



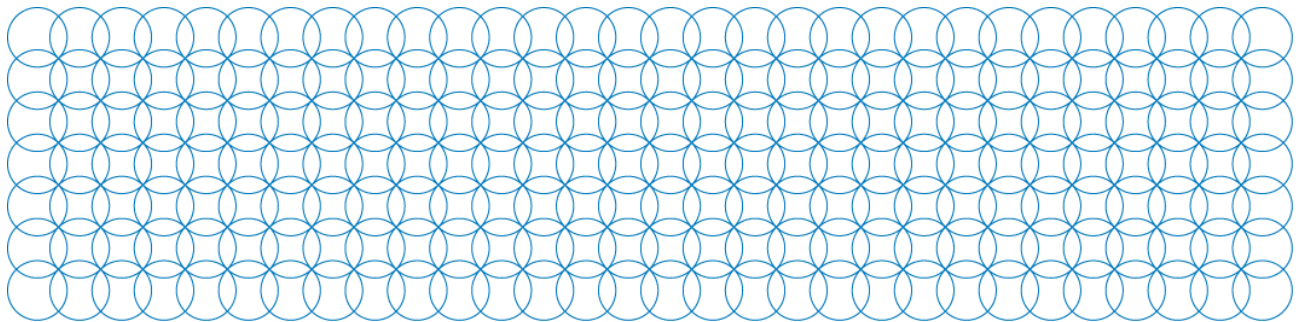
HM Courts &
Tribunals Service



Northumbria
Judicial Business Group

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

Consultation Paper



This consultation begins on 20 October 2014



HM Courts &
Tribunals Service



**Northumbria
Judicial Business Group**

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

**A consultation produced by HM Courts & Tribunals Service,
part of the Ministry of Justice. It is also available on the
Ministry of Justice website:**

About this consultation

To: Those mentioned in section 8(6) Courts Act 2003 and those listed below at page 20.

The Courts Act 2003 requires England and Wales to be divided into Local Justice Areas (or Benches) to which justices of the peace are assigned. The law allows the Lord Chancellor by order to alter local justice Areas, including combining them, and requires him to consult any justices assigned to the area(s), the Courts Board for the area (now abolished) and any local authority whose area includes the local justice area before doing so.

Duration: From 20 October 2014 to 1 December 2014

Enquiries (including requests for the paper in an alternative format) to: Linda Brenkley
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How to respond: Please send your response to be received by 4.00 p.m. on

1 December 2014 to the above address

Response paper: A response to this consultation exercise is due to be published by 16 January 2015

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Introduction

This paper is issued on behalf of the Northumbria Judicial Business Group (JBG). The JBG is comprised of members of the judiciary and HM Courts & Tribunals Service managers, and has responsibility for managing the judicial business of magistrates' courts within Northumbria.

There are currently 7 local justice areas in Northumbria.

At a meeting of the Northumbria Judicial Business Group (JBG) on 26 June 2014, a request was made that a consultation document be drafted with a view to consideration of a merger of the local justice areas in Northumbria.

This consultation is intended to inform the recommendations that the Judicial Business Group might make and to discharge the Lord Chancellor's duty to consult on the issue. In deciding on that recommendation, the JBG will consider the responses of those consulted on the benefits and difficulties of the 3 options set out in this paper and also any other option proposed in the responses. Following the JBG's recommendation an evaluation of the responses will be published on 16 January 2015.

Responses to this consultation will be welcomed from all individuals and groups to whom it has been addressed (please see page 20 for the list of Consultees).

Local Justice Areas

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

There are currently seven local justice areas (LJAs) in Northumbria, each with its own courthouse. North of the Tyne, these are composed: of Berwick-upon-Tweed (which sits in Berwick), Mid & South East Northumbria (which sits in Bedlington), Newcastle & Tynedale (which sits primarily in Newcastle) and North Tyneside (which sits in North Shields). In respect of LJAs South of the Tyne, these are composed of: Gateshead (which sits at Gateshead), South Tyneside (which sits at South Shields), and City of Sunderland (which sits at Sunderland).

