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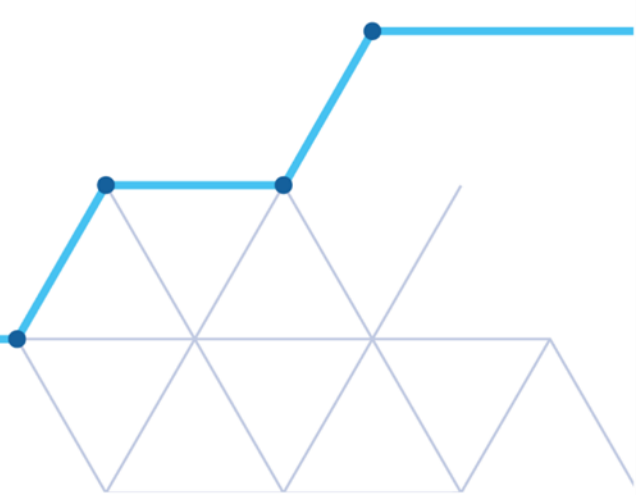


HM Courts &
Tribunals Service

Response to consultation on the future of Wandsworth County Court and Blackfriars Crown Court

This response is published on 24 July 2018

Protecting and advancing the principles of justice





Ministry
of Justice



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**Response to consultation carried out by HM Courts & Tribunals Service, which is part of the
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Introduction and contact details

This is the response to the consultation: Proposal on the future of Wandsworth County Court and Blackfriars Crown Court.

It will cover:

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

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

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This report is also available at www.gov.uk/moj

Alternative format versions of this publication can be requested from the contact details above.

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 launched a consultation on the future of Wandsworth County Court and Blackfriars Crown Court.

The consultation presented proposals to make changes to the court estate in London by closing Wandsworth County Court and Blackfriars Crown Court and relocating hearings to other courts in the London region. This is intended to improve the utilisation of the London court estate and to provide better value for money for taxpayers by reducing operating costs and increasing the efficiency of the estate, while maintaining provision of services and access to justice.

Any receipts from the sale of buildings consulted upon will be reinvested into the transformation of court and tribunal services to modernise them 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 75 responses to the consultation were received. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the London 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. In reviewing these responses, we have considered these points carefully and have made some changes to our plans as a result. We remain committed to ensuring that the people of London can continue to access our services.

Following careful consideration and detailed analysis of each of the responses received, the Lord Chancellor has decided to close both Wandsworth County and Blackfriars Crown Courts.

The consultation proposed options for the relocation of hearings from Wandsworth County Court and Blackfriars Crown Court to other courts across London. Many respondents made suggestions which have been taken into consideration in reaching the decision on the locations for future work. In particular, we have reviewed our proposals regarding relocation of work in light of responses and have amended these plans. However, the final decision on how work will be relocated will be a matter for the relevant judicial body with responsibility for listing those cases. Further details are included on a court by court basis in the summary of responses.

We acknowledge that the decision to close courts will mean that in some instances 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, including reflecting local knowledge, and we are confident that access to justice will be maintained following these closures.

While the closures detailed in this document are based on our current estates principles and are not dependent on the modernisation of our courts and tribunals, we are continuing to develop alternative ways for users to access our services through better use of modern technology. As HM Courts & 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, saving them time and effort.

We recognise that navigating the current court service processes and the use of technology is not easy for some court users. As part of our work to transform, HM Courts & Tribunals Service is simplifying court processes and also providing assisted digital services for those who need it, making the system better for all users.

Staff, judiciary and partner agencies who work hard to administer and deliver justice, as well as users of our courts, will obviously be affected by these changes, and I know some will be unhappy and unsettled by these closures. I am committed to involving and communicating clearly with court users, working closely with the judiciary on the implementation of these changes. I 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 Organisation Change Framework, and in consultation with the Departmental Trade Union.

A handwritten signature in black ink, appearing to read 'Lisa Killham', with a horizontal line extending to the right.

Lisa Killham – Delivery Director

Background

The consultation document published on 18 January 2018 proposed the closure of the following courts:

- Wandsworth County Court; and
- Blackfriars Crown 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, delivering value for money and maintaining operational efficiency, our assessment is that the decisions to close these two courts will help us to deliver an effective service for users. In alignment with our estates principles, we will ensure that 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 Wandsworth County Court and Blackfriars Crown 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 raised, and setting out the decisions that have been reached on each proposal.

County Court and Crown Court utilisation

The court utilisation figures provided in the consultation document were calculated by taking the number of hours the court sits as a proportion of total court room capacity.

The consultation documents published workload figures for the period April–September 2017, which were available at the time of publication. In reaching the decision to close the courts we have also considered the latest available utilisation data for 2017/18. This is referred to in the chapters 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. This information was produced using Google Maps point to point journey times and the Transport for London (TFL) travel website. Access to justice is explored in the response sections of this document in relation to each proposal.

Our analysis of travel times compared current journey time examples from key London locations and terminals to the courts proposed for closure with future journey times for the same locations to the courts proposed to receive the workload of the closing courts. In each instance the journey time was assumed to begin at 8am. We have also drawn on local knowledge, with key locations selected as those areas from which the courts proposed for closure draw their workloads.

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 75 of individual responses to the consultation paper were received. Of these:

- 24 were from members of the Judiciary;
- 7 were from magistrates;
- 1 was from a Member of Parliament;
- 3 were from criminal justice partners;
- 28 were from professional users;
- 3 were from public sector bodies;
- 5 were from individuals;
- 2 were from staff members;
- 1 was from an unidentified respondent; and
- 1 was from a union or staff group.

Of the responses received 24 responses related to Wandsworth County Court, 36 related to Blackfriars Crown Court and 15 responses related to both courts.

There were a number of responses in support of the proposals; of these responses the main themes related to saving money, providing maximum value to the tax payer and consolidating the estate. Some examples of these were as follows:

‘Agree to close Wandsworth subject to it being sold for true market value. Too many courthouses have been sold for peanuts. With great transport links it is very easy to get anywhere in London without too much inconvenience to anyone.’ (**Magistrate**)

‘Yes – the estate should be consolidated to the maximum extent possible to free up land for development and deliver maximum value for the taxpayer.’ (Individual)

‘The proposal makes sense with two other London Crown Courts that are 10 to 15 minutes’ walk from one another. Southwark CC has capacity for expansion and Blackfriars CC has been the quietest central London CC [Crown Court] for some time, dealing with fewer VIWs [victims and witnesses] than Southwark CC and Inner London CC.’ (**Witness Service**)

[In response to Blackfriars Crown Court proposals] ‘I agree with the closure as it will save money.’ (**Magistrate**)

‘The two CPS [Crown Prosecution Service] areas that serve London welcome the proposal to close Blackfriars Crown Court. The CPS acknowledges and accepts that spare capacity across the crown court estate in London should be consolidated to allow for the closure and for the remaining courts to run at improved utilisation levels.’ (**Crown Prosecution Service [CPS]**)

