

# ijustice<sup>®</sup>

## Comments on the Civil Courts Structure Review: Interim Report

29 February 2016



## Response to the Civil Courts Structure Review: Interim Report

Lord Briggs and the Hard Working Group,

iJustice Limited have been supporting Litigants in Person online for over 3 years. These are our experience-based comments on the Civil Court Structure Review: Interim Report December 2015. In particular the structures by which the fruits of the Reform Programme may best be integrated into the present structure of the Civil Courts.

This response is split into five sections.

1. Overview of iJustice®
2. Stage Zero - supporting the LiP as a continuum
3. Stages One to Three - Court
4. Integration into the present structure
5. Going forward: Structuring the Civil Court for the LiP

### Appendices

- A - Take home pay of LiPs of ordinary financial resources
- B - Average Salaries in England and Wales

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### Introduction

The need for this Review, and the Reform Programme that references the same 8 principles, holds the future of our democracy in its hands for the current generations and that of the children of those citizens entering reception classes today. For this reason we should refrain from letting austerity and the need to focus on efficiency and economy become more than a 9th guiding principle (“the Reform Principles”).

- A model built around the needs of its citizens, business users, visitors and overseas users, victims, witnesses and state users.
- A system which is easy to use, digital by design and default and well supported for non-digital users.
- A system with the ‘majesty of the court’ when needed and lower cost, lower burden (mostly digital) channels where not.
- A structure with different channels/experiences for different cases – all consistent with the justice brand.
- A system which is transparent and accountable in approach and use of digital transparency.
- A model operating at low cost for much of the system, and securely funded.
- A model which is designed for 2050 not 2015 – with a flexible infrastructure to keep it relevant.
- A higher skilled but smaller workforce.

### 1. Overview of iJustice®

- 1.2 iJustice® (IJ) has been hands-on since 2012 providing a holistic, end-to-end, non-adversarial online support service to civil court Litigants in Person (LiPs) for un-regulated claims: fixed sum and unspecified claims, single and multiple parties, represented or unrepresented Disputants. IJ is accessible through desktop computers, laptops, mobiles and tablets.
- 1.3 IJ has been promoted through the LiP focused resource website MoneyClaimsUK ([www.moneyclaimsuk.co.uk](http://www.moneyclaimsuk.co.uk)) .
- 1.4 IJ runs in parallel to the court and enforcement processes in one *continuum*, with LiPs being supported by the same Claim Practitioner (CP): supporting the Disputants with our proportionate pre-action® ADR® service and continuing through from Letter of Claim (LOC), Notice of Intent (NOI), pre-court preparation, the court and post-judgment enforcement.
- 1.5 IJ communicates to the parties their obligations giving them a 'without prejudice' route to attempt a resolution at every stage up to the hearing door. Giving appropriate details for the free advice services, which can include identifying the nearest Citizens Advice Bureau office and organisations such as StepChange Debt Charity as part of the structured contact.
- 1.6 Working together to avoid court action, parties are able to invite family, friends, advisers or counsel to access the case, creating their own online support team as and when needed, to date this has included Independent / Expert Witnesses, McKenzie friends and Direct Access Advocates and Barristers (DAB).
- 1.7 IJ offers the opportunity to consider and attempt any method of Alternative Dispute Resolution (ADR) starting with sharing of facts with evidence and negotiation.
- 1.8 IJ incorporates Pre-Action Protocols (PAP), the Civil Procedure Rules (CPR) and Practice Directions (PD) and promotes alternative forms of dispute resolution striving to ensure the civil court is used as a last resort.
- 1.9 IJ 'places upon an electronic file, available to all parties and to the court, the essential details of, and evidence about, a litigant's case' pre-action. This allows the parties to communicate the relevant details and evidence about their case at the earliest possible stage. IJ incorporates the evidence in formats including sound, video, photographs and documents into the LOC and all communications between the parties and the court.
- 1.10 IJ accepts responses online and by printed mirrored-documents for responses by email, fax or post, deliberately not putting up any barriers to the method of responding and engagement. The IJ RESPONSE®, OFFER TO SETTLE® and SETTLEMENT PROPOSAL® forms are structured to allow the party to best explain their position in a non adversarial way.

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- 1.11 Where the matter is not settled the case is ready in digital format becoming a Case to be filed with the court, IJ incorporates in the Joint Evidence Pack (JEP<sup>®</sup>) the 'without prejudice' discussions, for access by the Judge after the judgment decision, which is witnessed by the IJ Statement of Service (SOS). IJ incorporates digital formats of all appropriate HMCTS, Land Registry and Insolvency Service forms.
- 1.12 IJ then takes LiPs from filing the Claim, explaining each stage of the court process, answering questions along the way, managing expectations and monitoring court deadlines.
- 1.13 In a nutshell IJ allows LiPs to turn that daunting 'blank sheet of paper' into a Claim identifying the facts, supporting the facts with evidence and Witness Statements and explaining the facts in chronological order. It is the evidence that LiPs put forward that identifies the cause of action and meets the civil court's burden of proof.
- 1.14 Enforcement of a judgment is not automatic, therefore, IJ continues to support the Judgment Creditor (JC) in identifying the most appropriate enforcement methods, particular to circumstances, which include: Warrant of Control, Writ of Control, Attachment of Earnings, Charging Order, Third Party Debt Order, Order to Obtain Information.
- 1.15 IJ supported LiPs are losing less than one percent of disputes submitted. Disputes that cannot be sufficiently proven are refunded in full until the Claimant can meet a reasonable burden of proof so not wasting their time or money, or the courts resources.
- 1.16 Claimants who have found themselves on the other foot, as a potential Disputant, have come back to IJ to collate a Response to best explain and prove their position and offering ADR. This demonstrates that once an LiP Claimant has gone through the court process they are keen not to do so again and take a pro-active approach applying PD Pre-action Conduct and Protocol Para 3(a) to understand each other's and their own position.
- 1.17 IJ and MoneyClaimsUK have been delivered at no cost to HMCTS or MoJ to support LiPs.

### 2. Stage Zero - supporting the LiP as a continuum

- 2.1 We support the turning of the court from a place into a service through the digitisation of the court service, giving LiPs accessible, affordable and effective access to justice wherever possible without the cost of representation.
- 2.2 We are commenting from our experience of supporting LiPs, from a £500 dining table and chairs that fell-apart within weeks, up to £100k business to business disputes, with the intention of focusing the digitisation of the court around the needs of the Disputants and the justice brand.
- 2.3 In the rush to use proportionality to justify the use of triage software for Value at Risk (VaR) up to £25k, we are in danger of failing to meet the overriding objective, enabling the court to deal with claims justly. Digitisation to support LiPs should allow LiPs a level playing field in accessing justice.
- 2.4 A court service, differentiated on the value of the loss, or VaR, fails to grasp the injustice imposed on the LiP of ordinary financial resources. It takes little account of the importance, financial or otherwise, of the dispute to the wronged party. To keep this at the forefront of our minds we have attached Appendices A and B giving the take-home budgets of LiPs of ordinary means. Bearing in mind that most citizens live 'up to their means', it can be just as difficult for claimants budgeting when owed money as it is for an adjudged debtor to repay.
- 2.5 Our provisional view is that the LiP and claims up to £25k should remain under the care of the County Court, governed by the CPR. Those claimants who can afford representation will want to bypass triage, business centre users with suitably trained staff will also want to bypass triage. This leaves LiPs, with ordinary or no financial resources, disadvantaged in attempting to access a court service driven by the principle of managing their claims as cheaply as possible.
- 2.6 In the rush to test triage software we are losing sight of 'the court only being used as last resort'. The dispute, on being filed with court before allowing genuine attempts to avoid court proceedings, does not make best use of the justice brand.
- 2.7 Until the focus on resolution is the cultural norm of our democracy, rather than an optional and unconnected process, the court will never be 'only used as last resort', weakening the justice brand.
- 2.8 Correctly focused, this Review should allow a year-on-year reduction in the number of claims filed over the decades ahead and a mirrored increase in the successful enforcement of Judgment awards.

