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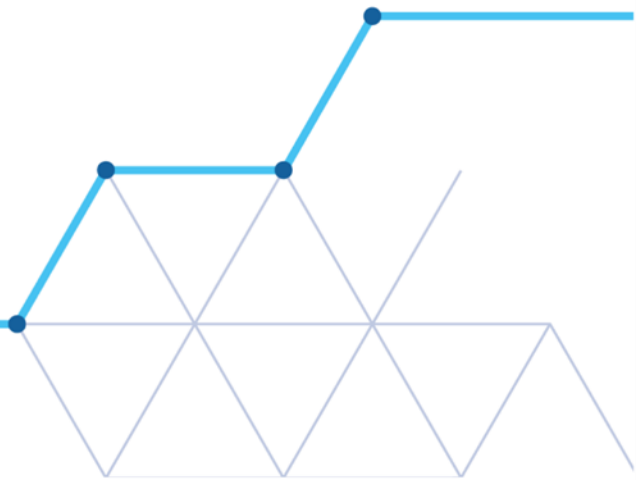


HM Courts &
Tribunals Service

Response to consultation on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court

This response is published on 24 July 2018

Protecting and advancing the principles of justice





Ministry
of Justice



HM Courts &
Tribunals Service

Response to consultation on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court

**Response to consultation carried out by HM Courts & Tribunals Service, which is part of the
Ministry of Justice. This information is also available at <https://consult.justice.gov.uk/>**

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**Response to consultation on the future of Banbury Magistrates' and County Court
and Maidenhead Magistrates' Court**

Introduction and contact details

This document is the post-consultation report for the consultation paper, proposal on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court.

It will cover:

- the background to the report;
- a summary of the responses to the report;
- a detailed response to the specific questions raised in the report; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting the Estates Consultation team at the address below:

HMCTS Consultation
Post point 1.42
Her Majesty's Courts & Tribunals Service
102 Petty France
London SW1H 9AJ
Email: estatesconsultation@justice.gov.uk

This report is also available at <https://consult.justice.gov.uk/>

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

Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

Foreword

On the 18 January 2018 HM Courts & Tribunals Service published a consultation on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' court.

The consultation presented proposals to close the courts and relocate hearings to other courts in the South East region. This is intended to improve the utilisation of the regional court estate and to provide better value for money for taxpayers by reducing operating costs and increasing the efficiency of the estate and provision of services.

Any receipts from the sale of buildings consulted upon will be reinvested into the transformation of HM Courts & Tribunals Service to modernise courts and tribunals, in line with the Joint Statement published in September 2016 by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals.

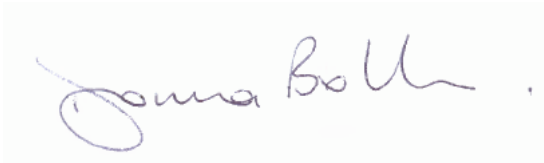
A total of 90 responses to the consultation were received. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the South East region, I am very grateful to everyone for taking the time to provide their views on our proposals to help us reach the best solution. It is clear from the responses that our courts are valued by society; we have fully considered the fundamental need to maintain access to justice. Following careful consideration and detailed analysis of each of the responses received, the Lord Chancellor has decided to close Banbury Magistrates' and County Court and Maidenhead Magistrates' Court.

We are confident that, in proceeding to close these courts, sufficient capacity will remain in the Thames Valley court estate to respond to future changes in workload. We acknowledge that the decision to close courts will mean that in some circumstances court users may need to travel further to attend court than they would have, were the courts to remain open. However, we have carefully considered the impact on court users attending hearings and we consider that these journeys remain reasonable and are confident that access to justice will be maintained following these closures.

The closures detailed in this document are based on our current estates principles and are not dependent on modernisation of our courts and tribunals. However, as HM Courts and Tribunals Service transforms itself for 21st century ways of working and operating, our court users stand to benefit from not always needing to attend hearings in person to be able to access the justice system. We recognise that navigating the current court service processes and the use of technology is not always easy for some court users. As part of our work to transform our services, HM Courts and Tribunals Service is simplifying court processes and also providing assisted digital services for those who need them.

Staff, judiciary and partner agencies who work hard to administer and deliver justice will obviously be affected by the closure of these courts. I am committed to working closely with the judiciary on the implementation of these changes and am equally committed to supporting my staff, ensuring that the transition to the new arrangements takes place in a fair and transparent manner in line with the Managing Organisational Change Framework, and in consultation with the Departmental Trade Union.

The Thames Valley Police highlighted a number of practical points to be taken into account in proceeding to close both courts, for example, the availability of video-link facilities for vulnerable witnesses and police officers, managing work to achieve performance targets and facilities available for disabled people. I will work with the police and other relevant partner agencies to address the issues identified.

A handwritten signature in blue ink that reads "Donna Bolton". The signature is written in a cursive style with a large initial 'D' and a trailing flourish.

Donna Bolton, Delivery Director, South East Region

Background

The consultation document published on 18 January 2018 proposed the closure of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court.

Responses were invited from anyone with an interest or view on local justice. In line with our estates principles to ensure access to justice, deliver value for money and maintain operational efficiency, our assessment is that the decisions made in relation to the courts outlined in this document will help us deliver an effective service for users. As part of our estates principles, we want to ensure: we retain a sufficient number of court and tribunal buildings to meet the demands of our workload; that communities continue to have access to court and tribunal buildings where they need to attend in person, or through alternative methods (e.g. involving a video link); and that cases are heard in buildings with suitable facilities.

The consultation on the future of Banbury Magistrates' & County Court and Maidenhead Magistrates' Court closed on 29 March 2018. This document summarises the responses received, providing HM Courts & Tribunals Service's reaction to the key themes, issues of concern and suggestions which were raised, and setting out the decisions that have been reached on each proposal.

Workload Hours

The workload hours provided in the consultation document were calculated by taking the number of recorded court sitting hours against the number of potential hours the court could sit in the 2016/17 financial year.

The consultation document published workload figures for the 2016/17 financial year, as that was available at the time. In reaching the decision to close the courts we have also considered more up to date utilisation data for the 2017/18 financial year. This is provided in the sections below.

Travel time

The travel information included in the consultation document was provided as a guide to the likely impacts, as it is not possible to model every potential court user journey. Our analysis of travel times compared the current journey times (to the court proposed for closure) with the future journey times from those same towns to the courts that are proposed to receive the workload, drawing on local knowledge. In each instance the journey time was assumed to begin at 8am, with travel from the town centre to the receiving court.

Impact Assessment

The Impact Assessment accompanying the consultation has been updated to take account of evidence provided by stakeholders during the consultation period and is being published alongside this response document.

A list of respondents is provided at Annex A.

Summary of responses

Overview of responses received

A total of 90 individual responses to the consultation paper were received. Of these:

- 5 were from members of the Judiciary;
- 6 were from magistrates;
- 13 were from professional users;
- 12 were from public sector bodies;
- 3 were from Members of Parliament;
- 10 were from criminal justice bodies;
- 13 were from staff members;
- 2 were from the Departmental Trade Union;
- 24 were from members of the public; and
- 2 were from organisations that did not fit within the categories above.

