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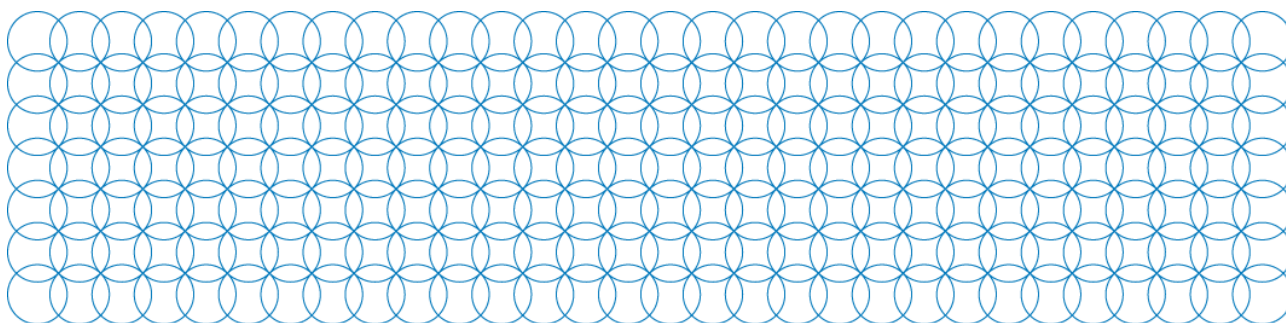


Cambridgeshire and Essex
Judicial Business Group

A Consultation on the merger of the Local Justice Areas in Cambridgeshire

Consultation Paper

This consultation begins on 27 May 2014





HM Courts &
Tribunals Service



**Cambridgeshire and Essex
Judicial Business Group**

A Consultation on the Merger of the Local Justice Areas in Cambridgeshire

A consultation produced by HM Courts & Tribunals Service,
part of the Ministry of Justice. It is also available on the
Ministry of Justice website at <https://consult.justice.gov.uk/digital-communications/cambridgeshire-lja-merger>

About this consultation

To:	Those mentioned in section 8(6) Courts Act 2003 and those listed below at page 10
Duration:	From 27 th May 2014 to 8 th July 2014
Enquiries (including requests for the paper in an alternative format) to:	<p>Siân Jones Justices' Clerk for Cambridgeshire and Essex</p> <p>HM Courts & Tribunals Service South East Regional Support Unit Post Point 9.05 102 Petty France London SW1H 9AJ</p> <p>DX 152380.</p> <p>Email: SouthEastRSU@hmcts.gsi.gov.uk</p>
How to respond:	Please send your response by 8 th July 2014 to the above address
Response paper:	A response to this consultation exercise is due to be published by 29 September 2014

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Executive Summary

This paper, issued on behalf of the Cambridgeshire and Essex Judicial Business Group (JBG), sets out for consultation the proposed merger of the three Local Justice Areas (LJAs, also known as Benches) in Cambridgeshire into a single Area, to be known as the Cambridgeshire LJA.

At present the business of magistrates' courts in Cambridgeshire is split between three LJAs: Huntingdonshire, North Cambridgeshire and South Cambridgeshire, with courthouses in respectively, Huntingdon, Peterborough and Cambridge. These LJAs, along with those in Essex, are served by the staff who work within the Cambridgeshire and Essex cluster.

This proposal will improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases in magistrates' courts in Cambridgeshire and by increasing the opportunities for magistrates to retain experience and thus competence. It also enables best use of resources by more effective listing and by streamlining the out of court activities of magistrates such as meetings, training and the work of Bench Chairmen and other Bench officers.

Consideration of merger of benches is not linked to the usage of buildings, and bench amalgamation should absolutely not be seen as a precursor to courthouse closures.

It is highly likely that the distribution of work between courthouses would be reviewed as a result of merger. Any significant changes to the court schedule, including the centralization of categories of work, will be the subject of separate consultation with court users according to the usual practice.

This consultation seeks the wider views of those people or groups who may be affected by the change including magistrates, other members of the judiciary, court users, stakeholders and public authorities, charities and business within the immediate areas concerned.

