Access to Justice: Assessing the impact of the Magistrates’ Court Closures in Suffolk

Research Report

Dr Olumide Adisa

July 2018

Funded by the Suffolk Public Sector Leaders
While every effort has been made to ensure that the information contained in this draft report is accurate and up-to-date, neither authors can accept legal responsibility or liability for anything done by readers as a result of any errors or omissions.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form, or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of the publishers.

Published by:

University of Suffolk
Waterfront Building
Ipswich
Suffolk
IP4 1QJ
Tables

Table 2-1: Interviewees by stakeholder group ................................................................. 14

Table 3-1: Evidence type and observed impact of court closures on defendants, victims and witnesses in Suffolk .......................................................................................................................... 17

Table 3-2: Pre- and post-court closure costs on Haverhill-based defendants and defence witnesses ................................................................................................................................. 18

Table 3-3: Average number of days taken from offence to completion for criminal cases in Ipswich Magistrates' Court ........................................................................................................................ 20

Table 3-4: Evidence type and observed impact of court closures on criminal justice agencies and professionals in Suffolk .................................................................................................................. 21

Table 3-5: Serving Magistrates in Suffolk by demographics; 2012-2016 ................................................................................................................................. 23

Table 3-6: Full breakdown of court closure cost reduction by cost type and year in Suffolk ................................................................................................................................. 25

Table 4-1: Type of defendants by location at IMC pre-and post-closure ......................... 27

Table 4-2: Failure to Appear warrants issued to defendants by location at IMC; Oct 15- Mar 16 ................................................................................................................................. 28

Table 4-3: Failure to Appear warrants issued to defendants by location at IMC; Oct 16- Mar 17 ................................................................................................................................. 28

Table 5-1: Suffolk Magistrates' Court Schedule post-closure; Oct 2016 - date.............. 29

Table 5-2: Trial Performance at IMC between pre- and post-closure period ................. 34

Table_ A: Average generalised costs of court users ......................................................... 44
Acknowledgements

This research study, commissioned by Suffolk’s Public Sector Leaders to examine the court closures in Suffolk took a life of its own and I’m grateful for the contributions and support of a great many people. I would like to thank the Police, Probation and Suffolk County Council for their support of the research and to their key staff for giving up their valuable time to be interviewed.

I am truly grateful to the following people who helped me make contact with key stakeholders and provided advice and comments on preliminary findings: Neil Walmsley (Under Sheriff of Suffolk), Clare Euston—Countess of Euston (Lord-Lieutenant of Suffolk), Geoffrey Probert (Former High Sheriff of Suffolk), and William Kendall (Former High Sheriff of Suffolk).

At the start of the project, Hugh Rowland and Audrey Ludwig were helpful in suggesting legal professionals to interview.

Special thanks to members of the judiciary and senior court staff at Her Majesty’s Civil and Tribunals Service (HMCTS), particularly those at Ipswich Magistrates’ Court and the Crown Court for their participation in the research. At the local level, Danny Cain and John Miller for their assistance in securing the court data used in the report and aiding the data verification process.

I owe a debt of gratitude to the solicitors and defence advocates in Suffolk who generously gave of their time. I must specially thank the solicitor firms whose business models have been affected by the court closures in West Suffolk, who were open to discuss the challenges that the impact of the court closures have been having on their clients and on them professionally.

Professor Emma Bond, Director of Research at the University of Suffolk and Professor Simon Hallsworth (former Pro-Vice Chancellor, Faculty of Arts, Business and Applied Social Sciences) provided valuable input and comments on the report.
The Ministry of Justice announced the closure of the Magistrates’ Courts in Lowestoft and Bury St Edmunds at the end of 2016. This left the county of Suffolk with only one court house which is in Ipswich. Suffolk is a large rural county covering nearly 1,600 square miles, contains over 480 villages and hamlets as well as the large towns of Ipswich, Lowestoft and Bury St Edmunds and a population of around 750,000 people.

The increasing ability for criminal justice to employ digital and other technologies has reduced the number of cases being heard with defendants and victims physically present. That said, serious concerns were raised by the public and the legal profession to the Ministry of Justice during the consultation period and with other members of Suffolk’s criminal justice system including the High Sheriff and the county’s Police and Crime Commissioner. These concerns focused mainly on suspicion/assumption that the court closure programme could adversely affect people’s access to justice especially those who were disabled or who had to rely on public transport from remote rural areas to attend court hearings.

As the British criminal justice system is central to our way of life and a corner stone of our unwritten constitution, the Suffolk Public Sector Leaders’ group funded an independent assessment of the effects of the closure programme in Suffolk based on the evidence and data available from the court so far.

There would be little point in commissioning this work without deciding how and what to do in the county for improving access to justice in future. This is a decision for Suffolk Public Sector Leaders to take as quickly as possible and to then develop and implement a viable and sustainable solution fit for the twenty first century, which could then be replicated nationwide.

It is therefore down to the whole community of Suffolk to rise to this formidable challenge and look forward to the next stage of work.

Jennie Jenkins
Suffolk Public Sector Leaders’ Chairman
Figures

Figure 1: Map of Suffolk depicting the location of IMC ........................................... 11
Figure 2: Trial Performance at Ipswich Magistrates Court, pre- and post-closure ............ 35
Figure 3: Cases received at magistrates’ courts in Suffolk (April 2015 – Mar 2017) .......... 35

Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>IMC</td>
<td>Ipswich Magistrates’ Court</td>
</tr>
<tr>
<td>BSEC</td>
<td>Bury St Edmunds Magistrates’ Court</td>
</tr>
<tr>
<td>BSE</td>
<td>Bury St Edmunds</td>
</tr>
<tr>
<td>HMCTS</td>
<td>Her Majesty’s Courts and Tribunals Service</td>
</tr>
<tr>
<td>CPS</td>
<td>Crown Prosecution Service</td>
</tr>
<tr>
<td>MoJ</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>SCC</td>
<td>Suffolk County Council</td>
</tr>
<tr>
<td>YOT</td>
<td>Youth Offending Team</td>
</tr>
<tr>
<td>PIC</td>
<td>Police Investigation Centre</td>
</tr>
<tr>
<td>CJS</td>
<td>Criminal Justice System</td>
</tr>
</tbody>
</table>
Executive Summary

- In the last 8 years, the Ministry of Justice have closed over 90 regional courts in the UK as part of its rationalisation strategy to achieve economic efficiency of its estates. In Suffolk, two out of three courts in Suffolk were closed as a result. The Lowestoft Magistrates’ Court and Bury St Edmunds Magistrates’ Court (hereafter BSEC) were both closed by the Ministry of Justice and HMCTS in September and October 2016 respectively.

- With only one magistrates’ court serving the whole of the county, various stakeholders in criminal justice agencies and the legal community have expressed concerns that access to justice could be compromised. Some believe that the HMCTS may have underestimated the difficulties that the court closures are having on court users, particularly those that live further away from Ipswich.

  “Court closures have been happening over the past few years. However, with ease of transport improving this made sense. But to have only one court in Ipswich is likely to make it difficult for those who are at a considerable distance from Ipswich to access it. It must be costing these people more to get to the Ipswich court.” - Member of the judiciary

- Suffolk’s Public Sector Leaders commissioned the University of Suffolk in March 2017 to investigate the impact of the court closures on those most affected, particularly on those having to travel long distances. While the impact assessment was conducted between March 2017 and May 2017, the research period was extended to November 2017 to allow additional time to include court data from the HMCTS. For comparison purposes, the research defined the pre-closure period as October 2015 – March 2016 and the corresponding post-closure period as October 2016 – March 2017.

- The study used a combination of qualitative and quantitative methods to answer a set of broad research questions. Two unpublished consultation response reports sent to the HMCTS on the impact of the court closures by key stakeholders were used to contextualise some of the research findings. Verified quantitative local court data drawn locally and centrally from the HMCTS was used to provide information on the impact of the court closures. The research conducted interviews and focus groups with key stakeholders who represent the interests of various court users. These stakeholders work within the criminal justice system and were selected using purposive sampling.

- As part of the research, the researcher undertook court observations and spent about 20 hours at Ipswich Magistrates’ Court over the course of four weeks. Additionally, a half-day visit at Ipswich Crown Court was spent observing court proceedings (with permission granted by Ipswich crown court judges). Some of these observations formed the premise of our exploratory conversations with members of the judiciary.

- Through stakeholder interviews and focus groups, the researcher collected accounts from various stakeholders and verified comments that were made about a particular agency or
the court with available factual data. The researcher also compared and contrasted views as a way to triangulate and to draw out themes about what the key impact of the court closures have been. For the convenience of the participants, telephone interviews were conducted in some cases.

- These conversations with stakeholders revealed that people viewed the case allocation of Lowestoft cases to Great Yarmouth Magistrates’ Court favourably, due to the proximity of Lowestoft and Great Yarmouth. Therefore, the researcher focused the research primarily on the BSEC closure and in understanding its impacts, if any.

- The data from the interviews and focus groups with key stakeholders suggests that there have been negative and positive impacts to the court closures. The positive impacts have been largely beneficial to the courts, probation services, and the Crown Prosecution Service (CPS). However, particularly in the case of the CPS, we are not certain whether these benefits have been outweighed by the costs of centralisation. From the discussions, it is clear that certain groups of people (defendants, defence witnesses, and defence advocates) are perceived to have experienced more negative impacts of the court closures than court users on the prosecution side.

- From the quantitative analysis, the research has found that for some, the court closures have led to a doubling of generalised costs (including travel time impacts). The quantitative data from the courts revealed some pertinent questions in relation to: access to justice, the sustainability of IMC workloads, and the efficiency of the justice system as a whole.

- While the intention was not to make recommendations on how the current provision could be improved, stakeholders were keen to share how the issues brought on by the court closures could be improved. It is interesting to note that generally the HMCTS’ plan to expand the use of virtual courts and use of technology to resolve accessibility and efficiency issues prompted legitimate concerns from members of the judiciary, probation and defence advocates, particularly around the issue of risk and vulnerability.
• Overall, the mixed-method evidence revealed that:

• The court closures are aggravating issues already present in the system. These issues, brought on by court reforms in relation to Legal Aid, and the furtherance of the digitalisation agenda across criminal justice system agencies are to an extent contributing to non-appearances, low morale of criminal defence professionals, inefficiencies in court procedures, and dis-engagement from the judicial system.

