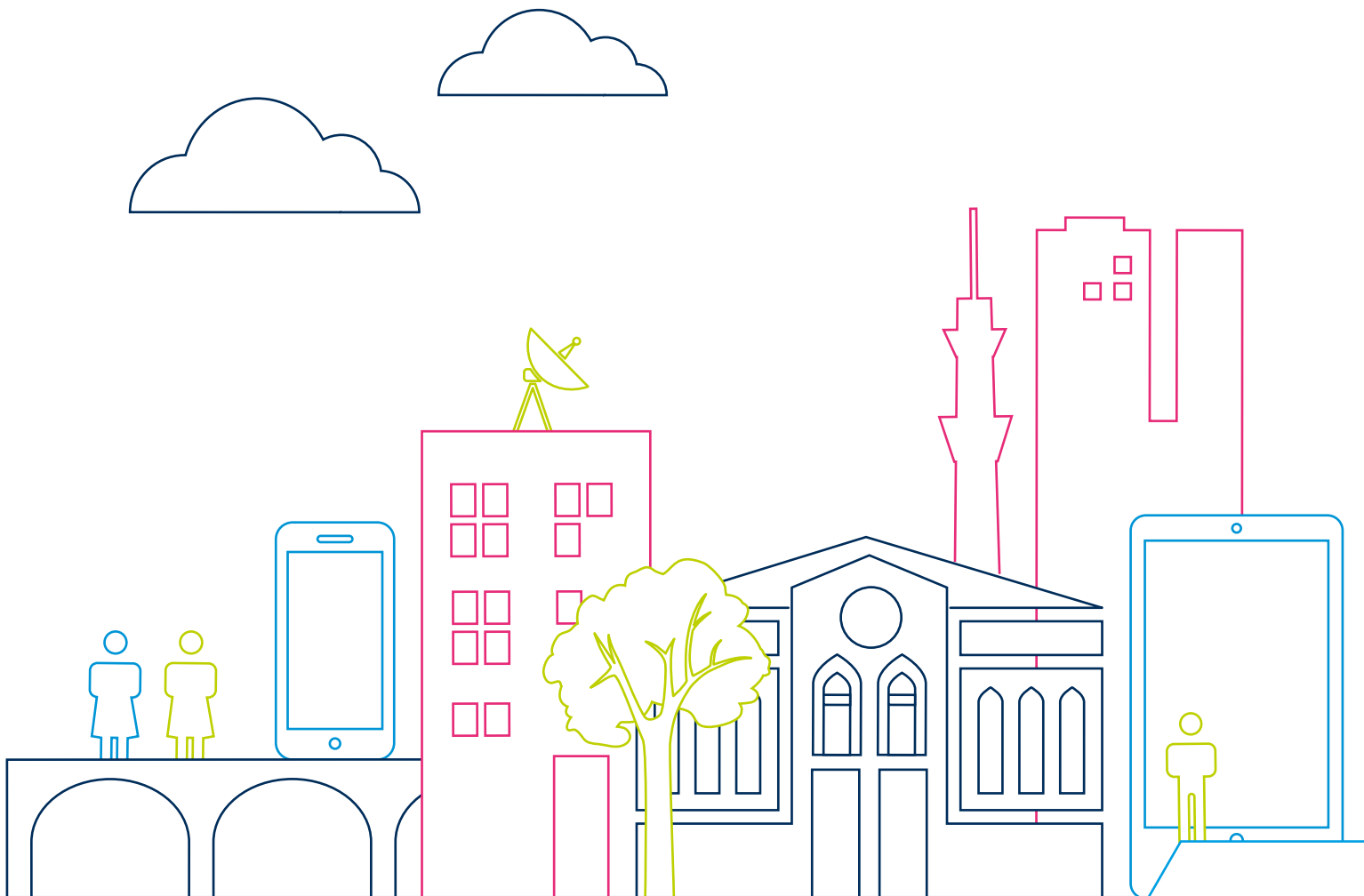




HM Courts &
Tribunals Service

Proposal on the future of Medway County and Family Court



Justice matters

This consultation begins on 14th July 2020
This consultation ends on 11th August 2020



HM Courts &
Tribunals Service

Proposal on the future of **Medway County and Family Court**

Response to consultation carried out by Her Majesty's Courts & Tribunals Service, 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>

To:	Court users, judiciary, magistracy, staff, family justice agency practitioners and elected representatives and local authorities in Kent.
Duration:	From 14/07/2020 to 11/08/2020
Enquiries to:	Email: estatesconsultation@justice.gov.uk
How to respond:	Please send your response by 11th August 2020 to: HMCTS Property Directorate Consultation Zone 5.25 102 Petty France London SW1H 9AJ Email: estatesconsultation@justice.gov.uk
Additional ways to feed in your views:	For further information please use the "Enquiries" contact details above.
Response paper:	A response to this consultation exercise will be published at: https://consult.justice.gov.uk/digital-communications/future-of-medway-county-and-family-court/

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Foreword

Medway County and Family Court is situated in Chatham and located in a building that HMCTS occupies as a tenant. We are required to vacate the property at the end of January 2021 as the lease is due to expire. The landlord of the building intends to redevelop the site and as such our occupation of the building will end at lease expiry. We have made attempts to extend the lease, but this has not been possible. This consultation therefore sets out our proposal for the permanent relocation of the work currently heard at the court.

Our proposal is to undertake works to increase capacity at Maidstone Combined Court. Maidstone is located 11 miles from Medway and presents a viable solution. Our initial assessment is that travel to this venue is reasonable and would comply with our estates principle of ensuring access to justice for all. We would also seek to provide capacity at Medway Magistrates' Court (also in Chatham) for some of the work, thereby providing local access for any users who are unable to travel to Maidstone.

The consultation also sets out why it will be necessary to adopt temporary listing arrangements for the work currently heard at Medway County and Family Court, pending the completion of enabling works to the court building at Maidstone. We have outlined the reasons for our approach and why these temporary arrangements will be necessary. Work will be heard by telephone or video where possible, and the remaining work would be distributed between Medway Magistrates' Court, Maidstone Combined Court (without enabling works), and county courts in Canterbury, Dartford and Thanet (Margate).

This consultation and its associated documents include extensive analysis of the impacts of our proposals. This analysis is based on "business as usual" operations. The coronavirus pandemic is continuing to have an impact on the delivery of courts and tribunals business. The number of courtrooms that will be open and available in January 2021, when the current court building is vacated, is unclear; and may impact on our "business as usual" assumptions. Furthermore, the impact of the coronavirus pandemic on the proposed solution is unknown, and may change as we respond to the crisis.

Last year we published our response to the [Fit for the future; transforming the court and tribunal estate consultation](#). We outlined our future strategy and approach; acknowledging the importance of a physical court infrastructure, while moving towards a more flexible, strategically-located and modern

estate. Our long-term plan is to focus on main strategic centres, by which we mean the major town and cities with the best transport links. We outlined that this would mean consolidating our buildings and investing further in those that remain, whilst ensuring that access to justice remains as our top priority. We revised our estates principles to enhance our consideration of the impact on access to justice, as well as to ensure our thinking aligns with the wider modernisation programme already underway.

Whilst there were no immediate plans to reduce our estate in Kent, circumstances outside our control has meant that we have to vacate the county court building in Medway. We are therefore consulting on the relocation of civil and family court business to Maidstone.

We are committed to ensuring that we provide effective access to justice for all who need it. We are keen to hear your views about these proposals and in particular their impact on court users who are vulnerable or have protected characteristics. We will consider carefully all responses received before making any final decisions.

Thank you for taking the time to respond.