Details on how to respond are to be found on page 14 of this paper.

Introduction

This paper is issued on behalf of the Cambridgeshire and Essex Judicial Business Group (JBG) which is the body, made up of members of the judiciary and HMCTS managers, with responsibility for managing the judicial business of magistrates' courts within the Cambridgeshire and Essex cluster.

There are three key reasons for considering merger: to improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases, to make better use of reduced resources; and to increase the opportunities for magistrates to retain experience and thus competence. The JBG must address the issues of the significant reduction in magistrates' sittings against a background of a falling criminal caseload and rising family caseload. The JBG must also consider the resources available to HMCTS and criminal justice partners to ensure that justice can be delivered as effectively as possible.

Courts and tribunals are supported by staff employed by Her Majesty's Courts and Tribunals Service (HMCTS). The staff supporting a number of courts and tribunals are organized into clusters, in Cambridgeshire, the Cambridgeshire and Essex cluster.

Local Justice Areas and their alteration

The Courts Act 2003 requires England and Wales to be divided into Local Justice Areas. The Lord Chancellor may alter LJAs by order, including combining them, and the Act requires him to consult any Justices assigned to the area(s) and any local authority whose area includes the LJA, before doing so¹.

Magistrates have national jurisdiction so they can deal with most cases irrespective of where they arose. However, cases should usually be listed in the Local Justice Area where the offence takes place or the defendant lives². Magistrates are assigned to a Local Justice Area (or Bench) for organizational purposes and are generally expected to sit only in the LJA to which they are assigned, subject to certain exceptions³.

At present there are currently three local justice areas (LJAs) in Cambridgeshire, each with its own courthouse: Huntingdonshire (which sits in Huntingdon), North Cambridgeshire (which sits in Peterborough) and South Cambridgeshire (which sits in Cambridge). Family magistrates from each LJA sit together on family work within the county and magistrates from Huntingdonshire and North Cambridgeshire share the youth work, sitting at Peterborough, while South Cambridgeshire has its own youth court.

The final decision to change a LJA is taken by the Lord Chancellor following statutory consultation. The decision must be made primarily on the need to ensure access to justice and to deal effectively with the business of magistrates' courts, taking into account the needs of local communities and the wider criminal justice system infrastructure, the deployment of magistrates and their need for support and the workload and deployment of HMCTS staff⁴.

¹ Courts Act 2003, s8

² Directions Regarding Where Magistrates' Courts Can Sit and Criminal and Civil Jurisdiction and Procedure in Magistrates' Courts in England and Wales

³ Courts Act 2003, s10,

⁴ HMCTS Guidance on the Alteration of Local Justice Areas 2012

Local Justice Areas have been increasing in size for several years as benches merged. A significant number merged in 2012 (including in Cambridgeshire), and several since. This means that the three benches in Cambridgeshire are among the smallest in the country. For example, there is a single LJA in Norfolk of 296 magistrates, and two in Essex with respectively 193 and 237 magistrates. The total number of magistrates in Cambridgeshire on all three benches is currently 207.

Managing the caseload of magistrates' courts

Courts both nationally and within Cambridgeshire are faced with a falling caseload in criminal and civil work combined with a rise in the family court.

The division of the business within three LJAs in the County means that the work has to be organized, not according to efficiency and the needs of individual cases, but by the LJA boundaries. Falling caseload has exacerbated this trend.

The result is that there are courts in Cambridgeshire with too little business in them which makes it hard for HMCTS to make the best use of its resources and places a large burden on criminal justice partners such as the Crown Prosecution Service (who have to make savings of 27% by 2015), the Probation Service, Youth Offending Teams and defence practitioners. One key factor which affects the ability of all these partners to manage within their resources is the number of courts they are required to cover.

The low level of business in these courts reduces the experience of many magistrates, with a risk to their competence.

The division also fosters delay since courts have to be held at longer intervals than would be the case if all the work were organized within a single LJA. This impacts negatively on victims, witnesses, defendants and, where defendants are held in custody, the Prison Service.