The general theme of the responses to the consultation for the proposed closure of both Banbury Magistrates' and County Court and Maidenhead Magistrates' Court focused on concerns regarding poor transport links, the additional costs generated and the impact on vulnerable members of the public. Respondents were concerned about the impact on access to local justice in the Thames Valley.

“Having previously been a legal aid lawyer for many years I am concerned that many casual offenders, particularly substance users, would be incapable of getting to Oxford Court on time. Witnesses to and victims of, some alleged crimes would also not make the trek, for mothers with toddlers this is particularly difficult.” **(Member of the public)**

“Closure does not take into account how Slough residents afford to travel (access to justice as distance to get to court needs to be taken into account) and how much families will need to co-ordinate their families while absent for a longer day. Hence failure to attend could actually result in being more of a cost to courts as there will be more adjournments. Closure will not be cost effect in respect of partners such Youth Offending Team Staff, Social Care Staff having to travel to support young people.” **(Slough Youth Offending Team)**

There was some acceptance that both Banbury Magistrates' and County Court and Maidenhead Magistrates' Court are under-utilised, and suggestions were made to alleviate the listing pressures at Oxford by moving the work to Banbury. However, there were also suggestions that centralisation of Youth work and non-Crown Prosecution Service work has contributed to this under-utilisation.

“It has also been noticeable to those who cover Banbury Magistrates' Court that the work has been being reduced in the last year or so, presumably to create the environment in which the closure of Banbury Magistrates' Court could be proposed due to its underuse. The figures given for the work actually carried out at Banbury Magistrates' Court does not take account of the overlisting of trials which is now

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routine in the Magistrates' Court, the effect of which is that not all of the trials listed can proceed & have to be adjourned and, of course, witnesses become disillusioned and fail to return for subsequent trial dates". (**Solicitor**)

The consultation asked a series of questions regarding the proposals. We have analysed responses to those questions for each of the two proposals against our three estates principles; access to justice, value for money and operational efficiency. The section below details our consideration of specific responses.

Responses to individual proposals

1. Banbury Magistrates' and County Court

Decision on Banbury Magistrates' and County Court

We have analysed the points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Banbury Magistrates' and County Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, the workload and hearings currently addressed in the courts will be relocated as follows:

- charged criminal work will be relocated to Oxford Magistrates' Court;
- road traffic work will be distributed in courts across Thames Valley; and
- family work will be relocated to Oxford Magistrates' Court and Oxford Combined Court.

The required listing changes will be subject to the agreement of the relevant judicial bodies with responsibility for listing.

Summary of responses to proposal on Banbury Magistrates' and County Court

58 responses were received in response to the proposal to close Banbury Magistrates' and County Court. Of the total, 5 were in support of the proposal, on the basis that proper consideration would be given to the necessary courtroom facility and judicial resource requirements ahead of closure. 51 respondents were opposed to the proposal and two responses were neutral. Of the total:

- 3 were from members of the Judiciary;
- 5 were from magistrates;
- 5 were from professional users;
- 8 were from public sector bodies;
- 2 were from Members of Parliament;
- 6 were from criminal justice bodies;
- 9 were from staff members;
- 1 was from the Departmental Trade Union;
- 18 were from members of the public; and
- 1 was from an organisation that did not fit within the categories above.

A number of responses drew attention to the separate consultation on our future estates strategy¹ which consulted on proposals to update the estates principles which will guide future HM Courts & Tribunals Service estates decisions. Responses suggested that the consultation on the closure of Banbury Magistrates' and County Court at this stage is contradictory. HM Courts & Tribunals Service has made clear in both this consultation, the other four court closure consultations and the wider estates strategy consultation that these proposals for closures are made on the basis of our current estates principles, workloads and processes.

The consultation published on our future estates strategy has sought views on how HMCTS might update its estates principles affecting those courts which are proposed for closure in the future as a result of wider reform. The closures set out in this document are not dependent on the implementation of the modernisation plans being taken forward under our wider Reform Programme.

Responses also said that closing the court would deny access to justice to people living in Banbury and the surrounding villages and is counter to the principle of local justice and justice "being seen to be done" in the local towns.

Access to justice

49 responses referred to issues surrounding access to justice.

Many of the respondents raised concerns regarding the increase in travel time and cost, which would result from transferring the workload to Oxford Magistrates' Court and Oxford Combined Court, as well as the difficulties involved with travel in and around Oxford, which was cited as being over congested. Representative comments are provided below:

"I fail to see why every facility in Banbury has to go to Oxford when it's a fact that Oxford has congestion issues." (**County Councillor, Oxfordshire County Council**)

"Travelling to Oxford is very difficult at the best of times, and expecting people to travel there for a 09.30 court will cause a lot of people extreme difficulties. Indeed, talking to magistrates who commute from Northern Oxfordshire to Oxford today, the general consensus is to allow at least 2 hours travel time. This is a lot higher than the 'Google Maps' estimate in the consultation." (**Magistrate**)

"Not enough weight has been given to attendees who have little money to pay the cost of travel to Oxford, attendees who have no transport, those with limited or no mobility and parents with children either with them or to be delivered and collected from school. We have enough trouble getting parents to accompany their offspring without putting obstacles in the way! The traffic problems already suffered in and around Oxford: I have to leave before 8 am to ensure a timely attendance and often do not return home until 7pm." (**Magistrate**)

"I do not feel moving to Oxford in any way assists in supporting victims and increases travel time in excess of 40 minutes if using train and more if you drive. Oxford is grid locked and train services are poor and unreliable and with the proposed redevelopment of Oxford station will be even more disrupted." (**Member of the public**)

¹ Fit for the future: transforming the court and tribunal estate. <https://consult.justice.gov.uk/digital-communications/transforming-court-tribunal-estate/>

Many respondents were concerned that the closure of Banbury would further limit justice being dispensed locally and expressed concern that value for money was a consideration being placed above access to justice. Responses also stated that local people deserved to live in a town with the full range of local amenities. Some examples are as follows:

"I do not approve of court closures as it is important that there is proper access to justice. In the Justice Select Committee it was stated that there was no convincing policy justification for favouring the principle of value for money over the principle of access to justice" (**Honorary Legal Adviser**)

"The idea of closing Banbury Magistrates' Court runs contrary to planning for the future growth and prosperity of the town. New and existing residents should be able to count on a full range of resources and amenities. This includes the expectation that witnesses, victims, and others affected by criminal offences, should be able to see justice done in their local community." (**Councillors, Banbury Town Council**)

The accuracy of the population data provided within the proposal document was questioned by some respondents, and some stated that Banbury was a rapidly expanding town, with the population expected to increase for the foreseeable future. A respondent also questioned the accuracy of the number of judiciary and staff at Banbury presented in the consultation document.

"The population of Banbury as recorded in the document is incorrect. Banbury is a rapidly growing town due to the huge amount of building work in progress and the increasing amount of foreign workers coming to live here. Banbury court does not only service the town of Banbury, it also hears cases from Witney, Kidlington and Bicester, which are also rapidly expanding towns and although it is a largely rural area there are hundreds of sizeable villages served by the courthouse." (**Member of staff**)

Response

HM Courts & Tribunal Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice, while seeking ways to reduce costs and improve the efficiency of the justice system. We recognise that users should not have to make excessively long or difficult journeys to attend hearings. The travel times set out in the consultation document were calculated using Google Maps, by measuring distances and hypothetical journey times departing at 8.00am from the large town centres near to the court to the postcode of the receiving site and through the application of the local knowledge of our staff. We acknowledge that local traffic conditions and roadworks can mean that actual journey times fluctuate. The data used is informed by large number of real users and represents a reasonable and proportionate estimate of journey times. We have also drawn on local knowledge when providing these example journey times. Lastly, all journey times shown are from the town or area to the door of the court in order that they provide a more accurate representation of a genuine journey for a public user, as opposed to a journey from one court to another.

