



On 21 July 2017, a [blog post](#) from Susan Acland-Hood set out the details of the forthcoming pilots to test flexible operating hours in courts. As Susan's post said, the pilots will be evaluated rigorously and independently to ensure we fully understand the impact of different options on all court users, including legal professionals.

The following statement sets out our current assessment of the implications for users with protected characteristics, including the possible benefits and disadvantages. The statement is an evolving document and will be updated regularly as new information is made available, and to reflect the feedback from participants and stakeholders. The pilots themselves will help develop our understanding of how flexible operating hours affect different court users.

We will analyse the data carefully, paying particular attention to equality considerations. This will inform any future decision on whether to develop flexible operating hours further across courts and tribunals.

## Flexible Operating Hours Equalities Statement

*This Equalities Statement is a live document with regular changes made in response to feedback from stakeholders and as new information is made available. It will be reviewed and updated throughout the life of the project at least on a monthly basis.*

**Date of last review: 11th August 2017**

### **Background:**

1. In 2016 senior judiciary and Ministers asked for HMCTS to review options for flexible operating hours in courts and tribunals and to test these through a series of pilots. The pilots will test and evaluate options to utilise our court and tribunal hearing capacity differently. Increased utilisation of courtroom capacity may improve user access to HMCTS court and hearing room services and may improve the speed of HMCTS service delivery to users.
2. Following the request to review options, workshops with judiciary, operational leads in HMCTS and agency partners were undertaken to develop pilot model options. Ministers and Senior Judiciary approved outline pilot proposals. Subsequently, work with subject

matter experts, stakeholders and partners further refined the pilot proposals and developed detailed pilot design.

3. National stakeholder and delivery partner engagement was commenced to gain support for FOH proposals and pilots.
4. Governance arrangements were established with a project Steering Group comprising senior representatives from HMCTS, judiciary and government delivery agencies.

### **Models**

5. The FOH pilots will test increased sittings in Crime (Magistrates' and Crown Courts), and Family and Civil jurisdictions at six sites – Highbury Corner and Sheffield Magistrates' Courts; the Crown Court at Blackfriars and Newcastle; Brentford County Court (civil) and Manchester Combined Justice Centre (family and civil). (Annex A sets out the pilot models).
6. The range of pilot models is intended to test the extremes of the court hearing day, ranging from 0800 through to 2030, which will impact across the spectrum of internal and external customers.
7. There are no additional funding sources and delivery partners are asked to participate voluntarily and cover any additional in house costs.

### **Local Implementation Teams**

8. The pilot proposals for each jurisdiction creates a framework for Local Implementation Teams (LITs) to test FOH in their respective court, and with sufficient flexibility for it to meet their needs, but remaining consistent to allow effective comparison and evaluation.
9. Each LIT will determine the appropriate types of work to be listed in the FOH courts within the design framework developed by the project. Certain types of work have been centrally agreed as not appropriate for FOH inclusion e.g. lengthy fraud trials; very complex cases, multi-track cases.

### **Equality Duties**

10. The Public Sector Equality Duty comprises three limbs, set out in section 149(1) of the Equality Act 2010, whereby a public authority must, in the exercise of its functions, have due regard to the need to:
  - a. Eliminate discrimination (both direct and indirect), harassment, victimisation and any other conduct that is prohibited by the Act;
  - b. Advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not. This includes removing or minimising disadvantages suffered by people

due to their protected characteristic (PC), taking steps to meet the needs of people who share a particular PC, and encouraging participation in public life.

- c. Foster good relations between persons sharing a relevant protected characteristic and persons who do not. This includes tackling prejudice and promoting understanding.
- d. The relevant protected characteristics are race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, pregnancy and maternity. The protected characteristic of marriage and civil partnership is also relevant to the first limb of the duty.

### **Equality Considerations**

- 11. There is sufficient existing evidence of appetite from court users for flexible hours to make testing the concept worthwhile; early indications suggest there may be positive equalities impacts for some groups of court users, but concerns have been raised about negative impacts for others, including some legal professionals. Annex B sets out initial considerations in relation to the impacts for court users.
- 12. Potential benefits which have been identified for some users include:
  - a. Respondents/claimants and/or applicants who are employed or have caring responsibilities may find the opportunity to attend court earlier or later than standard court times has a positive impact.
  - b. Individuals who are employed and whose attendance is required at a hearing during standard court hours do not have the opportunity to attend court without impacting on their employment. This may particularly be problematic for self employed persons and those who are not paid when absent from employment. For such witnesses, this is not as critical as they may claim expenses from central funds; however for defendants/claimants or respondents, this is not an available option and, consequently, hardship may occur. The FOH proposals would provide an opportunity to avoid such hardship and may therefore have a positive impact.
  - c. Defendants in road traffic trials, who are often unrepresented, particularly those who are in employment, may find post 1700 court hearing times more convenient.
  - d. Jurors are currently summonsed for the whole court day and some may benefit from being required only for a morning or afternoon session, particularly those with caring responsibilities; or those who are self-employed and could minimise loss of earnings.