The existence of three LJAs triplicates the number of meetings which have to be serviced by managers and support staff.

Courthouses

Consideration of merger of benches is not linked to the usage of buildings, and bench amalgamation should not be seen as a precursor to courthouse closures.

It is highly likely that the distribution of work between courthouses would be reviewed as a result of merger. Any significant changes to the court schedule, including the centralization of categories of work, will be the subject of separate consultation with court users according to the usual practice.

This consultation

This consultation complies with Section 8(6) of the Courts Act 2003 and HMCTS' guidance on the alteration of Local Justice Areas. An impact assessment has been carried out and will be found at page 16.

Copies of the consultation paper are being sent to the persons identified at page 11. However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposal

- **To combine the Huntingdonshire, North Cambridgeshire and South Cambridgeshire Local Justice Areas**
- **To name the new area Cambridgeshire Local Justice Area.**

We have reviewed the options against the key factors set out in HMCTS's guidance on the alteration of Local Justice Areas.

Ensuring effective use of available court time and courthouse resource to ensure that workload is completed expeditiously within courthouses with suitable facilities

Where geographical boundaries of local justice areas are hindering timely delivery of justice and effective use of resources, while considering access to justice for the community

The key limiting factor in the operation of magistrates' courts at present is the number of legal advisors: as a matter of law, magistrates cannot sit without one. Budget allocation for legal advisors is determined principally by caseload, irrespective of the number of courts which operate. Caseload for magistrates' courts in general (other than in the family court) has been falling year-on-year for almost a decade and this is likely to continue.

The current arrangement of LJAs in Cambridgeshire means that the caseload cannot be arranged in the most efficient way in order to match the staffing allocation. Cases are split between three LJAs, resulting in more courts overall being held than the workload requires. This division into three limits the flexibility to apply resources according to the need of the case. This has a direct impact on court users and the wider public interest, as it generates delay.

Splitting the county's work into three means that some courts have too little business to sit regularly which has a significant impact on the delivery of justice. This is seen most clearly in the youth court, where South Cambridgeshire has insufficient work to sit more frequently than once a fortnight. This inevitably generates delay, as a case cannot be adjourned for less than two weeks, even if less time is needed.

The number of trials in the three LJAs vary unpredictably due to varying volumes. This has a direct impact on trial waiting times and it is often the case that the waiting time for trials can be several weeks longer in one part of the county compared with another. However trials must usually be adjourned to a trial slot in the same LJA. This means that trials take longer than they would in a single LJA, with obvious impacts on defendants (particularly those in custody), witnesses and victims.

A more flexible listing schedule, making use of hearing time based on the need of the case, rather than the current boundaries, would also make better use of resources. This is particularly the case with general crime work and youth work which could be accommodated in fewer courts than are necessary by the current LJA arrangements. On current numbers, for example, all first hearings of criminal cases could be heard in about 14 courts a week. However there is a need to run these courts in all three local justice areas and thus the work is spread across 17 courts a week.

In North and South Cambridgeshire there is sufficient work to divide first appearance criminal cases into Early First Hearings for guilty pleas and Early Administrative Hearings for not guilty pleas, enabling the court to case manage trials more effectively. This is not possible in Huntingdonshire due to the small number of cases. A single LJA could deal with all the work in the same way.

Ensuring magistrates have suitable work to maintain their competences

Falling caseload inevitably risks magistrates gaining insufficient experience to maintain their competence, which is a serious matter which goes to the root of the service courts should deliver. While this is not caused by the division into three LJAs, it is exacerbated by it as it means that the work in the county cannot be equitably shared between magistrates.

This impact is shown most clearly in the youth court. In South Cambridgeshire there is so little youth work that there is insufficient business to sit more than fortnightly.

Merging benches is not a complete solution to the problem of falling sittings but it does remove an artificial barrier to more effective deployment of magistrates and ensures that disparities in work are evened out to ensure the maximum experience for all the magistrates in the county.

