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RESPONSE TO OPEN JUSTICE: THE WAY FORWARD

ISSUED BY MINISTRY OF JUSTICE

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ABOUT THE MAGISTRATES' ASSOCIATION

The Magistrates' Association (MA) is an independent charity and the membership body for the magistracy.

We work to promote the sound administration of the law, including by providing guidance, training and support for our members, informing the public about the courts and the role of magistrates, producing and publishing research on key topics relevant to the

magistracy, and contributing to the development and delivery of reforms to the courts and the broader justice system. With over 12,000 members across England and Wales, we are a unique source of information and insight and the only independent voice of the magistracy.



BACKGROUND

Open Justice: the way forward

Much attention and scrutiny on issues of open justice is directed to higher courts, but the principle and practice of open justice is equally important in magistrates' courts. All criminal cases begin in magistrates' courts. A large proportion of family cases are also heard there. The principle that justice must not just be done, but also seen to be done, is therefore relevant for magistrates' courts.

The way ahead on open justice reforms must cover three broad considerations.

1. **Prioritise open data:** there must be a radical shift in the openness of data on all aspects of the workings of magistrates' courts, which can be scrutinised by any interested parties. This will help to inform policy discussions and lead to better decisions. There are currently major data gaps that hinder the ability to call for evidence-based reform.
2. **Strengthen confidence in the magistracy:** Strengthening public legal education about the work of the courts and magistrates, as well as how they arrive at decisions, would enhance awareness of how sentencing works, and dispel any perception of erratic or unduly lenient sentencing.
3. **Consult with magistrates and representative bodies:** the Government must be more ready to call on insights of organisations like the MA to ensure that open justice reforms achieve the desired effect. We consider the Government's role in open justice to be to bring together those with the knowledge, skills, and expertise in this area.

QUESTION 1

Please explain what you think the principle of open justice means

The principle of open justice is at the very core of our criminal justice system, signifying that justice must not only be done but be seen to be done.

Open justice involves being able to see the process of justice, not just the charge and outcome. The public should be able to see for itself that the justice system always conducts itself in an appropriate manner.

Open justice must always be a guiding principle that is at the forefront of decisions made about the justice system. By conducting justice openly, we enhance procedural fairness, crucial for ensuring public trust in the justice process.

Open justice should include both access and information. This includes the transparency of the administration of the courts, the quality and breadth of data collected and published by HMCTS, and access to court hearings and court documents.

QUESTION 2

Please explain whether you feel independent judicial powers are made clear to the public and any other views you have on these powers

The Magistrates' Association feels that more can be done to underline the independence of the judiciary to the public, to instil confidence in the fairness of the justice system.

The perception of magisterial independence is also directly correlated with openness and transparency. Our position statement on magistrates' involvement in issuing utility warrants for pre-payment meters found that areas in which magistrates received the most criticism (such as

magistrates lacking comprehensive information on vulnerability) were also consequences of the absence of open justice.

It therefore has an inherent link to cultivating trust and confidence in the system and reassuring the media and wider public of the independence of the judiciary.

QUESTION 3

What is your view on how open and transparent the justice system currently is?

The Magistrates' Association has concerns about the current openness and transparency of the justice system, especially in certain areas like remote links in courts and the Single Justice Procedure.

While strides have been made to promote open justice, there remain concerns about its current state. We set out our key concerns below:

We reiterate previously expressed concerns around the opacity of certain processes, such as the Single Justice Procedure. Any operational benefit or efficiency improvement provided by such processes must be looked at through the prism of the impact on open justice, which must always be of paramount concern. An Open Justice Impact Assessment should be carried out in each case.

Outside of the family jurisdiction (and while recognising necessary limitations on openness in the youth courts), we are concerned that there is little observable evidence of a unified strategic expression from HMCTS of the importance of protecting open justice. There is little mention in published material, such as its Annual Report, of what their stated commitment to “openness” looks like in practical terms.

There persist issues around open justice in video courts, which we expand on in answer to Question 14.

Transparency reviews and efforts to publish judgments are commendable, but further comprehensive action is needed.

In particular, the importance of the principle of open justice for the crime jurisdiction in magistrates' courts should be centrally established without delay.

