



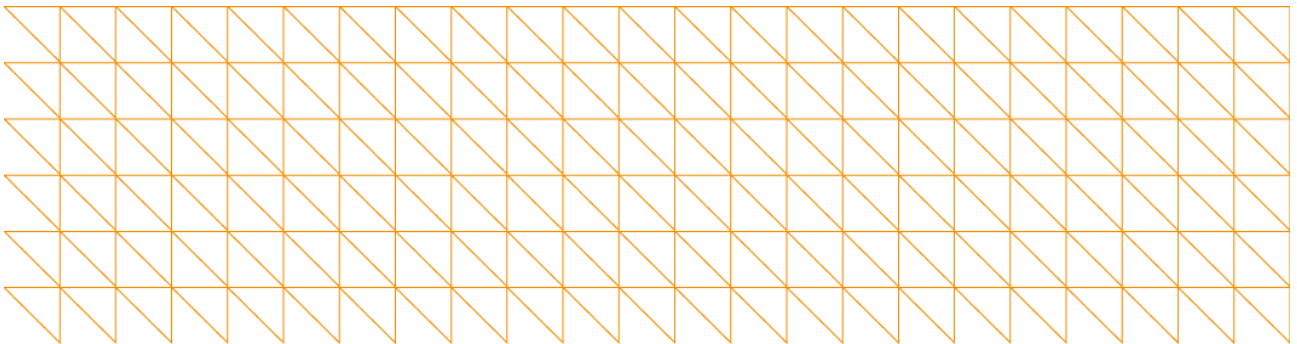
Ministry  
of Justice



HM Courts &  
Tribunals Service

# Response to the proposal on the provision of court and tribunal estate in England and Wales

This response is published on 11 February 2016







Ministry  
of Justice



HM Courts &  
Tribunals Service

## **Response to the proposal on the provision of court and tribunal estate in England and Wales**

**Response to consultation carried out by HM Courts & Tribunals Service, part of the Ministry of Justice. This information is also available at [www.gov.uk/moj](http://www.gov.uk/moj)**



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## Introduction and contact details

This document is the post-consultation report for the consultation paper, 'Proposal on the provision of court and tribunal estate in England and Wales'.

It covers:

- the background to the consultation
- a summary of the responses to the consultation
- a detailed response to the points raised by respondents
- next steps following the consultation.

Further copies of this report and the consultation paper can be obtained by contacting HMCTS at the address below:

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This report is also available at [www.gov.uk/moj](http://www.gov.uk/moj)

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### Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

## Foreword

The government is committed to modernising the way in which justice is accessed and delivered. We are investing over £700m over the next 4 years to update the courts estate, installing modern IT systems and making the justice system more efficient and effective for modern users.

As Sir Brian Leveson and, more recently, Lord Justice Briggs have pointed out<sup>1</sup>, we are moving inexorably towards a justice system that must be accessible through online services as well as traditional court buildings.

In a society where people transact digitally in so many aspects of life, they expect a service to be available when they need it. Access to justice cannot, therefore, be defined solely by proximity to a court or tribunal building. It must be defined by how easy it is for people – witnesses, victims, claimants, police and lawyers – to access the service they need, however they choose to do so.

Working closely with the judiciary, we have begun installing Wi-Fi and digital systems in our criminal courts but much more needs to be done. We want to use modern technology, including online plea, claims and evidence systems and video conferencing, to reduce the need for people to travel to court. Face to face hearings should in future be reserved only for the most sensitive or complex cases.

As part of this modernisation, the courts estate has to be updated. Many of the current 460 court buildings are underused: nearly half of all court rooms were used less than half the ordinary sitting time last year. They are expensive to maintain yet unsuitable for modern technology. The investment we are making to update the justice system requires us to review and modernise the physical estate as well. Ultimately we will have a more user-focused and efficient Court & Tribunal service as a result.

On 16 July 2015 I announced a consultation on proposals to close 91 courts and tribunals in England and Wales. Over 2,100 separate responses were received, along with 13 petitions containing over 10,000 signatures. I am grateful to all who took the time to provide their views. It is clear from the responses that the service our courts and tribunals provide continues to be highly valued.

The decision to close a court or tribunal must never be taken lightly. For each location, I have considered whether the closure would still allow for effective access to justice, whether it offers a significant saving, and whether it would allow HM Courts & Tribunals Service to maintain high quality service provision. Where these conditions are met, we have taken the decision to close the court or tribunal.

It is on this basis that we have made a decision to close 86 court and tribunal buildings and retain five. 64 sites will close as proposed in the consultation, with a further 22 closures taking place but with changes to the original proposals. These changes, many suggested by respondents, include the establishment of suitable alternative venues, such

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<sup>1</sup> *Review of Efficiency in Criminal Proceedings*, Sir Brian Leveson, January 2015; *Civil Courts Structure Review*, interim report, Lord Justice Briggs, January 2016



as the use of local civic buildings; or different venues in the HM Courts & Tribunals Service estate to those originally proposed. I am very grateful to all those who engaged with the consultation to help us to reach the best solutions.

This response document provides a list of all courts and tribunals consulted on and the decision in each case, together with an indicative timetable for closure. Full explanations for the decision to close or retain a court are included in the regional consultation response documents being published alongside.

**Shailesh Vara**

**Parliamentary Under-Secretary of State for Courts and Legal Aid**

## Background

The consultation paper “Proposal on the provision of court and tribunal estate in England and Wales” was published on 16 July 2015. It invited comments from anyone with an interest in justice to ensure that courts and tribunals continue to be aligned to customer requirements, that communities continue to have access to court buildings where they need to attend or through alternative methods and that cases are heard in buildings with suitable facilities.

### Estates change in the context of court and tribunal reform

HM Courts & Tribunals Service is an agency of the Ministry of Justice (MoJ). It is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales<sup>2</sup> and non-devolved tribunals in Scotland and Northern Ireland. It operates as a partnership between the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals.

In March 2014, the Lord Chancellor, the Lord Chief Justice of England and Wales and the Senior President of Tribunals announced details of a programme of reform for the courts and tribunals. At the heart of this programme are the use of technology and the principle of proportionality. Straightforward, transactional matters (such as the administration of probate or pleading guilty to a minor offence and paying a fine) will be dealt with using digital technology to make the processes straightforward.

In our Civil, Family and Tribunal hearing centres, we will move to a system where more cases can be resolved more quickly and efficiently without the need for a formal hearing. Users will be able to carry out basic transactions without the need for a lawyer, and experience the same excellent standard of British justice as international businesses experience.

As well as making the system more accessible, modern technology can reduce the costs of the criminal justice system by, for example, not requiring prisoners to be transported to court for bail hearings, or the police to take full days away from work to sit in a courtroom.

The consultation sought views on proposals to reduce surplus capacity by closing courts and tribunals that are unused or underused, or that are simply unsuitable for the services we need to deliver in future.

The consultation proposed closure of:

- 57 magistrates’ courts
- 19 county courts<sup>3</sup>

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<sup>2</sup> Some tribunals which are part of HM Courts & Tribunals Service in England are devolved to the Welsh Government in Wales.

<sup>3</sup> Reference in this document to Magistrates’ courts, county courts, crown courts and combined courts refers to buildings (a singular structure providing the physical hearing rooms for criminal,

- Two crown courts
- Four tribunal hearing centres
- Nine combined courts

To provide users with an overview of all proposed change to the estate, the consultation also included information on where we plan to relocate courts within the same town or city and where there is limited impact on service provision. We did not consult on our plans to integrate courts. Integration plans cover 31 buildings and updates are provided in each regional response.

The consultation closed on 8 October 2015. This report summarises the responses received at a national level and sets out our response to them.

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civil, family and tribunal cases) which house that activity in a particular location. Strictly, legislation provides that there is a single crown court, county court and family court.

## **The HM Courts & Tribunals Estate Strategy**

To ensure we deliver business effectively and meet our future strategic requirements, HM Courts & Tribunals Service has applied a set of principles against which the proposals in this consultation were developed.

The principles are:

### **Ensuring Access to Justice**

- To ensure continued access to justice when assessing the impact of possible closures on both professional and lay court and tribunal users, taking into account journey times for users, the challenges of rural access and any mitigating action, including having facilities at local civic centres and other buildings to ensure local access, modern ICT and more flexible listing, when journeys will be significantly increased.
- To take into account the needs of users and in particular, victims, witnesses and those who are vulnerable.
- To support the requirements of other agencies such as the Crown Prosecution Service, Social Services, Police Forces and the Children and Family Court Advisory and Support Service (CAFCASS).