The JBG has considered the impacts on magistrates of the change and those are set out in the impact assessment which starts at page 16. Allocation of magistrates' sittings will continue to be based on preferences expressed by individual magistrates. No-one will be expected or required to sit at a location that is inconvenient to them. Many justices' home or work base is, however, of equal distance to more than one court location. Others already have a positive experience of sitting across sites in the family court and youth courts.

Enabling HMCTS to deliver a more efficient service to court users before, during and after court hearings

The more flexible deployment of the judiciary would, as discussed above, enable more flexible listing, and should reduce delays, which has an enormous impact on defendants, witnesses and victims.

A single bench would enable more effective listing arrangements to be introduced so enabling public bodies to better cope within their available resources. The most significant of these is the Crown Prosecution Service, which is the largest single agency bringing cases to court, and which, as noted above, has experienced very significant pressures on its budget.

A larger LJA would enable work to be centralized within the county, leading to more efficient use of the resources of prosecutors and supporting agencies such as probation and Independent Domestic Violence Advocates (IDVAs) (see below). This can be done at present by centralizing business within a single LJA, as it is now to some extent, but that restricts the experience to members of a single bench, and there is less flexibility to move the work to another courthouse if that is more convenient for parties with particular needs.

On the other hand, some defendants, witnesses and other users may be expected to travel further. This can be mitigated by listing flexibly, for example moving trials to the most appropriate venue as well as by increased use of technologies such as remote live-links, enabling witnesses to give evidence from a Police station or court local to their home or work.

However, it is a fact that all but three of the magistrates' courthouses in Cambridgeshire have closed over the last fifty years and as a result many members of the public, particularly from the East of the county, are already obliged to travel. It is not likely that court users living within Cambridgeshire would have to travel more than two hours to any court in the county, and most would travel less. Justice would continue to be delivered by magistrates who have a local connection with the county, within national laws and guidelines.

Rationalizing sittings across the county could impact on solicitors both positively and negatively: some solicitors may be obliged to travel further and may find they have business in several courthouses, although that already happens now. Since merger would reduce court sittings there may conversely be benefits for solicitors who would not have to be in as many places at once.

Any review of court schedules as a result of merger will have to take into account the reasonable concerns of the defence community and other interested bodies such as the National Probation Service and the Youth Offending Service.

Ensuring that a proportionate level of administrative support is being provided to benches by HMCTS;

The Justices' Clerk and her staff will be more easily able to support fully a reduced number of Benches. The experience in areas that have undergone a similar exercise is that the number of meetings and consequential administration has been greatly reduced. The current arrangements require the JC and staff to support Bench meetings, Training and Development Committees, Judicial Leadership Groups, Panels (Youth and Family), and other Committees for each bench. A reduced number of Benches will mean that the administration will be able to maintain and deliver a consistent level of support across the cluster and avoid the levels of duplication of work involved in the current arrangements.

Ensuring that the bench structure is sustainable and suited to the local business need;

The merged bench would be of average size, compared to the rest of the country, while the present benches are quite small. Larger benches can call on a wider range of experience among their members. It is easier for bench officers and Training and Development Committees to deal with contentious matters without the risk of the decision-makers being too close to the subjects (for example in determining whether a magistrate should be a court chairman).

Formalizing or permitting cross-area working (youth, family, Specialist Domestic Violence Court, overnight arrests and sentencing review panels).

In Family Proceedings, the three benches have sat in combination for several years with magistrates from all three benches sitting at Peterborough and Cambridge and it is clear that this model works and has allowed magistrates to sit at their preferred courthouse.

A larger LJA would enable more work to be centralized within the county. For example, there is a well-respected domestic violence court in Cambridgeshire, but it is restricted to North Cambridgeshire. With effective working with partner agencies, merger could mean that this service is provided to all victims in Cambridgeshire, not just those in the North.

Centralization can be done without merger by centralizing business within a single LJA, as is done to some extent at present, for example with road traffic prosecutions, but that restricts

the experience to members of a single LJA, and there is less flexibility to move the work to another courthouse if that is more convenient for the parties or the case.

