

Justice Committee

Oral evidence: [Work of the Master of the Rolls, HC 1387](#)

Tuesday 6 June 2023

Ordered by the House of Commons to be published on 6 June 2023.

[Watch the meeting](#)

Members present: Sir Robert Neill (Chair); Tahir Ali; Janet Daby; Maria Eagle; Edward Timpson.

Questions 1 - 55

Witness

[I](#): Rt Hon Sir Geoffrey Vos, Master of the Rolls.

Examination of witness

Witness: Sir Geoffrey Vos.

Chair: Welcome to this session of the Justice Committee, and welcome in particular to the Master of the Rolls. Forgive us, Sir Geoffrey, but we have some formal matters to deal with: Members must make their declarations of interest. I am a non-practising barrister and a former consultant to a law firm.

Maria Eagle: I am a non-practising solicitor.

Edward Timpson: I am a barrister with a practising certificate, a former Solicitor General, a former chair of CAFCASS, and a former chair of the national child safeguarding practice review panel. My brother is chair of the Prison Reform Trust.

Q1 **Chair:** Our witness today is the right hon. Sir Geoffrey Vos, Master of the Rolls and Head of Civil Justice. We are very grateful for your coming to give evidence. You were appointed Master of the Rolls in 2021. This is the first time you have given evidence to us; I think it is the first time for some while that a Master of the Rolls has given evidence to the Committee. You preside over the civil division of the Court of Appeal and have responsibility as Head of Civil Justice. What else does the role involve?

Sir Geoffrey Vos: May I go back 750 years? The first Master of the Rolls was appointed on 10 May 1286. I am the 98th Master of the Rolls, and I am afraid that they have all been men, but perhaps we will do better with the next one. All those Masters of the Rolls started off as the King's second deputy private secretary—the assistant to the Lord Chancellor. This is relevant to what I think we will talk about today.

Rolling on 750 years, I still have responsibility under the Public Records Act for the National Archives. I am chair of the Advisory Council on National Records and Archives. I still have responsibility for national data, as the Master of the Rolls did all those years ago.

As an interesting footnote, it is unclear how the Master of the Rolls changed from a personal secretary to the King to a judge, probably in the 17th century. The only two of my predecessors you may be familiar with as household names are Thomas Cromwell, who lost his head—I hope I shall not by coming here—and Tom Denning, who was Master of the Rolls for 20 years when I was young.

It is a very historic role. It is 2IC of the justice system of England and Wales and, as you said, Chair, in charge of civil justice. Civil justice is a little undervalued, by society and everywhere, and its importance is often misunderstood. For that reason, I am grateful for the invitation to come today and hope that at the end you will feel more enthusiastic and enlivened by the importance of civil justice to our society, to your



constituents and to the economy of the UK—we can elaborate on that in due course.

Q2 Chair: I am grateful for your preamble. You have, I notice, a couple of side tasks as a member of the LawtechUK panel and as chairman of the UK Jurisdiction Taskforce. I know you have great enthusiasm for digitisation, AI and new technology in the law; how does that feed in to what you just outlined?

Sir Geoffrey Vos: Technology is extremely important to modern society. It provides part—not the entirety—of the solution to many of the problems we face in the justice system, such as access to justice and enabling people to vindicate legal rights and be part of a society where they feel able to take a complaint on any subject—family or civil—and have it listened to and dealt with. Technology is part of the solution.

You mention two organisations. I was in on the ground floor of the Lawtech panel, which became LawtechUK. The idea is twofold: to deal with technology as an enabler of legal services, and the bit I am more interested in, which is epitomised by my chairmanship of the UK Jurisdiction Taskforce—the use of technology to enable English law to be the foundation of digital technology nationally and internationally.

It is much misunderstood that English law is the USP of our country. It is incredibly important. We have a wonderful system of law that is attractive across the world. The UK Jurisdiction Taskforce is so named because what it is trying to demonstrate is that English law can be an enabler—a foundation—for the use of digital technology, of artificial intelligence, of blockchain around the world. That is what UKJT is doing, and I can tell you more about it if you are interested.

Q3 Chair: We may well come on to that. I have read a number of your speeches—sometimes, I have heard them—in which you argue passionately and powerfully about the importance of civil justice. I think that the phrase you use is that it is not apart from society but integral to it. Accepting that, as most of us do, it poses the question: does the civil justice system do the job that we expect of it? Is it up to being that integral part of society?

Sir Geoffrey Vos: I am the first to accept that civil justice is by no means perfect as we sit here today. The work we are doing is likely to improve and enhance civil justice significantly over the next few years.

Digitisation will improve access to justice. It will enable people to vindicate legal rights and to settle legal problems in every field much more quickly, much less expensively and without so much delay and fuss.

The constituents whom you represent want to have their problems solved without fuss. They want to know where to go. They want to know how to do it. They want to get legal advice, if they need it, and they want to get problems settled as quickly as possible.



HOUSE OF COMMONS

The reason why that is so important to the country is that if you are distressed by a legal problem of any kind—you probably know this—and have, say, received a letter stating that a builder wants to charge you a hundred quid extra for this or that and you don't agree, you will be preoccupied by that small problem and will spend the morning worrying about it, rather than doing what you should be doing: being economically productive.

A matrimonial dispute with your partner will be even worse and more long-lived. It will reduce your economic productivity, cause you stress, make you a less useful person to the economy and give you other problems, which we can talk about.

The resolution of problems is essential to the good operation of our society. It is not often realised that there are by my calculation—a rough and ready one—about 12 million to 15 million disputes of the kind I am talking about that arise and need to be resolved, out of a population of 60 million to 65 million. If we let those fester, we have real economic drag. We have real stress within the population and we have much less productive people.

I am very keen to create a digital system that resolves as many problems as quickly as possible and allows people to get on with their productive lives.

Q4 Chair: Many of those disputes may not come anywhere near a court in the traditional sense. Is it fair to say that we are thinking about dispute resolution in a broader context than traditional civil justice in the way we might think of it?

Sir Geoffrey Vos: For many years, the tail has wagged the dog. Everybody thought that civil justice was only for resolving disputes in courts up and down the country. In fact, even for civil claims issued in the county court, less than 5% come to a judge; they are all resolved in some other way. The number that are started by way of court proceedings is very small: 1.7 million or 1.8 million county court claims a year. There are many more disputes—many more problems that people have—before you get anywhere near a court. The change that I have tried to suggest is that we should be thinking more holistically about the resolution of people's civil problems.

To answer your question about whether it is doing a good job, some of it is doing a very good job. There are delays that have been very serious in some places, but they are not universal. It is doing a good job in the sense that judges resolving cases at the pointy end of my millions of disputes are doing a very good job, but it does not get to them quickly enough. We must use all the tools and facilities at our disposal to resolve things earlier and more cheaply and let the really difficult disputes get to the judges more quickly for them to resolve them, as they do now, extremely effectively.



