

<p>Title:</p> <p>Decision Impact Assessment on Her Majesty's Courts and Tribunals Service proposals on the provision of courts services in England and Wales</p> <p>IA No: MoJ003/2016</p> <p>Lead department or agency:</p> <p>Ministry of Justice</p> <p>Other departments or agencies:</p>	<p>Impact Assessment (IA)</p> <p>Date: 05-02-2016</p> <p>Stage: Final</p> <p>Source of intervention: Domestic</p> <p>Type of measure: Other</p> <p>Contact for enquiries: EstatesConsultation@hmcts.gsi.gov.uk</p>
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Summary: Intervention and Options	RPC Opinion:
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Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
£169m	N/A	N/A	No	NA

What is the problem under consideration? Why is government intervention necessary?

Her Majesty's Courts and Tribunals Service (HMCTS) estate no longer meets the strategic requirements of the organisation. A consultation and Impact Assessment were published on 16 July 2015 to seek views on how HMCTS could address the current size and associated cost of the HMCTS estate. The consultation covered magistrates', county and crown courts along with tribunal hearing centres. It proposed the closure of surplus capacity and of buildings that are underutilised, in poor condition or with inadequate facilities. The proposals also aimed at improving utilisation by moving work to sites with better facilities, which align with operational requirements. This would also generate ongoing savings by reducing running costs and raise income through the disposal of surplus estate. The consultation closed on 8 October 2015. This updated Impact Assessment reflects the decision made on the proposals after the consultation period ended.

What are the policy objectives and the intended effects?

The objective of the proposed closures is to deliver an estate which meets the HMCTS estates reform principles, set out in the consultation document. The proposal will reduce surplus capacity to ensure the estate is aligned to operational requirements. It seeks to improve customer service by concentrating work in courts and tribunals with better facilities, maintaining access to justice. Savings will be realised through reduced running costs, enabling HMCTS to continue to deliver a high-quality service whilst reducing expenditure. Revenue will be generated through the disposal of the court and tribunal estate.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

The following options have been considered:

Option 0: Do nothing (base case)

Option 1: Close sites in line with HMCTS principles, taking into account operational and access to justice constraints as well as considerations raised during the consultation period.

Option 1 is preferred as it best fits the strategic vision of the HMCTS estate and delivers monetary savings to the department. The proposals for closures have been agreed to be operationally viable, following consultations within HMCTS that incorporated both strategic and analytical evidence. The proposals also take into account the responses submitted to HMCTS over the consultation period.

Will the policy be reviewed? It will not be reviewed. **If applicable, set review date:** Month/Year

Does implementation go beyond minimum EU requirements?			Yes / No / N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes/No	< 20 Yes/No	Small Yes/No	Medium Yes/No	Large Yes/No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  at: 10.02.2016

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year 2015	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: £169

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	-	-	-
High	-	-	-
Best Estimate	£62m	£1m	£70m

Description and scale of key monetised costs by 'main affected groups'

HMCTS would incur costs as a result of any enabling works, improvements to ICT, works required to prepare closed courts for disposal, IT decommissioning costs, lease break costs, project costs and transferring work (e.g. portage costs) from courts listed for closure. Courts that remain open will face additional costs each year by undertaking the workload of closed courts. Total transition costs have increased by £11m compared to the consultation Impact Assessment.

Other key non-monetised costs by 'main affected groups'

Court users and staff, judiciary, criminal justice system (CJS) partners (National Offender Management Services, Crown Prosecution Service and the police) and civil justice and tribunal partners located in rural areas may experience higher costs from having to travel further to court.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	-	-	-
High	-	-	-
Best Estimate	£41m	£28m	£240m

Description and scale of key monetised benefits by 'main affected groups'

Fewer buildings will mean that HMCTS will benefit from reduced future running costs in rent, staff costs, IT costs, utilities, property maintenance and other office expenditures. HMCTS will also receive revenue from estates sales. Total benefits over 10 years have fallen by £22m compared to the consultation Impact Assessment, £7m of which is due to updating operating costs from 2013/14 to 2014/15 data.

Other key non-monetised benefits by 'main affected groups'

Efficiencies will be achieved through listing as the work is concentrated in fewer courts. Users of the remaining estate, such as victims and witnesses, may also make fewer journeys due to a smaller number of court buildings.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5%

It is assumed that a proportion of operating and staff costs will be saved at closed sites. Workload is assumed to remain flat in the appraisal period. The value of future enabling works are based on latest surveys of costs. The value of capital receipts from building sales are based on land valuations and may change at the time of disposal.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO? Yes/No	Measure qualifies as IN/OUT/Zero net cost
Costs:	Benefits:	Net:		

Evidence Base

Policy objective and scope of project

Introduction

1. This updated Impact Assessment examines the proposals for closure of Her Majesty's Courts and Tribunals Service (HMCTS) courts and hearing centres in England and Wales as set out in the accompanying Ministry of Justice (MoJ) consultation response paper. The aim of this policy is to improve the efficiency and cost effectiveness of the HMCTS estate by ensuring it is better aligned to operational needs.
2. A consultation document and Impact Assessment were published on 16 July 2015 to seek views on how HMCTS could address the current size and associated cost of the HMCTS estate. The consultation closed on 8 October 2015. This updated Impact Assessment assesses the decision on site closures included within the consultation response to reflect changes to the pool of closures following feedback received over the consultation period. It also addresses some issues raised during the consultation, such as the impact on court users' travel costs.

Rationale

3. In 2010 Her Majesty's Courts Service (HMCS) undertook a review of court estate under the Court Estates Review Programme (CERP). The review resulted in a consultation in June 2010 and a government response in December 2010 which confirmed the closure of 141 courts in a phased programme between April 2011 and September 2014. CERP was based on a set of national estates principles with the intended purpose of increasing court utilisation and reducing operating costs. The closures in the CERP programme were restricted to magistrates' and county courts.
4. The merger of HMCS and the Tribunals Service in April 2011 to create HMCTS resulted in a larger combined estate, with a significant level of overcapacity. Concentrating work into a consolidated number of larger buildings would therefore enable HMCTS to use the estate more intelligently and flexibly, releasing significant savings through reduced overall estate running costs and a significantly lower overall headcount. This Estates Reform Project seeks to improve utilisation in the estate and address overcapacity without relying on significant changes in IT or business processes.

Policy Objectives

5. The project will meet objectives across three areas: value for money; access to justice; and long term efficiency.
 - *Value for money* to the taxpayer will be achieved by:
 - a) Reducing the current and future cost of running the HMCTS estate;
 - b) Maximising capital receipts from disposals, to allow for reinvestment in the estate.
 - *Access to justice* will be maintained by ensuring that any court to be considered for closure is within a reasonable distance by public transport of a retained court.
 - *Enabling efficiency* in the longer term will be achieved by:
 - a) Hearing the same amount of cases within the rationalised estate;
 - b) Maintaining capacity within estates;
 - c) Keeping larger, easily upgradeable buildings.

Scope

6. The HMCTS hearing estate will be considered as a whole for this project. Specifically, the scope of the project will include the following:
 - Seek improvements in utilisation by rationalisation of the current estate;
 - Consider all jurisdictions;

- Consider all regions.
7. The following will be out of scope:
- Closures of buildings that could be used as large multi-jurisdictional hearing centres in any future operating model developed by HMCTS;
 - Closures that would be dependent on very significant policy or procedural changes to court procedures or operational policy;
 - Administrative buildings in the HMCTS estate, except where they may receive some administrative functions or staff from hearing centres that are closed as part of the project;
 - No business process improvements or IT upgrades should be considered, except for the implementation of current standard processes and IT in different locations.
8. All locations that hear work (both courts and tribunals) are referred to as “buildings” throughout this document. Any location that support the function of these hearing sites (e.g. administrative staff) have been excluded and are not included in the total number of “buildings”.

HMCTS Principles

9. Decisions taken as part of estate Reform must be consistent with the following principles:

Delivering Value for Money

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

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 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 Crown Prosecution Service (CPS), Social Services, Police Forces and the Children and Family Court Advisory and Support Service (CAFCASS).

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 as to 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 (CFT) jurisdictions;
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office functions, 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.

Affected groups

10. The groups potentially affected by these proposals include government departments, court users and other organisations linked to the justice system, as indicated below:

- The MoJ and its arms length bodies, including:
 - HMCTS;
 - National Offender Management Service (NOMS) including Prisoner Escort Contract Services (PECS);
 - Legal Aid Agency ;
 - Sentencing Council;
 - Children and Family Court Advisory and Support Service (CAFCASS).
- The Judiciary (including the Magistracy).
- Justices' Clerks' Society.
- Other government departments, including:
 - Home Office;
 - HM Treasury.
- Other court users, including:
 - Barristers/ Solicitors / Chartered Institute of Legal Executives;
 - Victims of crime;
 - Witnesses of crimes;
 - Offenders.
- Other organisations, including:
 - Crown Prosecution Service (CPS);
 - Police Forces;
 - Parole Board;
 - Local Authorities.
- Members of the public who take part in court and tribunal cases.
- Local businesses.

Economic rationale for intervention

11. The conventional economic rationales for Government intervention are based on efficiency or equity arguments. Government intervenes if there is a perceived failure in the way a market operates ("market failures") or to correct existing institutional distortions ("government failures"). Government also intervenes for equity ("fairness") reasons. .
12. This proposal on changes to the provision of courts services in England and Wales aims to address the objective of efficiency. There is surplus capacity, with some courts underutilised, leading to an inefficient provision of courts services. This does not represent best value for money for the taxpayer. A reduction in the size of the HMCTS estate would address this inefficiency, ensuring that the capacity available is in line with demand.

Principles underpinning cost benefit analysis

13. This Impact Assessment identifies as far as possible both monetised and non-monetised impacts with the aim of understanding what the net impact on society might be from changes to the HMCTS estate. This Impact Assessment is based on known quantification of costs and benefits.
14. Cost benefit analysis in this Impact Assessment is also interpreted broadly to include both monetised and non-monetised costs and benefits, with due weight given to those that are non-monetised.

15. The geographical scope of this Impact Assessment is England and Wales.
16. There are a small number of areas for which there is not sufficient data to quantify the costs and benefits. In these cases we have identified what we believe the costs and benefits to be without producing a quantitative estimate.

Policy options

Policy Option 0: Do nothing

17. The “do nothing” option sets out the assumptions the Government has made about the future impacts if no action is taken on the provision of courts and tribunals services in England and Wales.
18. HMCTS currently operate out of 460 courts and tribunals buildings across England and Wales. The current HMCTS estate is described in Table 1.

Table 1: The Current HMCTS Estate

	Crown	Magistrates	County	Tribunal	Combined	Total
London	9	24	15	11	1	60
Midlands	6	35	7	9	12	69
North East	4	31	12	15	8	70
North West	5	29	10	9	10	63
South East	11	39	22	13	12	97
South West	2	28	5	8	15	58
Wales	4	18	10	5	6	43
Total	41	204	81	70	64	460

Excludes tribunals buildings based in Scotland and the Supreme Court Group

Policy Option 1: Rationalise estate in agreement with HMCTS agreed principles

19. Under this option the HMCTS estate would be rationalised in line with the principles established by the HMCTS Board as set out within the consultation response paper. This option includes proposals relating to 125 buildings.
20. The original consultation included proposals to close 91 buildings. In addition the consultation included information on 31 integrations, which did not require consultation, as well as 3 buildings that had been previously consulted upon and approved for closure.
21. Of the 125 buildings, 9 were changes of function (a complete change of jurisdiction or a combined court closing the county court function) and in the South West only one of North Avon Magistrates' Court or Bath Magistrates' and County Court would close. There would therefore be a maximum of 115 buildings that were no longer required. This list had been agreed with regional Delivery Directors, incorporating both strategic considerations and analytical evidence.
22. Following feedback from the consultation process, the decision has been made to revise the proposal for the 125 buildings to 11 changes of function and 4 retained sites, including Bath Magistrates' and County Court. There are therefore 110 buildings that are no longer required. The list of proposed building closures, integrations and retained sites can be found in the accompanying consultation response document.
23. Table 2 illustrates the proposed list of buildings no longer required by HMCTS, sorted by the type of hearing estate and region.

Table 2: Proposed buildings no longer required by HMCTS under Option 1

	Crown	Magistrates'	County	Tribunal	Combined	Total
London	0	5	3	1	0	9
Midlands	0	11	4	1	1	17
North East	0	5	5	6	0	16
North West	0	8	5	0	0	13
South East	1	11	5	5	2	24
South West	0	7	3	5	2	17
Wales	1	6	4	1	2	14
Total	2	53	29	19	7	110

24. Of the buildings listed for Wales in Table 2, 3 have been previously consulted upon and approved for closure; Abergavenny Magistrates Court, Caerphilly Magistrates Court and Rhyl County Court

25. The eleven changes of functions are in the following regions; London (1), Midlands (1), North West (5), South East (2), South West (1) and Wales (1).

Costs and benefits of options

26. The following costs and benefits have been considered as potential impacts of Option 1.

Costs

Transitional costs (monetised)

27. For HMCTS, transitional costs will be incurred due to:

- *Enabling works*: This includes hearing room re-configuration at buildings that receive additional work, the design of enabling works and IT services to increase capacity or to provide facilities to accommodate the expected increase in workload.
- *Disposal costs*: Costs associated with disposal of freehold buildings, such as paying for legal services, valuations, advertising, and estate agent fees.
- *Dilapidations*: Costs of returning a leasehold site to its original condition, through repairs or refit.
- *Decant and Porterage costs*: Costs associated with decanting work, staff and equipment as well as portering of documents between buildings.
- *Lease exit payments*: The total amount of cost to exit lease agreements.
- *IT Decommissioning*: The costs associated with removal, transportation and installation of IT.
- *Project costs*: Economic cost of staff and resources devoted to delivering this Estate Reform Project.

