



Bob Neill MP
Chairman
Justice Committee
House of Commons
London
SW1A 0AA

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Dear Bob,

THE ROLE OF THE MAGISTRACY

Thank you for your letter of 12 January, outlining your committee's comments following the publication of the Government response to your report; "The Role of the Magistracy". I have responded below to the points you have raised.

Role of the magistracy within the CJS

I fully appreciate the weight of the evidence you presented with regard to magistrates' morale, as I do for all judicial groups. As you are aware, my vision is for a modern and world-renowned justice system that is swifter, more accessible and easier to use for everyone. It will be efficient and fit-for-purpose, with facilities across the entire estate that are modern, user-friendly, and work in favour of our hard-working and dedicated judges and magistrates.

We will provide a better working environment for magistrates, and judges; alongside their modern facilities, we will provide better IT that will help manage cases more efficiently, meaning they can focus on the cases that matter instead of taking the time to deal with administrative issues.

We will give judges and magistrates a more active role in reducing reoffending, with more sentencing decisions aimed at tackling underlying issues such as drug and alcohol addiction or mental health problems. These are just some of the core changes and improvements that I feel go to the heart of the magistracy's work, and I trust that their effective implementation will contribute greatly to improved morale across the magistracy.

My duty, to take reasonable and practical steps to engage and consult with magistrates on matters that affect them, is one I take seriously and one I believe I have fulfilled thus far.

I attach a short list outlining just some of the engagement mechanisms in use, and some of the recent consultation activities that have taken place. This is by no means an exhaustive list, but I hope it goes some way to demonstrate the variety and frequency of the engagement that does take place between my department and the magistracy. These meetings represent genuine opportunities for my department to improve and refine our approach to a number of issues. I value them highly; I was particularly grateful, for example, that both Malcolm Richardson from the Magistrates' Association and Jo King from the National Bench Chairs' Forum attended a recent judicial roundtable I held to discuss, and seek their views on, courts reform. I will continue to seek additional opportunities wherever practical.

You asked that I update you, in due course, about any changes to the model for allocation of cases between District Judges and magistrates. As previously indicated, our wider legislative reforms may have an impact on allocation procedures. My department is currently discussing this impact, and what it might

mean for the model, with the Senior Presiding Judge, the Council of Circuit Judges, the Chief Magistrate, the Magistrates Association and the National Bench Chairmen's Forum.

Recruitment and diversity

I agree that a long-term view of the workforce requirement is desirable, and is something I have asked my officials to carefully examine. That plan must ensure that we attract talented people from all backgrounds and walks of life to join the magistracy; evidence of recent recruitment has been positive in this respect but, of course, we are not complacent and we need a longer term plan for keeping this picture going.

The ability to develop a long-term workforce planning exercise is heavily reliant upon the wider programme of courts reform currently underway. My department is taking a holistic view across a range of factors to ensure that the potential impacts of the planned changes are well understood and planned for. I am confident that the judicial deployment exercise in place now, outlined within the Government response, is sufficiently robust to avoid what you describe as a "dramatic shortfall" of serving magistrates.

My department is currently considering how the arrangements for the recruitment, deployment and training of magistrates should be organised in a reformed court model and any legislative changes this might require. My primary concern is to ensure that the magistracy can be organised more flexibly, in a way that maintains the principles of local and accessible justice. Courts should be able to adapt the size and makeup of benches in accordance with population density and in order to meet the specific needs of victims, witnesses and other court users.

Training and appraisal

Training for magistrates remains robust, consistent, and to a high standard, and I attach the greatest importance in ensuring that the necessary resources are available to the Lord Chief Justice, who has overall responsibility for judicial training. I have noted your concerns about the funding available for magistrates' training. The Government response to your report outlined the budgetary process behind the allocation of funding to the Judicial College via the Judicial Office.

Additionally, throughout the financial year, there are established processes for the Judicial Office to access extra funding if a genuine cost pressure is realised and evidenced, and the department has the capacity to fund additional training without breaking its own parliamentary controls.

Magistrates' court closures

As part of our court reform programme, we are investing £232m to modernise the physical court estate. We will move from too many underused and badly maintained buildings to fewer, better buildings with modern facilities.

Court users should not have to make journeys which are excessively difficult or costly, and the department makes this assessment on a court by court basis. The closure of a court is only agreed when we are satisfied that we can provide appropriate access for court users. We do not consider that setting a target maximum public transport travel time to courts and tribunals is necessary to make sure that effective access to justice is maintained. Any target maximum would be arbitrary and would not take into account the different circumstances, needs and expectations of court and tribunal users in urban and rural areas.

The use of modern technology will significantly change the way many people access the courts and tribunals. This renders the use of a single metric (time) to measure access to justice particularly inappropriate at this stage of court and tribunal reform. HM Courts & Tribunals Service is progressively introducing new processes and technology which will reduce the requirement for people to be physically present at court. Any proposals regarding the location of courts and tribunals in the future will need to take account of this, assess accessibility in the round and take account of increasingly available alternatives to physical appearance at court.

