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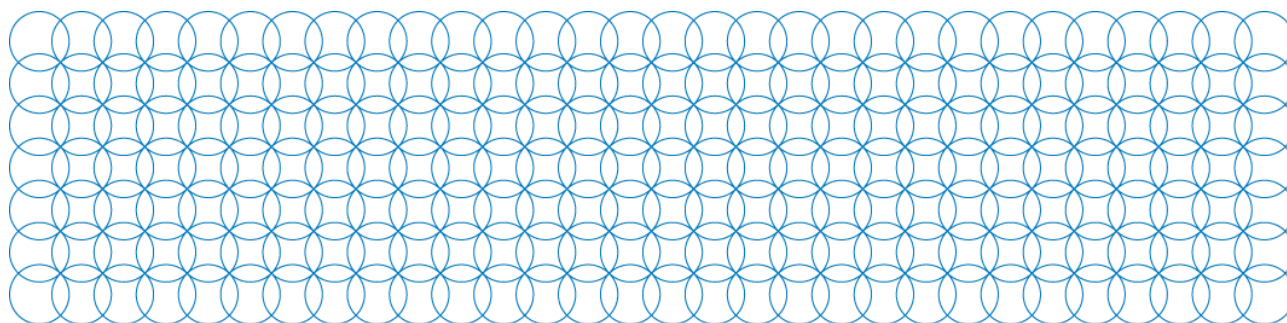


HM Courts &
Tribunals Service

Fit for the future: transforming the Court and Tribunal Estate

This consultation begins on 18 January 2018

This consultation ends on 29 March 2018





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of Justice



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Tribunals Service

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A consultation produced by HM Courts & Tribunals Service, part of the Ministry of Justice. It is also available on the Ministry of Justice website at www.justice.gov.uk/about/hmcts/index.htm

About this consultation

To:	The consultation is aimed at court users, magistracy, judiciary, and anyone else with an interest in the provision of justice arrangements in England and Wales.
Duration:	From 18/01/18 to 29/03/18
Enquiries (including requests for the paper in an alternative format) to:	HMCTS Consultation Post Point 6.07 102 Petty France London SW1H 9AJ Email: estatesconsultation@hmcts.gsi.gov.uk
How to respond:	Please send your response by 29/03/2018 to: HMCTS Consultation Post Point 6.07 102 Petty France London SW1H 9AJ Email: estatesconsultation@hmcts.gsi.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 is due to be published at: www.justice.gov.uk/about/hmcts/index.htm

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Foreword

The Government and the judiciary have a shared commitment to a £1bn reform programme that will use modern technology and ways of working to transform our justice system so that it continues to lead and inspire the world. Our central principles are enduring – the system must be just, proportionate and accessible to everyone – but to give them life we must take the opportunities offered by the modern world to administer our system better, and to offer wholly new, more convenient, fleeter routes to justice. This will mean using our court and tribunal buildings differently, and giving more opportunities to settle disputes – and to progress cases – that do not depend on travelling and physically attending court. It will also mean making sure that our buildings are fit for purpose, and that their physical condition both helps people use them, and reflects the importance of the work being done in them – something too often not the case in the buildings we have now.

We must be thoughtful about the shape of the estate as we make these changes. The physical accessibility of court and tribunal buildings will still matter, even where we offer more ways to get redress without travel; but it is also important that we do not retain buildings that we don't need – because they take resource to run and to maintain that we could use better elsewhere (and this is true wherever overall levels of funding are set – there will always be an opportunity cost). The history of HM Courts & Tribunals Service (HMCTS) means that we often have multiple buildings in the same town; and have many courts and tribunals in places where no thoughtful planner would put them if designing the system now. Having many more ways to access justice without travel, and having fewer, better buildings, that are well-located and well-connected, welcoming, easy to use, and in good condition, will both give us a better justice system, and release resources to make it sustainable. Our agreement with HM Treasury means that we will keep receipts from sales of courts and tribunal buildings to reinvest in improvements.

Changes to the shape of the courts estate will always generate debate, and it is right that we expect any proposals we make to be scrutinised and tested. We welcome comment and challenge, because we are alive to the importance of getting this right. We want to set out clearly both the principles that we propose to use, and the evidence we will use when making any changes; and through this document, we seek to do that, and to invite the widest possible range of views on what is outlined. I hope you will take this opportunity to help shape our future strategy and approach.

Susan Acland-Hood
Chief Executive, HM Courts & Tribunals Service

Introduction

This paper sets out for consultation the proposed future strategy and approach to court and tribunal estate reform in England and Wales. It sets this within the wider context of the modernisation work underway in HMCTS and discusses our proposals for evaluating how our estate should change as a result. The consultation is aimed at court and tribunal users, legal professionals and bodies, the judiciary and magistracy and all other individuals with an interest in the court and tribunal estate in England and Wales.

A Welsh language consultation paper is available at

<https://consult.justice.gov.uk/digital-communications/transforming-court-tribunal-estate>

Fit for the future: transforming the Court and Tribunal Estate

1. Part 1. Reform of HMCTS services

- 1.1. Reform of HMCTS will transform the justice system and how it is accessed. Investment of over £1 billion will provide better ways to access justice and calls for a reappraisal of the way we think about access to justice and how we assess its effectiveness.
- 1.2. Many people find the justice system difficult to navigate, slow, and restrictive. We want to make it work better by building it around the needs of the public. Being able to do things more flexibly, more often online, and at a convenient time matters to everyone using the justice system, and particularly to many vulnerable users. We are bringing forward changes to provide a more open and accessible justice system that is quicker, easier and more efficient for those who use it, those who work in it and those who pay for it. These include moving from paper-based to digital systems to streamlined case management, moving some existing court and tribunal activity online, and introducing virtual hearings so that people can give evidence and engage with the legal system without having to travel to the court or tribunal itself. These and other changes are already being introduced – and are beginning to make a positive impact.
- 1.3. In their joint statement, ‘Transforming our Justice System’, published September 2016, the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals identified the enormous potential for the justice system with better use of technology:

The revolution in **technology** will characterise tomorrow’s justice system. We will provide online access by developing a single online system for starting and managing cases across the criminal, civil, family and tribunal jurisdictions. This will help people understand their rights and what options are open to them. Less visible to the public will be the widespread introduction of robust document and case management systems, to replace the highly inefficient paper filing systems of today – measures that will improve efficiency throughout...

Some cases will be handled entirely online. In the criminal courts, we are already seeing judges and magistrates working online rather than in the courtrooms, deciding suitable cases or parts of cases on the basis of papers submitted to them electronically. This is allowing the defence, prosecution and courts to work flexibly and conduct proceedings more efficiently. In future, we intend to extend these benefits further by introducing a structured process of online pleading, and by holding “virtual hearings” enabling lawyers, parties and witnesses to participate in traditional hearings by telephone and video conferencing. This will extend throughout the system, not just the criminal jurisdiction, making courts more convenient for all.¹
- 1.4. Embracing modern technology offers the opportunity to improve the experience of those who use courts and tribunals and potentially to remove the need to attend a hearing in person in some instances. It is not always necessary or proportionate to ask parties to travel to a court or tribunal and wait around for their hearing. There

¹ Transforming Our Justice System by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals, September 2016, page 6.

are many hearings of a preparatory or case management type which do not routinely require face to face hearings. For example, in the last year there were 284,000 pre-trial hearings in the Crown Court, of which 167,000 were preparatory or progress hearings, not all of which necessarily need to be conducted face-to-face. As we work through more efficient digital systems, which allow case papers to be accessed securely but remotely, more such hearings can be conducted away from the traditional court or tribunal room, via telephone or video-link, reducing delays and unnecessary travel to the court or tribunal building for all involved. However, decisions as to what should be done virtually will be for the judiciary - we will not mandate virtual hearings. We also recognise that hearings will still be required in many cases to deliver justice. Nevertheless, with better deployment of technology (which already exists) there is much more that can be done to reduce the requirement to attend a hearing in person.

- 1.5. The importance of modernisation, technology and of building a court and tribunal service for the future is a point that has been highlighted by the senior judiciary. Over the last two years they have championed and made the case for reform:

The visible consequence of [Reform] will be court buildings rather different in design and function from what we are accustomed to and less frequently visited by the digitally communicating judges and practitioners of the future than they are at present.²

Sir James Munby, President of the Family Division, 2016

[A] consequence of digitisation is that we will be in a position to reappraise where our court buildings are located, and hopefully co-located, so that there is no need to differentiate between a county court building, a Crown Court or magistrates' court building, or a tribunals building: multi-court centres should become the norm due to digitisation. The Online Solutions Court will enable parties to carry out the conduct of litigation from, for instance, their own home computer. There will be no need for them to attend a physical hearing. Justice will be truly local.³

Sir Terence Etherton, Master of the Rolls, 2017

Like the citizens it serves, justice can be delivered in many ways – by the most appropriate decision-maker; in modern hearing rooms, or in mental health hospital units, community halls or remote locations; by video links, on laptops, tablets and smartphones, and online with the citizen and decision maker coming together virtually. It might be said that the idea of delivering justice in such settings is in some sense wrong; that it traduces the majesty of the law. Such potential criticism misses one very important point: justice does not stand outside or above the citizen. To return to an earlier theme, the right to effective access to justice is an important corollary of the autonomy of the citizen and that citizen's responsibilities to and place in society.⁴

Sir Ernest Ryder, Senior President of Tribunals, 2016

² Speech by Sir James Munby, President of the Family Division, at Middle Temple Hall, 26 February 2016 to the President's Address at the Annual Dinner of the Family Law Bar Association

³ Speech by Sir Terence Etherton, Master of the Rolls 'The Civil Court of the Future' at the Lord Slynn Memorial Lecture, 14 June 2017

⁴ Lecture by Sir Ernest Ryder, Senior President of Tribunals, 5th Annual Ryder Lecture: the University of Bolton 'The Modernisation of Access to Justice in Times of Austerity', 3 March 2016. Page 7, paragraph 20.

What is called presently the Online Court is, I am absolutely sure, as far reaching a reform as it is currently possible to contemplate. It will restore access to justice in civil, family and administrative law which is denied, as I have said in the past, to so many across the entire spectrum of our society.⁵

John Thomas, Baron Thomas of Cwmgiedd, then Lord Chief Justice of England and Wales, 2016

- 1.6. In his review of the civil court structure published in July 2016, Lord Justice Briggs stated that:

The Online Court project offers a radically new and different procedural and cultural approach to the resolution of civil disputes which, if successful, may pave the way for fundamental changes in the conduct of civil litigation over much wider ground than is currently contemplated by its first stage ambition, to resolve money claims up to £25,000 subject to substantial exclusions.⁶

- 1.7. We will therefore offer a range of hearing options to all jurisdictions. There will be fully virtual options, where everyone joins by video; better technology to extend the current common practice of having one more parties able to join a physical court hearing by video; and of course many hearings will continue to require everyone to be physically present. In all cases, newsystems and technology will increase flexibility for users. Better video and telephony will reduce the need for time-pressed members of the public and professional users to travel back and forth, and to wait around in court and tribunal buildings. It will also reduce the time, risk and discomfort associated with transporting prisoners.
- 1.8. In the criminal courts, we are working with our criminal justice partners (such as the Crown Prosecution Service (CPS) and the Police) to simplify the system, including introducing new technology platforms, to make sure that criminal offences are dealt with in the most proportionate and appropriate way. This has the potential to reduce reoffending as well as improving experiences for victims and witnesses in the system.

Modernisation of court and tribunal services

- 1.9. The requirement for court and tribunal hearing and administrative capacity in future will be significantly influenced by the modernisation of our services. With over £1bn of investment in transforming our courts and tribunals we need to provide a service that is responsive to the needs of the public – both to those who use it and to those who rely on it to uphold the rule of law. At the same time, the service we provide needs to be sustainable and efficient. Many of our initiatives have the potential to reduce our reliance on traditional court and tribunal hearing centre rooms and change the way we administer our service and interact with people who use our courts and tribunals.
- 1.10. We have set out further details here to provide context for our proposed estates strategy. The way we intend to incorporate these changes into our approach is included in Part 4 of this consultation.