### A model built around the needs of the LiP

- 2.9 The essence of the civil litigation is a trial at which witnesses give oral evidence. The focus of case preparation is to allow the Judge to make a decision. For LiPs this puts the cart before the horse.
- 2.10 How can it be reasonable that the Judge is allowed to make the Decision after full disclosure and inspection of evidence and witness statements, with a line drawn on further disclosure without permission - when the Disputants are not allowed the same opportunity to make their own Decision?
- 2.11 The Defendant files the defence without the alleged facts being proven, ie evidence is at best only listed.
- 2.12 Likewise Claimants file their reply to the defence without inspecting the proof supporting the alleged defence.
- 2.13 LiPs then file Direction Questionnaires, without their Opponent having made full disclosure, so Disputants are blind to the need for further disclosure or the need for an application to put them in the best position to engage in settlement or rightly win.
- 2.14 'Court staff cannot give legal advice' echoes through the court communications to LiPs online, on paper and on the telephone. This has necessitated the ever increasing number of publications 'giving intelligible advice and practical guidance to individuals bringing or defending court proceedings without the assistance of lawyers'.
- 2.15 Public services should not require this level of understanding. A patient does not need to understand how a medical treatment works to benefit from it. A patient presents with their issues and the system kicks-in to support. LiPs need to be treated the same, they need a point of contact in the role of General Practitioner (GP) who could safeguard the Claim progress for both sides pulling together the issues to collate the whole picture. This point of contact should be there to inform and give the options to the Disputants.
- 2.16 Consider prescription drugs, these come with Guidance, 'Read all of this leaflet carefully before you start taking this medicine because it contains important information for you'. The evidence then goes on to state 'Always take this medicine exactly as your doctor told you, check with your doctor or pharmacist if you are not sure'. LiPs should not be left to read and understand publications 'giving intelligible advice and practical guidance' without a Practitioner to help administer the claim.

### The claim as a continuum

- 2.17 We believe the process of claiming needs to be seen as a *continuum*.
- 2.18 It is important that Pre-action Protocols (PAPs) or the new rules should not add to the length or expense of proceedings, instead they should be incorporated into the *continuum*.
- 2.19 Supported Civil Litigation for LiPs, in particular the ordinary person and small business owner, should mean being there for the duration of the *continuum* of the Claim. The Claim Practitioner (CP), unbundled support services and the court should all have an equal non-adversarial stake in trying to settle at every point in the *continuum*.
- 2.20 The claiming party drives the claim initially, meeting the burden of proof, following PAP, going on to direct the court in how they want each stage to proceed, while following the CPR and PD, completing court forms.
- 2.21 The de-bundling of legal services for LiPs, as an alternative to representation, is already being achieved by: Direct Access Advocates, Direct Access Barristers, Direct Access Independent and Expert Witnesses, McKenzie friends. IJ has been allowing LiPs to invite all these professionals to join their support team within the case online.
- 2.22 Integrated online solutions like our open ijustice (IJ) platform, are needed to give all those involved access to the case from anywhere, as and when needed, while supporting LiPs whether online or not.

### LiP Bibles

- 2.23 *A Handbook for Litigants in Person*, written and edited by His Honour Judge Edward Bailey (Editor-in-Chief), His Honour Judge Neil Bidder QC, His Honour Judge Peter Bowers, Her Honour Judge Alison Hampton, His Honour Judge David Hodge QC and His Honour Judge Peter Hughes QC published to allow LiPs to meet the burden of proof without the need for the additional costs of representation together with *Access to Justice* from His Honour the Lord Woolf have been and remain our bibles.
- 2.24 CP support guided by the Handbook, allows LiPs to be supported while all the decisions remain with the LiP. Factual and generic information is provided about how to claim, the process and their options at the point of need throughout the *continuum* of claiming and enforcement. This differs from legal advice that is specific, direct and proposes a single course of action.
- 2.25 In contrast to the Review, we are proposing that support should start prior to the Review's suggested Stage One, we call it Stage Zero, and continue through court and after the Review's Stage Three - we are calling it Stage Four, CP supported enforcement with teeth.

### Stage Zero – the dispute

- 2.26 PAPs are the start of the *continuum*. They front-load the dispute, identifying the parties, their relationship, the contract, the issues, chronology, calculation of the quantum, remedy sought, cause of action and evidence ready for dispute resolution.
- 2.27 LiPs need to be able to work on their story and position, uploading evidence and witness statements at their pace using asynchronous communications.
- 2.28 Triage software adds little benefit to the provision of evidence and witness statements as there is no link between the provision and the story of the claim. More often than not evidence is 'dumped' as unconnected material. It is usually a case of 'less is more'.
- 2.29 It is not reasonable for ADR to take place until parties have met PD Pre-action Conduct and Protocol Para 3 (a) understand each other's and their own position. No party should be incurring the extra pressure, expense and time of court until they have been allowed to try to settle the matter first.
- 2.30 Where parties are not persuaded by the evidence alone, they should have the option of third party mediators who can engage in separate confidential discussions with each party, consistent with normal mediation practice. IJ allows access to the shared case documents to third parties on agreement with the Disputants. For example a) ADR suppliers working to fixed fees, by the hour, who can create any documents online within the case and b) the pro-bono advice sector led by those delivering the Litigant in Person Support Strategy (LIPSS).
- 2.31 Only where Stage Zero fails would the *continuum* require the case, with a Joint Evidence Pack (JEP<sup>®</sup>) containing the evidenced pleadings and summary argument, to be filed with the court for allocation to a track. A sealed 'without prejudice' pack evidencing the parties engagement in PAP would be supplied for review, after the decision of the Judge is taken, but prior to the award.
- 2.32 Stage Zero would reduce the likelihood of over-payment of Filing Fees by LiPs, who already pay-by-stealth towards the Criminal Court and Family Court. There is currently a risk that LiPs are over-paying filing fees based on the LiPs interpretation of quantum. It is not reasonable for an LiP to pay a filing fee of £455 for a claim over £5,000 to then be settling for an amount that would only have required a filing fee of £205. Likewise Judgment Orders should not include higher fees than necessary adding to the debt.
- 2.33 The banding of court fees has affected the LiP's Access to Justice. Supported LiPs are choosing to limit the amount claimed to reduce the filing fee. It is not reasonable for an LiP who is claiming £5,000 for a matter evidenced for £6,500 to be mediating, post filing, from an already lower quantum. The mediation should take place prior to the filing of the claim.