¹ Courts Act 2003, s8

There is a single Family Panel for Northumbria and family magistrates may already sit on occasions in any of the family hearing sites across Northumbria. Combined Saturday and Bank Holiday remand courts have been in operation since January 2014, which draw on magistrates from North and South Northumbria to service them. Additionally, magistrates assigned to the Newcastle and Tynedale bench are sitting at North Tyneside to deal with daily remand courts, because of the removal of cell provision at the Newcastle site. Whilst this arrangement was imposed as a temporary contingency in April 2014, the situation continues for the foreseeable future. The centralised road traffic work (now at Gateshead) has enabled magistrates from across Northumbria to sit on those cases. The digitalisation of proceedings in magistrates' courts also opens up the possibilities of working more flexibly across court sites in Northumbria.

Any final decision to change a LJA is taken by the Lord Chancellor following statutory consultation. The decision must be made primarily on the need to ensure access to justice and to deal effectively with the business of magistrates' courts, taking into account the needs of local communities and the wider criminal justice system infrastructure, the deployment of magistrates and their need for support and the workload and deployment of HM Courts & Tribunals Service staff². This consultation is intended to inform the recommendations that the Judicial Business Group might make and to discharge the Lord Chancellor's duty to consult on the issue

* 2 HM Courts & Tribunals Service Guidance on the Alteration of Local Justice Areas 2012

The proposal

There are currently 3 options:-

I. One Local Justice Area

- To combine the 7 Local Justice Areas in Northumbria to form a single LJA
- To name the new area **Northumbria Local Justice Area**

Or

II. Two Local Justice Areas

- To combine the 4 local Justice Areas in **North Northumbria**, namely, Berwick-upon-Tweed, Mid & South East Northumberland, North Tyneside and Newcastle & Tynedale to form a single LJA
- To name the new area **North Northumbria Local Justice Area**

And

- To combine the 3 local Justice Areas in **South Northumbria**, namely, Gateshead, South Tyneside and City of Sunderland to form a single LJA
- To name the new area **South Northumbria Local Justice Area**

Or

III. To retain the existing 7 Local Justice Areas in Northumbria

The JBG is willing to consider any other model, which consultees may wish to propose.

Rationale and Benefits

There are 4 primary reasons for considering merger:

- 1. To improve the effectiveness and efficiency of the magistrates' courts in Northumbria by improving flexibility in the listing of cases;**
- 2. To ensure sustained opportunities for magistrates to undertake a range of court work and thereby maintain competencies;**
- 3. To provide an effective and efficient service within the confines of reduced resources within the existing court estate in Northumbria;**
- 4. To allow for the existing court estate to be utilised in a way which maximises the available facilities.**

1. To improve the effectiveness of the delivery of justice by increasing flexibility in dealing with cases in Magistrates' Courts in Northumbria

A merger of local justice areas, whether under option 1 or option 2 would allow for more adaptable deployment of the judiciary and would thereby enable more flexible listing of the cases scheduled for hearing across Northumbria. This should reduce delays, which will have an impact on defendants, witnesses and victims and other court users.

It is highly likely that the distribution of work between courthouses would be reviewed, following merger. Any merger of LJAs would provide the members of the JBG with an opportunity to agree a configuration of the Northumbria sitting schedules which will allow the most efficient use of the resources and the estate and which would ensure adherence to legal rules and protocols in a systematic and strategic way. Any significant changes to the court schedule, including the centralisation of categories of work, will be the subject of separate stakeholder engagement.

2. To ensure sustained opportunities for magistrates to undertake a range of court work and thereby maintain competencies.

It is essential that magistrates sit regularly to maintain their competencies. Magistrates must sit 13 days a year (26 half days). The Lord Chancellor suggests that the average number of sittings should range between 17 and 23 days (34-46 half days). The number of assigned magistrates as at the date of the consultation is shown below:

Local Justice Area	Current No. JPs	Assumed No. JPs by 31 Mar 17
Berwick-Upon-Tweed	17	14
City of Sunderland	126	97
Gateshead	80	52
Mid & SE Northumberland	87	60
Newcastle & Tynedale	179	140
North Tyneside	96	57
South Tyneside	92	62
Clerkship Total	677	482

The current complement of all 7 benches is 677 magistrates, and 4 District Judges. It is possible that the number of magistrates could reduce to below 500 by March 2017, based on known retirements and assumed resignations, if there is nil recruitment. The JBG has considered the impacts on magistrates of the proposed change and those are set out in the impact assessment at the end of this document.