- e. The Justice Select Committee report into the role of the magistracy recommended that “HMCTS encourage court managers, when resources permit, to consider the potential for increasing out-of-hours court sittings in order to maximise sitting opportunities for magistrates who are employed.” (P. 58)  
Flexible operating hours meets this recommendation and could have a positive impact on the diversity of the magistracy.
  - f. Colleagues working with offenders on abstinence programmes indicate those clients have greater levels of physical capability and cognitive functioning later in the day due to the side effects of the prescribed abstinence medication.
- 13. Previous pilots to test flexible operating hours gave rise to some data supporting the position that different hours are preferred by many court users; but have not provided sufficiently robust evaluation to determine whether the FOH model is sustainable or scalable. They also have not considered in detail the equality implications for court participants.
  - 14. There is a spread of information we need to gather in order to understand the equality issues as they exist now, and what the effect of FOH will be on those equalities considerations. We will consider the impact for the different types of court user, and consider the impacts from the types of case listed within the later sessions and whether more vulnerable users are likely to be included in the later listings.
  - 15. The FOH Evaluation will further and continually inform our understanding in relation to considerations under this Statement. Negative impacts are not intended but it is recognised there could be inadvertent consequences of the FOH pilots which we must identify and understand. Identifying unintentional consequences is an essential aspect of the evaluation of the pilots.

16. **Protected characteristics**

a. **Race**

We are unaware of any impact of the FOH based on the race of a user involved in the FOH pilots. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

b. **Sex**

During the development of the Flexible Operating Hours (FOH) pilots, legal practitioner representative bodies have expressed a number of concerns primarily about the impact on work-life balance and diversity in the legal sector. There have been some concerns over the impact on female legal professional as a result of extended hours due to a higher proportionality of caring

responsibilities. However, it has also been commented that flexible hours may support a better work/life balance for those with caring responsibilities, particularly if combined with better listing practices. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

**c. Disability**

Availability and/or accessibility of transport may be an issue for sessions starting early and finishing late for those with a disability; or there may be benefits for travelling at non-peak times. Some of the sites have the benefit of NHS England Liaison & Diversion schemes. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

**d. Sexual orientation**

We are unaware of any impact of the FOH based on the sexual orientation of a user involved in the FOH pilots. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

**e. Religion or belief**

Business as usual listing practices are cognisant of religious or cultural traditions which are time sensitive, such as Jewish day of rest from sundown on Friday or Muslim prayers throughout the day. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

**f. Age**

Youth courts are excluded from the pilots We are not aware of any impact of the FOH pilots which may lead to adverse affects on users on the basis of age. The ongoing evaluation of the pilots will enable us to continually review and identify impacts.

**g. Gender reassignment**

We are unaware of any impact of the FOH pilots for a user who has, or is, undergoing gender reassignment. The ongoing evaluation of the pilots will enable us to continually review and identify any impacts.

**h. Pregnancy and maternity**

We are unaware of any impact of the FOH pilots for a user who is, or has recently been, pregnant, separate from those set out above relating to sex and caring responsibilities. Feedback and the

ongoing evaluation will enable us to review and identify impacts for this characteristic.

### **Direct discrimination**

17. We do not believe FOH has a consequence of direct discrimination. There are overt steps being taken to avoid direct discrimination including the following:-
  - a. staff participation in the pilots is being secured on a voluntary basis in HMCTS, CPS, and the NPS;
  - b. it has been established that existing shift working in HMPPS facilitates the FOH pilot;
  - c. in order to support individuals' ability to serve as jurors, allocation or transfer into the most appropriate jury service is being arranged, as far as possible, together with the provision of additional information regarding the pilots
  - d. parties will be invited to make representations, written or verbal according to the LIT direction, as to their respective ability to participate in the FOH court. The listing of cases in the FOH courts will have regard to the representations of the parties. It is understood and acknowledged that listing is a judicial function.