HOUSE OF COMMONS

The public have confidence in judges, I am pleased to say: 68% of the public said they had confidence in our judiciary.

Q5 **Chair:** It scores better than some institutions.

Sir Geoffrey Vos: I make no comparison.

Q6 **Chair:** How do you wrap the opportunities and challenges you have identified into your priorities as Master of the Rolls?

Sir Geoffrey Vos: Since being appointed, I have said that I have three priorities—the three Ds. We have talked a bit about digitisation, but we have not talked about data, which is incredibly important and, again, digitisation will help us with it. Historically, we have had poor data recording of civil claims. Other claims—criminal, family and administrative—tend to have better data because they do not settle, as civil claims do, without anybody being told. Digitisation will enable us to have better data, and if we have better data we can manage the system better and achieve some of the goals I talked about.

My third main focus is diversity. I am not personally responsible in statute for diversity; that is the responsibility of the Lord Chief Justice and the head of diversity, Lady Justice Simler. Every judge should have a dedication to creating a more diverse judiciary. I have been vocal in that regard and I intend to continue to be vocal.

We are working very well. We—the Chief Justice and Lady Justice Simler—have introduced some excellent measures, but we must never be complacent about that; it is very much work in progress.

Chair: Having set out that overall picture, perhaps we can drill down into some of the specifics.

Q7 **Maria Eagle:** The Committee's report on court capacity published last year noted concerns over delays in the county court, particularly in London and the south-east. A piece appeared in the *Law Society Gazette* on 1 June setting out the figures for the latest quarter, showing that small claims and multi and fast-track claims are taking longer to reach trial than they did in 2022. For January to March 2023, it took on average a year between the small claim being issued and it going to trial, which was a week longer compared with the same quarter in the previous year. For multi and fast-track claims, the figure is 79.9 weeks—6.3 weeks longer than for January to March 2022. During the same period, there was a 24% cut in the annual number of claims being submitted.

I know there is a difference between a stock and a flow, but I am interested in your assessment and whether it is a concern to you. If you are concerned, how do you intend to tackle it and get the trend going in a different direction?

Sir Geoffrey Vos: We are tackling it on a number of fronts. Of course I am concerned about delays but, as I indicated in my introduction, the data is slightly misleading. Many cases—not those that get to a judicial



resolution, but those that do not—are proceeding much more quickly than ever before through the system.

Online damages claims and online civil money claims have led to a tripling in the speed between issue and directions. That is for all claims, and some 400,000 claims have gone through online civil money claims. Nearly 100,000—don't hold me to the figure—have gone through online damages claims, and 90% of damages claims are now brought online, and the speed with which they reach directions has trebled.

A lot of things are happening more quickly but, as you point out, the absolute time for the very few cases that go to judicial resolution is longer—too long. Why is that? There is a lack of capacity at the district bench, particularly in London and the south-east. I do not know the precise figure, but we have around 60, 70 or 80 too few district judges.

Family cases have—let me use a moderate word—gone up. There are more than there used to be and they are taking longer. The district judges who are going to try the small claims you are talking about are preoccupied and have to deal with urgent family cases in priority, very often, to civil cases. That has led to delays, particularly where the capacity of district judges is down.

Generally, outside London and the south-east, district judge capacity is not too bad. Where we have too few full-time district judges, we make up with deputy district judges, who are an important part of the workforce. We do not have enough judges. During covid, everybody has faced certain administrative issues that have led to delays and cases being adjourned when they should not be. That is being rectified.

Broadly, the figures you are talking about are better. It is true that cases came down during covid, but they are now going up again. There are success stories. Possession claims are being dealt with as quickly as they were before covid. Even small claims are only a matter of days worse than they were last year. I am very optimistic that, as we appoint more district judges and deal with the competition for judge time between civil and family, which we are doing, we will see that come down.

We have taken active measures to deal with this problem. We have started a virtual pilot using remote hearings to clear backlogs. We have put in place the ability to use district judges from one place hearing cases in London and the south-east, where there are serious backlogs. We had a blitz of cases in the court vacations using the big buildings in London to hear cases when nobody else was using them. We have tried desperately to take paperwork off the docket of district judges by making automatic orders and getting legal officers to make orders. We have been through a raft of measures to free up capacity to get times down. I am pretty confident that with digitisation, which speeds up the earlier stages, and the other measures we are taking, the times will come down.

Q8 Maria Eagle: Do you have a timescale within which we might see a



downward trend?

Sir Geoffrey Vos: I have the report in front of me. We are beginning to see a slowing, and we will see an improvement—I cannot look into a crystal ball—in a fairly short, discernible period.

Q9 **Maria Eagle:** On recent court visits we have heard that it is particularly difficult to retain court staff. Is there a concern about retaining perhaps not district judges and judges but HMCTS staff needed to run the system? Is that issue impinging on courts' capacity to deal with the workload?

Sir Geoffrey Vos: I am not responsible for HMCTS or its staff. Judges and their staff get on incredibly well in local courts, but there are sometimes problems with retaining staff and losing experienced staff, particularly in subjects such as listing. Listing is a judicial function, but it is important that the staff who know how to do it are retained.

Yes, there are problems, and there have been problems through covid, but we are working closely with HMCTS. It is not so much the number of staff that causes errors but the errors caused sometimes by inexperience. Losing experienced staff is a serious question, but I am not responsible for it.

Q10 **Chair:** I am looking at, for example, figures on the average time between issue and trial in multi and fast-track cases—not the sort of thing that you dealt with in practice in the High Court and chancery division, but they are significant, none the less. There could be substantial money claims for a small business, or PI claims. Nowhere in the country are you going to get from issue to trial within a year. For some businesses, that cash flow can make a real difference to their viability, can it not? Is that a satisfactory state of affairs?

Sir Geoffrey Vos: The reason for it is that so many cases settle. Most of the cases are resolved because they are resolved before they get to a judicial resolution. You are asking me: is it right that if you ultimately need judicial resolution you should have to wait so long? In a discernible number of cases the parties do not want the case to come on quickly. Civil cases are between two autonomous parties who have their own view of when the case should be heard.

Of course, you are right, but if a claimant has money outstanding and a defence is raised that is not a good defence, that claimant should be able to have their rights determined as quickly as humanly possible. In some cases where it is a complex question and there has to be disclosure of documents, expert evidence and witness statements before you get to a trial, it can take some months, and it is not the court's fault in every case. Sometimes, lawyers want cases to go a little more slowly so that when it gets there it is well prepared.