Donna Bolton

Delivery Director, HM Courts & Tribunals Service South East Region.

Introduction

This consultation paper sets out the proposal on the provision of county and family court services in Medway. It assumes that we will be working in a non- coronavirus environment noting that our recent experiences (post-March 2020) may result in long term changes to the way we work. The relocation options we have outlined would enable the work of a busy and well-utilised court to continue whilst ensuring access to justice.

This consultation is being conducted in line with the Consultation Principles issued by the Cabinet Office and will run for four weeks. This is shorter than the six weeks we would usually consult on a proposal relating to a single court closure. In this case however, we consider that four weeks will provide sufficient time for interested parties to consider the proposal and provide a response, given the unusually limited options available in this case. Conducting a four-week consultation will allow for careful consideration of responses and a prompt response. We will make sure that we conduct extensive local stakeholder engagement to raise awareness of the consultation and encourage responses. Responses are welcomed from anyone with an interest in or has views on the subject matter covered in this consultation.

An Impact Assessment provides an analysis of the wider impact of the proposed closure. The proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector, or in the public sector. The consultation Impact Assessment is also available at www.gov.uk/moj.

Background

Reform of HM Courts and Tribunals Service

The reform of the justice system is underway; a £1.1 billion transformation process that is radically reshaping how we deliver our services to people who use our courts and tribunals.

In May 2019, we published our response to the *Fit for the Future: transforming the court and tribunal estate consultation*, which set out our future strategy for the court and tribunal estate. The consultation outlined our new principles in the context of the ongoing programme of transformation and modernisation taking place.

The need for change outlined in this paper has been driven by external factors outside of our control. Detailed in this paper are solutions developed and assessed using the new principles published in the *Fit for the Future* consultation response. While we acknowledge that the coronavirus pandemic may mean that we work in different ways in the future, this consultation is by necessity based on our current processes and workloads

In examining how to redistribute work and the impact on our court estate, we need to make decisions about how we maintain effective access to justice while determining the most appropriate and cost-effective locations for our courts and tribunals. We need the right courts and tribunals in the right places, with appropriate facilities and capacity.

Court estate in Kent

The court estate in Kent is comprised of 11 court and tribunal buildings, of which five are magistrates' courts, one is a tribunal hearing centre and the rest are either combined courts hearing Crown and county/family work or county and family courts. The courts and tribunals in the county are well-utilised, busy hearing centres accommodating large work volumes.

The county and family courts in Kent are:

- Canterbury Combined Court
- Dartford County and Family Court
- Maidstone Combined Court,
- Medway County and Family Court
- Thanet County and Family Court.

Medway Magistrates' Court is also pertinent to these proposals.

This paper sets out the proposal to close Medway County and Family Court and relocate the work. We detail proposals for both interim arrangements for the movement of work and for the permanent relocation of hearings. The proposals are based on the necessity to vacate the building having been given notice of lease-termination by the landlord. Our estates principles, together with the responses to this consultation, will guide our decision regarding the closure of the court and the redistribution of the work.

The permanent proposal is that work from Medway County and Family Court will be relocated to both Maidstone Combined Court and Medway Magistrates' Court in Chatham. With the appropriate enabling works, we feel that there will be sufficient capacity in these buildings to receive the work from Medway County and Family Court. For some family work to continue in Chatham (at Medway Magistrates' Court), we propose that some of that court's crime hearings and video-enabled overnight police custody hearings be relocated to other courts in Kent. In the interim, the current work of the Medway County and Family Court will need to be spread between a increased number of locations.

There is a significant demand on our courtrooms which we expect to continue for some time because of the reduced capacity across the justice system arising from the coronavirus pandemic. The full impact of coronavirus and the ramifications for the entire court estate are not yet fully realised and this may impact on the precise allocation of work.

While the provision and location of court buildings is a government function, the listing of court work is a judicial responsibility. If the court closes, we will engage with the judiciary in Kent to agree the redistribution of work.

How we have assessed the future of the court

In the Fit for the Future: transforming the court and tribunal estate consultation response published in May 2019 we set out our updated estates principles. These guide our decision-making regarding the location, size and capabilities of our court and tribunal buildings. To ensure we maintain effective access to justice and deliver our business cost effectively and efficiently in the longer-term, we have applied these principles to develop the proposals in this consultation.

The principles are:

1. Ensuring access to justice for all

- Everyone who needs to access the court and tribunal estate should be able to do so.
- To ensure continued access to justice, journey times to court should be reasonable and we will consider carefully the likely impact on travel times for any proposal, while recognising that different users have different needs.
- In determining whether a journey is reasonable we will consider the ability of users to attend a hearing on time and return, by public transport if necessary, to include consideration of the following points:
 - the length of journey both by car and public transport, with the expectation that the overwhelming majority of users would be able to leave home no earlier than 7.30am to attend their local court and return by 7.30pm using public transport if necessary
 - the difficulty of the journey including frequency of public transport and the number of changes required
 - the cost of potential journeys
 - the type of cases heard at the court or tribunal
 - the opening hours of the court or tribunal
 - the needs of vulnerable users
 - whether there are available mitigations to reduce the impact on users with longer journey times, if the numbers of such users are small

Where applicable, mitigations may include (although not be restricted to) the following:

- Varying the start or end times of hearings, subject to judicial approval and where the case type was suitable (which could also include a change of location). This would provide an effective mitigation for those people whose earliest arrival at court was after 10.00am, or who had to leave early
- Provision of local video links
- Consideration of supplementary provision where this is appropriate to the nature of the case type/ workload, and in agreement with the judiciary

- To assess the impact of court closures on travel with evidence-based modelling and real-world examples of typical travel times and costs for those courts proposed for closure, drawing on local knowledge.
- To maintain and expand our presence in main strategic locations to meet the needs of a larger proportion of the population, while taking into account the needs of users and in particular, victims, witnesses and those who are vulnerable.
- Where it is used, supplementary provision, which involves the delivery of court and tribunal services outside of our fixed estate, must be safe, secure and accessible and also reflect the dignity and authority of the court. In exploring opportunities for using supplementary provision, intended to benefit court and tribunal users by increasing accessibility and flexibility, we will ensure that appropriate case types are heard in such venues.
- To understand and work closely with our stakeholders including other government agencies such as the Crown Prosecution Service, social services, police forces, local authorities and Children and Family Court Advisory and Support Service (Cafcass).

2. Delivering value for money

- Without compromising access to justice for all, to ensure we reduce the current and future cost of running the estate and invest appropriately in other routes to justice; to deliver value for money for the taxpayer and to reduce costs to the taxpayer of running our estate, working collaboratively with main partners across the public sector.
- To ensure that our buildings are in the best condition possible and can be maintained at an affordable cost.
- To focus our investment into those buildings that will best provide effective access to justice and best meet the needs of users.
- To recognise that under-used buildings represent a poor return on investment and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.
- To maximise the capital receipts from surplus estate for reinvestment in HMCTS.

3. Enabling efficiency in the longer term

- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business while also giving users more certainty when their cases will be heard.
- We will present proposals for changing the court and tribunal estate in the context of the impact of the changes delivered by the reform programme. This will be drawn from our experience as we test prototypes and assess initial roll outs.
- To increase the ability to use the estate flexibly across the criminal jurisdiction and separately across the civil, family and tribunal jurisdictions.
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office function where they can be carried out most efficiently.
- To invest in the modernisation of the estate by taking advantage of the latest communication methods (wifi and video links), greater use of online services and digital systems to support the delivery of justice.
- To improve the way we deliver day to day maintenance at our buildings through the use of building champions.
- To ensure that important historic buildings are properly protected and maintained
- To ensure that our estate is as effective, efficient and flexible as possible, irrespective of administrative boundaries and to focus on users of our services, including making improvements to support victims and witnesses, because of the critical role they play in the justice system.
- As changes are made across our estate, to use the new Court and Tribunal Design Guide, to ensure that we maximise our investment across buildings and that our designs take us closer to meeting the requirements of modern court and tribunal buildings.
- To support our courts and tribunal centres by providing dedicated front of house staff who are knowledgeable, trained and skilled to support members of the public and professional users. These staff members will be given continued training and skills in managing new technologies.

