

# **INACCESSIBLE COURTS**

**A BARRIER TO INCLUSIVE JUSTICE**



## ACKNOWLEDGEMENTS

Our magistrates with disabilities network was central to this report. We are grateful to its members for their advice on survey design and accessibility audits, and for undertaking the surveys and sharing their personal experiences.

We also extend our gratitude to the Magistrates' Association branches that helped recruit the volunteers who surveyed the courts and who originally alerted us to accessibility barriers in the court estate.

Finally, we extend our thanks to His Majesty's Courts and Tribunals Service and the court staff who facilitated the completion of our surveys.

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## EXECUTIVE SUMMARY

Access to justice, a central tenet of the legal process in England and Wales, cannot be achieved without provision for disabled people. For the magistracy, accessible court buildings are essential to foster an inclusive environment and develop a diverse judiciary in which disabled magistrates can fully participate.

However, there is no official, publicly available data on the accessibility of magistrates' court buildings and members of our magistrates with disabilities network regularly report having encountered accessibility issues in their local courts. Their experiences mirror the concerns other civil society reports have raised about dilapidated court buildings.

So, in 2022 we decided to establish an evidence-based picture of the accessibility of magistrates' courts. Although we focused primarily on accessibility for magistrates, our findings are relevant for all court users including victims, witnesses, defendants, practitioners and members of the public.

First, members of our magistrates with disabilities network assessed the public and magistrate areas of 57 court buildings in England and Wales—just over a third of all magistrates' courts—against basic accessibility criteria via a survey. Then, we categorised each building as either 'good' (courts that complied with most minimum accessibility standards), 'needs improvement' (courts that did not meet some of these standards), or 'insufficiently accessible' (courts that failed to meet so many of the standards that they are inaccessible to the public and/or disabled magistrates). Finally, network members shared their personal experiences as court users via an online survey.

Shockingly, just a quarter of court buildings surveyed were found to be 'good', and only

one court achieved this categorisation across all building areas—for example, magistrate entrances, car parks and public areas. Almost two thirds of courts were found to be in need of improvement, and seven were categorised as 'insufficiently accessible'.

Accessibility was also found to be poorer in areas accessed by magistrates than those accessed by the public. While three quarters of public entrances were 'good', less than half of magistrates' ones were. Similarly, two thirds of public areas were rated 'good', compared to less than one third of magistrate areas.

The insufficiently accessible court estate reduces our justice system's capacity and efficiency. More courtrooms could be utilised if they were accessible to all.

Currently, disabled magistrates are often restricted in the number and type of sittings they can take on, meaning that the magistracy is being under deployed because buildings cannot be accessed or provision is so poor that magistrates cannot effectively fulfil their role.

This lack of accessibility undermines the government's own commitment to increasing the magistracy's diversity. For potential magistrates, the lack of accessible court buildings could disincentivise applications. For existing magistrates, the failure to maintain accessibility features or accommodate their needs severely damages morale and has led to resignations.

Accessibility is achievable if His Majesty's Courts and Tribunals Service is transparent about current barriers and if accessibility becomes a driving principle for the physical court estate. If implemented, our recommendations will help ensure greater accessibility, a more diverse magistracy and equal access to justice for all.

## INTRODUCTION

A diverse judiciary is crucial to ensure that the magistracy reflects the communities it serves. The Magistrates' Association is committed to this goal, and we strive to identify and eliminate barriers to inclusion.

To this end, we have advised the Ministry of Justice on inclusive recruitment practices for magistrates and, upon hearing that many of our disabled members encounter significant accessibility issues daily, we undertook research to find out more about the barriers to inclusive justice. As well as identifying what data was already available on court building accessibility, our study aimed to establish a reliable picture of how accessible magistrates court buildings across England and Wales are (for both the public and the magistracy).

This resulting report seeks to raise awareness of the issues that disabled magistrates face while volunteering in their role.

### Report structure

After outlining our methodology, we summarise existing government data and strategies relating to accessibility in court buildings and review previous research on the physical court estate. Next, we share our snapshot of the on-the-ground reality of accessibility in magistrates' courts across England and Wales. Finally, we make six recommendations for the Ministry of Justice and His Majesty's Courts and Tribunals Service that, if implemented, would substantially improve accessibility for all.

# A DIVERSE JUDICIARY IS CRUCIAL



Credit: Richardjohnsonuk/Dreamstime.com

## METHODOLOGY

### Data collection

This mixed methods study comprised:

1. A cross-sectional paper or online survey of 57 court buildings in England and Wales conducted between July and November 2022 by sitting magistrates (29 of whom are disabled) and by Magistrates' Association (MA) staff members.
2. An online survey of 77 disabled MA members conducted between July and September 2022.
3. Three semi-structured interviews with disabled MA members conducted between April and May 2023.

The first survey assessed the accessibility of the public and magistrate areas of the buildings separately and saw data collectors record compliance with some basic standards that, if present, would secure accessible paths for wheelchair users, people with physical disabilities, deaf and hard of hearing people, blind and partially sighted people, and neurodivergent people.

Data collectors were provided with guidance adapted from accessibility audit methods on how compliance standards can be met and were given space within the survey to provide commentary that would support the development of a fuller picture of court accessibility. Some accessibility features that should be present throughout the building—such as the type of fire alarms and whether help with reasonable adjustments were easy to access—were also assessed, though did not contribute to overall accessibility ratings.

His Majesty's Courts and Tribunals Service (HMCTS) was informed of our intention to undertake this study and local HMCTS staff

were notified either on the day or shortly before their courts were surveyed.

The second survey, sent to our magistrates with disabilities network, sought to capture members' experiences of being a disabled magistrate, asking for reasonable adjustments and court building accessibility.

The semi-structured interviews were conducted with members of our magistrates with disabilities network who opted into being contacted for further follow up post-completion of the online survey.

### Data analysis

We analysed data acquired from the court building survey using rubrics. This allowed us to produce a holistic assessment of accessibility that focused on the factors that have the biggest impact on making buildings accessible for people with a range of disabilities.

First, we split court buildings into seven areas, with their own list of standards (see Appendix 1), and data collectors assessed compliance with each standard on site. In the data analysis stage, we gave an overall rating to each area—see table 1. The system of providing an overall rating allowed for weighting of particularly important standards; for example, the lack of accessible bays in a car park poses a greater accessibility issue than such bays being present but poorly marked.

We then aggregated these area-specific ratings and assigned each court an overall accessibility rating of either 'good', 'needs improvement' or 'insufficiently accessible'. Courts could score a minimum of seven (if each of its seven areas had been rated 'insufficient') and a maximum of 21 (if each of its seven areas had been rated 'good')—see table 2.

## Limitations

While this study provides an important and timely insight into court accessibility and serves as a benchmark for further work, the following limitations exist.

- Rubrics:** We designed the rubrics and scoring mechanisms to provide an overall assessment of court building accessibility across all sites surveyed. However, as scoring rubrics allow for a range of compliance with standards, some areas or court buildings may be categorised as ‘insufficiently accessible’ despite displaying some good practices. Conversely, some may be categorised as ‘good’ despite some accessibility shortcomings. The overall rubric is limited in a similar manner. The use of categorisation rubrics should, therefore, be considered alongside the granular quantitative data on certain accessibility features.
- Survey:** Neither the design of the court building survey nor data collection were undertaken by experts in the built environment or building accessibility. We adapted approaches used for building accessibility audits used by disability rights groups, local councils and accessibility consultancy firms when designing the survey. While we strove to assess accessibility barriers for people with a range of access needs and to appraise factors such as staff support for reasonable adjustments, these audits can never be exhaustive. Therefore, we recommend that HMCTS commits to undertaking comprehensive accessibility audits for all court buildings, and consults specialists in the built environment, the judiciary, and court users at the design stage.

- Sample:** Although magistrates sit in 159 courts across England and Wales, we only surveyed 57 of these. While this represents a strong sample size, it does not constitute a comprehensive study of all the court buildings in which magistrates sit.

Table 1: Overall score and rating for court buildings

SCORE RANGE	OVERALL RATING
6–12	Insufficient
13–18	Needs improvement
18–21	Good

Table 2: Example of area rating, scoring and overall rating for an insufficiently accessible court

Public transport	Insufficient	1
Car parks	Good	3
Courtrooms	Good	3
Public entrance	Good	3
Public areas	Needs improvement	2
Magistrate entrance	Insufficient	1
Magistrate areas	Insufficient	1
		12

## THE STORY SO FAR

This section outlines the legal duties of the Ministry of Justice (MOJ) and His Majesty's Courts and Tribunals Service (HMCTS) in relation to accessibility, the government's vision for its court estate, recent initiatives to increase judicial diversity, available accessibility and diversity data, and previous assessments of the court estate. In doing so, it sets the scene for and illustrates the importance of our research.

### Legal requirements

The Equality Act 2010 places duties on both the MOJ and its executive agency HMCTS to make reasonable adjustments.<sup>1</sup> As the Equality and Human Rights Commission noted in their response to HMCTS's 'Fit for future' consultation on the court estate: "the duty to make reasonable adjustments is anticipatory, which means that organisations must think in advance and on an ongoing basis about the requirements of disabled people and the adjustments that may have to be made for them."<sup>2</sup>

The anticipatory nature of this duty requires a proactive approach,<sup>3</sup> such as embedded inclusive policies and inclusive design, not merely reactive adjustments.

The Lord Chief Justice and the Lord Chancellor are jointly responsible for making reasonable adjustments for magistrates, which are then carried out by HMCTS.

### Courts fit for the future

Since 2010, 51 per cent of magistrates' courts in England and Wales have closed.<sup>4</sup> At the time, the government acknowledged that "the need to travel further (either by car or by public transport) [was] likely to have greater impacts for people with specific disabilities such as those with limited mobility"<sup>5</sup> and so committed to updating its existing courts to mitigate these impacts.<sup>6</sup>

In 2018, following its 'Fit for future' consultation, HMCTS published its 'Court and tribunal design guide' and developed new principles for the court estate, which include ensuring that:

- everyone who needs to access the court and tribunal estate should be able to do so
- estate buildings are in the best condition possible for users and are maintained at a reasonable cost to the taxpayer
- improvements to the delivery of day-to-day maintenance of estate buildings are made through the introduction of building champions.<sup>7,8</sup>

Promisingly, in 2019 HMCTS pledged not to close any more courts unless there is sound evidence that there is an actual reduced use of a court building.<sup>9</sup> This means that poor accessibility cannot be used as a rationale for court closures. Rather, where accessibility failings are identified, improvements must be made.

