



HM Courts &  
Tribunals Service

# Response to consultation on the future of Medway County and Family Court







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Response to consultation carried out by HM Courts and Tribunals Service, which is part of the Ministry of Justice.

This information is also available at:

<https://consult.justice.gov.uk/digital-communications/future-of-medway-county-and-family-court>



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# Introduction and contact details

This document is the post-consultation report on proposals for the future of Medway County and Family Court.

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- next steps following this consultation

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

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This report is also available at <https://consult.justice.gov.uk/digital-communications/future-of-medway-county-and-family-court/>

Alternative format versions of this publication can be requested from [estatesconsultation@justice.gov.uk](mailto:estatesconsultation@justice.gov.uk)

## Complaints or comments

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

# Foreword

On 14 July 2020, HM Courts and Tribunals Service (HMCTS) published a consultation on the future of Medway County and Family Court.

The consultation explained that the court is situated in Chatham in a building that HMCTS occupies as a tenant. The lease expiry date at the time of publication was January 2021. However, following negotiations with the landlord of the property a lease extension was agreed to the end of June 2021, at which point we were required to vacate the property.

The consultation set out proposals for the permanent relocation of work to Maidstone Combined Court, 11 miles from Chatham, with some work also relocating to Medway Magistrates' Court. Enabling works would be necessary to increase hearing capacity in Maidstone to accommodate the work heard at Medway County and Family Court.

The consultation also set out the need to adopt temporary listing arrangements until the works required in Maidstone could be completed. The consultation set out our plans for how work would be heard by telephone or video where possible, with the remaining work distributed between Medway Magistrates' Court, Maidstone Combined Court (without enabling works), and county courts in Canterbury, Dartford and Thanet (Margate).

We received a total of 64 responses to the consultation. As the delivery director responsible for managing HMCTS' operations in the South East region, I am very grateful to those who took the time to provide their views on our proposals to help us reach the best solution.

All the responses have been carefully considered and we have conducted a further review of available venue options in Medway. This has enabled us to identify suitable properties to provide court provision in Medway on both an interim and long-term basis and in accordance with our [estate's principles](#).

It was clear from the responses received that the majority of respondents did not support the proposed interim solution to relocate hearings across the existing estate in Kent, or the permanent solution of relocating workloads to Maidstone Combined Court (following the completion of enabling works). The overwhelming emphasis from those who responded was the need to retain court provision in Medway. I am therefore pleased that through the consultation process and positive engagement with Medway Council, we have found solutions that enable us to retain family and county court provision in Medway both immediately following our exit from the current court, and for the longer-term.

As a result, the Lord Chancellor has decided that following the completion of necessary enabling works, Medway County and Family Court will relocate to the Medway Council buildings at Gun Wharf in Chatham for the longer term. The Lord Chancellor also decided that as an interim measure, the Holiday Inn (Rochester – Chatham), will provide court provision in Medway immediately following our exit from the existing court building in June 2021. Further details on these venues, the hearing capacity they provide and the arrangements that will be put into place at each step, are included in this document. We will continue to work with the judiciary to maximise capacity in the county.

We are confident that our arrangements, both interim and longer-term, will provide an appropriate level of operational capacity. Establishing Gun Wharf as Medway County and Family Court in the longer-term means that concerns regarding ease of travel to court are resolved by using a location that is close to the current court. We acknowledge that in some circumstances (and subject to specific listing arrangements) some court users may be asked to travel to other courts in Kent during the interim arrangement. However, we consider that these journeys remain reasonable and are confident that access to justice will be maintained.

I am committed to working closely with the judiciary and partner agencies to implement these changes. I am equally committed to supporting my staff, ensuring that the transition to the new arrangements takes place in a fair and transparent manner in line with the Managing Organisational Change Framework, and in consultation with the Departmental Trade Union.

**Lorraine Tedeschini,**

Delivery Director, South East Region

# Background

The consultation document published on 14 July 2020 set out our proposed intentions regarding the relocation of hearings upon the closure Medway County and Family Court. The consultation detailed how the closure was necessary owing to the expiry of the lease in January 2021.

Responses were invited from anyone with an interest or view on the proposals outlined. These proposals covered the permanent relocation of work to Maidstone Combined Court and Medway Magistrates' Court and an interim solution for the relocation of work, until necessary enabling works in Maidstone could be completed. We requested feedback on both the interim and permanent solutions.

The consultation on the future of Medway County and Family Court closed on 11 August 2020. This document summarises the responses received, providing HMCTS' reaction to the key themes, issues of concern and suggestions which were raised, and setting out the decisions that have been reached on each proposal.

## Impact Assessment

We have reviewed the Impact Assessment, which accompanies the consultation, in light of new options being identified. We have also updated it to take account of evidence provided by stakeholders during the consultation period. The revised Impact Assessment is being published alongside this response document.

**A list of respondents is provided at Annex A.**

# Summary of responses

## Overview of responses received

We received 64 individual responses to the consultation paper in total. Of these:

- 12 were from members of the Judiciary
- 17 were from magistrates
- 21 were from professional users
- 7 were from public sector bodies
- 2 were from Members of Parliament (MPs) or a group of MPs, which in one case included a member of the House of Lords
- 1 was from a Departmental Trade Union
- 4 were from members of the public

In general, respondents were particularly concerned about the interim arrangements. The overwhelming view was that these were either inadequate, unworkable, incomplete or lacking in detail. The family judges in Kent submitted a joint response that raised fundamental concerns, stating that the interim proposal "is quite unacceptable and unrealistic", adding that:

*The plan to triage every case with the judges to identify when a face to face hearing is required, is unrealistic and unworkable. The starting point must be hearing/court rooms for all full-time judges both during the transition period and thereafter.*

### Kent Family Judges

A significant number of respondents were keen to see an alternative site found in Medway, with the fluctuating property market, in light of COVID-19, being raised as justification for a fresh property search. Notably, respondents highlighted named buildings that could be considered as alternative sites, with Medway Council providing a list of such venues that they own or occupy that they were willing to discuss with HMCTS. Local MPs were keen to see a fresh search conducted based on the new landscape:

*...can HMCTS clarify what steps are being taken or have been taken to find a new location for the family court provision in Medway? This is particularly relevant considering COVID-19 has led to a lot of property office space being vacated.*

**Rehman Chishti MP, Tracey Crouch MP  
and Kelly Tolhurst MP**

There was strong judicial opposition to the interim proposals, explaining that our assessment of hearing room capacity was incorrect.

Alongside this, a wide cross section of respondents were concerned about access to justice. Travel times were considered optimistic for some journeys in the interim solution and there was a concern that the cost of travel had not been factored in. A number of respondents felt that certain groups likely to be most impacted had been overlooked, particularly single parents and those on low incomes with childcare responsibilities. The complexity and type of hearings that would be relocated was something that some respondents felt had been disregarded. Given that many users for such hearings tend to be vulnerable, respondents were concerned about the increased stress and anxiety this might cause. For example:

*A significant number of those attending court will be vulnerable due to a variety of different factors. The relocation proposed adds stresses and pressures to that already vulnerable group.*

### CAFCASS

The impact of COVID-19 was seen to have been ignored, as was the possibility of using Nightingale Courts to mitigate the impact of the backlog and to take the work of Medway County Court upon its closure. There was also opposition to the permanent solution to relocate to Maidstone Combined Court, though less pronounced than opposition for the interim solution. Objections to the Maidstone plan tended to focus on the lack of facilities, the inadequacy of the plans for enabling works, access to justice and travel to the site, as well as the risk to capacity for Maidstone. Parking and the accommodation for staff were cited as risk factors for both solutions. A barrister stated:

*Maidstone Family Court is inadequate and cannot accommodate the re-allocated work from Medway...public transport links between Medway and Maidstone are poor.*

### Barrister

A court user stated:

*HMCTS has not taken into account ... the lack of suitable, accessible and affordable car parking in Maidstone. It is essential that ... that additional car parking is constructed with lower fees available for volunteer driver and supporter of attendees at court.*

### **Court user**

Other points raised were around the financial impact on the wider public sector, with council workers being required to travel further to attend hearings. The shortened consultation window was also criticised.