### **Delivering Value for Money**

- To reduce the current and future cost of running the estate.
- To maximise the capital receipts from surplus estate for reinvestment in HM Courts & Tribunals Service.

### **Enabling Efficiency in the longer term**

- To reduce the reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade;
- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business whilst also giving users more certainty when their cases will be heard;
- To increase the ability to use the estate flexibly across the criminal jurisdiction and separately across the civil, family and tribunal (CFT) jurisdictions;
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office function where they can be carried out most efficiently.
- To improve the efficient use of the estate by seeking to improve whole system efficiency, taking advantage of modernised communication methods (Wi-Fi and

video links) and adopting business processes to increase efficiency and effectiveness.

- To increase the efficient use of the estate wherever possible irrespective of current administrative boundaries

The proposal is for workload from surplus sites to transfer to existing courts and tribunals and, where appropriate, alternative local provision will enable continued access to justice. This alternative provision could include establishing video links to enable victims and witnesses to provide evidence remotely which could both be more convenient and more suitable, particularly for more vulnerable users. It could also include establishing hearings in civic, or other non- HM Courts & Tribunals Service, buildings for suitable hearings. The regional consultation documents set out the proposed sites where the work will transfer to, in the event of that court or tribunal hearing centre closing.

In order to achieve a radical transformation of the justice system, investment must be effective and provide proper value for money. It must focus on achieving a sustainable estate, which appropriately balances the needs of court users with the requirement for operational efficiency.

As a priority, we are therefore addressing the existing surplus capacity within the HM Courts & Tribunals Service estate. This will enable us to use the remaining estate more intelligently and flexibly, to reduce our running costs, to focus our investment on improving the estate we need for the future and to create more multifunctional court space – allowing different court and tribunal jurisdictions to share locations. Capital receipts from the sale of any surplus freehold buildings will be reinvested into the reform programme.

## **Integrations**

To provide users with an overview of all proposed change to the estate, the consultation also included information on where HM Courts & Tribunals Service plan to integrate courts within the same town or city. We will notify local stakeholders of these changes when they take place.

An integration enables HM Courts & Tribunals Service to move work to combine jurisdictions in fewer locations in a local area. This allows the closure of a building or buildings while retaining local jurisdictions, with a limited impact on service provision. HM Courts & Tribunals Service operational leads manage integrations as part of the normal running of the business.

We have made progress with the integrations, and further details are included in the regional consultation documents.

## **Impact Assessment**

We have updated the Impact Assessment accompanying the consultation to take account of evidence provided by stakeholders during the consultation period. The updated Impact Assessment is published alongside this document.

The key amendments to the Impact Assessment are:

- amending the modelling of costs and benefits to reflect the courts to be closed and retained
- updating the analysis for the latest available financial data
- updating travel time impacts and including an estimate of the average increase in journey time by car and public transport
- providing travel cost impacts, and
- relocating the Equality Impact Statement from the Impact Assessment to Annex B of this document.

A Welsh Language Impact Assessment has been undertaken and is included in the Impact Assessment. In relation to HM Courts & Tribunals Service's capacity to provide a Welsh language service, it concludes that concentrating services into fewer sites will not inhibit the provision of services to Welsh speakers, and may, in fact, enhance such provision.

A Welsh language version of this paper and the regional consultation document for Wales can be found at [www.justice.gov.uk](http://www.justice.gov.uk).

## **Equality Impact Statement.**

An Equality Impact Statement has been prepared and is attached at Annex B. This contains a full assessment of impacts on protected characteristics.

Our assessment, following analysis of the consultation responses, is that the policy is not discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the policy proposal would result in people being treated less favourably because of the protected characteristics.

## National responses

### Summary of Responses on the national proposal on the provision of court and tribunal services in England and Wales.

The consultation generated over 2,100 individual responses. In addition, 13 petitions were submitted containing approximately 10,000 signatures. HM Courts & Tribunals Service is grateful for all the contributions made in response to the consultation.

The majority of the responses related to individual courts. In total, 110 responses were received that related specifically to the national consultation paper. Of these:

- 35 responses were from professional users
- 20 responses were from judges and magistrates
- 12 responses were from public sector bodies
- Seven were from Criminal Justice System partners, and
- 36 other responses were from individuals, organisations and committees.

Of the overall responses, 15 were supportive of the closure proposals nationally and 39 had neutral views. The main themes were:

- the estate is under used and utilisation should be increased
- in the current financial climate it is important that efficiencies are made where possible, and
- we should explore new ways of delivering our services wherever possible.

“The CJC is broadly supportive of the proposals contained in this paper as clearly falling within the parameters of the HMCTS reform programme and its aims. A subsidiary aim of this part of that work must continue to be the provision of justice, and in particular access to local justice.” Andrea Dowsett, Civil Justice Council.

“CAFCASS recognises the positive work being done as part of the Closer working group to ensure practitioners can work effectively in court. We see potential in developing online Courts” Anthony Douglas, Children & Family Court Advisory & Support Service.

“This Consultation Paper presents a valuable and timely opportunity for a considered debate about the configuration of the court estate in England and Wales. JUSTICE strongly encourages HMCTS to approach the consultation process and the subsequent reform in a manner which places the court user at its centre. We look forward to sharing our Working Party’s deliberations with HMCTS in the near future.” Nadia O’Mara, JUSTICE.

“The Bar Council urges HMCTS to make further investigation into the alternative arrangements proposed by the consultation. In particular, HMCTS should make certain that the remaining courts will be able to take on the further workload and that the alternative venues proposed will meet the appropriate requirements.” The Bar Council

56 responses were opposed to the closure proposals. The main themes were:

- Access to Justice (the availability and cost of transport to alternative venues), and
- concerns over the accuracy of the data in the consultation document and Impact Assessment.

“There will inevitably be delays and cancellations to hearings caused by the increased journey times and cost for litigants. We can envisage the scenario where in housing cases people on benefits will be unable to attend court to argue against eviction and will have no other way of making an appearance, as they may not have access to the Internet (which is not free, requiring hardware and Wi-Fi or broadband connection). We are concerned about vulnerable people who use the Courts. It would be useful to have statistics regarding the socio-economic backgrounds of Court users and the affordability and cost of car and public transport usage. Although putative journey times are given, what is the increased mileage on average for litigants?” Peter Causton, UK Association of Part Time Judges.

“There are clearly some courts which are radically under-utilised and for which closure is appropriate. However these proposals go too far and the impact on access to justice is understated” Magistrate, name not supplied.

“Some cases can be dealt with remotely or online and there should be the option for every case to be considered in this way. But the majority of cases considered by a District Judge in a County Court involve debt, urgent injunctions, housing, divorce or arrangements for children – life-changing events for individuals who are entitled to a fair trial before a judge if they wish it. The parties’ Article 6 rights are engaged.” District Judge Ellis.

The Law Society opposed the proposals, expressing serious concerns about the impact of the proposals on access to justice and travel in terms of time and cost. They called for more transparency about the travel time calculations used in the consultation and asked for the methodology used to be independently assessed.

“The Society agrees that the use of technology could benefit court users but substantial financial investment is needed to upgrade the current technology. The society recommends that it will be prudent to modernise the court with new technology, assess how it is working then consider savings rather than the other way round.” Lori Frecker, the Law Society.

The Law Society response also provided comments on an individual court basis. These have been included and responded to in the regional response documents.

The Council of Her Majesty’s Circuit Judges raised concerns about locality of provision, citing the report of Lord Justice May “*Justice Outside London*” and the principle that the public should be able to see justice being done in their local area. They are also



concerned about ability of courts to handle additional workloads without substantial investment to improve facilities and resource.

The Civil Court Users Association highlighted a lack of implementation plan and that the "... initial and subsequent upheaval that will come with these proposals and especially at a time when court fees are increasing and the service is neither efficient nor commensurate with the service envisaged after the 2010 consultation." Civil Court Users Association.

The Housing Law Practitioners Association and others were concerned about the effect of the proposals on those with ill health and limited means, who, in their view already struggle to attend existing courts and would experience extreme hardship by the proposals.

The National Association of Local Councils oppose the proposals and calls for the Government to consider alternative ways to,

"... reduce costs whilst sustaining affordable justice. Parishes will be affected badly if the proposal to close 9 combined courts is implemented." National Association of Local Councils.

The Welsh Government said,

"The UK Government is acting prematurely in focusing on closing courts and tribunals before any assessment or analysis has been undertaken into developing digital platforms and Lord Justice Briggs has made recommendations about the future structure of the Civil Courts. It is impossible to assess the impact and engage properly in this consultation process in the absence of clear and strategically informed proposals." Siân Mills, Constitutional Affairs and Inter-Governmental Relations, Welsh Government.