Transitional costs (un-monetised)

28. For HMCTS, one-off un-monetised costs will be incurred due to:

- *Familiarisation and awareness costs*: There will be familiarisation and awareness costs for court users relating to where the nearest court is. Similarly, it may take some time for staff to settle in their new places of work, particularly as some work practices may differ slightly between courts. While this point is noted its impact is anticipated to be negligible.
- *Redundancies*: Staff redeployment will be prioritised as a means of redundancy avoidance. Should it not be possible to relocate staff within the MoJ or wider Civil Service, voluntary early departure schemes may also be used as a further redundancy avoidance measure. It is also possible that where redeployments are not feasible, redundancies on voluntary and compulsory terms will occur. It is assumed that any redundancy payments compensate staff for the expected duration of their unemployment before finding a new job. Therefore these costs have not been monetised in the economic appraisal.

Ongoing costs (monetised)

HMCTS workload

29. Ongoing monetised costs will be incurred due to additional workload-related costs at buildings receiving work, such as printing and postage.

Ongoing costs (un-monetised)

Travel time costs for users and other agencies

30. For intermittent users of magistrates' and county courts - victims, witnesses, some members of the general public and commercial firms – journey costs may increase as a result of the closure programme if alternative 'receiving' courts are located further away from the closing court. For some – solicitors, barristers, CPS, CAFCASS and Police – these costs (including time and travel) may be offset to some extent by better strategic planning of court activities in fewer and larger court centres meaning that some users may need to make fewer journeys to court.
31. Responses to the consultation noted the absence of monetised costs for travel impacts. A travel time model was developed to analyse the travel time impacts of these proposals (see the "Travel Time Impacts" section below). It has not been possible, however, to provide travel cost impacts for each court and hearing centre identified within the consultation response document - the overall impact on travel to courts and hearing centres is uncertain as some users travel to courts and hearing centres more often than others (e.g. judges vs. witnesses) and the consolidation of the estate into fewer courts and hearing centres may require fewer journeys to be undertaken by some regular users (e.g. police and prison escort services). However, an estimate of impacts on the average journey for each region have been estimated using assumptions based on Department for Transport data for average journey costs by car and public transport. Non-monetised impacts on other agencies are outlined below.

Prison Escort and Custody Services (PECS)

32. PECS covers the movement of prisoners between police custody suites, courts and prisons. Remandees will now, in common with other court users, have their cases listed at other court buildings. If this new court building is substantially further away from the prison that the remandee has been remanded to, this has the potential to impose a cost to NOMS and a longer journey time for the remandee being transported.
33. Whilst a number of remandees will need to be transported slightly further to court buildings, this may be offset by others being escorted to closer court buildings that have changed their function so that they may now hear their cases. This may mean that fewer journeys may be required overall due to the consolidated hearing estate that emerges from this reform programme.

National Probation Service (NPS)

34. In addition to changes in journey times, there will be an impact on the NPS where they share office space with HMCTS. Where possible, probation staff may be accommodated in alternative HMCTS buildings (which will include costs of moving staff, documents and IT) although in some cases, probation staff may need to find other alternative accommodation. The MoJ will seek to minimise the negative impacts on NPS staff.
35. Where a court with facilities for contact with offenders is to close, a replacement facility would need to be identified, either in the receiving court or at a nearby location. This could result in additional costs being incurred. Probation staff not actually based within HMCTS buildings that are being consulted for closure, but who travel to these buildings, may incur fewer journeys due to the consolidation HMCTS hearing estate. In some cases, however, probation staff may have to travel further if the alternative receiving court is substantially further away.
36. HMCTS has worked with the NPS to understand the impacts of these changes during the consultation period. NOMS have responded to the consultation indicating that HMCTS needs to understand the legislative duties and operational environment of NPS in the court setting.

Children and Family Court Advisory and Support Service (CAFCASS)

37. CAFCASS staff may have longer travel times to court with associated increased costs. This may be offset by shorter travel times where more remote courts are closed and work is transferred to courts closer to CAFCASS locations.
38. CAFCASS has responded to the consultation, indicating that their overarching view is that any closures must not act as a barrier to child and family engagement within family proceedings.

Crown Prosecution Service (CPS) and Police

39. CPS staff and the Police may have longer travel times to court with an associated increase in costs. These costs may be offset by shorter travel times where more remote courts are closed and work is transferred to courts closer to CPS or Police locations.
40. CPS broadly supports the proposals in the consultation, which it considers to be realistic and timely

Local business

41. Some responses in the consultation raised concerns on the exclusion of local economy effects in the consultation Impact Assessment. We acknowledge that detailed local impacts are still excluded from our analysis, due to the complexity in undertaking a detailed economic analysis of the impact on local areas in England & Wales. While some businesses that operate in areas near closing courts may see a fall in activity, this may be offset by an increase in activity for businesses located near courts that are receiving the case work from closing sites.
42. There will also be a transfer of judicial costs (including the magistracy) from closing buildings to receiving buildings, but we do not quantify this as this is a transfer of cost.

Benefits

Transitional Benefits (monetised)

43. For HMCTS transitional benefits include:

- *Revenue from sale of property:* The disposal value of all freehold buildings listed for closure has been estimated at £41 million under the preferred option. This estimate is based on surveys of land values undertaken in 2014/15. The eventual disposal value outturn of these courts will only be known at the point of sale and will depend on prevailing macroeconomic and market conditions.

Ongoing Benefits (monetised)

44. For HMCTS, ongoing benefits include:

- *Savings from lower operating costs:* Such as utilities, rents, property services, maintenance, office expenditure and similar items. The net total savings are estimated to be £21 million per year for the preferred option. For the purpose of this impact assessment, this figure excludes VAT. See Table 3 for more details.
- *Savings in staff costs:* Due to reduced duplication in court staffing roles at receiving buildings, the net total savings are estimated to be £5 million per year under the preferred option. See Table 3 for more details.

Ongoing Benefits (un-monetised)

45. For HMCTS, on-going non-monetised benefits include:

- Operational and other cost savings due to a strategy of retaining larger courts in strategic locations only;
- Those achieved by the centralising of back office functions;
- Savings from co-locating with other jurisdictions or CJS partners - it is anticipated that consolidating court functions across the estate will help drive scale economies which will benefit court users both in terms of higher standards of access to justice and better value for money.

46. The proposed closures will also reduce the need for services provided by dock officers, resulting in (un-monetised) savings to NOMS.

47. Further details on the assumptions for monetised costs and benefits and the full costs and benefits for each policy option can be found below.

Economic appraisal

Policy Option 0: Do nothing

48. The “do nothing” option is the baseline against which the preferred option has been appraised. There are no additional costs or benefits for this option. Due to the uncertainty of workload in the medium and long term, we assume no change in workload volumes over the appraisal period.

Policy Option 1: Rationalise estate in line with final proposals following consultation

49. Table 3 gives the estimated costs and benefits of this option in real terms, assuming the closure of 110 buildings. Steady state savings would be around £27 million a year under this option (2015/16 prices, excluding VAT) with a 10-year Net Present Value (NPV) of £169 million.

Table 3: Estimated economic costs and benefits for Option 1

£m, 2015/16 prices, excl VAT & VEDs, incl OB

	2015/16	2016/17	2017/18	2018/19	2019/20	Total
Transition Costs	-£12	-£46	-£4			-£62
Enabling Works	-£3	-£35	-£1			-£39
Disposal	-£0.3	-£1	-£0.0			-£1
Dilapidation	-£0.5	-£0.4	-£0.3			-£1
Decant + Portéage	-£1	-£2	-£0.2			-£4
Lease Break	-£2	-£2	-£0			-£4
IT Decommissioning	-£1	-£3	-£0.2			-£4
Project costs	-£3	-£3	-£3			-£9
Transition Benefits		£9	£32	£1		£41
Capital receipts (buildings sales)		£9	£32	£1		£41
On-going benefits	£1	£13	£26	£27	£27	£93
Building cost savings (rents, utilities)	£1	£10	£21	£21	£21	£74
Staff cost savings (salaries)	£0.1	£2	£5	£5	£5	£19
Workload cost savings (net efficiencies)	-£0.0	£0.0	£0.1	£0.1	£0.1	£0.3
Net benefits	-£11	-£24	£54	£27	£27	£73
Resource	-£10	£2	£23	£27	£27	£69
Capital	-£1	-£26	£31	£1		£4
10-year NPV (£m, 2015/16 prices)			£169			

Risks and Assumptions

50. It is assumed that there is no change in the volume of court cases, court fees or court user waiting times while at court. There is a risk, however, that longer journey times might impact on service delivery (e.g., leading to an increase in waiting times) or trial effectiveness rates (e.g., leading to an increase in the number of cracked or ineffective trials).
51. It has been assumed that there will be no impact on the ability to hear cases in Crown and magistrates' courts, and therefore no impact on the prison and remand population.
52. The analysis is based on financial data from the HMCTS Financial outturn 2014/15 (inflated to 2015/16 prices using the GDP deflator) and workload data (hearing hours) for 2014/15. This differs from the consultation Impact Assessment which used 2013/14 data for costs and workloads as this was the latest available data at the time of the analysis for the consultation.
53. It is assumed that savings will accrue from the cessation of operating costs at closed courts although these may be partly offset by increases in cost due to additional work at receiving buildings. The analysis assumes that HMCTS is able to achieve efficiencies of at least 88% of semi-variable costs (such as utilities and facilities management) and 30% of variable costs (such as printing and postage). There may be additional savings generated due to the transfer of work if receiving courts are more efficient than closing courts (on a cost per hearing hour basis). In effect, receiving buildings either integrate the new work into their existing (more efficient) processes, or maintain the current cost of processing the work they receive from closing buildings. If the cost of taking on new work at existing buildings is higher than expected, the overall benefit of the preferred option may be lower than stated. However the risk associated with this is relatively small - the potential savings are estimated at under £100,000 at steady state.
54. It is assumed that under the preferred option all operational closures will have taken place by September 2017. It is assumed that exit costs, such as decant and dilapidations, will occur around the exit date of the closing court. Enabling works costs are scheduled to occur in advance of the movement of case work to receiving sites, taking into account operational feasibility and capacity.
55. The analysis assumes that HMCTS staff made redundant as a result of the Estate Reform Programme are able to find alternative employment. Therefore redundancy payments are treated as an economic transfer in line with HMT Green book guidance and have not been monetised.
56. Project costs cover the staff cost and expenses of the project team. If delivering the project takes longer or requires more resources than expected, the overall benefits of the preferred option may be lower than estimated.
57. Judicial costs are assumed to remain unchanged. There is a potential risk that judicial and magistrates' expenses could increase as a result of the changes.
58. Capital receipts (sale of freehold property) are assumed to be realised one year after the building has been exited, to account for the timing of the sales process.
59. It is assumed that buildings can achieve alternative use (therefore transitional gains are reasonable). If this is not the case, as asset values are lower than expected as a result, the overall benefit of the preferred option may be lower than stated. In the case of exiting lease hold properties, we assume HMCTS bears a transitional cost equal to the amount of remaining payments.
60. Net present values are shown over a 10-year appraisal period and in real terms (2015/16 prices).
61. The assumptions for the monetised costs and benefits are summarised in Table 4 below.

Table 4: Monetised costs and benefits (without optimism bias)

Category	Description	Assumed cost/benefit
Transitional cost	Enabling works (incl. design and IT)	£33m (2015/16 prices, excluding VAT)
	Building exit costs: -Disposal cost - sale -Dilapidation cost	Includes (unless adjusted by region): For Freehold buildings only: £7,000 per site plus 3% of assumed site value (incl VAT) For Leasehold buildings only (not including MOTO leases): Data taken from a site by site register, on average £60 per sqm
	-Decant and Porterage cost -Lease exit payments -IT Decommissioning	£7,500 per courtroom (incl VAT) and £10,000 porterage cost per site (incl VAT) The amount of remaining rent payments on the lease agreement £35,000 per site (excl VAT)
	Project costs	£9m (2015/16 prices, excluding VAT)
Ongoing cost	Additional workload cost	Additional workload-related costs at buildings receiving work, such as printing and postage.
Transitional benefit	Disposal of property	Valuations of freehold property are based on estimated land values
Ongoing benefit	Reduction in operating costs	All rent and business rates will be saved at closing buildings. A proportion of utilities, maintenance and staff costs will also be saved at closing buildings.
	Reduction in staff costs	Savings from staff reductions due to duplication of roles in receiving courts

62. As a number of these costs and benefits are uncertain, and to account for the demonstrated and systematic tendency of project appraisers to be optimistic, we have applied the optimism bias figures shown in Table 5, in line with HMT green book guidance and adjusted to take into account latest cost-specific estimations of risk by HMCTS.

Table 5: Optimism bias summary

Category	Type	Cost/benefit	Assumed optimism bias
Costs	Transitional	Enabling works (capital)	20%
		Enabling works (resource)	8%
		Building exit costs:	
		Disposal cost	0%
		Dilapidations	8%
		Decant and Porterage costs	8%
		Lease Break Payment	8%
	IT Decommissioning	8%	
		Project costs (staff)	0%
Ongoing	Operating cost increases at receiving buildings (staff)	0%	
	Operating cost increases at receiving buildings (non-staff)	0%	
Benefits	Transitional	Sale of land/buildings	-20%
	Ongoing	Operating cost savings at closing buildings (staff)	-5%
		Operating cost savings at closing buildings (non-staff)	-5%
		Transfer of cost savings to receiving site (staff)	-30%
		Transfer of cost savings to receiving site (non-staff)	-30%

63. The assumptions for optimism bias for costs and benefits have not changed since the original consultation impact assessment. This is to reflect maintained level of risks due to the final costs not yet having been obtained from suppliers.