Overall, there was criticism of the handling of the matter, particularly given that the lease expiry was known about for a long time. There was a concern that HMCTS had allowed the situation to lapse and were consulting at pace as a result.

The consultation asked a series of questions regarding the proposals. We have analysed responses to those questions for each of the two proposals against our three estates principles; access to justice, value for money and operational efficiency. The section below details our consideration of specific responses.

# Response to the proposals

## Decision on Medway County and Family Court

We have analysed the points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to relocate the work of Medway County and Family Court in the longer-term to Gun Wharf in Medway. Gun Wharf is a property that is owned by Medway Council and was identified as a suitable location following further searches to find alternative sites in Medway. Relocating the workloads to Gun Wharf in Medway addresses concerns raised during the consultation to the original longer-term proposals set out in the consultation document. Further details regarding this building are provided in this document.

The Lord Chancellor has further decided that, until the completion of works at Gun Wharf, a temporary, interim venue will be established at the Holiday Inn in Medway providing three hearing rooms. Furthermore judicially-led listing changes will be made to accommodate the remaining work of the court.

Our estates principles are to ensure access to justice, deliver value for money and maintain operational efficiency. We believe the decisions made in this document will allow us to continue to deliver an effective service for county and family court users, while being in line with our estate's principle.

The relocation plans have been discussed with local judges and have the agreement of the relevant judicial bodies with responsibility for listing.

# Responses to the longer-term proposal

The longer-term proposal for the relocation of work from Medway County and Family Court outlined in the consultation, was to move the majority of the work to Maidstone Combined Court with some work staying at Medway Magistrates' Court. We explained that enabling works would be required to provide capacity for the transferred hearings and that this this would be achieved by constructing five additional courtrooms at Maidstone. Two courtrooms at Medway Magistrates' Court would be freed up for county and family cases by changes to listing arrangements.

We further explained that we had conducted various feasibility assessments of alternative sites in the Medway towns, including Chatham and the surrounding area. This was to establish whether it was possible to keep the Medway County and Family Court open, but in alternative accommodation. We described how the commercial property market in Chatham and Medway is extremely competitive, which made our process more complicated. In assessing local alternatives to the current site, we had to consider:

- the access and security arrangements of a potential alternative site and the costs of reconfiguring to meet with the unique requirements of a courthouse
- the physical space, layout and design of potential alternatives and the costs of reconfiguration

We have considered the large body of opinion expressed through the consultation responses. The responses argued both for the importance of maintaining a court site in Medway given the area's strategic importance and the high volume of work heard at the court. They also suggested that the commercial property market will have changed as a result of COVID-19. We have outlined below how our decision to retain a court site in Medway meets concerns raised during the consultation.

57 respondents expressed a view regarding the original proposal to permanently relocate workloads to Maidstone. Of those, 55 referred to issues relating to access to justice, which are summarised below.

## Access to Justice

The responses to the permanent proposal focussed on the practicalities of users attending a court in Maidstone. Many said that the 11-mile distance between Chatham and Maidstone masked the reality that travel between the two destinations is problematic. This would be particularly the case for those in the furthest postcode catchments for the current court. One professional user stated that "travel to Maidstone by train is already significantly more difficult than Chatham". A judge commented:

*Although Maidstone is only 11 miles away the journey-time is likely to be up to an hour by public transport.*

### Judge

Respondents were concerned that the travel time analysis failed to factor in the types of users that would be travelling. Respondents argued that these tended to be vulnerable, on low incomes and those who would be more reliant on long journeys on public transport. This would be exacerbated by the absence of a direct train between Chatham and Maidstone. Medway Council were concerned that:

*The assessment of the travel times also fails to consider that a large number of Defendants may need to use the bus instead of the train due to cost. There can be significant delays getting into Maidstone in the mornings due to heavy traffic which is likely to make the journey times longer than stated.*

### Medway Council

Professional users were also concerned that the impact on their ability to attend hearings through longer journeys would deny clients access to the best advice and representation.

*We believe that the proposals, if implemented as planned, may make access to the courts difficult for some...the process of going to court is already extremely stressful and daunting for injured people, who are already vulnerable and likely one-time users of the system...it is highly likely that the litigant in person will no longer be able to obtain the support they require and they will simply be left to their own devices.*

### Association of Personal Injury Lawyers

There was a concern about the wider economic impact on users having to travel further. The cost of travel was frequently cited, particularly for those living in the north of Kent, as the journeys to Maidstone were considered to be longer and more expensive. The impact on professional users was also expressed, with the Council stating:

*...There will be increased travel costs for the Council in having to attend Courts that are a significant distance away from the office.*

#### **Medway Council**

A concern was raised about how separate entrances would accommodate various parties, as well as how specific provision, such as catering facilities and suitable parking, would be provided. Parking was an area that was raised frequently, with one respondent stating:

*Parking is already in short supply in Maidstone and expensive. What capacity has been made for additional parking?*

#### **Kent Law Society**

In raising concerns about the suitability of Maidstone, one respondent commented:

*Maidstone is not a suitable building as the plans for conversion show. There is not enough space and the new accommodation for the 5 Medway judges is the "best of a bad job". There are inadequate facilities for the judges and parties.*

#### **Judge**

As a general principle, some respondents were concerned with the mixing of criminal and family hearings and the extent to which these areas of justice could be adequately separated.

Finally, some respondents felt that other sites should remain part of the permanent solution for the reallocation of hearings, with the use of Sevenoaks Magistrates' Court being one frequently cited.

## **Response**

We understand the concerns raised regarding access to access to justice. The consultation set out that the journeys required to attend Maidstone were reasonable and we consider that this remains the case. Our decision to establish Gun Wharf as a longer-term location is primarily driven by considerations of efficiency and capacity. However, we do also recognise that concerns regarding ease of travel to court are resolved by using a location that is close to the current court.

Gun Wharf is located in Chatham and is a 0.5-mile walk or 1.6-mile drive from the current court at Anchorage House. The building is accessible by public transport with a bus stop directly outside of the building and provides disability access. The building is a well-established public council property and is therefore well signposted and provides on-site parking.

## **Value for money**

Twenty-six of the responses to the permanent proposals referred to issues relating to value for money. These are summarised below.