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- 2.34 LiPs are also reducing the amount claimed to ensure the claim is allocated to the small claims track or the fast track to reduce their risk of costs. It is not reasonable for an LiP, who is filing a claim with a quantum of £13,000, who seek to limit the value to £10,000, for peace of mind over costs, to then be expected to settle for a further reduced sum. It is equally not reasonable for an LiP, with a claim for £33,000, who limits the value to £25,000 to be allocated to the fast track to be mediating, post filing, from an already lower quantum. ADR should take place prior to the filing of the claim.
- 2.35 Meeting the burden of proof, disproving the defence and directing the dispute are more challenging for the LiP, as, unlike the other players in the court process for whom it is their paid role, the court service, the legal profession, expert witnesses, process servers and enforcement agents - LiPs are having to do this alone around their working and family commitments.
- 2.36 Stage Zero allowing Filing of Claim Summary with Directions Questionnaire and JEP®

Evidenced dispute sent	<i>How can we best explain the facts and present the evidence to reach a settlement?</i>
Evidenced response returned	<i>How can we use evidence to disprove the defence allegations, to narrow the issues and attempt to settle the matter?</i>
Reply to response sent and Claimants Directions Questionnaire shared	<i>How can we use evidence to disprove the Claimants reply, to narrow the issues and attempt to settle the matter?</i>
Disputants Directions Questionnaire shared	<i>Collating the JEP®</i>
Summary claim and JEP® produced	<i>Cards on the table - is there any alternative offer to settle that could be made ensuring filing for a hearing is only used as last resort?</i>
Filing of Claim Summary with Directions Questionnaire and JEP®	

### Human aspect, we are all our own worst enemy

- 2.37 Disputants generally react when overwhelmed in one of 3 ways:
- 2.38 *Foot on the gas*: angry or agitated stress response. They become heated, keyed up and overly emotional so less likely to be able to reasonably discuss the matter.

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- 2.39 *Foot on the brake*: a withdrawn or depressed stress response. They shut down, space out, and avoid engaging so are less able to reasonably discuss the matter.
- 2.40 *Foot on both*: a tense and frozen stress response. They "freeze" under pressure and struggle to do what they need while under the surface they are extremely agitated so are less able to reasonably discuss the matter.
- 2.41 Time and energy is often wasted on unproven issues, consequential losses and allegations of stress, agitation, harassment and fraud.

### Telling the story

- 2.42 Using software to capture and triage identifies the type of dispute or Protocol, but otherwise risks restricting the ability of LiPs to best explain their position.
- 2.43 To capture the dispute, we have the LiP write their story first and supply the evidence they believe relevant, in part to let them vent their feelings (however contained) and know their voice is being heard. They are then taken through developing an accurate, tightly evidenced, chronological claim to put before the Disputant.
- 2.44 When a Claim is documented the LiP sees their voice has been heard. Taking out some of the emotion to make the story clearer and so defusing the situation, can be as important as collating together the evidence needed to prove the facts.
- 2.45 The dispute when told as a story, rather than basing it on a point(s) of law, means the Disputants not being legally trained see more clearly their 'chances of success' based on the evidence held by both sides.

### Cards on the table

- 2.46 Allowing 'cards on the table' discussions is achieved by full disclosure, collated electronically so available online, while also available to be emailed or printed where the Disputants are off-line.
- 2.47 Identifying all the evidence the Claimant is able to gather reassures the LiP they have a claim, or exposes their inability to reach a reasonable burden of proof.
- 2.48 Referencing the evidence in the stories proves the facts of the dispute and persuades the Disputants to engage in settlement.
- 2.49 Capturing the proven facts of both sides of the dispute with copies of Terms and Conditions, Witness Statements, communication trail, SMS, Facebook, Twitter, email, letters, bank statements, receipts, invoices, quotes, independent reports creates an even playing field.

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- 2.50 Checking the factual points by confirming the name, residency or trading/registered address, sourcing alternative mobile and email addresses to chase engagement ensure the pre-action documents are received. Correcting the named person(s) behind a trading style, asking Companies House to halt a strike-off application, marking for the attention of a named recipient in a Limited company, correcting the registered address or using trading address persuade the engagement of the Disputant.
- 2.51 Requiring the Disputants to supply the court with their name and residential or trading address is stopping claimants seeking redress. We have found that the elderly, single people, those who are seeking damages following criminal damage and where the opponent has made threats do not want to have to disclose their address, and contact details to the opponent. The use of a CP service as the correspondence address would enable these citizens to access justice.
- 2.52 Encouraging the LiP to gather necessary independent witness statements soonest is important. Witnesses are more prepared to supply a statement when there is a good chance of settlement without proceedings and are willing to step up to the mark, but as the hearing comes nearer witnesses can be intimidated by the thought of attending court, so reducing the reasonable proof available.

### Non-adversarial settlement

- 2.53 Settlement usually means that both sides have given way to some extent. For the claimant the balancing of feelings of dissatisfaction against spending months in litigation is never easy. The feeling of being wronged adds to the financial loss for many and this worsens as the process continues. These feelings can cause damage to health, mood, productivity, relationships, and quality of life and this worsens where claims are delayed.
- 2.54 We have learnt that it takes time for parties to commit to pre-action discussions and provide a quality, initial pre-action response, as envisaged by the Lord Woolf in 1999.
- 2.55 Setting a firm deadline for an initial Response, requiring the Disputant to express a willingness to participate, prevents the pre-action stage from extending the *continuum* of a dispute.
- 2.56 Prior to offers, parties benefit from having the opportunity to put their position in writing, and to reply to the position and evidence at least once. But we find further exchanges of fact and evidence along with the opportunity to take advice (free or paid for) do narrow the issues.
- 2.57 These evidenced and counter-evidenced communications help contain the dispute and give structure to negotiations or other agreed ADR. If settlement is not achieved the communications are included in the 'without prejudice' section of the JEP®.

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- 2.58 We raise concerns about the integrity of Witness Statements where judgment is to be awarded by review of documents alone and telephone hearings. At present there is no adequate process or method in place for proving of identity, residency or qualification of this often vital evidence in meeting the burden of proof. This risks the integrity of the justice brand.
- 2.59 Structured without prejudice pre-action OFFER TO SETTLE<sup>®</sup> and SETTLEMENT PROPOSAL<sup>®</sup> are ending matters prior to the filing of a Claim.
- 2.60 Persuasion of Disputant parties, through requests for specific disclosure with the inspection of alleged evidence, and general disclosure of the evidence in support of the facts on which they intend to rely, is best achieved by explaining their obligations under PAP and the CPR.
- 2.61 However, preventing delay tactics such as the deliberate making of scheduled payments totalling a lower value, with the intent of making it less worthwhile for an LiP to pursue the remainder, need teeth to be added to agreements in the way the court allows Consent Orders, Tomlin Orders and Calderbank Offers.