Scenarios and sensitivities

64. This section covers key sensitivities on the preferred option (Option 1).

Transitional benefits from sale of land/buildings

65. The total amount of capital receipts is uncertain due to uncertainty about the economic conditions in which disposals will be made in. The base case uses the most update information on likely market values of the freehold buildings included in the consultation.

66. Each 10% reduction in the amount of capital receipts from the sale of buildings will decrease the NPV of the preferred option by £3.9m.

Efficiency savings surrounding operating cost

67. Buildings that are receiving additional work as a result of the proposals will see an increase in costs as a results of increased use of utilities, higher maintenance costs and higher variable costs (such as printing, postage and telephony). But this will be off set as the closing site will no longer incur these costs. If the receiving site is more efficient then the additional cost will be smaller than the costs saved through closure.

68. It is estimated that efficiency savings amount to £0.1m a year. If these efficiency savings are not realised, then the overall 10-year NPV of the preferred option will decrease by £0.9m

Enabling works

69. Enabling work costs – the investment at the receiving court to accommodate the work from closing courts – represents the largest transition cost. However it is subject to an amount of uncertainty as all costs based on MOJ survey estimates, and the true amount of investment required will only be realised once the procurement process has begun.

70. The total enabling work costs for the preferred option is £40m and a 10% increase in enabling works will decrease the 10-year NPV by £3.8m.

Conclusion

71. The sensitivity analysis illustrates that Option 1 could still deliver a high positive NPV, despite these areas of uncertainty.

Travel time impacts

72. One of the key impacts of the Estate Reform Programme will be an increased travel time to court/tribunal for potential court users. If their local court closes court users may have to travel further to attend a hearing. We have therefore carried out some modelling of court user travel times to allow us to evaluate this impact.
73. A model has been built to assess travel times from each Lower Super Output Area (LSOA) as it is not feasible to calculate travel times from each individual address in England & Wales. These are areas defined by the Office of National Statistics (ONS) that mostly contain 1,000-2,000 people. We therefore calculated travel times from the centre of each LSOA to each of their local courts/tribunals (magistrates' court, Crown court, county court, employment tribunal and Social Security and Child Support (SSCS) tribunal) and weighted these according to 2011 census data. Some responses to the consultation commented that the travel time analysis only takes into account journeys from the centre of towns to courts. This is not the case - each town under the travel time analysis is in fact comprised of a number of LSOAs depending on the size of the town, and each of these LSOAs are considered within the analysis.
74. Travel times by both car and public transport were calculated using data from the Department for Transport's (DfT) Transport Direct journey planner tool¹. Since the original analysis, DfT has closed Transport Direct as it has found that equivalent travel information services are now widely available online from several other sources. Travel times within this Impact Assessment are based on 2014 data which are still valid despite the closure of the online Transport Direct service.
75. These journeys are calculated assuming an individual travels to arrive at court at 10am and leaves again at 5pm. If there is no public transport for both the outward and return journey we assume that there is no public transport available. This is however likely to be a pessimistic view as in some cases the lack of journey could be a failure of journey planner to find the route. It is likely that HMCTS would seek to make an allowance for court users who face an overly burdensome journey to court by accounting for this in the listing of the case.
76. While this modelling should give a fairly accurate representation of the travel time impact there are inevitably some limitations. For example, we have mapped each LSOA to the local court that appeared to be most appropriate. However, this is only our best estimate and may not be correct in all cases. The mapping will also vary depending on the case type while we have only modelled one set of case types for each jurisdiction and have excluded satellite venues. Finally, the travel distance may vary by type of court user - civil users are more likely to visit their local court, while victims and witnesses in criminal cases may need to travel further beyond their nearest local court.
77. We model the change in travel times following closure of the local court to the alternative 'receiving court' as proposed by HMCTS's regional Delivery Directors. At a national level (illustrated in the charts below), there is an increase in customers' travel times to most court/tribunal types. The biggest impact is for magistrates' courts where around 7% of the working age population (approximately 2.5m people) are no longer within 30 minutes travel time by public transport, with a similar amount now being more than 60 minutes away. However 29% remain within 30 minutes of their closest court by public transport (and more than 80% by car). There is a smaller impact on Crown and County courts and a negligible impact for Tribunals.
78. In some cases there are a number of journeys that are missing travel time data from the Journey Planner tool, which varies between regions and jurisdiction. This is not a limitation of the data, but a function of the journeys that were extracted from the tool at the time of analysis. In most cases this is between 0% and 5% of all journeys modelled and up to around 50% of some tribunals in the Midlands region. We have estimated travel times for these journeys using the next nearest court building within the same local area, e.g. replacing Birmingham Centre City House with Birmingham Civil Justice Centre. Where no alternative courts existed in the local area, we use average regional travel speeds by car and by public transport and distances to compute their travel times, e.g. for Rochdale.

¹ All figures were subject to Transport Direct Terms and Conditions (<http://www.transportdirect.info/Web2/About/TermsConditions.aspx>)

Charts 1-6: National impact of closures on travel times by jurisdiction

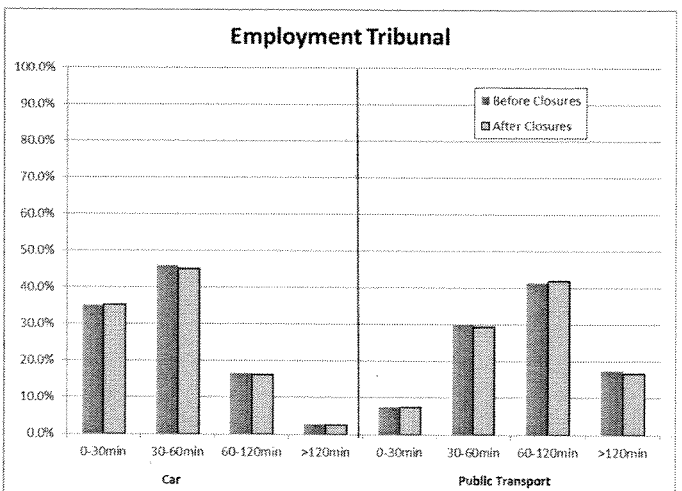
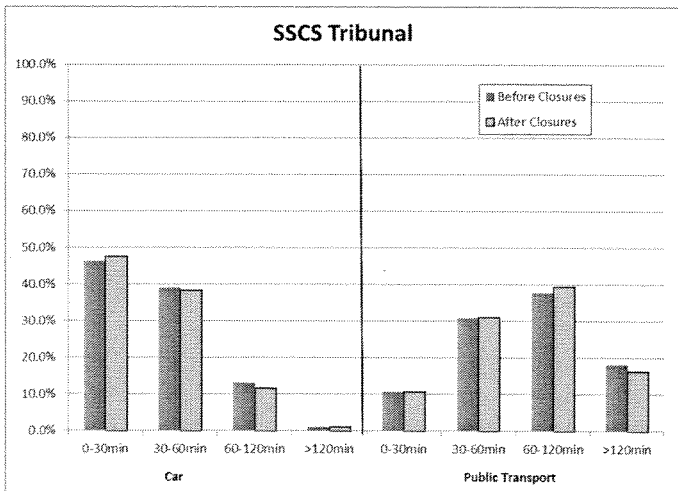
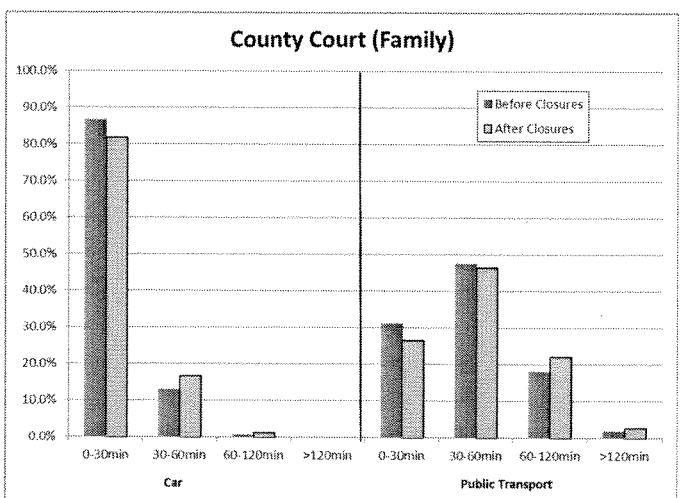
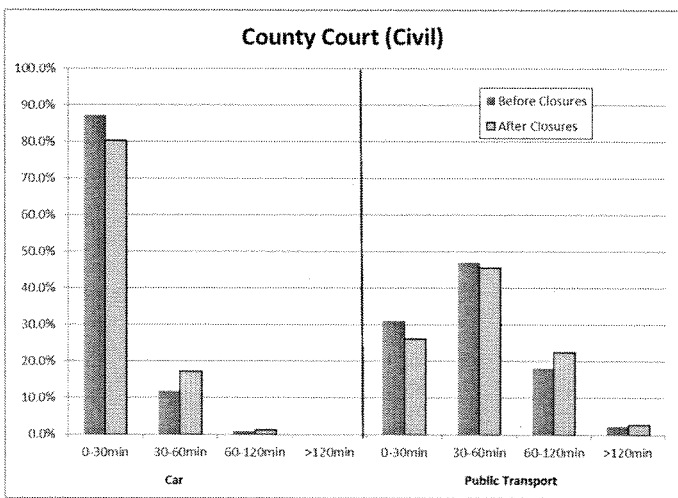
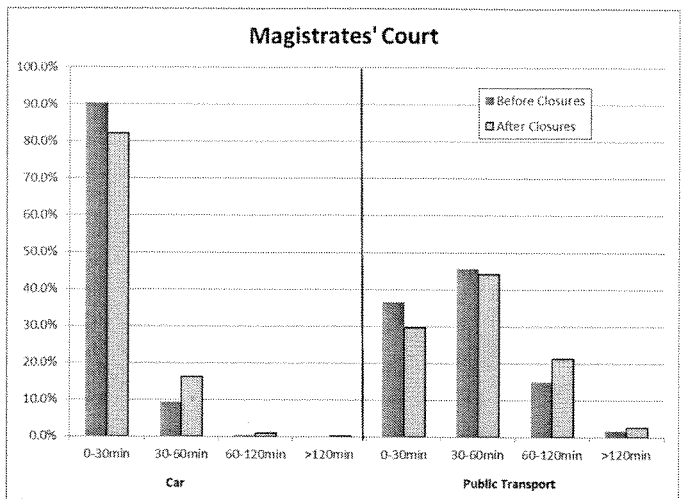
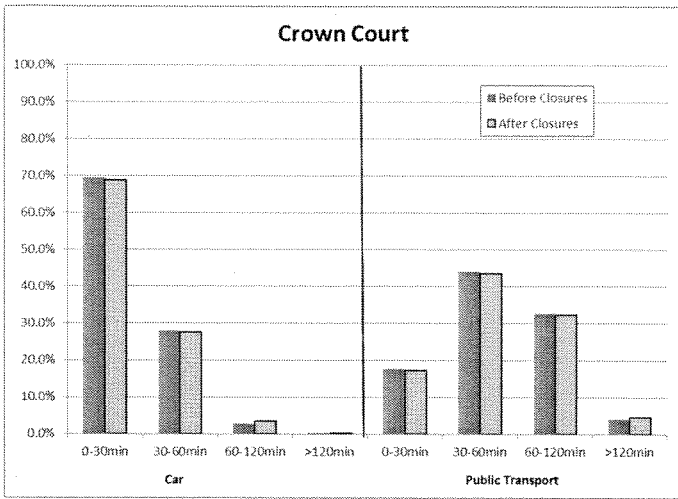


Table 6: Summary of national impact of closures on travel times by jurisdiction

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

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%	73%	100%
Tribunals	39%	79%	39%	79%

79. The travel impacts for all tribunals in Table 6 were calculated using an unweighted average of employment tribunal and SSCS tribunal travel times. Charts 1 to 6 provide more detail by half-hour intervals.
80. These national figures do not show significant impacts at the regional level either because more courts are being closed in some regions or because the region is more sparsely populated. More specific regional impacts are shown in **Annex B**. For example, these suggest that London will not experience particularly large increases in travel times as there is a good public transport system making it relatively easy to get to a different court. Wales, on the other hand, would see the biggest impact. This is because Wales is less densely populated and so contains fewer existing courts, any closures are likely to mean bigger increases in journey times after closures.
81. At an even more local level there will be a much more diverse picture. Those living in the catchment area of a court that is closing will see an impact on travel times as these people will need to travel further to the next court. Travel time impacts will vary depending on the individual court in question. Those living in the catchment area of closing magistrates' courts will see their average public transport journey travel time increase by around 35 minutes under the preferred option. However, the majority of the population will be completely unaffected by the closures (91% for magistrates', 99% for Crown, 94% for county civil, 95% for county family, 99% for employment tribunals and 98% for SSCS tribunals).
82. Some responses to the consultation raised concerns over travel cost impacts being excluded from analysis in the consultation Impact Assessment, including some comments on the impact of higher travel costs on lower income individuals. It has not been possible, however, to provide travel cost impacts for each court and hearing centre identified within the consultation response document - the overall impact on travel to courts and hearing centres is uncertain as some users travel to courts and hearing centres more often than others (e.g. judges vs. witnesses) and the consolidation of the estate into fewer courts and hearing centres may require fewer journeys undertaken by some regular users (e.g. police and Prison Escort and Custody Services). However, an estimate of impacts for each region have been estimated below, using assumptions based on Department for Transport data for average journey costs by car² and public transport³. The analysis does not include the value of working time for court users due to uncertainty on variation of values across types of users.