QUESTION 4

How can we best continue to engage with the public and experts on the development and operation of open justice policy following the conclusion of this call for evidence?

Following the conclusion of this call for evidence, the government should robustly engage with the public and experts to ensure continuous development and operation of open justice policy. This engagement can be achieved through various means, such as public consultations and stakeholder fora.

Robust and continuous engagement would provide the Government access to a wealth of expertise to ensure that open justice reforms are backed by the evidence, and that the issue does not become deprioritised or dropped.

Engagement with sector experts could also highlight to Government the gaps in data. It would mean that the Government has access to a wealth of research and evidence that outlines, at a high level, what these data gaps are.

We would recommend the establishment of a distinct structure to keep these issues as a priority. A Working Group on Open Justice could bring together sector experts and membership/third-sector organisations to share their experiences and expertise on open justice.

QUESTION 5

Are there specific policy matters within open justice that we should prioritise engaging the public on?

Yes. As explained in answer to Question 2, there persist misconceptions that magistrates are too lenient when sentencing. This has a direct impact on the trust and confidence the public have in

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magistrates, and we believe openness is an effective antidote to this. If the public can see how magistrates arrive at decisions, they will be more informed and have more confidence in the justice system. We are not convinced that there is robust awareness of the methodical nature of sentencing, via structured sentencing guidelines. Decisions made by magistrates and district judges are therefore not well-understood by the public.

As a result, we think there is a clear need for better explanation of how magistrates arrive at a decision, and the role of sentencing guidelines. We would therefore support moves to increase transparency through public education initiatives. This approach could help to raise awareness and improve understanding among the public about the purpose and role of the courts. We expand on this in the final section of this consultation.

Specific policy matters within open justice that should be prioritised for public engagement include:

- Making information more accessible to the public about going to court: we think the public would benefit from more practical information in court, and information about what to expect when there.
- More information about the magistracy, in a way which embeds knowledge about:
 - The judiciary, whether volunteer or paid
 - How the magistracy operates, and
 - How magistrates make decisions etc.
- Campaigns to promote media literacy when engaging with media around a case
- Offence-specific campaigns, for example, campaigns such as the Attorney General's Think Before You Post contempt of court campaign.

QUESTION 6

Do you find it helpful for court and tribunal lists to be published online and what do you use this information for?

Yes. In particular, the online listings tool CourtServe contains real-time updates of lists, for example to cover first appearances for overnight remands by the police.

QUESTION 7

Do you think that there should be any restrictions on what information should be included in these published lists (for example, identifying all parties)?

The privacy and safety of parties involved in cases must always be considered. In both family and youth criminal cases, the principle of open justice must also be tempered by the paramount consideration of the best interests of the child (reflecting the “child-first” approach).

The publication of name(s) of those presiding over a case when listing is a wholly necessary feature of open justice.

However, in family justice the publication of magistrate’s names is a shift from the previously closed nature of family proceedings. We accept that in family cases, the naming of individual magistrates is a necessary part of open justice and transparency especially where cases involve controversial matters or matters of public interest.

However, the well-being of magistrates who are named in controversial cases that receive media attention is of utmost importance. Ensuring the welfare of the volunteers who are the bedrock of the justice system is vital to ensure the retention of magistrates.

Proper care and support should be provided to magistrates, enabling them to adapt to the challenge of being named in media coverage of cases. They must have access to support and care from the Judicial Office, HMCTS and local leaders.

We therefore recommend that steps are taken to ensure the welfare of magistrates when they are named as presiding over controversial or contentious cases including:

- Specific guidance and signposting to welfare services for magistrates who are named in family cases.
- Removing the need for this guidance to be gatekept by bench chairs. For family magistrates, for example, a Family Panel chair should be able to signpost to services
- Developing and providing training for local judicial leaders to help them to support magistrates who are likely to be named in media reports of family cases.
- Incorporating training on how to deal with being named in family cases into magistrate's induction and continuation training.

Finally, as listed cases are currently categorised by local justice area, we will want to know how this will be adapted for when local justice areas are eventually abolished.

QUESTION 8

Please explain whether you feel the way reporting restrictions are currently listed could be improved.