Please remember that we are talking about a tiny number of cases compared to the large number of disputes that I was talking about earlier. Most of those disputes are resolved by different means in the



HOUSE OF COMMONS

intervening period. That is why I find these figures interesting but not conclusive.

- Q11 **Chair:** What about direct evidence from constituents? I was speaking to some lawyers yesterday, one of whom said, “Most of my colleagues and I have given up on the county court.” Essentially, it does not do the job it is supposed to, and they quoted to me a case involving trust funds worth more than £200,000. A £10,000 claim fee was paid to start the case. Proceedings were issued on 30 November last year. The claim was not processed until the middle of January 2023. Two months had gone by. There was concern that the trust’s assets were being dissipated, with it taking that time even for the claim to be processed. No defence was entered. Judgment in default was applied for on 7 April but it still has not been issued. That is a straightforward case; that is not acceptable, is it?

Sir Geoffrey Vos: Two things: the fees are not my responsibility—that is a Government policy issue, for which I have no responsibility—and the time will be speeded up massively by digitisation. That is not a personal injury case. It could be started digitally and there would be not much time between issue and service and then defence in the digital process—these are very short timescales. That trust case will be digitised, but not immediately.

It is a very small number of cases compared to the ones that are going through quickly. Your constituent may be a solicitor or an individual who has that sort of problem, but at the moment I am very concerned about the majority. That is why I am so keen to digitise the system whereby the majority of cases can go through really quickly. That is what we are doing.

- Q12 **Chair:** Do you think that will help with the money claims court?

Sir Geoffrey Vos: Very much so.

- Q13 **Chair:** The figures that I have cite 33 working days to process applications that do not require a judge, but 63 working days if you need a judge. How much will digitisation be able to shave off for those cases?

Sir Geoffrey Vos: I don’t know where those figures come from.

Chair: A practitioner.

Sir Geoffrey Vos: Cases that go into online civil money claims are processed immediately. We have some fantastic figures on the speed of resolution—literally within days of claims being brought through OCMC, in many cases. As I told you earlier, the speed from issue to directions is three times faster in the digital space.

- Q14 **Chair:** You have helpfully indicated what work is being done around the recruitment of fee-paid judges to take up some of the slack and move cases into different parts of the country with the virtual region. About 85% of the work in the county court is done by district judges—perhaps a bit more.



HOUSE OF COMMONS

Sir Geoffrey Vos: No, that does not ring a bell. You mean civil work.

Chair: Yes.

Sir Geoffrey Vos: You are suggesting that 95%—

Chair: Don't hold me to that figure. I think that the Lord Chief described them as the backbone. I am sure you will agree with that.

Sir Geoffrey Vos: I think that the figure—I am guessing—is between a third and a half of full-time district judges, perhaps a third; I'm not sure. Deputy district judges do a lot of it. You have to be careful with these figures, because it depends on the kind of case. The full-time district bench will generally do a different kind of case from the deputy district bench—not always, but generally.

Q15 **Chair:** I get that. Do all the deputy judges we recruit have experience of civil litigation?

Sir Geoffrey Vos: Interestingly, most people recruited to the deputy district bench—again, I am not giving a clear figure, but I would say the majority—come from civil practice. Many of them end up doing family work, and there has to be a crossover because we have such a large volume of family work that needs to be done.

Q16 **Chair:** How would you describe morale on the district bench?

Sir Geoffrey Vos: It has been very bad, but I think it is improving. The Chief Justice and I have spent a great deal of time trying to find ways to improve morale. The district bench has felt overworked. It has felt unsupported by adequate staff. Covid was a very bad time for all of us and our population and also for the district bench.

I think we are turning a corner. Some of the measures that I mentioned have been taken specifically to make district judges feel appreciated and ensure their workload is not excessive, so that they can cope properly and feel properly supported by proper staff.

Q17 **Chair:** Has the Judicial Office done any research with HMCTS on how well the attempts we have made so far to bring digitisation into the county court are working in practice? Is it quicker to do the box work digitally than on paper? Logic says it should be, but is that working in practice? I am told it can be quite clunky to use the systems.

Sir Geoffrey Vos: Digital systems are clunky when you start to use them, but, when you get good at it, it becomes much quicker and easier. There have been teething troubles. Some district judges find it difficult. Some love it. Many would like—or wanted, some years or months ago—to go back to ticking boxes on a piece of paper and carting around trolley loads of papers.

The fact of the matter is that the future does not lie with trolley loads of papers and files that can be lost, when a digital system can cut out a vast



amount of intermediate work through the judge simply making an order that is issued digitally, immediately. That is what is now happening.

I understand, from the district judges' point of view, that it is a transition, but it is a transition that is imperative for delivering better access to justice, at a better speed, for the people we serve—those with disputes in our communities.

Q18 Chair: Understanding that this may depend partly on funding, which has to be negotiated between the Lord Chief on behalf of the judiciary and Government, do you have a sense or ambition as to when we will be able to say we have got rid of the paper-based approach in the county court?

Sir Geoffrey Vos: We will not completely get rid of it within this HMCTS reform stage, because there will be cases, like insolvency cases and trust cases, which you have mentioned, that will not be digitised in this stage. There are a lot of those cases. They are not a lot compared to my 15 million, but there are a lot.

I am very optimistic that we will be able to continue the digitisation process after the reform project completes next year, and I am absolutely certain that, if we are able to do so and funding is made available, it will be transformational for the people who want to have their disputes resolved.

I have not mentioned, but I think it is worth trying to explain, that my vision for civil justice in the future is that anybody who has a dispute—a problem of any kind, with their neighbour, spouse or partner, employer or anything—will be able to go online to a landing page at what I call the first tier of my putative funnel and get early legal services and advice online. They will be able to be directed to the right dispute resolution process, whether it is mediation or an ombudsman, or a pre-action portal of some kind, to resolve the particular dispute that they have, very quickly. Only if that second-tier process fails will their data be transmitted by application programming interface, or API, into the justice system.

The thing to realise is that it is critical that we always have an effective, state-provided justice system populated by independent judges. That is a fundamental of the rule of law. But my vision for civil justice is to be able to deal with the complaints and problems of individuals much more quickly than we do at the moment by using technology. I am pretty optimistic that that is happening.

I am going to chair the Online Procedure Rule Committee. You will know, Chairman, that under section 24 of the Judicial Review and Courts Act 2022 that committee will have responsibility not only for the digital justice system but for the pre-action processes and stages. That is going to be transformational, because it will enable us to provide coherence and some form of governance to the pre-action space. It will enable us to allow individuals with a problem that they want resolved—which is what you hear every day from your constituents—to go online and get put in



HOUSE OF COMMONS

the right place much earlier than at the moment. That is an economic advantage for the UK. It is really important and we are doing it.