Historic England commented that it was desirable for listed court buildings to continue in their intended use as the interiors and fixtures have historic interest. They pointed out that the disposal process should comply with guidance on the 'Disposal of Heritage Assets, a guidance note for Government departments and non-departmental public bodies'.

Our response to these and other comments are set out in the next section of this report, summarised under key themes:

- Access to Justice
- Value for money
- Operational efficiency
- Alternative provision of services.

A list of respondents is included at Annex A.

## Responses to specific themes

### Access to Justice

Around two thirds of the responses to the national document made reference to access to justice issues. In particular, concerns were expressed regarding the availability and cost of public transport and the ease of access for certain groups of people. Many challenged the estimates of travel times and thought them to be over-optimistic.

“The MA is concerned the some of the proposed court closures will severely restrict defendants, victims and witnesses from accessing justice.... The MA believes that 20% of the working-age population being more than 30 minutes away from a magistrates’ court, even by car, is concerning. And that when taking public transport into consideration, the proposed drop from 82% to 73% of people who are within 60 minutes of a magistrates’ court presents severe challenges for access to justice.” Magistrate’s Association.

The Youth Justice Board also raised concerns around travel times and the risk that failures to appear in court may increase.

“For those young people receiving custodial sentences at court, we anticipate that these proposals risk compromising the current information exchange process between YOTs [Youth Offending Teams] and the secure estate.” Youth Justice Board.

The Citizens Advice Witness Service, and others, made challenges to the travel times stated in the consultation.

“The general consensus was that travel times were not reflective of travel during peak times as would be required for cases with 9.30am starts and in many cases local staff suggested that the actual travel times would be at least double those stated. Furthermore there appears to be little, if any, consideration given to seasonal fluctuations in traffic due to holidays, adverse weather and scheduled road works.” Citizens Advice Witness Service.

“Overall there are inherent concerns as to access to justice. The experience of our members is that many people attending court do not do so by car. Due regard must be had to the accessibility of public transport and in particular, direct routes. There will be direct effect on the advocate at Court having no client to represent, or having to wait for the arrival of the client via public transport. The effect on witnesses of court closures in rural areas cannot be overstated.” Sue Johnson, Criminal Law Solicitors Association.

Some respondents were generally supportive of the proposals and considered access to justice was not compromised but were keen to emphasise that this should be accompanied by wider improvements to the service provided by the courts.

“It makes no sense having empty courts and wasting tax payers money, so I agree with the proposals. As a Magistrate, I will have to travel further to get to court. Overall, I agree with the proposals but please don't just shut down courts but take

the opportunity to simultaneously improve the process of delivering justice.”  
Sudesh Mattu, Business Manager.

“Members of the public are prepared to travel to court as it is typically a once in a life time or a very rare event. It can be compared to visiting a specialist hospital. There is scope for greater compacting of the estate. Lawyer are flexible by nature so are used to travelling to different courts. A court’s proximity to rail stations is key for lawyers.” Nathan Sharman, Locum BCC.

## Response

Access to justice is not just about proximity to a court. We are committed to developing alternatives to travel. The changes we are making to our service will mean fewer people needing to go to a court. Going to a court can be very stressful, especially for vulnerable people.

We acknowledge that the proposals included in this consultation will result in an increase in travel time for some of those who do need to attend court and who live in proximity to a court or tribunal which will now close. This was recognised in the initial consultation and modelled estimates of increased travel time by both car and public transport and specific examples of journey times and costs were provided. These have been updated where necessary following analysis of the responses to the consultation and the Impact Assessment has been updated.

We have conducted an assessment of the equality impacts of these proposals, including on young people and the elderly. We have concluded that they do not discriminate. There a number of mitigations against the impact of these changes and these are included in Annex B below.

The travel information and public transport costs were provided as a guide to the likely impacts but could not model every potential customer journey. The issue of access to justice locally is explored for each court or tribunal in the regional response documents.

Attending a court hearing is a rare event for members of the public. Many people will never do so. However, HM Courts & Tribunals Service acknowledges that users should not have to make excessively long or difficult journeys to attend hearings. The increases in journey times resulting from the changes to the estates will not prevent users attending courts. We also know that, in an increasingly digital age, users do not always need to attend hearings in person in order to access the justice system.

On a national basis and for the population of England and Wales overall, the changes to estimated travel times are small.

Access by car	Before changes		After changes	
	0-60min	0-120min	0-60min	0-120min
Crown Courts	97%	100%	97%	100%
Magistrates' Courts	99%	100%	98%	99%
County Courts	99%	100%	98%	99%

Tribunals	83%	98%	83%	97%
<b>Access by public transport</b>	<b>Before changes</b>		<b>After changes</b>	
	0-60min	0-120min	0-60min	0-120min
Crown Courts	62%	94%	61%	93%
Magistrates' Courts	82%	97%	74%	95%
County Courts	78%	100%	72%	99%
Tribunals	39%	79%	39%	79%

The largest change is a reduction in the proportion of the population who are able to travel to their nearest magistrates' court within an hour by public transport of 8%.

We expect the process of local people being tried by local magistrates to continue. Whilst the closure of magistrates' courts will result in some necessary changes to Local Justice Areas (subject to separate stakeholder engagement and consultation exercises) magistrates will remain valued members of the judiciary and will be able to continue to serve their communities wherever they are delivering justice.

Having reviewed the responses to the consultation at a national level, we consider that the estates principles regarding access to justice have been appropriately applied to the decisions taken, and remain consistent with our overall estates aims. It remains the case that for most members of the public, needing to attend court is a very infrequent event.

For some courts, the impact of the proposed closure on access to justice was greater. In these cases, the Lord Chancellor has decided to either retain the court or close the court and seek an appropriate alternative local provision. Details are included in the Decisions section below and in the appropriate regional response document.

In addition, in line with current practice, court and tribunal users who face exceptional difficulties in attending court for a particular time can make an application to have their case heard at a different time on an individual basis.

## Value for Money

Some responses raised concerns about value for money and whether the closures would result in the level of financial savings stated.

The UK Association of Part Time Judges cited resources recently spent renovating buildings would be wasted as a result of closures.

“Take Stockport County Court for example, a building that has recently been renovated at a cost of approx £1M which would now be thrown away if it was closed.” Peter Causton, UK Association of Part Time Judges.

“The projected savings should be considered with reference to previous rounds of court closures. It should not be forgotten that many of the buildings remain unsold. The proposals appear to minimise the immediate increase in costs that will result from court closures including lease break costs, IT decommissioning etc Also the options set out in the assessment are extremely limited ie do nothing or close court buildings” Richard Michael Mason, Solicitor.

One respondent argued that new technology should be embraced more quickly, citing the high cost of land, but cautioned that locations needed to be easily accessed by defendants, witnesses and the jury. They suggested that the,

“admin procedures could be centralised in one national location. With the advent of everything being digital, staff do not need to be working from this valuable estate. This could lead to more courts been squeezed into one building/ E.G Mags / Crown / family / coroners.” Claire Hewson, Police Officer.

The Public and Commercial Services Union responded that the

“The proposals are too driven by the need to cut costs rather than any desire to improve access to justice. We believe that the closures will restrict access to courts and tribunals for many court users. The difficulty in reaching alternative courts is likely to increase the risk of delays and may lead to more miscarriages of justice due to the longer journey times acting as a deterrent to victims and witnesses” Public and Commercial Services Union.

## Response

HM Courts & Tribunals Service has to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse.

If we continue with our current estate, a third of our operating budget would be spent on court and tribunal estate, much of which would be poorly occupied. There are 460 buildings in England and Wales, costing taxpayers £500 million per year. For the financial year 2014-15, nearly half of our buildings were used for less than half of their available hearing time.

This surplus estate limits our ability to invest in alternative ways of making justice accessible. We want to reduce the current and future cost of running the estate and to maximise the capital receipts from selling surplus estate for reinvestment in HM Courts & Tribunals Service. This is critical to the delivery of our plans to reform the service.

We need to reduce our reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to maintain or improve.

The accompanying Impact Assessment includes detailed estimates of the costs and benefits of these changes. In summary annual operating cost savings of £27 million are expected along with capital receipts of £39 million from the sale of freehold buildings. These numbers will change as we refine our plans, now that decisions have been made.

We expect to dispose of surplus freehold estate in line with current cross Government guidelines, ensuring that value for the taxpayer is maximised. Whilst a small number of properties with specific issues to resolve remain unsold from earlier closures, the Court Estate Reform Programme (CERP) announced in 2010 raised £49.6 million from the sale of freehold properties.