Of the responses opposing the proposals there was a repeated theme in relation to concerns around access to justice. Responses highlighted concerns that if the courts were to close there would be increased travel times and costs and this would have a negative impact on all court users. There were also concerns raised around the condition of the current estate, indicating that improvements should be made to existing buildings rather than closing courts. Some comments also expressed a level of support for the proposal but urged the need to have robust contingency plans if required. Some examples of comments which responded in this way were as follows:

‘We believe that the proposed closures will restrict access to justice for many court users. The difficulty in reaching alternative courts and the increased costs of travelling, in terms of both time and money, that will arise in most cases as a result of these proposals is likely to lead to more miscarriages of justice.’ **(PCS)**

‘We are of the view that Wandsworth County Court should not be closed, but the space in it should be used more efficiently. The building is currently in a very poor state of repair but should be refurbished and the majority of hearings take place on the lower ground floor, with some additional hearings on the upper floors. This would be a proportionate use of resources, given the density of population in the area served by the Court and the reality of travelling to alternative Courts.’ **(Property Bar Association)**

[In response to Blackfriars Crown Court Proposals] ‘No I do not agree with the closure. I work here, this is a good place to work. We are a small but high performing team. This court building is also very good for disabled people, all the court rooms are on one level, there is good access into the building and lifts are provided where necessary.’ **(Staff member)**

‘We understand the reasons behind the proposal for closure of Blackfriars Crown Court but urge caution in reducing the number of available courtrooms without contingent proposals for expansion elsewhere, if and when required.’ **(Member of the Judiciary)**

Response

The following sections of the document summarise the responses to each of the two proposed court closures, grouping issues by theme wherever possible including: access to justice; value for money; operational efficiency; and other considerations, and setting out the decisions reached on each court.

Responses to individual proposals

1. Wandsworth County Court

Decision on Wandsworth County Court

Following analysis of the points raised by respondents to the consultation, and after careful consideration, the Lord Chancellor has decided to close Wandsworth County Court.

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

- Small claims, fast track and multi-track workload and hearings will move to Kingston County Court; and
- Housing possession hearings will move to Clerkenwell & Shoreditch County Court and Kingston County Court.

Upon further investigation, and having considered the consultation responses, HM Courts & Tribunals Service has concluded that Wimbledon Magistrates' Court would not be a viable option for receiving work from Wandsworth County Court. We have looked again at the possibility of creating additional capacity within the court by using existing space not currently being used. We have concluded that it would not be possible to configure this space to enable the separation of housing possession cases, which often involve vulnerable individuals, from the remainder of the Magistrates' Court's business. In addition, as we are able to accommodate these hearings within the existing county court estate, we believe that this will provide a better service to our customers, who will be able to access the full range of county court facilities available.

The following section of this document summarises responses in relation to Wandsworth County Court and HM Courts & Tribunals Service's reactions to each emerging theme or area of concern raised.

Summary of responses to proposal on Wandsworth County Court

39 responses were received in response to the proposal to close Wandsworth County Court. Of the total 8 were in support of the proposal, 25 were opposed and 6 were neutral. Of the total:

- 9 were from individual members of the Judiciary;
- 3 were from magistrates;
- 1 was from a Member of Parliament;
- 1 was from a criminal justice body;
- 18 were from professional users;
- 3 were from public sector bodies;

- 3 were from an individual; and
- 1 was from a union or staff group.

Access to justice

28 responses referred to issues surrounding access to justice. From the responses received many had concerns in relation to travel times for court users. It was felt that the closure of Wandsworth County Court would have an increased negative impact on those with disabilities, mental health problems and those who are on a low income. Below are some comments in relation to this:

‘County Court work is supposed to be done at places easily reachable by the local population. Many court users access courts on foot from home and cannot afford bus or tube fares.’ (**Member of the Judiciary**)

‘Members suggested that the travel times set out in the consultation document were unrealistic, and that the difficulties of travelling through London should not be underestimated. Travelling further and making more complex journeys is always likely to be more problematic for injured people, not just bearing in mind physical injuries but also mental health problems that may arise from injury, such as anxiety and depression.’ (**Association of Personal Injury Lawyers**)

‘Those attending court tend to be from lower income households, less likely to own cars and more likely to have physical and or mental disabilities. Any journey to court which is longer and more difficult will be more likely to create barriers to witnesses, defendants and serving members getting there.’ (**Justine Greening MP**)

‘Given the recent closure of Hammersmith/West London and Lambeth County Courts, the court users of south west London would face unacceptable travel distances to get to court hearings, reducing access to justice. We are particularly concerned about the impact of extended travelling times on vulnerable defendants to possession hearings who are under great stress, being at risk of losing their homes, and those with childcare responsibilities who would be required to make alternative arrangements for a long part of the day in order to be able to attend court.’ (**Property Bar Association**)

‘We strongly believe that there should be a local connection between the court and its local community. The proposal would cut the number of county courts south of the river in South London to just 3 out of the 14 county courts left in London.’ (**South West London Law Centres**)

‘We believe that the proposed closures will restrict access to justice for many court users. The difficulty in reaching alternative courts and the increased costs of travelling [...] In terms of both time and money that will arise in most cases as a result of these proposals is likely to lead to more miscarriages of justice.’ (**PCS**)

Response

HM Courts & Tribunals Service agrees 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, and we have also made reference to information which is available on the Transport for London website as well as drawing on local knowledge. Some responses to the consultations have claimed that the travel times provided are unrealistic and suggested that using travel times from an online source is not

reflective of reality. There will always be some journeys which are much longer than the average due to issues on rail networks or on the roads. However, our view is that the data used is informed by thousands 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 times shown are from the town or area to the door of the court in order that they are a more accurate representation of a genuine journey for a public user, as opposed to a journey from one court to another court.

We have listened to these responses and have thought further about travel times and the impact on all court users, especially those who are vulnerable, disabled or elderly.

Due to the weight and number of responses received, we have carried out further analysis of the capacity available at Clerkenwell and Shoreditch County Court, and travel implications of moving work currently heard at Wandsworth County Court to either that court or Kingston County Court. We have concluded that in order to ensure that sufficient capacity is available to absorb workload, small claims, fast track and multi-track workload and hearings should move to Kingston County Court. In order to minimise the impact on travel times for those attending housing possession cases, we have concluded that these should be split on the basis of the originating postcode between Clerkenwell & Shoreditch and Kingston County Courts, being mindful of the journey time and complexity. In conjunction with the mitigations set out in the Equality Statement, this will address issues raised about the length of journey times for some users. For example, for those attending possession hearings travelling from the W12 postcode area it would take around 1 hour 20 minutes to get to Kingston County Court but only around 50 minutes (and a simpler journey) to get to Clerkenwell and Shoreditch County Court.