The proposal

This consultation outlines proposed arrangements for the future of work currently being heard at Medway County and Family Court. The Court will have to close in January 2021, for reasons outside of our control. It is necessary because the lease is due to expire and the landlord of the building has other plans for the site.

It is not possible to occupy the current site beyond the end of the lease in January 2021. As such we are consulting on the following:

- a permanent proposal for the relocation of work
- an interim proposal for the distribution of work whilst a permanent solution is finalised.

The permanent proposal

We have 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. The commercial property market in Chatham 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 court house
- The physical space, layout and design of potential alternatives and the costs of reconfiguration

Based on those considerations, and despite an exhaustive search, we have been unable to identify any suitable sites.

We have also considered whether any of the county's magistrates' courts had capacity (or could have their capacity increased) to take over the work of the Medway County and Family Court. However, our assessments demonstrated that there was insufficient physical space at these locations to make this option viable, even with further enabling works.

We are therefore proposing that the work of Medway County and Family Court will relocate to Maidstone Combined Court, with some work staying at Medway Magistrates' Court in

Chatham. Ensuring that some work moves to this latter court provides the option for hearings to be listed locally (subject to judicial discretion) when users are unable to travel to Maidstone.

Enabling works will be required to provide capacity for the transferred hearings. At Maidstone Combined Court, we propose to achieve this by constructing five additional courtrooms. Our initial estimates are that this work will cost in the region of £8-12 million, but this would be subject to a competitive tendering process. At Medway Magistrates' Court, we will consider the work that could be moved to free up two courtrooms for county and family cases. Some minor enabling works would also be required to accommodate this relocation. The work relocated from Medway Magistrates' Court will be subject to consultation with judges, who are responsible for listing decisions.

We are of the view that this proposal allows for the high-volume of work at Medway County and Family Court to be most effectively and efficiently reorganised. The high-levels of workload in civil and family courts across the county means that reallocation of work is not straightforward and it has been determined that moving most of the work to a single location would be the preferred option. Maidstone Combined Court is felt to be the best solution, for the following reasons:

- The proximity of Maidstone to Chatham. The travel time analysis we have conducted below demonstrates that Maidstone is the best location to ensure a low impact on travel times and to ensure continued access to justice.
- Our experience of already hearing some Medway County and Family Court at the site on an ad-hoc basis has shown no issues with listing work at Maidstone.
- Maidstone Combined Court has the space to enable the construction of the required additional hearing rooms to accommodate the work.

The interim proposal

The works at Maidstone Combined will be extensive and will not be completed in time for the January 2021 departure from Medway. To facilitate the period between the closure of Medway County and Family Court and the relocation to Maidstone Combined Court, suggested interim contingency measures have been developed. These are as follows:

- As planned in the permanent proposal, some civil and family work will move to Medway Magistrates' Court in Chatham, (with some criminal work being displaced from Chatham to accommodate this)
- We will 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 will 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)

The precise distribution of workloads will be determined based on each individual hearing and would be subject to a decision by judges as to where to list cases. Our assessment is that the proposed relocation options for both the permanent and interim future of work at Medway County and Family Court are the most effective and viable. Our principal objectives are to ensure continued access to justice, to enable the efficient and effective means of administering court services in Kent and to deliver value for money.

We would welcome views on:

- i) the proposed options for the permanent reallocation of work following the closure of Medway County and Family Court
- ii) the proposed options for the interim reallocation of work following the closure of Medway County and Family Court
- iii) what other options you think might work

When considering responses to this consultation and making decisions regarding this court, the Lord Chancellor will consider whether effective access to justice can be maintained, whether the proposal offers value for money and whether it would enable the long-term efficiency of the court service.

Accommodation

Further details on the facilities available at each of the sites listed below is available at the end of the Equalities Statement attached as Annex A to this paper.

Medway County Court

Medway County Court is the designated Family Court for Kent and is in Chatham. The building, Anchorage House, is sub-leased from HM Revenue and Customs on a Memorandum of Terms of Occupation¹ (MOTO) with a tenancy that expires in January 2021. The building is also occupied by Cafcass, the Insolvency

Service and the National Probation Service.

The building has seven court rooms and is the busiest family court in the south-east region; dealing predominately with large volumes of family cases and operates at a high-level of utilisation. Currently, some of the family work from Medway County and Family Court is already heard at Maidstone Combined Court. Maintenance costs over five years are around £800k. This includes but is not limited to work to mechanical and electrical systems and internal fabric works.

Maidstone Combined Court

Maidstone Combined Court was built in the early 1970's and was opened in 1984. The building is constructed to a relatively modern design and presents relatively well but has dated internal decoration. Maidstone currently houses 10 hearing rooms, of which eight are Crown Courts and two are county courts. The site provides suitable access arrangements for users. A separate project to address building fabric e.g. roof repairs and mechanical and electrical issues (e.g. lift replacements) is in its early stages and will continue into future financial years.

Medway Magistrates' Court (in Chatham)

This was built in the 1970's and is in reasonable condition. It is comprised of six courtrooms and offers suitable access facilities. It is in the centre of Chatham less than a mile from Medway County and Family Court. The court hears a mix of criminal cases and family court work and is very well utilised. Maintenance costs over five years are in the region of £370k.

Dartford County Court

Dartford County Court is a relatively modern building located in the centre of the town centre. Built in the 1990s, the site is comprised of four hearings rooms and hears a mix of county and family court work. The site provides suitable disabled access and video conferencing facilities are available on site. Maintenance costs over five years are around £790k.

Thanet County Court

Thanet County Court is located within Margate Magistrates' Court with the administration taking place at Canterbury Combined Court. The site was constructed in the 1960s and was refurbished in the 1990s. It is comprised of six hearing rooms that hear both family and county court work, offering suitable access arrangements. Maintenance costs over five years are circa-£1.5m.

Canterbury Combined Court

This is a large and busy court centre dealing with both criminal crown court work and county court work. It is in the centre of Canterbury and has good transport links. The building was constructed in the 1990s and is comprised of 10 hearing rooms. It is in a good state of repair and offers suitable access to the building. Maintenance costs over five years are in the region of £2.8m.

¹ An agreement between two Crown Bodies which allows them to share the costs of occupying a building or some part of a building in cases where the Crown Bodies share costs.

Workload

We have assessed the workload at each of the sites that fall within the scope of these proposals and these are provided below:

- During the 2019/20 financial year, Medway County and Family Court sat for a total of 6,670 hours out of a possible 8,855 available hours. This represents utilisation of 75%
- During the 2019/20 financial year, Maidstone Combined Court sat for a total of 6,795 hours out of a possible 9,764 available hours. This represents a utilisation of 75%
- During the 2019/20 financial year, Medway Magistrates' Court sat for a total of 6,464 hours out of a possible 7,160 available hours. This represents a utilisation of 90%²
- During the 2019/20 financial year, Dartford County Court sat for a total of 3,328 hours out of a possible 5,060 available hours. This represents a utilisation of 66%
- During the 2019/20 financial year, Canterbury Combined Court sat for a total of 9,067 hours out of a possible 15,180 available hours. This represents a utilisation of 60%
- During the 2019/20 financial year, Thanet County Court sat for a total of 3,243 hours out of a possible 6,295 available hours. This represents a utilisation of 52%

Judiciary and staff

There are five judges and 32 administration staff based at Medway County and Family Court.