² Car cost sources – DfT, Transport analysis guidance: WebTAG, 2014, Table A1.3.7 and ENV0103 Average new car fuel consumption 2013

³ Public transport cost source – Office of Rail and Road, Revenue per passenger kilometre and revenue per passenger journey – Table 12.10

83. Table 7 and 8 illustrate the change in average travel times per user journey for each region, jurisdiction and mode of transport, following closures as per the consultation response. Travel times represent journeys by car and public transport from LSOAs to the local court or hearing centre⁴. For some tribunal hearing centres, reductions in travel times in some regions are due to the transfer of this work moving to courts closer to those LSOAs.

Table 7 – Travel time per user journey per region by car

Car	Average increase in travel time per journey (minutes)					
	Crown	Mags	Civil	Family	SSCS	ET
London	0.0	2.9	3.1	0.1	0.0	0.0
Midlands	0.0	3.0	1.3	2.6	0.2	0.0
North East	0.0	2.1	1.9	2.1	-0.1	-0.4
North West	0.0	3.8	5.2	3.8	0.0	0.0
South East	0.2	4.0	2.4	1.9	1.4	0.4
South West	2.9	1.7	0.6	1.2	0.2	0.7
Wales	2.8	4.9	1.6	3.4	-2.5	0.0

Table 8 - Travel time per user journey per region by public transport

Public Transport	Average increase in travel time per journey (minutes)					
	Crown	Mags	Civil	Family	SSCS	ET
London	0.0	3.8	3.6	1.3	0.0	0.0
Midlands	0.0	6.5	3.5	5.5	0.1	0.0
North East	0.0	4.5	4.0	4.5	0.9	2.5
North West	0.0	8.4	8.5	8.3	0.0	0.0
South East	0.9	7.2	4.4	3.4	-0.3	-1.9
South West	4.7	3.8	0.4	2.3	-0.4	1.3
Wales	2.6	6.8	2.5	4.5	-3.5	0.0

84. For car journeys, data on average fuel consumption and average fuel prices from DfT statistics have been combined with driving distance impacts to estimate the impact on average travel costs per car by region and jurisdiction in Table 9.

⁴ This analysis excludes an update since the consultation to six proposed receiving sites which will accommodate the work of closing sites. These sites are geographically closer than the original proposed sites, therefore the travel cost impacts will be lower than estimated here.

Table 9 – Average increase in travel costs per region by car for affected users

Car	Average increase in travel cost per journey (pence)					
	Crown	Mags	Civil	Family	SSCS	ET
London	0.0	7.1	9.4	3.5	0.0	0.0
Midlands	0.0	25.4	16.8	26.7	0.6	0.0
North East	0.0	28.1	20.3	28.1	1.7	3.5
North West	0.0	13.8	18.8	14.6	0.0	0.0
South East	4.4	40.9	20.0	25.2	10.2	-6.1
South West	91.8	13.3	6.5	11.1	-0.3	-0.4
Wales	34.1	28.2	18.7	14.7	-23.8	0.0

85. For public transport journeys, data on average railway passenger costs have been combined with travel time impacts to estimate the impact on average travel costs per passenger, by rail only. The results from Table 10 have been produced using an assumed average speed of 94 km/h, which is based on indicative analysis from Google Maps on train journeys from metropolitan areas to the city centres in the 7 regions of England & Wales.

Table 10 - Average increase in travel costs per region by public transport

Public Transport	Average increase in travel cost per journey (pence)					
	Crown	Mags	Civil	Family	SSCS	ET
London	0.0	83.4	79.8	27.9	0.0	0.0
Midlands	0.0	143.0	78.3	122.6	3.1	0.0
North East	0.0	98.9	89.4	99.3	20.4	55.2
North West	0.0	185.4	189.1	182.9	0.0	0.0
South East	18.8	160.5	98.2	74.5	-6.9	-42.1
South West	103.5	84.7	8.4	51.9	-9.1	28.6
Wales	58.3	151.7	56.3	100.0	-77.6	0.0

Review of the Policy

86. This policy will not be separately reviewed but will be part of HMCTS continuous reviews of the capacity of its hearing estate to make sure it meets operational requirements, under the HMCTS principle of ensuring access to justice, delivering value for money and enabling efficiency in the longer term.

Annex Summary

Annex A – Specific Impact Tests

87. Contains sections on Competition Assessment, Wider Environmental, Greenhouse Gas, Health, Human Rights, Justice, Rural Proofing, Small Firms and Sustainable Development Impact Tests.

Annex B - Regional travel time impacts

88. Contains travel time regional impact analysis and graphs.

Annex C – Welsh Language Impact Test

89. Contains section on impact of the preferred option on the Welsh language.

Annex D - Post Implementation Review (PIR) Plan

90. Contains the process of the Post Implementation Review (PIR) Plan in relation to the consultation decision on the preferred option.

Annex A - Specific Impact Tests

91. The following screening tests have been conducted on the preferred option.

Competition assessment

92. We do not anticipate a material impact on competition as a result of the court closure programme. Specifically, we do not expect the closures to limit:

- The number of legal services providers
- The ability of suppliers to compete
- Suppliers' incentives to compete vigorously

93. Indirectly, there may be a small increase in costs associated with certain court users as a result of having to travel further to their nearest court. However, it is likely that some or all of these costs can be offset by the benefits of a smaller and more strategic estate, whereby legal services providers will be better able to manage their activities across a more strategically planned estate.

Wider Environmental Impact Test

94. There are not expected to be adverse impacts on air quality, water quality and quantity, flood risk, biodiversity, landscape or noise. Using the checklist published by DEFRA (<http://www.defra.gov.uk/corporate/about/how/policy-guidance/sd-impact/>) each major potential impact has been considered.

95. *Will the policy option be vulnerable to the predicted effects of climate change?* The policy is recommending the closure of buildings which are, on average, smaller in size and in centres of lower population than those that will remain open. As the courts/tribunals are distributed over a geographically disparate area these courts/tribunals have not been chosen due to their coastal proximity or their vulnerability of flooding. The courts/tribunals are also not planned for demolition and their disposal will have no overall effect on the environment. All buildings are also covered by the department's Climate Change Adaption Plan and none have been identified of being at risk or vulnerable to the effects of climate change.
96. *Will the policy option lead to a change in the financial costs or the environmental and health impacts of waste management?* Waste production is primarily linked to staff numbers rather than the size of the estate; therefore there will not be any significant impact. There will be a one-off rise in waste production when the buildings are vacated however, this will be disposed of sustainably as per WRAP guidelines. This one-off rise is likely to be offset by slightly lower waste production within the smaller estate.
97. *Will the policy option impact significantly on air quality?* Initial screening indicates there may be an increase in average journeys times to court as a result of this programme. However, any increase will not have a significant impact on air quality and travel times may be offset by fewer journeys to a better strategically planned estate.
98. *Will the policy option involve any material change to the appearance of the landscape or townscape?* No. None of these buildings are for planned demolition.
99. *Will the proposal change 1) the degree of water pollution 2) levels of abstraction of water or 3) exposure to flood risk?* 1) No. 2) No. 3) No.
100. *Will the policy option change 1) the amount or variety of living species 2) the amount, variety or quality of ecosystems?* 1) No. 2) No
101. *Will the policy option affect the number of people exposed to noise or the levels to which they are exposed?* No.

Greenhouse Gas Impact Test

102. There are two main channels through which the court closure programme has an impact on carbon emissions:

- the reduction in energy as a result of closing courts (net of additional energy required for courts taking on additional judicial responsibilities), and
- the additional travel necessary for courts users as a result of the closure programme (net of potentially fewer journeys for more frequent court users as a result of a better strategically planned estate).

103. The policy is not thought to have a substantial impact on greenhouse gas emissions.

Health Impact Assessment

104. There are not expected to be adverse impacts from the proposed court closures.

Human Rights Impact Assessment

105. The initial screening of this impact test indicates there would be no breach of the European Convention on Human Right resulting from this proposal. We have particularly considered the potential for an impact under Article 6 – right to a fair trial but do not consider that these proposals will prevent access to an independent and fair system of justice.

Justice Impact Test

106. The main Impact Assessment details monetised and un-monetised costs and benefits to the justice system.

Rural Proofing Impact Test

107. This proposal could potentially have an impact on rural communities. DEFRA defines settlements with a Census population of over 10,000 as *urban*, while the remainder are defined as one of three rural types: *town and fringe*, *village or hamlet* and *dispersed*. Although the majority of the proposed courts and tribunals are in towns that would be defined as "urban", they may have users who reside in rural areas and we have therefore considered the potential impacts using the checklist published by DEFRA (<http://www.defra.gov.uk/corporate/about/how/policy-guidance/rural-proofing/>).

Consultations with regional HMCTS Delivery Directors have paid due regard to those in rural areas who will need to travel further than others to access court services.

108. *Service provision and availability:* The policy is recommending the centralisation of services. Local availability will be affected, although no reduction should occur as the closure programme will transfer court/tribunal functions to nearby buildings with similar functions.

109. *Delivery costs:* The cost of delivering the service is expected to decrease as the MoJ gains from economies of scale by utilising fewer resources more efficiently and through centralisation.

110. *Accessibility and infrastructure:* It is likely that travel duration will increase with the most increase likely to be in Wales. However, the transport links are considered sufficient and journey times are expected to remain acceptable and are unlikely to have an impact on individual users which means that they are unlikely to attend court.

111. The travel time impacts are set out in the travel time section in this Impact Assessment (see "Travel time impacts"), and further details on the travel time impact are available in the consultation paper.

112. *Communications:* The policy is unlikely to have an effect on communications and the use of a range of communication solutions will continue.

113. *Economies:* While some negative effect is possible in the towns where courts/tribunals will close, this is expected to be slight and the overall effect minimal as services are transferred to areas nearby.

114. *Disadvantage:* No significant impacts are expected under this indicator.

Small Firms Impact Test

115. For small businesses (including solicitors), there may be a small increase in time and travel costs due to the additional travel necessary to conduct business at their nearest court. However, some or all of this could be offset by fewer journeys to court as court business is better strategically planned.

Stage 1

1. Environmental Standards

1a. Are there any significant environmental impacts of your policy proposal (see Wider Environment Specific Impact Test)?
No
If the answer is 'yes' make a brief note of the impacts below:
N/A

1b. If you answered 'yes' to 1a., are the significant environmental impacts relevant to any of the legal and regulatory standards identified?
N/A
If the answer is 'yes' make a brief note of the relevant standards below:
N/A

If you answered 'yes' to 1b, have you:
1c. Notified the Government Department which has legal responsibility for the threshold and confirmed with them how to include the impacts appropriately in the analysis of costs and benefits?
N/A
1d. Informed ministers where necessary?
N/A
1e. Agreed mitigating or compensatory actions where appropriate?
N/A

2. Intergenerational impacts

2a. Have you assessed the distribution over time of the key monetised and non-monetised costs and benefits of your proposal? This assessment can be included in your Evidence Base or put in an annex.
Yes
This Impact Assessment includes monetised and non-monetised cost-benefit analysis over a 10-year appraisal period.

2b. Have you identified any significant impacts which may disproportionately fall on future generations? If so, describe them briefly.
No

If you answered 'yes' to 2b. , have you:
2c. Informed ministers where necessary? If so, provide details.
N/A
2d. Agreed mitigating or compensatory actions where appropriate? Provide details.
N/A

Stage 2

3. The purpose of the second stage is to bring together the results from the Impact Assessment with those from the first stage of the SD test. The following questions are intended to reflect the uncertainties in the cost benefit analysis and help you consider how to proceed in the light of further evidence from the first stage of the SD test.

3a. Indicate in the appropriate box whether the balance of monetised costs and benefits is:				
Strongly positive	Moderately positive	Roughly neutral / finely balanced	Moderately negative	Strongly negative
	x			

3b. Indicate in the appropriate box whether the balance of non-monetised costs and benefits is likely to be:				
Strongly positive	Moderately positive	Roughly neutral / finely balanced	Moderately negative	Strongly negative
		x		

3c. Indicate in the appropriate box whether the results of the SD questions 1-3 are, on balance, likely to be:				
Strongly positive	Moderately positive	Roughly neutral / finely balanced	Moderately negative	Strongly negative
		x		

3d. Indicate in the appropriate box whether, overall, the balance of the monetised and non-monetised costs and benefits and the sustainability issues is considered to be:				
Strongly positive	Moderately positive	Roughly neutral / finely balanced	Moderately negative	Strongly negative
	x			