The key argument in this area was about the amount being invested in Maidstone Combined Court and whether this represented good value. Many respondents also said that investment in the interim solution would be better made in a new or different site within Medway. One respondent commented:

*£10 million is a huge sum to spend on building just 5 rooms at Maidstone combined Court centre. Would that sum have been sufficient to buy Anchorage House from the Landlord? Is that another option, given HMCTS could then sublet much of the building to the existing or new tenants and provide a significant income to cover the running costs.*

*Alternatively, would £10 million not secure another property within the Medway area? Which buildings have been considered and what would be the cost?*

#### **Kent Law Society**

Once again, arguments centred on the need for a permanent location for court services in Medway and the fact that this would be more cost effective in the long-term. Many respondents made calls for a fresh property search to be conducted for sites in the local area.

## **Response**

We consider that the investment being made to establish a court in Gun Wharf is the best means of providing sufficient capacity to accommodate the work of Medway County and Family Court. The enabling works at Gun Wharf will ultimately provide court facilities that are modern with well-designed spaces in keeping with a modern courthouse. This will secure the long-term future of County and Family court provision in Medway.

The cost of constructing and fitting out a new court building in Medway – which was suggested by some respondents, would far exceed the cost of enabling works at Gun Wharf. Therefore, they would not represent good value for money.

### Operational efficiency

Of the responses to the permanent proposals, 49 referred to issues relating to operational efficiency. These are summarised below.

Key themes raised in this area concerned how hearings would be conducted and where staff would be located. There was a concern about the 32 staff currently based at Medway County and Family Court and where they would be situated. It was stressed that the staff could not be separated from the judges as this would cause delays and inefficiencies.

*The architectural exercise carried out to see what can be done with Maidstone takes no account of the fact that each set of staff have their own organization and structure and has different needs. To cram them all in together, on the basis that each member of staff will have an amount of space which has been empirically calculated as adequate for an office worker is short sighted and fails to recognize the realities. Equally no account appears to have been taken of the need for certain members of Crown Court staff (such as the List Officer and CPO and the Court Delivery Manager) to be allocated their own discreet space, free from the hurly burly of the general office.*

#### Judge

An issue about capacity in Maidstone was raised, with some respondents sceptical as to the amount of free space in the Maidstone court estate to accommodate the work of Medway County and Family Court, notwithstanding the enabling works. There was a concern that the relocation will impact on the Crown Court in Maidstone and that the utilisation figure provided in the consultation was being used, erroneously, to show spare capacity at Maidstone Combined Court. One judge commented:

*The analysis is based on "business as usual" operations." That is surely naïve.*

#### Judge

A professional user said:

*Maidstone Family Court is inadequate and cannot accommodate the re-allocated work from Medway. It has only 2 conference rooms on the ground floor, and Maidstone Magistrates' Court has very few conference rooms at all. The work covered by Medway includes a large number of public law care cases and private law parental disputes. Private conference rooms where such matters can be discussed are essential*

#### Professional user

Other respondents raised concerns about the practical arrangements while work was being conducted on Maidstone Combined Court, with the need for existing judges and staff based at the site needing to be appropriately accommodated. Some respondents raised concerns about the impact the proposals would have on judicial and staff morale:

*The administration of cases should be paramount, but the proposals could result in significant additional burden on Maidstone staff.*

#### Professional user

Finally, there was a concern among magistrates that the use of Medway Magistrates' Court would impact upon hearings already being heard in that venue. Some were concerned that youth cases would be removed, or that carrying out criminal and family work in the same location would pose an unacceptable risk to those attending court.

### Response

The revised longer-term arrangement is to relocate all 32 staff members currently based at Medway County and Family Court to Gun Wharf or Medway Magistrates' Court. We acknowledge the importance of administrative support for judges and the relocation of the court to Gun Wharf will provide facilities for direct administrative support for judges.

We will develop court space in the building that complies with the [Court and Tribunal Design Guide](#), providing safe, secure and appropriate hearing and support spaces.

We expect the impact on other jurisdictions to be limited and manageable through listing arrangements. We will work closely with the judiciary and court user groups to ensure that this is managed carefully.

### Other

A number of additional points were made in the consultation process, which are summarised below:

There was a feeling among some that the four-week consultation window was unsatisfactory and curtailed the ability of stakeholders and interested parties to respond effectively.

*...in the current climate the consultation is woefully inadequate the timescales are short, and the proposal has not been brought to the attention of users or potential users of the court. It has been launched to coincide with the peak summer holiday period and at a time when the implications of the COVID-19 pandemic will for many be their main concern.*

#### PCS

Linked to this was a concern that the situation was wholly avoidable as HMCTS would have known about the lease end date and the required exit from the Anchorage House property for some time. This had come to a position where the interim solution was likely to last for some time as a result of inaction by HMCTS.

## Response

We consider that the consultation was effective. We received 64 responses and the concerns raised and suggestions made have resulted in a significant change to our intentions regarding county and family court work in Medway.

We had worked with the landlord for some time to seek to obtain a lease extension. Furthermore, we have conducted a wide property search for viable accommodation in Medway to act as a replacement for the site. However, no site was identified. This took a large proportion of the time, along with feasibility studies of where work could potentially be relocated once it became apparent that alternative sites would not be viable.



### *The Medway Council building at Gun Wharf, Chatham.*

Gun Wharf is a council property owned by Medway Council and is located on Dock Road, Chatham, ME4 4TR. The site was constructed in 1976 to 1978 for Lloyd's of London as an administrative headquarters. It was designed by Arup Associates and is Grade II listed and sits within the Brompton Lines Conservation Area. The building stands on the East bank of the river Medway just off Dock Road in Chatham. The building was the site of a previous historic dock and has been flanked in the past by historic buildings.

We have concluded that this is a viable longer-term solution. The council has confirmed that the COVID-19 pandemic had prompted a reconsideration of its long-term property needs and that surplus space in the building can be leased to HMCTS.

We will fit out the space we lease in the building to provide five dedicated family and county hearing rooms and the necessary ancillary space – waiting areas, staff and judicial areas, interview rooms and toilet facilities. This work will be developed in accordance with current HMCTS Court and Tribunal Design Guide standards.

Security and Health and Safety assessments have been made, and through discussions with the local judiciary, we are satisfied that the required standards will be met based on the architectural design.

We are planning to complete the necessary building and fit out works over the next 18 months. We will update local stakeholders on progress as this work is delivered.

The combination of establishing Gun Wharf as Medway County and Family Court in the longer-term and the use of two hearing rooms at Medway Magistrates' Court, will provide sufficient hearing room space and facilities to support the relocation of work within Medway. Concerns expressed through the consultation regarding ease of travel to court are resolved through using a location that is close to the current court.

# Responses to the interim proposal

The interim proposal published in the consultation outlined how the extensive works required at Maidstone Combined Court would mean that the site would not be ready in time for the departure from Anchorage House.

The consultation proposed that interim measures would be developed to cover the period between the closure of Medway County and Family Court and the relocation to Maidstone Combined Court. These were that:

- some civil and family work would move to Medway Magistrates' Court (with some criminal work being displaced from that court to accommodate this), as planned in the permanent proposal
- we would work with local judges to identify all hearings suitable for telephone or video-enabled hearings that would reduce the demand on physical court rooms
- any remaining work would be allocated to existing accommodation capacity available at Dartford County and Family Court, Canterbury Combined Court, Thanet County Court and Maidstone Combined Court (without enabling works)

62 respondents expressed a view regarding the interim proposal. Of those, 56 referred to issues relating to access to justice. These are summarised below.