Operating costs

During the 2019/20 financial year, operating costs of Medway County and Family Court were approximately £418k (this excludes staffing and judicial costs).

Travel time analysis

Our analysis of travel times looks at a selection of areas that fall within the catchment of Medway County and Family Court. Journey times are calculated from a selection of towns and villages based on postcode data for work ordinarily directed to Medway. In line with our estates principles we have focussed on journeys by public transport and have demonstrated the complexity of journeys in each case. There is also an overall assessment of the impact of this proposal, including travel times, in the accompanying Impact Assessment.

To comply with our measure of a reasonable journey, we have sought to ensure arrival at the court by 9.30am for the outward journey, leaving home no earlier than 7.30am and to return home no later than 7.30pm for the return journey, having left court at 5.30pm. We have demonstrated the complexity of the journeys by showing the forms of transport required in each case.

In each case the journey has been assumed to commence on a weekday outside of the summer or other holiday periods. We have, in most cases selected the quickest journey, except where a slightly longer journey would be more straightforward.

Having considered travel time impacts based on this analysis, we consider that journey times to court will remain reasonable and that our principle that most users would be able to leave home no earlier than 7:30am to attend their local court and return by 7:30pm using public transport if necessary, will be met.

² The overall workload capacity figure for Medway Magistrates' Court provided is based on a five-hour working day, with the court sitting five days a week. In practice though, the court sits for longer than five hours a day and regularly sits on Saturday.

Journeys to Medway County and Family Court from catchments (the current position)

Outbound – Journey to Medway County Court

RAG assessment (Outbound).

Green	Arrive on time by 9.30am, allowing for pre-court activities.
Amber	Arrive by 10:00, time for pre-court activities limited or can arrive by 9.30am but only if leaving earlier than 7.30pm.
Red	Cannot arrive by 10:00am.

Starting location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	9.24am	Bus	9.28am	4 mins	
ME2 (Rochester, Halling)	39,529	8.42am	Train - Bus	9.21am	39 mins	
ME3 (Rochester, Higham)	26,184	8.49am	Train	9.08am	19 mins	
ME4 (Chatham)	30,191	9.20am	Walk (no public transport)	9.26am	6 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	8.33am	Bus	9.10am	37 mins	
ME6 (Snodland)	10,211	8.45am	Train - Bus	9.21am	36 mins	
ME7 (Gillingham)	51,775	9.06am	Train	9.17am	11 mins	
ME8 (Gillingham, Rainham)	49,214	9.00am	Train	9.17am	17 mins	
ME9 (Sittingbourne, Newington)	20,553	8.48am	Train	9.08am	20 mins	
ME10 (Sittingbourne)	47,582	8.43am	Train	9.08am	25 mins	
ME11 (Queenborough)	3,407	8.18am	Train - Train	9.08am	50 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	6.56am	Bus - Bus - Train - Train	9.08am	2 hr 12 mins	
ME13 (Faversham)	27,959	8.32am	Train	9.08am	36 mins	
ME19 (West Malling)	21,797	8.10am	Train - Train - Bus	9.28am	1 hr 18 mins	
ME20 (Aylesford)	20,645	8.46am	Bus	9.23am	37 mins	

Outbound – Journey to Medway County Court

RAG assessment (Return).

Green	Return by 1730pm on time, leaving no earlier than 530pm
Amber	Return later than 7.30pm (but before 8.30pm) leaving no earlier than 5.30pm
Red	Return later than 8.30pm leaving no earlier than 5.30pm, or leaving earlier than 4.30pm to make last connection (flagged 'LC' in RAG assessment)

End location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	5.34pm	Bus	5.44pm	10 mins	
ME2 (Rochester, Halling)	39,529	6.01pm	Train - Train	6.37pm	36 mins	
ME3 (Rochester, Higham)	26,184	5.55pm	Bus	6.20pm	25 mins	
ME4 (Chatham)	30,191	5.30pm	Walk (no public transport)	5.36pm	6 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	5.42pm	Bus	6.29pm	47 mins	
ME6 (Snodland)	10,211	5.46pm	Train - Train	6.27pm	41 mins	
ME7 (Gillingham)	51,775	5.43pm	Train	5.56pm	13 mins	
ME8 (Gillingham, Rainham)	49,214	5.43pm	Train	6.01pm	18 mins	
ME9 (Sittingbourne, Newington)	20,553	5.43pm	Train	6.06pm	23 mins	
ME10 (Sittingbourne)	47,582	5.43pm	Train	6.10pm	27 mins	
ME11 (Queenborough)	3,407	6.07pm	Train	6.48pm	41 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	4.18pm	Train - Bus - Bus	6.39pm	2 hr 21 mins	LC
ME13 (Faversham)	27,959	5.43pm	Train	6.21pm	38 mins	
ME19 (West Malling)	21,797	5.32pm	Bus - Train	6.39pm	1 hr 7 mins	
ME20 (Aylesford)*	20,645	5.32pm	Bus	6.10pm	38 mins	

*amended timetable as a result of Covid-19

Journeys to Maidstone Combined Court from catchments

Outbound – Journey from Maidstone Combined Court

RAG assessment (Outbound).

Green	Arrive on time by 9.30am, allowing for pre-court activities
Amber	Arrive by 10:00am, time for pre-court activities limited or can arrive by 9.30am but only if leaving earlier than 7.30am
Red	Cannot arrive by 10:00am

Starting location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	8.44am	Train - train	9.29am	45 mins	
ME2 (Rochester, Halling)	39,529	9.06am	Bus – train - train	9.29am	23 mins	
ME3 (Rochester, Higham)	26,184	8.49am	Train - train	9.29am	40 mins	
ME4 (Chatham)	30,191	8.40am	Train - train	9.29am	49 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	8.33am	Bus - bus	9.27am	54 mins	
ME6 (Snodland)	10,211	9.15am	Train	9.29am	14 mins	
ME7 (Gillingham)	51,775	8.41am	Bus	9.27am	46 mins	
ME8 (Gillingham, Rainham)	49,214	8.30am	Train - train	9.29am	59 mins	
ME9 (Sittingbourne, Newington)	20,553	8.03am	Train - bus	8.57am	54 mins	
ME10 (Sittingbourne)	47,582	8.45am	Bus	9.24am	39 mins	
ME11 (Queenborough)	3,407	8.01am	Bus	9.24am	1 hr 23 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	6.56am	Bus - bus	9.24am	2 hr 28 mins	
ME13 (Faversham)	27,959	7.59am	Train - train	9.29am	1 hr 30 mins	
ME19 (West Malling)	21,797	8.46am	Train	9.10am	24 mins	
ME20 (Aylesford)	20,645	8.59am	Bus	9.20am	21 mins	

Outbound – Journey from Maidstone Combined Court

RAG assessment (Return).