Open justice is supposed to be the overriding principle in criminal justice, not something to be 'balanced' against reporting restrictions and data protections. Further, reporting restrictions are not the same as not holding a case in open court. Care must be taken when considering improvements to reporting restrictions that this important distinction is not lost.

Any improvements to the way reporting restrictions are done also need to make clear that "reporting" is not just by the press, but includes all posting on social media by anybody, that happens in relation to court proceedings.

It is important to note that magistrates will need additional training on logistical elements of reporting restrictions. This should include information on when and how to impose reporting restrictions and the right of the press to appeal.

[Questions 9 to 11 omitted]

QUESTION 12

Are you aware that the FaCT [online Find a Court or Tribunal service] helps you find the correct contact details to individual courts and tribunals?

Yes.

QUESTION 13

Is there anything more that digital services such as FaCT could offer to help you access court and tribunals?

It is important that digital services like FaCT offer additional features to facilitate access to courts and tribunals, such as providing real-time updates on court listings and proceedings. There is currently no link to the page to CourtServe, which would help the public get real-time updates on cases listed that day.

We would also say that accessible justice also needs to apply to proceedings, not simply to information. Clearly, open justice cannot be achieved without accessibility to the physical court estate. We recently published research outlining accessibility failings in magistrate's courts across England and Wales. We found that three quarters of the court buildings surveyed were not fully accessible.

Specific improvements could be made to the FaCT tool to facilitate greater accessibility. For example, the FaCT tool only provides an indication of accessibility for the public. It does not provide

up-to-date information such as indications of when accessibility features like hearing loops or lifts are out of order. The tool also fails to provide details about how accessibility is achieved. The FaCT tool does not indicate whether accessibility is achieved via features which require court staff assistance to use (such as portable hearing systems rather than universal hearing loops) or whether with people with physical disabilities can navigate buildings independently. If real-time case listings are to be provided, access options would need to be detailed for each court and court room.

We therefore recommend that the FaCT tool be updated to allow for real time updates and more detailed accessibility information, and that the necessary information on accessibility is collected to support this.

QUESTION 14

What are your overarching views of the benefits and risks of allowing for remote observation and livestreaming of open court proceedings and what could it be used for in future?

Remote observation and livestreaming of open court proceedings have benefits in enhancing transparency and public understanding of the justice system. In particular, it raises awareness of the complex and structured nature of sentencing.

However, we caution against an over reliance on remote observation to achieve open justice. We agree that remote observation can allow for more flexible and easy access to court observations for some people. However, to rely too heavily on remote observation to achieve open justice would necessarily exclude certain categories of people and therefore fail to achieve universal open justice.

Our concerns

- We are concerned that attendees at court do not have to identify themselves or give a reason for observing. By observing a case, there is also the concern that a bad actor could find out the physical location of somebody they are looking to harm. On the other hand, careful thought must

be given to, for example, requiring ID to view proceedings as it might deter some from observing.

- A witness in a trial could quite easily watch other witnesses give evidence. In a physical courtroom, the ushers are aware of who witnesses are and they control access, but this cannot happen online. This impacts the likelihood of a fair trial, as well as potential witness intimidation issues, must be understood and carefully mitigated in the individual case.
- The potentially negative impact on witnesses of unknown numbers of anonymous people observing online.
- There is very little control over people filming and sharing video of court hearings now that electronic devices are widely owned.
- If observers of a virtual hearing were limited, what explicable grounds might there be for not allowing observers? The limit to observers in a physical courtroom is space, but this doesn't apply to video. This may impact on perceived legitimacy.

Adequate resourcing for remote links

The consultation document notes that “to facilitate remote access for observers, courts and tribunals will also need to be supported by the necessary technology and staff.”

We agree that remote observation needs to be properly resourced if it is to enhance open justice. However, our research on the use of remote links during the pandemic demonstrates the following inadequacies in resourcing of remote links:

Many magistrates' court buildings are not well equipped to facilitate remote observation of proceedings.

Magistrates felt they were not provided with adequate training on using remote links including training on specific IT systems, best practice when using remote links and the potential impacts on effective communication when using remote links.

These shortcomings in training, equipment and staff support must be addressed for remote observation to be effective. We would recommend a daily check of all equipment before court starts could increase confidence in the use of technology.