It is our view that the journey times will be reasonable and that there will not be an impact on access to justice. We recognise that there are currently significant construction works and roadworks being undertaken in Oxford. Following completion of these roadworks, congestion in and around the city centre will be eased and travel times reduced.

Some responses raised the difficulty of securing parking in Oxford. Our analysis shows that journey times from the affected areas to Oxford by public transport are reasonable.

However, if users do want to attend by car, or need to for mobility reasons, and find parking problematic there is also a Park and Ride scheme in operation in the city.

Our analysis shows that increases in journey times by public transport are reasonable. Oxford Magistrates' Court can be reached from Banbury in around 40 minutes by public transport (the train journey to Oxford is 22 minutes) at a cost of £14.60 including a peak time return rail ticket and return bus fare from the station to the court.

For many areas affected travel to Oxford is easier than to Banbury. In the case of Kidlington, for example, which was cited in some responses, travel time to Oxford Magistrates' Court by public transport is shorter than to Banbury – around 50 minutes compared with around 1 hour 10 minutes.

We recognise that in some cases users may face increased cost of travel but the cost of travel is still expected to be reasonable. For example, in the case of Bicester, travel to Banbury currently costs £9.30 for an anytime day return compared with £7.70 for the return journey to Oxford Magistrates' Court, including train and bus fare.

HM Courts & Tribunals Service remains committed to ensuring reasonable adjustments are made for people with disabilities to ensure appropriate support is given. Working with the judiciary, who have responsibility for listing, we will take this into consideration when listing cases in the future, including use of alternative sites and delayed start times if required. We will undertake a postcode review to determine the most appropriate receiving site for work to be directed; ensuring the shortest journeys where possible. Where users notify the court in advance of particular travel difficulties or issues accessing a court, we are able to offer reasonable adjustments where necessary, including offering later hearing start times as appropriate. We take all steps necessary to ensure that access to justice is maintained.

We appreciate that Banbury is a growing town and that many projects are underway to bring homes and investment and acknowledge the higher population from the latest 2011 Census of 46,853 compared with the 2001 figure of 43,867 referred to in the consultation document. However, Banbury Magistrates' Court remains under-utilised, even taking this into account.

As the consultation document stated, the closure of Banbury Magistrates' and County Court does not require the delivery of any aspect of the modernisation programme now underway.

Value for money

Nine responses made reference to value for money. A number of these focussed on the fact that Banbury Magistrates' and County Court had been refurbished in 2003/4. Staff and magistrates at the court in particular claimed that the court is in a good state of repair and that the description of the court provided in the consultation document were inaccurate. However, there were comments made in support of the general approach of HM Courts & Tribunals Service to reduce and consolidate its estate. The comments below provide typical examples of the key points made:

"I do not agree with the proposals to close Banbury Magistrates Court. This building only had a massive refurbishment in 2003/4 at a cost of approx. £4m and now has 2 secure docks". (**Member of staff**)

"The consultation states that the building 'in a very poor state of repair'. I disagree with this statement and think the building is in a general good state – after all, the building was completed refurbished 10 years(ish) ago. I accept there is work required on the building, but this is more on the 'maintenance' level rather than wholesale major infrastructure works." (**Magistrate**)

"For the Community Rehabilitation Company this would increase our costs in terms of paying service user transport to attend court reviews. Our enforcement practice will be affected in terms of service users not attending breach court, a warrant being sworn and the service user being unlawfully at large for long periods, reducing the amount of time spend undertaking rehabilitative activities. Service users and victims will have increased costs and inconvenience." (**Thames Valley Community Rehabilitation Company**)

Response

During the 2016/17 financial year, running costs (excluding people costs) of Banbury Magistrates' and County Court were approximately £180,000. The court is currently under-used and its workload can be accommodated by courts elsewhere in the region while still ensuring access to justice is maintained and delivering value for money for the taxpayer. By closing this court and reinvesting both proceeds raised from the sale of the court and the money saved in annual operating costs, we can invest in maintaining and improving the remaining court estate.

The closure of this court will enable the proceeds of sale and operating cost savings to be reinvested to improve the remaining court estate and court services more widely, to benefit all court users. While there has been previous investment in the Banbury building, this took place around 15 years ago and in general the court building is in a poor state of repair and would require significant additional investment if the court were retained to bring it up to an acceptable standard.

As set out in the section above, some responses suggested that the closure would push costs onto other public bodies. However, our assessment is that the cost of travel from the affected areas to Oxford is still reasonable, and in some cases is cheaper than current travel to Banbury.

Our assessment is that savings made from its closure will deliver value for money for the taxpayer without impacting on access to justice.

Operational efficiency

35 responses referred to operational efficiency and broadly these were focussed on ways that Banbury Magistrates' and County Court could be utilised more effectively, for example, relocating work from Oxford to Banbury. There was a view that the Oxford courts did not have the capacity or the resources to accommodate the workload from Banbury.

Some respondents raised concerns that the move of magistrates' criminal work to the Oxford courts would increase non-appearance rates and lower conviction rates. Others accepted that it made sense to close Banbury Magistrates' and County Court if the court

is under-utilised, as long as residents living north of Banbury, as well as those in Bicester, could attend hearings in Milton Keynes.

Finally, respondents were concerned about the impact and effectiveness of digital working and whether this would indeed improve the efficiency of courts and tribunals. Similarly, concern was expressed about the impact the proposals would have on vulnerable victims and witnesses.

A selection of comments is provided below:

"[the closure of the court]...might lead to an increase in non-appearance in court due to travel difficulties." (**Member of the public**)

"Our enforcement practice will be affected in terms of service users not attending breach court, a warrant being sworn and the service user being unlawfully at large for long periods, reducing the amount of time spent undertaking rehabilitative activities." (**Thames Valley Community Rehabilitation Company**)

"I [have]...concerns as to whether Oxford [has] sufficient spare capacity to take over the workload from Banbury, should that court close." (**Victoria Prentice, Member of Parliament for Banbury**)

"As a regular prosecutor at Oxford Magistrates' Court I am dubious about the assertion that Oxford can 'easily accommodate' the work of Banbury. The 'non Crown Prosecution Service' court sittings at Oxford are commonly over listed resulting in delay and long waiting times. The wait for first hearing dates can be many months. If additional casework is to be taken from Banbury careful planning and additional resource would be needed to avoid aggravating the existing problems." (**Lawyer, Oxford City Council**)

"The number of permanent staff is also incorrect. This has obviously been calculated to deceive as no actual court staff have been included in the figures". (**Court staff**)

Response

We acknowledge the strength of feeling amongst local residents for retaining work in Banbury. However, having reviewed the responses received to the consultation, we have concluded that the most efficient means of delivering justice and operating our courts would be to relocate the work to courts in Oxford. The Oxford courts are more widely used and offer more long-term flexibility for the listing of cases and delivery of our services. Banbury Magistrates' and County Court is under-utilised; the court sat for a total of 1,877 hours out of a possible 3,755 in the 2017/18 financial year.