### Court as last resort

- 2.62 We believe the Review should not rule out the recovery of some costs by a successful litigant. The absence of cost-risk for an ill-founded, contrary, unproven or vexatious position fails to support the court being used as last resort.
- 2.63 To limit cost-shifting by not allowing for example, non-adversarial legal advice prior to filing to educate the opponent or sanctions for allowing a claim to proceed with no real chance of success, will affect the court's ability to meet the overriding objective.
- 2.64 'Filing' the Claim on conclusion of Stage Zero would give gravitas to the act of 'filing', under the Justice brand, providing a punctuation point to focus the parties.
- 2.65 The conclusion of Stage Zero focuses on the cost risk, imminent time line for the hearing and burden of proof . By fixing Applicable fees for Stage Zero and placing them within the case, they would be added to the forecast of the award along with the Filing fee and potential Hearing fee.

### LiP fees

- 2.66 As a public service it would be fairest for LiPs or ordinary financial means to spread either all or some of the costs of the Court Fees/Enforcement Fees and Stage Zero through their Tax Code over one, two or three years in a similar way to students being enabled to spread the cost of university fees. Prompt filing ensures the matter is current; more easily witnessed, more easily settled, incurs lower interest and could avoid Limitation issues.
- 2.67 An amount could be ring-fenced within the £730 million available for the transition to the digital court for the interim.

- 2.68 Where the defendant cannot pay, rather than won't pay, and the claimant is seeking the security of a Judgment Order, the Admission could be filed along with the Claim under a much reduced fixed filing fee. This would support 'unable to pay' Judgment Debtors (JD) by reducing the amount awarded. Where such an Admission is filed interest could be stopped on the date of filing.

### A higher skilled but smaller workforce

- 2.69 Were the filed claim to incorporate the information gathered by the Directions Questionnaire, it could allow the Judge to review and allocate the Case on receipt by the court, ready for a decision based on documents first, or an online or telephone hearing with face-to-face as last resort.
- 2.70 Court service levels, if Stage Zero were to be delivered, would work towards an imminent hearing date being set within 14 days, with the hearing within a further 28 days, unless evidenced commitments of parties or a doctors letter supplied.
- 2.71 The nationwide re-allocation of Judges alongside the digitisation of the court should allow Regional hearing centre resources to match supply and demand.
- 2.72 Specialisation of the Online Court (OC) and Judges supported by specialist Stage Zero services could match supply and demand by claim type eg tenant and landlord disputes, motor trade claims, construction industry claims.
- 2.73 Is the creation of a separate OC, with separate rules to maintain, separate IT support and separate staff, proportionate? Does it enable the LiP parties to have their claim dealt with justly?

### 3. Stages One to Three – Court

- 3.1 The *continuum* from the Disputants' points of view allows an 'opportunity in the time' between every 'punctuation mark' in the court procedure for attempts to be made to further narrow the issues and/or make offers to settle.
- 3.2 A parallel pro-active 'without prejudice service' running alongside the court process allows Disputants to put a break on heading only towards a trial.
- 3.3 We do not believe the underlying processes and procedures of the court need to fundamentally change. Rather the investigatory approach based on full disclosure and inspection at Stage Zero could replace the adversarial approach for claims with a value below that of the multi-track.
- 3.4 When using the court's Stage One all our supported LiPs have been successfully involving the Small Claims Mediation Service (SCM). For claims with a value that places them on the fast track we are successfully promoting the Civil Mediation Council (CMC) mediation services both pre and post filing.

#### Current court process running in parallel with 'without prejudice' services

- 3.5 Filing and service

*How can we narrow the issues and attempt to settle the matter now the Claim is being filed and any potential bluff by the Disputant has been called?*

- 3.6 Defence/part admission

*How can we use evidence to disprove the defence allegations to narrow the issues and attempt to settle the matter?*

- 3.7 Reply to defence and directions questionnaires, disclosure lists

*How can we make best use of the Small Claims Mediation service, or the Civil Mediation Council (CMC) mediation services?*

- 3.8 Notice of transfer and allocation

*Do we need to file Applications to ensure specific disclosure to narrow the issues and attempt to settle the matter prior to the hearing fee being paid?*

- 3.9 Court Bundle preparation, disclosure and inspection

*Is there any alternative offer to settle that could be made so the hearing is only used as last resort?  
For LiPs, preparing for the hearing runs alongside preparing the court pack or bundle. Great care is taken including supplying the advice from the Bar Council specifically written for the LiP.*

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### 3.10 Trial/Hearing

*Encouraging payment by informing the JD if they settle within one calendar month of Judgment, the County Court Judgment Order (CCJ) will not be registered against them by the Registry Trust.*

### 3.11 Judgment award delivered

*Persuading payment prior to end of calendar month JD given to avoid registering of CCJ.  
Process for obtaining Certificate of Satisfaction to protect their credit rating.*

3.12 IJ incorporates LiP-focused case management for the CP, subject to timelines, that supports workflow, document and form generation, diarising actions and tasks and status messaging.

3.13 Experience has shown that it would be efficient to have a named CP on the court case file. The CP would be named on the case to allow contact regarding court process and procedure, to pro-actively manage prompt and accurate documentation, not as a legal representative.

3.14 Ultimately, by giving trained CPs some access to the case on the court's system, LiPs could be kept informed of their Claim status reducing the need for the courts telephone and email resources.

## Stage Four - Enforcement with teeth

3.15 Judgment Creditors (JC) on being awarded Judgment are owed a greater amount than the original quantum when court fees and costs have been added, while still in the original position. That means, for them, a property that cannot yet be lived in, being without a vehicle to get to work, losing their small business or having to curtail their family lives to pay for others mistakes.

3.16 If the court had to enforce to recover the civil court fees, as the LiP has to do, enforcement would have been given teeth long ago.

3.17 At the present time 'disappointed' does not capture how JCs feel on being awarded Judgment. First time LiP JCs believe that Judgment equates to their being paid what is due and quickly. They are not prepared for enforcement.

3.18 Obtaining judgment is only half-way in the process of obtaining Justice. Enforcement can be equally as time-consuming and stressful as achieving Judgment. Investigation is needed, to give teeth to enforcement and strengthen the brand of the Civil Court for delivering Justice to the ordinary person.

3.19 In civil proceedings, as with criminal proceedings, the defendant party is innocent until the case is proven on the basis of probability. Enforcement is the force that compels payment on behalf of the adjudged wronged party.

