

Equality Impact Assessment Initial Screening

1. Name of the proposed new or changed legislation, policy, strategy, project or service being assessed

1. A proposal to establish a single county court for England and Wales;
2. A proposal to abolish the need for the Lord Chancellor's concurrence to High Court Judges sitting in the county court.

2. Individual officer(s) & Unit responsible for completing the Equality Impact Assessment:

Meg Oghoetuoma
Civil Justice Transformation

3. 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?

| Aims/objectives | Outcomes |
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| <p>The proposal to establish a single county court seeks to:</p> <ul style="list-style-type: none">• Improve the allocation and transfer of cases between court centres and listing of cases for hearing by a Judge.• Improve the ability to process more administrative work through Business Centres• Simplify the task of allocating cases that require judicial intervention to the appropriate courts. <p>The proposal to abolish the need to seek the Lord Chancellor's concurrence to High Court Judges sitting in the county courts seek to:</p> <ul style="list-style-type: none">• Ensure that High Court Judges are able to sit in the county court to hear cases quicker.• Enhance quicker hearings in the county courts.• Provide for a flexible judicial deployment. | <ul style="list-style-type: none">• To increase the efficiency and effectiveness of the county court through improved transfers and listing arrangements and a flexible judicial deployment.• Better use of judicial and administrative resources in the courts.• Reduce waiting times and delays in the county courts will be reduced.• Increased access to justice for court users. |

4. What existing sources of information will you use to help you identify the likely equality on different groups of people?

(For example statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings submissions or business reports, comparative policies from external sources and other Government Departments)

We have used the MoJ statistical data to assess overall impacts of the proposals and the data does not identify any adverse impacts on particular groups.

5. 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?

Note this information will help you to identify potential equality stakeholders and specific issues that affect them - essential information if you are planning to consult as you can raise specific issues with particular groups as part of the consultation process. EIAs often pause at this stage while additional information is obtained.

We are not aware of any gaps in our information however, as part of our consultation process we will invite stakeholders to advise us of any other likely adverse impacts that they may identify and make proposals regarding how they might be mitigated.

6. Having analysed 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 who benefits from the positive impacts and the evidence and analysis used to identify them.

The overall thrust of these proposals will be beneficial to county court users and HMCS through an increased efficiency in the way cases are allocated to the county courts and transferred between court centres. The proposals will also enhance the administration of the county courts through HMCS Business Centres which has been set up to undertake administrative functions, needed to progress county court money claims, more efficiently than in the courts. There will also be an improvement in the way High Court Judges are deployed to the county courts.

These objectives may be of particular benefit to people with a disability, as cases may be effectively allocated or transferred to court centres nearer them. Also a flexible deployment of High Court Judges to the county court may reduce waiting times for parties to proceedings.

7. 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, however any feedback from consultation suggesting that additional work should be undertaken will be fully taken into account.

8. 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.

Transfer of cases outside a local court as a result of the removal of geographical boundaries may create inconvenience for parties with a disability which we consider a potential adverse impact. Anecdotal evidence suggests that parties with a disability may be inconvenienced if they have to travel to a court which is not their home court to attend a hearing. This is because travelling times may increase which may affect their disability. Longer travelling times may also lead to additional travel costs for people with a disability particularly if they are not working as a result of their disability.

To mitigate against this potential adverse impact on people with a disability, we will ensure that courts consider the convenience of parties, particular parties with a disability, when allocating or transferring a case to another court.

9. 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 no evidence that the proposed changes have no equality impacts. However, It is anticipated that the proposals will be beneficial to parties as a result of quicker judicial deployment in the county courts. This is because it is anticipated that the proposal to abolish the requirement to seek the Lord Chancellor's concurrence to High Court Judges sitting in the county courts will enhance quicker deployment of High Court Judges to the county court when there is a shortage of county court judges. This should enhance quicker listings of cases before a judge and quicker hearings. Therefore we consider that the proposal is unlikely to have an equality impact on parties who will benefit from having their cases heard quicker. However, we will consider any representations made by consultees on this issue.

10. Is a full Equality Impact Assessment Required? Yes No A full Equality Impact Assessment is not required at this stage.

(If no, please explain why not)

NOTE - You will need to complete a full EIA if:

- the proposals are likely to have equality impacts and you will need to provide details about how the impacts will be mitigated or justified
- there are likely to be equality impacts plus negative public opinion or media coverage about the proposed changes
- you have missed an opportunity to promote equality of opportunity and need to provide further details of action that can be taken to remedy this

If your proposed new or changed legislation, policy, strategy, project or service involves an Information and Communication Technology (ICT) system and you have identified equality impacts of that system, a focused full EIA for ICT specific impacts should be completed. The ICT Specific Impacts template is available from MoJ ICT or can be downloaded from the Intranet at: <http://intranet.justice.gsi.gov.uk/justice/eqdiv/equal-impact.htm> , and should be referenced here.

A full EIA is not required at this stage because we have set out (above) how we propose to mitigate the potential impact on people with a disability. However should feedback from consultation suggest that further work around equality and diversity needs to be undertaken then we will reconsider our position.

11. 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.

We have identified that the proposal to remove geographical jurisdictional boundaries from the county courts might create some inconvenience for people with a disability. To mitigate against this, we will ensure that courts consider the convenience of parties, in particular parties with a disability, when allocating a case to a court or transferring a case to another court. We will also be monitoring the impacts on this group of people through anecdotal evidence from the courts and the representative body for this group of people to ensure that this potential impact is effectively contained.

A Post Implementation Review will be undertaken 3 years after the implementation of the proposals during which time when we will be able to evaluate any further unexpected equality impacts.

12. Name of Senior Manager and date approved

(Note - sign off at this point should **only** be obtained if:

- there are no equality impacts

- the changes have promoted equality of opportunity

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| Name (must be grade 5 or above): Nick Goodwin |
| Department: Civil, Family and Legal Aid Policy Directorate |
| Date: 18 February 2011 |
| Note: If a full EIA is required hold on to the initial screening and when the full EIA is completed send the initial and full screening together. If a full EIA is not required send the initial screening by email to the Corporate Equality Division (CED), for publication. Where an EIA has also been completed in relation to ICT specific aspects, email this to CED and copy to MoJ ICT |