## Access to justice

The key concern regarding access to justice centred on the complexity and length of time to travel between the proposed alternative venues. The road and rail connections were expressed as limited and could potentially cause difficulty for users, many of whom are among the most vulnerable. This was the view expressed by one professional user:

*Work needs to remain in the Medway towns. Most work involves care proceedings and most attendees would not be able to afford to travel to Courts outside the area. Travel to Canterbury and Thanet involves early starts and most will not make it on time.*

### Professional user

Furthermore, some respondents highlighted that certain court users could experience a significant impact as the result of additional travel. These included single parents and those with childcare responsibilities. The cost of travel was described as prohibitive, especially at the times of day people would need to travel. The Council, in its response, raised concerns about the travel time analysis that had been conducted as part of the consultation.

*The travel analysis undertaken as part of the consultation is flawed, looking at their own evidence the Ministry of Justice has failed to correctly identify the journeys which would be unacceptable. In undertaking the assessment 150 journeys were analysed 17 of these were identified as being Amber or Red. On the basis of their own criteria a further 24 journeys should have been Amber. This takes the unacceptable journeys from 11% to 27%.*

### Medway Council

The Council raises further concerns about the impact on children in care proceedings, the impact on professional users, Council staff and the likely delays that would result from missed hearings or parties failing to attend.

Many users criticised one or more of the sites identified or put forward other sites that should be considered in addition. The use of Sevenoaks Magistrates' Court was put forward as an additional site to be considered.

There was significant concern that the use of remote hearings via video or telephone did not present a viable alternative as those involved would not be as effectively represented. It was also suggested that technical issues and the distance created by those hearings make for a less fair hearing. For example, a magistrate on the Kent Family Panel remarked:

*Remote working is a response to a global pandemic but there is significant evidence now available that it is not appropriate for many of our users who don't have access to suitable digital equipment nor a suitable venue in which to participate in remote hearings.*

### Magistrate

A similar concern was raised that remote technology would impact those on low incomes or without access or the ability to use suitable equipment. A barrister and other professional users expressed concern about the ability of advocates to effectively represent their clients using remote technology.

Some users supported the proposals, with one judge responding to the question posed about support for the interim proposals with:

*Yes - if alternative court rooms cannot be identified, it will be possible for Judges to identify hearings suitable for Court Video Platform (CVP) or telephone hearings and hear them remotely.*

### Judge

Our response to each of these points is provided below.

## Response

We have considered carefully the access to justice arguments made with respect to the interim proposals. We consider that the original proposal remains viable with respect to access to justice. While we acknowledge the arguments made about the complexity of travel and the impact on those who are vulnerable or with specific needs, our assessment remains that the travel times indicated are reasonable.

In determining if a journey is reasonable, we have applied the criteria set out in the [Fit for the Future; transforming the court and tribunal estate](#) consultation response. In that document we set out the range of mitigating measures that may be applied where a party attending court notifies us of their particular needs. We also set out in this consultation how the retention of court services in Medway (at Medway Magistrates' Court) provides the option for hearings to be listed more locally where necessary, and at the discretion of judges.

Nevertheless, the range of other arguments put forward regarding the interim proposals have led us to reconsider the proposed arrangements. Therefore, the interim measures now provide for a temporary facility in Medway upon the closure of Medway County and Family Court. This will mean that the journey times to all the sites other than to Canterbury and Dartford are no longer pertinent to the decision.

Finally, concerns regarding the heavy reliance on video, telephone or remote hearings have been acknowledged. However, these measures will continue to be used where appropriate, including as part of our COVID-19 court recovery plans.

## Value for money

27 of the responses to the interim proposals referred to issues relating to value for money. These are summarised below.

The predominant theme that emerged from responses concerned the wider cost implications that had not been considered arising from the relocation proposals outlined in the interim solution. Specifically, the cost on the wider public sector of such arrangements, from social workers and other Council staff having to pay to attend hearings outside of their local area. More widely, similar concerns were made that professional users would be impacted.

*The additional travel time will prevent professionals from undertaking statutory and other visits to other families resulting in additional expense to employ further staff to meet the statutory deadlines.*

### Medway Council

A further significant area of concern was of the cost effectiveness of both the interim and permanent solutions (our response to the interim solution is provided in the next section). A consistent message was that the Nightingale Courts programme had shown that HMCTS is able to set-up courts quickly and effectively and at some expense. It was suggested that a similar approach should be deployed to resolve the situation in Medway.

*It is absolutely essential that a Court building is located in Medway, at the very least during the closure period...The proposals for "Nightingale" Courts show that with effort and urgency, alternative locations can be found.*

### Judge

The cost of travel was frequently cited as a reason why the interim arrangements would not be value for money. This is because, it was argued, high costs of travel would lead to parties failing to attend, which would have a knock-on effect on the backlog.

## Response

We recognise that for some there will be additional costs for travel, we consider that these will be reasonable, as we have already outlined plans for some work to stay in the local area through the use of Medway Magistrates' Court. We do not consider that these will disproportionately impact professional users. However, we have revised our interim arrangements to create temporary court provision in Medway.

The Nightingale court programme is designed to provide temporary capacity to ease the pressure on the justice system as a result of social distancing measures. We will be using the expertise developed through the Nightingale court programme to deliver a suitable and secure facility at our temporary solution in Medway.

## Operational efficiency

27 of the responses to the interim proposals referred to issues relating to operational efficiency. These are summarised below.

Judges strongly opposed the interim proposals on the grounds of their ability to deliver court services. In particular, they saw the move to remote hearings and home working as placing an unfair and unreasonable burden upon the judiciary.

*We do not agree with the interim proposal for reallocating the work. HMCTS have failed to address a realistic timescale for the interim arrangements. The work done by the District Judges cannot be accommodated under their interim plan ... This interim plan was devised by HMCTS without any consultation with the affected District Judges. HMCTS have wrongly conflated remote hearings with there being no need for a Court. It should be made absolutely clear that the Medway District Judges consider the interim plan to be wholly unacceptable ... Remote working with ad hoc use of the court estate is not a workable solution for a variety of reasons ...*

### District Judges

Furthermore, the prospect of judges being placed away from the administrative support staff required to assist them was considered unfeasible, as was the expectation that judges would need to triage each hearing to determine which would be appropriate for video or telephone. The separation of staff and judges was considered as something that would prove extremely damaging to operational efficiency and would likely cause delays.

There was criticism about the lack of detail in the interim proposals about precisely what cases will go where and how long the arrangements would last, with the Public and Commercial Services (PCS) Union commenting:

*The current work of the Medway County and Family Court will need to be spread between a number of locations. It [HMCTS] has given no indication of how long the interim period may last or how the work may be distributed.*

### PCS

There was significant scepticism about the capacity of the remaining physical space in the sites identified to absorb the work of Medway County and Family Court. Many respondents were concerned that courts such as Sevenoaks Magistrates' Court and Canterbury Magistrates' Court had not been included in the interim proposal. Judges put forward arguments that even with the availability of Medway Magistrates' Court, a mix of other sites and remote hearings would not be adequate. The presiding judges for the South Eastern Circuit remarked:

*The existing court estate in Kent is already heavily committed. We very much doubt that it could cater in addition for the volume of attended hearings that will be required even after taking account of remote hearings and hearings which might be absorbed in Medway Magistrates' Court.*

The response added,

*There is a backlog in all jurisdictions already and this proposal will interrupt existing plans to tackle that backlog. It is imperative that existing Crown Court capacity is not reduced as a result of the interim proposal...[and]...the proposals assume that all work displaced can be relocated but it does not address the issue of the length of time taken to provide a hearing or to determine a case.*

### Presiding Judges of the South Eastern Circuit

Professional users voiced similar concerns about the administration of court work during the interim arrangements. They expressed concern that the proposals would lead to inefficiency and delay.