There is a disparity in workload between a number of benches, and 2013-14 data demonstrates a variation in the average half-day sittings per magistrate.

Year	Berwick	Mid & SEN	N/castle & Tyne	N/Tyne	G/Head	S/land	S/Tyne
2013-14	43	44	38	38	33	35	32

The Judicial Business Group for Northumbria has agreed court schedules for 2014-15, which incorporates a reduction of 1,373 half-day sessions for criminal cases. On the assumption that a half-day session is 2.5 hours, this is a reduction of 3,432 hours hearing time for the full year.

There is likely to be an increase in work which will become centralised, and we have to consider the possibility of Police led prosecutions for low value shop thefts, with a centralisation of work, in a similar way to road traffic cases.

Additionally, the single justice procedure, when implemented will reduce the need for a bench of 3 magistrates to deal with specified offences. On current sitting patterns this could equate to a reduction of 1000 magistrates sessions per year, based on a 10 half day sessions per week model, which would have a significant impact.

As a result of the ongoing reductions in workload, the Lord Chancellor's Advisory Committee for Northumbria has not recruited new magistrates for two years. There is currently an imbalance of sittings across the area, caused by the current geographical distribution of the work. Fewer benches would allow the JBG to address the configuration of court sittings in such a way as to ensure for magistrates from all local justice areas within Northumbria the continued access to those court sittings without the constraints created by the current geographical boundaries.

If Magistrates were able to sit more flexibly, it would be possible to ensure a more even distribution of sittings. In 2013 a survey was circulated amongst Magistrates in Northumbria which received a 40% response rate, although there was a significant variance between response rates from individual benches. The survey looked at a number of themes, including cross bench working. Overall, the survey indicated some willingness to travel to other courts, certainly to those on the same side of the River Tyne, if this is needed to maintain sittings and competencies. 63.5% of respondents agree that they would be prepared to travel to other courts on the same side of the River Tyne. A merged bench or benches would enable more effective management of sittings, providing all magistrates with an equal opportunity to sit on different types of case, maintain their competencies, and achieve minimum sittings prescribed by the Lord Chancellor. There will be an increase in travel time and related cost in travelling expenses for some journeys, depending on the location of work.

It is acknowledged that the merging of benches is not a complete solution to the problem of reducing sittings but it does provide a framework for more effective deployment of magistrates and ensures that the impact of any disparities in workload can be evened out to facilitate the maximum experience for all the magistrates in the area.

3. To provide an effective and efficient service within the confines of reduced resources within the existing court estate in Northumbria.

Over successive years, there has been a reducing trend in the number of cases (all types) coming before the Magistrates' Courts and it is likely that this decline in work will continue for the foreseeable future. Reductions in workload impact on the resources available to manage that work, and demand a more coherent approach to the provision of the service, which is not necessarily dependent upon geographical boundaries.

Magistrates' completed proceedings trend

Year	Berwick	S/land	G/head	Mid & SEN	N/castle	N/Tyne	S/Tyne	Totals
2008/09	2036	26,170	12,306	11,030	41,030	14,116	11,671	118,359
2009/10	1,761	17,129	12,102	9,814	31,834	12,138	9,980	94,758
2010/11	1,976	18,029	14,117	10,045	31,894	12,014	10,232	98,307
2011/12	1,041	16,743	12,251	11,125	28,407	*19,598	9,052	98,217
2012/13	819	14,450	10,174	10,492	25,685	*24,884	7,092	93,596
2013/14	661	13,554	10,516	8,837	*27,975	*27,016	6,757	95,316

* On the comparative data tabled above and below, the significant changes in overall workload reflect centralisation of high volume business to specific courts.

A significant factor in the operation of magistrates' courts is that resources are broadly allocated based on workload. As workload has been reducing year on year for the past 5 years or more, this limits the number of legal advisers and thereby the number of court sessions which can be operated. The funding arrangements for most partner agencies are also based on workload, and the reducing trend has had a significant impact on their ability to resource courts. The combined effect has a direct impact on court users and the wider public interest, as it generates delay.