• There are far greater generalised time costs for court users residing further away from Ipswich. The court closure consultations conducted by HMCTS revealed that travel time impacts was one out of the three issues that were of a key concern for respondents. However, this study goes further in using a sophisticated model to provide a close approximation of the generalised (monetary and non-monetary) costs that court users coming from remote rural and rural communities are likely to incur in attending court, taking into consideration approximate points of origin and destination.

• There is a need for greater clarity regarding the alternative provision proposals to improve accessibility. The key message here is that this alternative provision plan needs to take into consideration the diverse needs of court users in Suffolk, as there are no ‘one-size-fits-all’ solutions.

• The layout of the court building has made it challenging to meet the needs of all court users, particularly criminal justice professionals. Additionally, the only lift in the building is located in the public side, which has implications for witnesses with mobility challenges. No modifications have been undertaken to the court facilities at Ipswich Magistrates’ Court to meet the needs of all court users in Suffolk. Conversations with court staff revealed that no modifications were required as a consequence of the court closure so none has been undertaken, although routine maintenance work have been carried out (for example, toilet and kitchen refurbishment, heating and ventilation and security).

• The court closures have led to a loss of informal ‘human’ relationships between the court and the defence advocates working on behalf of their clients. Prior to the closures, defence advocates at BSEC felt able to better advocate for their clients because they had a closer working relationship with their local court officials who were just a few metres away.

• The court closures are weakening access to “local justice knowledge” due to the Magistrates not being able to sit in their local courts. Data provided by the courts suggests that the closures have not affected the number of sitting
magistrates adversely, but the IMC confirmed that they lost some magistrates from West Suffolk when the courts closed but recruited over 10 magistrates based in and around Suffolk stakeholders, following the closures.

- The release of HMCTS court data by Ipswich Magistrates’ Court enabled the completion of the report. However, the approval and release process introduced a significant delay in the research timelines. The local ‘Failure to Appear’ data and trial performance information from Ipswich Magistrates’ Court enabled an assessment of the research questions: “has the rate of non-appearances increased following the closure of the regional courts, and are more warrants now been issued by the courts as a consequence?”; and “can the new structure for delivering summary justice cope with the increased demand now being placed upon it? How much have waiting times increased?”

- While non-appearances have been a persistent issue in the courts even before the closures, the research examined the courts’ failure to appear warrants data by defendant’s location before and after the closure to identify any changes in the warrants data. Quantitative data from the courts revealed that preceding the closures, warrants issued for defendants based in BSE were only 2.7% (n=5), but post closure for the same area, warrants issued were 12.8% (n=39). For Sudbury-based defendants, pre-closure warrants data was about 1.6% (n=3), while post-closure this was 4.6% (n=14), highlighting that geographical accessibility of a court likely matters in the context of the closures. Additionally, warrants issued preceding closure for Ipswich-based defendants was 54.9% (n=101) while post-closure this was 33.6% (n=102). Defendants based out of the area represented about 17.9% of warrants issued pre-closure (n=33); and post-closure was 27.6% (n=84).

- Additionally, the average numbers of days from charge to first listing before closures was 34 days (October 2015 – March 2016), and 42 days after the closures (October 2016 – March 2017). First listing to completion data revealed that the process at Ipswich Magistrates’ Court took an average of 25 days pre-closure and 24 days post-closure, suggesting that the closures have not affected processing times. Having said that, the proceedings at Magistrates’ Courts is only one aspect of the criminal justice process. The length of time victims are waiting to receive justice has implications for the whole justice system and requires further investigation. Particularly for either way and indictable cases¹, where the court

¹ According to the CJS, either way offences (e.g burglary, actual body harm, drugs offences) are those that can be heard in either the Magistrate Court or Crown Court. The decision as to which court will hear the case is determined at a Mode of Trial hearing. Indictable offences are always passed on to the Crown Court by the Magistrates’ Court.
data revealed that processing times from offence to completion more than doubled in the post-closure period, compared to the pre-closure period.

- Trial performance data from HMCTS’s One Performance Truth database suggests a slight improvement in efficiency at Ipswich Magistrates’ Court following the court closures: trial effectiveness was 44% for Ipswich Magistrates’ Court pre-closure, and cracked\(^2\) rate is 40%, while post-closure, this was about 47% and cracked rate was 35%.

- Workload data revealed that workloads at Ipswich Magistrates’ Court have actually been decreasing over the post-closure period compared to the corresponding pre-closure period. Contextually, the courts revealed that the cases being sent to Ipswich Magistrates’ Court by the prosecution have been on the decline. One reason could be the increasing use of out-of-court disposals by the police, but this has emerged as an area of further investigation.

- Generally, all the participants agreed that access to justice is a key principle that needs to be preserved in any judicial system and that it is vital to identify those groups that are most affected by the court closures. It is for this reason that the research has been commissioned, not to make recommendations per se but to provide an evidence-base that will enable policymakers to extend the discussion on improving sustainable access to justice in Suffolk, in ways that are fair to all.

- Across the interviews, there were various concerns expressed on the impact of the court closures and suggestions about how alternative provision could help mitigate some of the accessibility issues. We present some of these ideas in this report’s Appendix B.

\(^2\) Typical reasons for a cracked trial include late guilty plea accepted; guilty plea to alternative new charge; defendant bound over; prosecution end case. A trial can only be ‘cracked’ or ‘effective’ once in the duration of a case but it can be ‘ineffective’ multiple times. A Guide to Criminal Statistics; Ministry of Justice 2016; and HMCTS’ One Performance Truth Database
1 Introduction

1.1 Background

In the last 8 years, the Ministry of Justice have closed over 90 regional courts in the UK as part of its “Transforming Summary Justice” programme\(^3\). The thinking behind these closures was a desire to rationalise court provision in order to achieve economic efficiency of its Estates. In Suffolk, two out of its three courts were closed as a result. In September and October 2016 respectively, the Lowestoft Magistrates’ Court and Bury St Edmunds Magistrates’ Court were both closed by the Ministry of Justice and HMCTS. Suffolk is now left with only one magistrates’ court, centred in Ipswich, which serves the whole of the county.

Figure 1: Map of Suffolk depicting the location of IMC

---

\(^3\) Transforming the CJS: A Strategy and Action Plan to Reform, June 2013
Ward’s (2016) study on magistrates’ courts found that prior to the Courts Estate Rationalisation Programme starting in July 2009, there were 286 magistrates’ courts. The first phase of the closures saw over 90 courts close in England and Wales. In February 2016, 86 courts were earmarked for closure, including Suffolk’s Lowestoft and BSE courts.

In Suffolk, the court closures precipitated a local campaign, which sought to challenge HMCTS’ plan. Those behind the campaign articulated a series of concerns: first, that given the county’s poor transportation links, the closure of the courts serving more rural and remote areas of Suffolk would impact negatively on those who lived in the vicinity of the courts that had been closed and who lived furthest from Ipswich. Second, the campaigners argued that centralising court provision to Ipswich would lead to people disengaging from the criminal justice system. While the campaign was unable to stop the court closures, it led to a timed concession from the Minister of Justice, to the Suffolk Police and Crime Commissioner to come up with an alternative plan, guaranteeing that access to justice will not be compromised for vulnerable groups. Until now, there is little academic evaluation of the impact from magistrates’ court closures.

Magistrates’ courts are typically considered to be the loci of local justice within communities in the UK. As a majority of cases in the criminal justice system begin at the magistrates’ court, closing them can have detrimental effects on the community that they serve, particularly in relation to access to justice – one of the key principles of the HMCTS.5

1.2 Objectives

The objectives of this impact assessment study were to:

- Assess the impact of the court closures on communities where court services have been discontinued in Suffolk
- Establish if the provision of justice and access to it has been compromised by the closure of the regional courts
- Where appropriate, provide an evidence-base to enable policy makers to assess and determine the extent to which the new structure for delivering summary justice is fit for purpose.

---

4 While majority of cases are criminal proceedings, it is worth noting that criminal proceedings heard in the magistrates courts may also include civil claims in some cases, for example civil confiscation claims under the Proceeds of Crime Act 2002.

5 “Ensuring Access to Justice: To ensure continued access to justice when assessing the impact of possible closures... taking into account journey times for users... when journeys will be significantly increased.” MoJ Decision Impact Assessment (HMCTS, Principle 9b, sub section1, p.4)
2 Methodology

2.1 Research Questions

The evaluation addressed the following broad research questions:

1. How do the closures impact upon victims, defendants, and witnesses as well as the agencies that work with them?

2. How are Ipswich Court Services coping with the expanding workload, following the closure of the regional courts?

3. Are Ipswich court facilities adequate?

4. Are the needs of users met in ways that ensure that the provision of justice remains fair and accessible to all?

5. To what extent are the problems of access potentially leading to disengagement from the judicial process? Has the rate of non-appearances increased following the closure of the regional courts and consequently, are more warrants now being issued by the courts?

6. Can the new structure for delivering summary justice cope with the increased demand now being placed upon it? How much have waiting times increased?

7. What are the added on-costs for statutory and non-statutory agencies, following the closures?

8. Is the current system sustainable?

2.2 Research Design

The study used a single-embedded case study approach (Yin, 2009), which defines the case (magistrates’ court closures in Suffolk) as embedded within the context of transforming summary justice. The units of analysis within the study are a combination of qualitative and quantitative methods. These units of analysis (stakeholder interviews and court data) have been used to answer the research questions.

The research has used a mixed-method approach to increase the depth and consistency of the study’s findings (Flick, 2006:390).
Due to the short timeframe of the research, stakeholder interviews with professional court users were undertaken using a purposive sampling technique. As the court cases at the Lowestoft Magistrates’ Court have been moved to Great Yarmouth Magistrates’ Court following the closure, the majority of stakeholders agreed that it was a welcome development due to the proximity of Lowestoft and Great Yarmouth. Therefore, the research focused on the BSEC closure and in understanding its impacts.