*The current proposals will mean that the work of seven courts and the administration will be spread across a Court estate which has shrunk over recent years and is often very busy. One of the major advantages of the Current Court is that work from Magistrates' to County Court Judges is undertaken under one roof with admin staff on site. This enables the sharing of information and knowledge... As most court files are paper based this enables a through flow of work...the proposals will split the work over courts which have little capacity and are themselves...under pressure to deal with a backlog of criminal cases.*

### Professional User

Another point consistently made was that the COVID-19 pandemic needed to be factored into capacity planning. A point linked to both the interim and permanent solution was around how COVID-19 has radically changed the property market. Two arguments were made in relation to this. The first was that a lease extension on the current building that Medway County Court occupies (Anchorage House) would now be more viable.

The second was that new buildings might now be available, so a fresh search for both a temporary and permanent site should be conducted.

## Response

We have carefully considered the arguments put forward with respect to the interim proposals and acknowledge that the support of judges is fundamental to ensuring a suitable arrangement is in place. We have accepted the importance of providing continuity during the transition period between the closure of Medway County and Family Court and the completion of works for the longer-term arrangement. Therefore, we have taken on board the comments put forward, and following a further review of available venue options, we have now secured temporary accommodation within Medway to relocate the work of Medway County and Family Court.



### Interim arrangements for the workload of Medway County & Family Court

The Holiday Inn (Rochester – Chatham) has been identified as a suitable interim arrangement. The venue is located in Medway on Maidstone Road and will provide three hearing rooms and required ancillary space with suitable accommodation for court users, the judiciary and HMCTS staff.

Enabling works have been completed and we are now sitting at the Holiday Inn. Through working with the local judiciary and carrying out Security and Health and Safety assessments, we are satisfied the venue has met the required standards. The accommodation is provided using self-contained areas within the venue for hearings, utilising conference suites as well as smaller rooms for consultation rooms, judicial chambers and administrative areas.

The Holiday Inn venue was made operational in June 2021 and is successfully conducting hearings. Our agreement to occupy the venue is for a minimum period of 18 months starting from June 2021. We have built some flexibility into the agreement should the lead time for works on the longer-term arrangement change. This will allow us to exit the agreement early or extend beyond the initial 18-month period.

The facilities include:

- a public bus stop at the hotel with buses to Rochester, Chatham, Maidstone, Gillingham and respective train stations (all as frequent as every 12 min)
- 180 parking spaces, free of charge for use by court users, judiciary and HMCTS staff
- 'Bureau Veritas' certified for cleanliness and meeting COVID-19 cleaning requirements-19
- fully accessible rooms; verified and approved by AccessAble / DisableGo

Hearings that would have previously been held at Medway County and Family Court are now being listed at the following courts

- three District Judges at the Holiday Inn Medway
- one Magistrates' Bench at Medway Magistrates' Court
- one Magistrates' Bench at Canterbury Magistrates' Court
- one Circuit Judge at Dartford County Court
- one Circuit Judge at Canterbury Combined Court

Listing arrangements will always consider the location of parties when selecting a hearing venue, and consideration will always be given to the journeys that need to be undertaken. The judiciary will consider specific requests for a location and needs on a case by case basis.

Working closely with the local judiciary, we will keep the interim arrangement under regular review until Gun Wharf becomes operational, to make sure our operational needs are being met. We will consider the implications of any changes to social distancing regulations and the impact on the operational estate in Kent.

Separately, and as part of overall COVID-19 court recovery plans for Kent, we will continually review whether additional capacity measures are required.

### **Implementation of the decision to relocate the workload of Medway County and Family Court**

We have worked closely with the Departmental Trade Union on staffing impacts and we are finalising our plans for the relocation of workloads both for the interim arrangement and for the longer-term arrangement. Further updates on the timeframe for implementation of the longer-term arrangement will be provided online alongside this document in due course.

## Annex A – List of respondents

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

- 29 Bedford Row Chambers
- 42 Bedford Row
- 5 St. Andrew's Hill
- Alex Cunningham MP, Shadow Minister for Justice
- Association of Personal Injury Lawyers
- Barristers
- Batchelors Solicitors
- Cafcass
- Cafcass Family Court Advisor
- CAFIS Barnardos Faversham Kent
- Central Kent Bench
- Chair of the Justice Committee
- Chair of the Kent Family Panel
- Chair of the North Kent Bench (Medway) Magistrate
- Civil and Family Court at Medway Nominated Judge of the Court of Protection
- Crown Prosecution Service
- Davis Simmonds & Donaghey Solicitors
- Deputy Bench Chair of the East Kent Bench
- Designated Civil Judge for Kent, Surrey and Sussex
- District Judge, Dartford
- District Judges at Medway County and Family Court
- East Kent Adult Presiding Justice and Family Magistrate
- East Kent Bench Family and Adult Judge
- Fraser Chambers
- Goldsmith Chambers
- Honorary Recorder for Maidstone Resident Judge
- Judiciary
- Justice of the Peace
- Kelly Tolhurst MP
- Kent Bench
- Kent Law Society
- Lord Charlie Falconer QC, Shadow Attorney General
- Magistrates
- Medway Council
- Medway Council - Public Health and the Kent and Medway Clinical Commissioning Group
- Mid Kent Legal Services
- My Brief Solicitors
- North Kent Bench & Kent Family Panel
- PCS
- Rehman Chishti MP
- Resident Judge at Canterbury Combined Court
- SEC Presiding Judges and FDLJ
- SLM Family KSS
- Solicitors
- South East Regional Leadership Magistrate
- The Designated Family Judges for Kent
- The Insolvency Service
- Thomas More Chambers
- Tracey Crouch MP
- Volunteer
- West Kent Youth Panel

# Annex B – Equality Statement

## 1. Equality impacts

- 1.1 Section 149 of the Equality Act 2010 (“the EA”) requires Ministers and the Department, when exercising their functions, to have due regard to the need to:
  - a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA
  - b) advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not)
  - c) foster good relations between different groups (those who share a relevant protected characteristic and those who do not)
- 1.2 Paying due regard needs to be considered against the nine protected characteristics under the EA – namely ethnicity, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
- 1.3 The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how proposed policies are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the adverse impacts and to advance the beneficial ones.

### Direct discrimination

- 1.4 Our assessment is that the policy is not directly discriminatory within the meaning of the EA. This is because it applies equally to all persons affected by this proposal: we do not consider that the policy proposal would result in people being treated less favourably because of any protected characteristic.

### Indirect discrimination

- 1.5 Among court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. The interim proposals to relocate workload to Holiday Inn (Rochester – Chatham) and existing nearby courts is an effective, and proportionate method of continuing to provide the services currently provided at the Medway County and Family Court. This is even if it can be shown that a proportion of the population is temporarily disadvantaged by these proposals (e.g. by greater journey times to travel to court). In cases it led to disadvantages, such as the length of time it takes to travel to court. The long-term proposal to relocate the majority of the existing workload to Gun Wharf and remaining workload to Medway Magistrates’ Court, will mean that the work will remain close to the Medway County and Family Court at Anchorage House. This means the outcome will have little to no change for those with protected characteristics. Additionally, the impact on travel times is better than those previously proposed to permanently relocate workloads to Maidstone Combined Court.
- 1.6 Our approach has been to identify groups of people with protected characteristics living within defined areas of where the hearing room capacity is situated and compare them to the population of Kent and the national population (the ‘court user data’ section below details our approach). This allows us to identify whether any groups of people are likely to be disadvantaged by the proposals. Due to limitations in the available data on local HMCTS users, we have had to make the assumption that they are representative of court users.