The London region is served by good public transport links which run frequently. Most people who live and work in London are used to travelling by public transport to access an array of public services. Analysis conducted by the Trades Union Congress (TUC) suggested that in 2016 the average commute in London was around 1 hour 20 minutes. HM Courts & Tribunals Service remains committed to ensuring reasonable adjustments are made for people with disabilities to make sure appropriate support is given. Working with the judiciary, which is responsible for listing, we will take this into consideration when listing cases in the future.

Wandsworth County Court is approximately 6 miles from Kingston County Court and 7.5 miles from Clerkenwell & Shoreditch County Court. By car from the key London terminals to both receiving courts the journey times are typically under 1 hour 20 minutes, and by public transport the journey times under 1 hour 10 minutes. Significantly, the courts into which work from Wandsworth County Court will move are well-connected to public transport, with both Kingston and Clerkenwell & Shoreditch County Courts being well served by public transport with railway and bus links very near to the courts (Clerkenwell & Shoreditch County court is 0.4 miles from Barbican station and Kingston County Court is 453 feet from the nearest bus stop).

We know that the nearest stations for Kingston and Clerkenwell & Shoreditch Courts are in zones 6 and 1 respectively and that the cost of travel may increase for some court users. However, for members of the public using the court, this change will have limited impact, because attending a court hearing is typically a rare event. We consider the difference in cost of travel to be reasonable. For example, travel from Putney to Kingston requires travel on one bus (the number 85) which would cost £1.50 each way if using a contactless Oyster card or other contactless card (or free for over-60s). Travel from W12

to Clerkenwell & Shoreditch County Court would involve a single underground journey at a cost of £2.90 each way at peak times (or free for over-60s).

The impact on legal representatives who travel more frequently to court has also been considered. While we acknowledge that the travel time for some will increase, for others it will reduce and we consider that it will remain reasonable from the areas served by the current court, particularly in view of how well served London is in terms of public transport.

Value for money

13 respondents referred to value for money considerations. From the responses received it was felt that Wandsworth County Court would require substantial investment to bring this court back up to standard and some respondents agreed that the estate should be consolidated and sold to provide maximum value for the tax payer. Specific comments made on this theme were as follows:

‘In principle underused courts are a drain on resources and every opportunity to provide an efficient service can only benefit all court users.’ (**Magistrate**)

‘Property in the area has increased greatly in value in recent years. Flats adjacent to the court have been sold for £700,000. The building would therefore be worth a considerable amount of money if it were sold to a property developer.’ (**PCS**)

‘The PSU volunteers have witnessed first-hand the impact of the court being non-compliant with the Equality Act (such as hearings being adjourned when litigants cannot access the 1st floor hearing rooms), and also feel that the court has a run-down appearance which makes it feel unwelcoming and uncared for. We appreciate that it would cost a significant amount of money and time to make improvements to bring the court to the required standard.’ (**Personal Support Unit [PSU]**)

Response

We agree that the court is not in good condition. Deferred maintenance at the time of the publication of the consultation for this building was estimated at £510,000, which would be incurred were we to remain in the building. In 2016/17 the running costs of the building (i.e. excluding people costs) for Wandsworth County Court were approximately £270,000 and, as some responses point out, the site has a good potential redevelopment value. Given that the workload of the court can be accommodated elsewhere within a reasonable travel distance, better value for money can be attained by exiting and making better use of other courts in the area, while maintaining access to justice.

HM Courts & Tribunals Service has considered the responses and it is our view that closing Wandsworth County Court and consolidating the hearings into Kingston and Clerkenwell & Shoreditch County Courts would provide best value for money. Reinvesting the receipts of the sale into the remaining court estate will represent better value for money for the taxpayer than retaining the court. We will seek to achieve the best market value for the property at the point of sale, as we have done with all previous courts that have been closed and sold.

Some building work will be required to upgrade the condition and facilities of Kingston County Court to enable the transfer of workload. Our assessment is that the works required will include upgrading some of the courtrooms, administrative offices and public

areas, to provide improved flexibility of space and better facilities to address increased footfall, as well as the potential addition of up to two new hearing rooms.

Consolidating into these two buildings will result in efficiency gains by improving the utilisation of the London region's court estate, and by helping to reduce the cost of the estate. The resulting savings will be reinvested to improve services and support the transformation already underway. The increased usage of courtrooms in Kingston and Clerkenwell & Shoreditch County Courts as a result of relocating work from Wandsworth County Court will increase value for money for taxpayers by removing the annual running costs of maintaining a separate building.

Operational efficiency

28 responses referred to operational efficiency. In analysing the responses received, the common themes were that Wimbledon Magistrates' Court did not have the infrastructure or capacity to accommodate work from Wandsworth County Court. There were a few responses which had concerns over Clerkenwell & Shoreditch County Court's ability to take on extra work following the closure of Bow and Lambeth county courts, and it was also suggested that some further consideration should be given on how work was allocated. There were also positive comments made regarding the proposals. Some examples of responses on this theme were as follows:

'There were... concerns from members that those courts that are proposed to take on the workload from Wandsworth do not have the capacity to do so. The closure of Bow County Court has led to many cases being diverted to Clerkenwell & Shoreditch for some time. Members are concerned that the court will not have the time to take cases from Wandsworth as well.' (**Association of Personal Injury Lawyers**)

'With enabling works and the introduction of further judges and admin support into the County Court at Kingston, the work from Wandsworth could be moved although it will be important to deal with the building works and the admin structures before any work is moved. Once enabling works have been undertaken to create further court rooms and to ensure that security is properly managed, the county court at Kingston will be a great asset to the Civil Family & Tribunal [CFT] estate in London.' (**Member of the Judiciary**)

'If closure is inevitable, we favour option 2, namely all workload and hearings to relocate to Kingston County. Whilst Wimbledon Magistrates' Court is closer, we think it would be less efficient and confusing for court users for part of the workload to be relocated to a criminal court.' (**Property Bar Association**)

'I have focussed on the proposal to close Wandsworth County Court as one of the potential options is to move some of the civil housing possession work to Wimbledon. Additional work from the County Court cannot be accommodated at Wimbledon and any attempt to do so would have a serious negative impact on the criminal work undertaken and the service delivered at Wimbledon courthouse.' (**Magistrate**)

'...[I/We] are unable to support the transfer of any work from Wandsworth due to the need for additional time and work to embed the case load that has already been transferred to this Court [Clerkenwell & Shoreditch County] following the closures of Bow and Lambeth, as well as the transfer of additional civil work.' (**Member of the Judiciary**)

Response

HM Courts & Tribunals Service has considered concerns raised about the impact of the closure of Lambeth and Bow County Courts on Clerkenwell & Shoreditch County Court and the consequences this would have on that court's ability to hear additional work from Wandsworth County Court. We agree that most work should not go to Clerkenwell & Shoreditch and that it would be preferable for most work from Wandsworth to go to Kingston, with some enabling works at Kingston as suggested by some responses.

