



Justice Committee

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Rt Hon Robert Buckland QC MP
Lord Chancellor & Secretary of State for Justice
Ministry of Justice
102 Petty France
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19 November 2020

Dear Lord Chancellor

Thank you for the Government's response to the Committee's report 'Coronavirus (COVID-19): The impact on courts. I am writing on behalf of the Committee to respond on the specific issue of the funding needed for the court reform programme.

We note that you wrote to us earlier this year to explain that additional capital funding had been secured to enable £153m to be invested in improvements to court and tribunal buildings over the coming year. We also welcomed the announcement on 6 September of a further £80 million to boost the capacity of criminal courts. We recognise that this is a record level of investment. However, this does need to be seen in the context of what the Lord Chief Justice described to us, in oral evidence on 10 November, as a justice system which "has not had any money spent on it for decades and that has technology and data systems that are antiquated to the point of uselessness".

The Committee's report on courts asked for further information on whether the additional steps taken to respond to Covid-19 had affected the overall timescale and the long-term goals of the court reform programme. The Government's response explains that there has been extensive consultation with judiciary and other stakeholders ahead of the submission of the sixth iteration of the reform portfolio business case (PBC6) for the court reform programme, which was submitted to HM Treasury this autumn. The Committee welcomes the fact that a robust case was made for additional funding.

When the Lord Chief Justice appeared before the Committee on 10 November, Lord Burnett made it clear that the normal approach to funding would not be sufficient: My view for next year in all jurisdictions is, rather than the traditional approach to funding, which is to look at what you have spent this year and nudge it up a bit or, dare I say it, as it is suggested occasionally, to nudge it down a bit, there has to be a realistic assessment in every jurisdiction of the likely expectation of work coming into the system. In addition, there has to be a clear understanding of the additional backlogs that we have to clear.

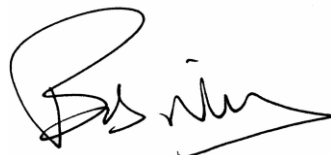
The Lord Chief Justice also stressed to us that the courts that are most advanced in the

modernisation programme have fared best in terms of their response to the pandemic. We recognise that extraordinary efforts are being made to reduce the number of outstanding cases in a number of jurisdictions, particularly the Crown Court, nonetheless, we are concerned that absent a substantial increase in funding, many jurisdictions will find themselves in an unsustainable situation in 2021. The Lord Chief Justice highlighted the fact that there has been a 22% rise in the number of outstanding private family law cases and 17% in the number of public family law cases compared to a year ago. The Lord Chief Justice also told us about the problems with the County Court, which is still paper based, and which lacks reliable data on the number of outstanding cases.

We are concerned that the amount of additional funding requested for the courts may not be sufficient to tackle the number of outstanding cases caused by Covid-19 and make the improvements needed to increase court capacity in the long-term. We have seen reports in recent weeks that the delays caused by the number of outstanding cases are resulting in worrying instances of injustice. There is a high likelihood that even if the public health situation improves in 2021, without the substantial increase in investment that could enable a further dramatic acceleration of the court reform programme, the problems in the courts could get worse. Our view is that this is a critical juncture for the long-term sustainability of the justice system and that what is needed is an extraordinary level of investment in order to reverse decades of under-investment.

I have written in similar terms concerning the Spending Review 2020 to the Chancellor of the Exchequer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Neill', with a stylized, sweeping flourish at the end.

Sir Robert Neill MP

Chair
Justice Committee