### **Operational Efficiency**

Many of the responses referred to operational efficiency. Many respondents questioned the capacity to absorb additional business in other buildings.

The Bar Council seeks reassurance that the transformation results in high quality facilities, particularly as increases in cases handled in remaining accommodation places extra pressure on services.

“... it is worth highlighting three notable limits to improving efficiency in the criminal justice system (CJS): the fact that the CJS have no control over the number of cases that must be handled; the chronic shortage of funds in the CJS; and the cooperation of defendants in court proceedings.” The Bar Council.

Some respondents queried the utilisation of courts and how cases are listed.

“There may be some County Courts which are under-utilised, but there are also many others which are struggling to cope with the workload. For example, in a case I was recently involved in at the County Court in Brentford, there were 4 x hearings listed for one Judge at 10:00am, and another 3 at 11:30. Each of those had a time estimate of 1.5 or 2 hours.” David Carrod, Professional user.

“There is insufficient evidence to show that efficiencies will be made by court listings. Many integrated courts are already stretched, for example Central London court has recently had a 62 day backlog of correspondence and in Manchester Court office space does not appear to have room for expansion.” Shelter.

Victim Support raised concerns about the impact on waiting times.

“In addition to ensuring a high quality of facilities available to all witnesses, HMCTS will need to ensure that added pressure on remaining courts as a result of closures does not generate backlogs and lead to longer waiting times which can have serious and far reaching implications for victims and witnesses.” Alexandra Barker, Victim Support.

Several stakeholders, including The Insolvency Service and the National Offender Management Service expressed their desire to work jointly, particularly in implementation plans.

“The Insolvency Service would ask to work in partnership on a solution which is compatible and useful for both of us to achieve greater use of technology for conducting routine hearings as an alternative to physically attending court premises as well as increased use of paper applications where routine and non-contentious matters are dealt with without hearings” The Insolvency Service.

“HMCTS and NOMS are close partners within the criminal justice system and the relationship between the two is at the heart of the criminal justice process. We welcome the opportunity to participate in this consultation and the direction of travel proposed. Engagement has already begun on an operational level and we remain optimistic that this will lead to successful delivery of our own estate reforms and deliver savings to the public purse and maintain protection of the public.” National Offender Management Service.

## Response

For all courts an assessment of the capacity of the receiving court to accommodate the additional workload was made prior to the publication of the consultation. These have been revisited and updated in light of the responses received to the consultation. The utilisation levels of individual courts are included in the regional consultation response documents. The level of workload in these courts has been reviewed to make sure that sufficient capacity exists in receiving courts, including an allowance for reasonable future changes in workload.

The current utilisation rate of hearing rooms across England and Wales is very low. At a national level in the financial year 2014-15, recorded utilisation levels by jurisdiction were:

- Crown courts 71%
- County courts 53%
- Magistrates' courts 47%
- Tribunal hearing rooms 71% [2014-15 data]<sup>4</sup>

Utilisation levels in courts remain unacceptably low. In 2014-15 around half (48%) of courts and tribunals were used less than half of the time. While some initiatives have reduced the workload dealt with in our courts, in general our estate contains too many courtrooms, many of which cannot be used flexibly or are in poor condition.

As part of the process of assessing responses to the consultation, utilisation rates for each court and tribunal included in the proposals were reviewed. Where the utilisation rates have been revised as a result, this is noted in the regional consultation document together with an explanation for the change. For each court a further assessment of the capacity of receiving courts to accommodate the work has been made.

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<sup>4</sup> Most recent tribunal utilisation data available

We are confident from this assessment that the capacity exists to accommodate the business effectively and meet our future strategic requirements. HM Courts & Tribunals Service regularly reviews trends in workloads across all jurisdictions and the proposals included in the consultation are based on current and projected workloads. Any exceptional changes to workload will be handled through flexible use of the court capacity at that time.

As we increasingly adopt digital ways of working, and reduce the requirement for users to physically to attend hearings in person, the need for courtrooms will diminish further. Combining the workload to one location improves efficiency and enables savings to be made. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard. We will be able to invest proportionately more in improving the facilities in fewer sites.

We will work with all our partners and stakeholders to develop implementation plans. We want to ensure operational efficiency and explore joint solutions both at local and national levels. This includes The Insolvency Service, CPS, Police, CAFCASS, Youth Offending Service and the National Offender Management Service including prisons and probation, whose operations are closely linked to ours.

### **Alternative Provision of Services**

A number of responses address the alternative provision of court services. Many supported the use of technology in delivering services differently, but concerns were raised about security of judiciary and staff in other buildings, the availability of suitable internet connections and the ability of people to access and use online services.

“The MA agrees that alternatives to travelling to a physical building could be beneficial for some users in relation to certain types of hearing. Examples would be digitised systems for certain offences such as speeding, or use of video linking for vulnerable witnesses.” Magistrate’s Association.

“JUSTICE strongly supports the expanded use of technology in the justice system. We agree that a significant number of legal matters, particularly in civil and family law, could be dealt with more efficiently and more fairly through the use of technology... the development of an integrated online and telephone service which would provide effective access to information, advice and assistance for the majority of those who would not otherwise have access to such services, while also freeing up scarce personally delivered services to those who need them most.” Nadia O’Mara, JUSTICE.

Circuit Judges were also concerned about security.

“...Courts and tribunals are flashpoints for high emotions. It is simply not good enough to assume that any public building will be secure enough to be used as a court or tribunal or to gain access to a court or tribunal.” Circuit Judges.

“The suggestion of using other civic or public buildings for hearings as demand requires inevitably raises questions as to the appropriateness of these buildings for use as a courtroom. It is likely that all the functions a courtroom can provide will not always be easily substituted by another civic or public building. For example, the consultation does not discuss whether or how any technical facilities that may be necessary for the display or sharing of documents and evidence will be



provided, nor does it engage with how special measures for vulnerable witnesses or necessary support staff for court users will be made available.” The Bar Council.

The Youth Justice Board asked that young people’s cases should be assessed case by case. They argued,

“We are clear that a digital by default position is not suitable for young people ... HMCTS’s proposals also highlight the possibility that, in cases where security requirements are low, alternative provision could be made through the use of other public buildings. The YJB feels that these proposals could have clear benefits for young people.” Youth Justice Board

The responses from Equality and Human Rights Commission and Shelter included concerns that for some groups video links may not be a suitable alternative to attending hearings in person and that their ability to participate in proceedings may undermine the principle of equality of arms. Examples given were people with visual or hearing impairments, some older people or those with communication support needs.

“Although further use of technology may mitigate against some of the negative impacts of court and tribunal closures, for some groups video-links may not be a suitable alternative to attending the hearing in person. This may include people with visual or hearing impairments, including some older people, and those with communication support needs. In the Commission’s analysis, there may be circumstances where not being physically present in court may restrict meaningful participation in the proceedings and so undermine the principle of equality of arms.” Equality and Human Rights Commission.

“Whilst the increase in the use of technology to enable greater remote engagement is welcomed, in our view it is currently only suitable for interim hearings, where a party is represented, because in our experience, people can struggle with access to technology, and usually lack the confidence to present a case remotely.” Shelter.

“There is no account taken of the fact that older people and poorer households are more likely not to have internet access in the home, or, with regard to older people, may not be familiar with using the internet. Someone who has never before used, or has little experience with the internet may find the prospect of online dispute resolution just as daunting as having to attend court itself. The Government must be aware that more rural areas of England and Wales have significant issues with broadband coverage.” Alice Warren, The Association of Personal Injury Lawyers.

“Witnesses giving evidence by remote link is already used but not as often as it could be. Court digitalisation will help and local courts could be better utilised for these purposes” David Longmore, Magistrate.

The Law Society also raised concerns about the security of public buildings and recommended that a separate consultation, for the use of such buildings, takes place before decisions on alternative provision are made.

## Response

In conjunction with addressing the HM Courts & Tribunals Service estate we are looking to modernise our practices and adopt more streamlined ways of working, using our estate

more intelligently and flexibly to reduce running costs and to increase the multifunctional court space – allowing different court and tribunal jurisdictions to share locations.

Court attendance is a time consuming and frequently inefficient process for everyone involved. A more proportionate approach to court attendance would eliminate wasted time and enhance confidence in the administration of justice. We have a duty to offer more convenient, less intimidating ways for citizens to interact with the justice system whilst maintaining the authority for appropriate cases.