Shortcomings of remote observation

Our research also identified other inherent shortcomings of remote links that cannot be overcome by improving technology. These include:

The diminution of the perceived gravity of court proceedings and the dignity of the court, especially in instances of remote access without control.

- The impact of remote link use on magistrates' morale
- Communication difficulties via remote links particularly for people with neurodivergent conditions or speech, language, or communication difficulties. The impact of remote links on the broader engagement of young people in particular are well-documented. It may mean that use of remote links may be unsuitable in cases involving those under 18.
- The exclusion of people who experience digital poverty or do not have the necessary digital skills to observe court proceedings.

We recommend that other policies for enhancing open justice are pursued alongside exploring options for greater remote observation. For example, ensuring that the physical court estate is accessible to people with a range of disabilities to ensure that in person court observation is open to all.

We recommend that other policies for enhancing open justice are pursued alongside exploring options for greater remote observation. For example, ensuring that the physical court estate is accessible to people with a range of disabilities to ensure that in person court observation is open to all.

Narrowly defining open justice

We believe that open justice is a broad concept which is not fulfilled only by facilitating court observation. It is essential that, in addition to court observations, open information policies are also embedded in the justice system. We urge the government to address the significant gaps in publicly accessible data about the justice system to ensure open justice, in its full sense, is embedded within the justice system.

QUESTION 15

Do you think that all members of the public should be allowed to observe open court and tribunal hearings remotely?

Our answer to Question 14 outlines some key considerations with public access and observation to court hearings, such as safeguards about security of witnesses and defendants. We would reiterate those concerns here, and suggest that this is carefully considered before the scope of public access is widened any further.

QUESTION 16

Do you think that the media should be able to attend all open court proceedings remotely?

The MA believes that the media has an important role to play in communicating the outcomes of crime and assisting public scrutiny of both crime and the criminal justice process, particularly in fully remote hearings.

Family court hearings are not generally open proceedings and therefore fall outside the scope of this question. However, we support moves towards greater transparency in the family court, particularly through the ongoing reporting and legal blogger pilots whereby, accredited media and legal bloggers may attend and report on family proceedings.

The media must also have remote access to Single Justice sessions.

QUESTION 18

Would you impose restrictions on the reporting of court cases? If so, which cases and why?

There should be restrictions on the reporting of court cases in cases involving vulnerable individuals or sensitive matters to protect their rights and privacy, for example in cases involving children.

QUESTION 19

Do you think that there are any types of buildings that would be particularly useful to make a designated livestreaming premises?

Designated livestreaming premises could be useful for facilitating public access to remote observation of hearings.

QUESTION 20

How could the process for gaining access to remotely observe a hearing be made easier for the public and media?

The process for gaining access to remotely observe a hearing should be simplified, ensuring ease of use for the public and media. To assist this, we would also recommend that direct links for each case are included somewhere accessible by the public, as well as on the court or hearing centre's website.

[Questions 21 to 24 omitted]

QUESTION 25

What do you think the government could do to enhance transparency of the SJP?

The Magistrates' Association welcomes efforts to make the justice system more efficient and we broadly support the current reform programme. The Single Justice Procedure, as a means of processing low-level, high-volume cases quickly, frees up court time for more serious cases.

However, openness is key for public trust, and this must be a critical consideration when cases do not take place in a traditional public forum.

We set out recommendations to enhance justice for both defendants whose cases are heard through the Single Justice Procedure, and the public and media who have an interest in cases.

Defendants

We would like to see more to be done to inform defendants about the process. The lack of a hearing – and the transparency implications inherent in that – creates an additional risk that may not fully appreciate its implications.

Defendants may not be able to access, or realise the importance of, legal advice. This is a serious process regarding a criminal offence, but as the system may appear to be administrative rather than judicial, people may not realise the importance of responding and thus risk ending up with a criminal conviction without entering a plea.

It is therefore essential that information provided to defendants about the process must be clear and accessible:

- The loss of credit for guilty pleas and resulting additional costs, should be properly explained.
- Such information must also emphasise that pleading guilty will lead to a criminal conviction (and therefore a criminal record and the consequent implications of that)
- It is essential that magistrates must retain the power to deem a case unsuitable for the SJP and refer it for a full trial.