Q19 Janet Daby: I am going to move you on to focus on early legal advice. The Government are undertaking an early legal advice pilot in Middlesbrough and Manchester. What is your assessment of how targeted legal advice could be integrated within the civil justice system?

Sir Geoffrey Vos: That is exactly, really, what I have just been talking about. The landing page—the on-site tier 1 of the justice system—has to be a stage where those who need advice go online and get it, at that earliest possible stage. That is a difficult problem, because many people who have an issue do not really understand what it is that needs to be resolved.

Dame Hazel Genn did some research and discovered that, effectively, there is a cycle of despair. People lose their job, then have a problem with their partner, then there are possession proceedings for their home because they cannot pay the rent, and they become ill. All those problems are related.

You may go online with a legal problem—say, possession proceedings for the property where you live—but it may not be the main problem. That might be domestic—a matrimonial problem—or an employment problem. Early legal advice, to come back to your question, is central.

As you say, there are pilots, and we do not yet know how successful they have been. We do not get the report until July. Hopefully, they will be successful. I know that the new Lord Chancellor is extremely enthusiastic about early legal services and advice—ELSA—and so am I. I hope that the landing page—the first tier of the digital justice system—will be able to provide that legal advice. Obviously, I cannot deal with the funding of it; that is a Government issue—but if it can be funded it should be part of the coherent whole that I have been speaking about.

I will say one more thing. The revolutionary and groundbreaking thing in the UK that is not being done elsewhere is the integration of public and private services for dispute resolution. Of 15 million cases, 5 million go to the magistrates court, even though they are civil cases and really only about collection of council tax—recently we have all heard about collection with regard to the changing of meters for energy supply. There is a raft of different cases within that system.

The way I see it, coherence needs to be brought to what is being resolved by the courts and what is being resolved by other methods that can often be effective—mediation, ombudsmen and portals of different kinds. The OPRC will give the structure and coherence, and make governance rules for that space. It has never been done before. If it works, which I am really confident it will, it will enable people to get to the right place much more quickly than they do at the moment.



HOUSE OF COMMONS

I bet you all have constituents who have come along and said, “I don’t know where to go. I don’t know how to deal with these problems. I need early legal advice and to be sent to the right place as quickly as possible, and not to have to spend a lot of money in the process.”

Q20 Janet Daby: Earlier this week I was speaking to the Law Society, and there was mention of the previous system, the green form system.

Maria Eagle: Some of us remember it.

Janet Daby: A few of us may remember it. They talked about its importance for getting access to legal advice. They did not suggest going back to that system, but how does the pilot compare with that previous early intervention?

Sir Geoffrey Vos: I cannot compare, because although I am very much old enough to remember the green form system, I do not remember the details of how it worked. I think you used to get £25 of free legal advice from a solicitor. I see that Ms Eagle does remember. I do not know precisely how the pilot works, so I cannot really give you a proper comparison, but I know that the answer is advice online, absolutely. That is what we are going to have to look at.

Q21 Janet Daby: I am interested to know whether you are having any engagement with the Government on the potential uplift for civil legal aid practitioners.

Sir Geoffrey Vos: Legal aid is very much beyond my purview—it was not when I was chairman of the Bar in 2007, but that is a very long time ago. Legal aid is something for Government. I know that the legal professions have very detailed discussions with Government about it. Obviously, I am concerned for the early legal advice within a digital justice system, but paying for it is not, I am afraid, really my area of expertise at the moment.

Q22 Janet Daby: Does the civil justice system do enough to support litigants in person? How far can the courts go in adjusting the rules of procedure to support a vulnerable litigant or witness?

Sir Geoffrey Vos: It is a big subject, vulnerable parties. The whole purpose of a digitised system is to make it simpler, and easier to access, and to make the whole process more accessible and easier to understand. The legal system has been a mystery to most of the people of this country for decades—for centuries. Digitisation makes it easier, because you go online and answer questions. Every system is designed to be usable by litigants in person. The whole purpose is to allow litigants in person to pursue simple claims themselves.

If you ask, “Is it working today and is that the position today with every type of case?” the Chairman might say, “Not for trust cases or insolvency cases,” and he would be right, but it is already easier than it was for litigants in person to pursue claims.



HOUSE OF COMMONS

Financial support is, again, outside my purview—that is a Government question—but I am absolutely dedicated to making sure that vulnerable parties have access to the system and can operate it, or that, where they cannot because of digital disadvantage or disablement—whatever the right word is—the systems make sure they can get the necessary help. We are very concerned to make sure that digitisation does not exclude.

Q23 Maria Eagle: Briefly going back to the green form, or your new modern version of it—the online green form, if we can call it that—do you envisage that the advice people can get in that way will come from real people? Or will this be one of those examples where we end up with chatbots and artificial intelligence giving generalised advice? There is clearly quite a capacity for algorithms and learning to start giving general advice in general situations. Do you see that as the future, or do you envisage early advice being given by actual people who might be legally qualified to give it?

Sir Geoffrey Vos: I do not think we know at the moment. It is too early to say what the use of artificial intelligence might be in that system, but I know one thing: that people who have the problems that some vulnerable people have, of the kind I mentioned—the cycle of despair with employment, matrimonial and property problems—nearly always do need advice from real people.

I went to America last year and had meetings with the Legal Services Corporation in Washington and in one of the states. I went there specifically to talk about the digitisation of justice and legal advice. I learned something really interesting. They do not have legal aid in the way we do. We obviously do not have blanket legal aid either. Their equivalent is to provide legal advice online from real lawyers, but it is available only online.

I can envisage through the pilot, and through what we are talking about in the first stage of my putative digital justice system, having real legal advice—not just artificial intelligence chatbots—giving advice to the people who need it, at the earliest possible stage. I am looking forward to working out, through the OPRC, how to make sure that that is properly regulated and effective. You will know from what you have heard that I am not opposed to artificial intelligence because it is artificial intelligence—it can serve a very good purpose—but we must not, and I do not, lose sight of the fact that real people need real help.

Q24 Edward Timpson: Sir Geoffrey, may I take you on to the issue of costs and, in particular, the recently published costs review, from last month, which I think you asked the Civil Justice Council to undertake? Having now received that and gone through some of the recommendations—in particular in the areas of cost budgeting, guideline hourly rates, costs under pre-action protocols and other areas—do you think certain recommendations should be prioritised? Do you have particular workstreams in mind to help to bring them into reality?



HOUSE OF COMMONS

Sir Geoffrey Vos: Yes, let's go through them. There were fairly simple recommendations on guideline hourly rates, which we are in the process of trying to implement, so that the rates will be kept up to date better than in the past.

