

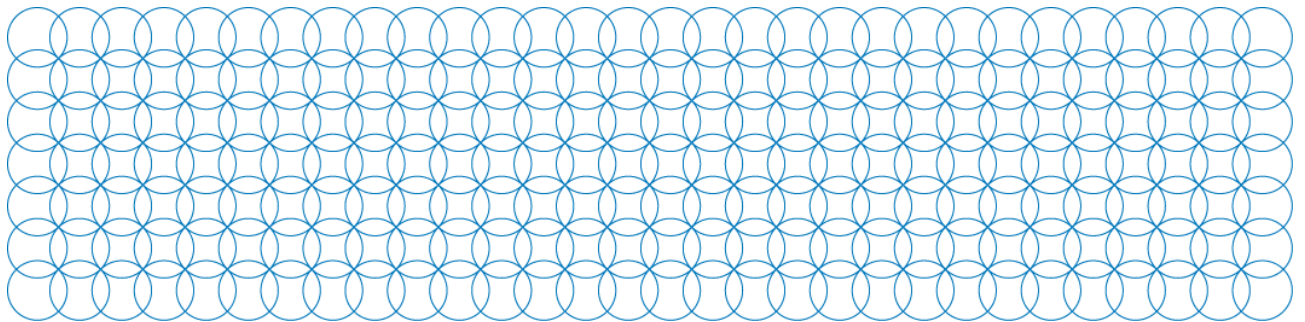


Ministry  
of Justice



HM Courts &  
Tribunals Service

## A Consultation on the merger of the Sussex (Northern) and Sussex (Western) Local Justice Areas



The consultation begins on: **3<sup>rd</sup> August 2015**

This consultation ends on: **14<sup>th</sup> September 2015**

## About this consultation

**To:** Those mentioned in section 8(6) Courts Act 2003 and those listed below at page 10

**Duration:** From 3<sup>rd</sup> August 2015 to 14<sup>th</sup> September 2015

**Enquiries (including requests for the paper in an alternative format) to:**

HM Courts & Tribunals Service  
South East Regional Support Unit  
Post Point 9.05  
102 Petty France  
London  
SW1H 9AJ

DX 152380.

Email: [SouthEastRSU@hmcts.gsi.gov.uk](mailto:SouthEastRSU@hmcts.gsi.gov.uk)

**How to respond:**

Please send your response (marked clearly as **West Sussex Bench merger consultation**) by **14<sup>th</sup> September 2015** to:

Stephen McAllister  
Justices' Clerk for Surrey and Sussex  
HM Courts & Tribunals Service  
Surrey Magistrates' Courts Business Centre,  
PO Box 36,  
The Law Courts,  
Mary Road,  
Guildford  
GU1 4AS  
DX 97865 Guildford 5

Or by email to:

[WestSussexBench@hmcts.gsi.gov.uk](mailto:WestSussexBench@hmcts.gsi.gov.uk)

**Response paper:**

A response to this consultation exercise is due to be published by 5<sup>th</sup> October 2015.

## **CONTENTS**

Executive Summary	4
Introduction	6
The Proposals	11
Questionnaire	14
About you	15
Contact details/How to respond	16
Impact Assessment	18
Consultation Principles	23

## **Executive Summary**

The paper sets out for consultation the proposed merger of the two current Local Justice Areas (LJAs) of Sussex Northern and Sussex Western areas into one new Local Justice Area to be known as the West Sussex Local Justice Area. This paper is issued on behalf of the Surrey and Sussex Judicial Business Group (JBG) which is made up of judicial office holders and HMCTS executives with responsibility for managing the effective and efficient administration of justice in the Surrey & Sussex Cluster.

The initiative for this LJA consultation has come from the two individual Benches in West Sussex, namely Sussex Northern covering the magistrates' courts in Crawley and Horsham and Sussex Western – covering the magistrates' courts in Chichester and Worthing.