If the defendant wants to have a hearing in a courtroom, they can request this, and the case will be referred to a traditional court and managed in the normal way.

Media, the public, and those with a wider interest

It is also vital that processes like the Single Justice Procedure are accessible to reporters and that media regularly attend open courts to see what is happening on the ground:

- It should be possible for members of the press and the public to join a Single Justice session on request.
- There should be a push to conduct Single Justice sessions in court, rather than at home.
- SJP results and outcomes should be published afterwards on a reliable basis.
- To enable journalist access on a reliable basis, they can sign up for updates on SJP in local courts, or for selected court case types and results.

QUESTION 26

How could the current publication of SJP cases (on CaTH) be enhanced?

We are concerned that the current listing of SJP cases does not provide sufficient transparency of the process by only publishing case outcomes. Because the process cannot be observed, justice cannot be seen to be done.

We are also concerned that outcomes data for cases more serious than those usually deal by way of SJP – and heard in the magistrates' court – are not similarly available online.

To ensure parity in available Information about cases in the magistrates' courts, we would suggest that this is resolved.

QUESTION 27

In your experience, have the court judgments or tribunal decisions you need been publicly available online? Please give examples in your response.

Court judgments and tribunal decisions are not always publicly available online, leading to gaps in accessibility.

We note improvements in e.g., opening the National Archive of case law. However, unless the public have access to a database like Westlaw, it can still be difficult for members of the public to navigate and access case law and legislation.

QUESTION 28

The government is working towards publishing a complete record of court judgments and tribunal decisions. Which judgments or decisions would you most like to see published online that are not currently available? Which judgments or decisions should not be published online and only made available on request? Please explain why.

Consolidating court judgments and tribunal decisions into a single service (FCL) could improve accessibility and ensure consistent availability.

This was a recommendation in the Justice Select Committee's report into open justice, and we agree in principle to anything that promotes consistent and reliable ease of access to court judgments.

QUESTION 29

Besides court judgments and tribunal decisions, are there other court records that you think should be published online and/or available on request? If so, please explain how and why.

The government should work towards publishing a complete record of court judgments and tribunal decisions, making them more accessible to the public. Certain sensitive judgments might still need to be restricted on request.

We would note prominent calls, such as from David Lammy, for sentencing remarks for magistrates to be published. While we would agree with this on principle, we would note that such a move would require proper resourcing, given the administrative burden and legal adviser time involved. We expand on this point in Question 40.

QUESTION 30

In your opinion, how can the publication of judgments and decisions be improved to make them more accessible to users of assistive technologies and users with limited digital capability? Please give examples in your response

The public, academic researchers, and relevant organisations need open access to data. We expand on this in answer to Question 53.

QUESTION 31

Do you think that judicial sentencing remarks should be published online / made available on request? If that is the case, in which format do you consider they should be available? Please explain your answer.

Ensuring that judgments and decisions are accessible to users with assistive technologies and limited digital capabilities is essential for inclusivity and promoting equal access to justice.

In addition to the groups mentioned in the question, accessibility must also be considered for those with literacy or learning difficulties.

Tackling inaccessibility, whether physical or digital must be at the heart of future reform and opening out of the justice system.

[Questions 32 to 39 omitted]

QUESTION 40

Do you think that judicial sentencing remarks should be published online / made available on request? If that is the case, in which format do you consider they should be available? Please explain your answer.

We support this in principle. Published sentencing remarks can serve a vital role in aiding the public's comprehension of sentencing decisions and supporting journalists in swiftly and accurately reporting case outcomes. Indeed, David Lammy's 2017 review into disproportionality in the criminal justice system highlighted publication of sentencing remarks as a way to foster trust and confidence that Black, Asian and minority ethnic (BAME) people have in the system.

However, we note difficulties publishing sentencing remarks in the magistrates' courts in practice due to the administrative burden this would place on legal advisers. An interim solution which facilitates open justice would be for magistrates to routinely type their reasons and then upload them to common platform for use by the legal adviser. This would need to be carefully managed, with magistrates provided the necessary training.

