



Subject: Fit for the future: transforming the Court and Tribunal Estate

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Representation: The CCUA Policy & Reform Committee has drawn upon the views of the CCUA membership, who issue around 85% of all money claims in England and Wales.

Introduction

The Civil Court Users Association (“CCUA”) thanks HMCTS for the opportunity to contribute to this consultation.

As the Ministry is aware, the CCUA seeks to work with other stakeholders in a constructive and balanced manner, to achieve an efficient and cost effective court service for its members which is also fair and proportionate for all court users.

Our members issue around 85% of all money claims in the County Court in England and Wales and regularly handle a huge volume of consumer debt matters, whether requiring court action or otherwise. Our members include businesses operating within the financial services sector, utilities, legal firms, insolvency practitioners, enforcement agents, plus many others.

Overall summary

The CCUA recognises that the courts must evolve with the times, which includes changes to infrastructure. The paper puts forward some strong arguments for change, especially where there are currently multiple buildings in close proximity. It is also agreed that, particularly in the work of most of our members, most court users never have to physically attend court. The digital age also gives opportunity for more imaginative and efficient ways of resolving matters.

That said, where a court closure means longer distance to travel on those occasions where an attendance is required, it must be recognised that this does constitute deterioration in service. This needs to be justified in every case.

It is also imperative that amalgamation of court infrastructure does not result in further pressures on service. The standard of service received by court users is frequently less than acceptable, particularly in view of the large sums paid in court fees. There is obvious concern that amalgamating courts may exacerbate these issues.

Overall, we feel that the paper strikes the correct balance, but the above points should be borne in mind when any action is considered.

Replies to the Questions

Question 1

What is your view of our proposed benchmark that nearly all users should be able to attend a hearing on time and return within a day, by public transport if necessary.

In the same way as hospitals, post offices and any number of similar entities, the courts previously naturally evolved to provide wide geographic coverage. Whatever

attempts are made to justify closures and centralisation, as far as the local user is concerned, if they no longer have local access then that represents deterioration in service.

Having said that, we do of course appreciate that there is a balance to be struck and that it would not, for example, be advisable to keep court buildings open in remote areas if they are rarely used.

Given the increased methods of resolving matters without need for a physical court hearing and the fact that such physical attendances are therefore becoming a less usual occurrence which is only likely to be needed very rarely by most parties, the proposed benchmark is perhaps acceptable. However, this will be very much dependant on listing staff and the judiciary ensuring that physical hearings are not listed unnecessarily where an alternative approach is achievable and justified. However, at the same time, there also needs to be an understanding that sometimes a party will have justifiable reasons for requiring a physical court hearing in circumstances which may not be immediately obvious. Therefore, if this is to be the benchmark then there will need to be better understanding and consideration of listing and how this impacts court users and the ultimate provision of justice.

Question 2

What is your view of the delivery of court or tribunal services away from traditional court and tribunal buildings? Do you have a view on the methods we are intending to adopt and are there other steps we could take to improve the accessibility of our services?

We appreciate that these proposals will provide considerable flexibility. The suggested methods look sound in ensuring that venues are suitable.

Question 3

What are your views regarding our analysis of the travel time impacts of our proposals? Are there any alternative methods we should consider?

This seems the correct approach, taking into account real world time and cost.

Question 4

Do you agree that these are right criteria against which to assess capacity? Are there any others we should consider?

Yes, these criteria appear to be sound.

Question 5

What is your view on the proposed principles and approach to improving the design of our court and tribunal buildings? Do you have any further suggestions for improvement?

The proposals again seem sound. We particularly like the emphasis on flexibility.

Question 6

What are your views on our approach to people and systems? How do we best engage with the widest possible range of users as we develop scheduling and listing systems? What factors should we take into account as we develop our plans?

The proposals seem sound, providing the Assisted Digital Provision is properly resourced and genuinely available. This must be available locally (particularly important for litigants in person). It must also be available at reasonably short notice.

We would suggest that there is a need to engage with court users as the scheduling and listing systems are initially designed, so that all factors can be considered and incorporated.

Question 7

Do you have any views on our approach to evaluating proposals for estates changes or any suggestions for ways in which this could be improved?

We welcome the idea that there will be increased transparency in future decision making. This will greatly assist with understanding and may lead to easier acceptance of future proposals.

Question 8

What is your view on our proposed approach to future estates consultations?

The proposed approach is generally welcomed, particularly the introduction of an independent review and the statement that courts will not close in anticipation of reform, only where that reform starts to take effect.

We do have some concern regarding the fact that integration of courts will not be seen as closure and will therefore not require consultation. We generally understand and accept the reasoning, but we can see situations where this may cause a problem. We are particularly thinking of London, where the service received by court

users can be particularly poor. Integration of court buildings where there are already problems with the servicing of the work would be likely to cause alarm.

Question 9

What is your view on how these proposals are likely to impact on groups of court and tribunal users with particular protected characteristics as defined in the Equality Act 2010? Are there any sources of evidence or research that you think we should consider?

We have no comment to make on this point.

Conclusion

The Association hopes that these responses are helpful.

29th March 2018