We are proposing that Clerkenwell & Shoreditch County Court should receive a small number of housing possession cases only, based on the spare capacity that is available, in order to provide access where this will be more convenient for users. The remainder of housing possession cases will go to Kingston County Court. We will work closely with the judiciary to finalise specific listing arrangements, as listing decisions are a matter for the judiciary. Cases would be listed taking into account the court user's proximity to their nearest court and reasonable adjustments would be considered on a case by case basis for anyone with specific travel difficulties.

Sufficient capacity exists in Clerkenwell & Shoreditch County Court to receive this volume of work – it had a utilisation rate of 74% in 2017/18 (11,154 hours out of a total 15,000 possible hours). It is also a modern, purpose-built building (with twelve courtrooms) which provides suitable facilities for these cases.

Following the transfer of work from Hammersmith County Court to Wandsworth County Court, utilisation rates have remained low, which does not provide good value for money for the taxpayer or an efficient service to the public. Although using our courtrooms 100% of the available time is not always possible, many of our courts and tribunals are significantly underutilised; including Wandsworth County Court which was utilised for only 40% of its availability in 2017/18 (3,473 hours out of a total 8,750 possible hours). By closing underutilised courts, we can increase the efficiency of those remaining while improving the service to our customers and reinvest the proceeds from the sale into the transformation of court and tribunal services.

Our capacity analysis shows that, with the addition of up to two new hearing rooms in Kingston County Court, there would be sufficient capacity to absorb the required workload from Wandsworth into Kingston. Kingston County Court is currently a six-hearing room centre and had a utilisation rate of 53% in 2017/18 (4,000 hours out of a possible 7,500).

In the consultation documents we used utilisation data from April to September 2017. We have also considered full financial year 2017/18 data which has since become available. The differences between the utilisation of the two courts in the two periods are not significant (for example 40% for Wandsworth in 2017/18 compared with 36% in April to September 2017).

Other considerations

A number of respondents raised additional concerns that did not fall within the three categories listed above. These tended to focus on the level of staffing at receiving courts and the need for investment in existing facilities rather than closing courts. For example:

'Members have provided similar complaints about Kingston being understaffed, with existing staff being overworked. Members have reported that it is extremely difficult to get through to the court on the telephone. This indicates that Kingston will be unlikely to be able to cope with any extra cases.' (**Association of Personal Injury Lawyers**)

'The system requires investment rather than closing existing courts and expecting other courts to be able to accommodate large amounts of further work. The system is already over-burdened. Stretching resources even further in the ways proposed will not improve efficiency but will strain the courts and justice system to breaking point.' (**Professional User**)

Response

While recognising that due to the competitive nature of the employment market in London, HM Courts & Tribunals Service has to compete with other employers to recruit and retain staff, our assessment is that that Kingston County Court will have sufficient staffing capacity to absorb the workload. During the transition period, will ensure that sufficient resources are provided to facilitate the relocation of workloads, to ensure there is no adverse impact on performance and the efficient administration of justice.

Alternative proposal

One respondent provided an alternative proposal that would see the work previously heard at Hammersmith County Court relocated to Brentford County Court. Specifically, the respondent stated:

'We would like to suggest that the consultation team think about re-allocating work formerly from Hammersmith to Brentford County Court, due to their close proximity. It would generally be cheaper, easier and quicker for most litigants from the borough of Hammersmith to reach Brentford, than any of the options suggested in the consultation.' (**PSU**)

Response

HM Courts & Tribunals Service has carefully considered the suggested alternative proposal to move some of the work originally from Hammersmith County Court to Brentford County Court. Travel times for some of the post codes previously covered by Hammersmith County Court to Brentford County Court are similar or slightly shorter than to Kingston County Court. However, we have concluded that our original proposal is best overall because Kingston is a strategic location, and therefore is the best location to receive this work. Furthermore, keeping all of the workload and hearings from Wandsworth together will best deliver operational efficiency and dividing the work between three locations would reduce the efficient use of the capacity of both Kingston and Clerkenwell & Shoreditch County Courts.

Implementation of the decision to close Wandsworth County Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We will be working with judiciary on implementation plans, and will involve and communicate with court users. Further updates will be provided online alongside this document in due course.

There are a number of factors to consider before Wandsworth County Court will cease to operate in practical terms and close. We will work closely with the Designated Civil Judge in order to make the listing changes at each court.

2. Blackfriars Crown Court

Decision on Blackfriars Crown Court

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

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

- Cases committed in the London Borough of Islington will relocate to Snaresbrook Crown Court;
- Cases committed in the London Borough of Camden will relocate to Wood Green Crown Court;
- Cases prosecuted by the British Transport Police will relocate to Inner London Crown Court; and
- Cases which are prosecuted by the National Crime Agency will relocate to Kingston Crown Court.

HM Courts & Tribunals Service has analysed the capacity of each of the proposed receiving courts and listened carefully to all responses to the consultation. As a result, we have made some changes to the receiving courts which will take on the work currently heard by Blackfriars Crown Court. Our assessment is that there is sufficient capacity across the London Crown Court estate to accommodate the work of Blackfriars Crown Court.

Taking into account the weight and number of responses on this subject, the journey times from the postcodes within the borough and the available courtroom capacity, our view is that the London Borough of Islington work should relocate to Snaresbrook Crown Court rather than Wood Green Crown Court. Although for some postcodes there would be a slight increase in journey times, for others the travel time and journey to the court would be quicker and simpler.

Similarly, with respect to work coming from Camden, taking into account the weight and number of responses, the journey times from the postcodes within the borough and the available courtroom capacity available, our view is that the workload and cases from the London Borough of Camden should relocate to Wood Green Crown Court rather than Harrow Crown Court. This would provide similar, or slightly, improved journey times for court users from the London Borough of Camden to court.

Inner London Crown Court has sufficient capacity to absorb the British Transport Police (BTP) workload from Blackfriars Crown Court, and this would ensure that the work is kept in a central London location, which was a comment raised by the BTP. Due to the nature of parties involved in these cases, it is felt that a central London location would be in the best interests of court users. This is because these are cases involving incidents on the London Underground, so victims and defendants could come from anywhere in the country. Therefore, commuting times and costs would be similar to those users travelling to Blackfriars Crown Court currently.

There is sufficient capacity at Kingston Crown Court to absorb National Crime Agency cases and this is where this work should be relocated. Since this is a national agency

dealing with more serious crime, defendants may come from anywhere in the UK. Based in Zone 6, Kingston has good commuter links to and from central London. There will be a slight impact on travel time and costs but this is not likely to be a significant consideration for most defendants or court users. This is because the cases dealt with are national and involve high-profile crimes. A relatively small number of users will travel from all over the UK to access the court.

As always, subject to agreement of the judiciary which has responsibility for listing decisions, in addition to the above movements of work, we will also keep committal paths under review to ensure we are making the very best use of the estate across the London and South East regions.