Users will not always need to attend hearings in person in order to access the justice system and whilst we have already established alternative ways users can interact with our services, we are looking to expand these provisions to provide more choice than is currently available. For example through making better use of technology, including video conferencing, the wider use of telephone hearings and exploring whether we can appropriately make use of civic buildings for certain types of hearing.

A national programme is underway to renew the department's video link equipment and related infrastructure and this will lead to a more reliable system being available to court users. The HM Courts & Tribunals Service will explore using modern technology not just to make the justice system more accessible but also to reduce the costs of the whole justice system by not requiring extensive transportation of prisoners for bail hearings, or the police to take full days off their priority work to sit in a courtroom.

Initial discussions are taking place with stakeholders to identify alternative ways of delivering services. For example, there are early discussions taking place regionally with local authorities and other local stakeholders to explore the potential of using public spaces. These could include civic buildings, universities and community centres. The response for each court includes an indication of our expectations regarding the provision of alternative local access to court services.

Work is underway to establish pilots to test hearing cases in non-court buildings. We will make sure that the security of the judiciary, staff and users is assessed as part of this process and the provision of appropriate ICT facilities will also be carefully considered and evaluated.

## Decisions

Following careful consideration, the Lord Chancellor has decided to retain the following courts.

### North West

St Helens County Court (St Helens Magistrates' Court to close)

Stockport Magistrates' Court and County Court

West Cumbria Magistrates' Court and County Court

### South West

Bath Magistrates' Court, County Court and Family Court

### Wales

Carmarthen Civil, Family, Tribunal and Probate Hearing Centre

The following courts will close, though with changes to the original proposals in the consultation. Work will either move to an alternative HM Courts & Tribunals Service site, or a decision has been taken to establish suitable alternative local provision before a court will close (These courts are marked by an asterisk). Further details, including the nature of the alternative provision are included on a court-by-court basis in the appropriate regional response.

### London

Bow County Court

Lambeth County Court

### Midlands

Buxton Magistrates' Court and County Court

Grantham Magistrates' Court

Hinckley Magistrates' Court

### North East

Consett Magistrates' Court

### North West

Kendal Magistrates' Court and County Court\*

Macclesfield County Court

Macclesfield Magistrates' Court

Ormskirk Magistrates' Court and Family Court

Warrington County Court

**South East**

Aylesbury Magistrates' Court, County Court and Family Court

Bury St. Edmunds Magistrates' Court and Family Court and Bury St. Edmunds Crown Court\*

Chichester Combined Court (Crown and County)\*

Eastbourne Magistrates' Court, County Court and Family Court\*

Kings Lynn County Court and Family Court

Tunbridge Wells County Court and Family Court\*

**Wales**

Carmarthen Law Courts (The Guildhall)

Dolgellau Crown and Magistrates' Court\*

Holyhead Magistrates' Court\*

Llangefni Civil and Family Court

Prestatyn Magistrates' Court

The Lord Chancellor has decided that these courts will close as proposed.

**London**

Feltham Magistrates' Court

Greenwich Magistrates' Court

Hammersmith County Court (formerly West London County Court)

Pocock Street Tribunal Hearing Centre

Richmond-upon-Thames Magistrates' Court

Tottenham Magistrates' Court

Waltham Forest Magistrates' Court

Woolwich County Court

**Midlands**

Birmingham Youth Court

Burton-upon-Trent Magistrates' Court

Corby Magistrates' Court

Kettering County Court

Kettering Magistrates' Court

Sandwell Magistrates' Court

Shrewsbury Magistrates' Court

Skegness Magistrates' Court

Solihull Magistrates' Court

Stafford Magistrates' Court

Worksop Magistrates' Court

**North East**

Halifax County Court and Family Court

Halifax (Calderdale) Magistrates' and Family Court

Hartlepool Magistrates' Court and County Court

Morpeth County Court

Rotherham Magistrates' Court, County Court and Family Court

Scunthorpe Magistrates' Court, County Court and Family Court

Wakefield Magistrates' Court

**North West**

Accrington County Court

Accrington Magistrates' Court

Bolton County Court and Family Court

Bury Magistrates' Court and County Court

Oldham County Court

Oldham Magistrates' Court

Runcorn (Halton) Magistrates' Court

St Helens Magistrates' Court

Tameside County Court

Trafford Magistrates' Court and Altrincham County Court

**South East**

Basildon Social Security and Child Support Tribunal (Acorn House)

Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court

Bicester Magistrates' Court and Family Court

Chichester Magistrates' Court

Colchester County Court and Family Court

Colchester County Court Offices

Dartford Magistrates' Court

Dover Magistrates' Court

Harlow Magistrates' Court

Lowestoft Magistrates' Court, County Court and Family Court

Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court

St Albans County Court

Watford Magistrates' Court and Family Court

West Berkshire (Newbury) Magistrates' Court

**South West**

Barnstaple Crown Court

Bournemouth Magistrates' Court

Cheltenham Rivershill House Tribunal

Chippenham Magistrates' Court, Civil Court and Family Court

Dorchester Crown Court

Fareham Magistrates' Court

Gloucester Magistrates' Court

North Avon (Yate) Magistrates' Court

Stroud Magistrates' Court

Torquay Magistrates' Court

**Wales**

Brecon Law Courts

Bridgend Law Courts

Neath and Port Talbot Civil and Family Court

Pontypridd Magistrates' Court

Wrexham Tribunal (Rhyd Broughton)

## Implementation

There are a number of factors to consider before courts and tribunals can close. We are developing detailed implementation plans to ensure all necessary steps are taken to minimise disruption to the operational business and provide certainty for our users.

We are publishing a proposed schedule of closures with this consultation response. This provides a guide to when courts are likely to cease providing customer-facing services. They are indicative and subject to change for operational reasons. We will provide advance notice of the cessation of services from the court building to stakeholders locally and publicise this in the court.

Our intention, where feasible, is to close all the scheduled courts within the next two years.

In the event that we encounter unanticipated issues during the development of enabling works, modifications to our published plans may be necessary. Should this occur, we will fully assess any impact to users before making any decisions. Modifications could, for example, include changes to the timing of the closure of the court or tribunal and a change to the destination of the workload from a closing site.

National Stakeholders will be kept informed of implementation plans as they develop and their input will be requested where there are direct impacts to be managed.

Locally, HM Courts & Tribunals Service regional leads will engage with key stakeholders where there is a direct impact of a decision to close a site and they will be part of the implementation planning process. We will notify other local stakeholders of plans as they are confirmed.

Consultation with the departmental trade unions on staffing impacts will take place over the coming months. We will engage with all staff directly impacted by the changes to understand the impacts on them and all changes will be managed in line with the principles established in the Managing Organisational Change Framework.



## Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

## Annex A List of respondents

In addition to the 33 members of the public who responded to the national consultation, the following named individuals and organisations provided a response:

Anglia Care Trust

Anthony Douglas, Chief Executive of CAF/CASS

Archives and Records Association

Associate Director of Addaction

Authorised High Court Enforcement Officer

Baroness Newlove of Warrington, Victims' Commissioner for England and Wales

BPP University Law School Pro bono Centre

British Transport Police, Justice Directorate

BWS Solicitors

Cambridgeshire Police

Centre for Welsh Legal Affairs, Prifysgol Aberystwyth/Aberystwyth University

Chartered Institute of Legal Executives

Citizen's Advice Witness Service

Civil Court Users Association

Civil Justice Council

Constitutional Affairs and Inter-Governmental Relations, Welsh Government

District Judge Ellis

District Tribunal Judge Moss

Emmersons Solicitors

Equality and Human Rights Commission

FDA Union, CPS Section

GreenSquare Group

HH Judge Bidder QC, Honorary Secretary, The Council of Her Majesty's Circuit Judges

HH Judge Sharpe QC, Recorder (Civil and Family) and Deputy High Court Judge (Family Division)

Historic England, Engagement Manager

HMCTS Staff Member

Hodge Jones & Allan Solicitors

Housing Law Practitioners Association

Judge Lane, General Regulatory Chamber President

Judge Thompson on behalf of Judges with in the SSCS

Judge Wikeley, Chamber President (Temporary), First-tier Tribunal (War Pensions and Armed Forces Compensation Chamber)

JUSTICE

Legal Aid Practitioner Group

Litigant in person support strategy

Magistrates Association

Magistrates from Sussex Bench

Manchester Law Society

Mayo Wynne Baxter LLP Solicitors

Mr Justice Charles on behalf of the Upper Tribunal (Administrative Appeals Chamber)

National Association of Local Councils

National Association of Local Councils, Policy & Development Manager

National Magistrates

National Offender Management Service

North Wales Police

Public and Commercial Services Union (PCS)

Private Parking Appeals Limited

Property Litigation Association

Rashid & Co. Solicitors

Resolution, National organisation of Family Lawyers

Rochdale Law Association

Shelter

South Holland District Council

The Association of Her Majesty's District Judges

The Association of Personal Injury Lawyers

The Bar Council

The Criminal Law Solicitors Association

The Crown Prosecution Service

The Family Law Bar Association

The Hyde Group

The Insolvency Service

The Law Society

The Personal Support Unit

The Royal British Legion

The Youth Justice Board

UK Association of Part Time Judges

Vice Chairman of the High Court Enforcement Officers Association

Victim Support

## Annex B Equality Impact Statement

Section 149 of the Equality Act 2010 (“the EA Act”) requires Ministers and the Department, when exercising their functions, to have ‘due regard’ to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the EA Act;
- Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
- Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).