The publication of judgments in the Family Court is an area in the magistrates' courts where this is being felt. Such a move would need to be properly resourced to avoid further pressure on an already stretched court staff.

[Questions 41 to 50 omitted]

QUESTION 51

For what purposes should data derived from the justice system be shared and reused by the public?

Publicly available data is a key part of open justice. Data derived from the justice system should be shared and reused by the public to promote accountability, informed decision-making, and academic research. Transparent data access can foster public trust in the justice system.

Anything which enables the public to access data on sentencing trends, broken down by area would be extremely useful. We elaborate on what this should involve in question 53.

QUESTION 52

How can we support access and the responsible re-use of data derived from the justice system?

A pro-active approach should be taken to the publication of data: if the government holds any piece of data on the justice system, and there is not a good reason for with-holding it, it should be published, in a format where it can be easily used and analysed by others.

Make clear who holds the data and how it can be accessed, and the rules for its use. This is currently unclear.

We recommend that rules on its re-use should be kept to a minimum, to allow for maximum innovation. This, in the long run, will foster healthier public debate about the justice system and lead to more data-led policy solutions.

QUESTION 53

Which types of data reuse should we be encouraging? Please provide examples.

We would encourage the reuse of data from the criminal justice system in ways which help stakeholders and the public alike understand sentencing practice and trends. Below are some examples:

- Academia and experts: data should be accessible by academic and experts, to ensure a bridge between academics and representative organisations (who have the skills to make sense of data, and make recommendations) and policymakers, who then bring about change on this basis
- Explaining a decision: that is, data that helps with understanding why a decision has been made. This is particularly important given the Lammy Review's "explain and reform" principle; if we cannot understand the issue, we cannot reform it.
- Digestible data products for the public and professionals: the release of data in raw or insufficiently analysed formats will not be assistive for the public or professionals to understand trends in the justice system. To promote greater understanding and therefore public confidence in the justice system data must be presented in a format which is digestible for non-experts, identifying key patterns and trends. This would help magistrates, media, and the public alike understand trends in sentencing, preferably those which are local.

QUESTION 54

What is the biggest barrier to accessing data and enabling its reuse?

It has been our experience that data holders, such as HMCTS, do not always make it clear to us a) what data they hold or b) why data (that we know is held by them) is not able to be provided to us in full. The data collection that does take place does not currently start with a focus on what might be needed at the end of the hearing. As a result, it is not collected, and knowledge of data gaps arise after the fact.

This means that a gap analysis of data is not possible, which is not in the spirit of open justice and hinders our efforts to identify trends and tackle issues the data reveal. While there may well be valid policy reasons for not sharing collected data, it is not made clear to us.

The Lammy Review's "explain or reform" principle was accepted by the Government with respect to the openness of disproportionality data. We would like to see a similar principle adopted in relation to all available data in the magistrates' courts. It should be open to scrutiny much further than it currently is.

This consultation presents an opportune moment for attitudes to openness of data to move in line with open justice principles.

[Questions 55, 56 and 57 omitted]

QUESTION 58

Do you think the public has sufficient understanding of our justice system, including key issues such as contempt of court? Please explain the reasons for your answer.

No. Media coverage of sentences in highly controversial or exceptional cases tends to oversimplify sentencing. It obscures that sentencing is often a complex and highly nuanced exercise, which

considers many factors, including availability of alternatives to custody among other things. This means that the sentencing process is then poorly understood by the public.

New research from the Sentencing Council reveals that sharing information about how sentencing really works can greatly improve people's understanding and confidence in the sentencing process. The study found that giving people information about sentencing guidelines specifically helps them feel more confident that the process is fair. In both 2018 and 2022, about 67 percent of those surveyed said that knowing about these guidelines positively impacted their confidence in how fair the sentencing is.

Ultimately, it is in the public's interest to have a better baseline understanding of how the courts work. If people are better educated about the system, we would hope that they will be able to be less reliant on information about it from the press and specific interest groups. This would hopefully allay some existing fears about the system which can be perpetuated by the current media narrative.

QUESTION 59

Do you think the government are successful in making the public aware when new developments or processes are made in relation to the justice system?