Comparative Data from 1 April to 31 March 2013 & 2014									
	All workload (excluding means and legal aid)			Indictable and either way offences			Adult summary motoring		
Local Justice Area(s)	Year to Mar '14	Year to Mar '13	% change	Year to Mar '14	Year to Mar '13	% change	Year to Mar '14	Year to Mar '13	% change
Berwick	405	552	-26.6%	135	111	21.6%	85	177	-52.0%
Sunderland	7538	8246	-8.6%	2752	2182	26.1%	1144	1859	-38.5%
Gateshead	6840	7015	-2.5%	1870	1407	32.9%	1542	2225	-30.7%
Mid & SE Northumberland	5530	7048	-21.5%	1533	1222	25.5%	1980	3523	-43.8%
Newcastle & Tyneside	17988	16627	*8.2%	4998	4001	24.9%	5002	2965	*68.7%
North Tyneside	22015	20067	*9.7%	1760	1473	19.5%	588	951	-38.2%
South Tyneside	3649	3840	-5.0%	1383	1092	26.6%	447	722	-38.1%
All LJAs in Clerkship	63965	63395	0.9%	14431	11488	25.6%	10788	12422	-13.2%
Comparative Data from 1 April to 31 March 2013-2014									
	Adult summary non-motoring			Youth			Family and other civil		
Local Justice Area(s)	Year to Mar '14	Year to Mar '13	% change	Year to Mar '14	Year to Mar '13	% change	Year to Mar '14	Year to Mar '13	% change
Berwick	79	125	-36.8%	9	23	-60.9%	84	92	-8.7%
Sunderland	2111	2318	-8.9%	448	579	-22.6%	392	443	-11.5%
Gateshead	2542	2530	0.5%	253	334	-24.3%	300	188	59.6%
Mid & SE Northumberland	957	1044	-8.3%	296	454	-34.8%	460	387	18.9%
Newcastle & Tyneside	5855	7184	-18.5%	768	925	-17.0%	681	668	1.9%
North Tyneside	18607	16287	14.2%	242	440	-45.0%	452	493	-8.3%
South Tyneside	1023	1027	-0.4%	296	298	-0.7%	196	189	3.7%
All LJAs in Clerkship	31174	30515	2.2%	2312	3053	-24.3%	2565	2460	4.3%

The current arrangement of Local Justice Areas in Northumbria means that the caseload cannot be apportioned in the most efficient way in order to match the staffing allocation.

Legal Adviser Numbers

	JC	Deputy JC	T3/Legal Team Manager	Legal advisers	Total
2011-12	1	6	7	50	64
2014	1	2.5	5.5	37	46
Reduction	0	3.5 (58%)	1.5 (21%)	13 (26%)	18 (28%)

Fewer benches would optimise the current staffing resource available to HM Courts & Tribunals Service and other criminal justice partners.

Cases are heard in local justice areas according to geographical boundaries, without recourse to other strategic resourcing factors. This allocation of work across seven court sites means there are less efficient court listings within Northumbria. This can mean that courts seeking to maximise the efficiency of the business combine court lists in a way which is not always the most effective or appropriate. An example of this situation is that which pertains in youth courts, where the lack of youth business leads to the amalgamation of those courts with adult listings, with the subsequent risk of dilution of the overall ethos of the youth court. This also results in under-utilisation of courtrooms, with many courts finishing early in both morning and afternoon sessions.

4. To allow the existing court estate to be utilised in a way which maximises the available facilities.

As noted above, the current arrangements in Northumbria are predicated upon cases being dealt with in courts and by benches geographically proximate with the alleged offences. As well as variations in workload type, the kind of hearing required can alter significantly within the area.

The number of trials at each court site can vary unpredictably. This has a direct bearing on trial waiting times and it is often the case that the waiting time for trials can be several weeks longer in one part of Northumbria than in another.