Paying ‘due regard’ needs to be considered against the nine “protected characteristics” under the EA Act – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership (only in respect of unlawful discrimination), gender reassignment, pregnancy and maternity.

The Ministry of Justice (MoJ) has a legal duty to consider how the proposed policy proposals are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the most negative ones and advance the positive ones.

### *Direct Discrimination*

Our assessment, following the consultation, is that the policy is not directly discriminatory within the meaning of the EA Act as it applies equally to all persons affected by the Estates Project within the Reform Programme; we do not consider that the policy proposal would result in people being treated less favourably because of a relevant protected characteristic.

### *Indirect Discrimination*

Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented by the proposals. However, even if it were established that in some cases (for example, the length of journey time to court) these effects constituted a particular disadvantage, implementation of the reforms represents a proportionate response to meeting the strategic needs of the organisation.

Our approach has been to identify which groups of people with protected characteristics are impacted by the proposals, at a national and regional level, and compare them to the court user population as whole. This approach allows us to identify whether any particular groups of people will be particularly disadvantaged by the proposals. Due to limitations in the available data on HMCTS users, we have made the assumption that they are representative of the general population (England and Wales) from which they are drawn.

We have assessed the available data on the characteristics of sex, age, disability, race and religion. Our current assessment is that nationally, there is some over-representation of those from a White background in areas local to the Crown courts (94%), whose closures are being consulted upon when compared to the general population (86%). There is also some over-representation of those from a Muslim and Asian background in

areas local combined courts (15% compared to 7%, and 12% compared to 5%, respectively). We have presented a summary of our regional analysis in Annex B.

The evidence set out in Table 6 suggests the closures will not have disproportionate impacts for people with the protected characteristics of sex, age and disability. Furthermore we do not consider that the closures will have a greater impact on these particular groups when compared to the national population as a whole. Nonetheless we will continue to assess the possibility that the closures will discriminate against these groups, paying particular regard to any evidence of discrimination and/or equality impacts identified in the responses to consultation.

Due to limitations in the available data we have been unable to assess impacts on the remaining protected characteristics of sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity. Having considered the impact of the proposals on the groups for which limited data is available, we have not identified any illegal direct or indirect discrimination arising from the planned closures.

The information set out in the Travel Time Impacts section (see Charts 1-6 above) demonstrates that the majority of people living in the areas affected by court closures will be within an acceptable travelling distance of the courts that work is being transferred to. We do however acknowledge that a small number of people will face longer journeys to the new courts.

#### *Discrimination arising from disability and duty to make reasonable adjustments*

In so far as this policy extends to disabled court users, we believe that the policy is proportionate, having regard to its aim. It remains important to make reasonable adjustments for people with disabilities to ensure appropriate support is given to ensure they can access our services.

Even though the proportion of disabled people affected by the proposals is broadly in line with the proportion of disabled people in the population as a whole, the need to travel further (either by car or by public transport) is likely to have greater impacts for people with specific disabilities such as those with limited mobility. Those impacts can be ameliorated, to some degree, by some of the mitigating measures identified below. For example, the greater availability of on line information may reduce the need to travel to courts. Additionally, concentrating resources on larger court centres may enable those centres to have enhanced facilities for disabled people and those with children.

The potential for greater impacts for disabled and older people and pregnant women has been treated as a significant factor when assessing the proportionality of the proposals and will be reconsidered before any final decision is taken.

#### *Harassment and victimisation*

We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

#### *Advancing equality of opportunity*

Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic. Reducing the reliance on HMCTS buildings with poor facilities to take advantage of a more modernised estate with better communication methods will help to generate a positive impact on all users, especially people with disabilities.

#### *Fostering good relations*

Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

### **Section 1. Court users – national impacts**

We have explored the likely equality impacts on court users at a national and regional level by drawing comparisons between the populations local to the proposed closures and the court user population as whole.

No comprehensive information is held on the protected characteristics of HM Courts & Tribunals Service users. In this assessment, we have assumed that all court users are representative of the general population from which they are drawn, using data from the 2011 Census. We have compared the protected characteristics of this population with the populations in London boroughs, district or unitary authorities to the impacted courts, by court function.

At a national level, the characteristics of those living local to courts whose closures are being consulted on are broadly similar to that of the general population of potential court users (as illustrated in Table 7 below). The on exception to this is the greater effect of Combined court closures on the Asian and Muslim population. The reason for this is the closure of a combined court in Birmingham, which is both densely populated (the court potentially serves more people) and has a high Asian and Muslim population. In each instance of court closure, due weight will be given to local characteristics.

**Table 1: The protected characteristics of those impacted by the proposals, national population comparison:**

		Local population					National population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		3	53	30	19	7	112
<b>Gender</b>	Male	49%	49%	49%	49%	49%	49%
	Female	51%	51%	51%	51%	51%	51%
<b>Age</b>	0-15	19%	19%	19%	18%	21%	19%
	16-64	64%	64%	65%	67%	64%	65%
	65+	16%	17%	17%	15%	15%	16%
<b>Disability</b>	Disability	18%	19%	19%	19%	19%	18%
	No disability	82%	81%	81%	81%	81%	82%
<b>Race</b>	White	91%	89%	88%	88%	75%	86%
	Mixed	2%	2%	2%	2%	3%	2%
	Asian	4%	5%	5%	4%	15%	7%
	Black	1%	3%	3%	4%	5%	3%
	Other	1%	1%	1%	2%	2%	2%
<b>Religion</b>	Christian	58%	62%	61%	58%	54%	59%
	Buddhist	0%	0%	0%	1%	0%	0%
	Hindu	1%	1%	1%	1%	1%	1%
	Jewish	0%	0%	0%	0%	0%	0%
	Muslim	3%	4%	4%	4%	13%	6%
	Sikh	0%	1%	0%	0%	2%	1%
	Other religion	0%	0%	0%	0%	0%	0%
	No	29%	25%	25%	30%	23%	26%



	Local population					National population
	<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
religion						
Not stated	7%	7%	8%	7%	7%	7%

A summary of our assessment of equality impacts at a regional level is presented in section 2. It shows that although in general the impact on regions is consistent with the nationwide impact, there are a instances where the impact is greater due to local demographics (i.e. on a smaller scale than regionally)

### Defendants, victims and witnesses

The Ministry of Justice publications *Race and the Criminal Justice System 2012* and *Women and the Criminal Justice System 2013* show the race and gender profile of court users and those in the Criminal Justice system. They show that men and those from a Black ethnic group over-represented amongst defendants in the criminal courts when compared to the general population from which they are drawn. Data for those sentenced in both the Crown and magistrates' courts in 2012 to 2013 confirm that:

- Men are over-represented amongst those sentenced to immediate custody compared to the general population aged 10 years and older (92% compared to 49%)
- Those from the Black ethnic group are also over-represented amongst those sentenced compared to the general population aged 10 years and older (8% compared to 3%)

There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2014-15) shows that the following groups of people are over-represented as victims of crime when compared to all those surveyed:

- Those aged 16 to 24 (25% of all victims compared to 12% of all those surveyed)
- 19% of Non-White adults have been a victim of crime, compared to 17% of White adults.

Whilst groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation extends to victims and witnesses who use the criminal courts. Conclusions on how different groups of victims and witnesses may be impacted by the proposals therefore remain tentative.