**Stakeholder Telephone Interviews and Focus Groups**

A total 18 stakeholders (n=18) working in the criminal justice agencies were involved in the research. A thematic analysis was used to identify relevant themes and to interpret the qualitative data from the interviews and focus groups. For accuracy and to capture voice (Poland 1995; Poland, 2003), verbatim quotations and statements from participants have been used liberally in the report. The table below details the stakeholder participants and the nature of the research for each group.

### Table 2-1: Interviewees by stakeholder group

<table>
<thead>
<tr>
<th>Stakeholder Group</th>
<th>Number of participants</th>
<th>Depth Interviews (DI) /Focus groups (FG)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence Advocates&lt;sup&gt;6&lt;/sup&gt; (BSE-based and surrounding areas)</td>
<td>3</td>
<td>FG</td>
</tr>
<tr>
<td>Defence Advocate (Haverhill)</td>
<td>1</td>
<td>DI</td>
</tr>
<tr>
<td>Police</td>
<td>5</td>
<td>FG</td>
</tr>
<tr>
<td>Probation</td>
<td>1</td>
<td>DI</td>
</tr>
<tr>
<td>Suffolk County Council (Youth Offending Team)</td>
<td>1</td>
<td>DI</td>
</tr>
<tr>
<td>Magistrates and Crown Court Judges</td>
<td>6</td>
<td>DI</td>
</tr>
<tr>
<td>Ipswich Magistrates’ Court</td>
<td>1</td>
<td>DI</td>
</tr>
</tbody>
</table>

The sampling strategy was based on identifying the key people in the Criminal Justice System who would have first-hand knowledge of the impact from the court closures. A preliminary meeting of key people working in the stakeholder groups listed above (as well as Suffolk’s Police and Crime Commissioner) had been held at a Marriage Hall meeting early in the year, and this group of people facilitated speedy access to participants.

Semi-structured interviews were undertaken with key stakeholders who had a great understanding of the challenges that the victims, witnesses and defendants are facing. Additionally, these stakeholders provided case studies, which helped shed some light on how these groups are being affected, and the extent to which they are coping.

Through conversations, the researcher collected accounts from various stakeholders and using factual data to verify comments that were made about a particular agency or the court.

<sup>6</sup> One of the lawyers also practiced family law
We compared and contrasted views as a way to triangulate and to draw out themes about what the key issues are following the court closures.

Telephone interviews were conducted in some cases with professionals. To ensure anonymity as far as possible, names have been excluded from the report and professionals are referred to by their occupation.

**Court Observations**

As part of the research, we spent about 20 hours at Ipswich Magistrates’ Court over the course of eight weeks observing day-to-day court procedures in court. Some of these observations formed the premise of our conversations with key court officials. A broadly adopted ‘ethnographic’ approach enabled the researcher to gather useful insights on the Ipswich Magistrates’ Court’s facilities and court procedures. The excerpts included in this report have been extracted from one of the researcher’s field notes.

**Quantitative Analysis**

**Court Data**

Quantitative data from the courts on non-appearances (pre- and post-closures) has been used to address research questions five to eight above. The release of data on non-appearances data, workloads, location of defendants’ pre- and post-closure, trial performance, and listing schedules from Ipswich Magistrates’ Court enabled the completion of the report. However, the release of the data in a format that could be used including verification checks\(^7\) introduced a significant delay in the research timelines. The challenges in gaining access to court data in research are well known (Ward, 2016). However, we did not envisage access problems from the local courts (having received approval from the HMCTS formal process) or the restrictions that the election purdah period would impose on the project.

**Monetary and Non-monetary costs Data**

The research examined a range of costs directly associated with travelling to Ipswich Magistrates’ Courts compared to attending BSEC. It investigated the increased time it now takes to reach court from rural communities, the increased travel costs these communities are now expected to bare, and the problems they face traveling in a region poorly served by public transport.

---

\(^7\) As much as possible, the researcher verified the sources of the court data on the IMC, which were extracted from both Libra Management Information System and Open Performance Truth. Some of the court data that was provided for the purpose of the research came from both databases. IMC do not have access to the raw data on Libra Management Information System as this is controlled centrally by HMCTS, and as such, the extraction for the defendants’ location and warrants data have been extracted manually by the HMCTS from their centrally located data.
Lastly, the research was conducted with approval of the Research Ethics Committee of the University of Suffolk. All voluntary participation was based on informed consent.

2.3 Limitations

The stakeholder approach was the most appropriate method of collecting the data given the nature of the project and timeframe. The stakeholder interviews enabled us to quickly gather the client testimonies and views of those that the court closure directly impacts, particularly vulnerable defendant groups.

Additionally, a research study conducted over an eight-week period can only allow a cursory understanding of the impacts of the closure on the wider community, particularly those that may be indirectly affected by the court closures. The quantitative data provided a snapshot but to assess the sustainability of the whole system and the (monetary and non-monetary) longer-term impacts of the court closures locally, multi-year court and police data would be required.

While there is current research advocating for defendants’ rights to a fair trial in the courts, there is limited research with defendants and their defence witnesses in the courts. The research captured the experiences and the difficulties that they faced getting to the court through their solicitors but not directly which limited the inclusion of defendants’ voices in the research.

Due to a change in management at the Witness Support Service, the researcher was unable to interview a senior person or volunteers from the organisation, although it is important to note that Witness Support Service’s volunteers only work with witnesses and their families when they appear in court, supporting them to feel more comfortable during the court process. As they do not support them in getting to court, it is unlikely that we would get the same rich data as we got from Witness Care. Having said that, Witness Service Volunteers are in a unique position to gather useful data from defence witnesses in court, or at least in informing them of the opportunities to reclaim some of the costs of travel through the current courts provision for defence witnesses.

2.4 Report Structure

The next section discusses the emerging themes from the qualitative evidence-base (testimonies collected from defence advocates about their clients, interviews, and focus groups) and quantitative analysis of the travel time impacts and court data. Section 4 and 5 examines the adequacy of the court facilities and court procedures following the court closures respectively, and the report presents the conclusions in Section 6.

---

8 Gibbs (2016). Justice denied? The experience of unrepresented defendants in the criminal courts
3 Evidence Base: Assessing Impact

The data was analysed to identify running themes and grouped into the type of court user. In the following paragraphs, the report presents its findings.

Table 3-1: Evidence type and observed impact of court closures on defendants, victims and witnesses in Suffolk

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Observed impact</th>
<th>Type of evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defendants and Defence witnesses</td>
<td>Negative</td>
<td>Qualitative and Quantitative: Testimonies from Defence Advocates, Interviews with criminal justice professionals, court observations</td>
</tr>
<tr>
<td>Victims and prosecution witnesses</td>
<td>Likely to be minimal due to special measures and Witness Care support (types of support: travel, childcare, negotiating with their employers to allow them to be excused to attend court)</td>
<td>Qualitative: Focus group with the police (including Witness Care)</td>
</tr>
</tbody>
</table>

3.1 Impact on Defendants and Defence Witnesses

The court closure has had significant travel cost impacts on defendants and their defence advocates. For example, the study estimates that following the BSEC closure, the generalised time costs of a defendant coming from rural and rural remote locations daily has doubled in almost all cases.

The study found from the testimonies that some people choose to stay in a hotel overnight in Ipswich, which would mean that accessibility costs are likely to be higher; and that when the trial date at the magistrates’ courts is over two days, the costs are likely to double. As participants noted for Haverhill-based residents:

“I have a client who has a trial in the Ipswich Magistrates’ Court […] He and his defence witness come from Haverhill. Both are disabled. In order to get to the court in time for [his second, addition ours] trial, they are staying in a hotel in Ipswich tonight. Fortunately, he has been able to pay for this… many would not. On his first hearing, he got to court about 12 noon, due to travel problems from Haverhill…” – Defence Advocate

“It costs more for defendants to get to Ipswich Magistrates’ Court. I remember one case I had where the defendant was very anxious about getting to court. He got an off-peak train ticket, which cost him £10. He had arrived at mid-morning and we were not dealt with until around 4.30pm. He would have to wait until really late, as he would not be able to use his ticket. He was unemployed.” – Defence Advocate
“A drink driver from Haverhill may have to stay in a Travelodge overnight; they [may] have to take time off work or spend about five hours travelling daily or get someone to give them a lift if they are lucky.” – Probation Staff

“There was a lad who came from Haverhill who had to go to court for his order to be revoked. His family had to get his grandparents to drive him to court. They then had to park near the courts at the car park to make it easier for them to walk to the court due to their age. Without his grandparents’ support, he would have been unable to get to court”....“85% of the young people that we work with come from areas of social deprivation in Suffolk.” – Youth Offending Team Staff

From the comment above, quantitative statistics show that the court closures have led to a doubling of time and money costs for defendants and their defence witness coming from Haverhill (see Table 3-2 below). Other generalised costs for other rural remote areas of Suffolk can be found in Appendix A (see Table_A).

**Table 3-2: Pre- and post-court closure costs on Haverhill-based defendants and defence witnesses**

<table>
<thead>
<tr>
<th>Haverhill area Statistic</th>
<th>Pre-closure of BSE court</th>
<th>Post-closure of BSE court</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Daily generalised costs (Haverhill area)</td>
<td>£16.47</td>
<td>£21.47</td>
</tr>
</tbody>
</table>

See Appendix A for more information on the author’s calculations

It is interesting to note in the case above, if the prosecution witnesses came from Haverhill they would have had Witness Care support in getting to court. The research found that victims and prosecution witnesses are provided with transportation support to get to court. For defence witnesses, Ipswich Magistrates’ Court confirmed that they are allowed to claim their travel costs regardless of the outcome of the case. However, one court official stated that many defence witnesses do not claim for this and that they do not know why. This may be an informational issue but it could be a lack of awareness about their rights.