The consultation document published workload figures for the 2016/17 financial year, as that was available at the time. In reaching the decision to close the courts we have also considered more up to date utilisation data for the 2017/18 financial year. Utilisation of Banbury Magistrates' and County Court was 58% in the 2016/17 financial year and 50% in the 2017/18. The shifts in utilisation do not affect the case for closure.

Some respondents have raised concerns over the capacity available in Oxford to absorb the workload from Banbury. We have considered very carefully the points raised by respondents and looked in detail at the capacity of the courts proposed to receive the work in Oxford and we are confident that there will be sufficient capacity.

In 2017/18, Banbury Magistrates' and County Court sat for a total of 1,877 hours (a utilisation rate of 50%). This work was made up of 1,683 hours of criminal and 194 hours of civil and family court work. In the same year Oxford Magistrates' Court had 1,265 spare sitting hours and Oxford Combined Court had 8,763 spare sitting hours. While in isolation this would suggest a shortfall at Oxford Magistrates' Court if all criminal work was to relocate there, capacity does exist in practice. The overall hours deemed available at Oxford are based on a five-hour working day, with the court sitting five days a week. In practice, the court sits for longer than five hours a day and also regularly sits on Saturdays. In addition, much of the road traffic prosecution work listed at Banbury is generated from across Thames Valley and so can be heard in other courts in the Thames Valley area. We have looked carefully at the available capacity in Oxford and the workload in Banbury and have confirmed that the work from Banbury can be accommodated in Oxford.

We are confident that there will be sufficient capacity available in Oxford to receive the workload from Banbury, however we will keep this under review. We will be considering the use of supplementary provision further as part of our work on the future strategy for estates reform, on which we consulted in January 2018.

Figures also indicate that Banbury court sessions are shorter than the national average and they deal with fewer cases within the session than the national average.² The ability to list the work in Oxford, or elsewhere, with other work is expected to improve the efficiency of the use of court time.

HM Courts & Tribunals Service accepts that defendants who arrive late or fail to attend increase delays. Work undertaken to review the number of failure to attend warrants (FTAs) issued nationally has shown that there is very little variation between 2010 and 2017 in the numbers of defendants, victims and witnesses failing to attend courts on a per hearing basis. There is no evidence to suggest a correlation between past court closures over that period and non-attendance at court. While the figures show a slight increase in 2016/17 (4.1% of hearings) compared with the previous year (3.9% of hearings), there is no evidence this is part of an upward trend. However, we will keep this under review.

We are keen to ensure that access to justice is maintained for the most vulnerable in society and the accompanying equality statement provides our assessment of the impact on groups with protected characteristics as defined by the Equality Act 2010. For vulnerable groups not covered by the Act, we can also offer a range of mitigations, including, where appropriate, utilising suitable video-link facilities for victims of domestic abuse or other violent crimes. The court will always assess the needs of those involved in any hearing and determine the most appropriate venue and format for a hearing.

Some responses commented on the number of staff at the court. We can confirm that, including the Case Management Unit, there are 21 members of staff based at the site. We will work with all staff to arrange a suitable alternative work location.

² In 2017/18 Banbury sat an average of 2.49 hours per session compared with the national average of 2.64.

Conclusion

Oxford Magistrates' Court provides sufficient hearing room space and facilities to support the relocation of criminal work and we consider that journey times will be reasonable. Therefore, following careful consideration and detailed analysis of each of the responses received, the Lord Chancellor has decided to close Banbury Magistrates' Court and relocate the work to Oxford Magistrates' Court. County court work will be relocated to Oxford Combined Court.

Implementation of the decision to close Banbury Magistrates' and County Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We are now beginning to develop our plans for implementation of the decision and the operational exit, which is when the building will cease to provide a public service. Further updates on the timeframe for implementation will be provided online alongside this document in due course.

There are a number of factors to consider before Banbury Magistrates' and County Court can close. We will work closely with the judiciary to make the listing changes to support the reorganisation of the work.

2. Maidenhead Magistrates' Court

Decision on Maidenhead Magistrates' Court

Following the analysis of points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Maidenhead Magistrates' Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, the workload and hearings currently addressed in the courts will be relocated as follows:

- criminal work will be primarily relocated to Reading Magistrates' Court. Suitable cases could also be listed at High Wycombe Magistrates' and County Court and Staines Magistrates' Court if this will provide better journey times for users.

The listing changes required will be subject to the agreement of the relevant judicial bodies with responsibility for listing.

Summary of responses to proposal on Maidenhead Magistrates' Court

32 responses were received in response to the proposal to close Maidenhead Magistrates' Court. Of the total 9 were in support of the proposal and 22 were opposed. Of the total:

- 2 were from members of the Judiciary;
- 1 was from a magistrate;
- 8 were from professional users;
- 4 were from public sector bodies;
- 1 was from a Member of Parliament;
- 4 were from criminal justice bodies;
- 4 were from staff members;
- 1 was from the Departmental Trade Union;
- 6 were from members of the public; and
- 1 was from an organisation that did not fit within the categories above.

Access to justice

A total of 23 responses were received which related to access to justice. 9 of these were either in favour of the closure of Maidenhead Magistrates' Court or considered that its closure would have minimal impact on criminal business.

Many of the respondents raised concerns about the increase in travel time and cost, which would result from transferring the criminal workload primarily to Reading Magistrates' Court, High Wycombe Magistrates' and County Court or Staines Magistrates' Court. The impact on those on low incomes was also raised as a concern. Specific

concerns were raised about the impact on those attending tribunal hearings and the removal of Social Service and Child Support hearings from the court.

“There is nothing specific about where civil matters would be referred to. Our biggest concern is benefit tribunals. The vast majority of appellants suffer from some degree of physical or mental health problems and are usually on a very low income. Difficulties and expense of getting to the tribunal venue and the nature of the venue can add to the stress. Reading is difficult for parking and the premises are difficult to access. I can't comment on other Thames Valley locations.” **(Maidenhead Citizens Advice)**

“The consultation has focussed on the transport links to Reading when the reality must be that some of the work would be heard elsewhere. Travel to High Wycombe is considerable from a number of locations that HMCTS has stated. A journey by train from Bracknell for example to High Wycombe would take two and a half hours one way, require two changes and a journey via central London at a cost of £30.40. A defendant required to answer bail at 0930 would need to catch a train at 0638 according to the National Rail Enquiries website.” **(Public and Commercial Services)**

“The proposals do not take into account the cost and difficulty of travel to the alternatives mentioned even for a fully able-bodied person. The distances may not be great in some cases, but for the elderly or even slightly infirm could well preclude attendance at court. Local justice is the best justice. Some people would be prevented from appearing, maybe to defend themselves, because of the cost and difficulty of these proposed journeys. There are villages surrounding Maidenhead which could extend a journey into several hours and several parts.” **(Former Magistrate)**

Response

In listening to concerns raised about travel we have re-checked travel time examples, including in light of the revised national rail timetable changes which took place in May. Our analysis shows that by public transport, a journey from Maidenhead to Reading Magistrates' Court takes less than 30 minutes. From other towns which are currently served by Maidenhead Magistrates' Court, journeys by public transport to the proposed alternative court are broadly similar or shorter. For example, a journey by public transport from Bracknell to Maidenhead Magistrates' Court takes around 1 hour, whereas a journey to the nearest receiving court, Reading Magistrates' Court, takes around 35 minutes.