This proposal to merge the current LJAs into one new West Sussex LJA aims to improve the effectiveness of the delivery of justice by removing inflexibility in dealing with cases in magistrates' courts across West Sussex thereby increasing the opportunities for magistrates to sit on a broader range of cases on a regular basis and maintain experience and thus competence. It also enables best use of public resources by more effective listing. A merger of the two current benches would also enable streamlining the out of court activities of magistrates such as meetings, training and the work of Bench Chairmen and other Bench officers.

This consultation on the merger of Local Justice Areas is separate to any wider review of the usage of court buildings. Bench and LJA amalgamation should not be seen as a precursor to court estate reform. Any such reform would be subject to separate consultation requirements.

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

This consultation seeks to obtain the views of a wide-range of people or organisations that may be affected by the proposed change including Magistrates, other judicial office holders, court users, stakeholders and public authorities and charities within West Sussex.

Details of how to respond are on page 15 of this paper.



## Introduction

### Local Justice Areas and their alteration

The Courts Act 2003 requires England and Wales to be divided into Local Justice Areas. The Lord Chancellor may alter LJAs by order, including combining them, and the Act requires him to consult any Justices assigned to the area(s) and any local authority whose area includes the LJA, before doing so<sup>1</sup>.

Magistrates have national jurisdiction and can in theory deal with most cases irrespective of where they arise. However, cases are usually be listed in the Local Justice Area where the offence takes place or the defendant lives<sup>2</sup>. Magistrates are assigned to a Local Justice Area (or Bench) for organizational purposes and are generally expected to sit only in the LJA to which they are assigned, subject to certain exceptions<sup>3</sup>.

The final decision to change an LJA is taken by the Lord Chancellor following statutory consultation. The decision must be made primarily on the need to ensure access to justice and to deal effectively with the business of magistrates' courts, taking into account the needs of local communities and the wider criminal justice system infrastructure, the deployment of magistrates and their need for support and the workload and deployment of HMCTS staff<sup>4</sup>.

There are two key reasons for considering LJA merger in West Sussex: 1) to improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases and make better use of reduced resources; 2) to increase the opportunities for magistrates to retain experience and thus competence.

### **1) Effective delivery of justice & better use of resources**

The efficient operation of the criminal justice system is the responsibility of the Judicial Business Group. The JBG must consider the resources available to HMCTS and other criminal justice partners to ensure that justice can be delivered as effectively as possible. In its decision-making about the allocation of resource and business strategies, the JBG needs to take into account the significant reduction over time in magistrates' sittings as a result of a falling caseload in criminal cases.

At present Sussex Western LJA has a Courthouse location at Chichester which is utilised solely as a trial centre in terms of Magistrates' Courts business; and a Courthouse at Worthing which accommodates all forms of youth and adult criminal cases, family cases and is also the main site for centralised road traffic work in Sussex. Sussex (Northern) LJA has a Courthouse at Horsham which accommodates family cases and trials, and a Courthouse at Crawley which accommodates youth and adult criminal cases including centralised remand work for both LJAs and some

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<sup>1</sup> Courts Act 2003, s8

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

<sup>3</sup> Courts Act 2003, s10,

<sup>4</sup> HMCTS Guidance on the Alteration of Local Justice Areas 2012

centralised traffic work. There are currently 121 magistrates assigned to the Sussex (Western) LJA and 111 magistrates assigned to the Sussex (Northern) LJA, these numbers are correct as at 28<sup>th</sup> May 2015.

Nationally, many LJAs have already merged in order to reflect the changed profile of work being brought before magistrates' courts. An increasing trend towards alternative disposals to prosecution (e.g. restorative justice, community resolutions and youth justice diversion) can be noted as a factor in falling workloads.