One key consequence of the court closures is that access issues can quickly lead to disengagement of vulnerable people from the criminal justice system:

“"In the Crown Court – trial hearing can take five days. In the magistrates’ courts, it is likely to be a maximum of two days. If you are a disabled person on benefits, a week of travelling would mean that one would have to spend the entire DLA [Disability Living Allowance] on travel. This also includes those with incompetent financial budgeting skills...” – Member of the judiciary

---

9 The Youth Offending Team can sometimes arrange transport for vulnerable young people to get to court.
“There is a psychological aspect to all this: if people do not trust the system to be efficient and that it works… they would not respect the law.” – Defence Advocate

The research also examined whether accessibility barriers were leading to non-appearances using Failure to Appear Warrants data, before and after the closures (see Section 4). Nonetheless, qualitative evidence suggests that to some extent the court closures have led to disengagement, and as one defence advocate noted:

“I have had clients who have told me that they cannot afford to travel from the west of the county to Ipswich and would wait to be arrested on a warrant. This is the reality of centralising courts and the demise of local justice.” – Defence Advocate

### 3.2 Impact on Offenders (Probation’s Perspective)

Conversations with probation suggest that offenders continue to face travel time impacts even after sentencing which can affect engagement, and that a court building matters for victims to see that justice has been served:

“…the impact of people having to travel. I am lucky that I have a car and the licence to drive it. Still, for me to get to Ipswich today I had to leave the house at 7.30am and I had to think of childcare. Thankfully, I have a supportive partner. Now, imagine someone that lives a chaotic life and has substance misuse problems, they just don’t have the ability to organise themselves in this way.” – Probation Staff

“There will always be people that don’t engage with the system…however, I do genuinely think that accessibility is a factor in engaging with people.” – Probation Staff

“I think that a court building matters. I think that there is a place for some justice to be administered over a distance (so if I speed then I can pay a fine online and plead guilty online) but as a victim it can be very powerful to see that the person that has harmed you go through that process” - Probation Staff

### 3.3 Impact on Victims and Prosecution Witnesses

It is not clear whether the court closures have created difficulties in getting to court for victims and prosecution witnesses due to the use of special measures and Witness Care provision, which provide alternative arrangements that reduce any additional costs in relation to attending court. Similarly, where there are concerns around vulnerability, the use of video links at a separate location can also be arranged. Nonetheless, having these options in place does not prevent either the problem of cracked or ineffective trials or delays in getting justice. As one member of the judiciary told us:
“The problem of some witnesses not turning up can also be due to other factors, for example, not been able to get to court due to pressure and intimidation.” – Member of the judiciary

Inefficiencies at the courts brought on by the court closures are likely to affect victims too as it means that they have to wait longer to receive justice. Currently, at Ipswich Magistrates’ Court, the average numbers of days from charge to first listing before closures was 34 days (October 2015 – March 2016), and 42 days after the closures (October 2016 – March 2017). From first listing to completion, this is an average of 25 days pre-closure and 24 days post-closure, suggesting that waiting times following the closures have remained steady.

But this is not the whole picture; there is strong evidence to suggest that there are inefficiencies in the entire justice system (NAO, 2016)\(^{10}\) because its individual parts have strong incentives to work in ways that create cost elsewhere and are likely to not act in the best interests of the whole system (p.8).

As the table shows below, magistrates’ courts are only one aspect of criminal justice process, particularly for either way and indictable cases, which from the data and conversations with senior court staff revealed that Ipswich Magistrates’ Court only has full control over the first listing to completion stage only. While inefficiencies in the system are not solely attributable to the court closures, the court data shows that there are inherent inefficiencies present in the justice system that need further examination.

### Table 3-3: Average number of days taken from offence to completion for criminal cases in Ipswich Magistrates’ Court

<table>
<thead>
<tr>
<th>Offence Type</th>
<th>Number of defendants</th>
<th>Offence to Charge</th>
<th>Charge to First Listing</th>
<th>First Listing to Completion</th>
<th>Offence to Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-closure period: October 2015 to March 2016</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Either Way</td>
<td>903</td>
<td>81</td>
<td>20</td>
<td>46</td>
<td>148</td>
</tr>
<tr>
<td>Indictable</td>
<td>58</td>
<td>130</td>
<td>11</td>
<td>194</td>
<td>336</td>
</tr>
<tr>
<td>All cases</td>
<td>3,523</td>
<td>97</td>
<td>34</td>
<td>25</td>
<td>156</td>
</tr>
<tr>
<td>Post-closure period: October 2016 to March 2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Either Way</td>
<td>1,206</td>
<td>94</td>
<td>20</td>
<td>37</td>
<td>152</td>
</tr>
<tr>
<td>Indictable</td>
<td>82</td>
<td>583</td>
<td>14</td>
<td>161</td>
<td>758</td>
</tr>
<tr>
<td>All cases</td>
<td>4,149</td>
<td>111</td>
<td>42</td>
<td>24</td>
<td>177</td>
</tr>
</tbody>
</table>

Notes:
1) Includes cases with an offence to completion time greater than 10 years but excludes a small number of cases with identified data quality issues and breaches
2) Figures include cases that were transferred to a crown court
3) All cases includes summary motoring and non-motoring offences

Source: One Performance Truth, Ipswich Magistrates’ Court

\(^{10}\) Efficiency in the Criminal Justice System, National Audit Office, March 2016
3.4 Impact on Criminal Justice System Agencies and Ipswich Magistrates’ Court

Table 3-4: Evidence type and observed impact of court closures on criminal justice agencies and professionals in Suffolk

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Observed impact</th>
<th>Type of evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence Advocates (with Legal Aid Contracts which have been moved to the Ipswich rota)(^{11})</td>
<td>Negative Increased travel costs are borne solely by firms. Reduced morale with subsequent court reforms that have affected access to justice over the years.</td>
<td>Qualitative and Quantitative: Interviews and Focus Group</td>
</tr>
<tr>
<td>The Police</td>
<td>No direct impact. Costs for supporting victims and witnesses through Witness Care are borne by CPS.</td>
<td>Qualitative: Focus group</td>
</tr>
<tr>
<td>Crown Prosecution Witness</td>
<td>Possibly Positive and Negative</td>
<td>Qualitative: Focus group with the police</td>
</tr>
<tr>
<td>Probation</td>
<td>Positive and Negative</td>
<td>Qualitative: Interviews</td>
</tr>
<tr>
<td>Youth Offending Team (SCC)</td>
<td>No direct impact observed</td>
<td>Qualitative evidence: Interviews</td>
</tr>
<tr>
<td>Magistrates and Judges</td>
<td>Negative – primarily in relation to disruption in court procedures. Inconvenience for magistrates with implications for judicial diversity.</td>
<td>Qualitative: Interviews</td>
</tr>
<tr>
<td>Ipswich Magistrates’ Court</td>
<td>Positive and Negative</td>
<td>Qualitative: Interviews and court observations; and Quantitative</td>
</tr>
</tbody>
</table>

**Defence Advocates**

In our discussions with the defence solicitors, the increasing cost burden on public defence solicitors expected to bear the travel costs from the West of Suffolk area to Ipswich has been highlighted as a significant issue. It is important to note that this issue is a bit more complex than court closures alone because it is agglomerated with issues of legal aid.

Public defence solicitors stated that legal aid pay has not been reviewed since 1999 and it does not cover additional travel costs for getting to Ipswich Magistrates’ Court following the BSEC closure. They fear that this unsustainable financial model will likely restrict West Suffolk-based solicitors from continuing to do public defence criminal work, which raises questions about the availability of representation for defendants. As one participant noted:

\(^{11}\) The Haverhill firm that does criminal defence work is part of the rota covering South Essex, Chelmsford, so their defence advocates have not been affected by the BSEC closure.
“Before the closures, I spent less time on the A14. For solicitors that live in Bury, they have to go to Ipswich and then make their way to Bury – £29 for the cost of travel per day (mileage and car parking), which you cannot claim back. So the firm has to absorb the loss (sometime you have one case or 6-8 cases, but you don’t know until you are released by the court clerk).” – Defence Advocate

Public defence solicitors based in the West Suffolk area maintained that one could not expect only Ipswich-based firms to service both Martlesham and Sudbury PICs adequately.

Among public defence solicitors, there are concerns that their clients are increasingly demonstrating a lack of trust in the criminal justice system because of the delays and waiting times at the court.

Members of the Judiciary

From the research, magistrates and judges generally agree that access to justice is an important principle that needs to be preserved in Suffolk. This finding is also in line with Ward’s (2016) study on the magistracy.

Court closure impacts have been widely reported as one of the reasons for the decline in magistrate numbers over the years, particularly because magistrates are now forced to have to travel further to get to court. Table 3-5 shows that in Suffolk, between 2012-2016, magistrate numbers have declined from 225 to 136, with no magistrate under 40 years old. It is useful to note that the increase use of professional district judges at the magistrates’ courts and falling crime rates have been proffered as other reasons given to explain the decline in magistrate numbers. In relation to the court closures, IMC confirmed that they lost some magistrates from West Suffolk when the courts closed but that they recruited over 10 magistrates based in and around Suffolk, following the closures. Figures provided verbally by IMC suggested that there were about 200 magistrates as at BSEC closure date (October 2016) and 205 magistrates as at October 2017, with a plan to recruit 10-15 more magistrates in 2019.

Locally, Ipswich Magistrates’ Court collects data on where magistrates are located, and it would be interesting to understand their travel time impacts, should the data become publicly available. From the informal conversations with court officials and magistrates, it would seem that some magistrates currently come from rural and rural remote parts of Suffolk. For magistrates using public transport, travel to Ipswich Magistrates’ Court has become problematic since the closures. Similarly, geographic accessibility was one issue by

12 Guardian: "Magistrates quitting in 'considerable' numbers over court closures" by Josh Halliday; 29 November 2016
13 Guardian: "Travel, court closures and falling crime: why magistrates are quitting" by Owen Bowcott; 3 December 2016
14 Conversations with a senior court official at IMC suggest that there is still diversity in terms of the location of the magistrates in Suffolk but the IMC were not able to provide documentation to support this statement or to verify the number of sitting magistrates at IMC.
highlighted by magistrates in Gibbs’s (2013) study on the centralisation of the Magistrates’ Courts (p.13).

