



Ministry of Justice consultation on the provision of court and tribunal estate in England and Wales

A response by Victim Support

September 2015

Victim Support is the independent charity for victims and witnesses of crime in England and Wales. Last year we offered support to more than 1 million victims of crime and helped more than 198,000 people as they gave evidence at criminal trials through our Witness Service, which we delivered up until April 2015. Victim Support also provides the Homicide Service supporting people bereaved through murder and manslaughter and runs more than 100 local projects which tackle domestic violence, antisocial behaviour and hate crime, help children and young people and deliver restorative justice. The charity has 1,100 staff and 3,000 volunteers and has recently celebrated its 40th anniversary.

Question 1: Do you agree with the proposals? What overall comments would you like to make on the proposals?

Victim Support welcomes the opportunity to respond to the Ministry of Justice consultation on the provision of court and tribunal estate in England and Wales. We agree that there is a need to re-evaluate the estate and deliver reform that will create a more efficient and effective system, ensuring fairer access to justice.

However, in reforming the court estate we believe it is vital that the needs of victims and witnesses are prioritised. All victims and witnesses need and deserve to be able to give evidence in a safe space (not necessarily a court), to have access to any special measures to which they are entitled, to have their case heard in a timely manner, and to be able to reach the court or other facility without undue difficulty and without an unreasonable journey time.

While we recognise that in order to provide a more efficient system certain courts may be required to close, we are concerned about the implications of extended journey times for all witnesses but in particular vulnerable victims and witnesses. We firmly believe that their needs should be a primary consideration in assessing court provision and that if court closures do occur, alternative provision in the form of remote live links for example, should be made more widely available to mitigate the negative effects.

For child witnesses, in particular, the option of providing evidence entirely away from court via remote live link is essential. The Government's intention to progress towards a modernised service and potentially also make use of civic and other public buildings represents an opportunity to extend this provision to all such witnesses, ensuring that no child has to enter a court building to give evidence if they do not want to. Specifically we feel that police buildings, where child witnesses already receive an ABE interview, could be appropriate sites to hold remote video links to court since they are already familiar with the building and there is an added level of safety and security. However, in extending the use of such technology, careful consideration would need to be given to the potential implications and measures needed to ensure that all child witnesses are still provided with the facilities and support they require. This includes meeting the prosecutor before and after court, having access to independent specialist witness support and maintaining their anonymity where possible.

Victim Support also recognises that other civic and public buildings may be suitable for low security hearings, particularly low level crimes where the offender is unlikely to receive a custodial sentence or for Plea and Case Management hearings. If however, they were to be utilised for hearings where witnesses would be present, it is of paramount importance that the facilities provided are able to meet their needs. This includes the provision of secure entrances for these individuals; separate

secure waiting rooms and toilet facilities as well as ensuring that they are DDA compliant. It is also vital that the remaining existing court and tribunal buildings meet the same high standard.

In addition to ensuring a high quality of facilities available to all witnesses, HMCTS will need to ensure that added pressure on remaining courts as a result of closures does not generate backlogs and lead to longer waiting times which can have serious and far reaching implications for victims and witnesses.¹

Question 2: Will the proposals for the provision of court and tribunal services have a direct impact on you?

If additional live link sites were to be made available through the use of alternative buildings those sites would require staffing by victim/witness support providers. This would impact on Victim Support and additional resource would need to be made available to support this provision.

Question 3: Are there any other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision?

Please see our answers to questions 4 and 5.

Question 4: Our assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached?

As highlighted in the Impact Assessment, the Estate Reform Programme will result in an increased travel time to court/tribunal for potential users. While we recognise and support the need to improve the efficiency of the HMCTS estate, the impact on travel times is particularly concerning for vulnerable victims, witnesses and those with physical disabilities for whom the journey to court and experience can already be problematic.