In response to concerns raised about travel times from some areas currently served by Maidenhead Magistrates' Court to High Wycombe, our proposal is that the majority of work will relocate to Reading and that suitable cases could also be listed at High Wycombe Magistrates' and County Court and Staines Magistrates' Court if this will provide better journey times for users.

Since Maidenhead Magistrates' Court is underutilised, we do not anticipate that a large number of users will be impacted by the closure of the site. While we acknowledge that in some cases users may face longer journey times, we do not think these will be unreasonable or disproportionate. The Equality Statement provided at the end of this document sets out our assessment of the impact on those with protected characteristics, as defined by the Equality Act 2010. For those not covered by the Act, we are also able to offer a number of mitigations to ensure that access to justice is maintained for all. These can include, where appropriate, using an alternative venue or later hearing start times for those less able to travel. We will undertake a postcode review to determine the most

appropriate receiving site for work to be directed; ensuring the shortest journeys where possible.

The decision to move Social Security and Child Support (SSCS) tribunal hearings was a decision taken by the judiciary, who are independent of HMCTS and the Government, with the aim of improving the efficient delivery of this service. This was therefore not part of the consultation. The key driver for the relocation of work was the condition of the Maidenhead accommodation (as the building is prone to water leaks and flooding) and regular disruption to SSCS hearings as a result. Cases were relocated to either Reading or High Wycombe following a review of appellant post codes. We can offer a number of mitigations to assist those with difficulties accessing court.

Value for Money

Five responses referred to issues surrounding value for money. There was concern raised that the proposals would push costs from HM Courts & Tribunals Service onto members of the public and professional users. Other respondents, however, accepted that the closure of Maidenhead Magistrates' Court, which currently runs only one Youth Court every Thursday, made sense. In some cases responses suggested alternative sites for relocating the work. Below are examples of the responses in this area:

"I am worried that the proposal will make it more difficult for young people and families from Slough to attend court. It will cost them as well as professionals working with them a lot of additional time and money. This hidden cost in terms of less equal access to justice and higher financial cost to other stakeholders is not considered properly in the proposal. Some may view the proposal as a form of cost shunting."
(Professional user)

"Maidenhead is in a poor state of repair. There are no full-time staff working there. A Youth court is run on a Thursday only. Training and storage services could be moved to Banbury Magistrates' Court as part of my proposed alternative to Banbury's closure."
(Member of staff)

Response

We consider that the closure of Maidenhead Magistrates' Court represents savings for the taxpayer; by closing this under-used site we will reduce HM Courts & Tribunals Service running costs (i.e. excluding people costs), which in the 2016/17 financial year were £150,000, and reinvest the proceeds from the sale of the property into the remaining court and tribunal estate. Work from the site can be easily accommodated elsewhere at the proposed receiving courts without impacting access to justice. We consider that any additional costs generated by visits to court, which is typically a rare event for most people, would not be prohibitive. For example, travel from Bracknell to Maidenhead currently costs court users £6.00 for an adult return by bus, and it would cost £6.40 for an anytime return train fare to Reading.

As Banbury Magistrates' and County Court has been announced for closure as part of this document, it would not be feasible to relocate services from Maidenhead Magistrates' Court to that site.

Operational Efficiency

19 responses referred to issues surrounding operational efficiency. Concerns raised by respondents included the fact that no reference was made to Social Security and Child Support tribunal work (previously heard at Maidenhead Magistrates' Court) in the consultation document. Others stated that the court could be retained were it to be used more efficiently, while there was also concern raised about the support provided to victims and witnesses who may face longer travel times.

Thames Valley Police highlighted a number of areas, including concerns about the potential increase in defendants failing to attend hearings as a result of increased journey times and the limited number of sites in the region with suitable disabled access facilities. Others felt that the proposals were positive and would have no impact on the work, noting the low utilisation of the site and benefits of utilising a larger court centre.

"...there is no reference at all to tribunal work which forms the bulk of the work carried out at Maidenhead (one day per week crime v 5 days per week tribunal)" (**Member of the Judiciary**)

"Court work could be organised more efficiently to make the best use of resources and avoid wasted time." (**Member of the Public**)

"Thames Valley Police are concerned about the impact on victims and witnesses so would like to understand more fully what additional support has been considered by the court to enable them to give evidence remotely." (**Thames Valley Police**)

"Thames Valley Police would like to also highlight to the consultation the likely increase in Fail to Appear warrants as a result of these closures which will occur if defendants are unable to access justice locally. The impact on the Police in dealing with Fail to Appear Warrants is likely to increase substantially unless carefully managed by HMCTS, to include further assistance to defendants to encourage them to travel to courts which are likely to be further away." (**Thames Valley Police**)

"In light of the very low level of usage and the limited cases heard at this location, the impact on T&C Crown Prosecution Service is negligible. With such low numbers of cases there are few victims, witnesses and defendants likely to be affected. There is a minor concern about the relocation of work from that court to the remaining Berkshire courts in Slough and Reading and the impact of the listing of cases at those courts." (**Crown Prosecution Service**)

"Maidenhead Magistrates Court is a periodic court and runs very infrequently therefore the impact of the courts closure would in my opinion be very minimal. I do not believe that the closure of Maidenhead Magistrate Courts will have an adverse impact to Prisoner Escort and Custody Services, instead I believe that it would be more effective that the whole of the work is moved to a larger court centre." (**Prisoner Escort and Custody Services**)

Response

Maidenhead Magistrates' Court is under-utilised; sitting for a total of 970 hours out of a possible 3,750 available hours in the 2017/18 financial year. This workload can be easily accommodated elsewhere.

The consultation documents published workload figures for the 2016/17 financial year, as that was available at the time. In reaching the decision to close the courts we have also

considered more up to date utilisation data for the 2017/18 financial year. Utilisation of Maidenhead Magistrates' Court was 29% in the 2016/17 financial year and 26% in the 2017/18. The shift in utilisation does not affect the case for closure.

The decision to move Social Security Child Support hearings from Maidenhead Magistrates' Court to High Wycombe Magistrates' Court, Reading Magistrates' Court and Watford Magistrates' Court was a judicial decision made prior to the proposals for the future of Maidenhead Magistrates' Court and was therefore not part of the proposals being consulted upon. We can confirm that the relocation of the tribunals took place in April 2018.

Our assessment is that there is sufficient capacity in the Berkshire area and in the receiving sites detailed to accommodate the work of Maidenhead Magistrates' Court. However, we will keep the listing of cases under review, and, in conjunction with the judiciary who have responsibility for listing decisions, ensure that the court and tribunal estate in the region runs efficiently.

Work undertaken to review the number of failure to attend warrants issued nationally has not detected any correlation between court closures and an increase in Fail to Attend warrants being issued.

Other considerations

One response made on behalf of Thames Valley Police, identified a requirement to fully consider the existing physical link between court building and the police station before disposal of the site.

“With regards to the potential closure of Maidenhead Court, it is important to note that this site has several services, including access, linked to the Police station. These issues affecting the police station would need resolution before any redevelopment is considered.” **(Thames Valley Police)**

Response

We will ensure that any issues at the site requiring resolution, including those involving public sector partners, are resolved ahead of any sale.