“Travel with public transport to Ipswich [Magistrates’] Court is always an issue. Even for me, to move from the village [where] I live to Ipswich is a problem.” – Member of the judiciary

The inconvenience caused by travel time impacts has a serious implication for the ongoing move by the Ministry of Justice to improve judicial diversity in the criminal justice system. With the court closures, suitable working-age adults, ethnic minority candidates and disabled adults based in areas other than Ipswich are likely to face a significant cost barrier in joining the magistracy compared to those living locally. The impact on judicial diversity is something that was omitted in the MoJ’s Impact assessment and may undermine any progress towards achieving judicial diversity.

Table 3-5: Serving Magistrates in Suffolk by demographics; 2012-2016

<table>
<thead>
<tr>
<th>Year</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>136</td>
<td>160</td>
<td>182</td>
<td>210</td>
<td>225</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>58</td>
<td>68</td>
<td>79</td>
<td>98</td>
<td>101</td>
</tr>
<tr>
<td>Female</td>
<td>78</td>
<td>92</td>
<td>103</td>
<td>112</td>
<td>124</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-29</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>30-39</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>40-49</td>
<td>6</td>
<td>10</td>
<td>13</td>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>50-59</td>
<td>38</td>
<td>48</td>
<td>57</td>
<td>61</td>
<td>64</td>
</tr>
<tr>
<td>60-69</td>
<td>92</td>
<td>102</td>
<td>112</td>
<td>130</td>
<td>136</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>132</td>
<td>155</td>
<td>176</td>
<td>204</td>
<td>219</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>5</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Disabled</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>NA</td>
<td>NA</td>
<td>7</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>No</td>
<td>132</td>
<td>156</td>
<td>175</td>
<td>202</td>
<td>214</td>
</tr>
</tbody>
</table>

NA: Not available
*This was estimated from the database by deducting the number of white magistrates from the total but was not directly provided by the MoJ as the practice of the MoJ is to not publish actual numbers when they are small, because individuals might be recognisable.

Source: Magistrates’ Database at the Judicial Office

The wider impacts on the role of the court as a symbol of justice in a community were also mentioned, such as the disconnection that would have occurred because of the court closures. The research did not intend to survey members of the public; but there is scope to capture actual perceptions from the public and the extent to which the presence of a court matters for communities feeling safer in Suffolk.

16 MoJ Decision Impact Assessment
Comments from professionals in criminal justice agencies:

“I don’t see how this is necessarily in the best interest of everybody. I would like to see local court cases being heard in my local library in my town so that the community can be engaged. The courts are part of the community and society; it needs to be visible for people. As a school child, we walked to the courts and were told that if you were naughty that is where you would go and this had an impact on me.” – Probation Staff

“Local justice needs to be preserved otherwise people in the community will feel as though that they do not have a stake in the community.” – Member of the judiciary

It is interesting to note that on all the court observation days at IMC, the researcher was the only member of the public not associated with the cases observing the proceedings, with the exception of one day where two trainee probation officers were also observing proceedings. At one point, an usher asked us if we were members of the press.
Ipswich Magistrates’ Court

Various conversations with court officials at IMC suggest that there have mostly been positive benefits to the court. Cost savings of £77,790 has been made between the start of the consultation period in 2015 to date (see Table 8-1)\textsuperscript{17}.

Table 3-6: Full breakdown of court closure cost reduction by cost type and year in Suffolk

<table>
<thead>
<tr>
<th>Cost Type</th>
<th>BSEC &amp; Crown A</th>
<th>Ipswich Magistrates’ Court B</th>
<th>Bury / Ipswich Combined cost A+B= C</th>
<th>Ipswich Magistrates’ Court D</th>
<th>BSEC &amp; Crown E</th>
<th>Bury / Ipswich Combined cost D+E=F</th>
<th>Saving to date C-F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed</td>
<td>43,241</td>
<td>112,453</td>
<td>155,693</td>
<td>114,352</td>
<td>44,905</td>
<td>159,257</td>
<td>3,564</td>
</tr>
<tr>
<td>Semi-Variable</td>
<td>214,492</td>
<td>311,737</td>
<td>526,229</td>
<td>345,642</td>
<td>73,988</td>
<td>419,630</td>
<td>106,599</td>
</tr>
<tr>
<td>Variable</td>
<td>20,284</td>
<td>24,439</td>
<td>44,722</td>
<td>62,431</td>
<td>7,538</td>
<td>69,968</td>
<td>25,246</td>
</tr>
<tr>
<td>Total</td>
<td>278,016</td>
<td>448,628</td>
<td>726,645</td>
<td>522,424</td>
<td>126,431</td>
<td>648,855</td>
<td>77,790</td>
</tr>
</tbody>
</table>

All figures are in GBP.

- Fixed costs – Rent and Rates
- Semi-Variable – Building maintenance, utilities, security, cleaning
- Variable – Other operational expenses (postage / DX etc) - apportioned on basis of workload between Ipswich, Lowestoft and BSE (14/15 only).
- Fixed costs – 100% assumed savings
- Variable costs – 88% assumed savings
- Variable costs – 30% assumed savings

Source: HMCTS, 2017

There have been no significant staff changes or redundancies to the legal side of the business following the closure of the Lowestoft and BSE courts. In Lowestoft, the hearings were managed remotely while for BSE, all staff either retired or relocated to IMC. Two legal advisers were moved to the family court at Triton House, BSE.

Part-time ushers left, although according to IMC, they were offered alternative work in BSE. Magistrates were already being briefed about the possibility of being able to sit anywhere, so

\textsuperscript{17} In the MoJ’s consultation paper “Proposal on the provision of court and tribunal services in the South East region” in July 2015, the courts used the 2014/2015 operating costs £272,000 for BSEC. To calculate the cost reduction to date, the courts have attempted to work back to this £272,000 figure and provided operating costs figures for the current financial year 2016/2017 during which the BSEC site transfer was made.
the court closures would not have changed whether or not they would have to sit in Ipswich or in another regional location.

4 Are the non-appearances leading to disruption in court procedures?

Court staff has stated that disruption from non-appearances is minimised through court listing cases on certain days, while being flexible and adaptable. From the court observations, magistrates were able to move on to other cases and allowed a certain waiting time for the defendant to turn up, including asking the ushers to go into corridors to look for defendants.

“On Wednesday, Thursday and Friday, all the courts are fully listed – five and half hours. About 30 cases are listed. When people do not turn up and they have not booked themselves in, they prove the case in their absence and a warrant is issued. When they are booked in, the magistrates try to avoid the issuance of warrant so the ushers comb the corridors to call the name of the defendants, as sometimes the defendant might be in the toilet, having a cigarette outside etc. and all that paperwork of issuing a warrant could be avoided if they move on with other cases and then come back to that particular case, to give allowance for the defendant to turn up/return.” – Senior court official

There is a sense that the court is aware that there is a disengagement in the criminal justice system among defendants but that it is not politically attractive to advocate for defendants or their witnesses.

“Defendants’ engagement and involvement is important for the courts to work for them. Less than 1% sees their solicitors before their hearing date. I can list all cases all I want but if 12 people don’t turn up then there is nothing I can do.” – Senior court official

“I genuinely don’t think that the public care if someone who broke the law cannot get to court, no one cares.” – Senior court official

Court observation: There are two instances where the defendants have not turned up and the ushers have been asked to look for people in the corridors so that warrants are not issued to people that may just be outside having a cigarette or in the toilet.

Source: Author’s court observation field notes
“...three of the five prosecution witnesses (all from Haverhill) did not turn up, so the prosecution had to offer no evidence on two charges...!” – Defence Advocate

Non-appearances (whether on the defence or prosecution side) have been a persistent issue in the courts even before the closures. The research examined the court’s warrants data by defendant’s location before and after the closure to identify any changes.

Quantitative data from the courts revealed that preceding the closures, warrants issued for defendants based in BSE were only 2.7% (n=5), but post closure for the same area, warrants issued were 12.8% (n=39). For Sudbury-based defendants, pre-closure warrants data was about 1.6% (n=3), while post-closure this was 4.6% (n=14). Additionally, warrants issued preceding closure for Ipswich-based defendants was 54.9% (n=101) while post-closure this was 33.6% (n=102). Defendants based out of the area represented about 17.9% of warrants issued pre-closure (n=33); and post-closure was 27.6% (n=84). This evidence suggests that geographical accessibility to the court serving the community is likely to matter in the context of the closures.

Table 4-1: Type of defendants by location at IMC pre-and post-closure

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency</td>
<td>Percent</td>
</tr>
<tr>
<td>Youth</td>
<td>8</td>
<td>4.3</td>
</tr>
<tr>
<td>Adult</td>
<td>149</td>
<td>81</td>
</tr>
<tr>
<td>Unidentifiable</td>
<td>27</td>
<td>14.7</td>
</tr>
<tr>
<td>Total</td>
<td>184</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Libra Management Information System, HMCTS

18 To conform to data protection, the postcodes of the defendants were concealed and the warrants data was provided to the study, by area of residence.
Table 4-2: Failure to Appear warrants issued to defendants by location at IMC; Oct 15-Mar 16

<table>
<thead>
<tr>
<th>Area</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bury</td>
<td>5</td>
<td>2.7</td>
</tr>
<tr>
<td>Felixstowe</td>
<td>13</td>
<td>7.1</td>
</tr>
<tr>
<td>Ipswich</td>
<td>101</td>
<td>54.9</td>
</tr>
<tr>
<td>Out of area</td>
<td>33</td>
<td>17.9</td>
</tr>
<tr>
<td>Saxmundham</td>
<td>2</td>
<td>1.1</td>
</tr>
<tr>
<td>Stowmarket</td>
<td>5</td>
<td>2.7</td>
</tr>
<tr>
<td>Sudbury</td>
<td>3</td>
<td>1.6</td>
</tr>
<tr>
<td>Unknown¹</td>
<td>20</td>
<td>10.9</td>
</tr>
<tr>
<td>Woodbridge</td>
<td>2</td>
<td>1.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>184</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

¹ This is recorded as ‘unknown’ in both Table 4-2 and 4-3 because the defendant has no fixed abode.