3e. Provide an explanation of the final result from 3d, explaining, for example, how you have compared monetised and non-monetised costs and benefits and how you have resolved any conflicts between the cost-benefit results and the SD results.
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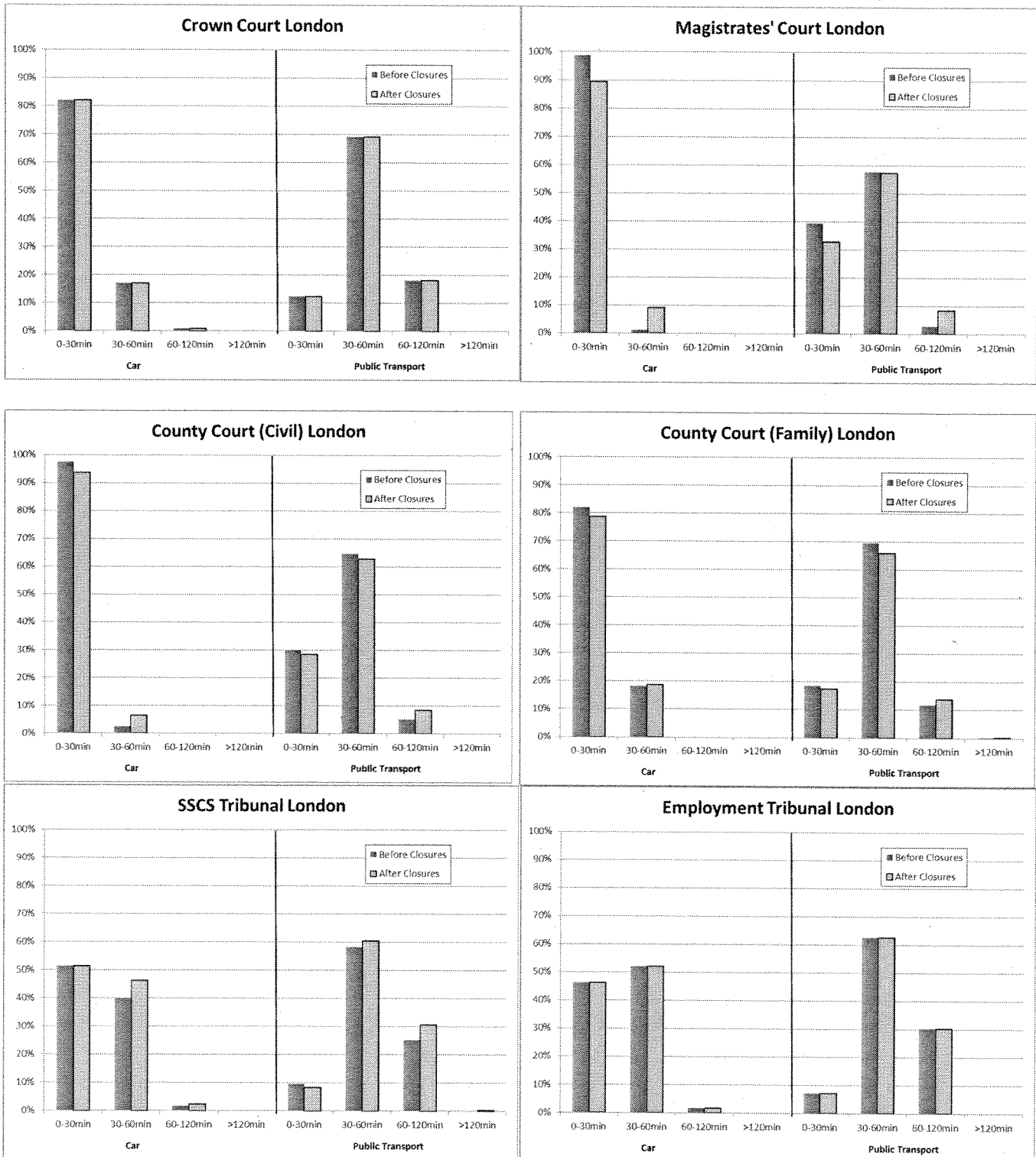
The only SD impact of the policy is the resulting reduction in carbon emissions, produced by HMCTS estates. This may be offset by the increase in travel times to alternative court buildings, but this in turn maybe reduced by the need for fewer number of journeys to a rationalised court estate. There will be a smaller, yet positive, impact on water consumption and waste production at closing buildings, despite one-off waste production during dilapidations and disposals at some buildings. On balance, it seems appropriate to record a 'moderately positive' SD impact. The impact will be reviewed again after the consultation period has closed.

Annex B: Regional travel time impacts

B1: Impact of London Closures

116. The majority of proposed closures in London are magistrates' courts. The proportion of the population who are within 60 minutes public transport time from their nearest magistrates' court falls from 97% to 91%.

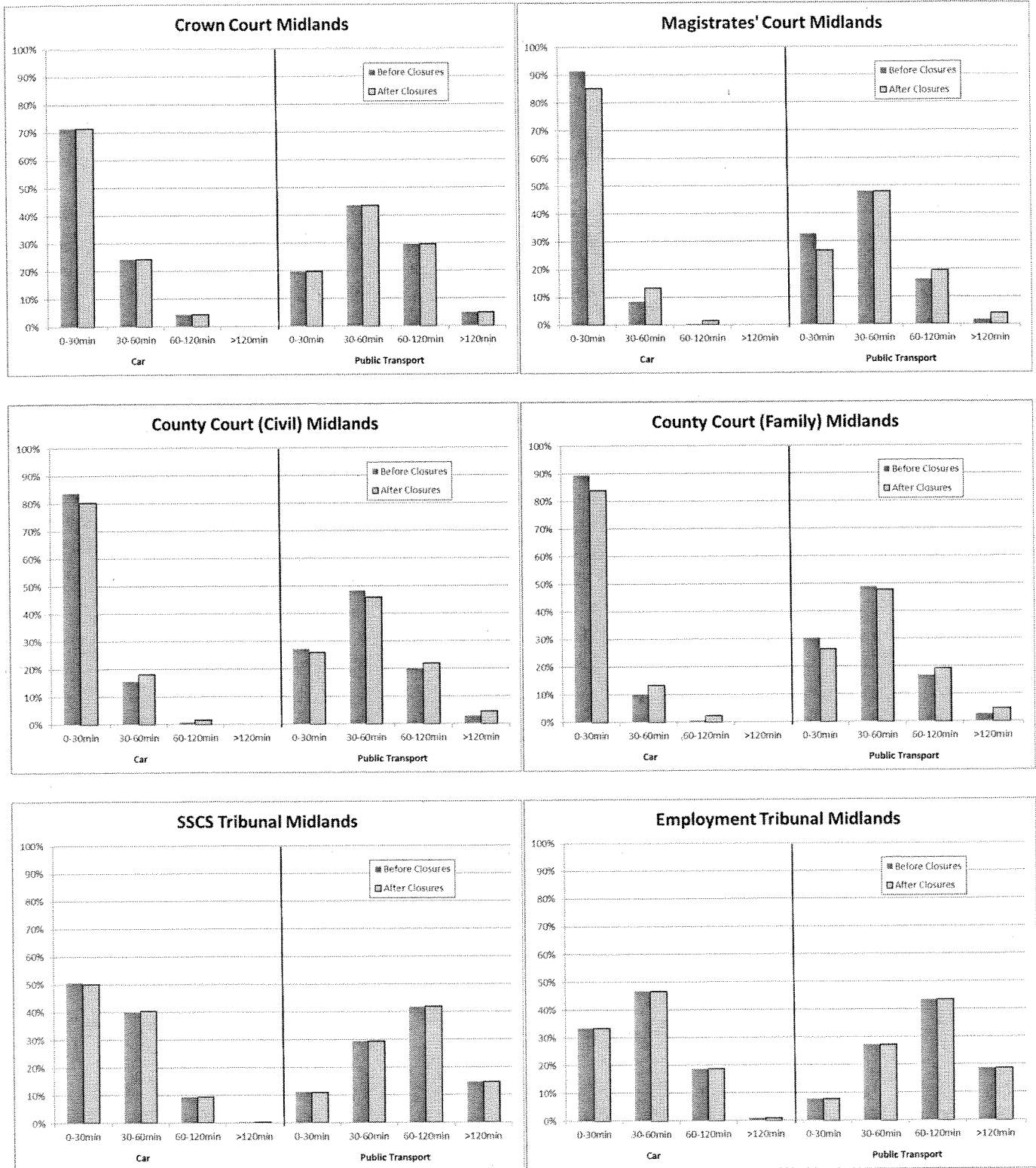
Charts B.01-B.06: London impact of closures on travel times by jurisdiction



B2: Impact of Midlands Closures

117. The most significant changes are in magistrates' and county courts. In particular, for magistrates' courts, 6% of the population are no longer within 60 minutes public transport time (falling from 81% to 75%) and 6% are no longer within 30 minutes' drive time (falling from 91% to 85%).

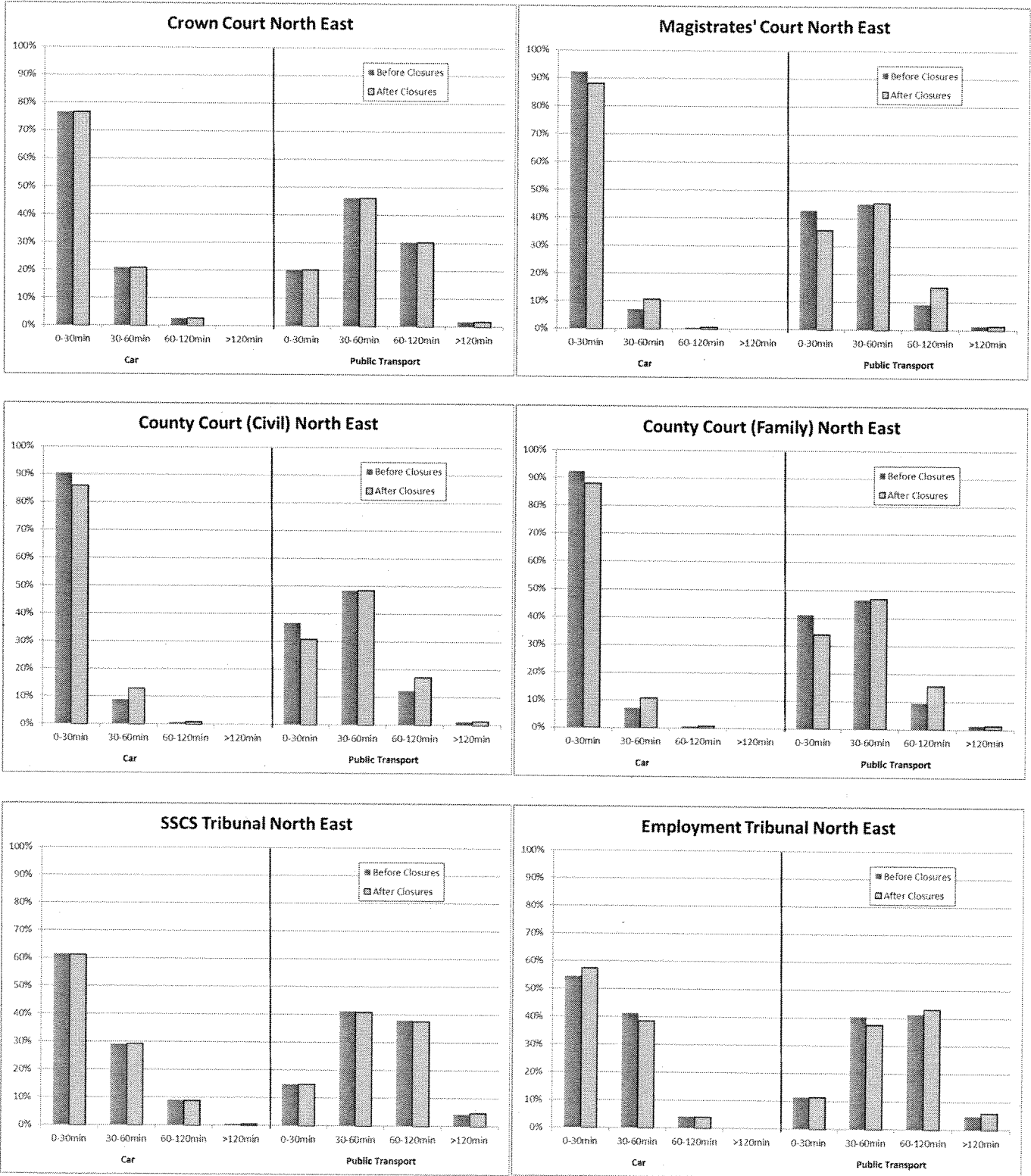
Charts B.07-B.12: Midlands impact of closures on travel times by jurisdiction



B3: Impact of North East Closures

118. The proportion of the population within 60 minutes from their allocated magistrates' court by public transit falls from 88% to 81% and the proportion within 30 minutes' drive time falls from 92% to 88%.

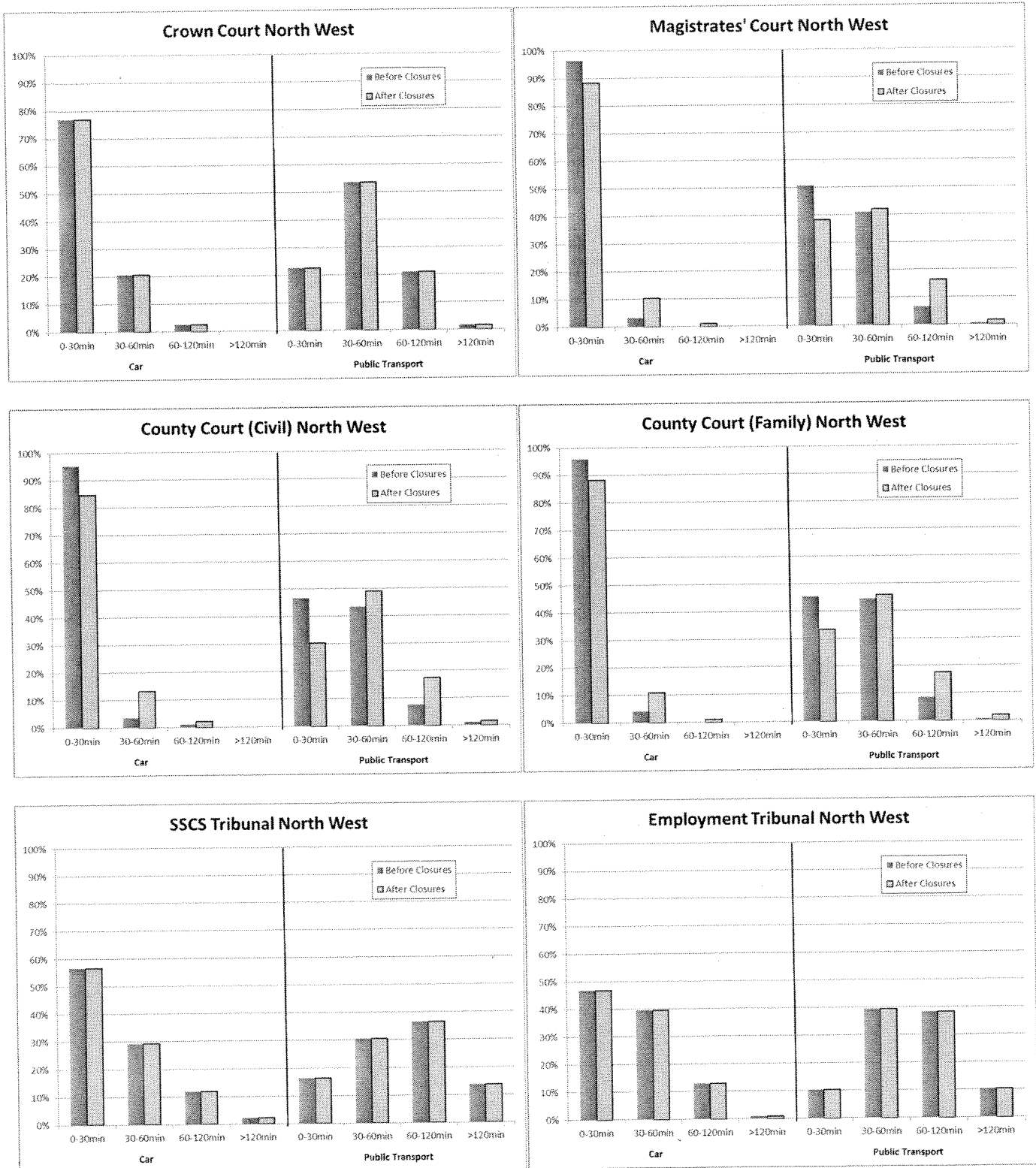
Charts B.13-B.18: North East impact of closures on travel times by jurisdiction



B4: Impact of North West Closures

119. The North West sees the biggest travel time impact in magistrates' courts under the proposals. 12% of the population is no longer within 30 minutes public transport time (a reduction from 51% to 39%) though the majority of the population is still within 60 minutes (81%). County courts also see a comparable increase in travel times though less than magistrates' courts.