Green	Return by 7.:30pm on time, leaving no earlier than 5.30pm
Amber	Return later than 7.30pm (but before 8.30pm) leaving no earlier than 5.30pm
Red	Return later than 8.30pm leaving no earlier than 5.30pm, or leaving earlier than 4.30pm to make last connection (flagged 'LC' in RAG assessment)

End location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	5.53pm	Train - train	6.28pm	35 mins	
ME2 (Rochester, Halling)	39,529	5.53pm	Train	6.16pm	23 mins	
ME3 (Rochester, Higham)	26,184	6.13pm	Train - train	6.52pm	39 mins	
ME4 (Chatham)	30,191	5.53pm	Train - train	6.31pm	38 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	5.58pm	Bus	6.48pm	50 mins	
ME6 (Snodland)	10,211	5.53pm	Train	6.08pm	15 mins	
ME7 (Gillingham)	51,775	5.50pm	Bus	6.22pm	32 mins	
ME8 (Gillingham, Rainham)	49,214	5.50pm	Bus	6.42pm	52 mins	
ME9 (Sittingbourne, Newington)	20,553	5.58pm	Bus - train	7.14pm	1 hr 16 mins	
ME10 (Sittingbourne)	47,582	5.53pm	Train - train	6.53pm	1 hr	
ME11 (Queenborough)	3,407	5.53pm	Train – train - train	7.16pm	1 hr 23 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	4.09pm	Bus - bus	6.39pm	2 hr 30 mins	LC
ME13 (Faversham)	27,959	5.53pm	Train - train	7.02pm	1 hr 9 mins	
ME19 (West Malling)	21,797	5.49pm	Train	6.11pm	22 mins	
ME20 (Aylesford)*	20,645	5.31pm	Bus	5.50pm	19 mins	

*amended timetable as a result of Covid-19

Journeys to Canterbury Combined from catchments

Outbound – Journey to Canterbury Combined Court

RAG assessment (Outbound).

Green	Arrive on time by 9.30am, allowing for pre-court activities
Amber	Arrive by 10:00am, time for pre-court activities limited or can arrive by 9.30am but only if leaving earlier than 7.30am
Red	Cannot arrive by 10:00am

Starting location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	8:00am	Train - Train	9:28am	1 hr 28 mins	
ME2 (Rochester, Halling)	39,529	7:35am	Bus -Train -Train	9:28am	1 hr 53 mins	
ME3 (Rochester, Higham)	26,184	7:53am	Train -Train -Train	9:28am	1 hr 35 mins	
ME4 (Chatham)	30,191	7:42am	Train - Bus	8:57am	1 hr 15 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	7:03am	Bus - Train - Bus	8:57am	1 hr 54 mins	
ME6 (Snodland)	10,211	7:33am	Train - Train	9:28am	1 hr 55 mins	
ME7 (Gillingham)	51,775	7:50am	Train - Bus	8:57am	1 hr 7 mins	
ME8 (Gillingham, Rainham)	49,214	7:55am	Train - Bus	8:57am	1 hr 2 mins	
ME9 (Sittingbourne, Newington)	20,553	7:59am	Train - Bus	8:57am	58 mins	
ME10 (Sittingbourne)	47,582	8:04am	Train - Bus	8:57am	53 mins	
ME11 (Queenborough)	3,407	7:42am	Train - Train - Bus	8:57am	1 hr 15 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	6:56am	Bus - Bus - Train - Bus	9:51am	2 hr 55 mins	
ME13 (Faversham)	27,959	8:18am	Train - Bus	8:57am	39 mins	
ME19 (West Malling)	21,797	7:47am	Train - Train	9:28am	1 hr 41 mins	
ME20 (Aylesford)	20,645	7:10am	Train - Train - Train	9:28am	2 hr 18 mins	

Outbound – Journey to Canterbury Combined Court

RAG assessment (Return).

Green	Return by 730pm on time, leaving no earlier than 530pm
Amber	Return later than 730pm (but before 830pm) leaving no earlier than 5.30pm
Red	Return later than 8.30pm leaving no earlier than 5.30pm, or leaving earlier than 4.30pm to make last connection (flagged 'LC') in RAG assessment

End location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	5.50pm	Bus - Train	705pm	1 hr 15 mins	
ME2 (Rochester, Halling)	39,529	5.50pm	Bus - Train - Train - Train	7.47pm	1 hr 57 mins	
ME3 (Rochester, Higham)	26,184	5.50pm	Bus - Train - Train	7.20pm	1 hr 30 mins	
ME4 (Chatham)	30,191	5.50pm	Bus - Train	7.01pm	1 hr 11 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	5.50pm	Bus - Train - Bus	8.22pm	2 hr 32 mins	
ME6 (Snodland)	10,211	5.50pm	Bus - Train - Train - Train	7.45pm	1 hr 55 mins	
ME7 (Gillingham)	51,775	5.50pm	Bus - Train	6.57pm	1 hr 7 mins	
ME8 (Gillingham, Rainham)	49,214	5.50pm	Bus - Train	6.52pm	1 hr 2 mins	
ME9 (Sittingbourne, Newington)	20,553	6.16pm	Bus - Train	7.18pm	1 hr 2 mins	
ME10 (Sittingbourne)	47,582	5.50pm	Bus - Train	6.44pm	54 mins	
ME11 (Queenborough)	3,407	5.50pm	Bus - Train - Train	7.16pm	1 hr 26 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	3.36pm	Bus - Train - Bus - Bus	6.39pm	3 hr 3 mins	LC
ME13 (Faversham)	27,959	5.50pm	Bus - Train	6.33pm	43 mins	
ME19 (West Malling)	21,797	5.50pm	Bus - Bus - Train - Train	7.39pm	1 hr 49 mins	
ME20 (Aylesford)*	20,645	6.16pm	Bus - Train - Bus	8.10pm	1 hr 54 mins	

*amended timetable as a result of Covid-19

Journeys to Dartford County from catchments

Outbound - Journey to Dartford County Court

RAG assessment (Outbound).

Green	Arrive on time by 9.30am, allowing for pre-court activities
Amber	Arrive by 10:00am, time for pre-court activities limited or can arrive by 9.30am but only if leaving earlier than 7.30am
Red	Cannot arrive by 10:00am

Starting location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	8.44am	Train	9.18am	34 mins	
ME2 (Rochester, Halling)	39,529	8.12am	Train - Train	9.18am	1 hr 6 mins	
ME3 (Rochester, Higham)	26,184	8.52am	Train	9.18am	26 mins	
ME4 (Chatham)	30,191	8.40am	Train	9.18am	38 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	7.57am	Bus - Train	9.18am	1 hr 21 mins	
ME6 (Snodland)	10,211	8.01am	Train - Train	8.49am	48 mins	
ME7 (Gillingham)	51,775	8.36am	Train	9.18am	42 mins	
ME8 (Gillingham, Rainham)	49,214	8.30am	Train	9.18am	48 mins	
ME9 (Sittingbourne, Newington)	20,553	8.03am	Train - Train	9.18am	1 hr 15 mins	
ME10 (Sittingbourne)	47,582	8.11am	Train - Train	9.18am	1 hr 7 mins	
ME11 (Queenborough)	3,407	7.42am	Train - Train - Train	9.18am	1 hr 36 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	6.56am	Bus - Bus - Train - Train - Train	9.48am	2 hr 52 mins	
ME13 (Faversham)	27,959	8.03am	Train -Train	9.18am	1 hr 15 mins	
ME19 (West Malling)	21,797	8.10am	Train - Bus	9.25am	1 hr 15 mins	
ME20 (Aylesford)	20,645	7.54am	Train - Train	9.18am	1hr 24 mins	

Return - Journey from Dartford County Court

RAG assessment (Return).

