Written evidence from Dr Peter Reed (CTS0082)

1. What will be the likely effects of the reforms, both implemented and proposed, on access to justice in relation to:

   a. family justice?
   In order for the parties to accept the outcomes of court hearings it is vital that they feel that they have been heard and that they have been treated fairly. I do not think that they can have sufficient confidence in the judiciary if they only see and hear them via videolink. Many of the parties have low income and would find it hard to get to distant venues if local ones are closed.

   b. criminal justice?
   I believe that the defendant, the prosecutor and Probation all need to be physically present for effective decisions to be made on bail, sentencing, trials, case management and allocation. In rural areas such as Somerset and Gloucestershire it is impossible to get to some existing courts at the appropriate time by public transport and this will worsen if more courts are closed.

   People who do not have access to legal advice may be at risk of pleading guilty on line to offences for which they have a defence or of increasing the number of cracked trials by pleading not guilty when they do not have a defence.

   The right to open justice is extremely important. It is hard to see how it can be achieved by screening proceedings in a venue which may or may not be easily accessible and may or may not be easy to find out about.

   c. those who are digitally excluded or require support to use digital services?
   A high percentage of defendants in all criminal courts have mental health problems and/or learning difficulties. Many have very low motivation and/or drug and alcohol misuse and/or poor or no accommodation. I fear that many will not have the capacity to access digital services or to call the Courts and Tribunal Service Centres and so will be greatly disadvantaged.

2. What are the effects on access to justice of court and tribunal centre closures, including the likely impact of closures that have not yet been implemented; and of reductions in HMCTS staffing under the reform programme? For users, how far can online processes and video hearings be a sufficient substitute for access to court and tribunal buildings?

   Public confidence in the criminal justice system has historically been based on the right to have ones case heard by local justices who understand the problems faced by the local community. I am not aware of any evidence that the public has confidence in hearings at remote locations or, especially, in hearings by videolink.

   Neither am I aware of any evidence that hearings by videolink are effective in promoting rehabilitation or desistance from further offending. It is my experience that defendants who appear by videolink from prison are often not engaged and do not behave as though they are in court. I do not think that there is any substitute for being able to look the defendant in the eye and to explain to them what they have done wrong, the aims of our sentence and what they need to do to stay out of trouble.
There is even less evidence that the technology will be able to deliver what has been promised. The current court systems could be best described a ‘flaky’, the Common Platform is already behind schedule and big government IT projects do not have a record of success. I still bear the mental scars of the NHS ‘Connecting for Health’ project which cost an estimated £20 billion and delivered very few of its promised benefits.

It seems very unlikely that alternative venues for court hearings would be able to provide security for all court users, the technology needed for hearings and adequate waiting areas with segregation of witnesses and victims from defendants and adults from young people.

3. Have the Ministry of Justice and HMCTS consulted effectively on the reforms, and maintained sufficient communication, with:
   a. Judicial office holders at all levels of seniority?

No. Most magistrates are completely disengaged from the reform process. There has been a lot of telling from on high but almost no asking. It would have been much better to engage those at the coal face by explaining the problems and asking for opinions before presenting the ‘solution’ as a fait accompli. Very few magistrates bother to respond to consultations because they are perceived as being cosmetic and they think their responses are ignored.

4. Have the Ministry of Justice and HMCTS taken sufficient steps to evaluate the impact of reforms implemented so far, including those introduced as pilots; and have they made sufficient commitment to evaluation in future?