Conclusion

Following careful consideration and detailed analysis of each of the responses received, the Lord Chancellor has decided to close Maidenhead Magistrates' Court. The decision of where workloads will move will be taken by the relevant judicial group. However, Reading Magistrates' Court provides an accessible location for the type of cases currently being heard at Maidenhead and has sufficient hearing room space and facilities to support the relocation of criminal work and therefore we would expect workload to move to Reading. As set out in the consultation High Wycombe and Staines magistrates' courts are also within reasonable travelling distance of the areas served by Maidenhead Magistrates' Court.

Implementation of the decision to close Maidenhead Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We are now beginning to develop our plans for implementation of the decision and the operational exit, which is when the building will cease to provide a public service. Further updates on the timeframe for implementation will be provided online alongside this document in due course.

There are a number of factors to consider before Maidenhead Magistrates' Court can close. We will work closely with the judiciary to make the listing changes to support the reorganisation of the work.

Annex A – List of respondents

In addition to the members of the public who responded to the consultation, the following named individuals and organisations provided a response:

Banbury Town Council
Cherwell District Council
Citizens Advice Maidenhead & Windsor
Councillors – Banbury Town Council
Councillors – Cherwell District Council
County Councillor Banbury Ruscote – Oxfordshire County Council
Crown Prosecution Services
Thames Valley CRC
High Sheriff of Oxfordshire
HMCTS Staff
HMCTS Thames Valley Local Leadership Group
Judiciary
Justices of the Peace
Law Firm Spratt Endicott
London & Surrounding Counties, Witness Service
Magistrates
Oxford City Council – Law and Governance – Oxford City Council
PCS
Prisoner Escort and Custody Services
Rt Hon Theresa May MP for Maidenhead
Slough Children's Services Trust
Slough YOT
Thames Valley Police
The Law Society
Victoria Prentis MP for Banbury
Windsor and Maidenhead Youth Offending Team
Witness Services – Citizens Advice
Youth Offending Services

Annex B – Equality Statement

This Equality Statement includes an analysis of the equalities impact from the court closures being carried out in the South East region: Banbury Magistrates' & County Court, and Maidenhead Magistrates' Court.

We have considered the range of consultation responses received concerning our assessment of equalities and note that concerns were raised around the data sources we have used and whether these are limited in scope. In response, we have identified other data sources to enhance our assessment. We have also specified further ways in which we are able to mitigate access difficulties where necessary.

Other responses claimed that our equalities statement overlooked people on low incomes, vulnerable and disadvantaged people, and other groups considered to be particularly at risk. Our initial equalities statement considered the impacts of the proposals on those with protected characteristics as defined by the Equality Act 2010. In response, we have further considered how we might accommodate the needs of other users not encompassed by the Act in the response document.

Respondents in some cases provided additional evidence of potential impact. While this does have not alter our overall assessment that the proposals are unlikely to have a disproportionate impact on those with protected characteristics, we have considered and included a number of additional mitigations to ensure access to justice is maintained.

Equality impacts

1. Section 149 of the Equality Act 2010 ("the EA") requires Ministers and the Department, when exercising their functions, to have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA;
 - Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
2. Paying due regard needs to be considered against the nine protected characteristics under the EA – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how proposed policies are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the adverse impacts and advance the beneficial ones.

Direct discrimination

4. Our assessment is that the policy is not directly discriminatory within the meaning of the EA, as it applies equally to all persons affected by the proposals on the provision of the civil and criminal court estate in the South East; we do not consider that the decision would result in people being treated less favourably because of any protected characteristic.

Indirect discrimination

5. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, in the event that in some cases these effects were considered to result in a particular disadvantage (for example, the length of journey time to court), we believe that implementation of the proposals represents a proportionate means of achieving the legitimate aims of court reform and efficiency.
6. Our approach has been to identify groups of people with protected characteristics and compare them to the court user population in the South East region. This approach allows us to identify whether any groups of people with protected characteristics are likely to be particularly disadvantaged by the proposals. Due to limitations in the available data on local HMCTS users, we have made the assumption that the local populations in the local authority areas in which the courts are located are representative of the general population of the region.
7. In response to concerns about the limitations of our approach to data usage, we have identified a number of other sources of data to strengthen the analysis we have undertaken. These data sources are provided and analysed below.

Protected characteristic impacts

8. To help show the likely impact on court users we have assessed the available population data on the characteristics of sex, age, disability, race and religion (Table 1). Our current assessment is that there is some slight over-representation of those who identify as Christian in areas local to the courts (63% compared to 60% across the South East region. There is also a slight under-representation of those who identify as having no religion in the areas local to the courts (24% compared to 28% across the region). The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at the two courts in the South East. Although there is some slight over-representation for some groups we do not consider that this would result in any disproportionate impact for people with the protected characteristics of sex, race or religion. Furthermore, we do not consider that the closures will have a greater impact on these particular groups when compared to the region's population as a whole.
9. Although we do not currently have data on the protected characteristic of gender reassignment, and only limited data on sexual orientation and marriage and civil partnership, we do not consider that the proposals are likely to result in any particular disadvantage for people with these protected characteristics when compared to those who do not share the protected characteristics.
10. To supplement our evidence, in Table 2 we have provided published data from the Crime Survey for England & Wales (2014/15) which details the protected

characteristics of those who were victims of personal crime. We acknowledge that this data does not necessarily correlate to all court users, however, it provides a helpful indication of a cross-section of the population likely to access criminal courts.

11. Our initial assessment noted the limitations in the available data to assess the extent of impacts on the remaining protected characteristics of sexual orientation, marriage and civil partnership. The information provided in Table 2 allows us to identify the characteristics of those who were victims of crime in 2014/15, which includes sexual orientation and marriage and civil partnership. We are able to identify that those who are single are over-represented amongst victims of crime when compared with the general population (42% as opposed to 25%). We have been unable to identify data to allow an assessment of the impact on those with the protected characteristic of gender reassignment. Having considered the impact of the proposals on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of these proposals.
12. We have looked at the potential impact of these closures on journey times for users, drawing on local knowledge. Typical example journey times from some key towns served by Banbury to the receiving site – Oxford – are typically under 1 hour 10 minutes by car and typically under 1 hour by public transport. Typical journey times from some key towns currently served by Maidenhead to the primary receiving site – Reading – are under 45 minutes by car and under 50 minutes by public transport.
13. We recognise that the need to travel further (either by car or by public transport) is likely to have greater impacts on people with disabilities, the elderly and pregnant women. Available data suggests that there is no over-representation of people with disabilities in the areas local to the two courts being considered for closure. In fact, data suggests an under-representation of those with disabilities (13% in areas local to the courts under discussion, against 16% across the South East region). There is no available data to suggest that there are more pregnant women in the areas local to these courts compared to the South East population as a whole.
14. While increased travel may have greater impacts for those groups, those impacts can be reduced by some of the mitigating measures identified below. For example, the greater availability of online information and virtual court facilities may reduce the need to travel to courts.
15. While a low income is not a protected characteristic by definition of the Equality Act (2010), we consider that the mitigations we have identified through this assessment would also apply to those court users on a low income who may be impacted by longer journeys to court.
16. Overall, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the proposed courts will impact a small number of users and the savings and efficiency achieved as a result of the closures will contribute to a better service overall for users. It remains important to make reasonable adjustments for people of disability to ensure appropriate support is given. These are explained in more detail below in the mitigations section.