Ensuring that cases are heard in a timely and efficient way includes, for example ensuring that court sessions are listed with sufficient business each day to maximise the deployment of judicial resource and allocation of resources from other agencies including HMCTS. Court sessions listed with inadequate volumes of work in an inflexible LJA based system creates problems for the timely progress of cases as unfilled slots cannot be filled with other work types as easily in order to achieve efficient use of publicly funded resources. In addition, the effective deployment of magistrates becomes increasingly difficult as geographical boundaries operate to limit flexibility.

Magistrate court sessions with insufficient work for a day's business adds to the inconvenience on the magistrates presiding. Whilst, as unpaid volunteers, magistrates are often willing to travel greater distances to fulfil the duties of their judicial office, they generally feel more valued as public servants if, having committed to their work, they are occupied meaningfully for a full day's session. LJA merger can increase the resilience of the lists and therefore the efficient deployment of the bench.

More flexibility in the deployment arrangements for magistrates on the benches simplifies the management of the court sessions and listing arrangements and increases the likelihood for more resilient and better utilised court sessions.

Trial waiting times vary between the two current LJAs. This proposal would enable some of the trial caseload to be heard elsewhere to reduce the trial waiting times and reduce the overall number of trials outstanding, benefitting all participants in proceedings. A single LJA would enable the JBG to develop a more flexible listing policy across West Sussex, not restricted by LJA boundaries. It would enable cases to be heard expeditiously and flexibly for some areas of work to be centralised, where appropriate, and in the interests of justice.

Other criminal justice agencies have also seen a reduction in their resources. The Crown Prosecution Service (CPS) budget is based on the number of cases finalised in the financial year so, with a falling workload, the number of lawyers they can deploy into Court has reduced year on year.

Centralising traffic cases to Worthing and Crawley has made good use of Police prosecution resources and court facilities and has been a successful example of how co-operative working can assist in improving the efficient provision of service for users.

## **2) Experience & competence of magistrates**

Providing greater flexibility in allocating workloads across the courthouses which will enable more effective deployment of magistrates and support magistrates in experiencing a variety of work to maintain their competence and achieve sitting requirements.

HMCTS was formed in April 2011 and created a regional management structure for resource management and allocation. There have been significant alterations to the administrative and legal management structures and resources with HMCTS both locally and nationally which require a fresh look at the ways in which support is provided to magistrates and benches in West Sussex.

There have been a number of significant changes in terms of the composition of the two Benches in recent years. They have each reduced in size by about 30% since 2002 when LJAs were last altered in Sussex to around 230 magistrates. This is partly a reflection of the fact that West Sussex has experienced a reduction in the crime caseload since then. Whilst in 2014 the four individual family panels for each LJA in Sussex became a single Family Panel for Sussex .

Court business is organised within the two LJA boundaries, although there is co-operation between the two benches for example Northern Justices sitting on the centralised road traffic courts listed in Worthing and Western Justices sitting twice weekly in the centralised custodial remand court in Crawley

There has already been action taken to affect efficiencies by centralising bulk cases across Sussex and in due course the development of initiatives such as the 'on line' plea system for offenders who plead guilty in writing and rarely attend Court e.g. certain road traffic prosecutions will afford further efficiencies.

Some cross-area working is already occurring with magistrates from the youth and family panels. This has allowed members of those panels to sit in their designated LJA and at any other court they have nominated. Magistrates have not been required to sit in other LJAs unless they wish to do so. A larger LJA will enable HMCTS to formalise the cross-area working arrangements for all adult court magistrates. Sitting rotas can be produced to include cross-area sittings so reducing the administrative burden of filling vacancies when local magistrates are unable to sit.

As indicated justices from both benches sit in these courts and the expertise of the bench has increased while magistrates in other LJAs do not now hear routine traffic cases. The creation of a single LJA will enable magistrates who are willing to sit at other courts across West Sussex to be deployed to any court in the county. It must be stressed that the creation of a single LJA in West Sussex would not create a requirement that all magistrates sit at every site as the individual needs of magistrates must be considered when creating rotas, including assessing reasonable travelling distances. However, having greater flexibility will create opportunities to sit at different courts and to hear different types of cases in their sittings in order to maintain competence as work centralisation of court work continues. Over the next few years the increasing use of video link technology will allow HMCTS to consider clustering other types of work, for example youth cases, without affecting access to justice.