On cost budgeting, there was a nuanced answer from the report. It said that cost budgeting has a place in civil justice, and that we should retain it, but that changes should be made. I hope that that will be taken forward by the CPRC over the next few months. It will take a bit of time because they recommended that further steps be taken to look at different parts of the problem. Cost budgeting has proved its worth but can also be time-consuming and give rise to delays. It is necessary to use it only in the right way, for the right cases. That is what we are going to try to do.

The Government, as you will know, are introducing fixed recoverable costs up to a much higher level—for simple cases up to £100,000—from, I think, October. I shall be corrected if I am wrong.

Edward Timpson: Yes, 1 October.

Sir Geoffrey Vos: The rules are in place for that to happen. That is going to change the landscape a lot, because of all cases—I know I keep on talking about tails wagging dogs—most are not more than £100,000. So we will have a shift from a lot of cases where costs are not fixed, to a lot where they are. That will be a big change and will take time to bed in but, broadly, I think it is a good thing and hope it works.

Q25 **Edward Timpson:** Do you share any of the concerns that have been raised about how the new extension of fixed recoverable costs may start to dampen access to justice?

Sir Geoffrey Vos: I do not think it will. My experience is that if you say, "This case has to be done for a certain amount of money," it will normally get done for that money. Of course, there are exceptions, but then, there are exceptions to the system. As lawyers, we tend to think, "I remember that really difficult case I had that was only worth £50,000, but it was of signal importance to everybody and could not possibly have been done within a fixed recoverable cost limit." The answer is that you would then go to court and say, "This is a special case, and there are special reasons." I do not think it should affect access to justice provided that it is properly used and that there are proper safeguards, which I expect there to be.

Q26 **Chair:** Could you help me with one thing on that, Sir Geoffrey? The Government have extended the fixed costs regime to medical negligence cases. That was not in the review by Lord Justice Jackson, as he then was. He did not recommend it in relation to med neg, although he did in relation to other matters, as we know. I am not asking you to comment on the merits of the policy, but were the judiciary consulted about that?

Sir Geoffrey Vos: I don't know, is the answer, I am afraid, Chairman. We have been having discussions about medical negligence proposals. It



HOUSE OF COMMONS

is a really big and difficult issue. I know the Government have been thinking about it, but I cannot now recall whether that specific issue was the subject of consultation.

Q27 **Chair:** Do you envisage any practical impact on the operation of the courts from the extension of fixed recoverable costs to medical negligence cases?

Sir Geoffrey Vos: I am sure there will be. As I say, it covers a very large number of cases, so I would expect there to be a practical implication. It is quite difficult to predict exactly how it will pan out.

Q28 **Chair:** Might it make extra burdens on the courts? Or is that too difficult to say at this stage?

Sir Geoffrey Vos: I would have expected lesser burdens because, of course, costs will not have to be assessed.

Q29 **Chair:** So you would take that bit out of it.

Sir Geoffrey Vos: I would take that bit out of it—and of course it takes a lot of cost budgeting out, as well. I think it will reduce the number of interlocutory hearings, but I am slightly speculating.

Q30 **Chair:** I understand. That is fair enough. I want to come on to court reform and digitisation, some of which we have talked about already, so we can perhaps deal with it fairly quickly. I am interested in this: you have talked about the overall reform programme, which we are now told is due to conclude in 2024; how confident are you that that will be the case, from the discussions that you have had?

Sir Geoffrey Vos: I think it is not a programme that can really just conclude. There cannot just be a cut-off, because something entirely new has been created, which will continue to develop. Whether it develops through what we call business as usual, or through the reform programme, is not really to the point. The system will have to continue to improve and be supported and start to be expanded and extended to different types of case.

I am very confident that we will be able to continue to do that, and that some of the delays that you have taxed me with in the last few minutes will be resolved by the digital justice system. Here, I am talking about the court delays at the bottom of my funnel, within the online court system that courts and judges have control of.

I am quite confident that it will continue. I think it will go through different stages. There will need, for example, to be specific projects to extend digital justice to the kind of case that is excluded, that we have been talking about, but I am not too worried about that because the platforms that have been developed by HMCTS are pretty well extendable to different types of case. We have seen that, because we have seen that the basic platform is not dissimilar for family cases, tribunal cases and civil cases, because whatever the type of case there is always one person



complaining and one person against whom the complaint is made. The process is very similar, whether it is an employment tribunal, family case or civil case.

I visualise the system being expanded to cover the gaps over time. Obviously, in the end there will need to be some money for that, but that will be a discussion in the future.

- Q31 **Chair:** Are you satisfied that there are adequate arrangements to make sure that the needs of the court users, be they advocates, lawyers, judges or court staff, are fed in to those who are developing the systems? Sometimes, there has been a concern that there is not enough end-user involvement in the way public systems are developed.

Sir Geoffrey Vos: It is a really big question. I think it is being done extremely well, but there are glitches and there have been complaints by some that there is not enough end-user involvement, and complaints by some judges that they have not been listened to.

I will tell you why that has happened. It is quite an interesting problem. Judges think—perhaps I should not put it this way—that they are in charge of the judicial process, and they should be in charge of the judicial process, but when you digitise you have to have a certain level of uniformity. If a judge in Brighton says, “I always make an order that the money shall be delivered at the end of Brighton pier—and that goes in my order,” the programme, when things are digitised, says, “You cannot make that specific order about delivering the money at the end of Brighton pier. It is stupid. You just say it will be delivered, and that will be good enough, and that works in Wigan as well as Brighton.” The judge says, “No, but I have always done that. I am in charge and I think it is absolutely imperative.”

There are those tensions, but they are being resolved. I think they are being resolved sensitively, but as you will know—because you hear complaints from people who think they are not being listened to—little problems, shall we say, arise. I think HMCTS is doing a very good job on that.

- Q32 **Chair:** That is helpful. Are there any digital concerns around, for example, the money claim online service?

Sir Geoffrey Vos: No. I think the money claim online service has been a great success: there is 95% user satisfaction. People love it, because they can go online and get a result very quickly—they do, and they have. It is going very well. There are internal problems with the platform on which it is based that have had to be refactored. That is being done, but it will not be noticed by users.

- Q33 **Chair:** A bit of a concern is raised sometimes with all digital platforms, of which this is one example, about access-to-justice issues. For example, there are those who may have some vulnerability or difficulty in accessing digital platforms. From the experience of civil judges, are you



seeing much of that? How is it dealt with, if it arises?

Sir Geoffrey Vos: I mentioned it earlier in answer to Ms Daby: the whole principle of digital justice is that the system is designed to be accessible to ordinary individuals. Secondly, for those who cannot access the system because they do not have the internet, or the right devices, facilities are provided in every case so that they can still get justice. We should realise, of course, that the vast majority of our population now do have access to the internet, but we also need to make provision for those who do not, and we have done and are doing so.