### **Indirect Discrimination**

18. It is critical to understand any unintentional consequences and indirect discrimination. There is a concern within the legal professional stakeholder group that FOH will have a detrimental impact on female legal professionals and those with single parent/sole carer responsibilities. Ongoing engagement with national representative bodies including The Bar Council, The Law Society and also local partners will continue, including workshops, in order to better understand the concerns of the legal community and optimise the requirements of the FOH evaluation. We continue to gather information and will keep this issue under close review throughout the pilots.
19. We do not believe testing flexible operating hours will result in any indirect discrimination against court users as there will be safeguards in place by way of listing processes to ensure users who may be unable to attend outside 'normal' court hours, due to demonstrable and accepted circumstances, e.g. a disability requiring additional support to travel which is not available at the extremes of the court day, are afforded a hearing outside the FOH pilot.
20. In our daily work we need to be mindful of unconscious bias. We are alert to the fact we should always work to increase awareness of indirect discrimination. The Bar Council gave an illustration of unconscious bias which could manifest from the FOH pilot:-

*a Bar Clerk might assign a case listed in an FOH court to a male barrister (without caring responsibilities) because a female barrister has child care commitments which conflict with the time the case is listed. This could lead to the male barrister being able to take on work for normal courts and FOH courts, and the female barrister suffering loss of earnings as they can only take on work from the normal court.*

21. From workshops held with the legal community, including discussions with leading clerks, we are looking at how such risks can be mitigated during the pilots. In particular, issues relating to current listing practice have been raised and will be examined both in the pilot (and will also be fed into our wider work to reform scheduling and listing practice). LITs will be asked to consider if it is feasible to provide court users with a choice of the time of day their hearing is listed; and in several pilots particular parts of the day will be focused on particular types of hearing, which will address the points that have been raised around the difficulties of uncertainty associated with any hearing being able to be listed at any time.
22. Concerns have also been expressed regarding the lack of available child care provision within reasonable proximity to pilot sites, at necessarily earlier and later times in the day to enable FOH participation by professionals.

### **Discrimination arising from disability and duty to make reasonable adjustments**

23. As part of the running of the pilots we will mitigate any obvious issues that arise, and we will respond to requests for reasonable adjustments as we do currently as and when these issues arise.
24. Some participants with disabilities may find the additional sitting hours of the FOH have a positive impact as they will enable travel at non-peak times.

### **Harassment and Victimisation**

25. We do not consider there to be a risk of harassment or victimisation as a result of FOH to any greater or lesser extent than that which may currently exist around standard courtroom sitting times.

### **Advancing Equality of Opportunity**

26. Consideration has also been given to the objective of advancing equality of opportunity, the second limb of the Public Sector Equality Duty. Engagement with stakeholders will enable us to determine how we may further this limb of the duty. Within the standard courtroom hours there is a limited timeframe for the hearing of cases. The FOH pilots enable a longer sitting day to

incorporate more business within a hearing room or rooms at a site to explore the economies of scale around optimising capacity.

27. Working with HMPPS colleagues, we are extending the provision and use of Video Conferencing Centre/Prison to Court Video Link facilities. Minimising the movement of offenders out of establishments by utilising VCC/PCVL removes security and decency concerns, and supports achievement of healthcare, education and work commitments of offenders resident in establishments as well as preserving family/relationship visits.

### **Fostering good relations**

28. The third limb of the Public Sector Equality Duty is fostering good relations between persons who share a relevant protected characteristic and persons who do not. There is no obvious impact here beyond those set out above. In complying with the PSED, we will – as with all the protected characteristics and all other pertinent factors – continue to review this as the project is taken forward.

### **Considerations not within the Equalities Act**

29. We consider that providing a wider range of choices to users of courts and tribunals, with clear processes to enable reasonable adjustments as and where required, has the potential to provide benefits to users and legal professionals as part of the wider modernisation of the justice system. During the pilots we will collate data to evaluate equalities issues for which we will need to provide specific safeguards in order to make flexible operating hours a standard part of the court and tribunal operating model. Although caring responsibilities are not technically a protected characteristic under the Equalities Act, we intend to make sure that they are attended to seriously and addressed as part of the FOH evaluation. Impacts for users within the FOH pilots will be identified in the evaluation, which may not be considerations within the Equalities Act but are significant for enhancing the quality of our Equalities Statement, and decisions considered.