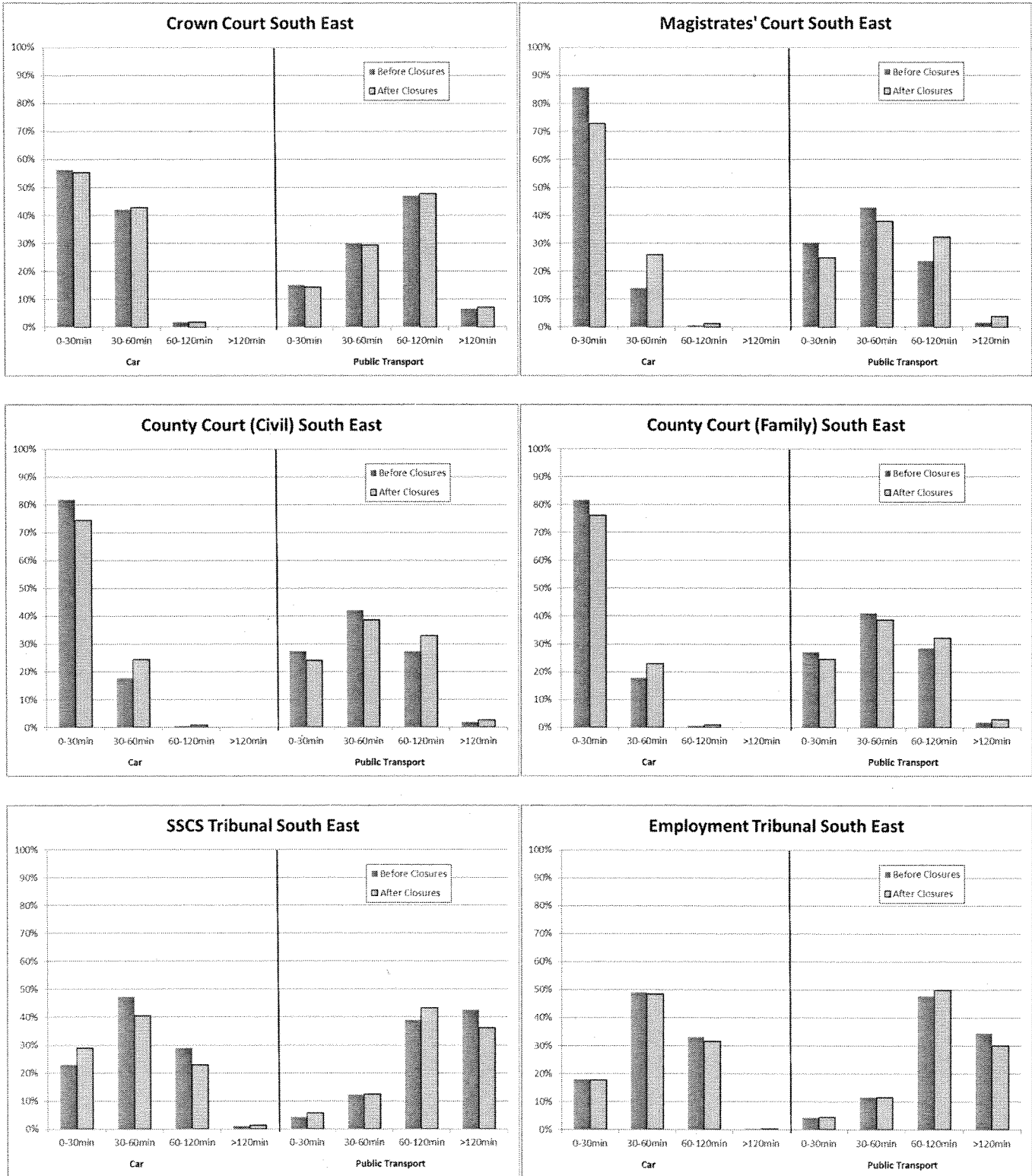
Charts B.19-B.24: North West impact of closures on travel times by jurisdiction



B5: Impact of South East Closures

120. In the South East the proposed closures affect all court types though there is no large increase in any particular court type.

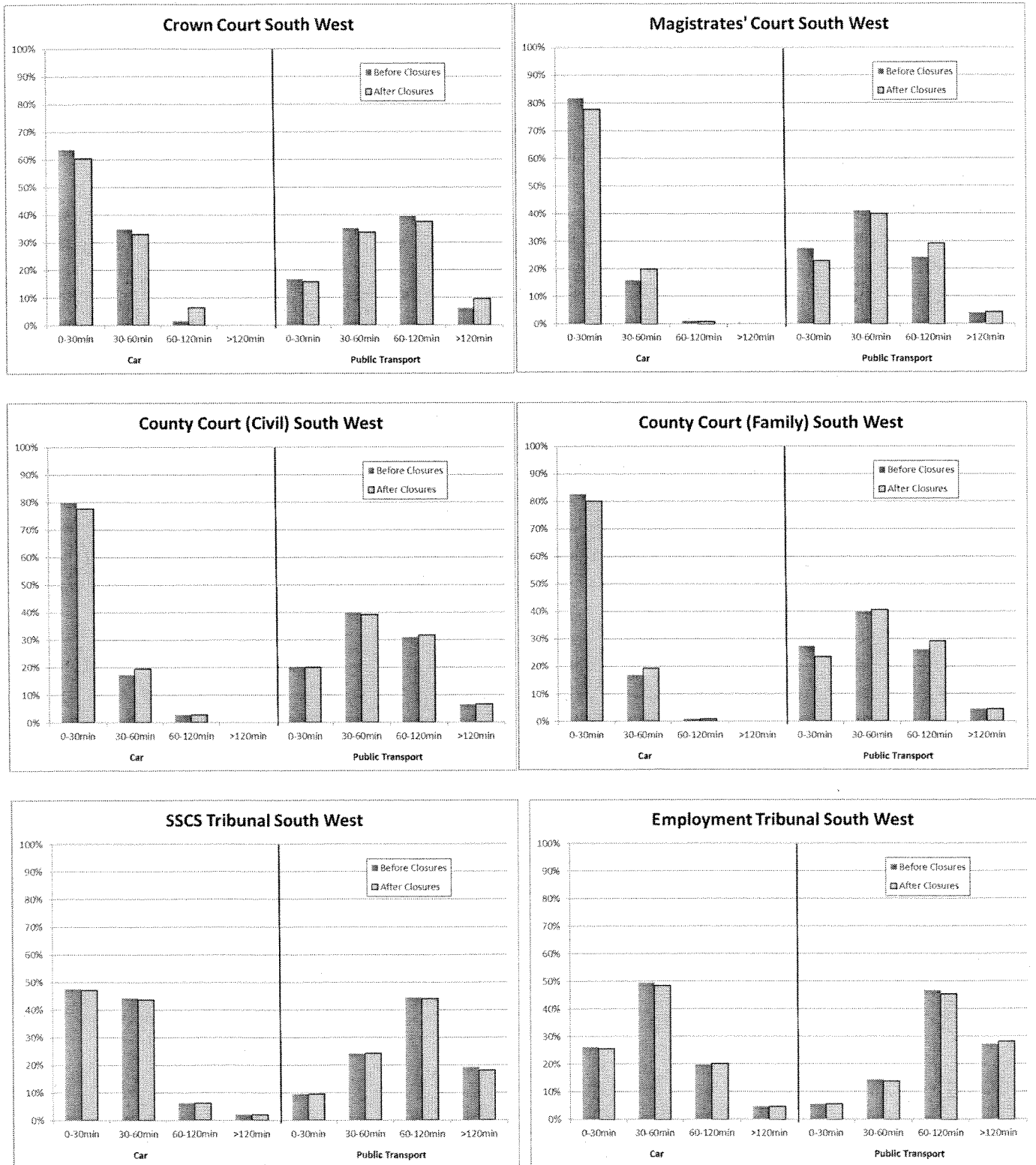
Charts B.25-B.30: South East impact of closures on travel times by jurisdiction



B6: Impact of South West Closures

121. All court and tribunal types modelled are affected by the proposed closures in the South West. However as closures are spread out across all of the different estate types there is only a small increase in the travel times of users in this region.

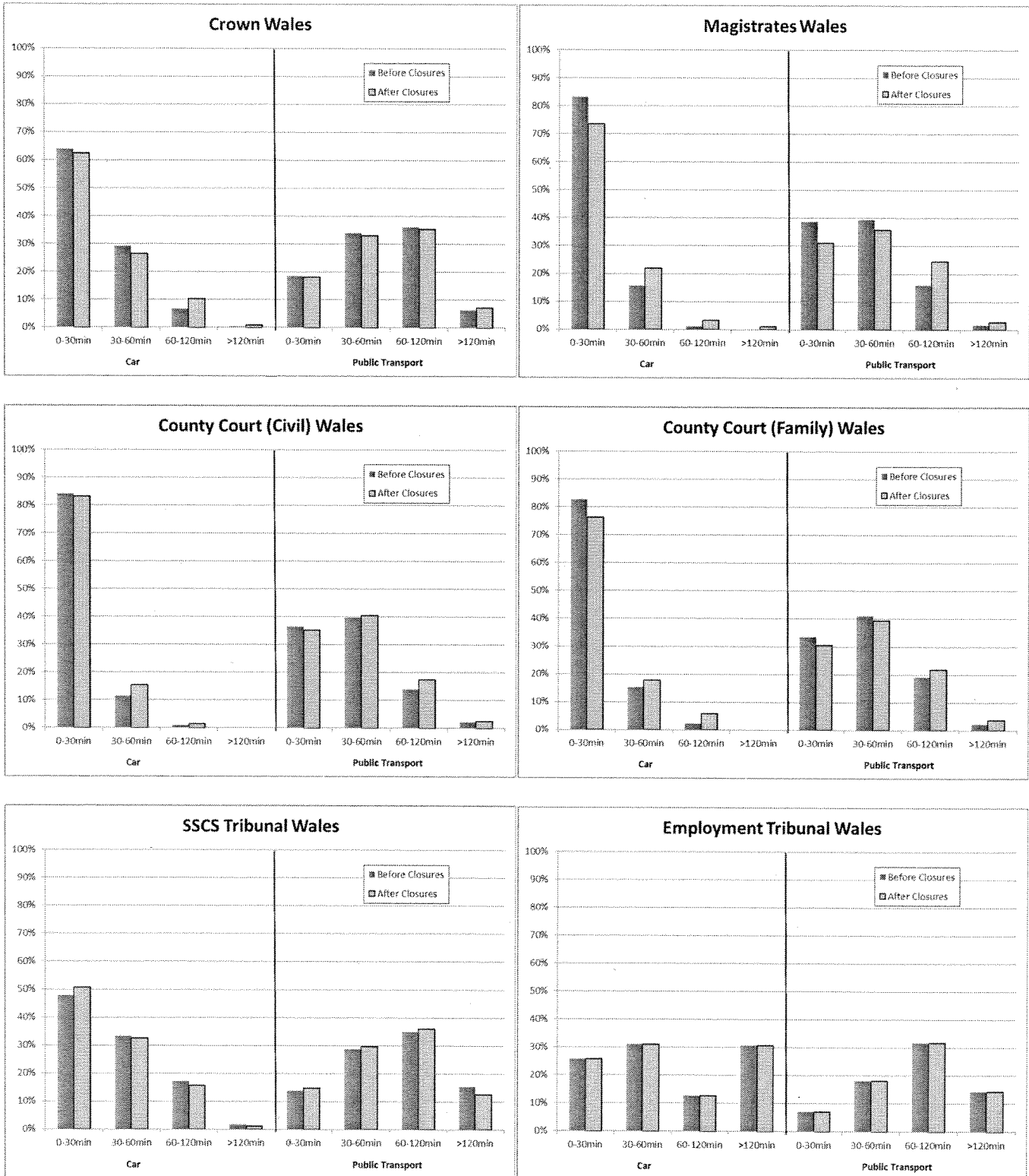
Charts B.31-B.36: South West impact of closures on travel times by jurisdiction



B7: Impact of Wales Closures

122. Court closures in Wales will have a larger impact as the next closest courts are further away than many other regions. As illustrated in the below charts this difference is particularly pronounced for magistrates' courts. The decrease in times for Crown courts is due to crown work at Carmarthen Law Courts being transferred to Haverford Magistrates' and County Court, which is closer to the some LSOAs.