⁵ Speech John Thomas, Baron Thomas of Cwmgiedd, Lord Chief Justice, Dinner for Her Majesty's Judges, 6 July 2016, page 4, paragraph 9.

⁶ Lord Justice Briggs, Civil Courts Structure Review: Final Report (July 2016), page 115, paragraph 12.6

Video links and virtual hearings

- 1.11. In order to offer more flexibility and better access to our services we are exploring different ways of handling hearings. Video links already enable victims and vulnerable people to take part in criminal proceedings without having to meet the defendant face-to-face. We also offer telephone conferencing to progress and manage cases in most jurisdictions.
- 1.12. We are now expanding these video and telephony links significantly, and will be working closely with justice partners in Sussex, London and the South East on the video-enabled justice initiative. The project will be developing virtual hearings for suitable remand cases, reducing requirement for defendants to travel for a five-minute hearing, and better video witnesses to give evidence without having to travel to court. Developing the technology to allow police officers to give evidence direct to courts, more often and more reliably will offer both flexibility and efficiency, saving police officers and witnesses time waiting for court slots.
- 1.13. As well as building on existing technology, we are designing a ‘virtual hearing’ capability. In a virtual hearing all participants log into a video call from their computer using a standard web browser. We have been carrying out testing with members of the public, legal professionals, members of the judiciary and colleagues from other government departments. We undertook further technical testing in the Immigration and Asylum Chamber in October 2017.
- 1.14. We will continue to test and develop virtual hearings during 2018 – starting with straightforward case management hearings, which involve only professional attendees dealing with defined issues. This will develop our understanding of how virtual hearings work, what they can offer and where they are likely to be appropriate – and, of course, where they are not.

Digital service delivery

- 1.15. We are introducing straightforward digital services, modern technology and modern ways of working to increase access to justice in every jurisdiction. In the criminal courts, new digital services will help cases progress through the system smoothly and without unnecessary delays. The starting point for our approach is that only what has to be done at a physical venue – most trials and sentencing – will be done there. The remainder will be dealt with outside the courtroom using modern technology. Digital change is therefore a fundamental part of our modernisation programme.
- 1.16. We are following the same principles to bring efficiency and simplicity to civil, family and tribunals. With a starting point that a physical hearing may not be the right answer for everyone, we are going to do more to support parties to resolve disputes themselves, either through better signposting to alternative approaches or, as in our civil law process, offering parties the opportunity to agree a settlement within our systems. We are already introducing: a new ‘online court’ for lower value money claims to offer a simpler, more affordable way for individuals and businesses to resolve disputes; online services to apply for a grant of probate, or for a divorce; and providing simpler ways of working and a better user experience in tribunals.

1.17. Regular participants in the justice system will recognise the significant potential for improvement that digital systems offer. Opportunities include:

- reducing or eliminating adjournments because the right material has not been shared at the right time;
- clearly structured files or “bundles” avoiding wasted time in hearings searching for the relevant material;
- reducing the need for physical hearings simply to progress a case; and
- streamlining of preparatory work because complicated paper forms have not been completed correctly.

1.18. At present, 40% of paper divorce application forms are returned because they are incorrectly completed. Our digital system has been designed to eliminate this ‘failure demand’ as far as is possible, and as a result only around 10% of applications are being rejected through the system – and we hope to reduce this further as the service develops. Similarly, before to the introduction of our help with fees system, some 75% of paper forms were rejected, largely because the form was confusing and rarely completed correctly. Our online system is hard to fill in wrongly, and so rejections now run at closer to 20% and are typically the result of a genuine eligibility issue, rather than a failure to fill the form in right. Digital applications can help ensure the right information is given at the right time.

Flexible operating hours

1.19. Over the coming months we will examine flexible operating hours in a series of pilots exploring whether there are ways to offer a wider range of hearing times to those using the courts, while also using hearing space more effectively. We will build on existing experience such as magistrates’ and social security hearings on a Saturday and early activity in Crown Courts to enable pre-recording of testimony from children. Tests will consider how rooms can be used by different jurisdictions at different times of the day and also whether different working patterns within jurisdictions can work better for the public and professionals (also looking at the difficulties and issues that may be created). We have made no assumptions regarding the outcome of any pilots we undertake.

1.20. These pilots will be independently evaluated, and the evaluation will be central to any future decisions about flexible hours. Even if some, or all, of the models tested prove to be unsuccessful we will still gain valuable information about the needs and constraints of people who attend hearings which will be immensely helpful as we develop our services. No change will be made unless the evaluation makes a case for it.

1.21. The way we approach finalising and running these pilots is critical; we are ensuring that we work closely with the legal professionals who will be most affected by the changes that may result.

Improving our services in courts and tribunals

- 1.22. We have already successfully modernised the administration of some of our work on criminal courts, moving from paper to digital. But we need to do much more. Other areas lag behind. Our work largely relies on paper files, meaning our people spend too much time chasing paper documents, copying and printing, filing, and moving paper. They do not have the time that they need to do the excellent job they want to do. In future most administrative work will move out of our courts and tribunals buildings to nationally-run Court and Tribunal Service Centres, which will provide consistent, prompt and high quality support. Aided by the latest technology, those working in local courts and tribunals will be able to focus on what really matters in the justice system: helping and supporting the public through the process, knowing that for many coming to court will be a high-stakes, once in a lifetime experience which needs great consideration and care. They will also be able to provide high quality support for judges and magistrates; and create and maintain a modern professional workplace for all court and tribunal users.
- 1.23. These changes will make a real difference to our court and tribunal service. Our people will not be torn between administrative work and hearings, and will be able to specialise in either excellent administration or in first-rate support for hearings. We have the opportunity to improve our existing buildings with better layouts to help court and tribunal users, and improved and modern security. Those who work in courts and tribunals work tirelessly now, doing an excellent job in supporting people who come to our courts and tribunals and the judges who work there. But they are doing this while trying to do more than one job, and without the modern tools that should be the norm in the 21st century. Our reformed service with the latest digital tools and focussed training and development will mean our skilled and trained staff will be available to provide support as and when needed, keeping people informed and up to date throughout their time at a court or tribunal.
- 1.24. Our initial feedback from those using the new digital systems has been extremely positive.
- 1.25. On our new systems for online probate applications:
- "Really easy to complete ...one of the most user friendly websites around"*
- "the on-line service is a significant improvement over the paper based system... one of the key benefits is to be able to make the legal declaration [oath] on-line."*
- 1.26. The Civil Money Claims online system has been described as
- "straightforward and easily completed"*
- "fantastic service to use would recommend to anybody in a similar situation to my own"*
- 1.27. Our Help with Fees service, where our online service has replaced a 26-page form, has received an 86% satisfaction rating. Those using the service commenting that it was:
- "short and concise"*
- "a life line to people like myself as I wouldn't know where to start"*

- 1.28. Our new online divorce service makes the difficult process of navigating a divorce easier and less expensive. Those using the service have described it as:

“marvellous, pain free and less stressful than the paper form”

“[I] can’t believe how quick it is; it’s amazing”

- 1.29. The Common Platform Programme is introducing new digital systems to support more effective and efficient working between agencies in the criminal justice system. Elements of the programme that have been tested or rolled out so far have received positive feedback from court users. Those using the online plea service reported that they found the service:

“perfect, if only all government and other services worked [like] this”

“very easy to use - made a stressful situation a little better”

- 1.30. Automated Track Case Management, currently being used for Transport for London cases, was reported as:

“clear, user friendly, straight forward and easy to use”

- 1.31. Transport for London considered that the new system:

“enables our Investigations and Prosecutions team more time to target illegal behaviour and bring those who break the law to justice.”

- 1.32. As we deliver the initiatives outlined in this section, we will work with professional users to make sure we meet their needs. At the same time, we will improve the support that we offer to judges and magistrates, with new roles to include well-trained staff to ensure that digital systems work every time, all the time, as we use our facilities even more intensively in the future.

- 1.33. Working closely together, our people in court and tribunal buildings and administration centres will provide a seamless service, from the first point of contact until a case is resolved.

2. Part 2. The court and tribunal estate – the story so far

- 2.1. The current court and tribunal estate is a legacy of the genesis of HMCTS. Less than 20 years ago around 50 organisations carried out the work now performed by HMCTS. This has resulted in an estate which was not in the main assembled as part of a planned process but instead inherited from earlier organisations with different standards and priorities, bequeathing to HMCTS multiple buildings in many locations, together with a variety of different building specifications. At present, there are over 60 towns in England and Wales with more than one court or tribunal building, and over 20 with more than two. A map of the current HMCTS court and tribunal estate is included at the end of this document.

Previous estates consultations

- 2.2. Current court and tribunal locations follow two national consultation exercises (in 2010 and 2015) and subsequent decisions which consolidated underused estate, generating savings for taxpayers and investment funding for reform and improvement of services. A consultation on Hammersmith and Camberwell Green Magistrates' Courts also took place in 2016.
- 2.3. The Court Estate Reform Programme (CERP) consultation was published by HM Courts Service in July 2010. The consultation excluded Crown Courts and tribunals (the latter were then administered by the Tribunals Service). CERP resulted in the closure of 140 courts (92 magistrates' courts and 48 county courts) across England and Wales from the then total of 530 operational buildings. The creation of HMCTS brought a further 75 tribunal buildings into the estate. Five individual court closure consultations were published in 2013 and 2014.
- 2.4. A further national consultation was published in July 2015 and two London magistrates' courts were consulted on in September 2016. Together these will result in the closure of 121 buildings (including integrations within local areas, i.e. where the building being closed is in close proximity to a neighbouring building into which the workload will be moving) reducing from a total of 460 operational court and tribunal buildings to 339.
- 2.5. Our analysis shows that when all of these courts or tribunals close, the vast majority of the public will still be able to travel to their nearest court or tribunal by public transport within two hours – 93% for Crown Courts, 95% for magistrates' courts and 99% for county courts.
- 2.6. At the end of November 2017, the HMCTS court and tribunal estate was made up of 350 court and tribunal buildings, which hear a range of work.

Jurisdiction	Number of Sites hearing work
Crown	94
Magistrates'	160
County	210
Tribunal	141

Note: many buildings hold more than one jurisdiction so these numbers do not sum to the total number of courts and tribunals.

- 2.7. At the conclusion of the closure decisions which have been announced to date, we will occupy around 339 operational court and tribunal buildings providing face to face services. 248 of these are within 5 miles, 286 within 10 miles, and 310 within 15 miles of another HMCTS location.

Flexibility

- 2.8. As we have tackled excess capacity in the estate, the need for greater flexibility within it has increased. Many of the court and tribunal rooms in our estate are inflexible and not easily or quickly adapted to hear other types of work. They have been designed and maintained according to specifications created for specific jurisdictions which focussed on physical design rather than the outcome that is desired.
- 2.9. Lack of flexibility is partly a result of the standards set out in the 2010 Court Standards and Design Guide which is highly prescriptive about the layout and design of hearings rooms for different jurisdictions. In relation to magistrates' hearing rooms, the 2010 Guide specifies four basic courtroom types with a total of eight different room layouts. This approach continues for the other jurisdictions, with the Guide specifying a number of room layouts for each different type. The level of prescription in these room types means it is difficult to adapt the layout of a hearing room for alternative jurisdictions, which in turn results in inflexible space.
- 2.10. The 2010 Guide also sets out a schedule of required ancillary accommodation associated with a specific type of hearing room. This approach reduces the range of options that ancillary accommodation can be put to and the opportunity to use space flexibly is reduced. At worst, this can result in rooms being empty because they are unsuitable for other work; in any event it means that hearings best carried out in a less formal setting are undertaken in rooms that are too formal or take place in a small part of a very large room.
- 2.11. More widely, our staff and the judiciary work hard to deliver services from our buildings but too often this is impeded rather than assisted by the accommodation and facilities that are available to them. The inherent weakness of the existing court and tribunal estate has been identified by the judiciary, legal professionals and users alike. In Part 4 our plans for a new design guide are explained.