Source: Libra Management Information System, HMCTS

Table 4-3: Failure to Appear warrants issued to defendants by location at IMC; Oct 16-Mar 17

<table>
<thead>
<tr>
<th>Area</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brandon</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Bury</td>
<td>39</td>
<td>12.8</td>
</tr>
<tr>
<td>Felixstowe</td>
<td>6</td>
<td>2.0</td>
</tr>
<tr>
<td>Harleston</td>
<td>1</td>
<td>0.3</td>
</tr>
<tr>
<td>Ipswich</td>
<td>102</td>
<td>33.6</td>
</tr>
<tr>
<td>Leiston</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Out of area</td>
<td>84</td>
<td>27.6</td>
</tr>
<tr>
<td>Saxmundham</td>
<td>2</td>
<td>0.7</td>
</tr>
<tr>
<td>Stowmarket</td>
<td>6</td>
<td>2.0</td>
</tr>
<tr>
<td>Sudbury</td>
<td>14</td>
<td>4.6</td>
</tr>
<tr>
<td>Unknown</td>
<td>42</td>
<td>13.8</td>
</tr>
<tr>
<td>Woodbridge</td>
<td>4</td>
<td>1.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>304</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Source: Libra Management Information System, HMCTS

5 Are the court facilities adequate to deal with the increased demand?

Ipswich Magistrates’ Court is located six minutes away from Ipswich train station and main bus station. It has two main entrances — one for the public and the other for witnesses and tribunals. Disabled access for witnesses is an issue as the lifts can only be accessed via the public/courtside entrance.

Court observation (first impressions and customer service): I [researcher] arrive on the first day of observation at 9.30am and I reflect upon the fact that this is my first time in a courthouse. I instantly feel a sense of ‘strangeness’, which affords me an opportunity to observe my surroundings with open curiosity.
I am taken through security procedures downstairs (bag and non-intrusive body search) by a friendly security officer who directs me to the first floor reception area. I take the stairs to the first floor front desk reception and I tell the woman behind the glass that I am here to observe. She gives me a friendly smile and tells me that court proceedings always begin at 10am, that the interesting cases will be in Courtroom 2 (non-remand cases), and that I should take a seat in the waiting room, which is laid out, like a GP’s surgery. The court waiting area is mostly empty with about eight people present and waiting.

I head to Courtroom 3 and sit quietly in the public gallery. The usher goes out to call in the first defendant and proceedings commence.

Source: Author’s court observation field notes

There are five courtrooms at Ipswich Magistrates’ Court that are used for remand, to enter guilty and not guilty pleas, motoring offences, Youth, and Family court. Court room four and five are more informally laid out, compared to courtrooms two and three, for example.

Subsumed below is the post-closure listing for different cases in the various courts rooms at IMC.

Table 5-1: Suffolk Magistrates' Court Schedule post-closure; Oct 2016 - date

<table>
<thead>
<tr>
<th></th>
<th>IPS 1</th>
<th>IPS 2</th>
<th>IPS 3</th>
<th>IPS 4</th>
<th>IPS 5</th>
<th>IPS SJP</th>
<th>Jub. Rm</th>
<th>TRITON</th>
</tr>
</thead>
<tbody>
<tr>
<td>MON</td>
<td>GAP</td>
<td>ARRE</td>
<td>NGAP</td>
<td>GENA</td>
<td>TRIA</td>
<td>Search</td>
<td>Warrant</td>
<td>Tribunals</td>
</tr>
<tr>
<td>MON</td>
<td>APSR</td>
<td>PVL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TUE</td>
<td>GAP</td>
<td>ARRE</td>
<td>NGAP</td>
<td>GENA</td>
<td>PRIV</td>
<td>PINES</td>
<td>BRCH</td>
<td>TRIBUNALS</td>
</tr>
<tr>
<td>TUE</td>
<td>APSR</td>
<td>PVL</td>
<td></td>
<td></td>
<td>GENA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WED</td>
<td>TRIA</td>
<td>ARRE</td>
<td>PVL</td>
<td>ASPR</td>
<td>UTILITY</td>
<td>FHDRA</td>
<td>TRIBUNALS</td>
<td>PRIV (1x pcm)</td>
</tr>
<tr>
<td>WED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FAMILY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>THURS</td>
<td>TRIA</td>
<td>ARRE</td>
<td>PVL</td>
<td>ASPR</td>
<td></td>
<td>ADMT (POLICE)</td>
<td>FAMILY</td>
<td>TRIBUNALS</td>
</tr>
<tr>
<td>THURS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRI</td>
<td>TRIA</td>
<td>ARRE</td>
<td>UTILITY</td>
<td></td>
<td>ADMT</td>
<td>FAMILY</td>
<td>TRIBUNALS</td>
<td></td>
</tr>
<tr>
<td>FRI</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>ARRE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ARRE = overnight arrests; PVL = Prison video link; GAP / NGAP = TSJ ; TRIA = Trial; ADMT = Motoring adjournments; BRCH = breach; DV = DV cases; GENA =General adjournments; YOUTH = Yth cases; SJP = Single Justice Procedure; ADJ = adjournments; ASPR = Adult PSR; PRIV = Private Prosecutions; UTILITY = Utility Warrant

The administrative office area of the building is secure and can only be accessed by card access. In addition, an air lock door leads to the cells from this area.
First floor:

- Five interview rooms – basic with a table and chairs (varying size). All these rooms can be used by defence advocates when not in use

- On the first floor, there is a male toilet, female toilet and one disabled toilet

- Duty Solicitor has one office – when not in use by a duty solicitor this is used as an interview room

- There is a room solely for defence advocates – to leave their bags and possessions safely while in court

- Probation officers – two rooms for their use

- CPS – two rooms (they share one of their rooms with the YOT)

- Interview rooms 4 and 5 are reserved on Wednesday and Thursday for family mediation.

**Witness service area** has a separate entrance and the witness area cannot be accessed from the courtside. A secure corridor takes you to the witnesses and victims’ area. Tribunals are held at Ipswich Magistrates’ Court every day. People coming in for tribunals do not have to go through the main visitor’s area.

- Witness Service office: waiting room for witnesses

- Contains two mixed-use bathrooms – male, female and disabled

- One room for tribunal cases is attached to the Tribunals Office

- Two briefing rooms with live links: there is a Vulnerable Witness room with the video link into court while the other tiny briefing room (Room 1) has video links to Martlesham PIC and Bury PIC.

- The Vulnerable Witness room has video links to any courtroom in the country. It also has a table with three chairs, oath sheets, and video link kit (one camera mounted on the TV screen, facing the witness, with another camera monitoring the entire room).

- The witness service volunteer will be with the vulnerable witness throughout offering support. All you need for a witness court is a waiting room, a vulnerable witness room and video equipment.

---

19 Probation staff clarified that they do not have exclusive use of one room.
The use of technology in accessing justice at Ipswich Magistrates’ Court: Respondents were very forthcoming in the ways that technology can aid and hinder. It is interesting that there is a general sense that technology is a good thing, but technology ought to be introduced with caution in the CJS to ensure that access to justice is not compromised.

It is important to note that the use of video links were already in place before the court closures. However, it is relevant to the extent to which the MoJ is exploring options for using more technology in reducing the need for people to present themselves physically at court or to attend a court near to their residence, rather than based on geography or boundary lines.

Video links are used for custody cases but the equipment in the magistrates’ court belongs to the court, including the video links. The video links at the PIC belong to the police, who put their kit in the PIC, but on the secure side.

“It is a modern world (a digital world) that we live in, and in the future, technology is going to play a huge part in how people access justice. This is not likely to happen until 2022. The issue is with what happens to the provision until then, in a climate of court closures and cost savings.” – Member of the judiciary

“Technology is a good thing. Video link technology has reduced the costs of transporting criminals as they can now give statements from their cells. Similarly, the police can provide evidence via video link. Therefore, we have to get used to it [technology]. However, we need to take technology to people in places where access is likely to be an issue. The introduction of technology needs to be done at the appropriate pace.” – Member of the judiciary

“I think it is a mistake to think that everyone has access to the internet or [is] competent in dealing with [it].” – Member of the judiciary

“It would be good to not come to the courts physically… the average person will think that this is better.” – Member of the judiciary

“I think that technology would help greatly in reducing the barriers and to provide swift summary justice. For example, by dealing with low-level motoring offences online, it frees up magistrates’ time to deal with more serious offences. A good example is the Council Tax, TV licencing… these can all be done using ‘single justice’ – that is sitting in a room somewhere and pleading online, rather than coming to court. This is likely going to be happening more and more. For these very minor offences, the downtime and waiting period will be lower. The video link technology is already there. The police have been using it successfully and it has been useful in the prisons. We do not have to transport criminals anymore from Norwich to Ipswich.” – Member of the judiciary
Inadequacies in court facilities

In this section, we present the problems identified by professional court users and their clients, particularly probation and defence advocates as well as from the court observations undertaken by the researcher. Ipswich Magistrates’ Court maintained that the court facilities have been adequate in dealing with the demand and they were able to provide us with court data to enable us to verify these claims. We raised some of these issues in our conversation with the senior contact at Ipswich Magistrates’ Court, and we present their responses below.