Nonetheless, since then there has been remarkably little follow up on how HMCTS will ensure an accessible court estate, including in existing, rather than just in new, court buildings. While its 'Vulnerability action plan' makes a number of commitments to improve the court experience for vulnerable court users, the first three versions lacked any provision for improving the maintenance and/or accessibility of court buildings.<sup>10</sup> Likewise, although the October 2022 update to its plan states that it will be "working to improve access to our court buildings", it does not cite a baseline nor provide a timeline or further detail on the activities it will implement.<sup>11</sup>





# DIVERSITY AND ACCESSIBILITY

Credit: UKBlackTech

## Diversity data

The accessibility of court buildings is intrinsically linked to encouraging greater judicial diversity. Despite a statutory acknowledgment of the importance of judicial diversity in the Crime and Courts Act 2013 and MOJ commitments,<sup>12</sup> data about judicial diversity remains limited. For example, the MOJ's annual judicial diversity statistics include no information on disability.<sup>13</sup>

In 2022, the MOJ invested £1 million into a new campaign 'to support the recruitment of new and diverse magistrates from under-represented groups such as those with disabilities'.<sup>14</sup> However, to date no diversity data from the new application system has been publicly published.

It is, therefore, difficult to fully assess the diversity of the magistracy, monitor changes across all protected characteristics over time, and determine the impact of accessibility issues in courts on the judiciary.

## Accessibility data

There is a lack of granular and publicly available official data on maintenance and accessibility in the court estate. The below is either not collected or published by HMCTS, but is vital for understanding the estate's accessibility:

- data on the accessibility of individual court buildings<sup>15</sup>
- on the ground information about specific accessibility features such as hearing loops<sup>16</sup>
- externally commissioned audits to address maintenance concerns<sup>17</sup>
- the number of outstanding maintenance requests and the average time taken to resolve such requests<sup>18</sup>
- the frequency with which maintenance requests are submitted for the same court building and/or for the same accessibility feature, for example, a broken lift, in one court.

Although HMCTS' 2021–2022 annual report acknowledges that some buildings are "not yet as accessible as we would like them to be", it does not offer details on whether and how accessibility is prioritised within the maintenance budget.<sup>19</sup>

### **Independent research**

Existing research on the current state of court buildings is limited, but helpful for assessing maintenance needs. To date only one study (Bolt Burden Kemp, 2020) has focused on the accessibility of courts for the public. None have considered accessibility for the judiciary.

In 2020, Bolt Burden Kemp solicitors used the government's Court and Tribunal Finder to assess 444 United Kingdom court buildings against 11 accessibility criteria.<sup>20</sup> Their analysis painted a picture of a court estate in which accessibility varied widely and revealed that only 15 per cent of courthouses in England and 29 per cent of courthouses Wales, were fully wheelchair accessible. This figure stood at just 16 per cent for magistrates' courts in the two countries.

In the same year, a Disability Rights UK report on access in the legal sector criticised the procedures relating to and the length of time it takes for maintenance and repairs to be made. Its investigation showed that court maintenance is often carried out by contractors who do not tend to be knowledgeable about access, resulting in changes that have 'poor results, which were then too difficult to alter after installation'.<sup>21</sup>

In 2022, a Law Society survey revealed that 28 per cent of participating solicitors felt that court buildings were "not at all fit" for purpose. It also found a widespread belief that disrepair and old, dilapidated buildings have contributed

to delays due to the need to adjourn cases and have resulted in wasted time and costs for court users, staff and magistrates.<sup>22</sup> Solicitors noted lengthy waits for repairs (even in newer court buildings), which chimes with the findings of our report and successive annual judicial attitude surveys conducted by the UCL Judicial Institute. In 2022, the majority of surveyed salaried judges said that maintenance of court buildings was 'poor' or 'unacceptable' and almost half rated the physical quality of the courts in which they work the same.<sup>23</sup> Concerningly, their satisfaction with the state and maintenance of courts has deteriorated year-on-year since 2016.<sup>24</sup>

### **Disability and the impacts of disrepair**

The maintenance and quality-related findings of the surveys conducted by the Law Society and the UCL Judicial Institute reveal three major problems.

First, disrepair impacts capacity in the court estate. Although magistrates' courts have been the most successful in reducing backlogs since the pandemic, these remain above pre-pandemic levels. While there are a multitude of contributing factors, court rooms or buildings that are out of action due to disrepair intrinsically result in fewer cases being heard.<sup>25</sup>

Second, poor quality buildings damage the public's perception of the justice system. As the Bar Council's report astutely explained: "when there is clearly no money in the system for the most basic maintenance of court buildings, or provision for hot drinks or hygienic facilities for court users, confidence in the administration of justice within those buildings understandably declines."<sup>26</sup>

Third, and perhaps most significantly, disrepair of key accessibility features (such as ramps, railings and hearing equipment) have clear

impacts on whether a court building is accessible for disabled users and judiciary. Likewise, poor general maintenance of courts' heating and ventilation systems, lighting, plumbing and bathroom facilities will likely adversely affect disabled people, particularly those with invisible disabilities or disabling illnesses.

### Rhetoric versus reality

HMCTS has yet to pledge that it will determine how accessible the current court estate is and to detail how this will be improved. None of its strategic documents include any commitments to establishing a baseline, prioritising accessibility in maintenance programmes, or publishing data on the number of disabled judicial office holders and court users.

The absence of published targets or timelines for improvements and lack of assessment of accessibility-related initiatives has made it impossible for The Magistrates' Association to evaluate whether any enhancement to the court estate has occurred since HMCTS released these publications. Indeed, although we regularly meet with HMCTS and requested a list of ongoing significant repair works while researching and writing this report, such information has not been forthcoming.

We believe that HMCTS' failure to publish accessibility-related evidence or data indicates that it passively engages with issues of disability and accessibility on a strategic, national level. This is at odds with the anticipatory nature of its Equality Act duties and with the rhetoric it espouses.

When coupled with the insights from independent research that indicate a significant and growing problem with the maintenance, physical quality and accessibility of the



Lift in need of repair at a court building

buildings in the court estate, this lack of on-the-ground evidence exposes an urgent need for the establishment of a baseline of current accessibility provision. By surveying 57 magistrates' courts in England and Wales we have begun to build this baseline.

# ON THE GROUND ACCESSIBILITY

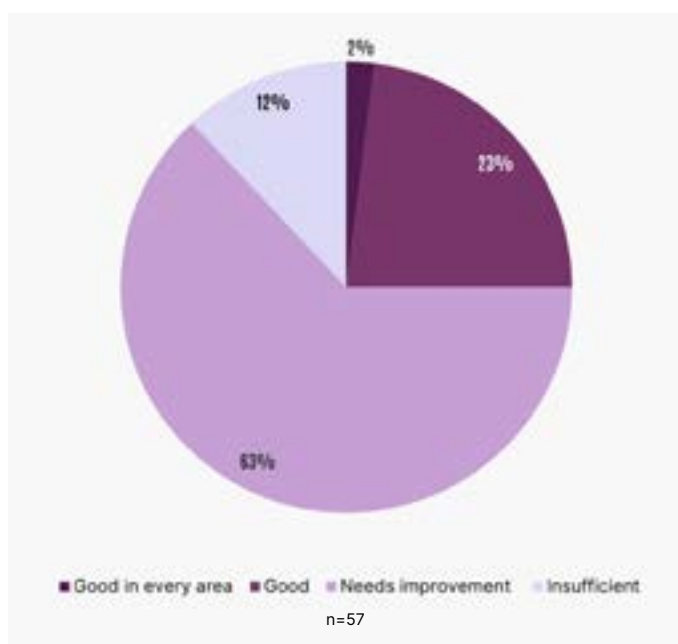
## ON THE GROUND ACCESSIBILITY

This section summarises the findings of the survey of 57 court buildings in England and Wales that sitting magistrates (29 of whom are disabled) and Magistrates' Association staff members conducted between July and November 2022.

It first outlines the big picture of court building accessibility and then explores area-specific findings, including the journey to court. It is structured around two typical court user's journeys: first that of the court users including victims, witnesses, defendants, and practitioners, and second that of magistrates and court staff.

The results reveal a snapshot of a patchy provision for accessibility where magistrates' access needs are too frequently overlooked and maintenance which impacts access is not prioritised.

FIGURE 1: OVERALL ACCESSIBILITY RATINGS



### Underestimating accessibility

As outlined in our methodology, the scoring mechanism we used assigned each area of the court building (such as the car park, magistrate entrance and courtroom) a category and these individual categories were then combined to provide an overall accessibility rating for each court of either 'good', 'needs improvement' or 'insufficiently accessible'.

Our area-specific scoring system allowed areas to be rated as 'good' despite having one or two accessibility issues and our overall scoring system allowed court buildings to be rated as 'good' even if they had two areas in need of improvement (that is, even if they do not meet all access needs). As such, we believe our categorisations provide a fair, if not generous, assessment of overall accessibility. It is, therefore, possible that our report underestimates the prevalence of accessibility issues in magistrates' courts.

### The big picture

As figure 1 shows, barriers to accessibility exist in three quarters of the courts we surveyed. Shockingly, just a quarter of court buildings were found to be 'good' and only one achieved this rating across all building areas.

### The journey to court

The assessment of court' accessibility must consider the journey to and from the building. We assessed two main modes of travel: a car and public transport.

### By car

For magistrates who live in rural areas or far from the courts in which they sit, driving is often the best option for getting to court. This means that they require car parks upon arrival. Surprisingly, only 42 of the 57 courts surveyed have designated car parks (see figure 2), most of which are for the use of staff or magistrates and other judiciary. Of these, five lack any accessible bays and others have too few to accommodate the needs of disabled magistrates and staff members.

Routes to court buildings from car parks are also an issue. Simply having accessible bays is insufficient if the route to the building is not obvious or marked and/or if it contains obstacles like raised kerbs, steps or non-operational lifts. Less than half of the courts with car parks have obvious or marked routes to the building entrance (35 per cent) and just under two thirds (62 per cent) are well lit—see figure 3. Many also lack space for manoeuvring in accessible bays. These issues must be addressed for car parks to be fully accessible.