Wi-Fi and the video linking infrastructure are managed through a combination of detailed proactive and reactive monitoring arrangements. These ensure that improvements to the service are directed to where the need is greatest, and that issues are resolved promptly in accordance with agreed service levels. The HMCTS Portfolio Board governs and holds to account all change programmes and projects.

With regard to alternative venue security, my department will use the same security risk monitoring process that is already in place for all courts and tribunals. This involves regular security risk audits being conducted by trained HMCTS Safety and Security Officers. I can confirm that the arrangements for ensuring the security of alternative venues, and the roll-out plans for courts Wi-Fi and video link capabilities, will be kept under close review.

Expanding the role of magistrates

As you are aware, we are exploring further the opportunities for problem solving approaches following completion of the joint judicial working group report last year. A number of courts have already adopted these approaches, including clustered listing of drug review hearings, female-specific courts in Manchester and Aberdeen, and the Choices and Consequences programme in St Albans. We will take lessons learned from these initiatives to inform our plans for how we take forward this work. We will set out these plans in due course and I will let the Committee know when we have more clarity as to the exact timing.

With regard to the feasibility of magistrates undertaking adjudications via video link, I can assure you that this matter is under active consideration, but again, I will let the Committee know when we have more clarity on timing.

You asked that my department share with you any methodologies created to develop an evidence-based understanding of the potential impact of changes to sentencing powers. While increasing magistrates' sentencing powers remains a live policy consideration, we will continue to consider whether or not it is in the public interest to publish such information. Should we decide to proceed with increasing sentencing powers, we would re-consider the case for publishing that information.

A strategy for the magistracy

The Lord Chief Justice, Sir Oliver Heald and I have been clear that we want the strongest possible role for the magistracy in a transformed and modern justice system. We will be taking forward a number of the committee's recommendations to help us do this, alongside the work that was already underway to ensure we build on, and maintain, the magistracy's vitality and strength within the judicial cohort.

I am determined though that we do not set magistrates apart from the wider judiciary; it is critical that they are rightly recognised as an integral part of the judicial complement. My department is currently working on an overarching judicial strategy, to ensure that we can build and support a modern, talented, engaged and highly-motivated judiciary that reflects the society it serves and cements our reputation for global excellence. The magistracy is, of course, a key component to which this strategy will apply. In the meantime, I am confident that each of the areas you had envisioned for inclusion within such a strategy are already being addressed within a cohesive and coherent framework.

Magistrates contribute to our great justice system in the most exceptional way, giving their time, skills and experience voluntarily. I am deeply grateful to them for the service they give in serving their communities, upholding the rule of law, and ensuring that justice is not only done, but is seen to be done.

Thank you again for your letter.

Best wishes,



ELIZABETH TRUSS MP

Engagement with magistrates

The Lord Chancellor and Lord Chief Justice discharge their duty under Courts Act, s.21 through a variety of mechanisms. These include, but are not limited to:

National Governance/Engagement

- The SPJ's Magistrates Liaison Group
- The SPJ's Judicial Oversight Group
- Quarterly meetings between the HMCTS CEO and NBCF/MA
- Director of Public Prosecutions bilateral meetings
- Criminal Justice Council
- Judges' Council
- Judicial Security Committee
- Judicial HR Committee
- Judicial College Magistrates Criminal Sub Committee
- Judicial College Magistrates Family Sub Committee
- National Judicial Advisory Group
- Standing Committee on Communications
- Electronic Monitoring Advisory Group

Local Governance/Engagement

- Judicial Business Groups
- Judicial Leadership Groups
- Meetings between magistrates and justices' clerks and/or their deputies

HMCTS Reform Governance/Engagement Groups

- Local Leadership Groups
- The Magistrates Judicial Engagement Group
- The Case Officer Judicial Engagement Group

Support for magistrates' organisational structures

- The NBCF Executive Committee (with HMCTS secretariat)
- The NBCF annual conference (funded by HMCTS)
- Regional Bench Chairmen's Fora
- Bench meetings
- Youth and Family panel meetings
- Training and development committee meetings

Formal and Informal Consultations

- Consultations on changes to local justice area boundaries
- Consultations on changes to justices' clerk assignment
- Consultation on Transforming our Justice System
- Consultations on changes to sentencing guidelines
- Consultation on changes to legal leadership structures in HMCTS

Legislative provisions

- We are considering a number of legislative provisions as part of our wider court reform programme. The Head of Criminal Courts Policy has been meeting with the Chair of the MA and the Chair of the NBCF on a regular basis (every two months since September) to update them on the development of these provisions, what they mean for the magistracy and to discuss any concerns.
- The Chief Magistrate has also been updated on these proposed measures.