### Impact on magistrates

HM Courts & Tribunals Service HR data show that magistrates are older and more likely to be of White ethnicity than the general population of England and Wales from which they are drawn. Data for 31 March 2011 confirm that:

- Younger magistrates are under-represented: 18% of serving magistrates were 49 or under, 30% were aged 50-59 and 52% aged 60 and over. Figures for the general population (aged 18-70) are 66%, 18% and 16% respectively.
- Those of Black, Asian and Minority Ethnic (BAME) ethnicity were similarly under-represented: 8% of serving magistrates in England and Wales declared themselves to be from a BAME background. This compares with the most recent estimate that BAME groups represent 14% of the general population (all ages).
- Disabled magistrates were also under-represented: 5% of serving magistrates in England and Wales consider themselves to have a disability, whilst 18% of the general population (all ages) consider themselves to have a long-term health problem or disability that limits daily activity a lot or a little. The differences in the definitions of disability are acknowledged.
- In line with the general population 51% of serving magistrates in England and Wales were female.

### **Other impacted groups**

Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office<sup>5</sup> show that male judges, those of White ethnicity and those aged 50 years and older are over-represented compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions<sup>6,7</sup>.

With regards to other HM Courts & Tribunals Service staff, equality assessments will be carried out by HM Courts & Tribunals Service HR at the Business Unit level and the impact on protected characteristics will be fully assessed once the impact on individuals at each site under Option 1 has been assigned.

### **Mitigations**

We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services. We also need to continue to provide reasonable adjustments for court users with disabilities to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including:

- All guidance material, together with information about particular processes, are made available online through Gov.uk and the Justice website. This would include:

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<sup>5</sup> <http://www.judiciary.gov.uk/publications-and-reports/statistics>

<sup>6</sup> <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

<sup>7</sup> <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

the location, directions to and available facilities of the relevant court or tribunal, mediation, how to make a claim, how to appeal, and how to make a complaint. In addition these webbuildings provide useful links and signposts users to related webbuildings such as: Resolution, National Family Mediation, Community Legal Advice, Citizens advice Bureau, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed as necessary.

- Work is currently being undertaken to modernise the delivery of face to face services in the Civil and Family Courts. Of particular relevance this work aims to:
  - Signpost users to appropriate sources of information.
  - Increase usage of online services.
  - Avoid unnecessary journeys to court for customers.
- Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
- Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
- Alternative Dispute Resolution is promoted where appropriate which reduces reliance on court hearings and prevents the need for attendance at court.
- Reasonable adjustments are made for customers with disabilities in courts in accordance with the existing reasonable disability adjustments obligations Guidance is available to all staff, including a central advice point.
- Video links for criminal courts are used as follows:
  - Police witnesses can use live links to give evidence in trials. These links operate in nine Criminal Justice System (CJS) areas, with more expected to be set up this year.
  - Virtual courts are set up in four areas for preliminary hearings. Defendants appear from the police station at the magistrates' court by video link.
  - Prison to court video links allow defendants to appear from custody in magistrates' courts and the Crown Court.
  - Additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant.
  - Later starts times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.

Some responses in the consultation raised concerns over access to justice, particularly for those with protected characteristics including the elderly population and those with disabilities. Comments made reference to the fact that travelling further to court will have a disproportionate effect on the elderly, disabled and single parent population, stating that the consultation impact assessment did not take this equality issue into account.

Having reviewed the consultation responses, there are a number of mitigations in place which will address concerns over access to justice. These include full online guidance on Gov.uk and the Justice website with the location, directions to and available facilities of the relevant court or tribunal, increased telephone services and reasonable disability adjustments within courts.

We understand that going to court can be a very stressful, especially for vulnerable, disabled and elderly people. We are reforming the system so that fewer people will need to physically go to court.

In an increasingly digital age, users will not always need to attend hearings in person in order to access the justice system and whilst we have already established alternative ways users can interact with our services, we are looking to expand these provisions to provide more choice than is currently available. For example through making better use of technology, including video conferencing. For those users who cannot access services through digital means we will ensure we retain appropriate alternative channels.

For those court users who anticipate that they will experience problems in travelling to alternative court venues, the courts will consider applications to conduct business with the court by alternative means, where possible. In exceptional cases start times of hearings may be delayed to allow later attendance due to travel difficulties but this would be considered on a case by case basis.

Equalities Assessment for the Ministry of Justice produced in September 2015 shows the representation of protected characteristics within courts and tribunals from the data available. Results show that the elderly are not over-represented within family or criminal courts. Data is not available on the characteristics of users of civil courts or tribunals, however data on the characteristics of people experiencing a civil, administrative or family justice problem gives no indication the elderly population are over represented.

In terms of those with disabilities, it's unclear from the data for family courts whether there is an over or under representation in relation to disability. Data is not available on the characteristics of users of civil courts or tribunals, however data on the characteristics of people experiencing a civil, administrative or family justice problem suggests that people with disabilities have a higher rate of reporting experiencing a problem (for example 56% of those with mental health disabilities reported having experienced such a problem). Although this doesn't indicate an over-representation of the disabled population compared to the national within civil courts and tribunals it's an area for further research upon improved availability of data. Information is not available by disability status in criminal courts.

## Conclusions

The majority of the people living in the areas affected by the court closures will be within an acceptable travelling distance of the court where the work is transferred to. This means that most individuals will still have reasonable journeys to court to attend hearings, including by public transport. In exceptional cases start times of hearings may be delayed to allow later attendance due to travel difficulties but this would be considered on a case by case basis.

Although increased journeys have the potential to impact some people with protected characteristics, we consider it unlikely that this will result in a particular or substantial disadvantage to most court users given the limited number of occasions they will access the courts and tribunals services. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). All of these measures are reducing the need to travel to court buildings to access HMCTS services.

For those that still need to attend courts, reasonable disability adjustments are offered and other measures such as later court hearing start times will minimise impacts for those with transport difficulties.

In many instances enhanced facilities and services are provided at the receiving courts. Overall therefore we consider that the proposed estate reforms and any resulting impacts are a proportionate means of achieving the legitimate aim of an affordable, efficient court estate.

## Section 2 - Regional Equality Impacts

1. At a cumulative level, there is some over-representation of those of Asian ethnicity living local to affected Combined courts in the Midlands region when compared to the regional average (25% compared to 8%). And an over representation of Muslims living local to affected Combined courts in the Midlands (22% compared to the regional average of 5%)
2. On the other hand those of a White ethnicity are much more affected by the closures of Magistrates' courts (91%), County courts (95%) and Tribunals (97%) compared to the regional average of 86%.
3. Across other court functions, and other HMCTS regions, there are no notable differences between the protected characteristics of those living local to all courts and tribunals in each region and the regional population in general (as shown in Tables B.01-B.07).

**Table A.01: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service London**

		Local population					London population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		0	5	3	1	0	9
<b>Gender</b>	Male	N/A	50%	50%	50%	N/A	49%
	Female	N/A	50%	50%	50%	N/A	51%
<b>Age</b>	0-15	N/A	20%	20%	18%	N/A	20%
	16-64	N/A	70%	72%	74%	N/A	69%
	65+	N/A	10%	8%	8%	N/A	11%
<b>Disability</b>	Disability	N/A	14%	14%	14%	N/A	14%
	No disability	N/A	86%	86%	86%	N/A	86%
<b>Race</b>	White	N/A	62%	55%	54%	N/A	60%
	Mixed	N/A	5%	6%	6%	N/A	5%
	Asian	N/A	15%	17%	7%	N/A	17%
	Black	N/A	13%	18%	27%	N/A	13%

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		Local population					London population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
	Other	N/A	5%	4%	6%	N/A	5%
<b>Religion</b>	Christian	N/A	49%	45%	53%	N/A	48%
	Buddhist	N/A	1%	1%	1%	N/A	1%
	Hindu	N/A	4%	2%	1%	N/A	5%
	Jewish	N/A	1%	0%	0%	N/A	2%
	Muslim	N/A	12%	16%	9%	N/A	12%
	Sikh	N/A	2%	1%	0%	N/A	2%
	Other religion	N/A	0%	0%	0%	N/A	1%
	No religion	N/A	22%	24%	27%	N/A	21%
	Religion not stated	N/A	8%	10%	9%	N/A	8%

**Table A.02: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service Midlands**

		Local population					Midlands population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
<b>Site closures</b>		0	11	4	1	1	17
<b>Gender</b>	Male	N/A	49%	49%	49%	49%	49%
	Female	N/A	51%	51%	51%	51%	51%
<b>Age</b>	0-15	N/A	19%	19%	17%	23%	19%
	16-64	N/A	63%	63%	64%	64%	64%
	65+	N/A	19%	18%	19%	13%	17%
<b>Disability</b>	Disability	N/A	19%	19%	23%	18%	19%
	No disability	N/A	81%	81%	77%	82%	81%
<b>Race</b>	White	N/A	91%	95%	97%	58%	86%
	Mixed	N/A	2%	1%	1%	4%	2%
	Asian	N/A	5%	2%	1%	25%	8%
	Black	N/A	2%	1%	1%	9%	3%
	Other	N/A	1%	1%	0%	3%	1%
<b>Religion</b>	Christian	N/A	65%	64%	64%	46%	60%
	Buddhist	N/A	0%	0%	0%	0%	0%
	Hindu	N/A	1%	0%	0%	2%	2%
	Jewish	N/A	0%	0%	0%	0%	0%
	Muslim	N/A	2%	1%	1%	22%	5%
	Sikh	N/A	2%	1%	0%	3%	2%
	Other religion	N/A	0%	0%	0%	1%	0%