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- 3.20 As a democracy we need to step forward very carefully in considering using software to identify the cause of action and meet the burden of proof. Giving teeth to enforcement will only allow access to justice if the digitisation of the service is done fairly, and being transparent is seen to be fair.
- 3.21 The Judicial and Court Statistics published quarterly by the Ministry of Justice, along with statistics from the Registry Trust, 'account' for court service performance in England & Wales.
- 3.22 There were 734,205 County Court Judgments (CCJs) against consumers in England and Wales during 2015.
- 3.23 There were 100,072 CCJs against businesses in England and Wales during 2015.
- 3.24 However, 'accounting' for performance using statistics does not 'measure justice' or build the justice brand. The measure of Justice for 'a model built around the needs of its citizens' is how many CCJs are paid in full and in part and the £m that is recovered.
- 3.25 The civil justice brand will remain at risk while there remains a lack of delivery and transparency of enforcement and a lack of delivery on measurement. Each JC who loses heart, and gives up on enforcement, devalues the purpose of the County Court Judgment Order (CCJ) and reinforces the belief of JDs that they can get away without paying.
- 3.26 Behaviours pre-action and pre-judgment are influenced by the teeth of post judgment enforcement. Enforcement with teeth reinforces all other actions that can be taken to convince the disputants to settle.
- 3.27 If we look at the take home pay in Appendices A and B we can only imagine how devastating not being paid the monies due can be to the winning party.
- 3.28 Where a JD cannot pay the amount owed, taking account of the Protected Earnings Rate, within the 6 years of the judgment debt we should look at a longer repayment period. We are suggesting 10 years. Extending the enforceable life of a Judgment Order to match that of the JD's ability to pay would reinforce the justice brand and is more likely to persuade the filing of an Admission along with the court claim.
- 3.29 We have been struck by just how many *unsupported* JCs have ended up with an unenforceable judgment against an incorrect party. This incurs further unnecessary costs and delays for the JC who can even have to apply to set-aside their judgment and re-serve the documents.
- 3.30 Our experience shows that set-aside requests of default judgments are most common after the start of enforcement. This delaying tactic is being used by experienced JDs, incurring further costs and delay of enforcement.

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- 3.31 It should be possible, immediately on Judgment, for the court to perform a Pre-Enforcement Search (PES) of Government databases, and the collated information be supplied with the Judgment Order. In effect automating parts of an Order for Information, so enabling the JC to select the most effective method of enforcement at the soonest point, while persuading the JD to be forthcoming with their preferred method of payment.
- 3.32 Information including from the DVLA vehicles registered, from HMRC whether the debtor is paying PAYE and the identity of the employer, whether there is private pension provision against which a Charge could be secured on any lump sum, from the Land Registry search of proprietors names for securing a Charge against property, from Registrars shares and securities held against which a Charge could be secured, the list could be expanded.
- 3.33 Where a JD could but won't pay, or won't financially restructure to pay, in effect CCJ avoidance / evasion then the Judge should have the option of allowing ongoing interest to achieve an even playing field. Were the court to produce the PES the award could incorporate interest based on the findings.
- 3.34 The proposed cultural change with the centralising of enforcement is fully supported. There is no reason for court-based methods to be delivered by local courts. However warrant based methods should have close ties with the local court.
- 3.35 With specialist teams giving teeth to enforcement we believe current processes could be greatly improved. With further powers we believe enforcement with teeth could be achieved. As part of the *continuum* IJ JCs have successfully enforced using:
- a) *Court-based methods* - Third Party Debt Orders, Attachments of Earnings, Attachments of Pensions and out of jurisdiction attachments of earnings/pensions, variations of attachments, lifting of the veil of corporate liability, Land Registry searches of proprietors names, restrictions on jointly owned properties, Charging Orders and Orders for Sale, Committal Orders for failure to attend Orders to Obtain Information, and
  - b) *Warrant-based methods* - taking control of property and goods by High Court Enforcement Officers and County Court Bailiffs and
  - c) *Out of jurisdiction*: EU enforcement, Scottish enforcement, Isle of Man enforcement and Northern Ireland enforcement.
- 3.36 Attachment of Earnings (AoE): Centralised Attachment of Earnings Payments (CAPS) should capture the National Insurance number from the employer. Under direction of the court rather than Application by the JC, where JDs move employment new employers should be automatically traced through HMRC and National Insurance number. Employers should be put under obligation to notify of increases in salary. Where employers can be shown to have falsified information sanctions should be administered.

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- 3.37 Attachment of Pensions: on the stopping of payments by the Pension Trustees to the CAPS due to death, the court should alert the JC to enable further enforcement promptly against the Estate. HMRC on behalf of our citizens manages the tax reclaimed for payments made into pension plans. Where private pensions are held and the age of 55 is reached lump sums are available for withdrawal. For JCs owed money a Charge on such securities should be allowed in the same way a charge on property or land is applied for.
- 3.38 Charging Orders (CO): for the LiP the process of obtaining an Official Copy of the Title Deeds requires the sending payment for £7 through the mail. Fewer people have cheque books and postal orders are expensive, a way should be found of incorporating this fee with the CO Application fee and the process being handling electronically by the centralised enforcement service. The securing of the Interim Charging Order requires the LiP to formally identify themselves to the Land Registry by either paying a further fee to a local solicitor solely for this purpose, or attending one of the Land Registry Regional Offices with Passport, Driving Licence and Utility bills. This should not be necessary when a Judgment Order has been awarded by the court. The centralised service should be able to electronically inform the Land Registry of the Interim Order and likewise the Final Charging Order.
- 3.39 Movement of assets. Where back-dating of a Land Registry search shows JDs have added a further owner to Title Deeds meaning only a Restriction can be applied rather than the Final Charging Order, an Order for Sale should still be able to be applied for. Where a property can be shown to have been transferred entirely to another party, including the spouse, likewise an Order for Sale should still be able to be applied for.
- 3.40 Orders to Obtain Information (OOI). For this investigation service to gain teeth it requires evidence of the information captured on the Record of Evidence. Even where explicitly requested the JD fails to bring such evidence. On inspection and checking of the facts supplied eg Council tax based on the band of the property recorded at the local council, number of adults resident at the property, name on a Tenancy, whether JD is named on the utility account, whether the alleged direct debits have been paid from the JD's account, consistently show JDs have little regard for the Record of Examination statement 'I certify that this is a correct record of the answers I gave to the questions in this document'. Where false information is shown to have been supplied sanctions should be applied consistently. Sanctions should be applied and the evidence compelled.
- 3.41 Finally, an LiPs CCJ should be allowed to have a market value. Where JCs need the money there should be a secondary market where they can sell their CCJ for a lump sum. In the same way there is a secondary market for endowment policies. This is relevant to all CCJs, but for LiP JCs who have endeavoured to settle many would prefer to accept less to move on with their lives, while having the reassurance that the JD would be pursued. Were an AoE to be extended to a period of 10 years for repayment this income stream could also be monetised by financial institutions.