Maintenance

- 2.12. An inherited estate of too many, inflexible courts and tribunals has a further hidden cost. For decades, maintenance spending on our buildings has been spread too thinly. Funding has had to be focused almost exclusively on reactive responses to problems; and we have not been able to put in place a programme of planned preventative maintenance.
- 2.13. The current maintenance backlog is estimated at some £400 million. To put this into context, the cost of reroofing an average sized building can be around £0.75 million; and replacing a heating and ventilation system about £1.5 million. However, our estimates are based on known issues only. To address this, we have instigated a programme of professional building surveys in order to have accurate data on the extent of disrepair and the cost of rectifying these repairs. We recognise that a tired and poorly maintained estate neither reflects the importance of what we do, nor gives staff, professionals or users the pleasant environment they should expect; and in addition, it does not encourage those who pass through it to treat it with respect –

one piece of graffiti in a cell rapidly multiplies if not tackled. In addition, the need to focus limited funds as effectively as possible can generate too much governance, as rigid processes are put in place to ensure that there is enough money available to meet top priorities immediately.

- 2.14. We also know that the time it takes to commission and deliver repairs to our buildings is often too lengthy. Some of the smallest types of maintenance - such as carpet fixing or repainting of small areas – have been part of a process that means in the past they have taken close to two months to set right. We need to change that. We describe the way we plan to improve our maintenance processes and timescales in Part 4 of this consultation.
- 2.15. In 2016, JUSTICE launched its report *What is a Court?* The report identified many of the issues set out here and examined the nature and demands of a modern court or tribunal room and emphasised the need for flexibility:

The [courts and tribunal] estate remains entirely configured around practices and processes designed for a different time. Traditional ways of working demanded generous quantities of building space and clerical staff. What is now needed is a court and tribunal estate that is flexible and can respond effectively over time to fluctuations in funding – including through legal aid – and technology-driven changes in working practices. Crucially, transformation of the estate should not occur simply on the basis of current public funding levels. Instead, it should be reconfigured in a way that anticipates changing needs over time.⁷

- 2.16. The scale and variety of challenge – but also opportunity for positive change - presented by the current estate is illustrated by just a few examples set out below, ranging from nearly new purpose built facilities to adapted buildings from the 19th Century.

Manchester Civil Justice Centre

- 2.17. Opened in 2007, Manchester Civil Justice Centre is a large and modern court building, accommodating civil, family and tribunal cases. It has 52 courts, and houses over 300 staff and judges. The building has a unique design and is one of the iconic buildings on the Manchester skyline. It features light and airy working areas for staff, offices for the judiciary and a wide range of amenities. The building is in the very centre of the city with excellent transport links to the rest of Greater Manchester. Between June 2016 and July 2017 the building has successfully taken on additional work as a result of the closures of Altrincham County Court, Tameside County Court, Bolton County Court, Bury County Court and Oldham County Court.



- 2.18. Approximately three quarters of the Manchester Civil Justice Centre building floor space is occupied by staff and judiciary for delivering court business. The remaining

⁷ JUSTICE, *What is a Court?* (2016), page 6

quarter of the building is used for administrative activity not directly supporting court and tribunal hearings. More hearing space could be created at the Manchester Civil Justice Centre, which would allow further consolidation into a well-connected, well maintained building.

Reading Crown Court

2.19. Reading Crown Court is a freehold building, which is Grade II listed since 1978 and is situated in a central location within a ten-minute walk from Reading Mainline Station. The building is in two parts. The original building was opened in 1861 and was extended and modernised in the 1970s as a six-courtroom Crown Court centre. Whilst the old part of the building has listed status, it would be possible to retain the façade and fabric of the building, and further develop the more modern rear of the building and the interior. There is room for additional courtrooms and there is potentially scope, subject to planning permission, to extend the building. The heating and ventilation system needs attention and redecoration is required.



2.20. There are a total of four court and tribunal buildings in Reading and there is potential to invest in Reading Crown Court to consolidate into a single, better building.

Shrewsbury

Shrewsbury Crown Court (Shire Hall) and Shrewsbury Magistrates' Court (Preston Street)



2.21. Shrewsbury offers an example of a place where we are already taking opportunities to improve our estate, and increase efficiency as we do so.

2.22. The Shrewsbury Magistrates' court (Preston Street) closed in March 2016 and the work has been successfully integrated into the Telford Magistrates' court nearby which provides good facilities. The court was one of two magistrates' courts in Shropshire and was poorly utilised, sitting hearings for only two days a week. The Shrewsbury Magistrates' Court building, which is a good building and can be maintained well, is now being converted to house Shrewsbury Crown Court work.

- 2.23. This will replace inadequate Crown Court facilities based in Shire Hall which has no separate accommodation or entrance for vulnerable victims and witnesses. To prevent witness interference, access is often through the Crown Court administration offices. There is no separate entrance for defendants in custody who alight the custody vehicles so they are escorted on foot through an area within the Shire Hall occupied by Shropshire Council. The courtrooms are of a poor standard and there are roof leaks during periods of heavy rainfall. Significant costs would have been incurred to bring the facility up to the required standards.

Leeds

- 2.24. Leeds has five courts sites within a 2-mile radius – a legacy of HMCTS's history. It offers a good example of a place where focusing our resources on a smaller number of sites has the potential to provide a better overall standard of accommodation for Leeds as well as reducing costs and increasing efficiency.

Leeds Combined Court Centre

The Courthouse, 1 Oxford Row, Leeds LS1 3BG

- 2.25. Leeds Combined Court Centre is a fairly large building, constructed in 1978, consisting of 28 rooms
- 2.26. The building is owned by HMCTS and occupies a prime site in the city centre. The site deals with Crown Court hearings, civil hearings and is used as an overflow for family hearings. Whilst in parts it is fit for purpose, the site has significant constraints, particularly around security and safety. The building has excellent transport links to the rest of West Yorkshire.



Leeds Magistrates' Court and Family Court

Westgate, Leeds, West Yorkshire LS1 3BY

- 2.27. The Magistrates' Court and Family Court building was constructed in 1993, and has 21 hearing rooms.
- 2.28. This building is owned by HMCTS. Over 80 staff are employed on site and the North East Regional Support Unit is also housed here, with around 30 staff on the 5th floor. The building is fit for purpose and is in the very centre of the city with excellent transport links to the rest of West Yorkshire.



Leeds Employment Tribunal

4th Floor, City Exchange, 11 Albion Street, Leeds, West Yorkshire LS1 5ES

2.29. This is a large modern building in the centre of Leeds which HMCTS currently occupies via a lease which expires in 2021. This building houses Employment Tribunal staff and hearings across two wings on the 4th floor. Approximately 20 members of staff work in the building. Cases are currently listed into seven hearing rooms. The building is in the very centre of the city with excellent transport links to the rest of West Yorkshire.



Leeds York House - Leeds Tribunal

31 York Place, Leeds, West Yorkshire, LS1 2ED

2.30. This is a fit for purpose building currently dealing with Social Security and Child Support (SSCS) tribunal work. It is a fairly small building with four hearing rooms. There are also eight rooms used by the judiciary and others (four resident judges, one doctor, one tribunal caseworker, one registrar and one visiting Judge). The property is currently under lease until the year 2021 and there is additional floor space available to expand into.



Coverdale House

2.31. Coverdale House is occupied via a lease which expires in 2020. This building deals with family work and is also in the centre of the city with excellent transport links. The building currently houses seven court-rooms and seven judicial chambers. There are approximately 20 staff working in the building. The standard of accommodation is poor and there are heating and ventilation issues with the building.



3. Part 3. Proposals for closure

Reviewing our estate

- 3.1. While we develop and progress our strategy, we continue to keep our operational estate under close review. This is so that we can fulfil our duty to ensure access to justice for all and provide the best possible service to court and tribunal users while ensuring that the money spent on delivering our services is used as efficiently as possible. In reviewing the current estate we consider each court or tribunal's level of use, condition, the potential capacity available to hear the work elsewhere and the proximity of an alternative court or tribunal building.
- 3.2. In section 1 we outlined a range of reform initiatives which will modernise public access to the courts and tribunals through initiatives such as online services and virtual hearings. However, our court and tribunal buildings will remain essential to the effective provision of justice. Our buildings need to be efficient and we need to use them in a way that provides value for money.
- 3.3. Specifically, we carry out this review against our overarching existing national estates principles set out below and by looking at capacity in potential receiving sites, based on our current processes and technology. We do not assume future benefits of modernisation.

Estates principles

- 3.4. The 2015 consultation set out the overarching principles against which an assessment of the suitability of each building for closure was made. The HMCTS Board uses the principles to guide its decision-making when deciding which courts and tribunals to include in the initial consultation and, at the end of the process, which courts and tribunals to recommend to the Lord Chancellor for closure.
- 3.5. The estates reform overarching principles are arranged in three themes: ensuring access to justice; delivering value for money; and enabling efficiency in the longer term.

Ensuring access to justice

- To ensure continued access to justice when assessing the impact of possible closures on both professional and lay court and tribunal users, taking into account journey times for users, the challenges of rural access and any mitigating action, including having facilities at local civic centres and other buildings to ensure local access, modern ICT and more flexible listing, when journeys will be significantly increased.
- To take into account the needs of users and in particular, victims, witnesses and those who are vulnerable.
- To support the requirements of other agencies such as the CPS, social services, police forces and Cafcass.

Delivering value for money

- To reduce the current and future cost of running the estate.
- To maximise the capital receipts from surplus estate for reinvestment in HMCTS.

Enabling efficiency in the longer term

- To reduce the reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.
- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business whilst also giving users more certainty when their cases will be heard.
- 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 improve the efficient use of the estate by seeking to improve whole system efficiency, taking advantage of modernised communication methods (Wi-Fi and video links) and adopting business processes to increase efficiency and effectiveness.
- To increase the efficient use of the estate wherever possible irrespective of current administrative boundaries.

3.6. Reviewing our estate has resulted in the identification of eight court sites where we consider that the closure of the court can be justified using our existing estates principles, based on current court practices and without taking into account future reform. Our process for identifying courts to close in Central London is different and therefore is explained in a separate section below.

3.7. We set out below the court closures on which we are running consultations in parallel with our wider consultation on our future estates strategy. We will provide a simultaneous response both to views given on this overall strategy, and on the court closure consultations.

Outside Central London

3.8. Our most recent review of the current estate has identified seven buildings which we consider we could vacate based upon the level of use, condition, and capacity to accommodate the work within a reasonable travelling distance. As noted above, this assessment does not depend on the delivery of the fundamental transformation in the way we work discussed in this consultation paper.

These courts are:

- Banbury Magistrates' and County Court and Maidenhead Magistrates' Court (in a single consultation for the court estate in the Thames Valley;
- Cambridge Magistrates' Court;
- Chorley Magistrates' Court and Fleetwood Magistrates' Court (in a single consultation for the court estate in Lancashire);

- Northallerton Magistrates' Court; and
- Wandsworth County Court, together with Blackfriars Crown Court – see below - in a single consultation for the court estate in London.

3.9. Detailed consultation documents for each court have been published online at www.gov.uk/moj, each document contains a regional equality statement and an impact assessment, which is published separately.

Central London court and tribunal estate

3.10. HMCTS will be applying the same approach and principles to reform of the court and tribunal estate in London as in England and Wales as a whole. However, the strategy in London is more complex. This is due to a combination of the large number of venues in the city, in line with its position as a global legal centre including high profile national sites such as the Royal Courts of Justice and the Central Criminal Court, the relative proximity of many of these buildings and good transport links between them, and the presence of a small number of very high value sites in central London.

3.11. Around a third of the funding for the reform of HMCTS is derived from the receipts of the sale of surplus freehold court and tribunal sites. Although the value of a court or tribunal building will never be the primary consideration when making decisions regarding our estate, it should also not be entirely ignored; and given the large number of buildings and the strong transport links in London, there is an opportunity for greater consolidation that releases significant sums to be reinvested in improving the remaining estate and our services to the public.

3.12. As a result of this process, we are proposing the closure of Blackfriars Crown Court and noting the scope for further consolidation, dependent on successful progress in managing overall capacity and creating a new court in the City of London⁸.