Issue 1: Mixing youths and adults at the court – The comment by the defence advocates was confirmed by the court officials as an issue that cannot be resolved as easily because it is a building issue:

“The youth court and the adult court are not currently being separated, however this has nothing to do with the closures and it is simply down to the layout of the building.”
— Senior Court Staff, IMC

Issue 2: Families are facing undue stress as cases are heard at IMC –

“There are not enough consultation rooms in Ipswich Magistrates’ Court. A lot of family court work is now mostly private, with the exception of the domestic violence cases. You end up sitting in public areas or standing outside, which is not appropriate.”
— Defence Advocate/Family Lawyer

“The court building itself is still fairly grim. Advocates rooms are overcrowded and [there are] insufficient consultation rooms, especially on family days. Family matters seem to take up two consultation rooms for each case. The family for each side has been shepherded into a room, which they occupy for the duration…”
— Defence Advocate/Family Lawyer

In response to the comment above that families are facing increased vulnerability and stress because they are being mixed with criminal courts, the court stated that:

“Family courts tend to come in through the main entrance but they don’t have to. They can use the witness entrance and Court 6 if needed.”
— Senior Court Staff, IMC

Issue 3: lack of consultation rooms and pressure on court facilities on the busiest days at the court (typically three days in a week) – Defence advocates acknowledged that Ipswich Magistrates’ court has undergone some improvements since the closures but it is still far from adequate:

“…Things have been improved at the Ipswich Magistrates’ Court since the closures but the toilets were inadequate. There is no heating in the building at the moment, because the boiler has been broken. The toilets have had blocked drains. All these have given
an impression that the building is not fit for purpose, which undermines public confidence in the criminal justice system.” - Defence Advocate

“…It then becomes tricky to have one court as we have all [these] people that need to be interviewed on that day – with the guilty plea courts on a Tuesday, where they may have up to 40 cases listed a day [and] 30 may be eligible for PSR [Pre-Sentence Report]. Therefore, we need lots of staff. So just the physical challenges with not having enough interview rooms have been creating challenges for us… this is a main impact I would say of the court closures for Probation.” – Probation Staff

One court staff responded that:

“…Defendants don’t go to their solicitors on time or they don’t get legal aid so do not have any representation agreed before their court date. These solicitors would then need an interview room to discuss with their client, thereby putting more pressure on the facilities.” - Senior court official

Court observation: The courtroom is very cold and the court clerk comments quietly that the courtroom must be below working conditions.

One defence solicitor walks in to represent three clients and he complains that there is no portable heating in the interview rooms so he sits himself conspicuously in front of the portable heating in the courtroom.

A week after I return to observe more cases at the courthouse the heating situation seems to have been looked into, as there are now portable heaters in all rooms and in public areas.

Source: Author’s court observation field notes

Examining inefficiencies in court procedures

Concern 1: How is the IMC dealing with its increasing caseloads?

Qualitative evidence suggests that the extended listings of cases seem to be making the IMC busier and as a result, magistrates have to sit for longer. Nevertheless, the quantitative performance data revealed that contrary to expectations, the case workload of Ipswich Magistrates’ Court has actually been decreasing between the pre-closure and post-closure period (Figure 3).

“There have been challenges with bringing three courts into one… there is also a different ethos in each court room. One good example is in the administering of the oath. Sometimes, the chair of the bench does it, or the court’s legal adviser, or the usher. This creates a hiatus in court as no one is sure who should be doing it. …the introduction of iPads in the magistrates’ court means that
people tend to be head down rather than observing and making eye contact with the defendant.” – Member of the judiciary

“The Ipswich Magistrates’ Court seems to be getting busier but there is less control on when someone’s case is going to be heard. This leads to more frustration.” – Member of the judiciary

“With long listings of cases now an occurrence since the closures, I am worried about the magistrates sitting very late, even until 7pm for hearings. This raises questions that compared to the Crown Court, the pace at the Crown Court is much slower and the judges have other things to do. At the Crown Court they are also stricter about not sitting beyond 4.30pm.” – Defence Advocate

Additionally, trial performance data from the HMCTS’s One Performance Truth web-based survey tool suggests a slight improvement in efficiency at Ipswich Magistrates’ Court following the court closures: trial effectiveness was 44% for Ipswich Magistrates’ Court pre-closure, and cracked rate is 40%, while post-closure, this was about 47% and cracked rate was 35%.

**Table 5-2: Trial Performance at IMC between pre- and post-closure period**

<table>
<thead>
<tr>
<th>Time period</th>
<th>Number of trials</th>
<th>Effective trials</th>
<th>Cracked trials</th>
<th>Ineffective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-closure period (Oct 2015 – March 2016)</td>
<td>547</td>
<td>243</td>
<td>220</td>
<td>84</td>
</tr>
<tr>
<td>Post-closure period (Oct 2016 – March 2017)</td>
<td>382</td>
<td>179</td>
<td>135</td>
<td>68</td>
</tr>
</tbody>
</table>

Notes:
A trial can become ineffective because of the following reasons: prosecution not ready; Prosecution witness absent; Defence not ready; Defence witness absent; Defendant absent/unfit to stand.
Typical reasons for a cracked trial include late guilty plea accepted, guilty plea to alternative new charge; defendant bound over; prosecution end case.
Source: One Performance Truth, Ipswich Magistrates’ Court
In terms of the workload data at Ipswich Magistrates' Court, the courts provided some context by revealing that the cases being sent to Ipswich Magistrates' Court by the prosecution have been on the decline. One reason could be the increasing use of out-of-court disposals by the police but this is an area for further investigation.

The way that the police deal with overload (by not charging through the courts but giving out more cautions, community resolutions, and out of court resolutions) is highly contested. The local media recently published an article based on a Freedom of Information request that over
600 cautions were administered last year for a type of offence – actual bodily harm.\textsuperscript{20} Additionally, recent evidence has found that Suffolk County Council’s Diversion programme (for those under the age of 18) has been largely effective in diverting some children and young people away from statutory out of court processes (Tyrell et al 2017); therefore, it would be interesting to examine to what extent such diversion crime programmes are affecting IMC’s caseload data.

In our view, it is a matter of further research to examine the efficiency of the system as a whole in Suffolk but the workload data does raise more questions about the sustainability of IMC, beyond the scope of this report.

\textsuperscript{20}http://www.eadt.co.uk/news/suffolk_police_issue_thousands_of_cautions_including_ones_for_child_sex_crimes_and_drug_dealing_1_4940110
Concern 2: inefficiencies leading to serious disruption in court at IMC

Here, we draw on evidence from the researcher’s court observations. The main factors that we observed were paperwork issues, which led to increased waiting times at Ipswich Magistrates’ Court. The magistrates seemed competent in being flexible by moving on to the next available case but it made for a less-than-smooth court proceeding.

Average waiting time between when one case commences and ends is about 20mins. In the first case, it turns out that there is some missing documentation and that the document says that the defendant is expected at Ipswich Crown Court and Ipswich Magistrates’ Court. This causes some confusion as the documents are being looked into. The magistrates ask that they move on to the next case.

After hearing two straightforward cases that seem to go more smoothly, I move on to Courtroom 3, which is laid out similarly to Courtroom 2 but with modern chairs and there is a secure dock with a microphone, which is locked when the defendant goes in. There are no noticeable issues besides some of the defendants not turning up.

The case proceedings begin and there are problems with the first case (a domestic violence case). The prosecution did not have witness statements because the witness failed to turn up. There was a mix-up in the paperwork. The paperwork was not sent to the defendant’s solicitor on time and so the solicitor was not aware of the conditions of his client’s bail. In this case, the defendant briefed his solicitor on the spot.

The defendant has come from Haverhill and was on bail. The magistrates explore the use of video appearances so that the defendant and the prosecution witness do not run into each other in the courthouse.

The criminal defence lawyer is consulted and he is concerned that the video experience would not provide the same effect compared to if it were an in-court appearance because it was a behavioural relationship offence. The defence is concerned that if it were done via video then the quality of evidence may be impaired.

A trial date was set for June and the legal adviser to the magistrates states that the defendants and witnesses will need to turn up and spend the whole day in court.

There was no consideration for travel time impacts given that the defendant will have to come from Haverhill and has previously breached his court hearing data on the 15th of March because he was working in Cheshire at the time.
The usher calls in the next two cases but the defendants did not turn up. The magistrates go on a break until the next defendant is available and ready. They return about thirty mins later, and the court procedures continue without any problems.

Source: Author’s court observation field notes

While the research has noted that, there are inefficiencies and disruption in court procedures at Ipswich Magistrates’ Court that could be attributable to the court closures, it is important to note that the researcher also observed many instances when the court procedures worked smoothly, in spite of the challenges that were presented on the day to the court. The motoring incidents seemed to go more smoothly than the more serious cases observed in Courtrooms 2 and 3.

**Court observation (summary justice in practice):** A woman from BSE was charged with a shoplifting offence. The defendant stated that her solicitor has not turned up even though they said that they were going to be there. A duty solicitor is representing her instead and the case proceeds without any problems. The defendant is a first-time offender and both sides of the case are heard and are over within 10 minutes, with a fine penalty passed as a judgement.

………..

An unrepresented defendant from Ipswich is charged with a motoring offence and waives his right to be assigned a duty solicitor. The magistrates ask him if that is what he wants and if he understands the implications. The defendant replied, “yes, I understand”. The defendant is a non-native English speaker but he manages to explain why he was driving without a valid licence. The case is dispatched in about 10 mins with a fine imposed.

Source: Author’s court observation field notes

**Court observations at Ipswich Crown Court**

As part of the research, a few hours were spent observing administrative hearings in one courtroom at the Crown Court. Conversations with the judges at Ipswich Crown Court revealed that defendants also faced difficulties getting to the Crown Court.

As one would expect, the facilities at the Crown Court are very different from Ipswich Magistrates’ Court. The Crown Court is a very modern and spacious facility. Arriving at the court, I found the security guards to be less friendly and more formal compared to those at Ipswich Magistrates’ Court.

In the courtroom, there is a video link and the Judge’s Bench overlooking the rest of the court. All defendants appear in the secure dock. However, the custody-related offenders are
brought in through a separate door, while those on conditional bail enter through the waiting area.

The sitting judge was very thorough but efficient, and dispatched cases with clean efficiency. All cases are read from the Crown Court Digital Case System, although older cases are often paper cases. From the case studies, it is clear that travel time impacts also plague the Crown Court and are not peculiar to Ipswich Magistrates’ Court alone.

Case 1 (five-day trial was set and dates listed): The defendant lives in Kent, took him three hours to get to the Crown court. However, he will stay with his father who lives in South London during the trial. It takes roughly an hour to get to the court from South London.