Local Justice Area(s)	Number of weeks before the next listing of a half day trial as at 1.10.14
Berwick-Upon-Tweed	6
City of Sunderland	12
Gateshead	7
Mid & SE Northumberland	6
Newcastle & Tynedale	12
North Tyneside	8
South Tyneside	8

The opportunity to make use of hearing time and facilities available based on the needs of a case, rather than on geographical boundaries, would allow for a better use of resources, more easily than the current limitations allow, and provide a reduction in waiting time for victims, witnesses and defendants.

FACTORS TO BE TAKEN INTO ACCOUNT WHEN ADDRESSING THE POSSIBLE MERGER OF LOCAL JUSTICE AREAS

- **Access to justice**

The proposals assume that the 7 existing courthouses are retained. Although HM Courts & Tribunals Service constantly keeps its estate under review and, whilst there are no current plans to close courts, it is possible that the number of courthouses will be reviewed in the future.

A reduction in the number of local justice areas would not restrict the ability of prosecuting bodies or individuals to bring alleged offences to court for judicial determination.

There are good public transport and metro links between most court sites in Northumbria, with the exception of Bedlington and Berwick. Travel to and from Berwick, in particular, is difficult, whether by justices or other court users. Public transport links are irregular and infrequent and the listing of cases will take this need into account.

It is acknowledged that some defendants, witnesses and other users may be expected to travel further if specific listings of cases are centralised within certain court sites. This can be mitigated by listing flexibly, for example moving trials to the most appropriate venue as well as by increased use of technologies such as remote live-links, enabling witnesses to give evidence from a court local to their home or work and ultimately from a police station when equipment is in place to accommodate this.

Witnesses, defendants and advocates are accustomed to travelling to Crown and County Courts and to Tribunals across the area. With the relatively recent closure of Alnwick, Tynedale, Blaydon and Houghton-le-Spring courthouses, those involved in many cases in Magistrates' Courts have of necessity had to travel significant distances.

- **Effectively dealing with the business of magistrates' courts**

Over successive years, courts have been managing the impact of reductions in workload and the consequent allocation of resources. The ability to assign the court's work on a strategic and systematic basis, which is not dependant simply upon geographical boundaries, could assist in the efficient management of the business of the court within the resources available.

- **The needs of local communities and the wider criminal justice system infrastructure**

The options are set out in the consultation paper, and we would welcome comments from wider court users. Fewer benches would enable more effective listing arrangements to be introduced so enabling public bodies to better cope within their available resources. The centralisation of work will increase the incidence of court users travelling but this will happen regardless of any bench amalgamation.

- **The workload and deployment of justices and HM Courts & Tribunals Service staff**

The existence of seven LJAs, each with its own Judicial Leadership Group, Youth Panel and Bench Training & Development Committee, increases the number of meetings, which have to be serviced by managers and support staff. Although some smaller bench judicial teams undertake some of these responsibilities themselves, this is by no means the norm.

A reduced number of benches will mean that the administration will be able to maintain and deliver a consistent level of support across the area and avoid the levels of duplication of work involved in the current arrangements. Already there are some streamlined systems in operation within the area and these could be more efficiently utilised if operating in fewer local justice areas.

In the case of either merger proposal, this represents a major increase in workload and responsibilities for the unpaid volunteer bench chair(s). Furthermore, the consequences of a chair(s) who cannot devote the necessary time to the task, or who lack the necessary leadership and administrative qualities for such a challenging task could bring about failure of the model. A single bench would be a large bench with over 600 magistrates, while two benches would still be sizeable on current numbers. In either scenario, support arrangements would need to be in place. It would be difficult for the Chair(s) of the Bench(es) to deal directly with all matters as the workload would be considerably higher than it is at present. The decision on the number of deputy chairs is one for any merged bench to decide.

Allocation of magistrates' sittings will continue to be based on rota preferences expressed by individual magistrates. No magistrate will be expected to sit at a location that is inconvenient to them and a magistrate may sit exclusively at their existing court if they wish to do so, although this would limit their ability to sit on centralised cases, and it may constrain their ability to achieve the minimum number of sittings.