⁸ On the 9 October 2017 HMCTS and the City of London Corporation announced that we are working together on a joint proposal for a new combined court centre in the City of London. It is the intention that a new court would replace the existing historic Mayors & City of London County Court and the City of London Magistrates' Court as well as providing additional Crown Court capacity to create a new specialist serious fraud and cyber-crime centre. This is an opportunity to greatly improve the quality of court provision in the square mile. A feasibility study is now being taken forward to explore the potential for a new court and to identify how the Corporation would fund the building.

4. Part 4. Our future estates strategy

4.1. Our programme of reform will transform the way our courts and tribunals operate.

Modernisation will provide new ways to access the courts and tribunals. Many of the new approaches we outlined in part 1 will have the potential to change the way we use our buildings, their flexibility and location. As reform moves forward it is essential that we consider further changes to our estate in alignment with the modernisation programme. We have always kept our operational estate under review and now we need to do so against a rapidly transforming service.

4.2. In this section of the consultation we explain how we propose to do this. We will build upon the estates principles set out in Part 3 and look forward to full delivery of our reform programme. We explain the factors which we propose to take into account when assessing specific buildings in the context of the Reform Programme - whether to retain and improve or release specific sites. In preparing a response to this consultation, we will carefully consider responses as well as input from the independent review of the evidence base (discussed in more detail on page 51) and take these into account in finalising and publishing our future estates principles. Following this we will develop our view of our expected size and location of the estate in 2022, and our plan for transition.

4.3. As we transform the way we deliver our services, we need to consider how our estates choices and decision-making fits with the overarching principles we work to now - ensuring access to justice, delivering value for money and enabling efficiency in the longer term. While in general we think that these principles remain sound, the wider Reform Programme brings further opportunities and a need to consider what these principles mean in that context.

4.4. Three core objectives underpin our strategy, and stand in support of these principles:

- We need to **modernise our estate** to align with the modernised service, including delivering some services away from traditional court and tribunal buildings, online and through virtual hearings. Changes to how services will be delivered will over time translate into changes to the look, feel and configuration of our buildings;
- We need to continue to **improve the efficiency of our estate** and maximise the utilisation of those buildings we plan to keep and invest in for the long term; and
- We need to **improve the quality of our buildings** for users, the judiciary and our people, which is currently at a low base in too many of our sites.

Applying principle 1: Ensuring access to justice

Access to justice in a reformed HMCTS

- 4.5. Many people who access justice at present do not attend a court or tribunal in person. For example in the 2016-17 financial year, over 898,000 civil default judgements were issued (out of a total of 1,055,000) with no requirement to attend court. Similarly, of the 114,000 divorce cases started only 4,000 hearings took place to resolve the divorce or financial settlement and 28,000 social security and child support appeals are dealt with 'on the papers' (out of 191,000 total appeals)⁹. The proportion of cases which pass through the courts and tribunals without parties needing to appear in person will increase as we deliver changes including online services and virtual hearings.
- 4.6. The move towards virtual hearings is recognised by JUSTICE. In its *What is a Court?* report, JUSTICE noted that prioritising physical hearings over and above the alternatives offered by new technology can harm access to justice:
- Currently, the system assumes that everyone needs to be brought together for a physical hearing, even when this does not best serve the interests of anyone involved. Technology and alternative methods of dispute resolution, if used properly, can offer a quality of justice currently inaccessible to large portions of society.¹⁰
- 4.7. These developments mean that we need to take a broader view of what access to justice means for the modern user. With fewer physical hearings and no need for most administration to be located in the same place as a hearing, how do we ensure that we have the right locations when a physical hearing is required?

Location considerations for access to justice

- 4.8. Much of our estate rationalisation to date has been focussed on court and tribunal locations in smaller towns, or alternatively where there are several sites located in relatively close proximity. In our estates consolidation since 2010 we have been able to accommodate the work of closing courts and tribunals within existing capacity. However, reform means that we will have a new approach to the way we deliver our business and we will need a new approach to the way we make decisions regarding our estate. It remains the case that maintaining effective access to justice remains paramount. For those who need to attend a court or tribunal in person, our proposed strategy for future estates reform is for HMCTS to operate from the best possible locations to provide an accessible service. We will seek to maintain (and in some cases enlarge) our presence in key strategic locations. These are the major towns and cities in England and Wales with good transport links, serving large populations.
- 4.9. Making best use of these key locations will allow us to best meet the needs of a large proportion of the population. We believe there will be a high degree of consensus on where these naturally key strategic locations are in each region – they will include the major metropolitan areas in England and Wales as well as the larger towns or county towns with the best transport links to other areas. Within these strategic locations there may be opportunities to consolidate into fewer buildings – but we will always need a presence.

⁹ All numbers rounded to nearest 1,000.

¹⁰ JUSTICE, *What is a Court?* (2016), page 44

- 4.10. At the other end of the spectrum, there will be some locations in our current estate where closure of smaller courts would present unacceptable issues for access to justice. These may typically fall in less populous areas with significant demand for physical hearings, at too great a distance from the strategic locations.
- 4.11. In some locations and for some hearing types, the most proportionate approach may be hearing cases in non-court or tribunal buildings (see below for an explanation of this approach); or for hearings to be held elsewhere, but scheduled to start later and end earlier than usual to help with access. In other cases, it may make more sense economically to retain a site in a remote location and consider how we best maximise value and running cost efficiency from the space we own or occupy (see example below regarding West Cumbria).
- 4.12. In making proposals for rationalisation we will take into account these options, considering the costs and benefits of alternative solutions and measuring expected outcomes, aiming that the vast majority of users can attend a court or a tribunal on time and return home within the same day, by public transport if necessary.

Travel time as a way to assess impact on access to justice

- 4.13. Responses received to the consultation we published in July 2015 indicated that there was concern that our estates principles did not include a measure for the expected maximum travel time to a court or tribunal. The estates principles used to guide decision making during the Court Estate Reform Programme in 2010 included a principle that 'a majority of the population will be able to travel to their nearest court within one hour by public transport'.
- 4.14. Our assessment of travel times following the implementation of the consolidation announced in February 2016 is shown below.

Access by car	Before changes		After changes	
	0-60min	0-120min	0-60min	0-120min
Crown Courts	97%	100%	97%	100%
Magistrates' Courts	99%	100%	98%	100%
County Courts	99%	100%	98%	100%
Tribunals	83%	98%	83%	97%

Access by public transport	Before changes		After changes	
	0-60min	0-120min	0-60min	0-120min
Crown Courts	62%	94%	61%	93%
Magistrates' Courts	82%	97%	74%	95%
County Courts	78%	100%	72%	99%
Tribunals	39%	79%	39%	79%

(Source. Impact Assessment published with the national consultation response February 2016. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499519/impact-assessment.pdf)

- 4.15. These figures show our estimate of the proportion of the population of England and Wales who, before and after the court and tribunal closures announced in February 2016, would have been able to travel to a court or tribunal within one and two hours. This provides an overall estimate of the impact.
- 4.16. HMCTS (and precursor organisations) has not been alone in rationalising its estate while continuing to ensure access to justice. In Scotland, the Scottish Courts and Tribunals Service have applied a guideline when considering changes to their estate that most of the population should be able to travel to court and return home within a day by public transport¹¹. Other approaches have been taken elsewhere. For example, the Department for Education (DfE) guidance states that the maximum daily travel time to and from school for a secondary school-age pupil is two and a half hours.¹²
- 4.17. Balancing access and provision is a common challenge. For example, in 2011 4 million UK households were not connected to mains gas supply.¹³ It is a reality that access and geographic location have to be balanced. People living in areas with greater population density will have shorter travel times for most purposes than those living in more rural areas – including for purposes most would consider essential. For example, journey times to critical health care services across 189 accident and emergency providers in England (in 2014) for the 18.3 million people that accessed them in 2012/13 were lengthier for those in rural areas than for those in cities.¹⁴ However, while journey times to court may similarly be longer for those living in rural areas, we must continue to ensure effective access to justice.
- 4.18. We continue to believe that the use of a specific travel time in hours as defining effective access to justice is not appropriate for several reasons. Firstly, because as we have already set out in this consultation, accessing our services without the need to attend a court or tribunal is already common and will become much more widespread in future. Even for those who need physical access, attendance for the vast majority will be a very rare event. Secondly, because any particular time used would be arbitrary and not based on any particular analysis of the needs of court and tribunal users.
- 4.19. However, we recognise that this is an area of concern for many of our stakeholders and HMCTS is committed to making sure that our courts and tribunals can be accessed by those that need to do so. We therefore propose that, in considering the access to justice principle in relation to physical hearings, rather than setting a number of hours, we should, as is done in the Scottish system, set an aim that nearly all users should be able to attend court or a tribunal on time and return within a day, by public transport if necessary. We are keen to hear views on this subject, and in particular how we might better understand the impact of potential changes on journeys for court and tribunal users.

¹¹ *Shaping Scotland's court services*: a public consultation on proposals for a court structure 2012.

¹² *Home to school travel and transport guidance: Statutory guidance for local authorities*, Department for Education (July 2014), page 14. Note: paragraph 34 states that a maximum travel time to school for a secondary school pupil is 75 minutes for a single journey.

¹³ *Off-Grid Energy: An OFT market study*, Office of Fair Trading (October 2011), page 14

¹⁴ *Accident and Emergency Attendances in England - 2012-13*, NHS Digital, accessed online: <https://digital.nhs.uk/catalogue/PUB13464> (October 2017)

Q1: What is your view of our proposed benchmark that nearly all users should be able to attend a hearing on time and return within a day, by public transport if necessary?

Applying principle 2: Delivering value for money

4.20. We need to make sure that we are spending public money well. Where we consolidate the estate (either through closure or integration) we will maximise the amount we receive from the sale of surplus buildings so that we have as much as possible to reinvest in modernising our services. We will also work to ensure that the remaining estate is affordable to maintain and can be kept in the best possible condition.

4.21. Value for money is not the same as always taking the cheapest option. Value for money can often mean investing more in order to get a significantly better result. Our aim is to spend what we have as well as possible, to get the best possible outcomes, which means putting money where it can make the most difference. This means we will not keep buildings open that we do not need; but that we will make sure we do have fit for purpose buildings where we need them, and will spend what is needed to do that.

4.22. As explained in part 2 of this document, 90% of our court and tribunal buildings are within 15 miles of another HMCTS location.

Assessing capacity and use of the court and tribunal estate

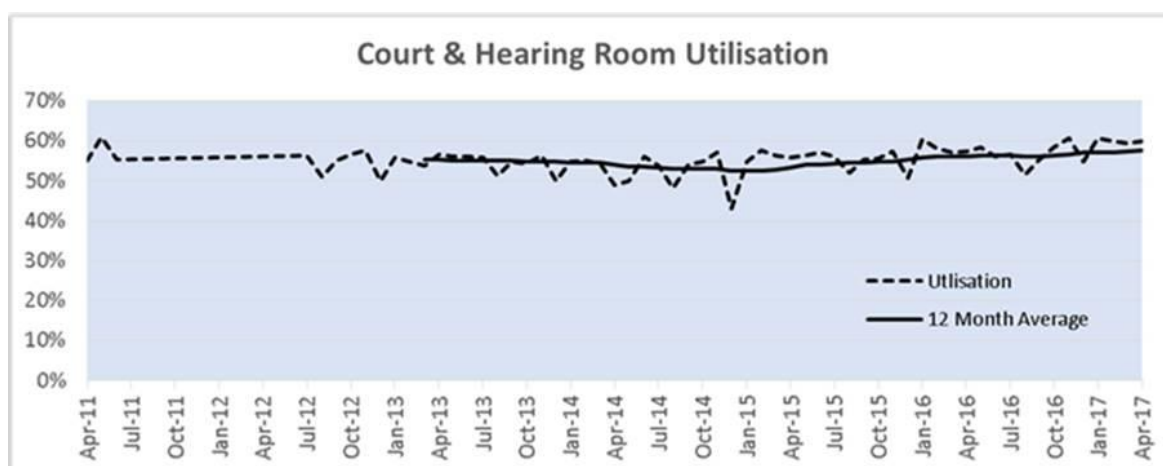
4.23. Value for money also means making sure we can both manage current workloads, and provide contingency for change – to avoid expensive changes of direction. Our analysis uses current workload data across jurisdictions to allow us to model how much capacity is required now, but also to take into account future expected changes, and assess the contingency needed for a sensible range of unexpected changes to workload.