Green	Return by 7.30pm on time, leaving no earlier than 5.30pm
Amber	Return later than 7.30pm (but before 8.30pm) leaving no earlier than 5.30pm
Red	Return later than 8.30pm leaving no earlier than 5.30pm, or leaving earlier than 4.30pm to make last connection (flagged 'LC') in RAG assessment

End location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	5.53pm	Train	6.28pm	35 mins	
ME2 (Rochester, Halling)	39,529	5.32pm	Train - Train - Train	6.37pm	1 hr 5 mins	
ME3 (Rochester, Higham)	26,184	5.53pm	Train	6.19pm	26 mins	
ME4 (Chatham)	30,191	5.53pm	Train	6.31pm	38 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	5.53pm	Train - Bus	7.29pm	1 hr 36 mins	
ME6 (Snodland)	10,211	5.32pm	Train - Train	6.27pm	55 mins	
ME7 (Gillingham)	51,775	5.53pm	Train	6.36pm	43 mins	
ME8 (Gillingham, Rainham)	49,214	5.53pm	Train	6.42pm	49 mins	
ME9 (Sittingbourne, Newington)	20,553	5.53pm	Train - Train	7.14pm	1 hr 21 mins	
ME10 (Sittingbourne)	47,582	5.53pm	Train - Train	6.53pm	1 hr	
ME11 (Queenborough)	3,407	5.53pm	Train - Train - Train	7.16pm	1 hr 23 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	3.23pm	Train - Train - Bus - Bus	6.39pm	3 hr 16 mins	LC
ME13 (Faversham)	27,959	5.53pm	Train - Train	7.02pm	1 hr 9 mins	
ME19 (West Malling)	21,797	5.30pm	Bus - Train	6.39pm	1 hr 9 mins	
ME20 (Aylesford)*	20,645	5.32pm	Train - Train - Train	6.55pm	1hr 23 mins	

*amended timetable as a result of Covid-19

Journeys to Thanet County from catchments

Outbound - Journey to Thanet County Court

RAG assessment (Outbound).

Green	Arrive on time by 9.30am, allowing for pre-court activities
Amber	Arrive by 10:00am, time for pre-court activities limited or can arrive by 9.30am but only if leaving earlier than 7.30am
Red	Cannot arrive by 10:00am

Starting location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	7.59am	Train - Bus	9.15am	1 hr 16 mins	
ME2 (Rochester, Halling)	39,529	7.35am	Bus - Train	9.15am	1 hr 40 mins	
ME3 (Rochester, Higham)	26,184	7.21am	Train -Train	9.08am	1 hr 47 mins	
ME4 (Chatham)	30,191	8.02am	Train	9.08am	1 hr 6 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	7.03am	Bus - Train	9.08am	2 hr 5 mins	
ME6 (Snodland)	10,211	7.33am	Train - Train	9.08am	1 hr 35 mins	
ME7 (Gillingham)	51,775	8.07am	Train Bus	9.15am	1 hr 8 mins	
ME8 (Gillingham, Rainham)	49,214	8.11am	Train - Bus	9.15am	1 hr 4 mins	
ME9 (Sittingbourne, Newington)	20,553	8.03am	Train - Train - Bus	9.15am	1 hr 12 mins	
ME10 (Sittingbourne)	47,582	8.19am	Train - Bus	9.15am	56 mins	
ME11 (Queenborough)	3,407	7.42am	Train - Train	9.08am	1 hr 26 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	6.56am	Bus - Bus - Train - Train	9.40am	2 hr 44 mins	
ME13 (Faversham)	27,959	8.27am	Train - Bus	9.15am	48 mins	
ME19 (West Malling)	21,797	6.57am	Bus - Train	9.08am	2 hr 11 mins	
ME20 (Aylesford)	20,645	7.01am	Train - Train - Bus	9.15am	2 hr 14 mins	

Return - Journey from Thanet County Court

RAG assessment (Return).

Green	Return by 7.30pm on time, leaving no earlier than 5.30pm
Amber	Return later than 7.30pm (but before 8.30pm) leaving no earlier than 5.30pm
Red	Return later than 8.30pm leaving no earlier than 5.30pm, or leaving earlier than 4.30pm to make last connection (flagged 'LC') in RAG assessment

End location	Population	Start time	Route	Finish time	Length	RAG
ME1 (Rochester)	31,192	5.43pm	Bus - Train	7.05pm	1 hr 22 mins	
ME2 (Rochester, Halling)	39,529	5.47pm	Train - Train - Train	7.47pm	2 hr	
ME3 (Rochester, Higham)	26,184	5.43pm	Bus - Train - Train	7.20pm	1 hr 37 mins	
ME4 (Chatham)	30,191	5.43pm	Bus - Train	7.01pm	1 hr 18 mins	
ME5 (Chatham, Blue Bell Hill)	51,409	6.07pm	Bus - Train - Bus	8.22pm	2 hr 15 mins	
ME6 (Snodland)	10,211	5.47pm	Train - Train - Train	7.45pm	1 hr 58 mins	
ME7 (Gillingham)	51,775	5.43pm	Bus - Train	6.57pm	1 hr 14 mins	
ME8 (Gillingham, Rainham)	49,214	5.43pm	Bus - Train	6.52pm	1 hr 9 mins	
ME9 (Sittingbourne, Newington)	20,553	5.43pm	Bus - Train - Train	7.14pm	1 hr 31 mins	
ME10 (Sittingbourne)	47,582	5.43pm	Bus - Train	6.44pm	1 hr 1 mins	
ME11 (Queenborough)	3,407	5.43pm	Bus - Train - Train	7.16pm	1 hr 33 mins	
ME12 (Sheerness, Isle of Sheppey)	36,884	3.43pm	Bus - Train - Train - Bus	6.39pm	2 hr 56 mins	LC
ME13 (Faversham)	27,959	5.43pm	Bus - Train	6.31pm	48 mins	
ME19 (West Malling)	21,797	5.43pm	Bus - Train - Train	7.39pm	1 hr 56 mins	
ME20 (Aylesford)*	20,645	6.07pm	Bus - Train - Bus	8.10pm	2 hr 3 mins	

*amended timetable as a result of Covid-19

The impact of this proposal

This consultation is accompanied by an Impact Assessment. This includes further information about the way in which we have estimated the likely impact of the proposals detailed in this document.

An Equality Statement is provided at Annex A. Our initial assessment is that the proposal is not directly discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the proposal would result in people being treated less favourably because of any protected characteristic.

In terms of the possibility of indirect discrimination, we consider that moving the work of the Medway County and Family Court to Maidstone Combined Court may put at a disadvantage those with the protected characteristics of age (those who are older and less able to travel), disability, pregnancy or maternity, because of difficulties to the extent that they need to travel further (some users may conversely travel shorter distances). However, we consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the Equality statement.

Both the Impact Assessment and the Equality Statement will be updated following analysis of the responses to this consultation.

We will work with the Departmental Trade Unions throughout the consultation period to understand any potential impacts on our staff, which will feed into the decision-making process. At the same time, our staff will also be able to put forward their views through the formal consultation process.

We comply fully with equality legislation and codes of practice.

Questionnaire

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

1. Do you agree with the interim proposal for reallocating the work?
2. Do you agree with the permanent proposal for reallocating the work?
3. Are there other options for reallocating work that you think should be considered?
4. Do you think we have accurately assessed the impact on travel times?
5. Do you think that we have properly assessed the impact on vulnerable users?
6. Would these proposals have an impact that we have not identified?
7. Do you think we have correctly identified the range and extent of the equality impacts? Please supply any evidence to support your response.
8. Is there any other information or do you have any comments you would like to provide to inform our decision-making?

Thank you for participating in this consultation exercise.

Annex A – Equalities 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 race, 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, as 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 Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, even if it were established that in some cases (for example, the length of journey time to court) these effects constituted a disadvantage, we believe that implementation of the proposals represents a proportionate means of achieving the legitimate aim of continuing to provide the services currently provided at the Medway County and Family Court, in the most effective way.