“[A wheelchair user] would have to be able to get themselves up a steep public pavement incline... or ask for help”

Data collector

FIGURE 2: AREA RATINGS FOR COURT CAR PARKS

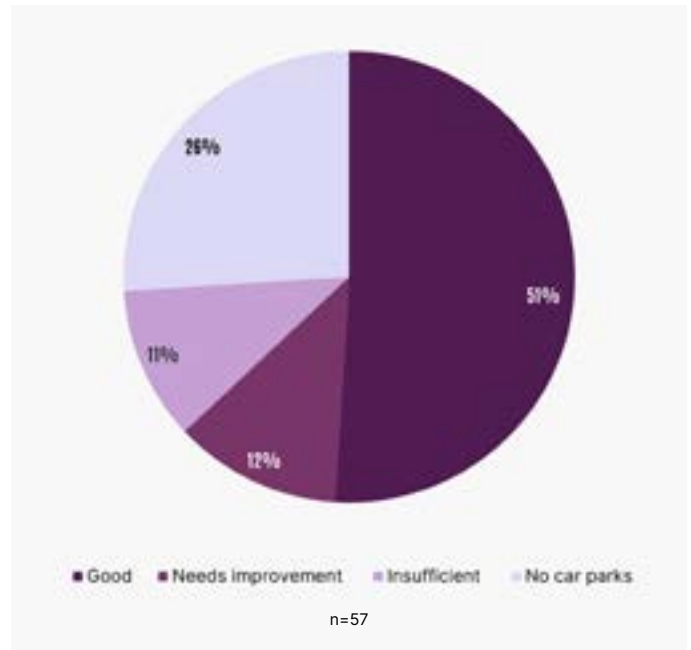
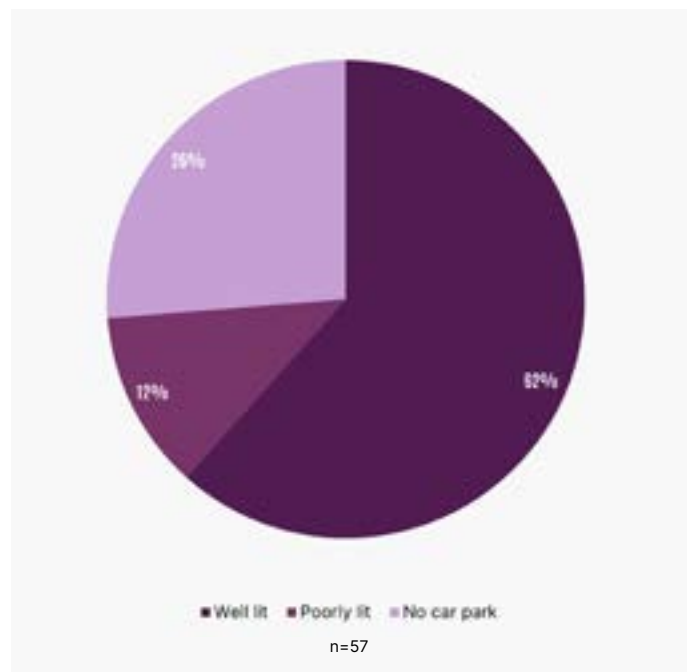


FIGURE 3: LIGHTING IN COURT CAR PARKS



### By public transport

For some, public transport is the only viable option for getting to court and is, therefore, vital for effective access. Despite this, transport links are not universally available across the courts surveyed—see figures 4 and 5—with rural courts particular poorly served. It is unacceptable that six court buildings lack any nearby public transport option; local authorities and public transport providers must urgently remedy this.

Furthermore, for public transport to be fully accessible links must either be visible from the court door or well signposted, and drop off, waiting and pick up areas should be available. As figure 6 shows, signposting to transport links is inconsistent at best, with less than half of courts (39 per cent) providing this. We also found that nearly three quarters of the courts surveyed (70 per cent) lack waiting areas with seating in and/or near court buildings.

We know that appearing before a court can be stressful; having clear and readable signs to courts and to public transport as standard could help reduce some of the understandable anxiety. This would also simplify journeys for and make courts more accessible to court users, staff and judiciary who have neurodivergent conditions, hearing impairments or mental health conditions.

It is crucial that provision of public transport links is universal across all court buildings to ensure access for those who do not live nearby the court or who cannot drive. Where provisions are made for accessible car or public transport journeys, the lack of basic accessibility features in some areas makes using these options cumbersome for mobility impaired people, neurodivergent people and those with mental health conditions. Simple solutions such as

re-designating areas for accessible parking bays and installing signage can make a significant difference to disabled magistrates, staff and court users<sup>27</sup>

FIGURE 4: AREA RATINGS FOR PUBLIC TRANSPORT

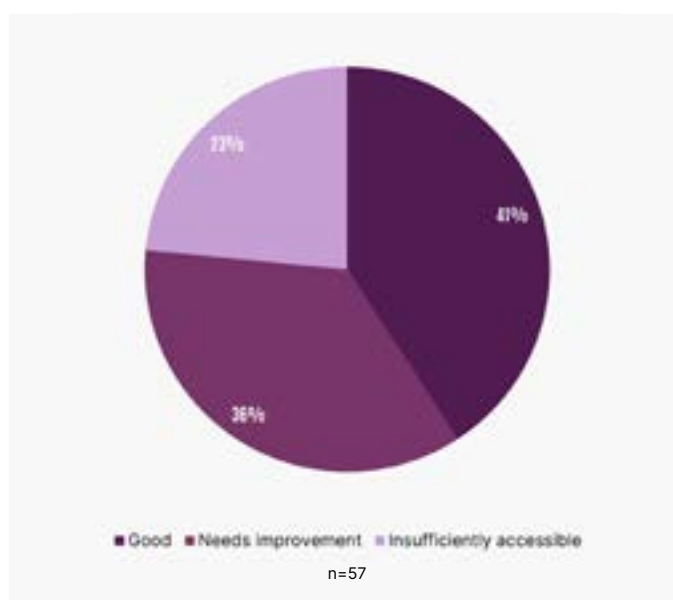


FIGURE 5: PUBLIC TRANSPORT OPTIONS

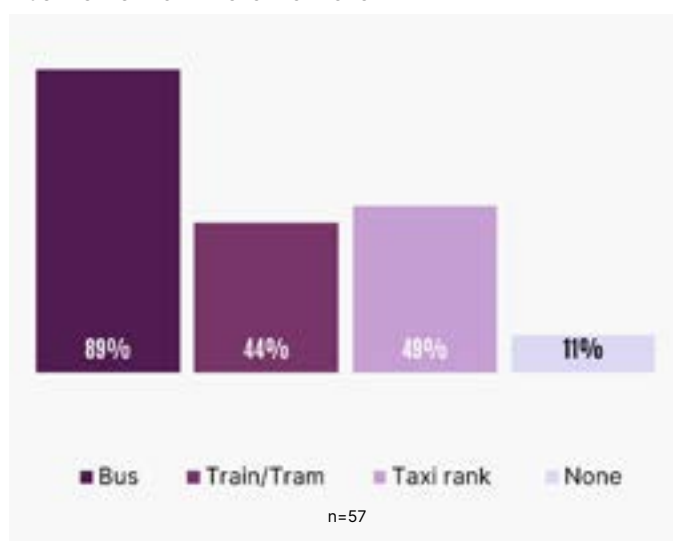
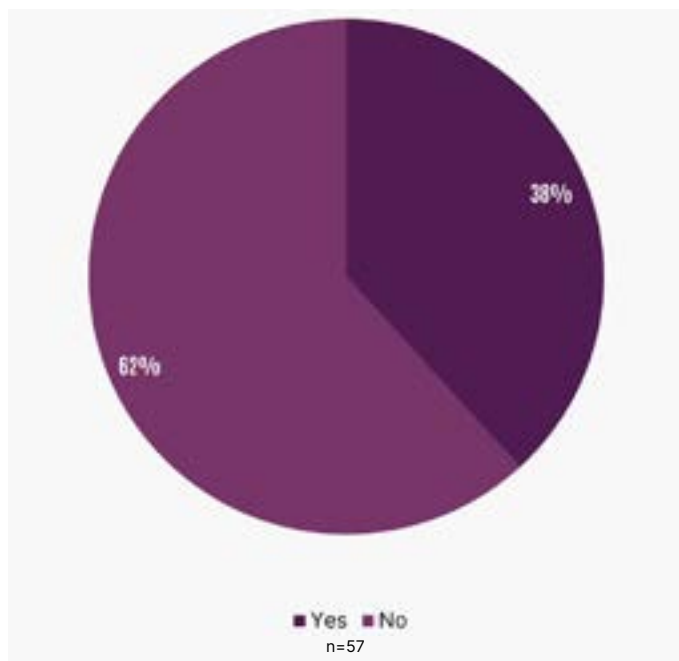


FIGURE 6: PUBLIC TRANSPORT SIGNPOSTING



### The door of the court

Court buildings often have two entrances: a public one and a secure, judicial and staff one. For security reasons, the latter is normally located away from most court users. Indeed, HMCTS' 'Court and tribunal design guide' acknowledges the need for the judiciary to enter and exit buildings separately to the public.<sup>33</sup> It is inevitable that some decisions, particularly in criminal courts, will be poorly received by defendants, witnesses and others. Separate entrances ensure that the judiciary and staff feel safe and secure when administering justice.

### Magistrate entrances

Despite the security risks, disabled magistrates in almost a fifth of courts surveyed (17 per cent) have to use the public entrance due to a lack of an accessible judicial entrance. Security personnel are, therefore, often required to accompany magistrates on arrival and exit.

### Remote hearings: an alternative?

Although HMCTS has suggested that video conferencing and remote court proceedings can help ensure accessibility, we believe there are issues with this approach:

- Disabled magistrates must often still attend court, particularly in the criminal jurisdiction where magistrates sit in court even where other parties attend remotely.<sup>28</sup>
- Where magistrates can and do sit at home (primarily in the family jurisdiction), the expenses regime does not cover any digital costs incurred—such as buying specialist devices or upgrading equipment—nor are they entitled to subsistence expenses.<sup>29</sup>
- The workplace adjustments policy for disabled magistrates does not cover working from home, so disabled magistrates are not supported for adaptations for home work set ups such as specialist desks or chairs.<sup>30</sup>
- There is no universal access to appropriate technology, privacy and stable internet connections, meaning there will always be some magistrates and court users for whom attending a physical court building is the only option.<sup>31</sup>
- Remote proceedings are not always well adapted for disabled people such as deaf and hard of hearing people, blind and partially sighted people, and neurodivergent people.<sup>32</sup>



This approach not only reduces security staff capacity, but also impedes disabled magistrates' independence, which is already frequently curtailed by poor adaptations. Over half of the courts surveyed (56 per cent) have doors that are difficult to use, less than a third (32 per cent) have power assisted entry doors for magistrates, a fifth (20 per cent) have entry mechanisms that are not at wheelchair user height, and others lack railings on stairs or ramps and/or have ramps that are too steep to provide suitable access.

One disabled magistrate explained that well-executed entrance-related adaptations can make a significant difference for magistrates who have access needs: "Knowing that I can get out [of the court building] via the flexi step means there's better access [than before]... You don't want to be the awkward one. Before [the improvements] I just wouldn't go out at lunch."

