

# **Report: Digital Justice: HMCTS Data Strategy and Delivering Access to Justice Report and Recommendations (Byrom 2019)**



This report was based on research conducted by Dr. Byrom during a three-month secondment to HM Courts and Tribunals Service (HMCTS) in early 2019, at the invitation of HMCTS chief executive Susan Acland-Hood. As a public guarantee of Dr Byrom's independence, it was agreed her post would be unremunerated by HMCTS, and her findings and recommendations would be made public at the end of the secondment.

Dr Byrom's research was supplemented by two international workshops held over three days. The workshops brought together 38 experts from the UK and overseas,

including senior judges, to deepen understanding of key stakeholders' needs in relation to data, and to share best practice in evaluating the impact of court reform on access to justice. Following the workshops, Dr Byrom drew up a set of detailed draft principles for evaluating the impact of reform on access to justice and their implications for data collection, which formed the basis of a public consultation.

**HMCTS has committed to:**

1. Facilitating an overarching evaluation of the impact of reform on "access to, and the fairness of the justice system, particularly in relation to those who are vulnerable."
2. Ongoing evaluation and iteration of reformed services in light of insights gathered from data, including using data on the demographic and protected characteristics of users of the justice system to inform service design and identify and tackle disproportionalities.
3. Working with researchers and academics to design and test their approach to evaluation.

This report recommended an approach to data collection for service design, iteration, and ongoing evaluation. The adoption of this approach will enable HMCTS to design inclusive services, demonstrate that reformed processes uphold access to justice, meet their legal obligations, and strengthen public trust and confidence in the justice system.

Stakeholders have identified a minimum standard of access to justice under English law. The components of this minimum standard are:

1. Access to the formal legal system
2. Access to an effective hearing
3. Access to a decision in accordance with substantive law
4. Access to remedy

Three further areas of priority need were identified by stakeholders:

1. Reforming the system for providing free, public access to judgments
2. Improving access to court listings
3. Providing free access to certain types of case-level data

## **Recommendations:**

Existing models for sharing data with researchers should be utilized to facilitate the delivery of HMCTS's public commitments to make data available for evaluation and research. HMCTS should publish its vision with regard to data and develop its overarching strategy in line with existing legal and ethical principles through a transparent and accountable process. HMCTS should dedicate resources to reviewing national and international best practices, existing legal frameworks, engaging a wide range of stakeholders, and testing the acceptability of different models with stakeholders and the public.

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