Not always. We consider that this could be strengthened in important ways. Recent stories on submitting pleas by post show that the Government has clearly not explained, for example, the Single Justice Procedure and SORN-related offences well enough that people are entering pleas online or by post.

The Government need to review the forms used in these instances to outline clearly that these are not administrative functions, they are judicial functions which carry with them a risk that a defendant subject to them will be convicted of an offence.

QUESTION 60

What do you think are the main knowledge gaps in the public's understanding of the justice system?

The main gaps include:

- Sentencing, and knowledge on how a court decision has been arrived at, as well as the many factors which influence the seriousness of the offence: sentencing holds significant importance in understanding the implications of an offence – for the offender, the victims, and society.

However, sentencing is also complex and technical, often making it hard to understand. We would suggest that – from the perspective of the magistrates' court – this is the biggest knowledge gap.

- The public's right to visit a court: this is not currently well understood.

QUESTION 61

Do you think there is currently sufficient information available to help the public navigate the justice system/seek justice?

Sufficient information should be available to help the public navigate the justice system and seek justice.

A key part of public legal education is the explanation of rights to the public. The Victims Code, albeit a highly specific example of this, streamlines all information on the rights of victims into one document.

This is an approach that is accessible and user-friendly, and we would suggest this is mirrored as part of engagement with the public, to help them navigate the criminal justice system should they ever come into contact with it.

QUESTION 62

Do you think there is a role for digital technologies in supporting PLE to help people understand and resolve their legal disputes? Please explain your answer.

Digital technologies, such as interactive websites and online legal resources, can empower individuals to understand and resolve their legal disputes. This could play a particularly useful role in keeping cases out of court where it is appropriate to do so.

QUESTION 63

Do you think the government is best placed to increase knowledge around the justice system? Please explain the reasons for your answer.

While the government clearly plays a significant role in increasing knowledge around the justice system, we also believe that the Government is best resourced to ensure that the projects and programmes that exist are supported through funding to continue their work. They must fund and utilise legal education programmes that already exist and are effective.

The Government could give tools, support, and funding to those with the specialised local and subject-specific knowledge and expertise to increase public awareness of the justice system. We believe that it is through collaborations with legal professionals, non-governmental organisations, and educational institutions who have the tools to engage with their local communities. This can broaden the reach and impact of public legal education.

Local outreach is vital. Our own Magistrates in the Community (MIC) programme sees magistrate volunteers attend schools and community groups and deliver workshops on the role of magistrates, hosting mock trials, and practising sentencing real offences with young people. MIC has reached over 140,000 people over the past 4 years, and we would suggest that programmes such as this one should be funded by a grant given its existing wide reach, to support it to continue and grow.

The Government should support initiatives like MIC and others, which are well- established and have had demonstrable impact in raising awareness of the criminal justice system. We would also recommend that the government works alongside other charities such as Young Citizens, which helps young people understand the legal system.

QUESTION 64

Who else do you think can help to increase knowledge of the justice system?

As we said in our answer to the previous question, those with the knowledge and expertise, as well as proven outreach programmes like MIC, all have a role to play. The Government must strengthen their stakeholder relationships with academics, representative organisations, and other experts to capture the full potential and capitalise on existing resources.

QUESTION 65

Which methods do you feel are most effective for increasing public knowledge of the justice system e.g., government campaigns, the school curriculum, court and tribunal open days etc.?

There are variety of methods that we know work with respect to public knowledge of the work of magistrates:

- Court open days: Members tell us that open days are very well-attended. We would recommend that benches need more support centrally to do this on a regular basis. Centrally provided support should include funding for overtime to cover related costs for HMCTS staff and security.
- Outreach programmes: Magistrates on the MA-run Magistrates in the Community outreach programme attend schools, colleges, and adult groups and talk about the work of magistrates.

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This has been instrumental in increasing awareness locally of the work magistrates do, as well as raising awareness of the role as a means of attracting more people to the magistracy.

- Public campaigns and investment: More broadly, the reach and engagement of the magistrates' recruitment campaign, for example, shows the impact of public information campaigns and the public's appetite to learn more about the inner workings of the magistrates. It also shows that such efforts must be combined with sustained funding to be successful.

By combining these approaches, society is more well-informed and engaged with the work of the courts and the role of those who preside over cases.