We will continue to explore the centralisation of appeals from all magistrates' courts in London as set out in the original consultation document, which would improve estate utilisation and efficiency of service provision. This would result in all appeals against magistrates' court decisions being conducted in a single location. However, current workloads do not point to a need to immediately implement this measure.

We have concluded that creating additional hearing room capacity at existing Crown Court sites in London is also not currently necessary on current workloads, but we will continue to monitor this carefully.

The following section of this document summarises responses in relation to Blackfriars Crown Court and HM Courts & Tribunals Service's reaction to each emerging theme, area of concern or suggestions raised by respondents.

Summary of responses to proposal on Blackfriars Crown Court

A total of 51 responses were received which related to Blackfriars Crown Court. Out of these 11 were in support, 35 were opposed and 5 were neutral. The breakdown of responses is as follows:

- 15 were from members of the judiciary;
- 7 were from magistrates;
- 3 were from criminal justice bodies;
- 16 were from professional users;
- 2 were from public sector bodies;
- 4 were from members of the public;
- 2 were from staff members;
- 1 was from an unidentified respondent; and
- 1 was from a union or staff group.

Access to justice

40 responses referred to access to justice. There was a mixed response regarding the relocation of work, with some references to the movement of Islington/Camden cases to Harrow and Wood Green Crown Courts and how this will reduce travel times. In contrast to this some of the responses suggested that travel times would be significantly increased for a proportion of those attending court. It was argued that this would deter those on low income and those with disabilities from attending court, given the increased cost and difficulty of travel, and might thereby increase hearing delays. In addition, there was a common concern that disabled users would be disadvantaged by the closure of Blackfriars Crown Court due to this court being all on one level. Specific comments on this area were as follows:

'The movement of Islington/Camden cases to courthouses north of the river should cut travel time and costs.' (**Magistrate**)

'London does not need four or even five Crown Courts within a short walk of each other in central London' (**Member of the Judiciary**)

'I think that allocating a lot of work from Blackfriars Crown Court to Kingston Crown Court would lead to an increase in cost and travel on the train for most users.'
(**Professional User**)

'Making witnesses and defendants travel longer distances to reach such courts as Kingston, puts them at a disadvantage due to increased travel costs and lengthy journey times.' (**Magistrate**)

'I believe that disabled people attending Blackfriars would be placed at a disadvantage due to the fact that this court is all on one level, easily served by tube stations with lifts, due to where the building is anyone arriving by taxi or car can easily be dropped off in front of the building and entrance is fully accessible.' (**Staff member**)

'The CPS considers that the proposal will not hinder or inconvenience the majority of prosecution witnesses attending court who live in the vicinity of Islington and Camden. Both Wood Green and Harrow Crown Court centres are reasonably accessible by private and public transport.' (**CPS**)

Response

HM Courts & Tribunals Service has carefully considered all responses in relation to access to justice. We believe that this can be maintained with the closure of Blackfriars Crown Court, which is one of three Crown Court sites within a mile of one another. We have concluded that the workload can be absorbed in the remaining Crown Court estate in London. Much of the work currently heard at Blackfriars originates from North London and can be absorbed in North London crown courts with limited impact on access to justice; some users will in fact see an improvement in travel time.

We have considered access to justice issues carefully and believe that justice will still be delivered locally in existing court locations in London when Blackfriars Crown Court closes. London benefits from being served by good transport links and services that run frequently.

We have assessed the capacity of the London crown courts and are satisfied that there is sufficient available within the London Region to relocate the work of Blackfriars Crown

Court without impacting on performance and its closure will serve to make the overall estate more efficient.

The sale of Blackfriars Crown Court will release funding for reinvestment in the HM Courts & Tribunals Service Reform Programme. This money will be reinvested in improving the delivery of court services to users. This closure will also contribute to reducing the overall running cost of our estate and operating more efficiently. Closing this court, consolidating the estate and reinvesting the receipts will represent improved value for money for the taxpayer and help us improve facilities for court users.

Blackfriars Crown Court has good facilities for disabled members of the public attending court. All of the courts are on a level with the public entrance and therefore are suitable for members of the public with mobility problems. Some of the courts (6 and 7) are also suitable for disabled jurors. However, it does not have suitable facilities for disabled defendants in custody, or for members of the judiciary. As a result, cases with disability access requirements are being listed to other London Crown Courts.

Special access requirements are taken into account when listing cases in the London Crown Courts. Cases involving disabled defendants in custody can be listed in Southwark Crown Court or in Isleworth Crown Court. These arrangements would not be affected by the closure of Blackfriars Crown Court. There are six courtrooms which can accommodate disabled judges in Isleworth, one in Kingston, and in the Central Criminal Court. Overall the closure of Blackfriars Crown Court will not impact on the accessibility of the Crown Court in London.

The Equality Statement provided at the end of this document provides details of the mitigations available to support those with additional needs. These can include later hearing start times and, as suggested above, the use of an alternative venue where specific access requirements are needed.

We have carried out an assessment of the expected impact on journey times to court, using Google Maps data and drawing on local knowledge. By car the journey times to Wood Green, Snaresbrook, Inner London and Kingston crown courts (the receiving courts) from the key London terminals and locations detailed in the consultation document are typically under 1 hour 15 minutes, and by public transport the journey times are typically under 1 hour. These compare to existing travel times from the same key locations to Blackfriars Crown Court, which are typically under 45 minutes by car and again typically under 40 minutes by public transport. We therefore consider that the potential increases in journey times for some users are reasonable. These locations were chosen as representative of the areas where users will be travelling from. In practice we will allocate cases by post code to the nearest possible site, and journeys will be shorter for some users.

The impact on legal representatives who travel more frequently to court has been considered, but while we acknowledge that it is not possible to measure all potential user journey times, the receiving sites all benefit from good transport links. The extensive public transport network in London should enable court users to attend court without significant additional cost or travel.

We acknowledge that the alternative locations are in different fare zones to Blackfriars Crown Court. This may increase costs of travel for some (though it may decrease it for others), but we consider the difference in cost of travel to be reasonable. For example, travel from King's Cross St Pancras rail station to Blackfriars Crown Court would cost

£2.40 at any time, and travel to Kingston Crown Court would cost £10.20 at peak times (or free for over-60s).