4.24. Specific capacity analysis can take into account:

- current workload in each site;
- forecast changes in receipt levels by jurisdiction;
- assumptions on the impact of modernisation of services on workload in the court and tribunals, including the expected reduction in the number of hearings, and the expected impact of greater use of online services and virtual hearings;
- improved utilisation of courts and tribunals as a result of current and planned work to reduce the amount of time that rooms stand empty, while making listing more predictable and effective for all parties; and
- a 'sensitivity margin' to deal with unexpected future change – making sure we are not planning to an unrealistically precise set of forecasts.

4.25. Taking into account assumptions on the use of online or virtual hearings allows us to forecast what capacity requirements would be in a reformed system based on relocation of work to different receiving sites. This modelling allows us to 'future-proof' our plans to ensure that they are aligned with changes underway. At the same time, we need to ensure that sufficient capacity is maintained at all times and balance the pursuit of efficient use of court and tribunal rooms with the need for parties to have confidence that their hearing will go ahead when we say it will.

- 4.26. The level of use of our court and tribunal buildings provides one indication of the value for money they offer – in general, underused buildings represent a poor return on the investment needed to maintain and operate the building.
- 4.27. In previous consultations on closures, we have focussed primarily on poorly used courts and tribunals. In many cases these buildings were being used infrequently and at less than a quarter of their potential capacity. The least used buildings in the estate have been closed; but overall utilisation continues to hover at around 60%, which means there is more we can do to use buildings really effectively.
- 4.28. The reason for the low use of our buildings is a complex combination of factors, including reducing workload in some areas; mismatches between the size of a building and the work generated in the court or tribunal's catchment area; and difficulty in establishing the number of hearings which will actually go ahead on the day. We recognise that our people and the judiciary work hard to make sure that our courts and tribunals operate as efficiently as possible within these limitations. But this is a particular challenge in locations with a small number of hearing rooms which are unable to 'float' cases to the same extent as larger courts and tribunals without an unacceptable risk that hearings will be adjourned due to lack of space. However, an assessment of overall court and tribunal hearing room utilisation since April 2011 demonstrates that, despite the significant reductions in the amount of capacity from the implementation of the 2010 changes and, latterly, those announced in 2015, utilisation rates have remained relatively stable, despite the fact that in recent years caseloads have, save in the criminal courts, generally increased, and that where caseloads have gone up, so have the 'sitting days' available to deal with those cases..



Source: HMCTS OPT data

- 4.29. Our analysis of the level of use of our courts and tribunals, the factors which determine this and our work on capacity modelling described above, will help to ensure that we make sound decisions on the extent to which we can further consolidate the estate.

Optimising hearing capacity

- 4.30. We have been working to examine ways to improve the use of our court and tribunal buildings through two initiatives. We created the Optimising Hearing Capacity (OHC) project in 2016, establishing a small team to work with 14 individual sites to identify

and share best practice in maximising utilisation of rooms through the implementation of better listing practices and new ways of working. The project operated in the context of the principle that listing decisions continue to be made by independent judges.

- 4.31. The work of the OHC project centred on an improved approach to managing utilisation, with a dedicated manager to lead the implementation and evaluation of ideas and innovations at OHC sites. Examples of outcomes include:
- Additional capacity was created in one civil and family justice centre by equipping an underused jury room to enable SSCS tribunal hearings to be heard providing an additional 180 sitting days in 2017/18 to accommodate around 1440 cases;
 - By merging half day lists into one hearing room with two judges sharing the hearing room and chambers, one tribunal centre released eight days capacity per week for alternative use;
 - Recording equipment was fitted into a magistrates' court-room making it multi-jurisdictional to facilitate SSCS tribunal and family court hearings;
 - One large Crown Court centre ran an initiative to list bail applications at 9.30am enabling part heard trials to start at 10am, positively impacting victims, witnesses, jurors and all court users. The Crown Prosecution Service supported the initiative saving costs by briefing more in house lawyers to conduct the bail hearings;
 - A hearing room to facilitate hearings that do not require the defendant(s) or jurors to attend was created at a Crown Court to consolidate approximately three days per month of case management type hearings. This initiative released capacity in the traditional Crown Court hearing rooms for work from the Crown Court or the Immigration and Asylum Chambers tribunal.
 - Using data from past listing and hearing trends, the listing and hearing of small claims and fast track civil claims was centralised from a number of county courts across London to 10 hearing rooms in one site. Increased numbers of cases were listed and heard each day, and hearing rooms were better used, reducing waiting times and adjournments and increasing disposals by 40% for Fast Track claims and 23% for Small Claims cases. During the pilot, data continued to be collected on these lists offering the court up to date information enabling them to flex their approach to accommodate emerging trends. Those courts that sent the work were also able to use the capacity released to reduce waiting times for other work.
- 4.32. Through the testing we have undertaken, we have identified ways to improve the use of our estate. We will continue to build on this work with the judiciary to review and improve listing practices. This will in turn help us to make better informed decisions regarding capacity when making decisions about the future of our estate. Decisions on building additional capacity at a court receiving work from a nearby closing court will not be taken until we are satisfied that all of the OHC learning has been applied.
- 4.33. Evaluation of the OHC project has demonstrated that larger court and tribunal buildings are more flexible and enable the most efficient listing of cases, either through 'back to back' listing of similar types into multiple lists on the same day, or by facilitating multi-jurisdictional use of rooms. They can provide an improved response to fluctuations in workload allowing rooms to be used for different case types as needed. Our intention to include an emphasis on flexibility in our future

court and tribunal design guide will further enhance this. This was recognised by the Family Justice Review published in 2011 which noted that creating greater specialisation could be beneficial. It recommended that:

HMCTS should review the estate for family courts to reduce the number of buildings in which cases are heard, to promote efficiency, judicial continuity and specialisation.¹⁵

- 4.34. As we noted on page 11, we are planning to move many of our current administrative functions out of our courts and tribunal hearing centres. Our people at hearing centres will be able to dedicate their time to providing a high-quality service for people who attend our buildings.
- 4.35. Finally, we are working to improve the way we collect data about our hearings and use this to improve how they are listed. Once in place, better data will give an opportunity to develop more accurate and reliable forecasting tools, enhancing the efficiency of our listing processes.
- 4.36. Value for money also means ensuring our buildings are in good condition or are capable of being put in good condition. As we have already noted, the historic approach of 'patch and mend' means that we need better information as we choose which buildings we need to retain and maintain more effectively. We have commissioned condition surveys of all our buildings which will enable us to understand fully the maintenance challenge we face and prioritise our spending on the highest priority work. Surveys which relate to specific proposals made in this paper have already been received and considered. This process will enable us to make the best possible decisions on future locations.

Applying principle 3: Enabling efficiency in the longer term

- 4.37. In enabling efficiency of our estate for the long term, we need to consider the configuration of our buildings and how we can make them more flexible and adaptable in the context of a changing service with more digital provision. An estate which delivers value for money now may not be one that achieves this in the longer term, as technology develops, workloads change and new opportunities and challenges emerge. Whilst forecasting the future can never be exact, we must ensure that we do not repeat mistakes of the past with building design that is inflexible and costly to adapt. We must also avoid short term decisions on (lack of) maintenance which prove more costly to remedy over the long term. We set out in the next section how we intend to achieve this.

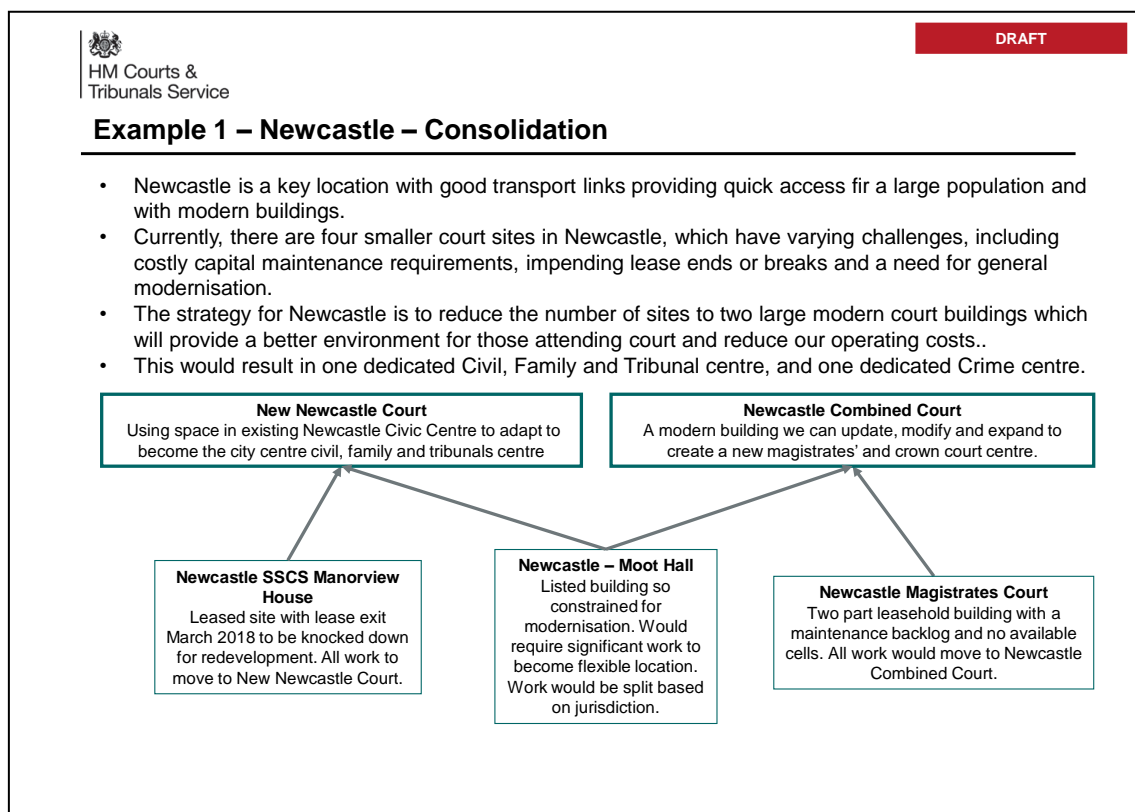
Meeting our objectives in light of the principles

- 4.38. As this paper makes clear, long term decisions on future court and tribunals locations require us to balance a series of factors and require us to adopt new and better approaches. In this section we bring together our development work, explain our approach and detail progress so far.

¹⁵ *Family Justice Review: Final Report* (2011), page 11, paragraph 40.

The right locations


- 4.39. Deciding the right locations requires us to settle our strategic locations and the pattern of other locations and supplementary provision to ensure sufficient access.
- 4.40. Under current estates principles, we look for opportunities for consolidation of court sites in key locations to improve efficiency and enhance access to justice through the use of more modern facilities. In our future strategy there may be further opportunities for consolidation in our strategic locations.
- 4.41. Newcastle provides an example of consolidation that is being planned under current estates principles. Lease events, issues with building condition and estate opportunities have enabled us to develop a plan to consolidate services into two strategic locations for hearings.



Other locations and supplementary court and tribunal provision

- 4.42. Alongside our strategic locations we need to make provision for other locations, usually rural areas which are less populous, to ensure that access to justice is maintained where transport links may be poor. This may include retaining existing courts and tribunals even though they may not be well utilised, or have a narrower range of facilities compared to our larger hearing centres. This has been an approach that we have taken when making decisions about court and tribunal provision under current estates principles following the 2015 consultation. An example of our current approach as applied to West Cumbria is set out below.

- 4.43. We may also consider supplementary court and tribunal provision to meet the needs of users who for reasons of lack of access to transport, lack of mobility, financial hardship or security issues will find it particularly difficult to travel to a court or tribunal to take part in a hearing. This will take into account that there will be new ways of delivering services which do not require physical attendance and that travel expenses may be claimed by some court and tribunal users.