Falling caseload means that magistrates may not gain sufficient experience to maintain their competence. Merging benches is a partial solution to the issue of falling sittings, as it ensures that magistrates who are willing to travel can maintain their sittings and range of expertise by sitting at other courthouses. Allocation of magistrates' sittings will continue to be based on the preferences that individual magistrates express but utilising a single rota. Travelling to other courthouses may be difficult for magistrates who live close to the boundaries of West Sussex but many magistrates live or work within the higher population areas so could travel to more than one court without inconvenience. Some members of the two Benches already do so voluntarily (including those who are members of the Sussex Family Panel).

In many respects, therefore, the two Benches are already operating closely together under informal arrangements in accordance with the Directions issued under s.10 Courts Act 2003. This consultation seeks to formalise those arrangements.

Larger benches covering wider geographical areas is a consequence of LJA merger. Recent LJA mergers in other areas have resulted in Benches staffed with around 300 magistrates. A bench of this size brings new considerations to the organisation of benches and relationships between members of the judiciary.

As currently staffed, taking into account known changes due to recruitment, retirements, transfers of magistrates etc., a single West Sussex LJA with a single Bench would return to the size the Western and Northern Benches became following the last mergers in 2002 – approximately 250 magistrates.

A single cohesive West Sussex Bench will still be smaller than many in England and Wales. A single bench will combine the expertise and experience of the two benches and ensure that the ratio of adult wingers to approved chairmen is better achieved .

It is sometimes difficult to attract sufficient numbers when recruiting to the individual Panels and committees. A larger bench will provide a greater number of people from which to appoint committee members, for example the Training and Development Committee. This separation from two smaller local benches and committees will mean objective decisions can be made more easily, for example on chairmanship competence.

Currently, the two benches undertake joint youth Panel and some Bench meetings, but the existence of two LJAs doubles the number of meetings which have to be serviced by Bench Chairmen, Bench Officers, managers and support staff. Combining meetings into one LJA structure better enables the Bench management group to communicate and support magistrates. When both benches held preliminary discussions to consider these proposals consideration was also given to the option of not merging and to proposing a merger of the current 4 LJAs across Sussex. Both of these options were discounted; the former due to the fact that it could be viewed as a missed opportunity for change and failure of judicial leadership. Whilst the reasons for not pursuing a Sussex-wide bench included the fact that this would create a very large bench spread over too wide a geographic area, covering two County Councils and a City unitary authority. It was also felt that this would bring no immediate benefits to working arrangements for magistrates and risk [creating a Bench where magistrates felt they had no clear sense of identity or were part of a coherent team](#). It was

accepted [however](#) that respondents to the consultation would be given an opportunity to raise alternative options to the proposal for a single West Sussex Bench.

This proposal is being issued for consultation following the successful merger of the four Sussex Family Proceedings Panels into a single Sussex Family Proceedings Panel in 2014. Each of the two Benches have Youth Panels are served by a single Youth Offender Service for West Sussex. These Panels have for over 2 years have undertaken joint twice yearly business meetings as a means of fostering a closer working relationship.

Sussex currently has a single District Judge assigned to sit throughout the 4 LJAs. The Lord Chancellor requires magistrates to sit for a minimum of 13 full days, or 15 in each jurisdiction for magistrates who sit in youth or family courts as well as adult courts. The average sittings for each bench are expected to fall within the range of 22 to 25 full days per annum.

The Justices' Clerk, legal team and staff at the Judicial Support Unit (JSU) will be more easily able to fully support a single West Sussex bench. The Justices' Clerk and JSU also support four benches in Sussex and three in Surrey. There are approximately 850 magistrates in the Clerkship. At present, across the Clerkship area of Surrey and Sussex there are 7 Annual Election meetings held in October, and joint half yearly meetings held in April. In addition, there are up to more than a dozen annual bi-annual meetings of sub-groups of the Benches including Family and Youth Panels.