As noted above, centralization would enable more frequent hearings of youth business. If youth courts were the only business listed in a courthouse on a single day, it would also enable HMCTS to address the consequences of the case of *R (on the application of T) v Birmingham Youth Court*, where the High Court ruled that young prisoners should be housed not only in separate cells, but a separate cell block.

The following table summarises the potential benefits and disadvantages of merger.

Option	Benefits	Difficulties
Merger (1 bench)	<ul style="list-style-type: none"> • Better able to operate within available staffing numbers • Maximises flexibility of listing and rota • Shorter waiting times • Consistency of services in the county (e.g. DV and EAH courts) • Fairer distribution of work between magistrates and improved competence • More frequent sittings of some categories of work (e.g. youth) • Reduction in demand for support requirements for bench • Support more focused • Some magistrates and users will have a shorter distance to travel (depending on listing arrangements) • Better management of resources of other agencies (e.g. CPS) • More efficient occasional courts • Savings on payments for remand courts. • Opportunity for a more defined role for bench Deputy Chairmen • Opportunity to address issues with cell accommodation of youths • Ability to manage with a smaller bench with more focussed and longer sittings 	<ul style="list-style-type: none"> • Increased demand on Chairmen to provide pastoral support and general administration • Travel for some users and magistrates potentially greater • Magistrates' travel expenses will be increased • Reduced social/team aspect for magistrates
No change (3 benches)	<ul style="list-style-type: none"> • Maintains identity and social/team aspect of small benches • Shorter distance to travel for some parties, witnesses and magistrates 	<ul style="list-style-type: none"> • Inefficient use of staffing resources of HMCTS and CPS • Will require cancellation of some courts • Long delays between hearings • Less flexibility for magistrates' sitting arrangements • Not all magistrates can maintain competence • Inconsistent provision in a large number of areas (e.g. DV, youth) • Less flexibility in moving work

		<ul style="list-style-type: none"> • Other agencies struggling to cope with the number of courts – impact on their operations and the public • Large number of meetings to be serviced and three sets of annual elections
Merge Huntingdonshire with one of the other benches (2 benches)	<ul style="list-style-type: none"> • Maintains identity and social/team aspect of small benches, though to a lesser extent • Shorter distance to travel for some parties, witnesses and magistrates 	<ul style="list-style-type: none"> • Inefficient use of staffing resources of HMCTS and CPS • Will require cancellation of some courts • Long delays between hearings • Less flexibility for magistrates' sitting arrangements • Not all magistrates can maintain competence • Inconsistent provision in a large number of areas (e.g. DV, youth) • Less flexibility in moving work • Other agencies struggling to cope with the number of courts – impact on their operations and the public • Many meetings still duplicated • Does not address issues arising from the falling caseload in the bench which is not merged • Large number of meetings to be serviced and two sets of annual elections. • The matter will probably have to be addressed all over again shortly

Persons/bodies being consulted

Copies of the consultation paper are being sent to:

(*Statutory Consultees)

- All magistrates assigned to the Local Justice Areas in Cambridgeshire *
- Cambridgeshire County Council*
- Peterborough City Council*
- Cambridge City Council*
- East Cambridgeshire District Council*
- Fenland District Council*
- Huntingdonshire District Council*
- South Cambridgeshire District Council*
- Cambridgeshire Police and Crime Commissioner*
- Resident Judge, Cambridge Crown Court
- Resident Judge, Peterborough Crown Court
- Regional Employment Judge
- Stephen Barclay MP
- Jonathan Djanogly MP
- Julian Huppert MP
- Stewart Jackson MP
- Andrew Lansley MP
- James Paice MP
- Shailesh Vara MP
- Chatteris Town Council
- City of Ely Town Council
- Godmanchester Town Council
- Huntingdon Town Council
- March Town Council
- Ramsey Town Council
- Soham Town Council
- St Ives Town Council
- St Neots Town Council
- Whittlesey Town Council

- Wisbech Town Council
- Lord Lieutenant for Cambridgeshire
- Cambridgeshire Criminal Justice Board
- Chief Crown Prosecutor for East of England Region
- National Probation Service
- Chief Constable of Cambridgeshire Police
- Cambridge and District Law Society
- Peterborough and District Law Society
- Secretary/Administrator, South Eastern Circuit
- Youth Offending Service Cambridgeshire
- Youth Offending Service Peterborough

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1: What comments would you like to make on the proposal to merge the benches in Cambridgeshire into one Local Justice Area to be known as “Cambridgeshire Local Justice Area”?