Value for money

26 responses made reference to value for money. Within these responses there were references made to the number of Crown Court sites in close proximity in the London area, and that it was logical that one of these should be closed. There were several references to this closure being based on the sale price only and the most common theme being that Blackfriars Crown Court is a well-used and modern building, being much more fit for purpose than Inner London Crown Court. Specific examples of responses were as follows:

‘Blackfriars Crown Court is far better appointed for use than Inner London Crown Court. It is a modern, relatively well maintained building with good facilities, whereas Inner London Crown Court has been poorly maintained that is rapidly becoming unusable.’ **(Professional User)**

‘It is the most modern of the three courts in the LB [London Borough] of Southwark. It is the best maintained and least dilapidated building.’ **(Member of the Judiciary)**

‘Blackfriars is a purpose built court which utilises a small site and benefits from 9 courts. Inner London has a similar number of courts and is in terrible state of repair. They have a significantly larger space. Surely there is greater saving to be made by releasing Inner London from HMCTS.’ **(Professional User)**

‘The recommendation seems to be based upon the desire to raise money from the sale of the property, which could not be realised from either of the other central London courts (SCC [Southwark] long lease, ILCC [Inner London] part listed and the Northern line running below), rather than any evidence-based business case for closing it down.’ **(Member of the Judiciary)**

‘We believe this proposal is fundamentally flawed and driven purely by a ‘quick fix’ desire to raise capital by the selling of Crown Estate.’ **(Member of the Judiciary)**

‘HMCTS states that ‘The value of a court building will only be one consideration when making decisions regarding our estate’ However, it is abundantly clear that the sole reason for proposing the closure of the ‘currently well used’ Blackfriars Crown Court is to raise money. HMCTS states in the consultation paper ‘Its location means that the site has a high value.’ **(PCS)**

Response

HM Courts & Tribunals Service considers that the proposal to close Blackfriars Crown Court would represent value for money for the public purse. We expect to achieve significant sales receipts from disposal of the building in addition to reducing operating costs and backlog maintenance costs which would otherwise need to be incurred. This value can be re-invested in improving services to users.

In 2016/17 the running costs of the building (i.e. excluding people costs) for Blackfriars Crown Court were approximately £1,480,000. At the time of the publication of the consultation document, deferred maintenance for this building was estimated at £751,000.

While we acknowledge that Inner London Crown Court is in poor condition and requires significant investment, Blackfriars Crown Court would also require significant expenditure to repair the electrical and heating systems, including full boiler and radiator replacement, and work to the lifts. Blackfriars Crown Court is also the smallest of the three courts within the Southwark borough, and it cannot easily be enlarged and so provides less flexibility for the long term. As stated in the consultation, we intend to keep the Crown Court estate in London under review and further rationalisation of the estate in the London Borough of Southwark may be possible in future as a result of changes in workload, provision of new Crown Court capacity elsewhere, or the impact of modernisation of services on demand for court space.

HM Courts & Tribunals Service needs to reduce the cost of its estate and ensure that it is used efficiently and effectively to provide best value for money for taxpayers. The savings from doing so will be reinvested into the transformation of our services that is underway, which stand to benefit court users, as noted earlier in this document. Improving the utilisation of our buildings and closing Blackfriars, will offer value for money by removing the annual running costs of maintaining a separate building.

When assessing our estate, we do so against our estates principles which take account of a range of factors when considering sites for potential closure, notably access to justice and operational efficiency as well as value for money. We have also carried out a detailed assessment of capacity across the remaining Crown Court sites in London and are satisfied that there is sufficient capacity available to relocate the workload of Blackfriars Crown Court without impacting on performance and this will serve to make the overall estate more efficient.

Operational efficiency

42 responses referred to operational efficiency. In general, respondents were concerned about the capacity of the remaining Crown Court estate to absorb the work of Blackfriars Crown Court, however, some respondents felt that the closure would improve efficiency, given the close proximity of Blackfriars Crown Court to other courts. Some had concerns that the closure of Blackfriars Crown Court would result in further delays and this would be increased if there were to be a rise in workload levels. Many responses also referred to the 'high' utilisation rate of Blackfriars Crown Court. The following comments highlight these responses:

'The work should be re-allocated to those Crown Courts that are closest to the locations at which the offences arise. It is counter-productive to try to shoe-horn all serious cases into one or more Crown Courts.' **(Member of the Judiciary)**

'An increase in work in any of the London courts will make it very difficult for these courts to absorb Blackfriars work. That would result in an unconscionable backlog of cases.' **(Member of the Judiciary)**

'Reallocating work predicated upon the current workloads at the other four court centres remaining static, which will not necessarily be the case. Given the margins discussed, all it will take is for the workload at any one of those centres to increase by a few percent and then there will be backlogs and delays.' **(Professional User)**

'Blackfriars is one of three Crown Court venues in the London borough of Southwark within one mile of one another. Given that available capacity exists elsewhere in the crown court estate in London, there is potential to consolidate our estate in this

borough to reduce running costs and improve efficiency, while ensuring we retain access to justice.’ (**Southwark Council**)

‘The workload is proposed to be spread across London to Kingston, Harrow, Wood Green and Inner London crown courts. These courts even by HMCTS standards have high utilisation ranging from 77% at Wood Green to 88% at Harrow. PCS does not believe that these courts can absorb the work without delays in listing hearings.’ (**PCS**)

Response

We are confident that workload from Blackfriars can be absorbed in the remaining London Crown Court estate. Reflecting the fact that the level of outstanding cases in the Crown Court is at its lowest since 2001, utilisation of the London Crown Court cluster in 2017/18 was 80% and on current listing patterns there are the equivalent of eleven courtrooms in the Crown Courts in London that are not currently being used.

In 2017/18, Blackfriars Crown Court was used at 82% of its capacity and we have established that excess capacity exists elsewhere in the Crown Court estate in London, and there is therefore opportunity to consolidate our estate, to reduce running costs and improve efficiency, while also ensuring that we retain access to justice.

In the consultation we used utilisation rates from April to September 2017/18. In reaching a decision we have also considered the latest utilisation rates from the full year 2017/18. The utilisation of Blackfriars Crown Court has increased slightly between the two periods (it was 80% in April to September 2017/18), however this increase is small and it does not affect the proposal.

In considering possible proposals for estate consolidation, we assessed all the Crown Courts in London. Blackfriars Crown Court is the smallest of the three courts in the London Borough of Southwark, it is high-value due to its location, it cannot easily be enlarged and it therefore provides less long-term flexibility than the other courts.

Our assessment is that the workload of Blackfriars Crown Court can be relocated without impacting on performance, while serving to make the overall estate more efficient. Moreover, trial delay is not based exclusively on available capacity, but also the availability of witnesses and the preparation of a case. Consolidating hearings into fewer locations across the London estate can generate greater efficiency in performance. However, we will continually keep operations under review and work closely with the judiciary and our criminal justice partners to ensure that the transfer of work to the receiving courts is well planned and executed in a timely manner.

We are also ensuring that appropriate contingency plans are in place for use as needed, across both the London and South East regions, to deal with more significant, temporary pressures if they arise.

In the consultation we further stated that we anticipate that there may be scope for further consolidation of the Crown Court estate in London in the future, as the HM Courts & Tribunals Service reform programme delivers its benefits. We will therefore be keeping the estate under review as our wider modernisation plans progress, to ensure we continue to maximise value for money and operational efficiency, while maintaining access to justice.