### Protected characteristics impacts

- 1.7 We have assessed the available population data on the characteristics of sex, age, disability, ethnicity and religion to help show the likely impact on court users. Our current assessment is that there would be a limited impact arising from these interim proposals and no impact for the long-term proposals. Depending on where a user is travelling from, we recognise that there is the potential for longer journey times in the interim for certain groups and where necessary these impacts will be mitigated. Details of the mitigations we may apply are provided below.
- 1.8 The evidence set out in Tables 2 and 3 shows the data we currently have on the protected characteristics of potential users of the court. Although there is some over-representation, we do not consider that this would result in any particular

disadvantage for people with the protected characteristics of sex, ethnicity or religion. Furthermore, we do not consider that the relocation of work will have a greater impact on these particular groups when compared to the region’s population as a whole. We discuss the findings of the data we hold in more detail in paragraphs 1.16 to 1.22.

- 1.9 Although we do not currently have data on the protected characteristic of gender reassignment, and only limited data on sexual orientation and marriage and civil partnership, we do not consider that the proposal is likely to result in any particular disadvantage for people with these protected characteristics when compared to those who do not share the protected characteristics.
- 1.10 To supplement our evidence, in Table 4 we have provided published data from the English and Welsh Civil and Social Justice Survey Wave 2 Summary Report (Balmer, 2013). This shows the prevalence of civil justice (or 'justiciable) problems among respondents to the Justice Survey. We acknowledge the limitations of this data; however, it provides a helpful indication of a cross-section of the population likely to access civil and family courts.
- 1.11 We also recognise that the need to travel further (either by car or by public transport) is likely to have greater impacts on people with disabilities, the elderly and pregnant women. We’ve set out approximate journey times and distances from Medway County and Family Court at Anchorage House to the courts identified for relocation of work in both the permanent and interim proposals below. We have used Google Maps to determine these journey times. In relation to the permanent proposal, the relative distances to the existing court (being just over half a mile for both) means it is highly unlikely there will be any impact to any users. The journey times for the interim proposal show that the Holiday Inn (Rochester – Chatham) site, which provides three hearing rooms, is reasonably close to the existing court such that the impact for most users attending this site will be small. The courts in Dartford and Canterbury are farther away from the existing site in Medway. However, they are still within a reasonable journey time from the existing court.

**Table 1 – distance from Medway County and Family Court to receiving sites**

Site	Distance	Journey time (Car)	Journey time (public transport)
<b>Permanent relocation proposal</b>			
Gun Wharf in Medway	0.5 miles	5 mins	N/A
Medway Magistrates’ Court	0.5 miles	7 mins	N/A
<b>Interim relocation proposal</b>			
Holiday Inn (Rochester - Chatham)	3.1 miles	10 mins	25 mins
Dartford County Court	14.6 miles	27 mins	50 mins
Canterbury Magistrates’ Court	29.6 miles	44 mins	1 hr 2 mins
Canterbury Combined Court	29.6 miles	45 mins	1 hr 13 mins

- 1.12 Overall, we believe that the potential impact is proportionate. It meets the operational requirements of the estate, while considering that the closure of Medway County Court is due to factors outside of our control. The relocation options we have identified for the permanent solution have little to no impact on journey time. Furthermore, our interim proposals can ensure access to justice for those with protected characteristics, where necessary. These are explained in more detail below in the mitigations section.

**Harassment and victimisation**

- 1.13 We do not consider there to be a risk of harassment or victimisation as a result of the proposal.

**Advancing equality of opportunity**

- 1.14 We have considered how this proposal impacts on the duty to advance equality of opportunity. We have considered how it meets the needs of court users who have protected characteristics not shared by all.

**Fostering good relations**

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

**Court user data**

- 1.16 HMCTS collects certain information on users of individual courts, but this is not readily available for analysis, and not comprehensive for protected characteristics. We have instead assumed that court users are likely to be drawn from, and are roughly representative of, the general population. We have assumed they live in the vicinity of the court buildings, and that they reside in local areas where the courts are the closest venue of that jurisdiction.

1.17 Our analysis has considered protected characteristics of populations at middle super output area (MSOA) level as recorded in the 2011 Census, and age and sex as in mid-2018 population estimates. For context, there are approximately 7,000 MSOAs across England and Wales. More recent data for religion, ethnicity and disability at this level is not available. The areas for which these courts are the closest venue have been calculated using Google Maps application programme interfaces (API), which uses real-time travel data to assess travel times. Court journeys are assessed from the centre (or centroid) of each MSOA to the coordinates of the court postcode, where this is the shortest journey by public transport.

1.18 The decision involves the closure of Medway County and Family Court and its work to be temporarily relocated to the following interim venues at first: Holiday Inn (Rochester – Chatham), Dartford County Court, Canterbury Magistrates' Court, and Canterbury Combined Court. In the long-term, the majority of work will move to Gun Wharf in Medway following the completion of suitable enabling works. Some work will relocate to the nearby Medway Magistrates' Court. Both Medway Magistrates' Court and Gun Wharf are less than a mile away from Medway County and Family Court's current location. On that basis, we will consider general population estimates of the protected characteristics for those impacted by the interim proposals only.

1.19 The data we have considered, and our analysis of it, is provided below:

**Table 2: The protected characteristics of those impacted by the interim proposals (residents whose current closest County Court is Medway Anchorage House, by public transport travel time)**

		Population resident in MSOAs where nearest court of jurisdiction by public transport. As is.		
		Medway County Court Anchorage House	Kent population	England and Wales population
EPIMS	122652			
No. MSOAs incl.	54			
Gender	Male	49%	49%	49%
	Female	51%	51%	51%
Age	0-15	21%	20%	19%
	16-24	11%	10%	11%
	25-39	20%	18%	20%
	40-64	32%	32%	32%
	65+	17%	19%	18%
Disability	Disability	17%	17%	18%
	No disability	83%	83%	82%
Ethnicity	Asian	4%	4%	8%
	Black	2%	1%	3%
	Mixed	2%	2%	2%
	White British	88%	89%	80%
	White Other	4%	5%	5%
	Other	1%	0%	1%
Religion	Christian	60%	62%	59%
	Buddhist	0%	0%	0%
	Hindu	1%	1%	1%
	Jewish	0%	0%	0%
	Muslim	2%	1%	5%
	Sikh	1%	1%	1%
	Other religion	0%	0%	0%
	No religion	29%	27%	25%
Not stated	7%	7%	7%	

Note: Data is based on the population resident in the middle super output areas (MSOAs), for which the Anchorage House is the nearest court by public transport journey time as estimated using Google Maps API. Disability, ethnicity and religion as recorded in the 2011 Census. Age and gender as estimated in mid-2018 by ONS. Categories may not add up to 100% due to rounding.