## 4. Integration into the present structure

- 4.1 We have been successfully delivering an end-to-end non-adversarial CP service for LiPs, running in parallel to the court process, aimed at reducing the resources used per case and pro-actively supporting the court's duty to further the overriding objective by actively managing cases.
- 4.2 Responses to disputes received have been equally split between online, email and post. Legal representatives' preference being the use of email with paper copies following by post. Only defendant solicitors have failed to engage using the IJ platform.
- 4.3 The more efficient and effective way to support Claimants is for a CP to support them from the Letter of Claim (LOC) through to successful post judgment enforcement. The most supportive way to deliver the option of settlement for the Defendant is to have the same person who can be contacted 'without prejudice' at any time from the LOC to the hearing door.
- 4.4 While it is possible right up to trial (and indeed, up to the time when the Judge actually begins his or her judgment in the case) for the parties to settle the case by reaching an acceptable agreement, to allow this takes trust in the brand, skill and education of the parties.
- 4.5 The knowledge that a JEP<sup>®</sup> is being created in parallel to the Claim, accessible and transparent to all, parties are able to focus their energy on moving forward rather than dwelling on the rights and wrongs of the past, engaging in problem solving, developing options, and building agreement based on common interests.
- 4.6 It takes time for parties to better understand the issues and be better able to see where the other side is coming from. In contrast to legal 'representation', CPs can use their skills to introduce the appropriate CPR/PD and any implications of costs to persuade engagement in a non-adversarial manner. The most important of these are to explain the obligations of the parties to ensure negotiation is conducted with 'cards on the table' and to introduce the concept of proportionality in the handling of a case stressing the fixed costs allowable on the small claims track and the allowable costs on the fast track.
- 4.7 We have found distinct pathways for dispute progression depending on whether:
  - a. a party is un-represented, has taken free advice, has taken legal advice, is legally represented, is using an insurance-based legal service, is outside jurisdiction
  - b. supporting a lawyer
  - c. there are multiple Disputants (more than 2) IJ have supported up to 5
  - d. there is a specific protocol for example professional negligence disputes
  - e. there is a counter-claim raised
  - f. the dispute is for something other than money
  - g. dispute is based on written or oral relationship between parties
  - h. CPR 8 Alternative Procedure for Claims is more suitable
  - i. a party has English as a second language or
  - j. supporting an Disputant party

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- 4.8 The CP role is built on the belief that the resolution of issues of fact and law do not benefit from an adversarial approach. This is not to say that representation and unbundled legal advice add little benefit. To the contrary, where a cultural change in behaviour allows focus on the evidenced facts, legal advice can very quickly convince settlement by clearly expressing 'chances of success'. This is not part of the CP role, it requires professional legal services.
- 4.9 There is a cultural clash between the adversarial approach and the 'cards on the table' approach of the CP. Where the LiP discloses and explains their position using evidence represented parties in general have responded by a denial and the potential legal costs that will accrue should the pre-action dispute continue. Too often the response has been to 'shoot the messenger' and focus on the IJ CP service not the dispute. It has taken at least one further attempt and often several to ask that the issues and evidence are addressed with a view to narrowing the issues and settling the matter.
- 4.10 The clash is only regarding the 'adversarial approach'. We believe that there should be no barriers placed on legal representatives delivering non-adversarial CP services. In fact we believe it would be essential for more specialised and complex claims as the OC develops to allow more and more claim types to be filed electronically.
- 4.11 Generally offers received from representatives have been focused on not accepting any liability, putting forward settlement based on it being cheaper than disclosure of fact and evidence. Sadly such offers fail to address the issues so are rarely accepted, and again, it has taken several further attempts to ask that the issues and evidence are addressed with a view to narrowing the issues and settling the matter. This is not a criticism; it is an explanation as to why we believe this is happening.
- 4.12 The review needs to look at how best to bring together *A Handbook for Litigants in Person, Guidelines for Lawyers* (from the Bar Council, CiLEX and Law Society) and the court's processes when delivering services under the justice brand to LiPs.
- 4.13 LiPs are willing to compromise in an attempt to reach agreement but only when they have enough information about the claim to allow them to enter into negotiations ie *they have all the evidence from the other party*.
- 4.14 LiPs allocated to follow the small claims track use the Small Claims Mediation (SCM) service on the understanding that they must be willing to compromise on the matter, that they have enough information about the claim to enter into negotiations and that they do not require any further evidence from the other party. Why then is SCM being attempted prior to full disclosure and inspection of evidence and witness statements by the Disputants? With the best will in the world this may be efficient but is often unjust.
- 4.15 Those on the fast track are making the offer to use the CMC service providers. This offer is being accepted by opponents, less so where the adversarial approach is maintained. As with the SCM, while an agreement is attempted prior to full disclosure this is likely to remain so.

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- 4.16 We question why LiPs of ordinary financial resources, who are the least experienced users of the court, should be managed using a separate court process, one where those parties able to opt out will want to do so.
- 4.17 In particular defendants are being disadvantaged by not being given access to evidenced claims and allowed to settle for a lesser amount. This failure will mean JDs being compelled to pay unnecessarily greater Judgment sums.
- 4.18 The opportunity identified by this Review to '*de-couple aspects of the provision of a civil court service*' currently 'concentrated under one roof' so creating choices for the LiP should include the CP being able to view the court file status online, and to be automatically prompted on smart phone about hearing dates and times to best support the LiP.
- 4.19 Many reports in the public domain leading up to the publishing of this Review were provided by qualified professionals speaking for themselves and their professional associations. These reports identify the types of claim that the professionals do not believe will ever be suited to the triaged service.
- 4.20 The Review might consider *The Better Care Fund* policy framework December 2014 from the Department for Communities and Local Government and the Department of Health that has transformed services so people receive better and more integrated care and support, ie a *continuum* of support.
- 4.21 Applicable funds levels are already raised in the CPR 43.38. If the LiP were able to spend no more than the funds identified as reasonable under the Fast Track they would have a budget between £485 and £1,650 that could cover *Continuum* Support and legal or independent expert input.
- 4.22 In fairness, the LiP should not be taxed on accessing justice, Stage Zero like court fees should be zero-rated for VAT.

### Easing the burden on the Court of Appeal

- 4.23 Our limited experience of *unsupported* LiPs contacting us to appeal has been where the LiP have failed to understand the procedure directions of the court, going on to repeat the failure when given the opportunity to put the matter right, so having the case struck-out.
- 4.24 These *unsupported* LiPs have misunderstood the CPR for disclosure. Specifically where they intend to rely on documents originating from the other party, they have assumed (as the other party already has copies) that they do not need to disclose by list or make available for inspection copies of these, or provide in their court hearing pack.

## 5. Going forward: Structuring the Civil Court for the LiP

- 5.1 The practical delivery of the OC is not addressed by the Review and so raises concerns that cannot yet be answered. However, based on what we understand:
- 5.2 We believe to manage the complexity and digital integration of an online court with a view to future expansion, the State's IT investment should be focused on the delivery of a 'Digital Court services framework' of which the OC would make use.
- 5.3 The Digital Court services framework would provide a standardised interface and framework through which current and future court systems would communicate. This would provide the mechanism for regulated CP Services, delivering continuous improvement, innovation and competition for example by Protocol or cause of action specialisation.
- 5.4 When representing a party it is the representative driving the Claim on behalf of the litigant. It is very different supporting LiPs to representing a party. Likewise processing a claim through the court is very different to supporting LiPs. The checking of the facts and supporting evidence supplied by the Disputants is only a small part of the *continuum*. This is followed by disproving of the facts by each Disputant. To allow the Disputants to drive the Claim they need to make decisions on how the Claim should proceed. As an interactive *continuum* this necessitates educating each LiP as to the reasons for each decision and the consequences of any options. The OC would have to take direction from both sides with regard to the Claim, defence and any Counter-Claim and counter-claim defence while at the same time awarding Judgment.
- 5.5 The choice of submission method of the claimant has no connection with the submission method chosen by the defendant and vice versa. It is not reasonable to insist the defendant communicates in the same way as the claimant. We believe the Review should be focusing on helping the LiP communicate electronically, where necessary through CP services digitising the documents, and allowing the review of documents in digital form, rather than computerising the court.
- 5.6 IJ and MoneyClaimsUK is just one service that has been delivered and operates at no cost to HMCTS or MoJ. LiPs have taken the hit paying fixed fees for support through the Civil Litigation process. We look forward to reading other LiP support service responses to the Review.
- 5.7 Major innovation in IT structure, software and devices is driven globally by consumers and business needs. Information Technology (IT) will always move at a faster pace than the State.
- 5.8 The State risks creating another legacy system by trialling the 'simplest' disputes using yet further variations on pathway and software that cannot be expanded much beyond very basic claims.