"As a full-time wheelchair user, I have to enter the court through the main entrance along with the general public. When I have been doing trial courts and we've had some unhappy attendees, I feel very vulnerable leaving through the main entrance"

Disabled magistrate

FIGURE 7: MAGISTRATE ENTRANCES OVERALL RATING

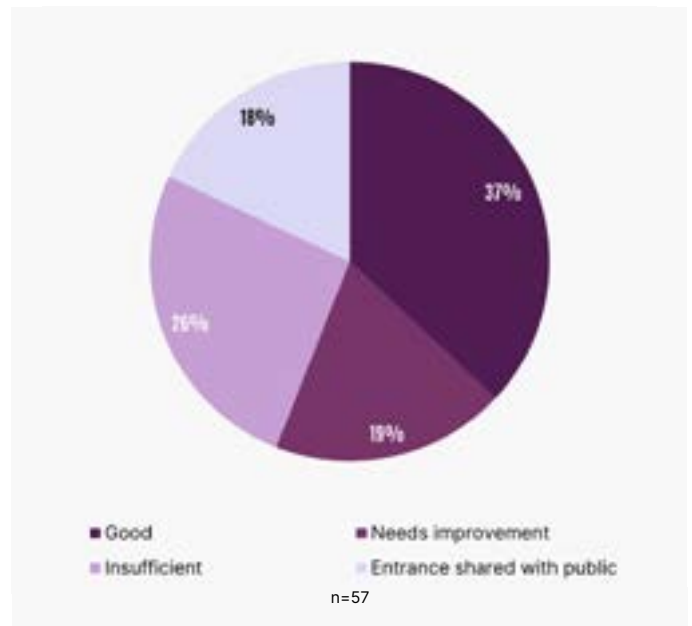
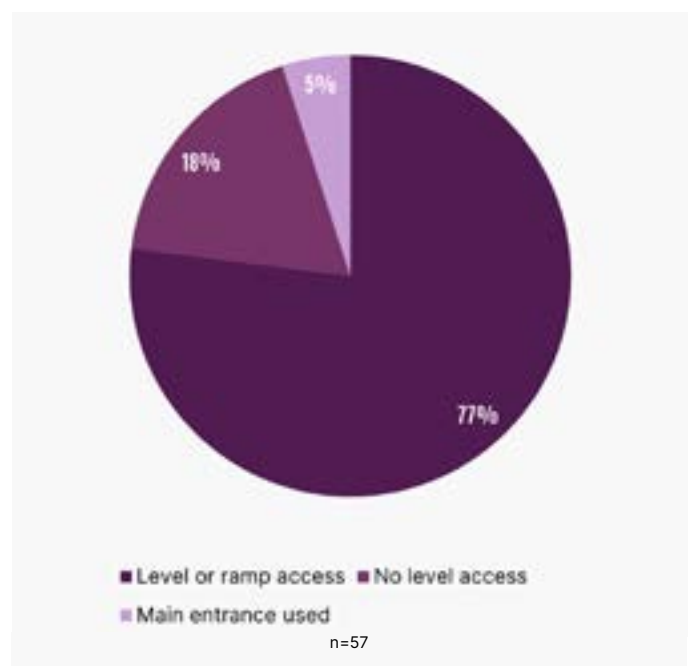
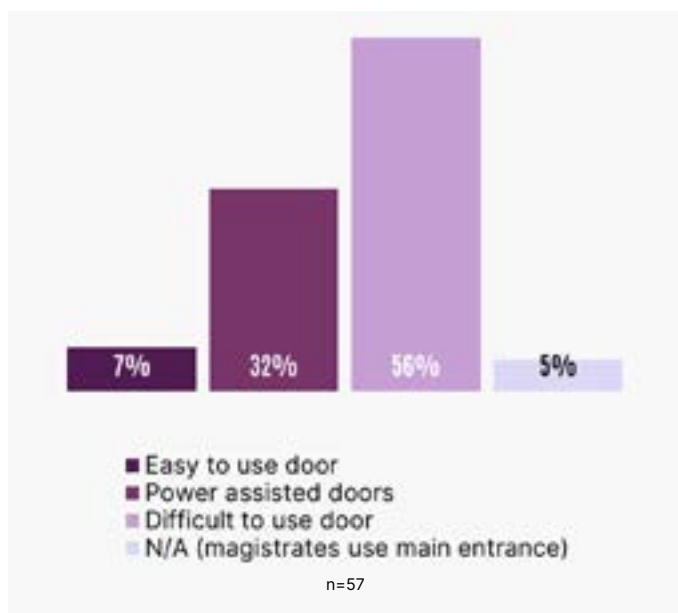


FIGURE 8: MAGISTRATE ENTRANCES LEVEL ACCESS



**FIGURE 9: EASE OF USING MAGISTRATE ENTRANCE ENTRY DOOR**



### You cannot sit here

Some disabled magistrates reported having been told that they cannot sit in certain courts and/or buildings due to the entrances available. In at least four of the courts with ‘insufficiently accessible’ magistrate entrances, disabled magistrates (particularly wheelchair users) are unable to sit at all.

Such a state of affairs prevents some magistrates from undertaking certain types of work, such as remands or crown court appeals, that are only listed in inaccessible buildings. There is a very real possibility that this may, in turn, hinder their ability to take on additional responsibilities—such as becoming a Presiding Justice, mentor or appraiser—because they have not been able to benefit from the same experiences as their non-disabled peers.

By failing to ensure all court buildings are accessible, the court estate is undermining the efficient administration of justice. Courts and some magistrates are being underused and

this creates an exclusionary environment. One disabled magistrate said: “The rota team often send emails asking for magistrates to fill sittings. I can never pick up any sittings anywhere other than [in one court building]. If I'm running low on sittings, it's very hard for me to make those up.”

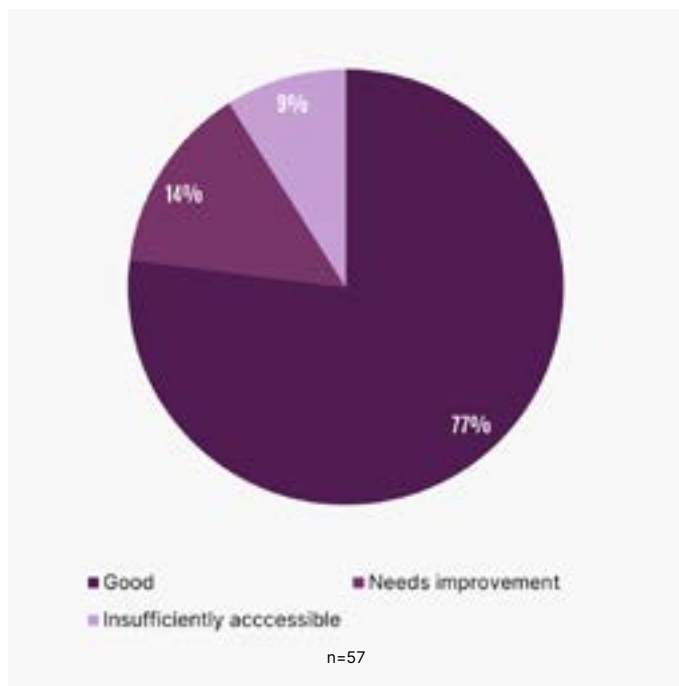
### Public entrances

As figure 10 shows, public entrances are far more accessible than magistrate entrances; more than three quarters (77 per cent) of the former were rated ‘good’ compared to two thirds (37 per cent) of the latter. This is unsurprising given that there are fewer potential barriers to accessibility at public entrances; users have no entry mechanisms to navigate, and main doors are often either automatic or kept open throughout the day. Our data collectors also commented that security staff are always on hand at public entrances to assist if necessary.

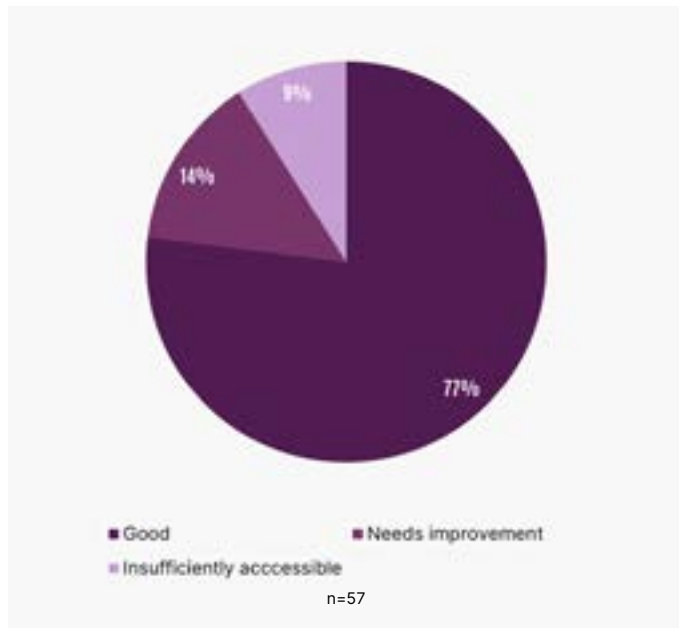
Nonetheless, all ‘insufficiently accessible’ courts have neither level access nor a separate accessible entrance for the public to use, and most of the courts that ‘need improvement’ have problematic level access; two have hazards in entryways and one has a narrow entryway or doors that are difficult to use. Our survey also found that poor accessibility adaptations—such as inappropriately steep ramps or long ramps without railings—are adversely impacting courts’ accessibility.

Such issues were often observed in old or listed buildings that had not been designed with accessibility in mind. While this makes the task of creating an accessible court estate more difficult, it is unacceptable to preclude members of the public with access needs from attending their closest court. It should also be noted that only two responses expressly cited the listed nature of the court building as a reason for accessibility issues.

**FIGURE 10: AREA RATINGS FOR PUBLIC ENTRANCES**



**FIGURE 11: LEVEL ACCESS AT PUBLIC ENTRANCES**



### Through the court: magistrate areas

A majority of magistrates sit in court buildings for full days. They go over lists before hearings, transition to retiring rooms from courtrooms to discuss cases and stay after sittings to review the day’s work with legal advisers. Being able to move independently through the building is essential. As is being able to access refreshment areas and toilets that are separate from those used by the public; staff and magistrates must feel secure while fulfilling their roles.

However, our survey revealed a dearth of accessible facilities in magistrate areas; nearly two fifths (39 per cent) were rated ‘insufficiently accessible’—see figure 12—and more than half (54 per cent) have problematic internal doors. Twelve lack any power assisted doors altogether.

### Toilets

Nearly a third of courts surveyed (32 per cent) lack an accessible toilet on the magistrates’ side of the building, so disabled magistrates are forced to use one in the public areas. Some data collectors told us that this involves cumbersome workarounds or traveling long distances, and magistrates reported having to be accompanied by security personnel for this purpose. The loss of independence in such instances is unacceptable. It does not reflect a court estate that is inclusive or that encourages diversity, and may prevent disabled magistrates from sitting in these courts which, in turn, may reduce the number of sittings available to them.