- 1.20 The demographics of potential court users whose closest County Court is currently Medway Anchorage House are generally very similar to those of people living in Kent as a whole. The population served by Anchorage House is slightly younger than in the rest of Kent, while the gender and disability balances are the same as Kent. 17% of the population is aged 65 or above, and 17% have a disability. These groups would be more likely to be adversely affected by very long travel times than the rest of the population. Given the proximity of the Rochester Holiday Inn to Medway Anchorage House, the impact would be limited, and we have mitigations we can apply where necessary.
- 1.21 Ethnic and religious demographics are also very similar to the rest of Kent. We do not consider that those with the protected characteristics of ethnicity, gender or religion will be disproportionately impacted by these proposals.

**Table 3: The protected characteristics of those impacted by the interim proposals (residents closest to each receiving site, after Anchorage House is removed, by public transport travel time)**

Population resident in MSOAs where nearest court of jurisdiction by public transport. Medway replaced with Holiday Inn.

		Holiday Inn Rochester, ME5 9SF	Dartford County Court	Canterbury Combined and Magistrates Courts	Kent population	England & Wales population
	EPIMS	-	194172	259679 & 411663		
	No. MSOAs incl.	45	30	64		
Gender	Male	49%	49%	49%	49%	49%
	Female	51%	51%	51%	51%	51%
Age	0-15	21%	22%	18%	20%	19%
	16-24	11%	9%	12%	10%	11%
	25-39	20%	22%	17%	18%	20%
	40-64	32%	32%	31%	32%	32%
	65+	16%	16%	21%	19%	18%
Disability	Disability	16%	15%	19%	17%	18%
	No disability	84%	85%	81%	83%	82%
Ethnicity	Asian	4%	8%	3%	4%	8%
	Black	2%	3%	1%	1%	3%
	Mixed	2%	2%	1%	2%	2%
	White British	87%	81%	90%	89%	80%
	White Other	4%	5%	4%	5%	5%
	Other	1%	1%	0%	0%	1%
Religion	Christian	59%	60%	62%	62%	59%
	Buddhist	0%	0%	1%	0%	0%
	Hindu	1%	1%	1%	1%	1%
	Jewish	0%	0%	0%	0%	0%
	Muslim	2%	2%	1%	1%	5%
	Sikh	1%	4%	0%	1%	1%
	Other religion	0%	0%	0%	0%	0%
	No religion	29%	25%	27%	27%	25%
	Not stated	7%	6%	8%	7%	7%

Note: Data is based on the population resident in the middle super output areas (MSOAs), for which the court is the nearest court by public transport journey time as estimated using Google Maps API. Disability, ethnicity and religion as recorded in the 2011 Census. Age and gender as estimated in mid-2018 by ONS. Categories may not sum to 100% due to rounding.

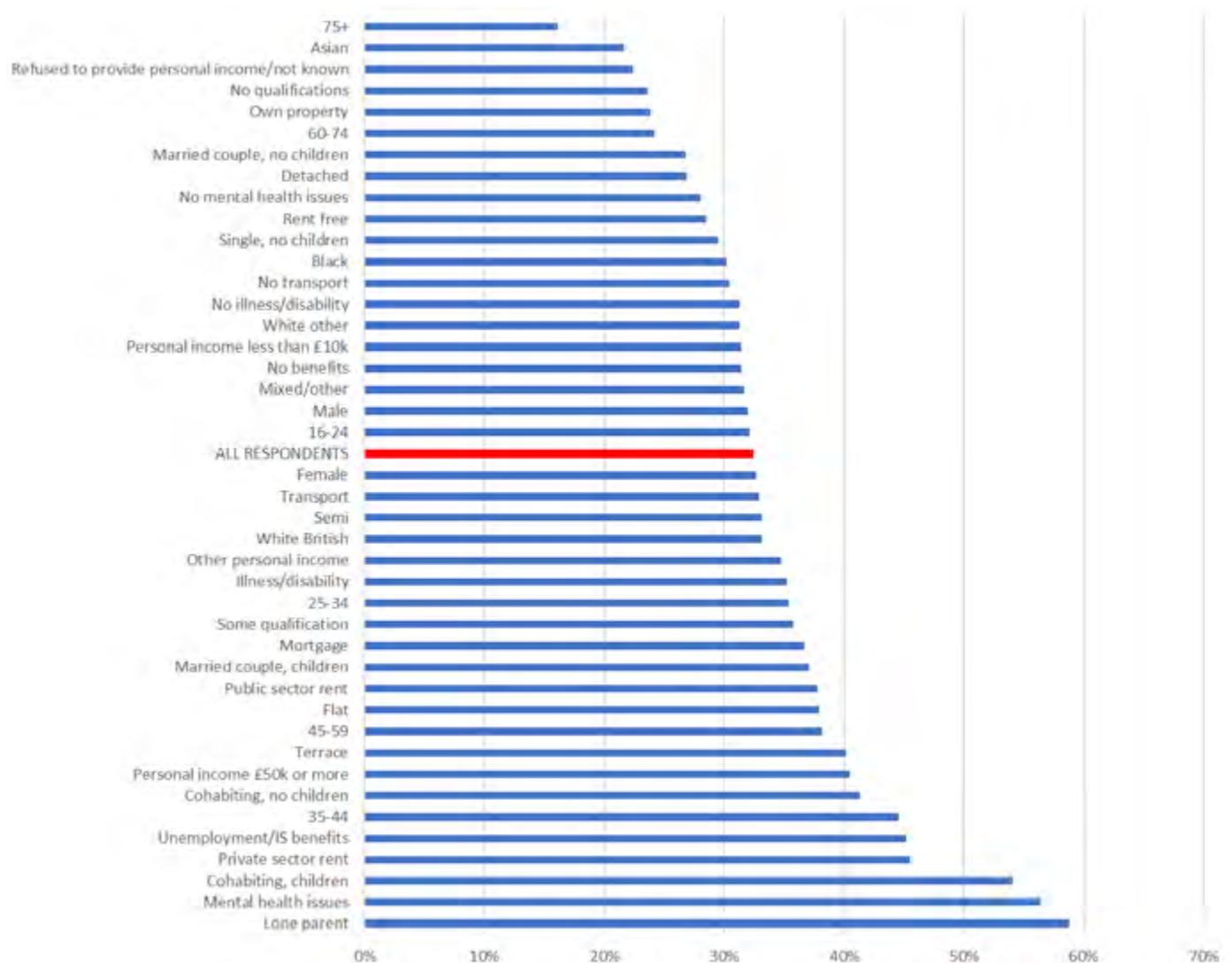
1.22 Another view of the populations likely to be impacted by the closures considers those in areas where each receiving court would be the closest of that jurisdiction. Overall, the demographics of these areas seem broadly in line, with little variance that might present disproportionate impact on any particular group. Therefore, we do not feel that the proposals are discriminatory. Any potential impact can be mitigated by measures such as listing hearings at an alternative venue where appropriate.

**Other data sources**

1.23 We have explored alternative sources of data that might help us understand the demographic makeup of potential court users and those that might interact with the justice system. This is to enhance our understanding of the potential impact on protected characteristics. Our data sources are limited, and we have been unable to identify a data source that would provide a comprehensive assessment. However, we have found data that provides an overview of protected characteristics.