Benefits Analysis

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

Option	Benefits	Difficulties
Merger (1 bench)	<ul style="list-style-type: none"> • Single Bench Chairman, provides judicial leadership and consistent approach across the Clerkship • Maximises flexibility of listing and rota • Easier access to some types of court business • Shorter waiting times for trials • Better management of resources of other agencies and practitioners • Better able to operate within available staffing numbers • Reduction in demand for supported meetings and fewer meetings 	<ul style="list-style-type: none"> • Increased demand on Chairman to provide leadership, pastoral support and general administration • Travel time for some users will increase • Increased cost to HM Courts & Tribunals Service of magistrates' travel expenses depending upon the location of work and the number of magistrates required to deal with it. • Fragmentation of links with local communities • Potential dilution of Bench Chairman membership on the JBG, which may reduce the influence of the magistracy. • The lack of opportunity for JPs to contribute to the effective management of the local criminal justice system
Option	Benefits	Difficulties
Merger (2 benches)	<ul style="list-style-type: none"> • Maintains identity and team aspect of small benches, though to a lesser extent • Improves flexibility in listing and rota • Shorter distance to travel for some parties, witnesses and magistrates • Better able to operate within available staffing numbers 	<ul style="list-style-type: none"> • Increased demand on Chairman to provide leadership, pastoral support and general administration • Compared to single bench, less efficient use of staffing resources of HM Courts & Tribunals Service, agencies and practitioners • Longer delays in listing some trial hearings at some sites • Less flexibility in moving work, than a single bench model

	<ul style="list-style-type: none"> • Reduction in demand for supported meetings 	<ul style="list-style-type: none"> • Potential dilution of Bench Chair membership on the JBG, which may reduce the influence of the magistracy. • Increased cost to HM Courts & Tribunals Service of magistrates' travel expenses depending upon the location of work and the number of magistrates required to deal with it.
Option	Benefits	Difficulties
No change (7 benches)	<ul style="list-style-type: none"> • Maintains identity and team aspect of small benches • Shorter distance to travel for some parties, witnesses and magistrates • Maintains links with local communities/local justice & Magistrates in the Community 	<ul style="list-style-type: none"> • Inefficient use of staffing resources of HM Courts & Tribunals Service and CJS agencies & practitioners • Long delays in listing some trial hearings at some sites • Less flexibility in moving work • Other agencies capacity to cope with the number of courts & the impact on their operations and the public • Higher number of HM Courts & Tribunals Service led meetings to be serviced and seven sets of annual elections

This consultation

This consultation complies with Section 8(6) of the Courts Act 2003 and HM Courts & Tribunals Service's guidance on the alteration of Local Justice Areas. An impact assessment has been carried out and will be found at page 26.

Copies of the consultation paper are being sent to the persons identified below. 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 Local Justice Areas in Northumbria *
- Northumberland County Council*
- Newcastle City Council*
- Gateshead Borough Council*
- North Tyneside Council*
- South Tyneside Council*
- Sunderland City Council*
- Northumbria Police and Crime Commissioner*
- Chief Constable of Northumbria Police
- Resident Judge, Newcastle Combined Court
- Designated Family Judge, Newcastle Combined Court
- Chief Magistrate
- DJs (MCs) in Northumbria
- Magistrates' Association, North East Branch
- Magistrates' Association, Gateshead, South Tyneside and City of Sunderland Branch

- Chair of the National Bench Chairs Forum
- Regional Employment Judge
- MPs (and Justice Minister)
- Notice to all Town Councils in Northumbria
- Lord-Lieutenant for Tyne & Wear
- Lord-Lieutenant for Northumberland
- High Sheriff for Tyne & wear
- High Sheriff for Northumberland
- HM Courts & Tribunals Service staff in Northumbria
- Chair of the Northumbria Advisory Committee, and all Advisory Committee members
- Northumbria Criminal Justice Board
- Chief Crown Prosecutor for Cleveland, Durham & Northumbria Region
- National Probation Service
- Newcastle upon Tyne Law Society
- Sunderland District Law Society
- Secretary/Administrator, North Eastern Circuit
- Notice to all Youth Offending teams in Northumbria
- Youth Justice Board
- Legal Aid Agency
- Defence solicitors
- Her Majesty's Prison Service (HMP Durham, Northumberland, Low Newton)

Questionnaire

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

Question 1: What comments would you like to make on the proposal to merge the 7 benches in Northumbria into one Local Justice Area to be known as “Northumbria Local Justice Area”?