Even where accessible toilets are available on the magistrates’ side of the building, adaptations are often poorly planned and executed—the most extreme example of this risked a wheelchair user falling down a flight of stairs due to an inappropriately positioned accessible toilet—and the route to these may be difficult

FIGURE 12: AREA RATINGS FOR MAGISTRATE AREAS

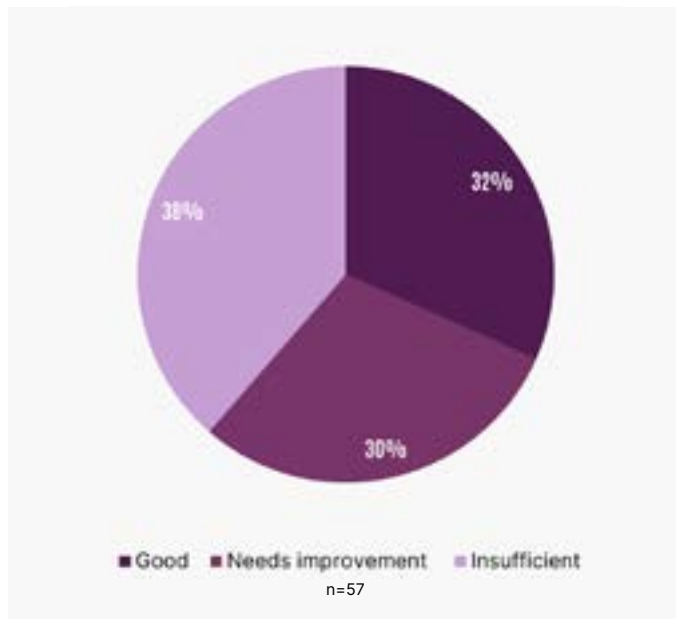


FIGURE 14: TOILETS IN MAGISTRATE AREAS

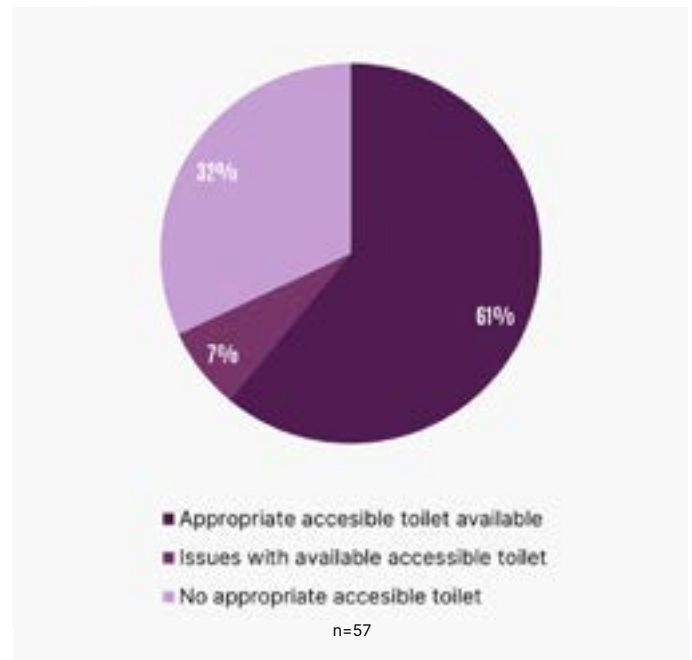
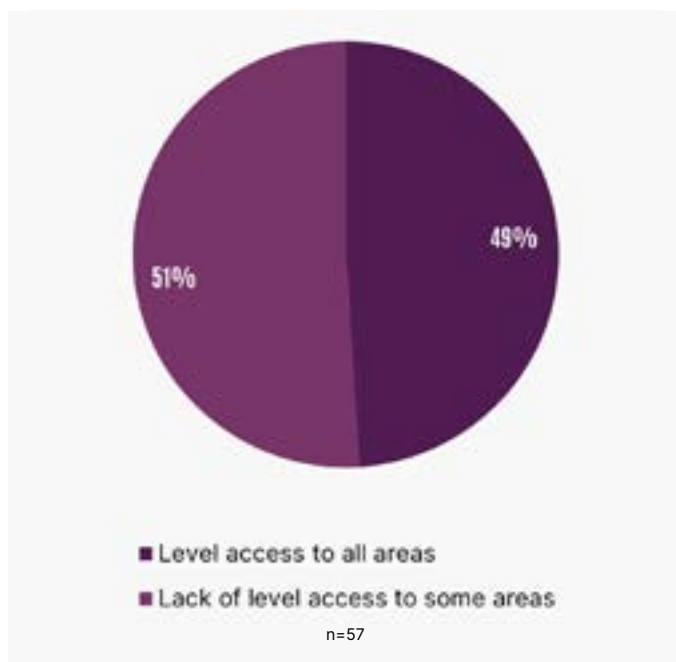


FIGURE 13: LEVEL ACCESS IN MAGISTRATE AREAS



to navigate. The latter was the case in three of the courts surveyed, with multiple sets of heavy internal doors and narrow doorways present.

Worryingly, more than two thirds of the courts surveyed (68 per cent) were found to have either no accessible toilet or accessible toilets that fail to comply with access standards (for example, lack a working emergency cord), have limited room to manoeuvre a wheelchair, or are clearly used for storage. And, only one third of courts have a cubicle in toilet blocks that are fitted with rails for use by ambulant people with a mobility impairment.

#### Refreshment areas

Of the 50 courts with refreshment areas, only four have low counter areas that can accommodate wheelchair users and one

of these is in a refreshment area that is inaccessible to wheelchair users due to its narrow doorway.

### **Level access**

As figure 13 shows, more than half of the courts surveyed (51 per cent) do not have level or ramp access to all areas for magistrates. Lifts seem to cause particular issues due to the high cost of repairs.

“The lift at the court where I undertake my adult sittings, and which is the only form of disabled access, has been out of action for some weeks already and will continue to be for at least a further six to seven weeks. I cannot currently sit in adult court and have concerns it may affect my competencies and minimum sittings requirement”

Disabled magistrate

### **Signage and quiet spaces**

Only seven of the courts surveyed provide any kind of signage or maps in the magistrates' side of the building to assist navigation, an important feature for neurodivergent people or people with learning difficulties. One magistrate reported that they “tend to stay in the court and the retiring room for the whole day while my other

bench colleagues go out for lunch or into town. Because it's an inconvenience to other people, I prefer to stay on my own until they return.”

Quiet private spaces can also be important for neurodivergent magistrates or magistrates who require prayer rooms during the court day. Most court buildings surveyed (84 per cent) have such spaces available, usually in retiring rooms; nine do not.

### **Assistance**

Our survey found that court and security staff work hard to mitigate court buildings' inaccessible features. They were described as approachable and helpful, willing to provide directions, assist with difficult doors, rearrange listings to ensure accessible courtrooms are used and provide information on hearing loops or other hearing assistive equipment. One data collector noted that “staff are all friendly and more than happy to help people though the building to where they need to get to.”

However, much of the assistance provided by court staff—though valued—should not be necessary. Magistrates, and indeed all court users, should not have to rely on assistance from others for basic activities such as navigating doors and getting to public transport. Appropriately accessible features, such as power assisted doors, should be present.

“The [court] staff were fine. It's just the lack of empathy at the higher levels of HMCTS that causes problems.”

Disabled magistrate

### Through the court: public areas

The coverage and quality of accessibility features in public areas is better than for magistrate areas, but poor practice and barriers to access are still significant.

#### Toilets

Fully accessible toilets are not universally available to the public in the courts we surveyed. Five courts lack an accessible toilet at all and just over three quarters (81 per cent) have toilets that comply with best practice—such as having appropriate emergency cords, contrast colour grab rails and sufficient space for wheelchair users to turn. Leaks and obstructions were observed in some accessible toilets, and provision for ambulant disabled court users was found to be poor: only 22 of the courts surveyed have cubicles with grab rails and outward opening doors. This is particularly concerning in courts that lack a fully accessible toilet.

Other courts were found to not have accessible toilets on the ground floor. While not a problem in theory, because our survey revealed that lifts are sometimes out of order for extended periods, there is undoubtedly a knock-on effect for some court users. It is essential, therefore, that HCMTS prioritises repairs that impact accessibility.

The absence of universal provision of accessible toilets for the public impinges on effective access to justice for all, particularly in light of court consolidation and increased journey times to courts.<sup>34</sup> For example, if a full-time wheelchair user is a victim, witness or defendant in a criminal trial that is listed to take place in a magistrates' court that lacks accessible toilets, the entire case may need to be reallocated to a different court building that may be significantly further away. This is especially pertinent for

FIGURE 15: OVERALL RATINGS FOR PUBLIC AREAS

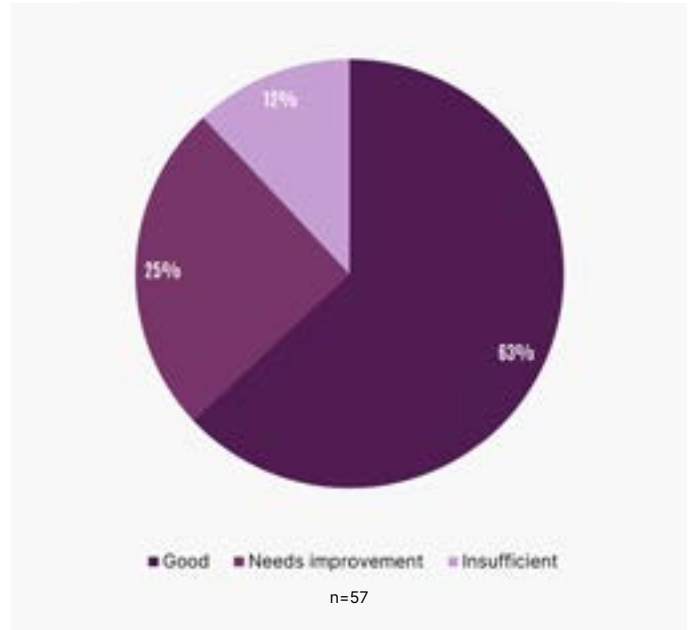
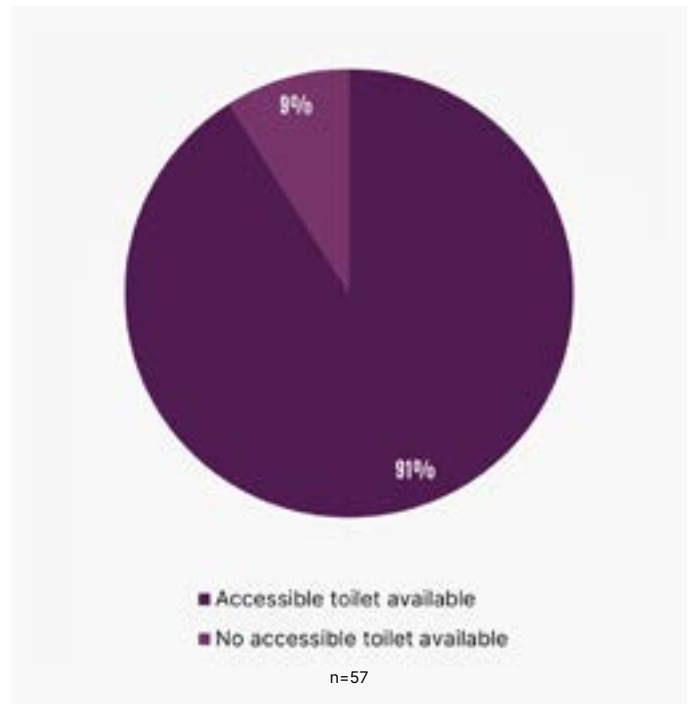


FIGURE 16: TOILETS IN PUBLIC AREAS



courts located in rural areas with less transport options available than their urban counterparts. Expecting or compelling people who require accessible toilets to travel to a different, and possibly further away, court is an inadequate solution. Accessible toilets should be universal in a modern, efficient and effective court estate.

