed at increasing awareness as to law and remedies available within it. It provides free online access to:

• information about the Community Legal Service (CLS)
• a directory of quality marked solicitors and advice agencies, which is searchable in a variety of ways and which is updated nightly and available in English and Welsh
• an Advice Search facility, which provides structured and searchable access to legally-based information held on over 250 external websites
• information about the CLS is provided in a number of languages (Urdu, Punjabi, traditional Chinese, Gujarti, Bengali and Welsh)
The site has won awards as a model of its kind and its usage continues to increase. In terms of the criteria set out above it offers:
• choice — consumers of legal services are able to search a variety of sources and receive information about the different types of assistance available
• accessibility — the site is multi-lingual and accessible to sight-impaired users
• reduced delay — legal advice and access to advisers can now be obtained or facilitated from home, at work or from anywhere with internet access
• efficiency — daily updates to the site, including the list of legal advisers mean that users can be guaranteed that information is current

Money Claim Online

Money Claim Online (MCOL) marked the DCA's move away from the effective provision of information to a genuinely transactional service offering. Prior to MCOL the only way that a citizen or small business could pursue a claim for debt in the county court was either to fill in the forms and post them, with a cheque for the fee, or to attend a court during court opening hours (Monday to Friday, 10 am to 4 pm) and to carry out the transaction at the counter. Now however, claimants are able to visit MCOL — seeking help from a User Guide if necessary — from the comfort of their own home or office. They can then follow simple instructions and complete a claim request online and

also pay the court fee. Once the claim is submitted, the claimant receives a guaranteed, speedy service where the claim is issued and then served on the defendant within 5 days of making the request. The defendant can also use MCOL to file a defence. Both parties can see the progress of the claim online and the claimant can request entry of judgment and, where necessary, request enforcement by warrant of execution online.

MCOL allows citizens and small businesses to complete all the paperwork and pay the fee online 24 hours a day, 7 days a week. The user can log on and check the progress of their claim anytime, and most steps in the process can be carried out online. If the case is not defended — and the majority are not — the whole process can be completed without ever going to the court. Perhaps most striking of all is that the average turn-around for registering a claim has been reduced from 15 days, under the manual system, to 3 days under MCOL. Not surprisingly, MCOL is now issuing more claims than any local county court, over 1,000 claims a week making it 'our largest county court'. It scores highly in terms of our previously-discussed criteria:
•   reducing delay — in terms of overall process times, the changes are significant: claims are issued on the business day after their submission and the potential for transcription error, with the uncertain delays that could bring, is also removed, and the delays caused by travelling to court, and waiting around in court buildings are also removed
•   efficiency — the 15 steps requiring manual intervention, from data re-keying to money handling, have all been removed: MCOL is a 'no touch' transaction, except where the customer needs extra support which is provided via two 'secondary channels' — email and telephone; as a consequence, MCOL frees court resources from mundane, paper-based tasks and so allows our court based staff to focus ever more on providing better services to those who would prefer, or need, personal advice either in the court or by telephone

•   convenience and availability — MCOL is available to our users whenever they want it, 24/7, wherever they want it — at home, in their office or any where else with internet access; but it is also a truly interactive, transactional service — claimants can take all steps in their claim online if the claim is undefended and can track its status
•   choice — not only does MCOL offer users a second option for these key transactions, but it offers greater choice in a number of other ways: for example, users can elect to have joined up access to all their claims from one login, or keep them separate if they wish; the range of payment options has been extended to cover credit and debit cards (and we are looking at whether there is demand to expand this range further)

XHIBIT

XHIBIT (eXchanging Hearing Information By Internet Technology) demonstrates how we are using modern technology to deliver a joined up, user-focused criminal justice system via a variety of channels. It involves Crown Court clerks maintaining an electronic log of the events that occur during hearings. This information is then made available automatically in a number of ways
•   within the court precincts on display screens
•   to other Criminal Justice agencies and professionals via email, fax, mobile phone and pager
•   to the wider users of the Criminal Justice System (victims, witnesses and the general public) via an Information Portal on the internet

In addition XHIBIT provides:
•   automatic dissemination of court results, specifically to improve results dependent work in both the prisons and the police — including more rapid updating of the Police National Computer, on which the CJS relies for accurate information
•   an extension of the range of court lists which can be distributed with valuable additional information, for example, prisoner location and prisoner number so that HMPS can more

effectively present prisoners at court
•   automatic issue of pre-sentence report requests to the Probation Service, so that fewer hearings are adjourned through lack of reports XHIBIT is currently being rolled out to every Crown Court in England and Wales following a successful pilot at Snaresbrook Crown Court which confirmed its potential to deliver real and significant benefits to the Criminal Justice System as a whole. Returning to our key criteria it offers:
•   reduced delay — it has the potential to make a significant reduction in the number of trials that are ineffective (i.e. those that have to be adjourned until a later date on the day originally scheduled for full hearing); it also makes the best possible use of courtrooms by ensuring that all can be aware of what is happening and when, by whatever technology they can access it — email, web, pager, mobile phone, fax, etc
•   efficiency -it offers wider potential gains, in addition to those already mentioned, for example: avoiding unnecessary transfer of remand prisoners between prison and court unnecessarily and consequent wasted cost and potential risk of prisoner escape; improving, via automated dissemination of results, the quality of decision-making in areas as diverse as crime investigation and sentencing
•   convenience — reducing delay and wasted time in courts, along with informing all of progress and outcomes, is key to reducing the inconvenience and stress of being involved in court hearings, especially for victims and witnesses
•   choice and accessibility — it offers choice, in terms of which information is provided and on which case, and vastly expands access in terms of delivery channels — public screens in the building, pager, mobile phone, e-mail, e-fax and the internet; in terms of citizens, not least victims and witnesses, the choice is broader than simply the technology: all involved in court hearings — police, CPS, court staff, victim support, lawyers — and anyone with internet access can access this information, so victims and witnesses can also elect for mediated

access via whichever of these groups they prefer

Summary

Significant progress has been made in the last few years in the development of government sponsored online e-Justice services. The DCA is now considering how to build on these initiatives in support of its 5-year strategy. In my presentation on 10 June, I will discuss some possible future options for e-justice services in the context of that strategy and other important developments including:
•   Increasingly widely available primary and secondary legal source materials (and other relevant non legal materials)
•   The EU Directive on the Re-Use of Public Sector Information (and the related work of the Advisory Panel on Public Sector Information.
•   The development of what has been variously described as 'Internet 2.0' or 'Web 2.0'

References
Department for Constitutional Affairs
www.dca.gov.uk/
e.gov: Electronic Government Services for the 21st Century
www.strategy.gov.uk/downloads/su/delivery/indexFrame.htm
National Audit Office: Better Public Services Through e-Government
www.nao.org.uk/pn/01-02/0102704.htm
HM Courts Service
www.hmcourts-service.gov.uk
CLS Direct
www.clsdirect.org.uk
Money Claim Online
www.moneyclaim.gov.uk
XHIBIT
www.hmcourts-service.gov.uk/onlineservices/xhibit/
Criminal Justice System
www.cjsonline.org/
DCA Strategy 2004–2009: Delivering justice, rights and democracy
www.dca.gov.uk/dept/strategy/
Advisory Panel on Public Sector Information
www.hmso.gov.uk/appsi/
11