Q34 **Chair:** And you are happy with that. Mediation is seen as pretty central to this. You talked about it as being almost a norm. Is that central to the money claims portal as much as anything?

Sir Geoffrey Vos: Yes. Mediation is extremely important to understand. We have to look at the delivery of justice holistically. Mediation is an essential part of it. It fits in at different parts of the system. If you have a problem, most problems can be mediated at some stage, but you have to do it at the right stage. It may not work the first time. You may have to try again.

The integration of mediation is far easier in a digital system than it is in an analogue one. I am confident that, in the funnel arrangement that I have described, mediation will be integrated and lead to the resolution of most disputes more quickly than would have been the case before.

Q35 **Chair:** Can I raise one particular digital aspect of claims—the official injury claim portal, the OIC, that was established? That was intended to speed up and simplify the process in relation to road traffic accidents, for example, and related claims. Has it actually speeded up the processing of claims, as things stand?

Sir Geoffrey Vos: There is a lot of research going on into precisely what has happened to the claims. I think that 400,000 or 500,000 claims—I may have got the numbers confused—have gone into that system. I do not know whether they have been speeded up and what the figures show for all the outcomes. I do know that the process is very user-friendly. Despite it being user-friendly, accessible and designed to be used by individuals, in reality 90% of people using that system are represented by lawyers. That is a slightly strange figure. That needs to be looked at and is being looked at. It is early days. It was introduced only in May 2022, I think, so it is quite early days to draw conclusions, but it should be a good system for people wanting to claim for small injuries.

Q36 **Chair:** I notice you use a certain caveat: you say “it should be”; you are not certain as yet.

Sir Geoffrey Vos: It is hard to say. A lot of cases go in and not many cases come out to the court.

Chair: That is clear, isn't it? There is very little coming out the other end.



HOUSE OF COMMONS

Sir Geoffrey Vos: Which is good, because that is the idea. The whole process is designed to resolve the dispute, but there is a cohort of cases within that and at the moment we do not quite know what happens to them. That is where the jury is out, if I can put it that way.

Q37 **Chair:** Clearly, that needs to be resolved fairly quickly to understand it.

Sir Geoffrey Vos: I do not know that it needs to be resolved. It is being looked at at the moment and I do not know the answer.

Q38 **Chair:** I am told that the pre-action protocol on the OIC portal is about 150% longer than the old MOJ claims portal. Is that the sort of thing you expect to be sorted out and looked into as we go forward?

Sir Geoffrey Vos: I do not know the answer to that.

Q39 **Chair:** Is that the level of detail that you as Head of Civil Justice are made aware of?

Sir Geoffrey Vos: It will be something for which the OPRC will have responsibility, but is not something for which I have responsibility at the moment as Head of Civil Justice, because it is not a court process; it is a pre-action process. Although I am very interested in it and its operation, because it takes away a whole raft of cases that would otherwise come directly into the court system, the history, as you know, is that 600,000 cases a year used to go through the RTA portal, which is still in place, but now many of the cases, because of Government legislation, have been effectively translated to the official injury portal, pursuant to the legislation that changed the compensation regime.

The civil justice system, of which I am head, is not directly responsible for those two portals, but it is an absolutely essential part of the holistic funnel and will come under the aegis of the Online Procedure Rule Committee under section 24. I do not think that at the moment I am in a position to answer detailed questions about its operation.

Q40 **Chair:** The damage claims service is certainly seen as a critical element of the work in the county court. We have the pilot running until April 2024; are you able to make any preliminary observations about the learning so far?

Sir Geoffrey Vos: It is going really well: 90% of damages claims are going through it. As I say, the time between issue and directions is very much quicker. It is weeks and weeks quicker—it is three times, perhaps four times, quicker—and it is going really well. It is not yet end-to-end—that is the work of the next few months at the end of reform—and it is not yet available to litigants in person, but it will be. For damages claims, at the moment we are very optimistic about it.

Q41 **Chair:** At the moment, it is available only to those who are legally represented, not litigants in person.

Sir Geoffrey Vos: That is right.



HOUSE OF COMMONS

Q42 **Chair:** Is there any particular thinking behind that? Do you envisage that changing at all?

Sir Geoffrey Vos: It will change—it will be available by the end of reform to litigants in person.

Q43 **Chair:** Was it done for represented defendants for administrative ease, or just because it was more likely to assist the majority?

Sir Geoffrey Vos: Most people making damages claims are represented.

Q44 **Chair:** You referred in a judgment you gave not too long ago to the illogicality of the distinction between contentious and non-contentious costs and the need to reform the Solicitors Act.

Sir Geoffrey Vos: It is a very complex question. The reform of the Solicitors Act 1974 could be said to be overdue some generations ago, and it was based on a Solicitors Act from the 19th century. The practice of solicitors has changed dramatically since 1873, when all that began. I am a bit of a moderniser, as you may know, and it is time for a review, but such a review would require a lot of work, consultation and co-operation with the profession. Just sitting here now, it is very unclear precisely what reform would be necessary, but in that case I identified that there was not a logical distinction today between contentious and non-contentious costs.

Q45 **Chair:** It is not on your list of things to be done urgently but it is something to be started.

Sir Geoffrey Vos: I think it is urgent—everything is urgent—but we do not have the capacity to change everything at once, do we?

Q46 **Chair:** But you would welcome the Government taking the initiative.

Sir Geoffrey Vos: I think it will take time. It is a long-term project. It does not mean it is not urgent, but it is still a long-term project because it has to be done right. It is a kind of generational issue. Although I hate to use the expression, you have to bring on board all the stakeholders—the profession, client representatives, business and individual social organisations—so that legal services are provided in a way that is commensurate with the demands of a digitised, modern society rather than one steeped in 1873. That is not a job you can do overnight if you are to do it right. It is not a political question—it is not something you would expect people to disagree about—but you would expect it to take time to get to a good solution.

Chair: I was going to say that it may not be a contentious question, but maybe that is not the appropriate phrase—it might not be a matter of partisan controversy, but it is most technical and it will take some time.

Sir Geoffrey Vos: No pun is intended.

Q47 **Tahir Ali:** What role do you believe the Online Procedure Rule Committee will play in the civil justice system?



Sir Geoffrey Vos: Thank you for that question. This is really the most interesting question of the modern day.

The OPRC has been created to provide governance to the digital justice system that I have been talking about all afternoon. The question is: how will it operate? It has not yet been constituted. We know that I am going to be the chair, and we know who the judicial members will be, but we have not yet got the full committee. Nothing I say should be interpreted as tying the hands of that committee, because it is very important to create a committee before people start to say what it is going to do. Everything I say should be looked at in that light.