“Disabled people who attend court are often moved to [a different] site that has the facilities to accommodate their requirements”

Data collector

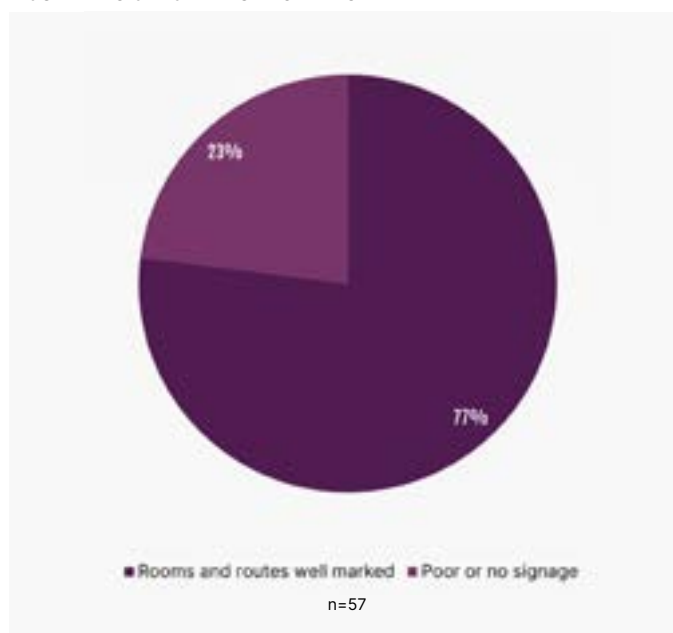
### Signage and quiet spaces

Signage was found to be better in public areas than in magistrate areas; it is present in 77 per cent of the public areas compared to just 12 per cent of the magistrate areas. However, braille is missing from three courts' signage.

Universal, clear and accessible signage is particularly important for public areas. Being able to navigate confidently and independently through court buildings that, for many, will have unfamiliar layouts, can reduce any sense of disempowerment during the court process. Improving signage is a low-cost solution that would make the justice system easier for everyone, particularly neurodivergent people and people with learning difficulties or mental health issues.

Almost all of the courts surveyed (98 per cent) provide quiet private spaces, which are important for accessibility, private discussions

FIGURE 17: SIGNAGE IN PUBLIC AREAS



between hearings and prayer, for the public. Whether there are enough of these in each building to accommodate everyone who may need to use them should be further explored.

### Courtrooms

Our survey specifically focused on accessibility for magistrates in courtrooms, and data collectors selected one courtroom at random to assess for accessibility compliance.

### Retiring room to court

In more than half of the courtrooms surveyed (51 per cent), a lack of level access from the retiring room to the bench hinders or even prevents magistrates with mobility impairments or who are wheelchair users from sitting in these rooms at all—see figure 19. For example, mobility impaired magistrates in two of the courts were found to have to navigate the court through the public side of the building, accompanied by security personnel.

The bench set ups in a quarter of the courtrooms surveyed are inaccessible due to issues including: insufficient room for disabled magistrates to manoeuvre their mobility aids, and inappropriate desk depth and/or height for wheelchair users.

### Hearing loops

Reflecting the fact that most of all court proceedings take place orally, court processes are known as hearings. Courtroom audibility through microphones and throughout the room is, therefore, vital for everyone in the courtroom, regardless of access needs.

And yet, our survey found that the provision of hearing loops is patchy. While almost three quarters of courtrooms (74 per cent) have a hearing loop or other hearing assistance device available, many were not working when our data collectors visited—see figure 20. In more than a fifth of the courts surveyed, neither the data collectors nor court staff could confirm whether the hearing loop was working.

The provision of hearing loops is vital for deaf and hearing impaired magistrates and members of the public alike. Much of the court proceeding is oral and poor equipment prevents access to justice for deaf or hearing impaired people. HMCTS needs to extend the role of staff supporting its digital initiatives to make them responsible for checking hearing loops.

### You cannot sit here either

Though we did not ask a specific question about disabled magistrates being restricted from sitting in certain courtrooms or buildings, a disturbingly high proportion of data collectors made the unprompted observation that mobility and/or hearing impaired magistrates can only use certain courtrooms. This is the case in at least 17 courts in England and Wales.

FIGURE 18: COURTROOM OVERALL RATINGS

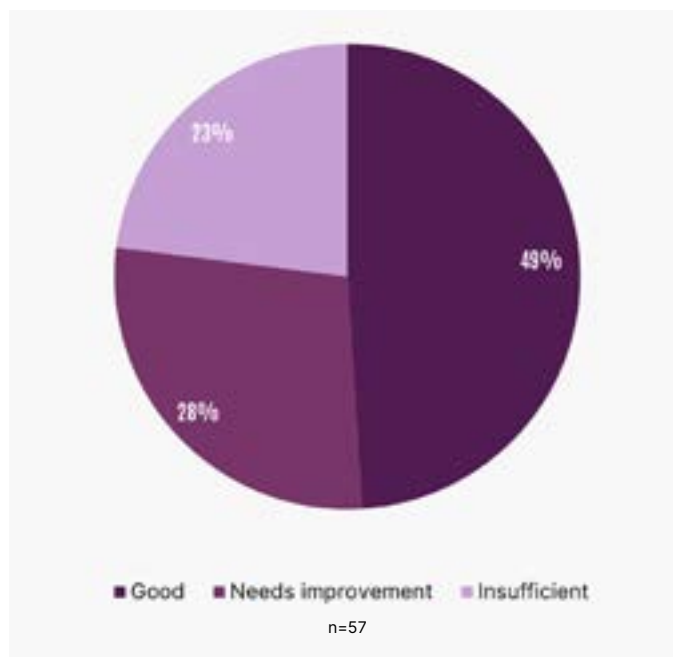
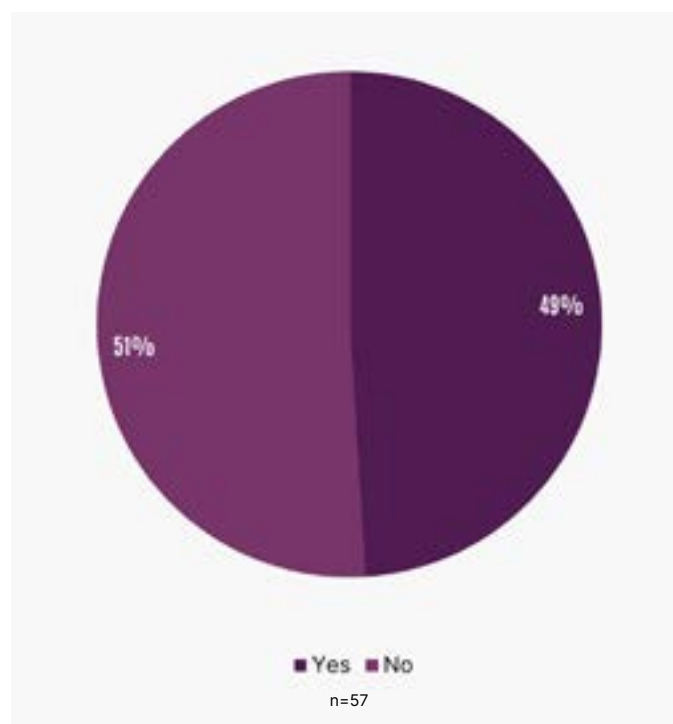
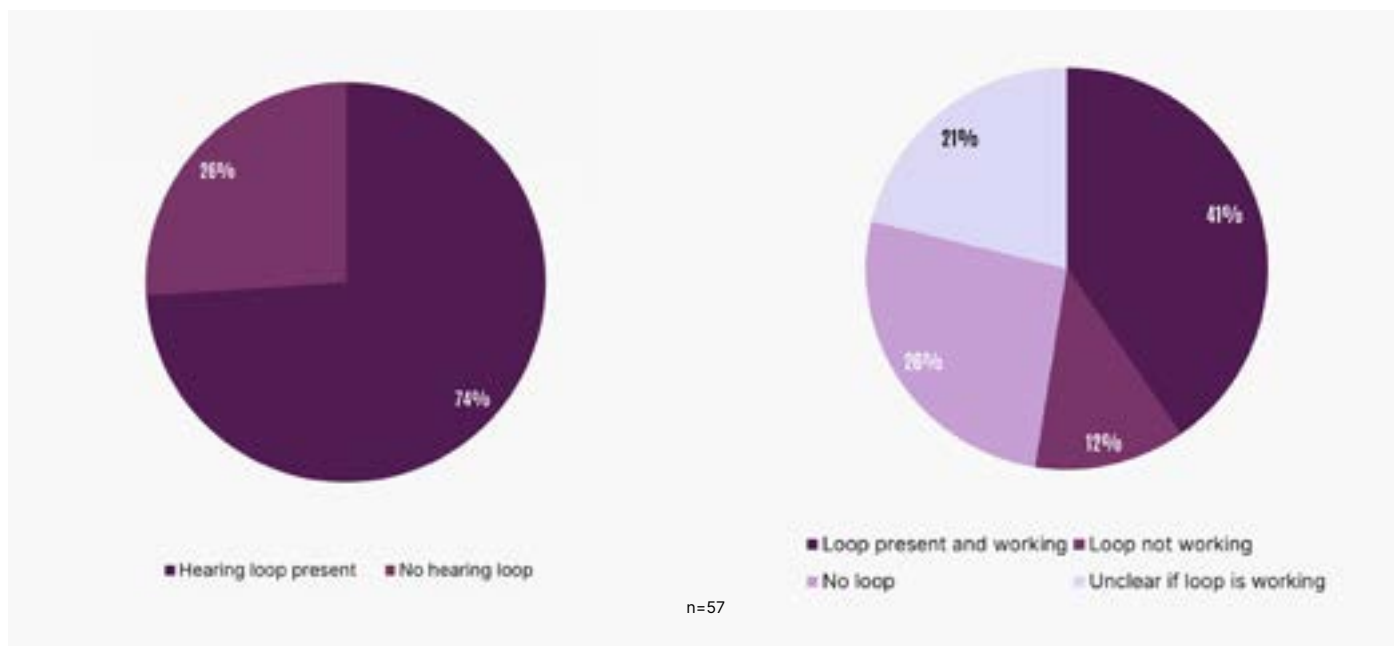


FIGURE 19: LEVEL ACCESS FROM RETIRING ROOM TO BENCH





**FIGURE 20: HEARING LOOPS IN COURTROOMS**



One data collector reported: “The disability lift installed has been obsolete for the last ten years, and in any event was only suitable for lightweight chairs. There are no plans to replace it. The only option is to be taken along the corridor to the public lift, through four doorways consisting of double doors. Opening one door does not allow easy access because it is too narrow. There is a bolt to unlock the second door, which is more than six feet high up.”

