

Judith Evers
Ministry of Justice
4.10, 4th Floor,
102 Petty France
London
SW1H 9AJ



16 June 2011

Dear Ms Evers

Solving disputes in the county courts: creating a simpler, quicker and more proportionate system

I am grateful for the opportunity to respond to the Ministry of Justice's consultation *Solving disputes in the county courts: creating a simpler, quicker and more proportionate system*.

In January of this year I responded to the Ministry of Justice's *Proposals for the Reform of Legal Aid in England and Wales*. In my response I made clear that I thought some of the proposals were likely to increase the demand for remedies that can be achieved through use of services which can be obtained at no cost to the citizen, such as those I provide in my capacities as UK Parliamentary Ombudsman and Health Service Ombudsman for England. I stated that it may not be possible to accommodate the additional workload within the agreed levels of funding for my Office and emphasised the importance of being aware of the impact that such proposals were likely to have elsewhere in the justice system.

I note that on page 29 of your consultation paper, you propose mandatory pre-action directions for money claims under £100,000 in the county courts. I understand that these directions would begin by triaging the dispute, which could lead to the dispute being referred to an ombudsman for resolution. I support the idea that disputes should be dealt with by the most appropriate part of the justice system and have supported the Law Commission's proposals to strengthen the powers to transfer cases between the different parts of the system. What has not come across clearly in your proposals is that ombudsmen are in fact an alternative to the courts ('one of the four pillars of administrative justice' in the Law Commission's words) rather than part of a linear process with the court as the 'last resort'. It would be useful to make this point clearer.

As I have stressed in previous consultation responses, if the volume of cases that are displaced is significant, the impact on our workload will be significant, and I may not be able to accommodate it within the agreed funding for my Office.




Millbank Tower
Millbank
London SW1P 4QP

Telephone: 0300 061 4211
Fax: 0300 061 4067

Email: aaprivateoffice@ombudsman.org.uk

www.ombudsman.org.uk

I remain clear that a policy decision on the structure of the civil justice system is a matter for Parliament. However, it is important to be aware of the impact this may have elsewhere in the justice system.

Ann Abraham


Ann Abraham
Parliamentary and Health Service Ombudsman