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- 5.9 Referring to "the Reform Principles" that this Review is applying: what is needed is a *'model built around the needs of those who use it'*. We agree a single portal for the LiP to go to start the process is needed. That portal should direct LiPs to competing CP services modelled on the Civil Mediation Council (CMC) access site to approved suppliers based on the needs of the LiP and the dispute.
- 5.10 The Review makes no reference to an expanded service offering hearings on 6 or even 7 days per week. LiPs, in particular those who are self-employed or running small companies, lose out when having to attend a hearing during the working week. Likewise self-employed witnesses. The expenses allowed do not cover the losses incurred. We would like to raise the trialling of hearings on Saturdays as part of the digitising of the court along the lines of the equally challenging changes in the NHS.
- 5.11 Referring to the Review's concerns that *'the diligent LiP will fail to gain a working understanding of the procedure of the civil courts merely by studying the rules'* - it should not be necessary for the LiP to be gaining an understanding of the rules, Practice Directions or Practice Guides. A rule can be explained by the CP at the point where a decision needs to be made. We should heed *A Handbook for Litigants in Person* and focus the LiPs on proving their story and disproving the opponents. CPR experience has shown that rules expand. It is foreseeable that OC rules would develop and and face similar failings.
- 5.12 Referring to "the Reform Principles": *'a system which is accessible - easy to use, digital by design and default and well suited for non-digital users: giving LiPs 'Access to Justice'* starts with the needs of the LiP and the reason they need to resort to court. There should be no concerns about those LiPs who find using an online system impossible, difficult or are simply averse to doing so. Documents received by post, fax and email can be scanned and uploaded for electronic administration and access by other parties and support.
- 5.13 A solution is a single LiP portal enabling the user to choose:
- a. first the support method(s) for them: online, telephone, face-to-face, post, email or a mix,
  - b. then they should be given access to the choice of channels to match the disputes:
    - i. *party focused*: C2C, C2B, B2C, B2B,
    - ii. *dispute focused*: motor industry, landlord and tenant, building trade, IT services, professional negligence, or
    - iii. *regulated claims*
- 5.14 Money Claim Online (MCOL) and the County Court Business Centre (CCBC), as data entry portals, are electronic equivalents of filing paper documents with CCMCC. These reduce costs for the court and add convenience to the user but do not deliver 'Access to Justice' for the LiP.

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- 5.15 Whether the Claim is for a fixed sum, unspecified sum, possession, Part 8 or for something other than money (currently filed through the local hearing centre) it can be filed electronically with the court by simple data transfer by the support service. The court would then be free to allocate, transfer and hear the case as required.
- 5.16 Referring to "the Reform Principles": a *'model which is financially viable'* - services should be based on LiP preferences. The assumption that online, over time, will replace the telephone, email and post is not certain. It is equally likely that at the different stages of the claim process different methods will be preferred. Some services are likely to be broad in their offerings, others will specialise by Protocol or dispute type including Regulated claim management companies, or by method of LiP engagement offering support online or by post, telephone, face to face. The more complex or specialised the dispute, the more tailored or industry specific the pathway is likely to be.
- 5.17 Referring to "the Reform Principles": *'a model which is future proofed designed for 2050 not 2015 with a flexible infrastructure to keep it relevant'* - IJ is one example of an open platform that is available to be used by any provider of CP services that did not want to invest in the IT provision. The CP service provider whether one individual, a small business or a team would be online immediately, opening the market to specialist support, giving services an immediate online presence, for the legal profession, the option for the LiP of being represented at a later stage where claims increase in complexity.
- 5.18 Referring again to a *'model which is financially viable'* - the open platform approach would be a small percentage of the Government's investment cost of the proposed OC, delivered more quickly and could help insulate the court up to 2050 against both innovation and 'Black Swan' events that, more likely than not over the next 35 years, will deliver the next unprecedented or unexpected development. To quote the words of the *Online Dispute Resolution for Low Value Civil Claims* report February 2015, from the Online Dispute Resolution Advisory Group, 'there is no finishing line in the world of IT. Whether or not our specific predictions about future directions turn out to be accurate, it seems to us very unlikely that the supporting technologies will not evolve at all'. An example of IT disruptive technology, relevant to the Briggs Review, is the impact of Cloud Computing that kicked-off nearly immediately after the conclusions of Sir Henry Brooke in 2008. This innovation in IT is allowing the digitisation of the court only 6 years later.
- 5.19 Referring to "the Reform Principles": *'a people strategy which will support our business strategy - so we will need a higher skilled but smaller workforce'* - were the Civil Court's resources to be heavily invested in core claim management skills being the Judiciary, world-standard hearing centre facilities, the hearing, adjudgment and enforcement services with teeth, we believe the court service would best deliver world class 'Access to Justice' for LiPs.
- 5.20 Were debtors to conclude they would be compelled to pay Judgment Orders, more and more should settle to avoid incurring the additional costs of proceeding being added to the debt, so further reducing the number of cases reaching the hearing stage.

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- 5.21 Referring to "the Reform Principles": *'a structure built on the strong, independent and trusted justice brand - but with different channels/experiences for different cases - all consistent with this brand'*. Where parties are represented the pleadings rely on the representative party and the law. An LiP relies on the evidence to meet the burden of proof to allow the Judge to apply the law. Filing LiP Claims after Stage Zero ensures the courts resources can be focused on meeting the needs of the LiP by giving best access to hearings, speed and quality of Judgment. Strength of the Justice brand will only be achieved by properly serving the LiP.
- 5.22 Subject to Stage Zero (as an alternative to Stage One and Stage Two of the OC) together with enforcement with teeth, we believe that within a short period the reputation of LiPs starting disputes supported by quality CP brands, would persuade engagement with a view to settlement rather than facing the additional costs of a trial.
- 5.23 Key will be the development of an NVQ Claim Practitioner (CP) training program to best allow investigation, non-adversarial comprehension/evaluation, ADR and court support.
- 5.24 Court Clerks, also described as Court Legal Advisers (CLA), having completed the academic stage of training to become a solicitor or barrister, advise Judges in accordance with The Courts Act, 2003, the Justice's Clerks Rules, Practice Directions and protocols.
- 5.25 We believe the CLAs structured 'on-the-job induction programme' organised by their court is a good model for the training of CPs. CP training should include work-based NVQs at levels 3 and 4 in Legal Advice, and input from Skills for Justice and/or the Open University.
- 5.26 A module based programme, for example, could include a version of the excellent OU module on contract law and tort law (W202) that explores a range of rights and obligations. This includes how contracts are formed, their terms and how they end. A range of torts including negligence, nuisance and trespass are examined and in set in context of polity and public interest, going on to look at a range of commercial torts.