This compounds our earlier finding that, in at least four courts, a lack of accessible entrances means mobility impaired magistrates are prevented from sitting in those buildings at all.

One disabled magistrate described their concern that there are no wheelchair accessible magistrates' courts in their area: “If I need to use one in the future, I will not be able to sit in my county. I had to give up youth sittings because

all youth work was moved to a court where there are too many stairs for me to access the appropriate toilet.”

The damage to magistrates’ morale resulting from poor accessibility features and restrictions on where they can sit has led to resignations. For example, one disabled magistrate told us that their was no accessible hearing loop in the court where they mainly sat: “What there was depended on my wearing something rather like a stethoscope round my neck, which was incompatible with wearing hearing aids. It was unreliable and worked only for about 20 minutes the times I tried it. A similar device in the crown court didn’t work at all... in the interest of justice and for the sake of my colleagues I felt, reluctantly, that I had to resign. In my experience, people with hearing difficulties have no support from the court.”

It is unacceptable that magistrates feel the need to resign from their roles due to insufficient and poor-quality accessibility provision in the court estate. Others who have not resigned do, nonetheless, face unjust barriers to fulfilling their role and are restricted in what work they can undertake and in which courts. This damages the morale of disabled magistrates—a sentiment is palpable throughout our survey responses.

“I can't actually sit in any of the other courts [in my area] because they're not accessible for magistrates”

Disabled magistrate

## Maintenance and reasonable adjustments

### Requesting adjustments

Although disabled magistrates are entitled to reasonable adjustments, some have told us that they are unclear about their entitlements and what support is available due to the voluntary nature of their position. Many are also unaware of how to submit adjustment requests, with one saying that they have “never asked for a reasonable adjustment because there is no clear route on how to do this—or, if there is, it has not been clearly advertised.” This magistrate added that they did not believe they would get a positive response.

Such experiences mirror the findings of our survey. Data collectors who regularly sit in the courts they surveyed reported long waits for adjustments or maintenance requests to be addressed, with several citing insufficient funds and others lamenting the likely adverse impact on the diversity of the magistracy.

“I asked for a hearing loop to be repaired in two courts. It's been three years and no repairs have taken place. I almost resigned due to frustration”

Disabled magistrate

### Inappropriate courtrooms

Family and youth court proceedings should take place in specialist courtrooms, with different layouts to the traditional adult criminal court. Magistrates should, for example, sit at the same level as everyone else in the room, rather than on a raised platform.

Where court buildings are not fully accessible for disabled magistrates, specialised family and youth courtrooms are impacted. For example, one data collector observed that a youth courtroom is used for adult criminal court hearings because it is the only wheelchair accessible courtroom. This reduces the availability of specialised youth courtrooms and prevents youth cases from being heard in an appropriate setting.

Disabled magistrates are also impacted by such accessibility issues; if they cannot access specialised family and youth courtrooms, they may well not be able to sit in family and youth cases at all.



# PROACTIVE OR REACTIVE?

## Accessibility awareness

Most data collectors commented that court staff and non-disabled magistrates are helpful and supportive—though potentially less so in cases of hidden disabilities. A few disabled magistrates noted that initial efforts to accommodate their disabilities had been positive, but that a clear mechanism for reporting further needs or addressing changes in their needs over time is absent.

“Some staff were very accommodating, while others were dismissive. In my experience, hidden disabilities are often quickly forgotten”

Disabled magistrate

## A reactive approach

As aforementioned, HMCTS has an anticipatory duty under the Equality Act 2010 to accommodate disabled magistrates. However, in reality HMCTS appears to adopt a predominantly reactive approach.

Disabled magistrates reported being disappointed by HMCTS' lack of proactive engagement to identify and accommodate their accessibility needs. For some, navigating an opaque system to secure reasonable adjustments constituted an unnecessary hurdle to commencing their magisterial role. For others, the lack of embedded inclusive policies and/or practices only became apparent when basic accessibility features were found to be non-functional or unsafe due to a lack of maintenance or regular reviews.

## Maintenance and accessibility

Maintenance is vital. It is ineffective and unacceptable for accessibility features to be implemented with no plans for ensuring their regular maintenance.

Worryingly, our study found no evidence of a prioritisation mechanism for maintenance requests where the issue affects accessibility. If HMCTS does have an internal policy, our members' experiences indicate that it is not being applied in a way that promotes accessibility.

Poor maintenance of courts reflects poorly on the overall justice system. If quality buildings cannot be provided, the question understandably arises of whether quality justice is being provided. This is particularly problematic when courtrooms themselves—the places where justice is administered—are in disrepair or inaccessible for disabled people.

The case for properly funding and addressing the maintenance needs across the court estate is compelling. Nonetheless, our findings reveal that poor quality provision of facilities, like hearing loops, make courtrooms difficult to access and, for some, completely inaccessible. One or more ongoing maintenance issues were reported in nearly half of the courts surveyed.

Covid-19 highlighted the necessity of good ventilation in public and shared spaces. Despite this, the highest proportion of reported issues concerned heating and ventilation (19 of the courts surveyed), including entirely defunct systems, or cumbersome systems that can only be turned on and off by engineers. For members of the public and judiciary with underlying health conditions, good ventilation remains an acute need.

Persistent low level repair issues—such as broken seats, stained or cracked walls or ceilings, broken bulbs, threadbare carpets and leaks—were a common theme in our survey. Many of the data collectors who reported such issues commented on the frequency with which they recur and long waits for remedial action.

## Diversity and recruitment

The MOJ's 'I can be a magistrate' campaign expressly encouraged applications from diverse applicants. Various other government initiatives have amplified the message that disabled people would be an asset to the magistracy. These statements are welcome. However, the rhetoric does not always match the reality of court building accessibility.

A disabled magistrate described the issue with accessibility and recruitment in this way: "If you are a wheelchair user who wanted to become a magistrate [and conducted your observations in an accessible courtroom with multiple adaptations] you'd think this is great because look at all these adaptations. But, say you lived in [a place with an inaccessible court] then why would you want to become a magistrate? You can't even access the courtroom. They're going to find it more difficult to recruit disabled magistrates in such areas unless they do something about it.

Often the argument is used that we don't need to make these changes because we don't have any wheelchair users here. But they can't come and sit there if it's not accessible. So, it's the Field of Dreams, isn't it? You build it and then they'll come."

## THE WAY FORWARD

Based on analysis of government strategy, previous research and our own study, this section offers some conclusions and outlines two broad changes that we believe the government needs to urgently make to its approach to accessibility in the court estate.

### Conclusions

The court estate is insufficiently accessible and disabled magistrates' access to courts has been neglected. The a failure to embed inclusive policies for disabled magistrates has resulted in too many inaccessible or unacceptably restrictive court buildings. This undermines ongoing campaigns that specifically seek to recruit more disabled magistrates and risks pushing existing disabled magistrates to resign.

It is disturbing that, while advocating for a more diverse judiciary, His Majesty's Courts and Tribunals Service (HMCTS) and the Ministry of Justice are failing to make provision for disability in many court buildings. This is affecting magistrates, practitioners and members of the public alike.

We believe the way forward for the court estate is twofold. Firstly, immediate transparency about the current barriers to accessibility is required. Secondly, these barriers must be addressed.

Until this report, no publicly available audit of court buildings existed. The lack of a baseline means it is difficult, if not impossible, to assess progress towards securing greater accessibility for all court users. This must change. HMCTS should be open about the current state of affairs and must be up front with potential magistrates about the work still to be done.

This report has also begun to identify where change is needed. Accessibility and disability

awareness must be embedded in the policies and culture of HMCTS and the court estate. Long waits for maintenance that impact accessibility and a lack of proactivity reveal a system that does not have accessibility as a driving principle and runs counter to the anticipatory nature of the duties under the Equality Act 2010. An apathy towards improving accessibility is also detectable in comments about budget constraints, listed buildings or long waiting times for adjustments. Inaction on improving the court estate has led to the false belief that nothing can be done. We do not accept this. Accessibility can and must be achieved.

Embedding accessibility would also improve the overall efficiency of the justice system. More courtrooms could be used if they are made accessible to all and disabled magistrates would no longer be restricted in the number and type of sittings they can take on.

While efficiency is important, it must sit alongside inclusion and access to justice as the foundations of the justice system. Ensuring accessibility in all court buildings would demonstrate a commitment to these principles.

HMCTS' 2021–2022 annual report states: "We take every opportunity to improve the condition of our estate and enhance the working environment for staff, judges and our users, and avoid the loss of hearing capacity through building failure." We urge HMCTS to demonstrate meaningful progress on this commitment. To do so, it must improve its policies and procedures for disabled magistrates and ensure that all court buildings are accessible for the magistrate volunteers on whom the justice system relies.

## RECOMMENDATIONS

### 1. Invest in the court estate.

This will improve confidence in and the efficiency of justice by ensuring that disabled victims, witnesses, defendants and practitioners can access buildings and disabled magistrates can undertake sittings without barriers caused by poorly maintained court buildings. Accessibility must be the driving principle behind investment in the courts estate.

### 2. Identify current issues.

His Majesty's Courts and Tribunals Service (HMCTS) must build on our research and assess the current accessibility of all magistrates' court buildings. Audit tools should be designed together with disabled magistrates to ensure that they are comprehensive. Audits should not be a one off, but should be updated as issues arise. The results of audits should be published and used to update Court and Tribunal Finder and Magistrates' Matters so that real-time updates on accessibility are available. HMCTS should monitor where repeated maintenance issues arise in the same building or with the same feature to address the persistence of particular issues.

### 3. Embed accessibility in policy and practice.

HMCTS must establish maintenance procedures that prioritise tasks that impact accessibility. Clear timeframes for completing works should be set with accountability if deadlines are missed. HMCTS should regularly communicate maintenance updates to magistrates. Notice of the failure or non-availability of any equipment should be given to the relevant bench so that it can cancel sittings where appropriate access is unavailable.