Whilst the joint Judicial Leadership Group (JLG) meeting is held four times a year and attended by the Designated District Judge, Bench Chairmen, Deputy Justices' Clerk and Operations Manager, there are other separate bench management meetings, Enforcement Panel meetings etc. Although there has been a move towards fewer meetings in recent years, the bench structures have not changed since 2002, whereas the legal and admin staffing levels have reduced in line with the workload.

The merger of Sussex Northern and Western Benches would assist effectiveness by reducing the judicial leadership and administrative burden of supporting these meetings.

## The proposals

- **To merge Sussex Northern and Sussex Western Local Justice Areas**
- **To name the new area the West Sussex Local Justice Area**

The magistrates forming the two Benches have agreed at their separate meetings in February 2015 to take the proposal on bench merger to a wider consultation stage as required by Section 21 of the Courts Act 2003.

As above, we have reviewed the options against the key factors set out in HMCTS's guidance on the alteration of Local Justice Areas:

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

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

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

**Formalising or permitting cross-area working (for instance youth, family, specialist domestic violence courts, overnight arrests and sentencing review panels)**

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

**Ensuring magistrates have suitable work to maintain their competencies. This will depend on the volume and type of work available for the existing bench.**

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

### *This consultation*

This consultation complies with Section 8(6) of the Courts Act 2003 and HMCTS' guidance on the alteration of Local Justice Areas. An assessment has been carried out and will be found at page 18.

Copies of the consultation paper are being sent to the persons identified at page 12. However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

## Persons/bodies being consulted

Copies of the consultation paper are being sent to:  
(\*Statutory Consultees)

- All magistrates assigned to the LJAs in Sussex Northern and Western\*
- All members of the Surrey & Sussex Judicial Business Group
- All Sussex Magistrates
- West Sussex Branch of the Magistrates' Association
- West Sussex County Council\*
- Adur District Council \*
- Arun District Council \*
- Chichester District Council \*
- Crawley Borough Council \*
- Horsham District Council \*
- Mid Sussex District Council \*
- Worthing Borough Council\*
- Police and Crime Commissioner for Sussex\*
- Regional Delivery Director
- Secretary/ Administrator South Eastern Circuit
- Regional Heads of Crime and CFT
- Chief Magistrates' Office
- Members of the Bench Chairmen's Forum
- District Judges (Magistrates Courts) assigned in the Clerkship
- Resident Judge, Chichester Crown Court
- Resident Judge, Lewes Crown Court
- Bench Liaison Judge

- Designated Family Judge
- The Rt Hon Nick Herbert MP
- Mr Nick Gibb MP
- Mr Andrew Tyrie MP
- Mr Henry Smith MP
- Mr Tim Loughton MP
- Mr Jeremy Quinn MP
- Rt Hon Sir Nicholas Soames MP
- Sir Peter Bottomley MP
- Lord Lieutenant for West Sussex
- High Sheriff of West Sussex
- Crown Prosecution Service
- National Probation Service
- Chief Constable of Sussex Police
- West Sussex Youth Offending Service
- Legal Aid Agency for defence solicitors
- The Law Society for England and Wales
- Sussex Criminal Justice Board
- The Witness Service
- Citizens Advice

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

## **Questionnaire**

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

### **Question 1:**

**What comments would you like to make on the proposal to merge Sussex Northern and Sussex Western benches into one Local Justice Area to be known as the 'West Sussex Local Justice Area'?**

### **Question 2:**

**Please describe any impacts the document has not already considered that should be taken into account and why.**

### **Question 3:**

**Do you have any additional evidence or information you believe should be taken into account in the equality impact assessment and why?**