Harassment and victimisation

17. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

Advancing equality of opportunity

18. Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic. Reducing the reliance on buildings with poor facilities to take advantage of a more modernised estate with better communication methods will help to generate a positive impact on all users, especially people with disabilities.

Fostering good relations

19. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

Court user data

20. We have explored the likely equality impacts on court users by drawing comparisons between the populations local to the proposed closures and the population of South East.

21. No comprehensive information is held on the protected characteristics of court and tribunal users. In this assessment, we have assumed that all court users are representative of the general population from which they are drawn, using data from the 2011 Census. We have compared the protected characteristics of this population with the populations in the appropriate local authority areas in the South East.

Table 1: The protected characteristics of those impacted by the proposals

		Local population			South East population
		<i>Crown court</i>	<i>Magistrates' Court (Maidenhead Magistrates' Court and Banbury Magistrates' and County Court)</i>	<i>County court</i>	
Site closures		0	2	0	2
Gender	Male		49%		49%
	Female		51%		51%
Age	0–15		20%		19%
	16–64		64%		64%
	65+		16%		17%
Disability	Disability		13%		16%
	No disability		87%		84%
Race	White		89%		91%

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	Mixed		2%		2%
	Asian		6%		4%
	Black		1%		2%
	Other		1%		1%
Religion	Christian		63%		60%
	Buddhist		0%		0%
	Hindu		1%		1%
	Jewish		0%		0%
	Muslim		3%		2%
	Sikh		1%		1%
	Other religion		0%		0%
	No religion		24%		28%
	Religion not stated		7%		7%

Other Data Sources

22. To enhance our understanding of the potential impact on protected characteristics we have explored alternative sources of data that might help us understand the demographic makeup of potential court users and those that might interact with the justice system. Our data sources are limited and we have been unable to identify a data source that would provide a comprehensive assessment. However, we have found data that provides an overview of protected characteristics.

23. The information provided below (Table 2) has been provided as an indication of potential users of criminal courts and is therefore applicable for our consideration of the decision to close Banbury Magistrates' & County Court and Maidenhead Magistrates' Court.

Table 2: The protected characteristics of victims of personal crime (2014/15)³

Table: Characteristics of adults who were victims of CSEW (Crime Survey for England and Wales) personal crime, 2014/15 CSEW

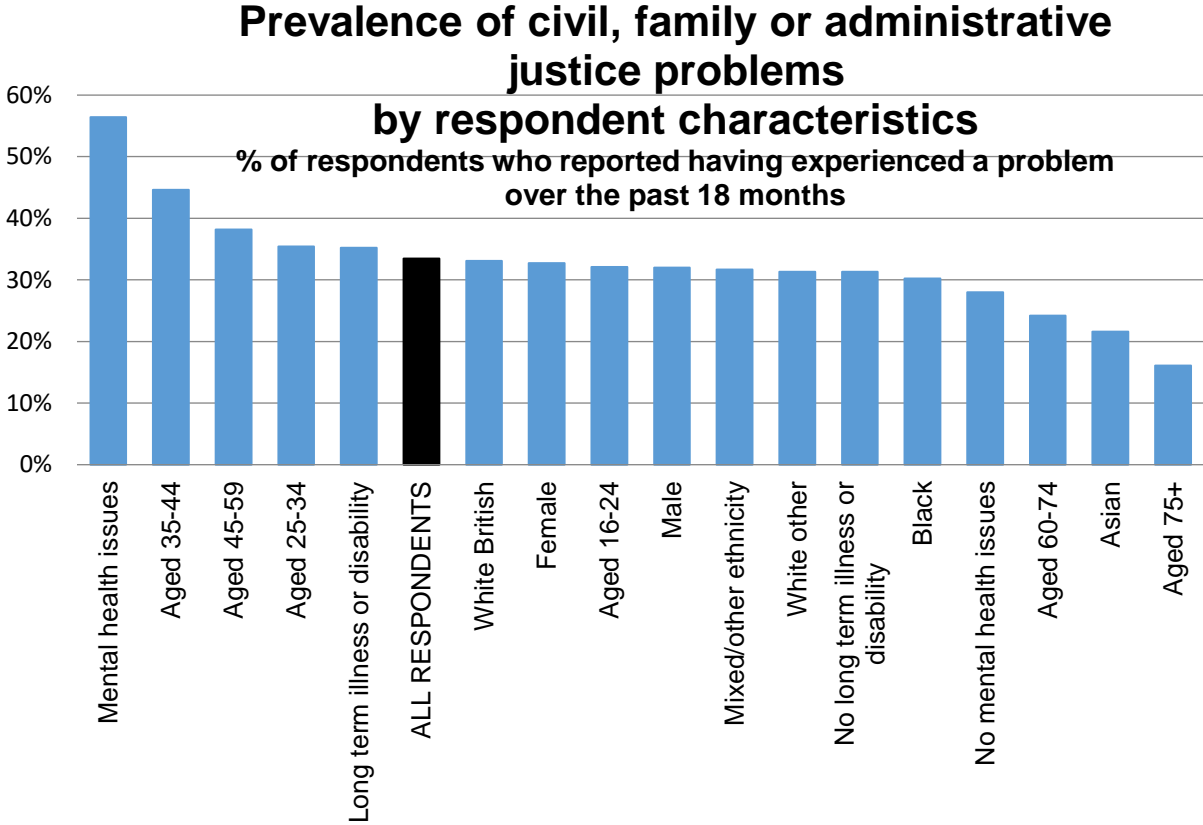
England and Wales	Adults aged 16 and over Victims of Personal Crime (%)Per cent	General Population (%)
Age		
16–24	28	14
25–34	24	17
35–44	17	16
45–54	16	17
55–64	8	14
65–74	4	12
75+	3	10

³ Source: Crime Survey for England and Wales, Office for National Statistics.

Disability/Illness status		
No disability/illness	76	79
Non-limiting disability/illness	5	5
Limiting disability/illness	19	16
Marital Status		
Married/civil partnered	31	50
Cohabiting	14	12
Single	42	25
Separated	4	2
Divorced/Legally dissolved partnership	6	5
Widowed	3	6
Ethnicity		
White	84	87
Non-white	16	13
<i>Mixed</i>	2	1
<i>Asian or Asian British</i>	7	7
<i>Black or Black British</i>	5	3
<i>Chinese or Other</i>	2	2
Religion		
No Religion	46	33
Christian	45	58
Muslim	4	5
Hindu	2	2
Other	4	2
Sex		
Male	56	49
Female	44	51
Sexual Orientation		
Heterosexual or straight	95	96
Gay or lesbian	2	2
Bisexual	3	1
Other	0	1

24. The information provided below (Table 3) sets out the number of people who experienced a civil, family or administrative justice problem. This helps provide an indication of the number of likely users of civil and family courts. This data is relevant for our consideration of the impact of the decision to close Banbury Magistrates' & County Court.

Table 3: Prevalence of civil, family or administrative justice problems by respondent characteristics: % of respondents who reported having experienced a problem over the past 18 months⁴



This bar chart shows the prevalence of justice ‘problems’ relating to civil, family or administrative areas amongst respondents to the Justice Survey. Problems refer to a matter requiring redress through the justice system.