### 4. Be transparent about current issues.

HMCTS must publish more data and information about accessibility and judicial diversity. Results of accessibility audits should be publicly available so that the public and potential applicants to the magistracy can reliably plan visits to courts. Greater efforts must be made to collect and publish more granular data about magistrate diversity and to understand related barriers. Local consultation is essential.

### 5. Guarantee accessibility.

The Ministry of Justice must commit to achieving accessibility in all magistrates' courts for the judiciary and the public. The guarantee should establish a timeline for when accessibility will be achieved. Where a new magistrate is appointed, HMCTS must guarantee that appropriate modifications will be made in advance of their first sitting.

### 6. Communicate with disabled magistrates.

HMCTS and the Judicial College must create a one-stop shop for disabled magistrates via which they can learn about the policies and procedures that apply to them as volunteer members of the judiciary—such as entitlement to workplace adjustments, how to raise an accessibility issue in their local court, and timeframes for the resolution of issues that impede court access.

## REFERENCES

- 1 Equality Act 2010, section 20.
- 2 Equality and Human Rights Commission, Response to fit for future consultation, [Internet]. 2018 [cited 25 May 2023]. Available from: [https://www.equalityhumanrights.com/sites/default/files/reponse\\_to\\_the\\_consultation\\_on\\_the\\_strategy\\_to\\_transform\\_the\\_courts\\_and\\_tribunal\\_estate.pdf](https://www.equalityhumanrights.com/sites/default/files/reponse_to_the_consultation_on_the_strategy_to_transform_the_courts_and_tribunal_estate.pdf).
- 3 Lawson. A., Orchard. M. The anticipatory reasonable adjustment duty: removing the blockages?. *Cambridge Law Journal* 2021, 80(2): 308-337.
- 4 G Sturge. Constituency data: Magistrates' court closures [Internet]. 2020 [cited 20 April 2023]. Available from: <https://commonslibrary.parliament.uk/constituency-data-magistrates-court-closures/>.
- 5 MOJ and HMCTS, Response to the proposal on the provision of court and tribunal estate in England and Wales. [Internet]. 2016 [cited 6 June 2023]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/499518/national-consultation-document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/499518/national-consultation-document.pdf).
- 6 Hansard. H.C. Deb, 14 December 2010 col 816.
- 7 HMCTS, Response to 'Fit for the future: transforming the Court and Tribunal Estate' consultation, [Internet]. 2018 [cited 25 May 2023]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800874/hmcts-fit-for-the-future-consultation-response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800874/hmcts-fit-for-the-future-consultation-response.pdf).
- 8 HMCTS, Court and tribunal design guide, [Internet]. 2018 [cited 25 May 2023]. Available from: <https://www.gov.uk/government/publications/court-and-tribunal-design-guide>.
- 9 See reference 7.
- 10 HMCTS, Vulnerability action-plan, [Internet]. 2020 2018 [cited 25 May 2023]. Available from: <https://www.gov.uk/government/publications/hmcts-vulnerability-action-plan>.
- 11 HMCTS, Vulnerability action-plan, [Internet]. 2022 [cited 8 June 2023]. Available from: <https://www.gov.uk/government/publications/hmcts-vulnerability-action-plan/hmcts-vulnerability-action-plan-october-2022-update>.
- 12 Hansard. H.C. Deb, UIN 120186, 16 January 2023, <https://questions-statements.parliament.uk/written-questions/detail/2023-01-10/120186>
- 13 MOJ, Judicial diversity statistics, [Internet]. 2022 [cited 25 May 2023]. Available from: <https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics>.
- 14 Hansard. HC Deb, UIN 106802, 26 January 2022 [cited 25 May 2023]. Available from: <https://questions-statements.parliament.uk/written-questions/detail/2022-01-18/106802>.
- 15 Hansard. HC Deb, UIN 21144, 27 June 2022 [cited 25 May 2023]. Available from: <https://questions-statements.parliament.uk/written-questions/detail/2022-06-20/21144>.
- 16 Ibid.
- 17 HMCTS, Annual report and accounts 2020-2021, HC 405. [Internet]. 2021 [cited 25 May 2023]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1002585/HMCTS\\_Annual\\_Report\\_and\\_Accounts\\_2020-21.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002585/HMCTS_Annual_Report_and_Accounts_2020-21.pdf).
- 18 Hansard. HC Deb, UIN 860977, December 2021 [cited 25 May 2023]. Available from: <https://questions-statements.parliament.uk/written-questions/detail/2021-12-02/86097>.

19 HMCTS, Annual report and accounts 2021-2022, HC 431. [Internet]. 2021 [cited 25 May 2023]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1092139/HM\\_Courts\\_\\_Tribunals\\_Service\\_Annual\\_Report\\_and\\_Accounts\\_2021-22\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092139/HM_Courts__Tribunals_Service_Annual_Report_and_Accounts_2021-22_WEB.pdf).

20 Bolt Burden Kemp. Only 2% of Britain's civil and criminal courthouses are fully accessible. [Internet]. 2020 [cited 25 May 2023]. Available from: <https://www.boltburdonkemp.co.uk/our-insights/campaigns/only-2-percent-british-courthouses-fully-accessible/>.

21 Foster. D, Hirst. N. Legally disabled? The career experiences of disabled people working in the legal profession. Cardiff Business School. [Internet]. 2021. [cited 25 May 2023]. Available from: <http://legallydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf>.

22 The Law Society. Are our courts fit for purpose? [Internet] 2022. [cited 25 May 2023]. Available from: <https://www.lawsociety.org.uk/topics/research/are-our-courts-fit-for-purpose>.

23 Thomas C. 2022 UK Judicial attitudes survey. UCL Judicial institute. 2023 [cited 25 May 2023]. Available from: <https://www.judiciary.uk/wp-content/uploads/2023/04/England-Wales-UK-Tribunals-JAS-2022-Report-for-publication.pdf> figure 4.33.

24 Thomas C. 2016 UK Judicial attitudes survey. UCL Judicial institute. 2027 [cited 25 May 2023]. Available from: <https://www.judiciary.uk/wp-content/uploads/2017/02/jas-2016-england-wales-court-uk-tribunals-7-february-2017.pdf>.

25 MOJ. Criminal court statistics quarterly: October to December 2022.[Internet]. 2023 [cited 25 May 2023]. Available from: <https://www.gov.uk/government/collections/criminal-court-statistics>.

26 The Bar Council. Access denied: The state of the justice system in England and Wales in 2022. [Internet]. 2022 [cited 25 May 2023]. Available from: <https://www.barcouncil.org.uk/resource/access-denied-november-2022.html>.

27 For example; Department for Transport, Inclusive Mobility: A guide to best practice. [Internet]. 2021 [cited 25 May 2023]. Available from: <https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>, Chapter 13.

28 The Magistrates' Association. Covid-19 and the courts. [Internet]. 2022 [cited 25 May 2023]. Available from: <https://www.magistrates-association.org.uk/Portals/0/Magistrates%20Courts%20and%20Covid-19%20SCREEN.pdf>.

29 The Magistrates' Association. It shouldn't cost to volunteer. [Internet]. 2022 [cited 25 May 2023]. Available from: <https://www.magistrates-association.org.uk/Portals/0/Report%20-%20It%20shouldn%27t%20cost%20to%20volunteer.pdf>.

30 HMCTS and Judicial Office. Judicial Workplace Adjustments Guidance for Judicial Office Holders, Leadership Judges/Bench Chairs, and HMCTS. [Internal policy]. 2022.

31 See reference 28.

32 Ibid.

33 See reference 8.

34 See reference 29.



## APPENDIX 1: RUBRICS TABLE

AREA	GOOD PRACTICE FACTORS	CATEGORISATION THRESHOLDS		AUTOMATIC CATEGORISATIONS	
Car parks	<ol style="list-style-type: none"> <li>Well lit</li> <li>Disabled bays present</li> <li>Disabled bays well marked</li> <li>Sufficient access in disabled bays</li> <li>Marked designated routes from car park to building</li> </ol>	Good	Four of five factors present	Needs improvement	If no car park
		Needs improvement	At least three factors present	Insufficiently accessible	If no accessible bays in car park
		Insufficiently accessible	Fewer than three factors present		
Public transport	<ol style="list-style-type: none"> <li>At least one nearby public transport option</li> <li>Signposted transport link</li> <li>Drop off points</li> <li>Seating for waiting</li> </ol>	Good	Three of four factors present	Insufficiently accessible	If no public transport options available near court
		Needs improvement	At least two factors present		
		Insufficiently accessible	Fewer than two factors present		
Main entrance	<ol style="list-style-type: none"> <li>Level access</li> <li>Wide entryways</li> <li>Entryways that are easy to use and free from hazards or obstructions</li> </ol>	Good	All three factors present	Insufficiently accessible	If no level access available
		Needs improvement	At least two of three factors present		
		Insufficiently accessible	One or no factors present		
Magistrates' entrance	<ol style="list-style-type: none"> <li>Level, ramp or lift access to the entrance</li> <li>Power assisted or easy to use doors</li> <li>Entry mechanisms at wheelchair user appropriate height</li> <li>Entryways that are wide and free from hazards or obstructions</li> <li>Entry mechanism suitable for someone who cannot hear</li> </ol>	Good	Four of five factors present	Insufficiently accessible	If no level access available
		Needs improvement	At least three factors present		
		Insufficiently accessible	Fewer than three factors present		
Public areas	<ol style="list-style-type: none"> <li>Signage for navigation</li> <li>Quiet private spaces</li> <li>Level or ramp access</li> <li>An accessible toilet</li> <li>A best practice compliant accessible toilet</li> <li>A cubicle for use by ambulant but physically impaired people</li> </ol>	Good	Five of six factors present	Needs improvement	If no ramp or level access to all areas
		Needs improvement	At least three factors present	Insufficiently accessible	If no accessible toilet available
		Insufficiently accessible	Fewer than three factors present		
Magistrate areas	<ol style="list-style-type: none"> <li>Quiet private spaces</li> <li>Ease of use of internal doors</li> <li>Level or ramp access</li> <li>An accessible toilet</li> <li>A best practice compliant accessible toilet</li> <li>A cubicle for use by ambulant but physically impaired people.</li> </ol>	Good	Five of six factors present	Insufficiently accessible	If no accessible toilet available
		Needs improvement	At least three factors present		
		Insufficiently accessible	Fewer than three factors present		
Courtrooms	<ol style="list-style-type: none"> <li>Level access from the bench to the retiring room</li> <li>Appropriate height and depth of the bench for wheelchair users</li> <li>Hearing loops</li> <li>Well lit</li> <li>Adaptable lighting</li> </ol>	Good	Four of five factors present	None	
		Needs improvement	At least three factors present		
		Insufficiently accessible	Fewer than three factors present		

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