### **Summary**

30. The FOH Project is constructing a robust evaluation framework, with the involvement of all stakeholders and delivery partners, in order to provide confidence in the pilots and the ultimate decision regarding FOH. The pilots will need to test for both the potential positive and negative impacts on all court users, including legal professionals, as part of establishing whether FOH could be a part of a standard court operating model.
31. The evaluation will be undertaken by an independent research team following an Invitation to Tender, and as part of this work will be tasked with collecting equality data in order to identify any potential impacts on users and professionals with protected characteristics.



32. We asked for consideration of this Equalities Statement by the Equalities and Inclusion Engagement Group and have addressed the recommendations received from the Group.
33. This Equalities Statement will evolve as we better understand the discrimination of users with protected characteristics or otherwise; and to capture both the benefits and dis-benefits in this process. In order to assure the Equality Statement, we will continue to seek support and advice from the Accessibility & Inclusion Team and actively engage with the Engagement & Inclusion User Group to secure constructive feedback, challenges and opportunities the FOH Project may engender. We will continually seek to optimise our understanding of equality impacts upon court users through analysis of the pilot data on a bi-monthly basis to ensure the proposals will not result in any direct or indirect discrimination, and this will form a central part of any future decision on whether to develop flexible operating hours further across courts and tribunals.

# ANNEX A

## Collated sitting models

<b>Crown Court</b>	09:30 – 13:30	14:00 – 18:00				
<b>Crown + Magistrates' Court</b>	09:30 – 13:30	14:00 – 18:00	09:00 – 11:00	11:30 – 17:30		
<b>Magistrates' Court</b>	08:00 – 11:00	11:30 – 14:30	15:30 – 18:30	10:00 – 13:00	14:00 – 17:00	17:30 – 20:30
<b>Civil &amp; Family Court</b>	08:00 – 10:30	10:45 – 13:45	14:45 – 16:45	10:00 – 13:00	14:00 – 16:00	16:30 – 19:00

## ANNEX B

Court user	Civil and Family	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
Solicitor/presenting officer	Housing Association				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. We are aware there may be some conflict around listings across different court sites, requiring listing to support FOH participants.
Solicitor/legal representative	Civil				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Many respondents in housing cases arrive at court with children – different operating times may assist those with childcare responsibilities – which in turn may assist legal reps in dealing with clients.
Judiciary (fee paid)	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts

Court user	Civil and Family	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Different operating times may assist fee paid judiciary to manage sitting days alongside other commitments; or may pose difficulties.
Judiciary (salaried)	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES.
Barrister	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. The types of work identified for inclusion in the civil/family pilot are, in the main, less likely to result in the involvement or instruction of barristers. However, representation at local operational meetings will facilitate the capture of qualitative data to support the work of the evaluation partner in identifying impacts with this and other stakeholder groups.
HMCTS staff	Civil/Family				✓			Pilot has not yet commenced.

Court user	Civil and Family	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Staff have been recruited for FOH through asking for volunteers, and there have been no difficulties securing volunteers so far.
Security staff	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Lead in times for required changes have been identified. At pilot sites, agreements have either already been secured for security coverage at requisite times, or are being secured.
Local authorities	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Currently some local authorities staff transport their court papers on public transport to and from offices. The provision of secure lockers is to be offered to

Court user	Civil and Family	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								avoid carriage of confidential court papers on public transport and/or through public thoroughfares at the end of the day given the pilots will run throughout the winter months/dark nights and concerns have been raised regarding the potentially higher vulnerability.
Applicants/Respondents	Civil/Family				✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Many respondents in housing cases arrive at court with children – different operating times may assist those with childcare responsibilities; for others they may present additional challenges and listing will need to be responsive to this. Urgent ‘family’ applications are often received towards the end of the standard court day; later sitting times may enable such applications to be expedited and respond better to need

## ANNEX C

Court user	Crime (Mags)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
Solicitor					✓			<p>Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. We are aware, from legal professionals attending the Local Implementation Team (LIT) meetings who have advised us, the impacts are likely to be different depending on the size of the firm. The impacts - which may be positive, negative, neutral- will be identified by the evaluation. Particular concerns have been raised by the Law Society about whether a solicitor will be required to attend court for all the FOH sessions. This is not the intention and it will be possible to make representations that a trial time should be</p>