Charts B.37-B.42: Wales impact of closures on travel times by jurisdiction



Annex C: Welsh Language Impact Test

1. Impact Assessment

The aim and objective of this Welsh Language Impact Assessment is to look at whether the closure proposals will have a detrimental effect on the use of Welsh language in courts and tribunals in Wales. The guiding principles behind this assessment are that of linguistic equality as manifested in HM Courts & Tribunals Service's Welsh Language Scheme and the fact that the Welsh language is an official language in Wales.

In drafting this impact assessment consideration was given to responses received to the consultation that made a direct reference to the provision of Welsh language services within HM Courts & Tribunals Service's estate.

In order to assess the impact of the consultation proposals on the ability of HM Courts & Tribunals Service to provide a Welsh language service, HM Courts & Tribunals Service Wales drew upon the following information:-

- 2011 census data in relation to Welsh speakers by local authority area;
- Its own list of Welsh speaking staff;
- Its own list of staff learning Welsh;
- Details on the number of Welsh speaking magistrates according to local justice areas;
- Statistics on the use of Welsh in court hearings (Appendix 'A');
- The total facilities management contract with G4S that provides amongst other services, court security officers; and
- Its own list of translation equipment.

2. The Legal Requirement

Section 22(1) of the Welsh Language Act 1993 provides that: "In any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it, subject in the case of proceedings in a court other than a Magistrates' Court to such prior notice as may be required by rules of court; and any necessary provision for interpretation shall be made accordingly."

Section 5 of HM Courts & Tribunals Service's Welsh Language Scheme relates to 'Dealing with the Welsh speaking public'. Of particular relevance to the consultation are sub sections 5.10 Face to Face Communication', and sections 5.18 to 5.26, which relate to the conducting of legal proceedings.

Guidance on the use of Welsh language in court proceedings is provided in the following documents:-

- Practice Direction relating to the use of the Welsh language in cases in the civil courts in Wales;
- The Consolidated Criminal Practice Direction;
- The Protocol for the use of Welsh language in magistrates' courts.

The use of Welsh language in court hearings is also dependant on factors that are outside the control of HM Courts & Tribunals Service. Some examples are as follows:-

- Duty solicitors' not raising awareness of their client's right to use Welsh in court hearings;
- In some parts of Wales, a lack of Welsh language legal practitioners;
- A lack of confidence amongst Welsh speakers in using the language in formal environments such as courtrooms;
- The linguistic composition of the magistrates' benches;
- The lack of any Welsh language capability for mediation services in North Wales;
- Inadequate numbers of Welsh speakers within support services to the courts such as intermediaries.

In order to gain a better understanding of the barriers to using Welsh in court hearings, HM Courts & Tribunals Service's Welsh Language Unit worked with Bangor University as part of an Access to Masters post-graduate programme. The research highlighted a number of factors that inform whether a Welsh speaker uses Welsh in the courtroom. These were concerned with confidence, code switching and the formality of the court. Other factors in criminal cases were that most police statements were written in English and that this, therefore, had a bearing on the use of language at the hearing.

The research confirmed findings of a previous investigation conducted by Cwmni Iaith in 2008 on behalf of the North Wales Criminal Justice Board entitled 'Provision of Welsh Language Choice in the North Wales Criminal Justice Sector', which amongst its many conclusions stated that:-

- The provision of choice of services in Welsh or English by agencies across the North Wales Criminal Justice sector was inconsistent;
- The language registers used by all agencies in the justice sector for verbal and written communications are a major factor in determining whether service users will wish to use Welsh when communicating with the agencies;
- The lack of confidence of Welsh speakers in general in dealing with official matters through the medium of Welsh also extends to Welsh speaking professionals and other Welsh speaking staff across the sector; and
- The public do not differentiate between the various criminal justice agencies.

HM Courts & Tribunals Service Wales should be able to ascertain beforehand, whether an individual wishes to use Welsh in a court hearing either through the completion of Welsh forms in civil cases, pre-recorded choices in the magistrates courts being transferred to the Crown Court or directly through case management meetings. In those cases in magistrates courts that progress to trial, language choices are ascertained by completing the 'Magistrates courts preparation for effective trial' form.

All courts display a poster stating that the use of Welsh in court hearings is welcomed.

3. Linguistic Capacity

This impact assessment will consider HM Courts & Tribunals Service Wales' linguistic capability to facilitate the use of Welsh language in court hearings from both a judicial and staff perspective.

3.1 The Judiciary and Magistracy

In relation to the magistracy and the linguistic profile of each bench, this is a matter for individual Advisory Committees as it is they, rather than HM Courts & Tribunals Service that recommend magisterial appointments to the Lord Chancellor. When forecasting the number of magistrates to be recruited for a given period, Advisory Committees should consider how many of the vacancies should be advertised as requiring essential written and verbal Welsh language abilities. This will depend on the number of existing bilingual magistrates on the bench in question and on projected retirements. There are currently 204 Welsh speaking magistrates in Wales. There is a higher percentage of Welsh speaking magistrates in those areas of Wales where the Welsh speaking population is at its highest e.g. Gwynedd, Anglesey and Carmarthenshire.

With regard to the professional judiciary HM Courts & Tribunals Service Wales will inform the Judicial Appointments Commission of any Welsh language requirements when vacancies arise. A decision as to whether a judicial post requires Welsh essential linguistic skills is based on the area where the vacancy arises and advice from the Presiding Judges, the Family Division Liaison Judge and HM Courts & Tribunals Service's own statistical information on the use of Welsh in court hearings. Furthermore the Lord Chancellor has approved a non-statutory eligibility criteria for vacancies in Wales in that "candidates for posts in Wales need to have an understanding or the ability to acquire the understanding of the administration of justice in Wales, including legislation applicable to Wales and Welsh devolution arrangements".

Currently in Wales we have seven Welsh speaking Circuit Judges, three Deputy Circuit Judges, seven District Judges and 12 Deputy District Judges. There are seven Welsh speaking Recorders, three Employment Tribunal Judges and five Social Security and Child Support Judges.

The Judicial College has a Welsh Training Committee that looks at Welsh related matters and in 2014 it held a two day seminar for Welsh speaking judiciary to raise their confidence in presiding over Welsh language cases.

The Judicial Appointments Commission is also preparing a Welsh Language Scheme for the first time. This is a further acknowledgment that judicial appointment requirements do differ in Wales.

3.2 HM Courts & Tribunals Service Staff

Currently HM Courts & Tribunal Service Wales has 111 Welsh speaking staff, which equates to 13% of the total workforce in Wales. It also has 22 members of staff learning Welsh, with their lessons provided within the workplace and funded by HM Courts & Tribunals Service. The location of our learners is as follows:-

- Caernarfon Criminal Justice Centre – 1 member of administrative staff at Intermediate level;
- Caernarfon Civil and Family Court – 1 member of administrative staff at Intermediate level;
- Llandudno Magistrates' Court - 2 legal advisors and 1 legal team leader at Entry level;

- Mold Law Courts – 2 legal advisors at Intermediate level;
- Neath County Court – 2 administrative staff at Foundation level;
- Bridgend Law Courts – 1 legal advisor and 1 deputy justices clerk at Intermediate level;
- Blackwood Civil and Family Court – 5 members of administrative staff at Intermediate level;
- Cardiff Magistrates' Court – 2 members of administrative staff at Foundation Level;
- Cardiff Civil Justice Centre – 2 members of administrative staff at Intermediate level;
- Newport Magistrates' Court – 1 legal manager at Intermediate level; and
- Finance Team – Head of Finance at Intermediate/Higher level.

There is also a dedicated Welsh Language Unit based in Caernarfon Criminal Justice Centre which has day to day responsibility for the administration of the Welsh Language Scheme and for providing a written and simultaneous translation service to both staff and court users. It currently has 12 bilingual members of staff including a Welsh Language Policy Officer and a Head of Welsh Language Services.

There is a network of 33 Welsh Language Champions covering each court/office across Wales and part of their role is to promote and facilitate the use of Welsh language within their respective offices.

In relation to workforce management HM Courts & Tribunals Service is currently revising its guidance to recruiting managers on Welsh language requirements; ensuring Welsh language skills are part of the discussion in Workforce Change meetings; and considering Welsh language skills when approving, or otherwise, staff requests to leave under any possible future Voluntary Early Departure schemes.

The linguistic skills within the courts listed as part of the consultation will be dealt with individually within the narrative for each court below.

4. Analysis on a Court by Court Basis

Within the analysis that follows references made to the 2011 Census will refer to the percentages of people within local authority areas that are recorded as being able to speak Welsh.

In considering the impact of the potential closures on the Welsh language it is assumed at this stage that all staff will transfer to the receiving courts stated.

Finally, the analysis will make reference to the current number of Welsh speaking magistrates in each bench. If the proposals for closure are approved, there will be a requirement to consider the question of merging Local Justice Areas. This assessment cannot comment in advance on the outcome of any such consultation, but a reduction in the number of Local Justice Areas and therefore benches will strengthen Welsh language provision within the magistracy, as there will be a greater pool of Welsh speaking magistrates in larger Local Justice Areas.

Anglesey

Closure of Holyhead Magistrates' Court and Llangefni Civil and Family Court

According to the 2011 census data Anglesey has a Welsh speaking population of 57.2%; down 2.9% from 2001. This is significantly higher than the national percentage for Wales of 19%. According to HM Courts & Tribunals Service's last Monitoring Report to the Welsh Language Commissioner, the percentage of Welsh speaking staff working within Caernarfon Criminal Justice Centre was 82%, higher than the overall census figures for Gwynedd. Within this figure there are sufficient Welsh speaking ushers, and legal advisors to be able to provide a Welsh language service to court users.

There are no staff permanently based at either Holyhead Magistrates' Court or Llangefni Civil and Family Court, with both courts currently being administered from Caernarfon Criminal Justice Centre and Caernarfon Civil and Family Court respectively.

Under current arrangements, Welsh speaking legal advisors from Caernarfon have to attend court hearings in Dolgellau and Holyhead which sometimes results in back-filling Caernarfon courts with English speaking legal advisors from Llandudno Magistrates' Court. Following the closure it is anticipated that this practice will reduce if not cease.

During 2014/15 there were a total of 72 hearings at Holyhead Magistrates' Court where the Welsh language was used.

Llangefni Civil and Family Court is administered from Caernarfon Civil and Family Court. No staff are permanently based at the court other than on those days that the court sits. There are currently nine Welsh

speaking members of staff at Caernarfon Civil and Family Court with a further one learning Welsh at Intermediate level.

In 2014/15, 19 cases heard at Llangefni Civil and Family Court involved the use of Welsh. In the same period, a total of 179 cases involving Welsh were heard in Caernarfon Civil and Family Court.

In terms of the magistracy, there are 14 Welsh speaking magistrates on the Anglesey Bench and 48 on the Gwynedd Bench.

There is no translation equipment located in Holyhead Magistrates' Court. There is a basic translation system in Llangefni Civil and Family Court which enables translations to be recorded. This system can easily be deployed to another court venue if required.

Finally, Caernarfon Criminal Justice Centre has integrated translation systems in both Crown courtrooms and in Magistrates' Court 2 in order to facilitate simultaneous interpretation of evidence and subsequent recording.

Gwynedd

Closure of Dolgellau Crown and Magistrates' Court

According to the 2011 census data Gwynedd had a 65.4 % Welsh speaking population, showing a 3.6% drop since 2001.

Dolgellau's work will primarily transfer to Caernarfon Criminal Justice Centre where there are adequate numbers of Welsh speakers. Furthermore, our Welsh Language Unit is based at this Centre and within the team there are Welsh interpreters. In those cases where an ad hoc decision is made to use Welsh we will be better able to provide interpreters if all Anglesey and Gwynedd cases are heard in one venue. This can lead to reduced waiting times for witnesses/defendants.

During 2014/15 there were 24 recorded cases where the Welsh language was used in Dolgellau Magistrates' Court. The Crown Court in Dolgellau did not sit at all during the reporting year.

There is no translation equipment within Dolgellau Magistrates' Court. Any cases requiring Welsh translation result in the deployment of mobile translation equipment from Caernarfon Criminal Justice Centre.

There are no staff permanently based at this court.

Integration of Caernarfon Civil and Family Court with Caernarfon Criminal Justice Centre

The consultation reported the integration of Caernarfon Civil and Family Court with Caernarfon Criminal Justice Centre to create one multi-jurisdictional centre. This will further centralise Welsh language resources in one venue, strengthening the overall provision for Gwynedd and Anglesey.

In terms of the magistracy, there are 14 Welsh speaking magistrates on the Anglesey Bench and 48 on the Gwynedd Bench.

There are two integrated translation systems in Caernarfon Civil and Family Court which could be deployed to other courts. As previously mentioned there is a comprehensive translation system in Caernarfon Criminal Justice Centre

Denbighshire

Closure of Prestatyn Magistrates' Court (Crime)

Currently, no staff are permanently based at Prestatyn Magistrates' Court. The criminal work for Prestatyn is administered from Llandudno Magistrates' Court. According to the 2011 census, Denbighshire had a Welsh speaking population of 24.6% and Conwy 27.4%. The average figure for both local authority areas is therefore 26%. The proposal outlines that the work from Prestatyn will be heard in Llandudno. Currently Llandudno has two Welsh speaking members of staff. In percentage terms this equates to 18% and is therefore below the average for both counties.