Question 2: Please describe any particular impacts the document has not already considered that should be taken into account and why?

Question 3: Do you have any additional evidence or information you believe we should take into account in relation to the equality impacts and why?

Question 4: Please indicate any viable alternative options which you would like to put forward with a brief explanation and reasons why you consider this to be more appropriate than a single Local Justice Area.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/>
Address to which the acknowledgement should be sent, if different from above	
Postcode	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Name of Group	
Summary of representation	

Contact details/How to respond

Please send your response by 8th July 2014 to:

Siân Jones,
Justices' Clerk for Cambridgeshire and Essex
HM Courts & Tribunals Service
South East Regional Support Unit
Post Point 9.05
102 Petty France
London
SW1H 9AJ

DX 152380.

Email: SouthEastRSU@hmcts.gsi.gov.uk

Extra copies

Further paper copies or alternative format versions of this consultation can be obtained from this address.

Publication of response

A paper summarising the responses to this consultation will be published by 29th September 2014. The response paper will be available online at www.justice.gov.uk/about/hmcts/index.htm

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have

provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

1) What is the problem under consideration and what are the policy objectives and intended effects?

Problem

The courts in Cambridgeshire are faced with a falling caseload in criminal and civil work combined with a rise in the family court. As a result there has been a reduction in staff resources in the Cluster, which are based on caseload, not the number of courts run.

The combination of these two factors with a division of the business into three LJAs means that we are running too many courts with too little business in them. The excessive numbers of courts means we struggle to staff them. The low level of business means that many magistrates have reduced experience with a risk to their competence.

Aims/objectives

To amalgamate the Local Justice Areas of Huntingdonshire, North Cambridgeshire and South Cambridgeshire.

Outcomes

Greater flexibility in managing the caseload, reducing delays and providing a more consistent service.

To share the caseload more equitably between magistrates, enhancing experience and competence.

To run only the number of courts that HMCTS has staff resources to service.

Reduction in the duplication of effort and time spent by legal managers and staff in supporting meetings.

Enable other agencies and organizations who service the courts to work more effectively within their own resources.

2) What policy options have been considered including alternatives to proposal?

The JBG can address the fall in workload by centralizing categories of business in a single LJA and has done so to some extent (for example non police prosecutions). However this means that only magistrates from the single LJA where the work is listed will deal with it, thus reducing experience and competence among the other magistrates in the county, and making it difficult to move work at need from where it is centralized without retraining. Each act of centralization requires a separate action by the Judicial Business Group. Centralizing the core business, i.e. adult first appearances and trials, in one bench would have the effect of stripping the other benches of the majority of their business.

Some meetings (Panels and TDCs) could be amalgamated by agreement, but each individual merger would require an individual consultation and decision. Bench meetings can not be amalgamated. Support must currently be provided by legal managers to three bench chairmen and other Bench officers and this number can not be reduced.

Thus, informal collaborative working has already been developed as far as it can within the framework of the existing regulations. Statutory amendment is therefore required to take this change forward.

Partial merger (i.e. merging the Huntingdonshire with one of the other two benches) has been considered and rejected since it will leave one bench standing alone with all the problems which apply to the current three benches and will reduce the flexibility in the county generated by full merger.

Any viable alternative proposals put forward as a result of the consultation will be given full consideration.

3) Group(s) affected by this proposal.

- a) *What is the main aim or purpose of the proposed new or changed legislation, policy, strategy, project or service and what are the intended outcomes?*

These plans principally affect a discrete group of individuals namely, lay magistrates assigned to the three Local Justice Areas in Cambridgeshire.