### **Question 4:**

**Please indicate any alternative options you would like to put forward with your reasons why you consider this to be more appropriate than the proposed single Local Justice Area**

**Thank you for participating in this consultation exercise**

## About you

Please use this section to tell us about yourself

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

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

<b>Name of Group</b>	
<b>Summary of representation</b>	

## **Contact details/How to respond**

Please send your response (marked clearly as ***West Sussex Bench merger consultation***) by 14th September 2015 to:

Stephen McAllister  
Justices' Clerk for Surrey and Sussex  
HM Courts & Tribunals Service  
Surrey Magistrates' Courts Business Centre,  
PO Box 36,  
The Law Courts,  
Mary Road,  
Guildford  
GU1 4AS  
DX 97865 Guildford 5

Email: [West\\_Sussex\\_Bench\\_@hmcts.gsi.gov.uk](mailto:West_Sussex_Bench_@hmcts.gsi.gov.uk)

## **Extra copies**

Further paper copies of this consultation can be obtained from the above address.

## **Publication of response**

A paper summarising the responses to this consultation will be published by 5<sup>th</sup> October 2015. The response paper will be available on line at [www.justice.gov.uk/about/hmcts/index.htm](http://www.justice.gov.uk/about/hmcts/index.htm)

## **Representative groups**

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

## **Confidentiality**

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

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with



obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

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

## **Impact Assessment**

### **1. What is the issue under consideration and what are the policy objectives and the intended effects?**

#### **Problem**

The magistrates' courts benches in West Sussex are faced with falling sitting levels as a result of general declines in caseload in criminal work whilst the recent formation of a single family court has left workload levels in public and private family law relatively uncertain.

These factors mean that we now have too many courtrooms planned with insufficient work in them due to LJA restrictions. Managers are working with the Bench Chairmen to more efficiently list work into the number of scheduled courts. However, the caseload has reduced in some areas to the level where the magistrates who sit there have only a limited range of experience which brings a risk to their level of competence and court users experience unnecessary delay and drain on limited resources.

Staffing numbers are determined by the caseload and not by the number of benches or courts. Staff numbers have reduced in line with the caseload but there has not been any change to the LJAs structures since the separate mergers of the Chichester and Worthing Benches in 2002 and the merger of the Crawley, Mid Sussex and Horsham Benches in 2002.

#### **Aims/objectives**

To merge the Local Justice Areas of Sussex (Northern) and Sussex (Western).

#### **Outcomes**

Greater flexibility in managing the caseload across West Sussex, to reduce delays and provide a more consistent service without reducing the access to justice for court users who have to attend hearings.

To more effectively manage the business of the Bench by reducing the number of meetings that magistrates and support staff must attend.

## **2. What policy options have been considered, including alternatives to this proposal?**

The JBG can address the increased need for efficient listing practice by centralising categories of business in a single LJA and has already done so with certain 'bulk work' prosecutions such as road traffic, rail fare evasion, TV licensing. Further efficiencies are possible with other categories of business where the defendants do not have to attend the hearing in person. However, this results in only the magistrates in the LJA where the workload is listed hearing that type of case. This reduces the experience of magistrates in the other LJAs and therefore their competence. Each act of centralisation requires a separate decision by the JBG.

This proposal for merger was initiated by Bench management of the two respective Benches as it is felt that covering a larger area may also provide wider experience and a broader range of court work to magistrates (particularly for members of Panels), as well as a greater consistency in approach and an opportunity to influence the shape and character of the new bench. These changes will provide a clearer management structure involving single panel or committee chairmen and providing the benefits of area wide training opportunities. In considering the proposals both benches at their preliminary meetings on potential merger gave consideration to the proposal of not merging at this stage and of a wider merger on a Sussex wide basis. These options were discounted, although it is accepted that respondents to the consultation would be given an opportunity to raise alternative option to the proposal for a single West Sussex Bench.

