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Response to	<b>Flexible Operating Hours Pilots Prospectus</b>
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Link to consultation	<a href="https://insidehmcts.blog.gov.uk/wp-content/uploads/sites/171/2017/10/Flexible-Operating-Hours-Pilots-Prospectus.pdf">https://insidehmcts.blog.gov.uk/wp-content/uploads/sites/171/2017/10/Flexible-Operating-Hours-Pilots-Prospectus.pdf</a>
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The Magistrates Association (MA) is a national charity governed by our members with a mission to provide a voice for magistrates, support our members in administering the law and to educate people on the role of magistracy in England and Wales.

The MA supports the three core principles set out in relation to the reform programme as ensuring the justice system is just, accessible and proportionate. We welcome the broad aim of looking at whether increased flexibility in relation to court operation hours can improve the experience of defendants, victims and witnesses, for whom attendance at court can be a painful and distressing experience. It is also important to ensure that any increased flexibility also benefits overall efficiency of the system without impacting negatively on other court users, especially the judiciary, staff and legal professionals. We therefore welcome the pilots and the objective of evaluating the impact of said pilots on different parties and the smooth running of the courts.

The MA would make a couple of general points about the pilots.

Firstly, we would be interested in further details of how the pilots will be evaluated, and presume that detailed responses will be gathered from magistrates involved.

Secondly, we note the proposals in relation to magistrates' court involve hearings fixed in advance: so it will almost exclusively be trials. It is not clear how this would translate if the pilots were deemed successful and flexible hours were rolled out nationally.

Thirdly, it is not clear whether the issue of magistrates' sittings has been considered in relation to the increase in half day sittings. If courts are holding three sessions, that involves 1 ½ sittings, and it is not clear whether listing would require magistrates to move between courts, or whether it is expected for there to be an increase in half day sittings to compensate the listing arrangements.

## **Specific proposals:**

### **1. Crown Court and Magistrates' Court mixed jurisdiction sittings:**

- The proposals in relation to magistrates' courts suggest either 2 hour or 4 hour sittings. It is not clear whether these would count as half-day sittings?

- Magistrates' sittings would be combined with Crown Court work, so they would come either before (if 2 hrs) or after (if 4 hrs) a Crown Court sitting. There are practical implications in relation to the appropriateness of Magistrates' Court work being carried out in Crown Court, including whether secure docks should be used and whether magistrates would be expected to move between Crown Court and Magistrates Court, if sitting for a full day.
- There are issues around having more half-day sittings, which might make it difficult for magistrates to meet the number of sittings required. For example, it may not be convenient for a working magistrate to only sit for half a day, if it doesn't mean they can get to work for the other half-day.
- The second proposal for mixed sittings involves a 2 hr sitting of Magistrates' Court before Crown Court starts, but it says this would not involve trials as there would probably not be sufficient time to deal with them. It is therefore unclear what type of hearings would be dealt with, and how they would get around the problem of them not being fixed in advance.

## **2. Sheffield Magistrates' Court:**

- In respect to the proposed 8am start, would it be possible for magistrates to opt out completely?
- The second session is suggested as 11.30am – 2.30pm: might there be practical difficulties around people eating lunch, especially if people have medical conditions that require set meal times.

## **3. Highbury Magistrates' Court:**

- The proposed finish time for the 3<sup>rd</sup> session is 8pm: again would it be possible for magistrates to opt out completely?

For both the Sheffield and Highbury proposals involve 3 sittings of 3 hours. Again this might have implications in relation to the number of half day sittings it would involve.

## **4. Manchester Civil Justice Centre:**

- It is not clear whether the proposals for family work in Manchester will only involve District Judges.