25. Data from the English and Welsh Civil and Social Justice Survey Wave 2 Summary Report (Balmer, 2013) shows the prevalence of justice ‘problems’ relating to civil, family or administrative areas amongst respondents to the Justice Survey. Problems refer to a matter requiring redress through the justice system.

26. It is unclear whether those who responded to the survey are representative of the population as a whole and therefore, we cannot draw any firm conclusions from this data. The data does suggest that over 50% of individuals who responded to the survey and had mental health issues have experienced a justice related problem. However, this does not tell us whether the proposals under consideration are likely to impact this group more or less relative to other court users. Court users who are likely to be impacted by the proposal are those who find it difficult to travel (and face longer journeys to an alternative site) or those who may have difficulty using digital services. This could potentially impact those who are less mobile, such as people with disabilities, pregnant women and those over the age of 75 years more negatively than the general court user. The data suggests that out of those in the 75+ age group that

⁴ Data collected between 2006 and 2009.

responded to the survey, slightly over 15% have experienced a legal problem. However, the sample size was low and therefore it is difficult to draw concrete conclusions about the impact of the proposal on this age group. HMCTS will, where appropriate, provide mitigations and reasonable adjustments to ensure access to justice for this group is maintained.

27. Sample size varies by characteristic; ethnicity, in particular, has a low sample size and therefore drawing any firm conclusions on the impact of this proposal on this protected characteristic is difficult. From the data there does not seem to be any gender impact; out of those that responded to the survey, slightly over 30% of both males and females have had a justice problem. This indicates that the proposals should not have a disproportionate impact on gender.

Defendants, victims and witnesses

28. The Ministry of Justice publications Race and the Criminal Justice System 2012 and Women and the Criminal Justice System 2013 show the race and gender profile of court users and those in the Criminal Justice system at a national level. They show that men and those from a Black ethnic group are over-represented amongst defendants in the criminal courts when compared to the general population from which they are drawn. Data for those sentenced in both the Crown and magistrates' courts in 2012 to 2013 confirm that:

- Males were more likely to be sentenced to immediate custody and to receive custodial sentences of six months or longer than females with a similar criminal history; and
- Relative to the population, rates of sentencing for Black offenders were three times higher, and two times higher for mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.

29. There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2014/15) shows that the following groups of people are over-represented as victims of personal crime when compared to the general population:

- those aged 16 to 24 (28% of all victims, compared to 14% of the general population);
- those from BAME (Black, Asian and minority ethnic) backgrounds (16% of all victims, compared to 13% of the general population); and
- men (56% of all victims, compared to 49% of the general population).

30. While groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation equates to victims and witnesses who use the criminal courts. The data in Table 2 has been provided as a means of an assessment of impacts, while remaining live to the limitations of this as a proxy.

Impact on magistrates

31. HMCTS HR data show that magistrates are older and more likely to be of White ethnicity than the general population of England and Wales from which they are drawn. Data for 31 March 2011 confirm the following:
- Younger magistrates are under-represented: 18% of serving magistrates were 49 or under, 30% were aged 50–59 and 52% aged 60 and over. Figures for the general population (aged 18–70) are 66%, 18% and 16% respectively.
 - Those of Black, Asian and Minority Ethnic (BAME) ethnicity were similarly under-represented: 8% of serving magistrates in England and Wales declared themselves to be from a BAME background. This compares with the most recent estimate that BAME groups represent 14% of the general population (all ages).
 - Disabled magistrates were also under-represented: 5% of serving magistrates in England and Wales consider themselves to have a disability, while 18% of the general population (all ages) consider themselves to have a long-term health problem or disability that limits daily activity a lot or a little. The differences in the definitions of disability are acknowledged.
 - In line with the general population 51% of serving magistrates in England and Wales were female.

Other Impacted Groups

32. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office⁵ show that male judges, those of White ethnicity and those aged 50 years and older are over-represented compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions.^{6,7}
33. With regards to other HMCTS staff, equality assessments will be carried out by HMCTS HR at the Business Unit level and the impact on protected characteristics will be fully assessed once the impact on individuals at each site has been understood. We will engage with staff at the implementation stage to carefully assess any equalities issues and work through possible mitigations.

⁵ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

⁶ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁷ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

Mitigations

34. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services and to make the most of technological advancements and efficiencies. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including the following.

- All guidance material, together with information about particular processes, are made available online through Gov.uk and the Justice website. This would include: the location, directions to and available facilities of the relevant court or tribunal, guidance on mediation, how to make a claim, how to appeal, and how to make a complaint. In addition, these websites provide useful links and signposts users to related websites such as: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed as regularly.
- Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
- Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
- Alternative Dispute Resolution is promoted where appropriate, which reduces reliance on court hearings.
- Reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, including a central advice point. Examples of adjustments relevant to this decision included.
- identification of blue badge parking near the receiving court for those with mobility difficulties;
- use of the staff car park where necessary for disabled users; and
- consideration of an alternative venue where access is problematic.
- Later starts times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.
- Video links for criminal courts are used as follows:
- prison to court video links allow defendants to appear from custody in magistrates' courts;
- additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant; and
- the court will always decide whether it is appropriate to conduct a hearing in a certain way, and the parties will also be able to make representations. In making its decision the court should consider whether any parties or witnesses have a disability (e.g. visually or hearing impaired) or are vulnerable and would benefit from face to face contact to be able to effectively participate in the case.
- Assisted Digital provision will support the digital access needs of individuals who are currently not able to easily engage with online services to ensure reasonable

adjustments are made. The court should consider whether the parties have the required digital skills and access to technology in order to be able to engage with a video or audio hearing, and may direct for the hearing to be held in a physical court room as a result.

- Facilities and provisions made at sites receiving the work at closing courts can include disabled access, hearing enhancement facilities, baby changing facilities and video-conferencing and prison link facilities. The exact facilities available at a court site can be found on our website: <https://courttribunalfinder.service.gov.uk/search/>. If appropriate facilities are not available arrangements can be made by contacting the court to determine reasonable adjustments that might be made, including, where necessary, use of an alternative venue.

Conclusions

35. Those living in the areas affected by the court closures will be within an acceptable travelling distance of the court where the work is transferred to. This means that users will still have reasonable journeys to court to attend hearings, including by public transport. While we acknowledge that some people may need to travel further to reach their nearest court, attending court is typically a rare event for most people.
36. Although increased journeys have the potential to impact some people with protected characteristics, the impact is expected to be limited and justified in the context of the aim of the policy. The mitigations set out above will continue to ensure access to justice is maintained. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). All of these measures are reducing the need to travel to court buildings to access HMCTS services.
37. For those people who still need to attend courts, reasonable disability adjustments are offered and other measures such as later court hearing start times will help to minimise impacts for those with transport difficulties.
38. In the long-term, the savings and any capital receipts generating from the closure will contribute towards funding the reform of HMCTS including improvements at courts receiving the work of a closing court. Overall, therefore, we consider that the decision to close Banbury Magistrates' & County Court and Maidenhead Magistrates' Court and the likely resulting impacts considered above represent a proportionate means of achieving the legitimate aim of a modernised, efficient court and tribunal service.



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