Statutory amendment is required to merge LJAs. Statutory Bench meetings cannot be amalgamated so under the current bench structure support must be provided by legal managers to two Bench Chairmen and this number cannot be reduced.

## **3. Group(s) affected by this proposal**

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

These plans principally affect the lay magistrates assigned to the two LJAs in West Sussex.

The current complement across the two benches is currently 121 magistrates assigned to Sussex (Western) LJA and 111 magistrates assigned to Sussex (Northern) LJA, with additional magistrates being recruited this year.

The current demographic for this group:

White – 97.4%  
Black – 0.4%  
Asian – 2.2%  
Other – 0%

2.6% have a declared disability.

Individuals will continue to have the option to sit predominantly at a court of their convenience; however as centralisation of court work continues in the future it will be necessary to sit on all types of court work to maintain competences. Magistrates are entitled to claim travel and subsistence allowances and for loss of earnings.

Those magistrates may be affected by the proposal if their ability to travel is restricted or if they are unable to access some of our court buildings. Those with family or caring responsibilities may be disproportionately inconvenienced by longer journey times to court. These impacts could be mitigated for those individuals by providing sitting opportunities at the most suitable courthouse as is currently the case.

The LJA merger proposal will enable to new bench to continue with its informal arrangements to hold combined meetings at locations conveniently located within the new area. Attendance levels at existing meetings is very good under the informal arrangements and there are no known reported concerns from bench members relating to access to meetings. Continuing arrangements, some meetings being more distant from the homes of the justices than was previously the case under separate bench structures. This impact is acceptable and proportionate to the overall benefits gained from the change.

Individual risk assessments will be conducted for any magistrate who raises these issues with HMCTS via a personal questionnaire.

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

Not so far as we are aware.

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

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

We will provide equal opportunities to sit at all of our courthouses. If support or facilities to assist individuals to increase their opportunities to sit are needed, they will be provided subject to the cost being reasonable.

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

No such evidence has been identified.

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

The proposals affect magistrates within the LJAs and will allow all magistrates to express a preference as to where they sit. Court sittings are assigned on the basis of availability provided by the magistrates and the need for them to achieve the minimum sittings set by the Lord Chancellor. Individual preferences can be factored into the sitting rotas for each court.

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

We do not believe that there is any such evidence. Magistrates who have limitations on their ability to work across the new LJA area and do not wish for these reasons to sit at court sites outside their current assigned LJA will not be required to do so. If the change is implemented a rota questionnaire will enable magistrates to specify their choices and any specific needs. If the proposal to merger proceeds, future appointments will stress the need to sit throughout the new LJA, subject to equality impact considerations

*(g) Is a full Equality Impact Assessment (EIA) required?*

No. No adverse impacts have been identified. The consultation invites responses including any additional evidence or information in relation to equality impacts. Such evidence will be addressed as part of a full EIA.

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

The changes will be monitored by the JBG and by HMCTS through the preparation of the rota which is prepared every six months. Sitting patterns and

attendances are regularly monitored by the Bench Chairmen. Any anomalies will be identified through this process. Individual magistrates can raise concerns with their Bench Chairman or Deputy Justices' Clerk.

**4. Will the policy affect the availability of public services?**

This consultation does not raise questions about the future of the court estate across West Sussex. Any changes to the court schedule, including centralisation of categories of work, will be considered by the JBG and court users will be consulted in the normal way. Any consideration of future court estate changes would be the subject of separate consultation.

**5. What improvements to the service will the proposal offer?**

Formalising cross-area work for all magistrates.

Ensuring that the bench structure is sustainable.

Effective use of available court time and courthouse resource, ensuring that the workload is completed expeditiously.

Reduction in duplication of work.

HMCTS staff focused on court based duties.

**6. Name of Senior Manager and date approved**

<b>Name:</b> Paul Harris (Delivery Director)
<b>Department:</b> HMCTS South East Regional Support Unit
<b>Date:</b> 18.6.2015

## **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.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/consultation-principles.pdf>