(Duration: 15mins)

Case 2: Special measures were granted by the judge as the witnesses were under the age of 16.

(Duration: 10 mins)

Case 3: The witness statement was only uploaded last night. Judge mentioned that there seems to be a growing trend of late uploading of forms by solicitors (both prosecution and defence). Video link (special measures) was requested by one witness.

(Duration: 15mins)

Case 4: (11.20am) Defendant came in with his nine-year old child and partner. His partner drove him to court from Lowestoft. Probation service can take statements in Lowestoft so defendant did not have to make two trips to Ipswich. Sentencing was adjourned due to errors on the Probation report.

(Duration: 20mins)

Source: Author’s court observation field notes
6 Conclusions

This report has provided factual evidence on the short-term impacts of court closures in Suffolk. Across the qualitative and the quantitative evidence, it has become apparent that for some, the court closures have led to a doubling of generalised costs (including travel time impacts) in Suffolk.

Additionally, the court closures are aggravating issues already present in the system so it is difficult to assign all the impacts solely to the closures. In the MoJ’s Decision Impact Assessment that formed the basis upon which the court closures were based, the MoJ stated that a review would take place in Q4 of 2016/2017 to enable an effective assessment of the impact of the court provisions (Annex D: p.40)\(^2\). This assessment is yet to materialise but this report provides a good starting point in achieving such a venture.

Furthermore, as an extension of this work, the report recommends that a consideration of the transport infrastructure in Suffolk be taken into greater consideration in the development of future proposals.

A surprising consequence, which has so far not been discussed in light of the court closures by the Ministry of Justice, is the impact that the closures may have had on limiting progress towards achieving judicial diversity.

Access to justice is everyone’s right, not just for some—it is a principle that is fundamentally important to a fair and just judicial system\(^2\). The quantitative data from the courts revealed some pertinent questions that have implications for access to justice, the sustainability of IMC workloads, and the efficiency of the justice system in general. However, as things stand, it would be difficult to say that access to justice has not been compromised.

The research has found that there are two consequences to the increase in time and money costs getting to Ipswich Magistrates’ Court. Firstly, access to justice has been compromised because hardship has increased for some court users (defendants, defence witnesses, and defence advocates) in getting to the Ipswich Magistrates’ Court. Secondly, court procedures are being undermined because of the already existing issues in the system.

Contextually, this research has provided an evidence base on some of these issues and the impacts of the court closures in Suffolk. In a wider context, as the courts closures are happening across the country, the questions that have been asked in this report are relevant in assessing the impact of the court closures in other counties.

\(^2\) [Decision Impact Assessment on Her Majesty’s Courts and Tribunals Service proposals on the provision of courts services in England and Wales; February 2016](http://www.equalityhumanrights.com/en/human-rights-act/article-6-right-fair-trial)
7 References


Ministry of Justice (2016); Decision Impact Assessment on Her Majesty’s Courts and Tribunals Service proposals on the provision of courts services in England and Wales; February 2016.


Appendices
A. Modelling generalised costs associated with the BSEC closure

Drawing on transport economics, generalised transport costs are a good indicator of accessibility. One can estimate the generalised transport costs for a journey to and from the court. “Generalised transport costs are the sum of the monetary and non-monetary costs of a journey” (Koopmans et al 2013; 155). The UK Department for Transport’s “Transport Analysis Guidance” (WebTAG) defines generalised costs as, “the sum of both the time and money cost” for a journey, expressed in units of time.\(^{23}\)

Monetary costs include bus and train fares, or fuel costs.

Non-monetary costs include overall opportunity costs (for example, time spent undertaking the journey, unreliability of bus/train times, frequencies of buses, ease and convenience of the journey, and so on). Non-monetary costs may consist of a larger part of the overall journey costs (Button, 2010: 142-143) and can be a deterrent in itself in turning up to court.

Following theoretical conventions, the most generalised functional form of accessibility is from Koenig (1980:145-172):

\[
A_i = \sum_j U_j f(C_{ij})
\]

…where \(U_j\) is the utility (opportunities) to be gained from travelling from location \(i\) to \(j\) (that is, a resident's proximity to Ipswich Magistrates' Court), \(C_{ij}\) is the distance, time, or cost of travelling from \(i\) to \(j\), and \(f(C_{ij})\) is a function that represents the relationship between accessibility and cost of travel, as travel cost increases accessibility decreases. This cost of travel has both time and monetary components for a particular journey and is represented in one combined value.

Costs are incurred differently using private and public transport. Given that public transportation links in Suffolk have been cited as a key issue by a majority of the stakeholders, following WebTAG, the generalised costs incurred using public transportation, \(C_{public}\) can be expressed in units of time as follows:

\(^{23}\) One can express this in a monetary value by multiplying the units of time by Value of Time
\[ C_{\text{public}} = (W_{\text{walk}} \times A) + (W_{\text{wt}} \times T_{\text{wt}}) + J_t + \frac{F_{\text{public}}}{VOT} + I \]

...where \( W_{\text{walk}} \) is the disincentive weight for walking; \( A \) is the access time to the network modes (bus stop and station); \( W_{\text{wt}} \) is the disincentive weight for waiting; \( T_{\text{wt}} \) is the total waiting time for the journey; \( J_t \) is the journey time of transport; \( F_{\text{public}} \) is the bus and train fares; \( VOT \) is the value of time; and \( I \) is the interchange penalty (if applicable).

Given that there is a real fear among all the stakeholders that those in remote rural communities further away from Ipswich are likely to be most affected, we have focused on the least connected areas in Suffolk and examined these possible journeys using the Suffolk Bus and Train Network information for Haverhill, Brandon, Sudbury, Mildenhall, Red Lodge, Freckenham, and Herringswell. Return fares data has been sourced from the independent operators in each respective area. Trains fares were sourced from the Greater Anglia Website.

**Travel Time Impacts – Results**

Modelling court users travel times by public transport has enabled the research to evaluate the impact of the court closures using the public transportation model above. Using public transport to and from the areas in our study, the only way to get to Ipswich Magistrates’ Court is by using both bus and train combinations.

The costs in this study are a more accurate representation of travel time impacts compared to the impact assessment conducted by the MoJ’s Impact Assessment because it models both the monetised and non-monetised costs, rather than solely based on travel distance and times to Ipswich Magistrates’ Court. The MoJ’s analysis also did not consider the value of working time. Value of time values have been estimated by the Department of Transport and are typically used in transport economic studies, which is updated in line with GDP and inflation.

The study’s sophisticated approach offers a more accurate picture of the travel time impacts and enables a comparison in other counties. Having said that, we have not included childcare costs that may be applicable to some defendants and their witnesses. However, one can imagine that the cost burden further increases for these groups.

---

24 The travel time impacts for court users from the Sudbury area can also be provided upon request.

25 MoJ Impact Assessment
Table A: Average generalised costs of court users

<table>
<thead>
<tr>
<th>Area</th>
<th>Average generalised costs (Pre-BSE closure)</th>
<th>Average generalised costs (post-BSE closure)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haverhill (via Bury) – Ipswich</td>
<td>£19.47</td>
<td>£38.25</td>
</tr>
<tr>
<td>Brandon (via Bury) – Ipswich</td>
<td>£18.25</td>
<td>£35.05</td>
</tr>
<tr>
<td>Mildenhall (via Bury) – Ipswich</td>
<td>£19.15</td>
<td>£37.67</td>
</tr>
<tr>
<td>Red Lodge, Freckenham, Herringswell (via Mildenhall and Bury) – Ipswich</td>
<td>£26.77</td>
<td>£43.06</td>
</tr>
</tbody>
</table>

*Costs have been estimated using both bus and train combinations*

*Source: Author’s calculations*

B. Additional Comments from participants on solutions for alternative provision

“I would like to see more investment in the video links. It is very difficult for the duty solicitors to create rapport with defendants who are via a video link. The virtual court officer is the only one available to comfort defendants. There are all sorts of danger with people turning up drunk and under influence… The wrong person may end up giving evidence. It trivialises the criminal justice system” – *Defence Advocate*

“I think that there is no capacity in Ipswich Magistrates’ Court. They already use a courtroom in the Crown Court on Saturdays. There is scope for the magistrates’ courts to use the Crown Court.” – *Member of the judiciary*

“The introduction of ‘Hubs and Satellites’ is one way that the impact of the court closures can be mitigated. These hubs and satellites can also function as part-time hearing centres and a place where witnesses can go to give their statements at certain times when it is not being used as a hearing centre. This would work like pop-up shops, although I do not like the word “pop-up”. The formality of court appearances is still very important but the whole idea of summary justice is that it be swift and just. The quicker people can receive judgements, the better for everyone involved.” – *Member of the judiciary*

“There is also the option of using mobile courts – where a van goes round to remote parts of the county. There are of course security issues to consider due to how visible the van is.” – *Member of the judiciary*

“In terms of video linking, this is also a complete nightmare. Our purpose at pre-sentence stage is to gather their information to assess risk. A big part of assessment is to meet people face to face and to discuss with them their offence and also to get a sense of their motivations and how serious their offence. We also use statistics and
clinical information. Nonetheless, meeting someone is a good thing in the risk assessment so when I am in Norwich Magistrate Court and someone is being beamed live into court at the Norwich PIC. I can’t assess that person in the same way as I would have been able to do if it were done face to face” – Probation Staff

“Most Magistrate estates are all pretty much catered with live video link. With the video link, I am now able to ascertain how many hours I have available for each court. Rather than having to wait for a prisoner to be transported to the courts, they can easily do that from their cells…you can replicate those facilities anywhere. Live link (virtual courtroom) can be used to give evidence. Although we are not sure what it means to incorporate this provision with mobile courts (or pop-up courts). We are also not sure what the “pop-up” definition means or having a pop-up witness room and a pop-up defendant’s room? Both of these functions will have to be done separately. Also, the live video link kit is expensive….alternative provision for those with travel difficulties is likely to be more complicated” – Senior Court Staff