- 1.6 Our approach has been to identify groups of people with protected characteristics living within defined areas of where the court 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 particular 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 assume that they are representative of court users.

Protected characteristics impacts

- 1.7 To help show the likely impact on court users we have assessed the available population data on the characteristics of sex, age, disability, race and religion. Our current assessment is that there would be a limited impact arising from these proposals. The permanent proposal to relocate work to both Medway Magistrates' Court and Maidstone Combined Court, will mean that the work will remain within a proximity to the current location of Medway County and Family Court. With regards to the interim arrangements proposed, we recognise the potential impact longer journey times may have on 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 1 and 2 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 disadvantage for people with the protected characteristics of sex, race or religion. Furthermore, we do not consider that the relocation of work will have a greater impact on these 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 2.17 to 2.23.
- 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 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), which shows the prevalence of justice 'problems' relating to civil, family or administrative areas amongst 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 have been unable to identify data to allow an assessment of the impact on those with the protected characteristic of gender reassignment. Having considered the impact of the proposal on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of the proposal.
- 1.12 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. Set out below are approximate journey times and distances from Medway (central point of borough as determined by Google Maps) to the courts identified for relocation of work, in both the long and short-term proposals. In relation to the long-term proposal, the data does not suggest any impact on those in groups identified as potentially impacted by longer journey times. However, the journey times for the short-term proposals present a variety of options which, in some cases, may impact those with problems travelling. In those cases, we would work with judicial colleagues to manage listing arrangements to mitigate a potential impact, by listing in a site that is closer.

- 1.13 Overall, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the Medway County Court is required owing to factors outside of our control. The relocation options we have identified for the permanent solution allow for a reasonable journey time and our short-term proposals can ensure access to justice with those with protected characteristics, subject to reasonable adjustments being where necessary. These are explained in more detail below in the mitigations section.

Harassment and victimisation

- 1.14 We do not consider there to be a risk of harassment or victimisation because of the proposal.

Advancing equality of opportunity

- 1.15 Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic.

Fostering good relations

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

Court user data

- 1.17 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 roughly representative of, the general population living a) near the court buildings, and b) resident in local areas where the courts are the closest venue of that jurisdiction.
- 1.18 This 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-2017 population estimates (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 based on Google maps API travel times from the centroid of the MSOA to the coordinates of the court postcode, where this is the shortest journey by public transport.
- 1.19 The project involves the closure of Medway County and Family Court and its work to be relocated to, in the first instance (the interim proposals); Maidstone Combined Court, Thanet County Court, Dartford County Court and Canterbury Combined Court. In the long-term most of work will move to Maidstone Combined Court following the completion of suitable enabling works. Some work will relocate to the nearby Medway Magistrates’ Court, which is less than a mile away from

Table 1 – distance from Medway to receiving sites

Site	Distance	Journey time (Car)	Journey time (public transport)
<i>Permanent relocation proposal</i>			
Maidstone Combined Court	11 miles	23 mins	1 hr 20 mins
Medway Magistrates’ Court	0.5 miles	7 mins	N/A
<i>Interim relocation proposal</i>			
Maidstone Combined Court	11 miles	23 mins	1 hr 20 mins
Medway Magistrates’ Court	0.5 miles	7 mins	N/A
Dartford County Court	18 miles	25 mins	1 hr 15 mins
Thanet County Court	46 miles	1 hr	2 hrs
Canterbury Combined Court	31 miles	50 mins	2 hrs

Medway County and Family Court's current location.

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

Table 2: The protected characteristics of those impacted by the proposals (residents in areas of court locations)

		Population resident in MSOA of court location			
		MEDWAY COUNTY COURT ANCHORAGE HOUSE	MAIDSTONE COMBINED COURT	Kent population	England & Wales population
EPIMS		122652	465872		
MSOA		E02003328	E02005073		
Site closures		1	0		
Gender	Male	50%	50%	49%	49%
	Female	50%	50%	51%	51%
Age	0-15	21%	19%	19%	19%
	16-24	15%	11%	11%	11%
	25-39	29%	29%	18%	20%
	40-64	27%	29%	32%	32%
	65+	8%	11%	19%	18%
Disability	Disability	16%	14%	17%	18%
	No disability	84%	86%	83%	82%
Race	White British	64%	79%	89%	80%
	White other	13%	11%	5%	5%
	Mixed	3%	2%	2%	2%
	Asian	13%	4%	4%	8%
	Black	5%	2%	1%	3%
	Other	2%	1%	0%	1%
Religion	Christian	48%	55%	62%	59%
	Buddhist	1%	1%	0%	0%
	Hindu	3%	1%	1%	1%
	Jewish	0%	0%	0%	0%
	Muslim	5%	2%	1%	5%
	Sikh	3%	0%	1%	1%
	Other religion	1%	1%	0%	0%
	No religion	32%	32%	27%	25%
Not stated	7%	8%	7%	7%	

Note: Data is based on the population resident in the middle super output area (MSOA) in which the court is located. Disability, ethnicity and religion as recorded in the 2011 Census. Age and gender as estimated in mid-2017 by ONS.

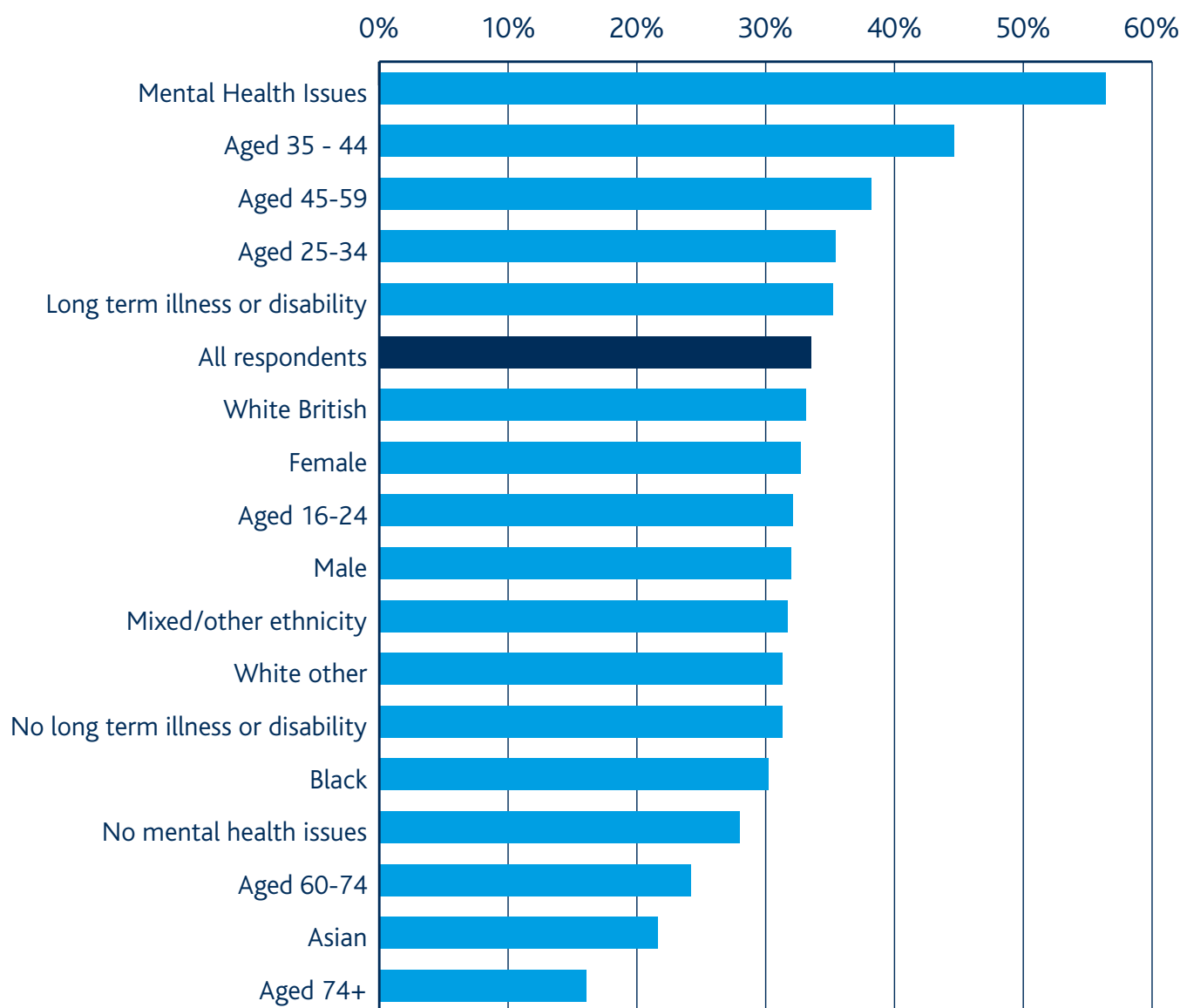
1.23 A broader view of the populations likely to be impacted by the closures considers those in areas where the court is currently the closest of that jurisdiction. Overall, the demographics of these areas seem broadly in line with little variance that might present disproportionate impact on any group. We do not feel therefore that the proposals are discriminatory and any potential impact can be mitigated by measures such as listing hearings at an alternative venue where appropriate.

