FIT FOR FUTURE – TRANSFORMING THE COURT AND TRIBUNAL ESTATE

Thank you for your letter of 27 February setting out your views on our consultation for transforming the court and tribunal estate, and proposals for the closure of eight courts. I am grateful to you for raising these points and will ensure that they are considered fully in the course of the consultation.

As the document, “Fit for the Future”, sets out, the management of our physical estate is an integral part of the wider transformation of the government’s courts and tribunals system and is designed to meet the changing needs of those who need and use it.

A significant sum is being spent to upgrade our court system, making it work better for everyone including judges, legal professionals, vulnerable victims, witnesses, defendants and litigants. We are modernising the delivery of justice. At present around one-fifth of our expenditure is spent on our estate. I think it is right to consider how we can best administer our world-renowned and first-class justice system in the modern world.

I am pleased that you welcome the core principles we propose in our consultation to guide all decisions on our estate: ensuring access to justice; delivering value for money; and enabling longer term efficiency. I also welcome your support for a new design guide to ensure buildings are appropriate, flexible, effective and sustainable, and our renewed commitment to tackling more of the estate’s maintenance backlog.

**Travel time to court**

The consultation proposes that nearly all users should be able to attend court or a tribunal on time and return within a day, including by public transport if necessary. You have raised an alternative measure which we will consider. The government recognises that there is a decision to be made about how we use the resources we have to provide the best possible access to justice. This will mean balancing spend on buildings against spend on other ways of accessing justice which could potentially make a greater difference to more people. Many of the digital services we are putting in place will remove the need for some journeys completely and enabling matters to move to a final hearing quicker.

Final decisions on these principles around travel time will be taken based on full and thorough consideration of the responses received, and your representations will of course be an important part of that consideration.
You specifically raise the proposed closure of Northallerton Magistrates’ Court, and have asked what assumptions we have made on users having easy access to a bus stop. The travel analysis for all sites proposed for closure has been undertaken based on existing public transport links, using journey times from some key population areas which sit within or at the edges of the potential catchment area of the court. I have been pleased to have had the opportunity of engaging personally with people and organisations from the Northallerton area to better understand the impact of closing the Court. Their views, in addition to the formal responses received, will be considered in detail before any decisions are made.

Assumptions about the capacity of receiving courts

You raise the issue of the capacity of receiving courts. Plans to maximise capacity within receiving courts have been developed in close consultation with the judiciary, who are ultimately responsible for the listing of cases. The Optimising Hearing Capacity initiative, as noted in your letter, has been piloted in local areas. It has shown that through small changes to working practices agreed by members of the judiciary and HMCTS, significant improvements can be made.

In your letter you query whether Oxford Magistrates’ Court has the capacity to receive work displaced from Banbury. Work to analyse the capacity of all the proposed receiving sites, and the volume of work that would need to be transferred, was undertaken by HMCTS in advance of the consultation, and before proposing the sites. In the case of Oxford, the utilisation rate is based on a standard five hour five day a week. In practice this court sits for more than five hours a day and regularly on Saturdays.

Use of alternative court venues

We are grateful for you commenting on the use of alternative court venues. We are also continuing to develop how we deliver services outside the courtroom. For example, trial hearings have been held in a wide range of alternative venues and these have provided clarity on where this sort of provision could be more widely used, and the circumstances in which they could be used. The overall consultation document, “Fit for the Future”, sets out the approach to the provision of services from alternative venues, and gives examples of where we have done this, using venues like town halls. We remain committed to exploring where it is appropriate. In relation to the accompanying individual consultations on court closures, though our initial proposals do not involve alternative provision, we are happy to hear and consider suggestions as part of the consultation process.

You note that the use of alternative venues so far has been restricted to ‘suitable cases’ and raise the concern that some may be inappropriate for certain criminal trials. Many cases, particularly those that are high risk or require custodial facilities, will need to continue to be heard within traditional court buildings where appropriate provision, such as secure docks, are available. But this does not invalidate the use of good alternative sites for other kinds of cases, where that is helpful to those attending.

Virtual and online justice

I am grateful for your indication that you agree that modernisation of the courts process is needed, that video evidence may suit some cases, and that some types of cases lend themselves to online processes. As I mentioned at the start of this letter we are keen to ensure that we take advantage of modern technology to improve the administration of justice.

I agree that these approaches will not work for every user, or every type of case, but for many they will represent a real improvement in access. For example, you raise the question of online pleas. It is now possible to plead online for traffic offences and there has been significantly higher rates of engagement when compared to those who are asked to do so on paper, meaning fewer people are sentenced in
absence. This is a clear advance for justice, but we recognise that one size will not fit all. The government’s intention is not to replace one monolithic way of working with another, but to provide a wider range of routes to access justice. Where changes require primary legislation our proposals will be subject to Parliamentary scrutiny and approval.

Regarding your concerns relating to access to justice for those who struggle to access the Internet, HMCTS are making a significant investment in Assisted Digital services, informed by extensive user research and user testing. We have engaged with other government departments offering similar assisted digital support, and have also contracted the Good Things Foundation, who have a wide network of places from which they offer face to face support – far wider than we can offer through physical court buildings. We will begin to trial their support for our new online services this year, and will evaluate, learn and improve through their early work.

We understand the importance of evaluating the reforms. By developing new services flexibly and in response to rigorous user testing, we are able to review and adapt the development of the service at regular intervals. You have raised the question of evaluation of video hearings. We have commissioned independent academic research in the first area to trial full video hearings, the Tax Tribunal. The evaluation will be a qualitative study focusing on the way the early pilots are implemented, and on the public, professional, and judicial experience of full video hearings.

I am very grateful to you for raising these points, and will of course ensure that they are taken into account as part of the decision-making process that follows from the consultation. I am keen to continue to work closely with you on this important area and would be happy to engage further on the important work of court reform.

Yours sincerely

LUCY FRAZER MP