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	Local population					Midlands population
	<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
No religion	N/A	23%	26%	27%	19%	24%
Religion not stated	N/A	7%	7%	7%	7%	7%

**Table A.03: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service North East**

		Local population					North East population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		0	5	5	6	0	16
<b>Gender</b>	Male	N/A	49%	49%	49%	N/A	49%
	Female	N/A	51%	51%	51%	N/A	51%
<b>Age</b>	0-15	N/A	18%	18%	18%	N/A	19%
	16-64	N/A	64%	63%	66%	N/A	65%
	65+	N/A	17%	18%	16%	N/A	17%
<b>Disability</b>	Disability	N/A	22%	20%	21%	N/A	20%
	No disability	N/A	78%	80%	79%	N/A	80%
<b>Race</b>	White	N/A	95%	95%	91%	N/A	91%
	Mixed	N/A	1%	1%	1%	N/A	1%
	Asian	N/A	3%	3%	4%	N/A	5%
	Black	N/A	0%	0%	2%	N/A	1%
	Other	N/A	1%	1%	2%	N/A	1%
<b>Religion</b>	Christian	N/A	67%	66%	61%	N/A	62%
	Buddhist	N/A	0%	0%	0%	N/A	0%
	Hindu	N/A	0%	0%	0%	N/A	0%
	Jewish	N/A	0%	0%	0%	N/A	0%
	Muslim	N/A	2%	2%	4%	N/A	5%
	Sikh	N/A	0%	0%	0%	N/A	0%
	Other religion	N/A	0%	0%	0%	N/A	0%

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	Local population					North East
No religion	N/A	23%	25%	27%	N/A	25%
Religion not stated	N/A	6%	7%	7%	N/A	7%

**Table A.04: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service North West**

		Local population					North West population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		0	8	5	0	0	13
<b>Gender</b>	Male	N/A	49%	49%	N/A	49%	49%
	Female	N/A	51%	51%	N/A	51%	51%
<b>Age</b>	0-15	N/A	20%	19%	N/A	20%	19%
	16-64	N/A	64%	63%	N/A	64%	65%
	65+	N/A	16%	18%	N/A	16%	17%
<b>Disability</b>	Disability	N/A	19%	20%	N/A	19%	20%
	No disability	N/A	81%	80%	N/A	81%	80%
<b>Race</b>	White	N/A	90%	92%	N/A	88%	90%
	Mixed	N/A	2%	1%	N/A	1%	2%
	Asian	N/A	7%	6%	N/A	9%	6%
	Black	N/A	1%	0%	N/A	1%	1%
	Other	N/A	1%	1%	N/A	1%	1%
<b>Religion</b>	Christian	N/A	66%	68%	N/A	66%	67%
	Buddhist	N/A	0%	0%	N/A	0%	0%
	Hindu	N/A	1%	0%	N/A	1%	1%
	Jewish	N/A	1%	0%	N/A	0%	0%
	Muslim	N/A	6%	5%	N/A	7%	5%
	Sikh	N/A	0%	0%	N/A	0%	0%
	Other religion	N/A	0%	0%	N/A	0%	0%

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	Local population					North West
No religion	N/A	20%	20%	N/A	19%	20%
Religion not stated	N/A	6%	6%	N/A	6%	6%

**Table A.05: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service South East**

		Local population					South East population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
<b>Site closures</b>		1	11	5	5	2	24
<b>Gender</b>	Male	49%	49%	49%	50%	48%	49%
	Female	51%	51%	51%	50%	52%	51%
<b>Age</b>	0-15	21%	19%	19%	18%	16%	19%
	16-64	64%	63%	63%	67%	59%	64%
	65+	15%	18%	18%	15%	25%	17%
<b>Disability</b>	Disability	13%	16%	18%	16%	17%	16%
	No disability	87%	84%	82%	84%	83%	84%
<b>Race</b>	White	89%	91%	94%	91%	97%	91%
	Mixed	2%	2%	2%	2%	1%	2%
	Asian	6%	5%	2%	4%	1%	4%
	Black	2%	2%	1%	2%	0%	2%
	Other	1%	1%	1%	2%	1%	1%
<b>Religion</b>	Christian	61%	61%	60%	53%	66%	60%
	Buddhist	0%	0%	0%	1%	0%	0%
	Hindu	1%	1%	1%	1%	0%	1%
	Jewish	1%	0%	0%	0%	0%	0%
	Muslim	4%	2%	1%	2%	0%	2%
	Sikh	0%	0%	0%	0%	0%	1%
	Other religion	0%	0%	0%	0%	0%	0%

Response to the proposal on the provision of court and tribunal services in England and Wales

	Local population					South East population
	<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
No religion	26%	27%	29%	35%	25%	28%
Religion not stated	7%	7%	8%	8%	8%	7%

**Table A.06: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service South West**

		Local population					South West population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		1	7	3	5	2	18
<b>Gender</b>	Male	N/A	49%	49%	50%	50%	49%
	Female	N/A	51%	51%	50%	50%	51%
<b>Age</b>	0-15	N/A	18%	19%	18%	17%	18%
	16-64	N/A	63%	63%	67%	68%	63%
	65+	N/A	19%	18%	15%	15%	20%
<b>Disability</b>	Disability	N/A	17%	16%	17%	17%	18%
	No disability	N/A	83%	84%	83%	83%	82%
<b>Race</b>	White	N/A	95%	93%	90%	88%	95%
	Mixed	N/A	1%	1%	2%	2%	1%
	Asian	N/A	2%	4%	4%	6%	2%
	Black	N/A	1%	1%	3%	2%	1%
	Other	N/A	1%	1%	1%	2%	1%
<b>Religion</b>	Christian	N/A	62%	63%	54%	54%	60%
	Buddhist	N/A	0%	1%	1%	1%	0%
	Hindu	N/A	0%	1%	1%	1%	0%
	Jewish	N/A	0%	0%	0%	0%	0%
	Muslim	N/A	1%	1%	3%	3%	1%
	Sikh	N/A	0%	0%	0%	1%	0%
	Other religion	N/A	1%	0%	1%	1%	1%



Response to the proposal on the provision of court and tribunal services in England and Wales

	Local population					South West population
	<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
No religion	N/A	28%	26%	33%	33%	29%
Religion not stated	N/A	8%	7%	8%	7%	8%

**Table A.07: The protected characteristics of those impacted by the proposals, HM Courts & Tribunals Service Wales**

		Local population					National population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
Site closures		1	6	5	1	2	15
<b>Gender</b>	Male	49%	49%	49%	50%	49%	49%
	Female	51%	51%	51%	50%	51%	51%
<b>Age</b>	0-15	17%	18%	18%	19%	18%	18%
	16-64	65%	62%	62%	64%	62%	63%
	65+	18%	19%	21%	17%	20%	18%
<b>Disability</b>	Disability	23%	24%	24%	21%	23%	23%
	No disability	77%	76%	76%	79%	77%	77%
<b>Race</b>	White	94%	98%	98%	97%	98%	96%
	Mixed	1%	1%	1%	1%	1%	1%
	Asian	2%	1%	1%	1%	1%	2%
	Black	1%	0%	0%	0%	0%	1%
	Other	2%	1%	1%	0%	0%	1%
<b>Religion</b>	Christian	55%	57%	61%	63%	58%	58%
	Buddhist	0%	0%	0%	0%	0%	0%
	Hindu	0%	0%	0%	0%	0%	0%
	Jewish	0%	0%	0%	0%	0%	0%
	Muslim	2%	0%	1%	1%	0%	1%
	Sikh	0%	0%	0%	0%	0%	0%
	Other religion	0%	0%	0%	0%	0%	0%

Response to the proposal on the provision of court and tribunal services in England and Wales

	Local population					National population
	<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	<i>Tribunal</i>	<i>Combined court</i>	
No religion	34%	34%	29%	27%	32%	32%
Religion not stated	7%	8%	8%	8%	8%	8%