Other data sources

1.24 To enhance our understanding of the potential impact on protected characteristics 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. 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.

1.25 The information provided below (Table 4) sets out the number of people who experienced a civil, family or administrative justice problem. This helps provide an indication of the number of likely users of civil and family courts. This data is relevant to enable an enhanced understanding of actual users of courts of this jurisdiction, though the limitations of this data is noted below.

Table 4: Prevalence of civil, family or administrative justice problems by respondent characteristics: % of respondents who reported having experienced a problem over the past 18 months



- 1.26 The data above from the English and Welsh Civil and Social Justice Survey Wave 2 Summary Report (Balmer, 2013) shows the prevalence of justice 'problems' relating to civil, family or administrative areas amongst respondents to the Justice Survey. Problems refer to a matter requiring redress through the justice system.
- 1.27 It is unclear whether those who responded to the survey are representative of the population and therefore, we cannot draw any firm conclusions from this data. The data does suggest that over 50% of individuals who responded to the survey and had mental health issues have experienced a justice related problem. However, this does not tell us whether the proposals under consideration are likely to impact this group more or less relative to other court users. Court users who are likely to be impacted by the 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 legal problem. 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. We will, where appropriate, provide mitigations and reasonable adjustments to ensure access to justice for this group is maintained.
- 1.28 Sample size varies by characteristic; ethnicity has a low sample size and 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; out of those that responded to the survey, slightly over 30% of both males and females have had a justice problem. This indicates that the proposals should not have a disproportionate impact on gender.

Court Facilities

- 1.29 Physical access to a court can be a challenge for some groups, particularly those already identified as having the protected characteristics of age (65+), disability or pregnant women. We have therefore assessed the access arrangements of all the courts identified in these proposals and a checklist of facilities is provided at the end of this document.

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

- 1.30 The Ministry of Justice publication Race and the Criminal Justice System 2012 and Women and the Criminal Justice System 2013 show the race and gender profile of court users and those in the Criminal Justice system 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 mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.
- 1.31 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 BAME backgrounds (16% of all victims, compared to 13% of the general population).
 - Men (56% of all victims, compared to 49% of the general population).
- 1.32 While groups of people sharing 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

- 1.33 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.
- 1.34 With regards to other HMCTS staff, equality assessments will be carried out by HR teams at the Business Unit level and the impact 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

- 1.35 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. There are many mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including the following:
- All guidance material, together with information about processes, are made available online through Gov.uk and the Justice website. 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, these websites provide useful links and signposts users to related websites such as: 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 central advice point, and 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; and 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; and
 - 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 be able 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 video-conferencing and prison link facilities. The exact facilities available at a court site can be found on our website: <https://courtribunalfinder.service.gov.uk/search/> 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.

Conclusions

- 1.36 We acknowledge that the closure of Medway County and Family Court will mean longer journey times for some users. We consider that our longer-term proposal will have a limited impact on users as Maidstone Combined Court is within proximity to the current location, and is accessible within reasonable journey times. We acknowledge that our short-term proposals may present difficulties for some users, though we have a range of mitigations we can apply where necessary. As we do currently, specific access issues will be considered at the point of listing a hearing – for example providing a later start time or finish time if required.
- 1.37 Although increased journeys have the potential to impact some people with protected characteristics, the impact is expected 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. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). These measures are reducing the need to travel to court buildings to access court services.
- 1.38 For those people who still need to attend court, reasonable disability adjustments are offered and other measures such as later court hearing start times will help to minimise impacts for those with transport difficulties.
- 1.39 The long-term proposal enables the continued provision of a high number of hearings in a court that is near 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.
- 1.40 We have asked an equalities question in the consultation and will be using any new evidence from consultation responses to update the Equality Statement once the consultation has closed.

Building facilities checklist

Court	Disabled Access	Disabled Toilets	Disabled Lifts	Assistance Dogs	Hearing Enhancement facility	Court/Hearing room video conference facility
Medway County and Family Court	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes
	Access to all courtrooms via a ramp to the main entrance	Based on the ground floor	Platform lift located on the ground floor to take parties to the Court rooms on the Mezzanine.	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement	In CJ Courtroom 1 and Hearing Room 2
Maidstone Combined Court	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes
	Lift ramp and push button to main doors.	Main reception ground floor same level as County Court.	External lift	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement	Available by prior arrangement
Dartford County Court	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes
	Level access into the building.	Ground Floor	1 disabled lift providing access 3 out of 4 courtrooms.	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement	Available by prior arrangement
Thanet County Court	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes
	Ramp to the building entrance, a lift between the ground floor and the first floor, and level access in to court rooms and hearing rooms.	Available	Ground floor – access to court rooms.	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement	Available by prior arrangement
Canterbury Combined Court	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes
	Level access to the building entrance and court rooms. Limited disabled parking space available by prior arrangements.	Disabled toilets on the ground floor	Two disabled lifts are available	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement	Available by prior arrangement
Medway Magistrates' Court	✓ Yes	✓ Yes	✗ No	✓ Yes	✓ Yes	✓ Yes
	Ground level, push-button doors.	Ground floor	No – hearings can be heard in Youth Court.	Assistant dogs are welcome	Hearing enhancement facilities available by prior arrangement in Court 2.	Available by prior arrangement

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"/> (Please tick this box)
Address to which the acknowledgement should be sent, if different from above	

Contact details/How to respond

Please send your response by 11 August 2020 to:

HMCTS Property Directorate Consultation

Zone 5.25

102 Petty France

London SW1H 9AJ

Email: estatesconsultation@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact HMCTS at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line 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.

Publication of response

A paper summarising the responses to this consultation will be published shortly after the consultation closes. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

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 2018 (DPA), the General Data Protection Regulation (GDPR) 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 Ministry.

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

Impact Assessment

The Impact Assessment has been published separately alongside this document.

Consultation principles

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

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



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