I think the OPRC will operate very differently from the existing rules committees like the Civil Procedure Rule Committee, the Family Procedure Rule Committee and the Tribunal Procedure Committee. The reason for that is that the digital space is different from the analogue space. In the digital space you do not need a rule that says that when the programme or platform asks for your name you must give it. That would be a pointless rule, but you do need that in the analogue space. So the rules will be much higher-level—they will be rules such as, “You must never make an order in the digital system without hearing the submissions of each party.” That is a general rule of natural justice, which is incredibly important, and it is the kind of rule I would expect the OPRC to want to make.

It will also have responsibility for functional governance. It is very important that in the digital space, with all the risks we are hearing about—artificial intelligence and so on—there is functional governance for a digital platform. I would expect the OPRC to take responsibility for making sure that data is properly controlled and processed within the system, because if you have a large digital justice system, the data it creates is absolutely vital. It is vital to know what is happening to it and that it is properly protected, because it is data about ordinary people who put their trust in the system, so quite a lot of work would have to be done on data governance and technical oversight.

I would expect it to work in a very different way from the existing committees, but to have three focuses: one on governance by rules, one on technical governance, and one on data governance. Those would be the starting points.

Q48 Tahir Ali: How do you envisage the public being able to access the rules that regulate the online disputes resolution portal?

Sir Geoffrey Vos: How will they access the rules? Very easily, because there will not be so many of them. The civil procedure rules, as you may know, Mr Ali, run to 6,000-odd pages in two vast books, which I think have always been the bane of lawyers’ lives because they are so large. Online procedure rules will be much more compact and, therefore, much more accessible to real people, and you will not need them in the same



way as you need the White Book today because the programme will tell you what to do.

- Q49 **Edward Timpson:** May I take you on to alternative dispute resolution and mediation? You have said that alternative dispute resolution should no longer be viewed as alternative, in the sense that it should be an integral part of a dispute resolution process. I know it is not one of the three Ds you have prioritised, but I suspect that the three Ds you have prioritised could benefit from it. In trying to turn it into an integral part of the dispute resolution process, all the three Ds could add value, but what are the major barriers that will make it difficult to address it as quickly and as effectively as I am sure you would want it to be addressed?

Sir Geoffrey Vos: Alternative dispute resolution, or dispute resolution as we now try to call it, is critical because, as I have explained, a very small percentage of disputes ever go anywhere near a court. They do not even form the subject of issued court proceedings, yet they are very serious disputes—they are very serious for the ordinary people who suffer them—and they need to be resolved, so alternative dispute resolution has to be part of the large digital funnel I have been talking about.

The question is: when do you implement a dispute resolution mechanism, and which kind of dispute resolution mechanism do you implement? I believe there are horses for courses, and often we do not think creatively enough about which kind of dispute resolution process would be best for which type of case. For example, in many cases early neutral evaluation by a qualified lawyer or judge is a very valuable way to break down a case, because once the parties have been told by somebody whom they respect that the case is good or bad they will go away and settle it. So we should use that, not in every case but in some cases.

There are some cases that are amenable to mediation. The Government are looking at making mediation compulsory for small claims and providing mediation services through the court system when claims have been issued. I think that is a very good idea. It works very well. Some 50% to 60% of cases that have telephone mediation lasting less than an hour settle. That is a very good way of resolving disputes quickly and effectively at an early stage.

The pre-action portals that we have been talking about are another way of resolving disputes, and we are hoping that there will be an SME portal to allow small and medium-sized businesses to resolve disputes online without the need to issue court proceedings.

There are lots of ways to skin a cat. The whole thing has to be integrated, and the way I see it is integrated within the digital process with the coherence provided by the OPRC.

- Q50 **Edward Timpson:** Do you think the digitalisation of a lot of interactions that people may have through dispute resolution creates a risk that the human element could be lost? I am thinking particularly of family cases



HOUSE OF COMMONS

and civil cases where, although the issue at stake would seem to be one that would be open to an online approach, actually, the individual who has some recourse that they want to seek has built it up over many years in their own mind and has perhaps lost perspective as to what the issues are. I can think of many cases where that has reached the courtroom. One I remember particularly is about the difference between raisins and sultanas. It took a long time to resolve that issue.

Do you think there needs to be careful consideration of how the creativity around dispute resolution does not lose that human element where that input is going to be required to take people not just legally and factually but emotionally with the decision that they then reach?

Sir Geoffrey Vos: I know what you are talking about. It is very common for people to think, "If you digitise, you are taking the heart out of the system, and many disputes resolve the minute you put two people who have been fighting about something in a room together." That is true, but I think you must not generalise from a couple of examples to the great run of a large number of disputes.

What I am trying to achieve is to get all the disputes that are easily soluble and resolvable resolved at minimum cost to the parties, with minimum delay and with maximum efficiency. There will be cases that go through that system where resolution online by mediation without face-to-face encounter is impossible.

You are absolutely right—although it is not my expertise—that family cases often do fall into that category where you simply cannot resolve them by some digital process, and there has to be either a judge or face-to-face mediation and meetings. You cannot generalise, because it is so important to take unnecessary dispute out of our society. The objective that I have as Head of Civil Justice is to try to resolve as much as we can and as quickly as we can to reduce the distress people suffer and reduce the economic effect of dispute.

I am absolutely sure that there is a rump—a large number—of cases that actually need judges. I do not think we are going to be redundant any time soon. Judges are going to have to resolve disputes that cannot be resolved online, cannot be dealt with by mediation and cannot be dealt with digitally at all. Nothing I am suggesting counters that. We are always going to have cases that come out of the digital environment and go to a court and are heard by a more traditional process, but they are few.

Where I started, Mr Timpson, if you remember, was with saying that only a very small proportion of cases ever go to court. Judges only see a minute proportion of disputes, and that is a good thing because most of them can be resolved without us, but it is critical that we are there to resolve—if necessary face to face—those that require us. That is a function of a civilised society governed by the rule of law. I am the last person to say we should take that out of the system, but we must do our



HOUSE OF COMMONS

best to make sure that people who can and want to have their disputes resolved quickly and efficiently online can do so.

Edward Timpson: It is your funnelling analogy.

Sir Geoffrey Vos: I am sorry; I am big with my hands.

Q51 **Edward Timpson:** Visually, that works for me—the funnel.

On the mandatory mediation that the Government started consultation on almost a year ago, particularly in relation to small claims, do you have any view on what impact that might have on the capacity within the civil courts if it was to become the decision of the Government to go forward with that mandatory approach?

Sir Geoffrey Vos: It would settle a lot of cases. We know that of those cases that go to mediation at the moment between 50% and 60% settle. If it was mandatory, a larger number of cases would settle, there would be fewer cases to be heard and the delays that Ms Eagle put to me earlier would be reduced. That is all to the good.