DRAFT

Example 2 – West Cumbria – Access to Justice

Proposal

- West Cumbria Magistrates Court (in Workington) was proposed for closure in the estates consultation published in July 2015. Following careful consideration of the responses to the consultation we decided to retain the court because of concern about local transport links and access to justice. A local listing consultation in Cumbria confirmed the need for a presence in West Cumbria.
- Workington, Carlisle and Barrow-in-Furness are all key locations in Cumbria for providing access to justice, given the rural nature and population distribution of the county

Key Factors

- Operating costs for West Cumbria Magistrates Court are around £200,000 per annum, and it has been assessed that because of relatively low operating costs, it is more cost effective to maintain the existing courthouse here rather than put in place supplementary provision.
- West Cumbria Magistrates court is not fully utilised but the concerns around access to justice outweigh any utilisation concerns.
- Were this site to close, court users would be required to travel to Carlisle and/or Barrow-in-Furness, both of which are a substantial distance away as demonstrated in the below table.

Maximising the use of the court

The court is open every day and is used as a multi-jurisdictional hearing centre for magistrates, civil, family and tribunals to maximise usage.

The administrative staff who are based in the court support the wider administration for Cumbria for example processing TV license work

Travel Times		
Places	Approx. time by car	Approx. time by public transport
Workington to Barrow-in-Furness	1 hour 45 minutes	1 hour 45 minutes
Workington to Carlisle	55 minutes	1 hour 30 minutes

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- 4.44. In addition, as we have already noted, our services do not always have to be delivered from traditional court and tribunal buildings. Over the past year we have established a number of supplementary provisions in other buildings. These have ranged from establishing more local video links for victims and witnesses to holding hearings in local authority buildings.
- 4.45. We anticipate that supplementary provision will have an increasing part to play in making sure that our courts and tribunals are appropriately accessible. Where we close a building and it is clear that regular – even if infrequent – physical hearings should continue to be held nearby, we will work with local partners to use non-HMCTS buildings to provide them; and where the priority that victims and witnesses should not have to travel to appear, we will make sure there are locally-available, secure and comfortable ways to appear by video-link available.
- 4.46. We have already established that supplementary provision can be an effective way of providing access to justice for SSCS Tribunal users in Scotland where we hire venues in 14 locations which are used on a regular, but not full-time, basis to hold hearings. These venues include community centres, village halls, church halls, conference centres and hotels.

- 4.47. Over the past year we have established this type of supplementary provision for other types of hearings including some civil hearings and some magistrates' court work. Two case studies are provided below.

Case Study – Tunbridge Wells

Tunbridge Wells Borough Council Town Hall has been used for civil hearings every Tuesday since December 2016. The Council chamber which is an impressive large formal room with heavy furniture is being used to hear civil cases such as possession cases and other cases that have been deemed suitable by judiciary to be heard at the venue, including



short civil applications. Some additional measures were put in place to ensure that the venue met the HMCTS safety and security requirements and HMCTS court security officers are responsible for managing the safety and security of all users of the venue when it is being used for hearings.

Since the provision has been up and running frequent court user meetings have been held, and HMCTS reports monthly on the use and effectiveness of the venue which remains high to date.

Case Study – Scottish Tribunals, Kirkcaldy

HMCTS regularly hires Volunteer House in Kirkcaldy, Fife, a sublet from the Voluntary Sector. HMCTS hires a dedicated room and waiting room for sole use as tribunal hearing facilities. The venue can be used for up to five days a week subject to demand and is not let out to other users at the same time.



The venue hears Social Security Appeal cases but is not used for Child Support Appeals and Medical Appeals. These cases go to Edinburgh, as a medical assessment room is required for the Medical Appeals and an extra waiting room is required for Child Support cases.

The venue has held 161 sessions in this period from 1 April 2017 to 31 August 2017 proving it is a useful and busy hearing facility. HMCTS Security Officers are responsible for managing the safety and security of all users of the venue when it is being used for hearings.

4.48. We are currently undertaking further testing of the extent to which we can use a range of types of venues outside the HMCTS estate for different types of hearings. This testing will inform our future use of the types of venues for supplementary provision.

4.49. We are testing in the following venues:

- Knighton Powys Community Centre. This venue has already been used for Social Security and Child Support Appeal hearings and consideration is being given to using it for suitable civil and family cases subject to demand in the local area.
- Abergele Town Hall. This venue has been already been used for suitable civil and family cases and it will be tested for use in Social Security and Child Support Appeal and Employment Tribunal hearings.
- Plymouth Coroners Court has already been used for some magistrates' court hearings (non-custodial) and could also be suitable for some civil and tribunal hearings

4.50. We are also monitoring and evaluating the following venues that have already been set up:

- Tunbridge Wells Borough Council (see case study above)
- Kendal Town Hall, which is used one day a month to hear suitable civil cases and one day a month to hear suitable magistrates' court cases.
- Llangefni Shire Hall, which is used on day a fortnight to hear suitable civil and family cases and one day a fortnight to hear suitable magistrates' court work

4.51. When using and evaluating the type of venue as part of our future estate strategy we will assess whether:

- The venue is aligned with our Court of the Future principles (see below) in that it provides an appropriate, effective, flexible, sustainable and accessible setting for the type of hearings that will be held there;
- The venue meets our minimum safety and security standards and provides a safe and secure environment for court and tribunal users, judiciary, professional users and staff;
- The venue is cost effective when assessed against the operational costs of maintaining an HMCTS location. It may also provide an opportunity to maximise the use of public or community estate in a locality.
- The venue is capable of using the appropriate IT for the type of hearing.

4.52. We expect that supplementary provision will have a part to play in making sure that our courts and tribunal services are accessible. The listing of cases into any supplementary provision will be subject to judicial direction.

4.53. If we consider that supplementary provision is required as part of a proposal to close a court or tribunal we will include details of how we intend to take this forward in the consultation. We will need to carefully consider whether there is a requirement for a venue to hold physical hearings or whether the best way to meet the needs of users is to develop more locations for victims and witnesses to be able to give evidence remotely.

4.54. Finally, we will also consider using this type of supplementary provision, as well as other solutions such as flexible operating hours, as a way of managing variations in workload in the future -for example, spikes in demand for hearings in certain jurisdictions or locations.

Q2. What is your view of the delivery of court or tribunal services away from traditional court and tribunal buildings? Do you have a view on the methods we are intending to adopt and are there other steps we could take to improve the accessibility of our services?

Travel time analysis – developing our understanding

4.55. Decisions on locations, from strategic to supplementary provision, must take into account ease of access. In previous consultations on court and tribunal closures we have provided analysis on the impacts of the proposals of travel times for those attending the court or tribunal. We have used both ‘real world’ examples of times and costs from the closing location to the alternative court or tribunal and, in the July 2015 consultation, statistical analysis of the impacts across the catchment area of the court or tribunal for both public transport and car travel. Nevertheless, our approach was challenged in the responses to the consultations.

4.56. As we have noted already, we do not consider that travel time (and cost) provides the complete picture when we make assessments of access to justice. However, for those who need to travel to court or tribunal buildings it remains an important factor. We will therefore continue to provide detailed travel time analysis. Responses to the national estate consultation in 2015/16 were critical of our analysis of travel times and suggested that we were basing our analysis on old and inaccurate data. In order to improve this aspect of our analysis we have developed an improved model which updates the data we use. We will also move firmly away from straight ‘closing court to receiving court’ travel time, focusing instead on travel to the receiving court for those in the catchment of the closing court.

4.57. The model will make an assessment of the journey times for members of the public within the catchment area of a court or tribunal building. This is based on Department of National Statistics Output Areas and enables an effective comparison of journey times from the location to the current and proposed court or tribunal location.

4.58. In addition to modelling travel time impacts we will continue to provide real world examples of typical travel times and costs. We will always make sure that we sense check our model output with our people who have local knowledge. This will provide more accurate and reliable information for those reviewing our proposals and will ensure that our own consideration of travel time impacts is as accurate as possible. This will enable an improved understanding of the impact of proposals on access to justice, for example in remote rural locations, taking into account both driving and public transport times. We intend to present this in both tables and thematic maps.

Q.3. What are your views regarding our analysis of the travel time impacts of our proposals? Are there any alternative methods we should consider?

Assessing capacity and use

4.59. Alongside location and ease of access we must ensure we have the right capacity. When we make an assessment of our capacity, we intend to do so against the following criteria. We will:

- apply our learning from the OHC project to ensure we have we have clearly understood hearing room requirements at both importing and exporting locations;
- maintain sufficient capacity to hear the expected workload and to provide adequate accommodation for staff, judiciary and court and tribunal users;
- align estates changes with reduced capacity requirements which take place as a result of modernisation; and
- ensure that there is sufficient contingency to maintain capacity in the event of workload fluctuations.

4.60. We will only propose the closure of a court or tribunal when we are satisfied that these criteria can be met.

Q4. Do you agree that these are right criteria against which to assess capacity? Are there any others we should consider?

Assessing and maintaining our estate

4.61. The final factor in settling our locations must be the quality of the buildings we seek to release or retain. Although consolidation since 2010 has reduced costs, there is still a significant backlog of maintenance which has been deferred over a number of years.

4.62. Despite our efforts, many court and tribunal buildings do not provide the quality of environment that we consider appropriate for both public and professional users. We are determined to create an estate that is of high-quality and fit for purpose.

4.63. Here, we shall use the building surveys to support better decision-making and to create a programme of planned preventative maintenance, with the objective of stopping our estate falling into disrepair. We will, where possible, vacate those locations in the worst condition, providing that better value alternatives can be found. Inevitably, a balance will need to be achieved here. The cost of re-providing court and tribunal provision is significant and in many cases it will, with limited budgets, be better value to repair a building in poor condition than to re-provide accommodation elsewhere.

4.64. Making the right decisions is, however, just the first step. We need to improve the way in which we manage maintenance, both in the light of experience and to support the more intensive use to which we will put our estate in future.

4.65. We are already making progress here. We are working to improve the way we deliver day to day maintenance at our buildings through our facilities management contracts via our building champions, who will provide a single point of contact for our facilities management contractors and make sure there is faster resolution of the most straightforward maintenance issues as they arise. In total, we plan to appoint a total of 320 building champions.

- 4.66. Some very routine types of maintenance take too long to complete. This is not acceptable and we are changing our own processes so that these small works can be instructed directly by building champions without a lengthy 'business case' process, which will in some cases reduce waits by over 40 days. These works include items such as graffiti removal, minor paint repairs, carpet tile replacement and lock repairs. This reduction in the time to start approved works has been achieved by simplifying processes and improving the scoping of works through investing in better training.
- 4.67. When our outsourced facilities management contracts come to an end we will be putting in place new contracts to provide access to professional expertise in key areas, including building services, energy and sustainability. These new contracts will need to support a high level of estate utilisation and enable buildings to perform at levels of resilience sufficient to meet this demand, including adequate speed of response.
- 4.68. As our estate changes in line with our reform programme, these contracts will need to allow for the current service to be delivered as well as adapting to new demands. These contracts will need to recognise the variety and diversity of our estate, some of which are listed buildings and national landmarks.
- 4.69. In the meantime, we are working with our current contractors to improve performance and responsiveness under the current contracts, and to make sure that we are both suitably clear and suitably demanding as clients.
- 4.70. We recognise that there are benefits to all from improving connectivity, and we will work with other Government departments to consider how to increase the amount of digital infrastructure hosted on our buildings. We will also fully explore how we can contribute to the future roll-out of 5G as we further improve and consolidate our court and tribunal estate.