Court user	Crime (Mags)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								changed through existing procedures; we are also looking at sitting different types of case in different sessions to help address this issue.
Duty solicitor					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Duty Solicitor role will not be initially involved where a site commences with trial work only. An 8 week lead in time is required to enable necessary notice to be given for changes to Duty Solicitor rotas. The Legal Aid Agency is represented on the LITs and national Steering Group.
Judiciary (fee paid)					✓			It is not anticipated DDJs will be involved in FOH courts. However, the pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES.
CPS					✓			Impacts on CPS will be



Court user	Crime (Mags)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								established through evaluation once the pilots have commenced. Participation is being undertaken on a volunteer basis but with remuneration included for early or late sessions.
Magistracy					✓			The pilot has not yet commenced. Impacts will be understood by the evaluation. Some employed Justices have indicated the FOH may better support their working patterns
Judiciary (salaried)					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES.
Defence Barrister					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. There appears to be limited attendance of counsel at Magistrates' Court hearings

Court user	Crime (Mags)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								currently.
Prosecution Barrister					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. We are aware CPS instruction of agents does involve counsel.
Police					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Many police officers work 24/7 shift patterns so appearance as witnesses in court at different times should be manageable. Civilian police employees may also be impacted by FOH.
Prison operational staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The prisons have extended

Court user	Crime (Mags)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								their operations to facilitate FOH. Prison operational staff already operate on a shift basis
HMCTS staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Staff are participating in FOH on a volunteer basis.
Security staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES.
National Probation Service					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Participation is on volunteer basis.
Legal Aid Agency					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the

<b>Court user</b>	<b>Crime (Mags)</b>	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								ES.

<b>Court user</b>	<b>Crime (Crown)</b>	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
Solicitor					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. We are aware the impacts are likely to be different in light of the size of the firm and whether solicitors or staff attend to support barristers at court.
Solicitors with Higher Court rights					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans

<b>Court user</b>	<b>Crime (Crown)</b>	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								will also identify impacts and issues which will inform the ES. The size of the solicitors' firm will be significant in terms of impact for Solicitors with Higher Rights
Judiciary (fee paid)					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The use of Recorders to backfill Circuit Judges sitting in FOH will be measured in the evaluation to determine impacts. FOH may give greater opportunity to Recorders to achieve sittings
Judiciary (salaried)					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES.
Defence Barrister					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The Bar Council and Criminal Bar Association have raised particular concerns about the potential

Court user	Crime (Crown)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								<p>impact on those with caring responsibilities, and the possible consequent indirect discrimination against women. Appropriate cases are being listed in FOH Crown sites, with agreement of defence counsel. The shorter sitting days will not, as advised by the Legal Aid Agency, result in reduced trial payments to advocates.</p>
Prosecution Barrister					✓			<p>Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. We are aware CPS instruction of agents involves the independent Bar. Appropriate cases are being listed in FOH Crown sites, with agreement of prosecution counsel.</p>
Police					✓			<p>Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Many police officers work 24/7 shift patterns so appearance as witnesses in court at different times should be manageable. Civilian police employees may also be</p>

<b>Court user</b>	<b>Crime (Crown)</b>	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								impacted by FOH.
Prison operational staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The prisons have extended their operations to facilitate FOH. Prison operational staff already operate on a shift basis.
HMCTS staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Staff are participating in FOH on volunteer basis.
Security staff					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Both Crown sites have secured the necessary agreement for site coverage during the pilots to facilitate earlier and later access in the buildings for both public and stakeholders.

<b>Court user</b>	<b>Crime (Crown)</b>	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
National Probation Service					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. Participation is on volunteer basis; and arrangements being made with HMPPS colleagues to facilitate service of licences; access to interview prisoners over video link etc.
Legal Aid Agency					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The shorter sitting days will not result in reduced payments in trial cases to advocates.
Jurors					✓			Pilot has not yet commenced. The evaluation will elicit impacts of FOH. Operational readiness plans will also identify impacts and issues which will inform the ES. The Jury Summoning Bureau has allocated two members of staff to support the juror process. Amendment to the Local Information Leaflet has been agreed to identify the pilot running



Court user	Crime (Crown)	Positive Impact	Negative Impact	No Impact	Unknown Impact	Reason for Positive Impact	Reason for Negative Impact	Reason for Unknown Impact
								at the Court. Jurors will be given the opportunity to sit in a morning or afternoon slot which optimises their ability to fulfil their jury service.
CPS					✓			Impacts on CPS will be established through evaluation once the pilots have commenced. Participation is being undertaken on a volunteer basis but with remuneration included for early or late sessions.