1.24 The English and Welsh Civil and Social Justice Panel Survey (CSJPS) report (Balmer, 2013) describes findings from a sample of 3,911 adults relating to experiences of civil justice (or 'justiciable') problems. We cannot discern whether these users then sought redress for these problems through the courts. However, it does provide some indication as to the user profile of the civil justice system. Common themes that emerge suggest that general issues are not randomly distributed. For example, lone parents, those on benefits, those with a long-term illness or disability, and those with a mental health illness were more likely to report suffering problems than others. From this sample, 32.4% of all respondents reported at least one civil justice (or 'justiciable') problem. The information provided below (Table 4) shows the proportion of each characteristic who reported suffering at least one problem. This data is relevant to enable an enhanced understanding of actual users of courts of this jurisdiction. Further limitations of this data are noted below.

**Table 4: General Problem Incidence by Respondent Characteristic - proportion of characteristic who reported at least one problem<sup>1</sup>**



<sup>1</sup> Data collected between 2010 and 2012.

- 1.25 It is unclear whether those who responded to the survey are representative of the population as a whole. Therefore, we cannot draw any firm conclusions from this data. The data does suggest, of those with mental health issues, 59% reported suffering a civil justice (or 'justiciable') problem, much higher than the average of all respondents (32%). However, we cannot infer whether the interim proposals under consideration are likely to positively or negatively impact this group relative to other court users. Court users who are likely to be impacted by the interim proposal are those who find it difficult to travel (and face longer journeys to an alternative site) or those who may have difficulty using digital services. This could potentially impact those who are less mobile, such as people with disabilities, pregnant women and those over the age of 75 years more negatively than the general court user. The data suggests that out of those in the 75+ age group that responded to the survey, slightly over 15% have experienced a civil justice (or 'justiciable') problem, much below the average of all respondents (32%). However, the sample size was low and therefore it is difficult to draw concrete conclusions about the impact of the proposal on this age group. HMCTS will, where appropriate, provide mitigations and reasonable adjustments to ensure access to justice for this group is maintained.
- 1.26 Sample size varies by characteristic, with ethnicity in particular, having a low sample size. Therefore, drawing any firm conclusions on the impact of this proposal on this protected characteristic is difficult. From the data there does not seem to be any gender impact. Of those that responded to the survey, slightly over 30% of both men and women reported suffering a civil justice (or 'justiciable') problem. There is no indication that the proposals would have a disproportionate impact on gender.

### Court Facilities

- 1.27 Physical access to a court can be a challenge for some groups, particularly those already identified as having the protected characteristics of age (75+), disability or pregnant women. We have therefore assessed the access arrangements of all the buildings identified and have concluded that suitable physical access can be ensured for all users.

### Defendants, victims and witnesses (applicable for criminal hearings only)

- 1.28 The Ministry of Justice publications Race and the Criminal Justice System 2012 and Women and the Criminal Justice System 2013 show the ethnicity and gender profile of court users and those in the Criminal Justice system at a national level. They show that men and those from a Black ethnic group are 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:
- males were more likely to be sentenced to immediate custody and to receive custodial sentences of six months or longer than females with a similar criminal history
  - relative to the population, rates of sentencing for Black offenders were three times higher, and two times higher for people with a mixed ethnic background, relative to offenders from the White ethnic group; a trend mirrored in prosecutions
- 1.29 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 personal crime when compared to the general population:
- those aged 16 to 24 (28% of all victims, compared to 14% of the general population)
  - those from ethnic minority backgrounds (16% of all victims, compared to 13% of the general population)
  - men (56% of all victims, compared to 49% of the general population)
- 1.30 While groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation equates to victims and witnesses who use the criminal courts. The data in Table 2 has been provided as a means of an assessment of impacts, while remaining live to the limitations of this as a proxy.

### Other Impacted Groups

- 1.31 Other groups potentially impacted by the proposed closures include the judiciary, magistrates and legal professionals. Statistics from the Judicial Office 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.
- 1.32 With regards to other HMCTS staff, equality assessments will be carried out at our Business Unit level. The impacts on protected characteristics will be fully assessed once the impact on individuals has been understood. We will engage with staff at the implementation stage to carefully assess any equalities issues and work through possible mitigations.

## Mitigations

1.33 We recognise that as courts close, we need to continue to modernise and improve the way we deliver front line services and to make the most of technological advancements and efficiencies. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. A number of mitigations are either being considered or are already in place that will help to minimise the impact of court closures on court users. These include:

- all guidance material, together with information about particular processes, are made available online through GOV. UK. This would include: the location, directions to and available facilities of the relevant court or tribunal, guidance on mediation, how to make a claim, how to appeal, and how to make a complaint. In addition, the following websites provide useful links and signposts users to related websites: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed regularly
- 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
- reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, along with a point of contact, where required. The guidance has recently been updated with training due to be rolled out to staff during this year. Examples of adjustments relevant to this decision included:
  - identification of blue badge parking near the receiving court for those with mobility difficulties
  - use of the staff car park where necessary for disabled users
  - consideration of an alternative venue where access is problematic
- video links for criminal courts are used as follows:
  - prison to court video links allow defendants to appear from custody in magistrates' courts
  - additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant
- the court will always decide whether it is appropriate to conduct a hearing in a certain way, and the parties will also be able to make representations. In making its decision the court should consider whether any parties or witnesses have a disability (e.g. visually or hearing impaired) or are vulnerable and would benefit from face to face contact to effectively participate in the case.
- Assisted Digital provision will support the digital access needs of individuals who are currently not able to easily engage with online services to ensure reasonable adjustments are made
- facilities and provisions at the remaining sites can include disabled access, hearing enhancement facilities, baby changing facilities and videoconferencing and prison link facilities. The exact facilities available at a court site can be found on [Find a Court or Tribunal](#). If appropriate facilities are not available arrangements can be made by contacting the court to determine reasonable adjustments that might be made, including, where necessary, use of an alternative venue
- listing arrangements will always consider the location of parties when selecting a hearing venue and the journeys that need to be undertaken. The judiciary will consider specific requests for a location and the particular needs of all parties on a case by case basis

### Conclusions

- 1.34 Following the views expressed through the consultation, we have reconsidered our proposals to provide more physical hearing space throughout the interim and to retain hearing space within Medway in both the interim and long-term. We acknowledge that the closure of Medway County and Family Court may mean longer journey times for some users on a temporary basis. However, with some hearing space being provided within Medway (Holiday Inn) and through using existing neighbouring courts and digital alternatives, we consider the impact to be limited. Our permanent proposal will have little to no impact on users as Gun Wharf and Medway Magistrates' Courts are close to the current location. Additionally, the impact on travel-times is better than those proposed under the previous proposal to permanently relocate workloads to Maidstone Combined Court.
- 1.35 Although increased journeys have the potential to impact some people with protected characteristics disproportionately, we expect the impact to be limited and justified in the context of the aim of the proposal. The mitigations set out above will continue to ensure access to justice is maintained. While physical hearing space is being made available, many of the services traditionally accessed by face to face visits to court are also 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 court services.
- 1.36 For those people who still need to attend court, reasonable disability adjustments are offered and other measures such as later court hearing start times or listing within a new court will help to minimise impacts for those with transport difficulties.
- 1.37 The permanent proposal enables the continued provision of a high number of hearings in courts that are close to the current location. Overall, therefore, we consider that the proposal to close Medway County and Family Court and relocate the work as outlined represents a proportionate means of achieving the legitimate aim of maintaining current services within the context of a modernised, efficient court and tribunal service.
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