As the report recognises, victims and witnesses, unlike civil users, may already need to travel beyond their nearest court. There is therefore the potential that these reforms could extend their journey times even further and increase their travel costs, causing greater difficulties for the individual than they would already experience. Lengthening travelling times to court, particularly to magistrates' courts where for around 2.5 million people the journey would be over 60 miles by public transport, could mean that witnesses face additional challenges commuting which may result in them failing to attend. In addition to measures such as later court hearing start times,

¹ Victim Supports 2015 report 'Waiting for Justice' found that the Crown Court is taking longer than at any point in the last 15 years to process cases and the backlog of outstanding cases is increasing rapidly. Where a defendant pleads not guilty in the Crown Court, the average time taken for a case to be listed for trial has risen from 18.6 weeks in 2000 to an average of 29 weeks in 2014.

we believe these negative implications of the proposed reforms could be greatly mitigated by extending the availability and use of video-link from suitable locations entirely away from court.

Question 5: Are there alternatives to travelling to a physical building that would be a benefit to some users?

Victim Support believes that if civic or other public buildings were to be utilised for hearings as proposed, they would be most appropriate for low risk, low level crimes where the offender is unlikely to receive a custodial sentence or for Plea and Case Management hearings. To ensure that only these cases are listed before such courts, there would need to be a transparent system for identifying cases where custody is highly unlikely as well as a dynamic listing system. Re-locating some of these hearings would not require the same financial investment in the facilities that would be necessary in cases involving vulnerable victims and witnesses. However, if such buildings were to be utilised occasionally in hearings where such individuals would be present, it is vital that they consistently provide the necessary facilities to meet their needs.

While we welcome the recognition that further investment may be required in the remaining buildings, for example in the form of improving access for users with disabilities and improving general upkeep, further and more targeted investment is very likely to be needed both in the alternative sites and remaining court buildings to better meet the needs of vulnerable and intimidated witnesses. This includes the provision of secure entrances for these individuals, separate secure waiting rooms and toilet facilities as well as ensuring the buildings are DDA compliant. The potential closure of underused, unused and poorly maintained courts, we believe, provides an opportunity to achieve this.

In addition to the potential use of alternative public buildings for low security hearings, we believe that these sites could offer more child witnesses the opportunity to provide their evidence via remote link. Victim Support believes that the use of video-link as a means of giving evidence is particularly beneficial and a necessary option for child, vulnerable and intimidated witnesses. Although three quarters of child witnesses do now give evidence via video link from a separate room inside the court building, and pre-recording evidence is being piloted, alternative provision should be made to allow all such witnesses to give evidence entirely away from the court if they wish to. This, we know from delivering the Kent Child Witness Service, greatly comforts many witnesses who can find the experience daunting. Many are reassured by their separation from the courtroom and the defendant whom they can still come across when visiting the court buildings to give evidence from a separate room. In addition to reducing the pressure and stress that can be experienced by

child witnesses attending court, an extension of this practice would also be in line with the Government's plan to increase the use of technology in order to improve the efficiency of the justice system.

Provided by a number of charities, child friendly spaces are already being used for this purposes in many instances. As places that child witnesses are familiar with and feel safe in, having had contact with staff and volunteers prior to the hearing, they can provide them with a less intimidating, private, safe and therapeutic environment in which to give their evidence. The proposal to utilise civic and other public buildings represents an opportunity to safely extend this much further and we feel, specifically, that police buildings where all child witnesses currently receive an ABE interview could be particularly suitable due to the added level of safety and security.

However, careful consideration would need to be given to the potential implications and measures required to ensure that they are still provided with the facilities they require. Specifically, child witnesses should have access to measures that can help to put them at ease, including meeting the prosecutor before and after court, being introduced to the judge and defence, visiting the court and having access to independent specialist witness support. Their anonymity should also be maintained if they wish it to be where possible; while this can be achieved through the presence of a screen around the witness box in the courtroom, they are often visible to the defendant when they appear via remote live link. However, in Guilford Crown Court Victim Support has been able to provide a screen around the TV on which the witness appears in court to block them from the defendant. The TV opposite the Jury is also switched off and they view the witness on a portable screen in front of them. This is something we would like to see expand into other courtrooms, however only for use in suitable cases. Furthermore, especially in cases where the witness and the defendant(s) live in the same community, the choice of public buildings in which to hold both face-to-face hearings and remote live links would need to be carefully considered and planned to reduce the risk of intimidation.