Other Considerations

In addition to the responses categorised above, we also received a number of other comments that did not fall within the three themes. These comments suggested an alternative closure site or suggested that we have earmarked Blackfriars for closure for a longer-period of time. For example:

‘Closure of Inner London crown court is a feasible alternative.’ (**Member of the Judiciary**)

‘PCS believes that HMCTS has been deliberately setting Blackfriars up for closure and this is evidenced by the fact that have been planning for some months to relocate the Jury Summoning Bureau.’ (**PCS**)

Response

HM Courts & Tribunals Service carried out a detailed review of options for rationalisation of the Crown Court estate in London. Closure of Blackfriars best met the three estates principles of operational efficiency, access to justice, and value for money. In considering possible proposals for estate consolidation, we assessed all the Crown Courts in London. Blackfriars Crown Court is the smallest of the three courts in the London Borough of Southwark, it is high-value due to its location, it cannot easily be enlarged and it therefore provides less long-term flexibility than the other courts.

The decision to relocate the Jury Summoning Bureau was taken independently of this consultation, to improve the resilience of the service by moving it closer to other national back office functions. This will provide greater opportunities to cross train staff, increase capability, and increase resources during peaks periods.

Alternative Proposals

One respondent provided an alternative proposal that if Blackfriars Crown Court were to close, HM Courts and Tribunals Service should consider moving the work to Southwark or Inner London Crown Courts or build a new court in the Kings Cross area.

Response

HM Courts & Tribunals Service has undertaken detailed analysis of the capacity within the existing London Crown Court estate and have concluded that it is sufficient to receive the workload from Blackfriars Crown Court without the need to build a new court, which would be expensive and have a long lead time.

Implementation of the decision to close Blackfriars Crown Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We will work with the judiciary on implementation plans and will involve and communicate with court users. Further updates will be provided online alongside this document in due course.

There are a number of factors to consider before Blackfriars Crown Court can close. We will work closely with the Judiciary in order to make the listing changes at each court.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

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:

Association of Personal Injury Lawyers (APIL)

187 Fleet Street Barristers

Thomas More Chambers, Barristers

Barristers

Bench Chairman South West London LJA (Local Justice Area)

Circuit Judges

Citizens Advice Witness Service

Council of Her Majesty's Circuit Judges

Crown Advocate (Crown Prosecution Service)

Crown Prosecution Service

Designated Civil Judge (DCJ) for London

District Judge at Clerkenwell and Shoreditch County Court

District Judge sitting at the County Court at Wandsworth

District Judges based at the County Court at Kingston-upon-Thames

Hammersmith & Fulham Law Centre

HMCTS Staff

Housing Law Practitioners Association

Insurance manager, Wandsworth council

Judiciary

Lord of the Manor, The Lord Mayor, Commonalty and Citizens of the City of London

Magistrates

Mayor's Office for Policing and Crime (MOPAC)

Paralegal CILEx

PCS

Permanent Judges at the Inner London Crown Court

Personal Support Unit (PSU)

Property Bar Association

Resident Judge at Wood Green Crown Court

Resident Judge Honorary Recorder at Southwark

Resident Judges at Clerkenwell & Shoreditch County Court

Retired barrister/ current part-time judge

Rt Hon Justine Greening MP for Putney

Solicitors

South London Legal Partnership (SLLP)

South West London Law Centres

Stephen Hammond MP for Wimbledon

Southwark Council

The Bar Council of England and Wales

The Law Society

The Mayor's Office for Policing and Crime (MOPAC)

The South Eastern Circuit

Tithing/Committee of the Manor

Annex B – Equality Statement

This Equality Statement includes an analysis of the equalities impacts for the proposed closure of courts in the London region (Wandsworth County Court and Blackfriars Crown Court) and the transfer of work to other courts in the London region, as outlined in the response document.

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 impacts. While this does 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:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA;
 - b. Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - c. 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 to 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 London; 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 London 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 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 over-representation of those of Black ethnicity in the local court population area (27% for Blackfriars Crown Court), in which closures are being consulted upon, when compared to the general Black ethnicity population of London (13%). The overall position is that the crown court local population for all BAME (Black, Asian and minority ethnic) categories is 46% compared with a London BAME population of 40%. The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at the two courts being considered by proposals that cover London. Although there is some over-representation (as mentioned above) we do not consider that this would result in disproportionate impact for people with the protected characteristics of race. 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 the general population.

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%). Furthermore, there is an over-representation of those aged 16–24 who are victims of crime (28% compared to national population of 14%). There is an under-representation of those aged 55–64, 65–74 and 75+. 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 this closure on journey times for users. Typical example journey times from some key towns served by Wandsworth to the receiving sites – Kingston or Clerkenwell & Shoreditch County Court – are typically under 1 hour 20 minutes by car, and under 1 hour 10 minutes by public transport. Typical journey times from some key towns currently served by Blackfriars to the receiving sites – Wood Green, Snaresbrook, Inner London, and Kingston – are typically under 1 hour 15 minutes by car, and under 1 hour by public transport.
13. We also 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. There is no available data to suggest that there are more pregnant women in the areas local to these courts compared to the London population as a whole.
14. While increased travel may have greater impact on those groups, those impacts can be reduced by some of the mitigating measures identified below. For example, the greater availability of online information and video and audio court facilities may reduce the need to travel to courts.
15. In the case of Blackfriars Crown Court, the site has reasonable facilities for disabled users attending court. All of the courts are on a level with the public entrance and therefore is suitable for members of the public with mobility problems. Some of the courts (6 and 7) are also suitable for disabled jurors. It does not, however, have suitable facilities for disabled defendants in custody, or for members of the judiciary. Cases being listed with disability access requirements would be moved elsewhere in London currently.
16. Special access requirements are taken into account when listing cases in the London Crown Court sites. Cases involving disabled defendants in custody are listed in Southwark Crown Court or in Isleworth Crown Court. These arrangements would not

be affected by the closure of Blackfriars Crown Court. There are six courtrooms which can accommodate disabled judges in Isleworth, one in Kingston, and in the Central Criminal Court. Overall the closure of Blackfriars Crown Court will not impact on the accessibility of the London Crown Court.

17. The receiving sites have the following facilities for disability access:
- a. Kingston: Kingston has lifts and toilets for jurors and members of the public. It has one courtroom and chambers with toilet which is accessible for a disabled judge. It cannot accommodate disabled defendants in custody.
 - b. Wood Green: Wood Green is partially accessible for disabled members of the public and jurors with adjustments. It does not have access for disabled defendants in custody or for disabled judges. Some of the docks are suitable for defendants on bail in wheelchairs.
 - c. Snaresbrook: Snaresbrook does not have fully compliant disability access. It has partial access for members of the public and jurors. It has two disabled toilets but these do not cover judicial areas. It cannot handle defendants in custody in wheelchairs.
 - d. Inner London: Inner London does not have full disability access. It has partial access for members of the public and jurors to ground floor courtrooms. It cannot handle defendants in custody in wheelchairs. There would be access issues for disabled judiciary.
18. 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.
19. Overall, we believe that the potential impact is proportionate having regard to the aim of the policy. When cases have specific access requirements they will be listed into a court with appropriate facilities as explained above. It remains important to make reasonable adjustments for people with disabilities to ensure appropriate support is given. These are explained in more detail below in the mitigations section.