Question 2: What comments would you like to make on the proposal to merge the 7 benches in Northumbria into two Local Justice Areas to be known as “North Northumbria” and “South Northumbria”?

Question 3: What comments would you like to make on the proposal to remain as 7 benches in Northumbria?

Question 4: Please describe any particular impacts the document has not already considered that should be taken into account and why?

Question 5: Do you have any additional evidence or information you believe we should take into account in relation to the equality impacts and why?

Question 6: Please indicate any viable alternative options, which you would like to put forward with a brief explanation, and reasons why you consider this to be more appropriate than a single Local Justice Area, or 2 Local Justice Areas, or 7 Local Justice Areas.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

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

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

Name of Group	
Summary of representation	

Contact details/How to respond

Please send your response to be received by 4.00 p.m. on **1 December 2014** to:

Linda Brenkley,
Justices' Clerk for Northumbria
HM Courts & Tribunals Service
Gateshead Judicial Support Team
Warwick Street
Gateshead
NE8 1DT

Email: NO-JSU@hmcts.gsi.gov.uk

Extra copies

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

Publication of response

A paper summarising the responses to this consultation will be published by 16 January 2015. The response paper will be available online at www.justice.gov.uk/about/hmcts/index.htm

Representative groups

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

Confidentiality

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

If you want the information that you provide to be treated as confidential, please be aware, that under the FOIA, there is a statutory Code of Practice, with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

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

Impact Assessment

Group(s) affected by this proposal.

2 broad categories are affected, namely:

- Professionals in the criminal justice system, including magistrates and District Judges, legal advisers and administrative staff and
- Those who may use the criminal justice system either as defendants, victims, witnesses or injured parties.

The current complement of the seven benches in Northumbria is 677. This number is likely to reduce based on known retirements and possible resignations. Individuals will continue to have the option to sit predominantly at a court of their convenience. All individuals are entitled to claim for travel and loss of earnings etc. There is a potential impact on any members of this group with a disability which in any way restricts their ability to travel or access any of the court buildings, and those with caring responsibilities who may be disproportionately inconvenienced by longer journey times to court. In both cases, this could be mitigated in individual cases by focusing attendance at the most suitable courthouse.

Individual risk assessments will be conducted in relation to particular individuals for whom such an issue is identified. The only other groups potentially affected are judges, magistrates and HM Courts & Tribunals Service staff with caring responsibilities, which restrict travel time. Again, these will be identified through personal questionnaires and these individuals.

- a) *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?*

Further research required on additional travelling time, costs and personal safety implication for all parties named above.

- b) *Is there any evidence that any proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity? Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.*

The purpose of this change is to ensure that there is greater flexibility in managing the caseload and a reduction in the number of court sessions.

This flexibility will be available to everyone equally. If as part of this process it is identified that the service could provide support or facilities to assist any

individual to enable them to increase the opportunity for sitting or expand the choices available to them this will, subject to prohibitive/disproportionate cost, be provided.

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

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

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

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

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

- f) *Is a full Equality Impact Assessment Required?* Yes No X

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

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

The changes will be monitored as part of the preparation of each Justices' rota, which is prepared on a 6 monthly basis. Sitting patterns are regularly monitored and checked by Bench Chairmen to ensure that minimum sitting requirements are met. Any anomalies in sitting patterns will be identified

through this process. Individual magistrates know that if they have any concerns regarding the way sittings have been allocated to them that this can be raised with their Bench Chairman or the Deputy Justices' Clerk.

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

The Magistrates' Court estate across the county is made up of courthouses at Berwick upon Tweed, Bedlington, Newcastle, North Tyneside, Gateshead, South Tyneside and Sunderland. This consultation does not raise any questions about the future of this estate. Any significant changes to the court schedule, including the centralisation of categories of work, will be the subject of separate stakeholder engagement.

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

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

Reduction in duplication of work,

HM Courts & Tribunals Service legal staff focused on court based duties .

6) Name of Senior Manager and date approved

Name: Mark Swales (Delivery Director)
Department: HM Courts & Tribunals Service North East Regional Support Unit
Date 20 October 2014

The consultation principles

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

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

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