Existing data indicates that current complement of all three benches is 207. This figure will fall due to a recruitment freeze.

The current demographic of this group:

White – 94%

Black - 1.9%

Asian - 3.4%

Other - 0.5%

0.5% - have a declared disability.

Individuals will continue to have the option to sit predominantly at a court of their convenience. All individuals are entitled to claim for travel and loss of earnings etc. The only potential impact is on any members of this group with a disability which in any way restricts their ability to travel or access any of the court buildings, and those with caring responsibilities who may be disproportionately inconvenienced by longer journey times to court. In both cases this could be mitigated in individual cases by focusing attendance at the most suitable courthouse.

Individual risk assessments will be conducted in relation to particular individuals for whom such an issue is identified. The only other group potentially affected are magistrates with caring responsibilities which restrict travel time. Again these will be identified through personal questionnaires and these individuals.

- b) *Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?*

Not so far as we are aware.

- c) *Having analyzed the initial and additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity? Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.*

The purpose of this change is to ensure that there is greater flexibility in managing the caseload and to reduce the number of courts run to match the staff allocation.

This flexibility will be available to everyone equally. If as part of this process it is identified that the service could provide support or facilities to assist any individual to enable them to increase the opportunity for sitting or expand the choices available to them this will, subject to prohibitive/disproportionate cost, be provided.

- d) *Is there any feedback or evidence that additional work could be done to promote equality of opportunity? If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.*

No

- e) *Is there any evidence that proposed changes will have an adverse equality impact on any of these different groups of people? Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them.*

The proposals affect magistrates who will be able to continue to express a preference for the court house at which they will predominantly sit. Court sittings are assigned randomly based upon magistrates' availability and the need to meet the minimum sitting requirements set by the Lord Chancellor. Individual preferences will be factored into this process. Many justices' home or work bases are, however, of roughly equal distance to more than one court location.

- f) *Is there any evidence that the proposed changes have no equality impacts? Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.*

There is currently no evidence to suggest that the impact of the proposals is likely to be detrimental in equality terms. Nor is there any evidence to suggest that the proposal is likely to have a disproportionate impact on one magistrate demographic group or community more than another, or that there is any discrimination on the basis of protected characteristics.

If the change is implemented a further rota questionnaire will confirm choices and ensure that specific needs are met.

- g) *Is a full Equality Impact Assessment Required?* Yes ☐ No ☒

No adverse impacts have been identified. The consultation invites “any additional evidence or information you believe we should take into account in relation to the equality impacts” If any are raised these will be addressed as part of a full EIA.

- h) Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.*

The changes will be monitored as part of the preparation of each justices’ rota which is prepared on a 6 monthly basis. Sitting patterns are regularly monitored and checked by Bench Chairmen to ensure that minimum sitting requirements are met. Any anomalies in sitting patterns will be identified through this process. Individual magistrates know that if they have any concerns regarding the way sittings have been allocated to them that this can be raised with their Bench Chairman or the Deputy Justices’ Clerk.

4) Will the policy affect the availability of public services?

The Magistrates’ Court estate across the county is made up of courthouses at Cambridge, Huntingdon, and Peterborough. This consultation does not raise any questions about the future of this estate. Any significant changes to the court schedule, including the centralization of categories of work, will be the subject of separate consultation with court users according to the usual practice.

5) What improvements to the service will the proposal offer?

Flexibility in dealing with court business, resulting in retention of magistrates’ competence, reduced delay and more consistent provision.

Reduction in duplication of work,

HMCTS legal staff focused on court based duties .

Opportunity to develop an existing centre of excellence in relation to domestic violence to cover a wider area

6) Name of Senior Manager and date approved

Name: Christopher Jennings (Delivery Director)
Department: HMCTS South East Regional Support Unit
Date 20 th May 2014

The consultation principles

The Cabinet Office Consultation Principles of October 2013 sets out a set of principles to help policy makers make the right judgments about when, with whom and how to consult. They can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

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