Sustainability and our heritage estate

- 4.71. HMCTS takes its obligations on environmental sustainability and the historic buildings on our estate seriously. We are working to ensure that important historic buildings are properly protected and, for those we keep, properly maintained.
- 4.72. The modernisation of our services will mean that only those who have to physically attend a court will need to do so in future, reducing the environmental impact of the current system's heavy reliance on people travelling to court and the production of large bundles of case papers. Improvements to our buildings, and the retention of energy efficient buildings, will result in lower carbon emissions from the estate.
- 4.73. We have historic, listed buildings in our current estate. These are an important part of our cultural heritage and need to be carefully looked after. HMCTS has created a property function dedicated to the management of its specialist estate. We are surveying our buildings to understand maintenance requirements, and to make sure that our listed buildings are cared for in accordance with Historic England's guidelines on historic buildings, safeguarding them for future generations.
- 4.74. A number of our historic buildings have been closed and sold or leases given up during previous closure programmes, and it is likely that more may close in future as listed buildings are difficult and expensive to adapt to accommodate modern ways of

working. A large proportion of the listed buildings closed and sold from 2010 onwards have been sold for housing in accordance with the cross governmental requirement to contribute land and property to the national housing stock, or for community use purposes, such as schools or medical practices.

- 4.75. In selling any historic properties in future, HMCTS will continue to dispose of these in accordance with Historic England's guidelines. We consider the suitability of a prospective purchaser, their plans for the site, as well as their ability to care for the building after purchase, before we sell a site to them. We require prospective purchasers to prove that they have previously undertaken work on listed sites, confirm they have understood the heritage requirements for the property, and have a development proposal which is in accordance with planning guidance. Ultimately however, the local council's planning team and conservation officer hold final responsibility for planning decisions regarding changes to heritage assets as well as enforcement powers where an owner is in breach of listed building, conservation area and planning controls. These duties and powers are the ultimate safeguard of the future of any heritage site in England.

Improving facilities for victims and witnesses coming to court

- 4.76. As we start to modernise the estate, we have given priority to starting to make improvements to support victims and witnesses, because of the critical role they play in the administration of justice, and the reasonable expectation they have that we will treat them considerately through the process.
- 4.77. Over 156,000 people give evidence in court each year. We recognise the need to provide the best environment for people to provide that evidence. This affects the space in which people wait to prepare to give evidence, including space outside of the court or tribunal hearing room itself. In the Aldershot Justice Centre, Liverpool Criminal Court, Manchester Magistrates' Court, Newcastle Crown Court and Nottingham Justice Centre, model victim and witness rooms have been established. These rooms have been developed in light of feedback from the Victims' Commissioner, local Witness Service volunteers and HMCTS staff to identify changes to spaces within each site to improve the experience of victims and witnesses in preparing for attending court.
- 4.78. A detailed facilities audit for victims and witnesses has been completed across all crown and magistrates' courts in England and Wales, to consider whether the requirements of the Victim's Code and standards in the Witness Charter are being met. The audit also entailed a review of whether reasonable adjustments for victims and witnesses are being applied in accordance with the Equalities Act 2010 and has considered whether there are particular examples of good practice. The work on the model rooms for victims and witnesses within the buildings named above, together with the results of the facilities audit, will support our identification of further improvements in this critical area.
- 4.79. A range of special measures are available to help. In each case, the judge will decide which of these measures are put in place, taking account of each individual's needs. A further range of measures have been put in place to help reduce the anxiety involved in attending court. These include the ability to give evidence from behind a screen and by use of a registered intermediary. Increased use of video links mean that more vulnerable victims can give evidence away from the court room, without having to see their attacker. A rolling programme which began in 2015

has seen the installation and upgrading of video links across England and Wales, resulting in a current total of 215 witness links in magistrates' courts and 285 witness links in Crown Courts. In addition, 20 remote witness links away from court buildings have been installed to enable our most vulnerable witnesses to have access to this measure.

4.80. In 2016/17, more than 137,000 cases were heard via video link; a 10 per cent increase on the previous year.

4.81. We are building upon the success of using pre-recorded cross-examination and pursuing an ambitious roll-out plan for vulnerable and intimidated witnesses. In family courts, over 300 protective screens have been installed for use while individuals provide evidence.

Facilities for children and young people

4.82. We have been exploring what is important to children, young people and their representatives whilst waiting on court or tribunal premises. In 2016, a children's room improvement scheme was undertaken to improve over 60 children's rooms across the estate. We are bringing together guidance to establish best practice for waiting rooms for children and young people, and involving users in this work, with a view to setting clear benchmarks for estate standards in this area of critical importance.

Court of the future design guide

4.83. Our work to adapt and improve facilities within court and tribunal buildings is being brought together in a new court and tribunal design guide. Future design of courts and tribunals needs to ensure that: technology is an integral part of design, rather than a later addition; we have hearing rooms and workspaces that support digital ways of working; and flexibility is provided where it is needed. We also need to ensure that the fullest advantage is taken of modern construction techniques to enable us to maximise our investment. Once again, we can turn to the views of others to highlight the importance of technology to the modern court and tribunal. JUSTICE, in its *What is a Court?* report notes:

Technology now drives the everyday lives of individuals and businesses. It is time for this to be reflected in our courts and tribunals. Users should be able to interact with the system using the tools and technology they utilise in other aspects of their lives, with inbuilt support for non-digital users. The increasing availability and accessibility of technical products and services present a real opportunity to integrate technology into our justice system.¹⁶

4.84. Through this use of technology and more innovative design we will ensure that our estate is as effective, efficient and flexible as possible and focused on users of our services. We see significant potential to incrementally improve the way our buildings are configured in the coming years, making changes for the better. Flexibility of layout within hearing rooms is a key principle of the new Design Guide, which identifies two types of hearing room space: formal and standard. Within these hearing room types, there are provisions for room layouts intended to cater for different types of hearings. Each type of hearing room space will have a suggested

¹⁶ JUSTICE, *What is a Court?* (2016), page 16

room size and number of access points, but the layout of the room can be flexed to ensure that it is appropriate for a range of jurisdictional hearings. As an example, a standard type hearing room is most appropriate for magistrates' or Immigration Appeal Chambers hearings, but could also be used for Crown Court hearings without juries and civil, family and tribunal hearings where custodial facilities are not required. Building flexibility into the hearing rooms will increase the use of our space, making our investment in the estate go further.

- 4.85. The technology requirements for the different types of rooms within a hearing centre will continue to develop as other elements of reform are delivered; the new design guide under development focuses on providing sufficient flexibility to host both current and future technology. Hearing rooms but also judges' rooms need to have access to necessary technology, so that there is a range of settings in which to work as we digitise systems and introduce virtual hearings. The design guide sets out that sight lines must be maintained within all types of hearing rooms and when new technology is being fitted, this requirement will be part of the design stage considerations.
- 4.86. When work has been concluded on the technology needed by other aspects of the reform programme, such as virtual hearings, the design guide will be updated to reflect these. The new guide will be kept under review more generally in the coming years, to learn from and incorporate what works best in practice when changes are made to buildings.
- 4.87. The purpose of the design guide is to make sure that our buildings become flexible and appropriate settings for the delivery of justice. We have developed a set of principles which will framework for our design decisions when updating or improving our court and tribunal spaces. Our buildings should be:
- Appropriate: buildings must provide the right setting and service for each user and every hearing, and reflect the dignity and authority of the court and tribunals.
 - Effective: buildings must provide a safe and secure environment for everyone and help each user fulfil their role.
 - Accessible: buildings must be easy to use and find the way around.
 - Flexible: buildings must be adaptable, both for day-to-day requirements and longer-term change.
 - Sustainable: the estate must be affordable to resource and maintain.
- 4.88. To support development of the design guide and test the proposed standards and methodology to be applied, three refurbishment pilots have taken place at Hull Combined Court, Birmingham Civil Justice Centre and Cardiff Civil Justice Centre. Each site tested updates to signage, including bi-lingual signage at Cardiff, and introduced way finding schemes. The 'look and feel' of the public waiting area in Birmingham was updated, and in Hull a room suitable for children was created, a disabled access WC was created and two court rooms were redesigned to support multi-jurisdictional hearings. Fitting the hearing rooms with moveable furniture and additional plug and technology sockets, means they can be arranged into different layouts to accommodate the type of hearing taking place. The works across the three sites were completed in early October.

- 4.89. Evaluations were taken at baseline stage. Now the works have concluded, further evaluation will be undertaken to measure the impact on all users, including court staff, professional users, victim and witness service volunteers, other partners, and members of the judiciary.
- 4.90. The pictures below show examples of the types of improvement which have been tested so far, demonstrating what would be possible when making changes to our buildings in future.



Lift lobby and signage (Birmingham Civil Justice Centre)



Civil, family and tribunals court room (Hull Combined Court)



Listing notice boards (Birmingham Civil Justice Centre)



Public waiting area (Birmingham Civil Justice Centre)

Q5. What is your view on the proposed principles and approach to improving the design of our court and tribunal buildings? Do you have any further suggestions for improvement?

People and systems

- 4.91. Improved design and flexibility are important parts of the picture but cannot be the whole story. As we take forward reform we are focussing on developing the roles we need in our courts and tribunals. Customer insight is providing us with information on the support we currently provide and we are now better informed on how this can be improved. Our teams will be structured to support our courts and tribunal centres, we will be providing dedicated front of house staff who will be knowledgeable, trained and skilled to support members of the public and professional users. Other teams will support both physical and video enabled hearings, we will also have people with responsibility for safety, security as well and to ensure our courts and tribunals are well maintained. The service and support will be consistent across all court and tribunal centres.
- 4.92. We are driving forward plans to train over 350 of our people to act as on-site Digital Support Officers in courts and tribunals. As technology becomes more and more integral to court and tribunal proceedings, DSOs will provide on-site support, maintain local technology and ensure that issues are promptly and correctly diagnosed and resolved, avoiding sole reliance on a remote help desk. During proof of concept testing over 70% of local hardware issues were resolved by DSOs.

Assisted Digital Provision

It is essential that we ensure that our digital services are accessible to all.

We know that some people will need more support to use digital services than others and we are designing a range of assisted digital support channels to be available for this purpose. This means that where HMCTS services move online, support will be available for people who have difficulty using technology. Assisted digital services are designed to meet the needs of the end user of a digital service including unrepresented appellants and litigants in person.

We are researching and testing with a wide range of user groups – including elderly people, the young, vulnerable groups, geographically remote users and users who find accessing our services online particularly challenging. We are using the insights and research findings from these groups to help design services that are easier to understand and navigate.

The assisted digital support services will cover a range of channels, from web chat or telephone assistance (delivered by HMCTS through to more intensive face to face support. Access to paper channels will be maintained in some services for those who need them. Face to face assisted digital support will take place in appropriate local settings, such as libraries and community hubs, rather than in court and tribunal hearing centres.

We have partnered with the UK's leading digital inclusion organisation, Good Things Foundation, to deliver the face to face assisted digital service through their Online Centres network. Over 5000 organisations such as libraries, Citizens Advice bureaux and local community hubs already participate in the Online Centres network, delivering digital inclusion programmes on behalf of organisations such as NHS England, the Department for Education and Department for Communities and Local Government.

- 4.93. Improved systems will also play an important part. Intuitive digital systems coupled with telephone and web chat support will mean that people do not have to visit a hearing centre to understand what they need to do to progress their case, and will provide consistent, quality, support. For particularly vulnerable people we are investing in assisted digital provision (see box).
- 4.94. Alongside these improvements we are investing in digital systems to support the scheduling and listing of cases. Listing is, and will remain, a judicial function but we will support the listing function by providing better digital tools to reduce administration and gather and use data to support well-informed decisions. We are committed to working closely with all court and tribunal users, including professionals and the judiciary, to understand the priorities of each group and how we may list cases in a way that balances multiple, sometimes conflicting, needs, and delivers justice. All these improvements will help us to move towards listing cases with greater certainty that the hearing will go ahead, enabling parties and professionals to plan their time more effectively and reducing the frustration created by adjournments.

Q6. What are your views on our approach to people and systems? How do we best engage with the widest possible range of users as we develop scheduling and listing systems? What factors should we take into account as we develop our plans?

