



What is a Court?:

A JUSTICE Working Party proposes a radical new approach

A JUSTICE Working Party tonight (17th May 2016) recommended a fresh, principled and research-driven approach to the configuration of the court and tribunal estate in England and Wales. Its report calls for a radical rethinking of what our court buildings should look like in order to respond to the demands of modern-day justice, with an emphasis on technology-driven solutions to provide timely and effective access for users.

Her Majesty's Courts and Tribunals Service (HMCTS) is planning a large-scale programme of reform, which will both reduce the number of court and tribunal buildings, and invest heavily in technology to modernise and digitise court processes.

The court and tribunal estate is outdated and underperforming. It lacks the flexibility and technological capacity required by a modern justice system. Deep-seated conceptions of courthouses have impeded the modernisation of the estate. This attitude has led to court closures being viewed as preventing access to justice, rather than a timely chance to reform.

The JUSTICE Working Party views this programme of reform as an opportunity to be seized. Although prompted by the demands of austerity, the HMCTS Reform Programme provides a catalyst to rationalise the estate, and maximise effective and accessible justice for all.

The JUSTICE Working Party of experts commenced its work in October in response to the HMCTS consultation on reform. As **Alexandra Marks, Chair of the Working Party**, explains:

"We see the HMCTS Reform Programme as a real opportunity to redesign outdated, inflexible and inefficient court buildings. Drawing on practical experience and research, our report proposes accessible, technology-driven, user-focussed solutions to delivering justice in the modern age".

At the launch, hosted by Nabarro LLP, the **Senior President of Tribunals, Sir Ernest Ryder**, said that the contribution made by the report *"as a contribution, it couldn't have been more helpful, thought-provoking or clear. It raises a number of issues and challenges which need to be tackled if we're to make the most of the opportunity presented by Reform investment."*

While our Working Party recognises that the HMCTS reform programme could be shaped by the current limitations of the court and tribunal estate, we suggest a new approach that prioritises flexibility and the needs of the ordinary court and tribunal user.

At the core of the Working Party's recommendations is a new 'justice spaces' model for court and tribunal rooms. This model is inherently flexible so that - unlike traditional courtrooms - justice spaces can adapt to the particular dispute resolution process taking place. Hence the 'justice space' can fit the needs of users, rather than the other way around. Our Working Party suggests that justice spaces should be accommodated in an estate made up of Flagship Justice Centres; Local Justice Centres; 'Pop-up Courts'; remote access justice facilities; and digital justice spaces.

The type of justice space most appropriate for the particular case to be heard should be determined by characteristics such as the level of security risk; the need for formality and/or solemnity; the anticipated degree of public participation; whether the parties consent to the judicial process; and the extent to which participants may need to be segregated.

We make practical recommendations to aid effective implementation, in particular emphasising the need for HMCTS to invest in responsive, motivated and highly skilled staff to support the system. In addition, the potential of "future proofed" technology must be explored and exploited in order to meet user needs and maximise access to justice.

These timely recommendations offer an exciting framework to inform the design and implementation of the HMCTS Reform Programme. As the **Director of JUSTICE, Andrea Coomber**, said:

"We have reached a critical juncture in the history of the justice system in England and Wales. A spirit of reform – demonstrated by Government's commitment of £738 million for the modernisation and full digitisation of the courts, alongside initiatives by the senior judiciary and HMCTS – makes this period the greatest opportunity in a generation to rethink how we deliver justice through the courts and tribunals. Much is at stake, but if undertaken in a creative and careful way, the reconfiguration of the court and tribunal estate could both bring our system into the technological age and put the needs of ordinary users at its heart".

Notes for editors

1. [Read the full report on our website.](#)
1. Now approaching its 60th anniversary, JUSTICE has a long and rich history of using working parties of its membership to recommend systematic and vital changes within the legal system. For example, previous JUSTICE working party reports recommended setting up the Ombudsman system and Criminal Injuries Compensation Board. Last year we finalised the first contemporary working party report, *Delivering Justice in an Age of Austerity*. Many of our suggestions are echoed in both Lord Justice Briggs' Civil Courts Structure Review and the HMCTS Reform Programme. Earlier this year, JUSTICE published its second such report, *Complex and Lengthy Criminal Trials*. Speaking at the launch of that report, Senior Presiding Judge Lord Justice Fulford described it as a "powerful report, full of grand ideas to make difficult trials become triable".
2. This latest Working Party, set up and supported by JUSTICE, features a wealth of expertise from across the legal sector – including legal, academic and judicial experience. The Working Party comprised: Alexandra Marks, Sir Louis Blom-Cooper QC, His Honour Nicholas Coleman, Andrea Coomber, Amanda Finlay CBE, Andrew Lockley, George Lubega, Professor Linda Mulcahy, Nadia O'Mara (Rapporteur), Professor Martin Partington CBE QC, Her Honour Isobel Plumstead, HHJ

Daniel Pierce-Higgins, Pat Thomas OBE, Karamjit Singh CBE and Caroline Sheppard. Their work was kindly supported by Nabarro LLP.

3. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system – administrative, civil and criminal – in the United Kingdom. For more information about JUSTICE visit www.justice.org.uk
4. Please direct all queries to Nadia O'Mara, Legal Researcher at NOMara@justice.org.uk and on 020 7762 6414. After 27th May, please contact Andrea Coomber, Director of JUSTICE at ACoomber@justice.org.uk.