Of the two Welsh speaking members of staff based at Llandudno Magistrates' Court, one is a member of the administration team and one is a legal advisor. HM Courts & Tribunals Service Wales will need to consider alternative methods of ensuring there is a Welsh speaking service at this court if the current complement of staff cannot meet the demand.

Finally there are currently three legal advisors in Llandudno learning Welsh and nearing the end of the Entry level course.

During 2014/15 one case was recorded in Prestatyn that had a Welsh language requirement and 15 Welsh language cases were heard at Llandudno Magistrates' Court.

Currently there are 14 Welsh speaking magistrates on the Conwy Bench and eight on the Denbighshire Bench.

There is a translation system in Court 3 in Prestatyn, which can be utilised in the future when criminal work ceases to be heard in Prestatyn to be replaced by civil and family work.

Wrexham

Closure of Rhyd Broughton Tribunal Hearing Centre

Wrexham Tribunal (Rhyd Broughton) accommodates Social Security and Child Support tribunal appeal hearings for North Wales. There are no staff based at this venue. There are two peripatetic Welsh speaking tribunal clerks in North Wales and Welsh speaking civil and family court staff are now also being trained to clerk tribunal hearings. This provides HM Courts & Tribunals Service Wales with flexibility in terms of providing a Welsh speaking clerk for tribunal hearings.

No cases with a Welsh language requirement were heard in Wrexham in 2014/15. Two cases were registered in the financial year 2013/14.

There are three Welsh speaking members of staff in Wrexham Civil and Family Court and nine in Mold Law Courts.

There is no translation system at Rhyd Broughton.

Powys

Closure of Brecon Law Courts

There are no staff based in Brecon. All its administrative functions are carried out at Merthyr Tydfil Combined Court.

There are no staff based in Llandrindod Wells Justice Centre. All its work is administered from Merthyr Tydfil Combined Court.

Merthyr Tydfil Combined Court has one Welsh speaker, but as part of the consultation it was also proposed that staff from Pontypridd Magistrates' Court may relocate to Merthyr Tydfil. There is one Welsh speaker in Pontypridd. If they wished to relocate, the number of Welsh speakers in Merthyr Tydfil Combined Court will increase from one to two.

Swansea Magistrates' Court has four Welsh speakers which equates to 8% of the total staff in the court.

During 2014/15, one case involving the use of the Welsh language was heard at Brecon Law Courts. No Welsh language cases were dealt with at Brecon in 2013/14. In Merthyr Tydfil, one Crown case with a Welsh requirement was heard in 2014/15. In 2013/14 there were six civil and two criminal cases with a Welsh requirement.

In relation to Swansea Magistrates' Court during the same two years, there were no Welsh language cases in 2014/15 and one in 2013/14.

At present there is only one Welsh speaking member of the Brecon and Radnorshire Bench and six on the West Glamorgan Bench.

There is a mobile hybrid translation system located within Merthyr Tydfil Combined Court, but no system in Brecon.

Carmarthenshire

Retention of Carmarthen Civil Family, Tribunal and Probate Hearing Centre

According to the 2011 census, Carmarthenshire had a Welsh speaking population of 43.9%, down 6.4% from the 2001 census. Within the county of Carmarthenshire HM Courts & Tribunals Service Wales currently has courts in Carmarthen and Llanelli. Within the three courts there are a total of 33 staff with the percentage of Welsh speaking staff being 18%.

At the moment there is one Welsh speaking member of staff in Carmarthen Civil, Family, Tribunals and Probate Hearing Centre out of a total of six.

During 2013/14 there was one case in Carmarthen Civil, Family, Tribunals and Probate Hearing Centre that had a Welsh language requirement and two in 2014/15.

There is an integrated translation system in the one courtroom that if required can be relocated to another venue.

Closure of Carmarthen Law Courts (The Guildhall)

There are no staff based at Carmarthen Guildhall and the magistrates work is administered and supported from Llanelli Magistrates' Court where there are five Welsh speakers. In relation to the Crown Court at Carmarthen any potential moving of work to Swansea will not adversely impact upon the use of the Welsh language since all work will continue to be processed at the Crown Court at Swansea.

Magistrates' Court hearings for Carmarthen with a Welsh language element are recorded under Llanelli/Carmarthen. In 2013/14 there were nine cases between both courts and in 2014/15 there were also nine. There was one case in the Crown Court at Carmarthen with a Welsh requirement in 2013/14 and none in 2014/15.

There is no hard wired translation system in Carmarthen to facilitate the use of Welsh language in court proceedings. In Crown Court hearings it is necessary to ensure that the translation from Welsh to English is recorded in case of any potential appeal. The lack of a proper translation infrastructure also means that the interpreter would have to sit in the well of the court to interpret and not therefore be able to benefit from an audio feed direct from the court microphone to a closed headset as is the recommended model for Welsh language interpretation. The Crown Courtroom 1 in Swansea has this infrastructure.

Swansea

Integration of the Guildhall, the Crown Court at Swansea

According to the 2011 census the Welsh speaking population of Swansea local authority area was 11.4%. There are currently two Welsh speakers in the Crown Court at Swansea a percentage of 8%. This is slightly less than the 11.4% for Swansea Local Authority area.

This proposal will have no impact on the use of the Welsh language as any case that has a Welsh language requirement in Swansea is listed to be heard in Crown Courtroom 1 as a translation system is built in to this courtroom.

During 2013/14 there were five cases heard in the Crown Court at Swansea with a Welsh language requirement and six in 2014/15.

Neath and Port Talbot

Closure of Neath and Port Talbot Civil and Family Court

According to the 2011 census, the number of Welsh speakers in Neath Port Talbot local authority area was 15.3%. There are currently two Welsh learners at Foundation level at the court. There have been no cases in 2013/14 or 2014/15 with a Welsh language requirement in this court. It is expected that the staff at Neath Civil and Family Court would relocate to Port Talbot, but we will be dependant on two members of staff who have limited Welsh language skills in this court. HM Courts & Tribunals Service Wales acknowledges that in the medium to longer term it would be sensible to increase the number of Welsh speaking staff at this court.

There is no translation system in Neath and any request for Welsh interpretation would require the use of mobile translation equipment deployed from within the HM Courts & Tribunals Service Wales estate.

Bridgend

Closure of Bridgend Law Courts

As a local authority area, Bridgend has a Welsh speaking population of 9.7%. Currently there is one Welsh speaking member of staff. There is also one legal advisor learning Welsh at Intermediate level.

It is likely that magistrates' court staff will move to Cardiff Magistrates Court, thereby boosting the number of Welsh speakers at that court.

Moving civil and family work to Port Talbot will not have a detrimental affect on our ability to provide a Welsh service due to the fact that Neath Civil and Family Court's work will also relocate to Port Talbot Justice Centre. HM Courts & Tribunals Service Wales anticipate that both Welsh learners will also relocate to Port Talbot.

During 2013/14 and 2014/15 there were no recorded cases with a Welsh language requirement in either the civil and family or crime side of the business.

There were no cases with a Welsh requirement in either the magistrates or county court in Bridgend in 2013/14 or 2014/15.

There is only one Welsh speaking magistrate on the Newcastle and Ogmore Bench.

There is no translation system in Bridgend and any request for Welsh interpretation would require the use of mobile translation equipment deployed from other venues.

Rhondda Cynon Taff

Closure of Pontypridd Magistrates' Court

In terms of Welsh speakers Rhondda Cynon Taff has a Welsh speaking population of 12.3%, marginally down from 12.5% in 2001. Within the magistrates court we have currently one Welsh speaking member of staff out of a total of 15 members of staff. The proposal includes transferring the work to Merthyr Tydfil and potentially the Welsh speaker will transfer with the work, thereby increasing the Welsh speakers in Merthyr to two.

There were no cases with a Welsh language requirement in Pontypridd Magistrates' Court during 2013/14 or 2014/15.

At the moment there are four Welsh speaking magistrates on the Glamorgan Valleys Bench.

There is no translation equipment at Pontypridd Magistrates' Court, but there is a hybrid system located within the Merthyr Tydfil Combined Court.

5. Access to Justice

It was noted within the consultation itself that there may well be other methods of accessing justice in the future that might not involve people having to physically attend court at all e.g. online divorce petitioning and 'Making a Plea' online. In relation to increasing digitalisation the Welsh Language Officers in the Welsh Language Unit work closely with HM Courts & Tribunals Service reform team to ensure that Welsh functionality is included in new digital platforms. The Welsh Language Unit are currently involved in ensuring Welsh functionality for the following initiatives:-

- The conversion of manual court files to digital and the noting of language choice;
- Welsh online tool for making a fine payment in Welsh;
- Increased Welsh content on .gov.uk;
- Welsh language functionality is included in divorce petitioning;
- Working with Police authorities to ensure language preferences are captured at the point of entry for criminal cases; and
- Welsh content within the use of new digital channels such as external blogs and tweets

A recent example of HM Courts & Tribunals Service's commitment to providing Welsh functionality within digital platforms is the availability of a Welsh platform for 'Making a Plea' online. The Welsh Language Unit also has experience of working with real time web applications such as Transifex in order to provide a fast Welsh translation service for rapidly changing IT platforms.

6. Conclusion

In relation to the organisation's capacity to provide a Welsh language service HM Courts & Tribunals Service Wales believes that concentrating Welsh speakers and the magistracy in fewer courts will tend to improve its

ability to provide a Welsh language service rather than to inhibit it. Welsh language skills within the organisation are finite and the closures will allow the deployment of Welsh speaking staff with greater flexibility.

Having fewer courts will also enable HM Courts & Tribunals Service Wales to better utilise its translation provisions in terms of its equipment eg. a recent request to hold a trial with a Welsh requirement at the Crown Court at Carmarthen had to be listed at the Crown Court at Swansea due to the lack of translation infrastructure with the courtroom in Carmarthen.

In producing this impact assessment the question of 'Welshness' was considered in relation to the location of some of the courts in areas that are considered to be more 'Welsh' than others e.g. Dolgellau, Carmarthen. It could be argued that a Welsh language service is expected within those courts and that an 'active' offer would be provided to court users. However, courts/tribunals are only one piece within a broader justice jigsaw and the experience of a court user in terms of language is dependant on other factors as previously mentioned. In Crown Court cases there is no right to a bilingual jury and, even in areas like Caernarfon, this can prevent a Welsh speaker from using the language as it would bring in the added dimension of communicating through an interpreter.

HM Courts & Tribunals Service Wales acknowledges that closing courts in areas where the percentage of Welsh speakers is around 50% or more and where the use of Welsh in those courts is a regular occurrence (e.g. Dolgellau), may be perceived as having a bigger impact on Welsh speaking court users than on those whose first language is English. It is with this in mind that HM Courts & Tribunals Service Wales will further investigate alternative provisions in Anglesey, Dolgellau, Brecon and Bridgend.

HM Courts & Tribunals Service Wales acknowledges that some of its offices require greater Welsh language provision in terms of staff and it will either address this through Learning and Development or through deploying existing Welsh language speaking staff. These courts are as follows:-

- Port Talbot Justice Centre – no Welsh speakers and potentially relocation of two Welsh learners
- Merthyr Combined Court – one Welsh speaker and the potential relocation of one from Pontypridd Magistrates' Court
- Llandudno Magistrates' Court – one Welsh speaking administrative staff

Over the coming months HM Courts & Tribunals Service will seek to re-publish guidelines to its managers in relation to recruitment and the designation of posts where written and verbal Welsh language abilities are essential or desirable.

HM Courts & Tribunals Service Wales believes that the changes will benefit its partners in the justice sector by making it easier for example, for the Criminal Prosecution Service (CPS) to deploy Welsh speaking prosecutors to cases in Caernarfon, due to fewer court venues to serve.

7. Monitoring and Reviewing Arrangements

HM Courts & Tribunals Service Wales will monitor impacts by:

- analysing information from any customer service surveys that may be conducted;
- customer feedback and the Café complaints system issues/impact;
- feedback from our own staff and Welsh Language Champions;
- monitoring the use of Welsh in court hearings on a monthly basis;
- regular meetings with the Welsh Language Liaison Judge; and
- timely reports on Welsh language provision to the Wales Management Team.

The Impact Assessment will be reviewed at regular intervals during implementation of proposals.

Annex D: Post Implementation Review (PIR) Plan

Basis of the review:

To evaluate the successful implementation and impact of the proposals on the provision of court and tribunal services in England and Wales.

Review objective:

The Post Implementation Review will assess the impact of the reduced court and tribunal estate on HMCTS operating costs and the performance of courts and tribunals and hence the impact on court users, partners and stakeholders in the wider criminal justice system.

Review approach and rationale:

The approach of the Post Implementation Review will be to review HMCTS performance, using established management information products in order to understand the impact of the changes in court and tribunal provision.

The Review will take place in Q4 of 2016/17 to enable an effective assessment of the impact of the court provisions. This is currently projected to be three years after the first closures take place.

The objective of the proposals is to reshape HMCTS estate in line with the National Estates Principles published in the consultation document. These principles are intended to deliver an efficient and flexible estate which meets the current and future needs of HMCTS.

Baseline:

Pre implementation performance baseline will be the workload and performance data included in the 2012/13 HMCTS Annual Report.

Success criteria:

The objective of the proposals is to reduce the operating costs of HMCTS, in line with the projections in the Impact Assessment, whilst maintaining customer service performance. Following delivery of the project, the national estates principle to increase utilisation to at least 80% of available time in Criminal jurisdictions and of available sessions in Civil, Family and Tribunals jurisdictions, should be met.

Monitoring information arrangements:

Established performance reporting mechanisms and financial controls will be used to establish that costs have reduced as projected in the Impact Assessment whilst customer service performance has been maintained.