Bringing our analysis together

- 4.95. In this document we have discussed a range of factors we believe need to be taken into account when making decisions on estates changes and developing court and tribunal hearing centres of the future. A balance will often need to be struck across competing objectives. The decision to propose a court or tribunal for closure is never made on the basis of a single piece of data or criterion. We bring data together in an evaluation matrix so that we can make an assessment of each site which ensures that all of our three core principles are considered.
- 4.96. These matrices assemble all of the relevant factors (based on the agreed principles) such as information on workload and accessibility; the condition and capacity of a building; and the operating and maintenance costs.
- 4.97. Evaluation matrices have been used as a decision-making tool in previous consultations. To improve the transparency of our decision-making process we are proposing to publish the matrix with future court and tribunal closure consultations. For reasons of commercial confidentiality, we will need to remove some of the most sensitive financial data. We will include all non-sensitive information so that readers of future consultation documents can comment with the best possible awareness of our decision-making processes.

Q7. Do you have views on our approach to evaluating proposals for estates changes or any suggestions for ways in which this could be improved?

Independent review

4.98. Decision on changes to the court and tribunal estate rightly involve close public scrutiny. We are committed to open and accountable decision making and this consultation document makes clear that we will show ever more clearly how we reach conclusions on future locations. However, we recognise the need to continue to build confidence in what are, inevitably, challenging decisions, whether the challenges are for the people who work in courts and tribunals or for the communities they serve. In order to support the improved analysis detailed above we have commissioned an independent and thorough review of the evidence base for further proposed estates changes. This will look closely at whether:

- our capacity analysis is taking account of the right information;
- the right data and information is being considered when applying the estates principles in identifying sites for closure;
- the right types of analysis and appropriate tools being are used to assess the impacts of proposals; and
- how we bring the information together to support decision making.

4.99. The results of this independent review will be published alongside responses to this consultation document, and will inform our future approach, so that we have the best possible basis for future decision making.

5. Part 5. The future approach to consulting on estates reform

- 5.1. Part 4 of this consultation discussed our proposed strategy for making future decisions on court and tribunal locations as well as the underpinning principles which we propose to guide our decision making. This section examines the approach to consulting on future changes to the estate.
- 5.2. As this consultation document makes clear, reform means that we expect to need fewer court and tribunal rooms in the future. Further proposals for closure or rationalisation will therefore be made. We will not make any such proposal until we have the evidence to support it. However, the nature and extent of the changes we plan to make means that we would neither deliver value for money for the taxpayer nor deliver the funds to invest in reform if we were to wait until the whole programme was complete before we start the process. So the programme of consolidation will be incremental. As a result, instead of a single large consultation, we will consult on specific sites or groups of sites individually, as part of a rolling programme. We will explain why the evidence from our wider reform programme supports the proposal(s) and why we believe that a further consolidation of our estate is justified and would achieve benefits for users and taxpayers.

Making an assessment of the court and tribunal estate

- 5.3. Before any court or tribunal is proposed for closure, in applying our principles of ensuring access to justice, delivering value for money and enabling efficiency in the longer term, we will make sure that we understand:
- the level of use of the building, and its condition,
 - locations where cases could be listed should the court or tribunal close,
 - the accessibility of the receiving court or tribunal,
 - the level of capacity any receiving court or tribunal has to accommodate additional caseloads,
 - the estimated costs of any enabling works; and
 - the overall costs and benefits of the building closure
- 5.4. We will use local and regional knowledge to make sure that we understand as fully as possible the impact of our proposals. Most importantly, we will carefully consider all the responses we receive to the consultation before making any final recommendation to Ministers.

Decision making process

- 5.5. In advance of the publication of any proposals for the closure of a court or tribunal, or the response to the consultation, we follow a thorough governance process. All proposals are agreed initially by the appropriate regional delivery director. They are responsible for making sure that an effective service is maintained in their region and need to agree that this will continue to be the case should the proposed courts or tribunals close. Proposals are then assessed by the HMCTS Property Board. This is made up of senior leaders, property specialists and senior members of the

judiciary who are tasked with considering whether proposals are appropriate and meet current and future needs of those who use the courts or tribunals.

- 5.6. There is a formal agreement between the Chair of the HMCTS Board, the Lord Chief Justice and the Senior President of Tribunals that they will be consulted before any recommendations are made to close a court or tribunal following a consultation. The HMCTS Board will only make a final decision once it has received and considered their response.
- 5.7. Finally, all proposals are given final consideration by the HMCTS Board, where they are scrutinised by the Chair of HMCTS and our non-executive directors.
- 5.8. Following HMCTS Board consideration, we make recommendations to the Lord Chancellor, who will make a final decision regarding the publication of proposals and, following the consultation and review of the responses received, whether a court or tribunal should close.

Consultation and evidence

- 5.9. Previous sections of this consultation have laid out our expectations regarding the potential benefits of modernisation. As we publish this consultation, although work is underway, many of the benefits are yet to be delivered. As they are tested in practice, expectations will be reviewed and revised.
- 5.10. We are therefore proposing a change in our approach to consultation. Whereas we have in the past carried out large national consultations featuring a significant proportion of our estate, we are now proposing a rolling programme of consultations.
- 5.11. As this paper makes clear, we will not propose the closure of any location until we have the evidence to show that our capacity requirements mean that we need a smaller estate - we will not close buildings in anticipation of reform, only as it starts to take effect. However, the process from commencing consultation to the closure and sale of a building typically takes around 18 months (longer for courts or tribunals requiring more extensive enabling works). Given the scale of reform which we are delivering and the requirement to ensure maximum value for money and efficiency, where we do see evidence that patterns are changing, and that a building is ceasing to be needed, and could reasonably be closed without damage to access to justice, we want to respond to that evidence in good time. We plan to achieve this by publishing consultations when we have evidence supporting a proposed estate rationalisation in a particular locality, rather than waiting until the entire reform programme is delivered. To do otherwise and defer change until all the work of the reform programme was complete and fully in place would be a waste of limited resource.
- 5.12. We will collect evidence of progress as our reform programme delivers change. This will be drawn from our experience as we test prototypes and assess initial roll outs.

Integration of court and tribunal buildings

- 5.13. As we noted earlier in this consultation, there are many towns and cities across England and Wales where we have more than one court or tribunal building. These locations offer the potential for integrations of the work carried out across two or more sites into a single building. This offers a number of benefits. Firstly, it enables a reduction in operating costs. Secondly, it means that we can focus our

maintenance and improvement spending on a small number of sites (and concentrate our work in our better buildings). It will also enable better use of the remaining sites, reducing the amount of time that court and tribunal rooms stand empty. Together, these changes will help us develop a more flexible and responsive estate, which is better positioned to take full advantage of the benefits of reform.

- 5.14. Our approach to assessing whether a change is an integration or whether it should be seen as a closure, for which a consultation is necessary, is based on the relative locations of the courts or tribunals involved. Since conditions will vary between locations, we have not set a specific maximum distance, but the court or tribunal buildings involved will need to be in the same city or local area and serve a similar catchment area. The locations would need to be accessible through the same public transport network hubs (for example main rail or bus stations).
- 5.15. In the case of London, we have consulted on the closure of courts where work will be moved outside the local borough, and otherwise treated changes as integrations.
- 5.16. In the consultation published in July 2015, we provided details of planned integrations. We will continue to provide stakeholders with information regarding our plans and will continue to engage with local stakeholder groups as we develop plans for integrations.

Q8. What is your view on our proposed approach to future estates consultations?

Evaluating the impact of estates changes on service delivery

Impact Assessments

- 5.17. As in previous consultations where specific buildings have been proposed for closure we are publishing a formal impact assessment for the eight local court closure consultations which are annexed to this consultation (five documents covering the geographic locations of the eight courts). We will continue to do this as we propose rationalisation at other locations.
- 5.18. Since this consultation does not include any specific proposals for change it has not been possible to conduct an impact assessment. The court closure proposals in section 3 are accompanied by an impact assessment of these changes and include equalities statements. Our strategy for the future of the estate and the approach we take to future consultations will be shaped by the responses we receive to this consultation.

Equality Statements

- 5.19. This consultation lays out our proposals for the future of the court and tribunal estate. It identifies what we consider to be an effective future strategy for improving, consolidating and modernising our courts and tribunals estate. We are seeking feedback from users, legal professionals, the judiciary and members of the public regarding this approach.
- 5.20. Our proposals – including for more effective use of digital service delivery, and flexible, efficient court utilisation - are intended to improve accessibility of service provision for all court and tribunal users, and we consider that they will do so. In

developing our strategic estates proposals we have carefully considered equalities impacts. For example, we have discussed the need for supplementary court and tribunal provision; and have given careful regard to accessibility in the facilities and design features in our buildings, and as part of our new design guide.

- 5.21. However, at this stage the proposed strategy outlined in this document will have no direct impact on service delivery and as such we are unable to carry out a detailed equalities analysis. Following consultation and upon finalising our future approach we will undertake detailed equality assessments when developing any proposals for court and tribunal closures.
- 5.22. We have undertaken an Equality Statement for each of the five affected regions covering the eight proposed court closures and these are annexed to this document. We consider that our policy proposals are not likely to result in any unlawful direct discrimination for those individuals or groups who share protected characteristics as defined in the Equality Act 2010. In terms of the possibility of indirect discrimination, HMCTS consider that the proposed closures of the eight courts identified may put at some disadvantage those with the protected characteristics of disability, pregnancy or maternity because of difficulties they may face to the extent that they need to travel further than they did previously. However, HMCTS consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the equality statements.
- 5.23. We have asked consultees on the court closure consultations for their views on the likely equality impacts of the proposals on court and tribunal users with protected characteristics and will update the Equality Statements in the light of responses.
- 5.24. In addition to the necessary Impact Assessment for proposals, we will need to make sure as we implement further building closures, that we monitor the operational performance of HM Courts & Tribunals Service to have a clear understanding of any effects on court and tribunal users and stakeholders.

Q9. What is your view on how these proposals are likely to impact on groups of court and tribunal users with particular protected characteristics as defined in the Equality Act 2010? Are there any sources of evidence or research that you think we should consider?

Questionnaire

- Q1. What is your view of our proposed benchmark that nearly all users should be able to attend a hearing on time and return within a day, by public transport if necessary?**
- Q2. What is your view of the delivery of court or tribunal services away from traditional court and tribunal buildings? Do you have a view on the methods we are intending to adopt and are there other steps we could take to improve the accessibility of our services?**
- Q3. What are your views regarding our analysis of the travel time impacts of our proposals? Are there any alternative methods we should consider?**
- Q4. Do you agree that these are right criteria against which to assess capacity? Are there any others we should consider?**
- Q5. What is your view on the proposed principles and approach to improving the design of our court and tribunal buildings? Do you have any further suggestions for improvement?**
- Q6. What are your views on our approach to people and systems? How do we best engage with the widest possible range of users as we develop scheduling and listing systems? What factors should we take into account as we develop our plans?**
- Q7. Do you have views on our approach to evaluating proposals for estates changes or any suggestions for ways in which this could be improved?**
- Q8. What is your view on our proposed approach to future estates consultations?**
- Q9. What is your view on how these proposals are likely to impact on groups of court and tribunal users with particular protected characteristics as defined in the Equality Act 2010? Are there any sources of evidence or research that you think we should consider?**
- Q10. Do you have any other comments on our future estates strategy?**

Thank you for participating in this consultation exercise.

Maps

A map detailing the court estate by region is provided as Annex A, published online at <https://consult.justice.gov.uk/digital-communications/transforming-court-tribunal-estate>

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 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.

Contact details/How to respond

Please send your response by 29/03/2018 to:

**HMCTS Consultation
HM Courts & Tribunals Service
Post Point 6.07
102 Petty France
London SW1H 9AJ**

Email: estatesconsultation@hmcts.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at www.justice.gov.uk/about/hmcts/index.htm.

Alternative format versions of this publication can be requested from estatesconsultation@hmcts.gsi.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published within six months. 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.

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>

Consultation Co-ordinator contact details

Responses to the consultation must go to the named contact under the How to Respond section.

However, if you have any complaints or comments about the consultation **process** you should contact HMCTS Consultation via email at estatesconsultation@hmcts.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

HMCTS Consultation Co-ordinator
Post Point 6.07,
102 Petty France
London SW1H 9AJ

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