

Where are the pilots, what are they piloting and why were they chosen?

The pilots will take place over a six-month period at Blackfriars Crown Court, Brentford County Court, Highbury Corner Magistrates' Court, Manchester Civil Justice Centre, Newcastle Crown Court and Sheffield Magistrates' Court.

Each pilot court will test different sitting patterns. We will test models in which different jurisdictions have been combined in civil and family, and we will also test a day split between magistrates' and Crown work. We are developing proposals for an additional pilot that tests a Crown sitting combined with Tribunals work, and will share details as soon as we have developed these proposals further. Within these models, local HMCTS and judicial teams will have the flexibility to make sure sitting times meet the needs of their users.

We chose the locations for the pilots by working closely with the judiciary and the agencies involved in the criminal justice system. The pilot sites include different types of courts, but we have focused on metropolitan areas where flexible operating hours is likely to be more feasible because of travelling distances and higher caseloads.

Will members of the legal profession be forced to appear in court from 8am to 8pm?

No. Although we are asking people to work differently in the pilot courts, the pilots have been designed to ensure that nobody will be in court for longer periods than they are today. Listing arrangements will mean that nobody is required to be in court for the full, extended day and nobody will be expected to work from 8am until 8pm.

In Newcastle, for example, a listing working group has been established, including Bar clerks, CPS, Listing Officer and Delivery Manager.

What were the findings of the previous pilots? What are you doing differently this time based on the learning?

The sitting arrangements we tested in previous pilots generally worked well. However, the pilots were limited in scope and didn't set out to consider the full impact on the wider system, such as the detailed financial implications and the feasibility of operating flexible hours in multiple sites. We have designed these pilots to enable us to carry out this wider evaluation and establish the full impact of flexible operating hours.

The previous pilots offered useful insight into which sitting patterns can work well for different hearing types, and this year's pilots will build on the lessons learned. We also learned that local leadership provides vital knowledge and awareness of local circumstances and case mixes. This is why we have developed a framework within which local teams can determine the way the pilot runs and the types of cases heard.

How did you consult on these pilots? Who was consulted?

We have worked closely with the judiciary and with the professional engagement groups established to support court and tribunal reform. We have also had discussions with the Bar Council, the Law Society and the Chartered Institute of Legal Executives.

Has HMCTS undertaken an assessment on the equalities implications of these pilots as part of its obligations under Section 149 of the Equality Act 2010?

Yes. We have carried out an initial assessment in line with our statutory responsibilities. We will assess the equalities implications throughout the pilots as information comes in, and they will feature prominently in the evaluation.

How will you evaluate the pilots?

The pilots will be evaluated independently. We have invited commercial tenders to ensure we get an independent team with the necessary experience to assess the evidence impartially. We have sought a wide range of views to clarify the scale and nature of the evaluation – taking into account the views of the judiciary, public agencies, the Bar Council, the Law Society and Chartered Institute of Legal Executives. The information we collect will inform a full equality impact assessment and

we have included a number of research questions on inclusion and diversity as part of the tender process.

What support is being given to professional court users affected by these pilots?

The pilots are being led by local teams in partnership with members of the judiciary. These teams will include representatives from the legal profession, who we hope will play an active role in the pilots. It is important to reiterate that nobody is expected to work longer hours than they do now, and we hope the pilots will help identify opportunities where flexible working could help increase diversity in the legal profession.

How is HMCTS supporting wider issues, such as inclusion, diversity and morale, within the wider justice system?

HMCTS is making ambitious changes to the wider justice system to ensure it better meets the needs of the people it serves. We are introducing more flexibility to increase efficiency and effectiveness. This flexibility also has the potential to benefit those who work in the justice system.

The changes we are making will make it easier to start, access, progress and manage cases online or through video and remote hearings, and reduce the need to appear in a court or tribunal centre in person. We want these changes to provide new opportunities for legal professionals to 'attend' court virtually at times better suited to them, and reduce time wasted in travel and waiting. Reducing wasted time and effort for all court users will be a key measure of success in the future.

We believe these new opportunities could have a positive impact on equality and diversity. The pilots will help us all understand the extent to which this is the case.

Please explain why some of the pilot times in Susan’s original blog have changed?

Some of the start and finish times were incorrect in the original version of the blog – these have now been corrected. It was an honest mistake and we are sorry for any confusion this caused.

When will the pilots start?

The pilots are due to start from the end of September. The local implementation teams will determine the exact start dates and will make information available to court users well in advance.

What consideration have been given to the cost of the pilot and likely cost implications if implemented? Where will any savings be reinvested?

We are aiming to make the pilots cost neutral, but cost implications will be an important feature of the evaluation. We will be looking carefully at the possible cost implications if we were to take any of these models forward on a bigger scale.

Can the Section 149 assessment be published?

We take our Equalities Act obligations very seriously and they have been at the forefront of our minds during the development of the pilots. We will publish the evaluation, which will provide a full assessment of the impact – positive and negative.

What engagement and consultation has been done with judiciary, HMCTS staff, legal professionals, jurors and other court users? Can this full consultation and analysis be shared/published?

We developed the pilots working with members of the judiciary, a wide group of stakeholders through our engagement groups and running workshops. We haven’t carried out a full consultation because we are setting up a small number of pilots. They are intended to test a concept and provide evidence of whether flexible operating hours is beneficial. We are committed to continued engagement with all interested groups throughout the pilots.

What other considerations or ideas have been given to make more effective use of court buildings? eg remote working?

We are looking at a wide range of different ideas to make good use of court and tribunal buildings, including 'virtual' hearings and online and video conferencing. We are aiming to take large numbers of summary, non-imprisonable offences out of the court altogether using the single justice system and digital case management. For more information, please see our previous blog:

<https://insidehmcts.blog.gov.uk/2017/06/16/revolutionising-summary-justice-an-update-on-the-single-justice-procedure/>

Will this require an increase in HMCTS staff, magistrates and judges?

No. We will be asking people to work differently, not more, during the pilots.

How will HMCTS listing be improved to help manage legal professional diaries/work?

This is an area the Local Implementation Teams will be working with local legal professionals to identify how listing can accommodate their availability. Newcastle Crown Court for instance set up a listing working group to identify suitable cases and take into account availability of parties which includes Bar clerks, the Crown Prosecution Service, Listing Officers and the court Delivery Manager. In Civil and Family courts, the work listed will be primarily be for litigants in person, with the option for other parties to opt-into the pilot if interested.

Will the impact on travel arrangements be included as part of the pilot? Including public transport issues and when people are travelling early in the morning or late at night?

Yes. We will be looking at all these issues during the pilot to understand the impact on all court users of running courts at different times of day.

What consultation has been done with HMPPS, security services and other criminal justice partners on this pilot?

We worked closely with colleagues in other parts of the justice system as we developed the pilot proposals. We could not run the pilots if these other agencies we not able to adapt to support them. Our partners have

said they are willing to work with us to test the new models and to assess the impact through the evaluation.