Harassment and victimisation

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

Advancing equality of opportunity

21. 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

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

Court user data

23. 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 London.

24. 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 London boroughs.

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

		Local population			London population
		<i>Blackfriars Crown court</i>	<i>Magistrates' Court</i>	<i>Wandsworth County court</i>	
Site closures		1	0	1	2
Gender	Male	50%	N/A	48%	49%
	Female	50%	N/A	52%	51%
Age	0–15	18%	N/A	17%	20%
	16–64	74%	N/A	75%	69%
	65+	8%	N/A	9%	11%
Disability	Disability	14%	N/A	11%	14%
	No disability	86%	N/A	89%	86%
Race	White	54%	N/A	71%	60%
	Mixed	6%	N/A	5%	5%
	Asian	7%	N/A	10%	17%
	Black	27%	N/A	11%	13%
	Other	6%	N/A	3%	5%
Religion	Christian	53%	N/A	53%	48%
	Buddhist	1%	N/A	1%	1%
	Hindu	1%	N/A	2%	5%
	Jewish	0%	N/A	1%	2%
	Muslim	9%	N/A	8%	12%
	Sikh	0%	N/A	0%	2%
	Other religion	0%	N/A	0%	1%
No religion	27%	N/A	27%	21%	
	Religion not stated	9%	N/A	8%	8%

Other Data Sources

25. 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.

26. The information provided below (Table 2) sets out the protected characteristics of victims of crime according to the Crime Survey for England and Wales. It has been provided as an indication of potential users of criminal courts and is therefore applicable for our consideration of the decision to close Blackfriars Crown Court.

Table 2: The protected characteristics of victims of personal crime (2014/15)¹

Table: Characteristics of adults who were victims of CSEW personal crime, 2014/15 CSEW

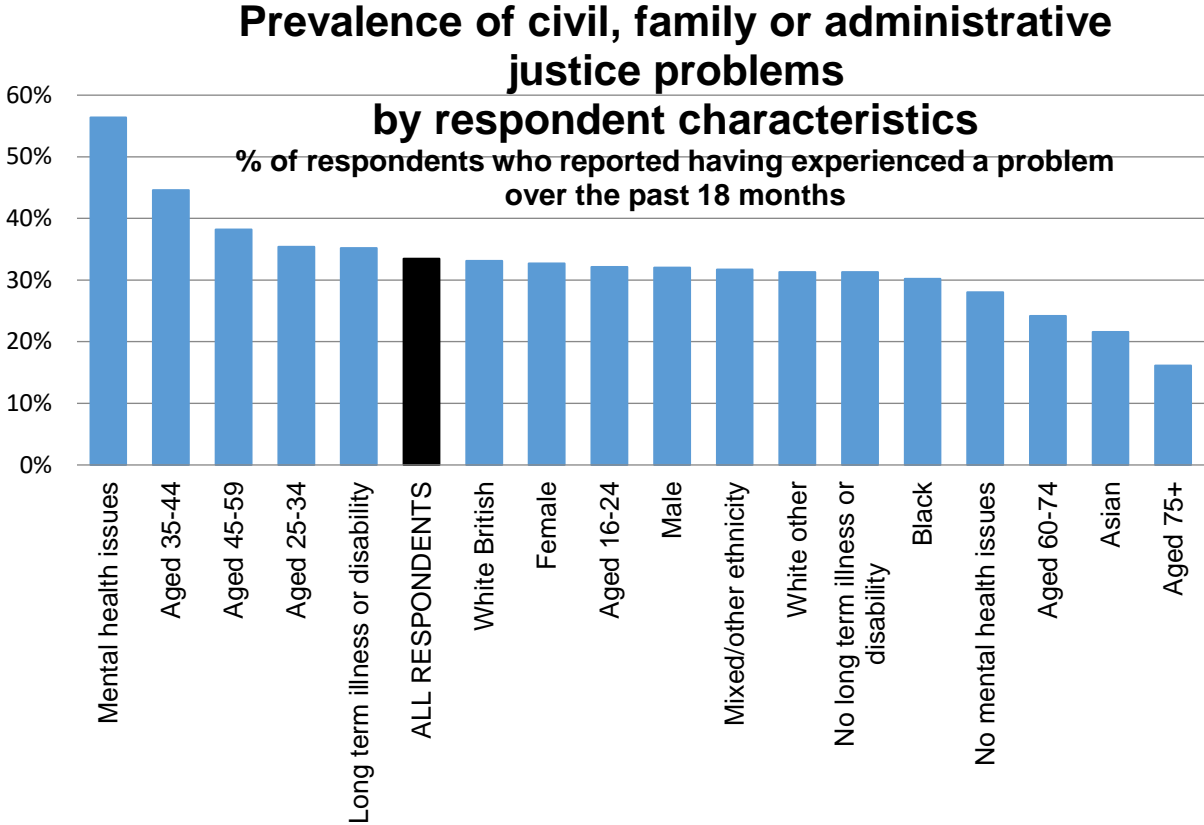
England and Wales	Adults aged 16 and over Victims of Personal Crime (%)Per cent	General Population (%)
Age		
16–24	28	14
25–34	24	17
35–44	17	16
45–54	16	17
55–64	8	14
65–74	4	12
75+	3	10
Disability/illness status		
No disability/illness	76	79
Non-limiting disability/illness	5	5
Limiting disability/illness	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
Mixed	2	1
Asian or Asian British	7	7
Black or Black British	5	3
Chinese or Other	2	2

¹ Source: Crime Survey for England and Wales, Office for National Statistics.

England and Wales	Adults aged 16 and over Victims of Personal Crime (%)Per cent	General Population (%)
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

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 Wandsworth 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 months²



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.

27. Data above is from the English and Welsh Civil and Social Justice Survey Wave 2 Summary Report (Balmer, 2013). It 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.

28. 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

² Data collected between 2006 and 2009.

the general court user. The data suggests that out of those in the 75+ age group that 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.

29. 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 proposals should not have a disproportionate impact on gender.

Defendants, victims and witnesses

30. 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.
 - 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.
31. 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 backgrounds (16% of all victims, compared to 13% of the general population).
 - Men (56% of all victims, compared to 49% of the general population).
32. 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

33. HMCTS HR data shows 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 that:
- 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

34. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office³ 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.^{4,5}
35. 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 has been understood. We will engage with staff at the implementation stage to carefully assess any equalities issues and work through possible mitigations.

Mitigations

36. 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:

³ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

⁴ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁵ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

- 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 signpost 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 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 include:
 - 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.
- 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://courtribunalfinder.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

37. 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. Whilst 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.
38. 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.
39. 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.
40. For those people who still need to attend court, 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.
41. 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 Wandsworth County Court and Blackfriars Crown 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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