End

## APPENDIX A - Take home pay of LiPs of ordinary financial resources

### Living Wage

	Yearly	Monthly	4 Weekly	2 Weekly	Weekly	Daily	Hourly
Gross Pay	14,227.20	1,185.60	1,094.40	547.20	273.60	54.72	7.20
Tax free allowance	11,000.00	916.67	846.15	423.08	211.54	42.31	5.57
Taxable pay	3,227.20	268.93	248.25	124.12	62.06	12.41	1.63
Tax due	645.44	53.79	49.65	24.82	12.41	2.48	0.33
National Insurance	740.06	61.67	56.93	28.46	14.23	2.85	0.37
Total deductions	1385.50	115.46	106.58	53.29	26.64	5.33	0.70
Net Pay	12,841.70	1070.14	987.82	493.91	246.91	49.39	6.50

### Minimum Wage

	Yearly	Monthly	4 Weekly	2 Weekly	Weekly	Daily	Hourly
Gross Pay	13,329.20	1,103.27	1,018.40	509.20	254.60	50.92	6.70
Tax free allowance	11,000.00	916.67	846.15	423.08	211.54	42.31	5.57
Taxable pay	2,239.20	186.60	172.25	86.12	43.06	8.61	1.13
Tax due	447.84	37.32	34.45	17.22	8.61	1.72	0.23
National Insurance	621.50	51.79	47.81	23.90	11.95	2.39	0.31
Total deductions	1,069.34	89.11	82.26	41.13	20.56	4.11	0.54
Net Pay	12,169.86	1,014.15	936.14	468.07	234.04	46.81	6.16

### Minimum Wage 18-20

	Yearly	Monthly	4 Weekly	2 Weekly	Weekly	Daily	Hourly
Gross Pay	10,427.80	872.73	805.60	402.80	201.40	40.28	5.30
Tax free allowance	11,000.00	916.67	846.15	423.08	211.54	42.31	5.57
Taxable pay	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tax due	0.00	0.00	0.00	0.00	0.00	0.00	0.00
National Insurance	289.54	24.13	22.27	11.14	5.57	1.11	0.15
Total deductions	289.54	24.13	22.27	11.14	5.57	1.11	0.15
Net Pay	10,138.26	848.61	783.33	391.66	195.83	39.17	5.15

### Average Wage

	Yearly	Monthly	4 Weekly	2 Weekly	Weekly	Daily	Hourly
Gross Pay	26,500.00	2,208.33	2,038.46	1,019.23	509.62	101.92	13.41
Tax free allowance	11,000.00	916.67	846.15	423.08	211.54	42.31	5.57
Taxable pay	15,500.00	1,291.67	1,192.31	596.15	298.08	59.62	7.84
Tax due	3,100.00	258.33	238.46	119.23	59.62	11.92	1.57
National Insurance	2,212.80	182.80	170.22	85.11	42.55	8.51	1.12
Total deductions	5,312.80	442.73	408.68	204.34	102.17	20.43	2.60
Net Pay	21,187.20	1,765.60	1,629.78	814.89	407.45	81.49	10.72

### APPENDIX B - Average Salaries

The table below provides the average earning for each profession in 2016 from The Office for National Statistics.

- **Lollipop ladies** £3,187
- **Theme park attendants** £6,011
- **Bar staff** £7,317
- **Play-workers** £7,400
- **Waiters & waitresses** £7,654
- **Cleaners** £8,067
- **Florists** £8,960
- **Hairdressers** £10,174
- **Fitness instructors** £10,378
- **Shop-workers** £11,174
- **Cooks** £11,346
- **Nursery nurses** £11,163
- **Beauticians** £12,418
- **Window cleaners** £12,561
- **Receptionists** £12,595
- **Care workers** £12,804
- **Childminders** £12,949
- **Telephonists** £14,032
- **Tailors & Dressmakers** £14,482
- **Caretakers** £16,114
- **Secretaries** £16,384
- **Cabbies** £16,416
- **Customer service** £16,525
- **Undertakers** £16,526
- **Packers** £16,820
- **Tele sales** £17,362
- **Chefs** £17,391
- **Gardeners** £17,595
- **Street cleaners** £17,616
- **Butchers** £17,681

- **Hospital porters** £17,748
- **Farm workers** £17,925
- **Traffic wardens** £18,065
- **Travel agents** £18,344
- **Van drivers** £18,744
- **Tyre & exhaust fitters** £18,888
- **Bank clerks** £19,908
- **Youth & Community workers** £20,240
- **Civil servants** £20,330
- **Council administrators** £20,351
- **Vicars** £20,568
- **Security guards** £20,841
- **Plasterers** £21,155
- **Lab technicians** £21,168
- **Fork lift drivers** £21,444
- **Musicians** £21,492
- **Roofers** £21,921
- **Bricklayers** £22,476
- **Painters** £22,700
- **Ambulance staff** £22,854
- **Housing officers** £23,001
- **Bus & coach drivers** £23,095
- **Posties & messengers** £23,178
- **Librarians** £23,940
- **Carpenters** £24,029
- **Photographers** £24,242
- **Farmers** £24,520
- **Estate agents** £24,783
- **Publicans** £25,222
- **Mechanics** £25,238
- **Lorry drivers** £25,602
- **Nurses** £26,158
- **Prison officers** £26,616
- **Welders** £26,735

- **Printers** £26,833
- **Speech therapists** £27,470
- **Plumbers** £27,832
- **Social workers** £28,182
- **Fire-fighters** £28,183
- **Office managers** £28,790
- **Human resources personnel** £28,999
- **Web designers** £29,870
- **Midwives** £30,020
- **Scaffolders** £30,591
- **Telecoms engineers** £32,253
- **Vets** £32,374
- **Hotel managers** £32,470
- **Teachers** £32,547
- **Journalists** £35,117
- **Train builders** £37,613
- **Civil engineers** £38,236
- **Quantity surveyors** £38,855
- **Police officers** £39,346
- **Construction managers** £42,066
- **Architects** £44,024
- **Electrical engineers** £44,430
- **Solicitors** £44,787
- **Train drivers** £45,489
- **Barristers & Judges** £45,571
- **Health managers** £46,629
- **Financial advisers** £46,797
- **Dentists** £53,567
- **Senior police** £58,727
- **MPs Now** £66,396
- **Doctors** £70,646
- **MPs Future** £74,000
- **Airline pilots** £78,482
- **Chief executives** £117,700

## Ministry of Justice Judicial Salaries from 1 April 2015

<b>Salary Group</b>	<b>Salaries with effect from 01/04/2015</b>
1	247,112
1.5	220,655
2	213,125
3	202,668
4	177,988
5	142,745
6.1	132,184
6.2	124,445
7	106,040