Mandatory mediation is contentious; I know that. I am not going to say anything about it because it may be the subject of litigation, but it is good if we can encourage as many cases as possible to mediate and be resolved quickly.

Q52 **Maria Eagle:** At the beginning of this session you set out your three Ds, one of which was diversity, and I think you said in your speech that it was the most important of the three Ds in many ways. You said in your speech last October that lawyers and judges at all levels should think more about how they may be inadvertently excluding people, because exclusion is not necessarily deliberate. It can be but often is not. What do you think the judiciary could do to address the unconscious exclusion of difference from their ranks? Is there something that could be done to make it better?

Sir Geoffrey Vos: We are doing lots of things. We have just issued a statement of expectations as to how judges should behave and we have introduced compulsory training in inclusion for all judges at all levels. My view is that that is absolutely critical.

When I was young I always believed that there was nothing to worry about. When I was about 30—and I am afraid, Ms Eagle, it was some time ago—I went on a day-long diversity training course, and I became a convert. I was confronted with the things I had been doing that were inappropriate but perhaps not wicked. They were inadvertent because I did not realise, but they none the less needed to be changed.

The benefit of training, which is what we are doing, is that it allows the individual to confront and ask themselves: “What have I been doing in my everyday life that makes people feel less comfortable in their workplace and makes them less welcome and less likely to stay in the judiciary?” The important thing is that we not only encourage women and



HOUSE OF COMMONS

people from minority backgrounds in but make them stay, make them feel valued, make them feel part of the judiciary and that they can rise within its ranks and contribute to it and stay for as long as possible so we benefit from their experience.

Diversity is not an end in itself: it is all about learning from people who have different perspectives. I do not want to bang on for too long, but years ago I was chairman of the Social Mobility Foundation, and I was passionately concerned about social mobility. I realised that the problem is that people do not realise why social mobility is important. I was then a lawyer. We were looking at legal problems through a very mono-dimensional telescope. If we all came from the same background and the same educational institutions, we never had problem-solving by the very clever people who come from all different backgrounds.

Diversity is for the benefit of the system, but unfortunately people from the same backgrounds do not always understand how to make others feel welcome. That is a problem of social mobility, gender and racial diversity. Any system can improve. What we are trying to do in the judiciary is to alert judges to the problem and make them ask themselves how they can behave better and make the workplace more welcoming. I think it is working.

The problem, unfortunately, in the judiciary is that it is very hierarchical. It may be inevitable that the judiciary will be hierarchical because it is a system that demands certainty. In a system that demands certainty and absolutes, perhaps a hierarchical approach comes easily. In order to empower those from different backgrounds at the bottom, we probably want to squash, if we can, the pyramid and make those at the bottom feel closer to those at the top. Solutions are very difficult.

What is important is to confront the problem, never to be complacent about it, and to work night and day to make sure that everybody understands that everybody can do better. None of us is perfect, from any walk of life. Diversity should unite us, but it sometimes divides us because people think, "It is us and them." It is all about unity, empowerment and respect—respecting other people for what they are, valuing them and making them feel valued in the workplace. That was a long speech. I am sorry.

Q53 Maria Eagle: I do not disagree with what you have said. I want to ask about disability. I used to be the Minister for disabled people in the dim and distant past. There is a similar issue: a lack of understanding about access needs can lead not just in courts but in all kinds of settings to people being needlessly excluded, or to it being much too difficult to get the adjustments needed to create full access.

Take somebody who is deaf or becoming deaf: it is often easily resolved with technology in the courtroom. I have constituents who are advocates but have not been allowed to use technology that they know works for them. It just seems daft to me. Presumably, that would fall into your



categorisation of diversity being important—very experienced advocates who are acquiring disability because they are getting older, many of whom end up having to leave the profession because they cannot get the often quite simple adjustments they need. Is that something you are aware of and focusing on?

Sir Geoffrey Vos: Again, it is not my responsibility. It is for the courts to introduce hearing loops and so on. I have experienced this when advocates with a hearing problem have said they need a hearing loop, and then the court says it has one, and then it does not work or does not have one, or it is in another court, or it is in a different place and so on. I completely understand what you are saying and completely support it—as always, practice is often more difficult than theory—but as I said, what goes on in the courtroom is the responsibility of HMCTS.

I could not agree more that it is absolutely imperative that we care about inclusion. That is inclusion of disabled people and catering for problems that those people have in participating in our society in any way, in the same way as we care about the diversity within the judiciary, which is what I have been really talking about.

Q54 Chair: That is very helpful. We have seen ambitious plans in your objectives as Master of the Rolls. We have seen changes to the judiciary. We talked about diversity and broadening the base of the judiciary. I wondered whether you had had any thoughts about structure. We have seen a change that is being consulted on about moving the Senior President of Tribunals into a different configuration, rather more akin to the heads of division under a unified structure, with the Lord Chief Justice at the top. Do you have views on the current situation when it comes to judicial leadership? Does it work well enough?

Sir Geoffrey Vos: As you can imagine, Chair, I have thought a lot about that. What I would I say today is that the reforms that I talked about earlier—digitisation and creating a more holistic and more accessible justice system—and some of the questions that Mr Timpson asked me about such as alternative dispute resolution, will necessarily give rise to a different requirement for judges in a digitised world, and we are at a fairly early stage of that at the moment.

There needs to be some work done—and there is being and there will be—to work out what the capacity requirement is after we have reformed the system and made use of technology in a way that benefits our society. At that point, it will be extremely valuable to consider how the judiciary is structured for a modern world, because—this is where I will say something—the judiciary was designed in structure in 1873, with the Judicature Acts. That was a long time ago. Everything has changed in our society.

Even the judiciary, though lawyers and judges tend to be a little conservative, has to look at itself in the light of digitisation and the modern world. I am looking forward to that process, if I am still around,



HOUSE OF COMMONS

which I hope I shall be, because it would be a very exciting prospect to create a judiciary fit for a digitised world, which would perhaps look a bit different. You have mentioned one change that is being consulted on at the moment.

Q55 **Chair:** I will not press you further than that at the moment, but it is fascinating. Thank you very much, Sir Geoffrey. Is there anything that we have omitted that you would like to raise with us?

Sir Geoffrey Vos: You have omitted nothing. I want to thank you for listening to me and for inviting me, because a little bit of attention and focus on civil justice is really important. Certainly, I have enjoyed talking to you, and I hope you have not been too bored by what I have had to say.

Chair: Not at all, Master of the Rolls. Thank you very much for coming to give evidence to us. It is something of a first for a long time, and I hope it will not be the last, because I think we all agree that it is an area that needs more attention in our place than it currently gets.