

Written evidence from HM Courts and Tribunals Service

Justice Committee Wednesday 24 March 2021

At my recent appearance at the Justice Committee on 24th March, alongside Lord Wolfson, I was asked to write to provide further information regarding Nightingale Courts.

HMCTS' priority is to continue to hold as many hearings as possible while operating safely within public health guidelines. One of the ways we have achieved this is by increasing our use of Cloud Video Platform (CVP). Video-enabled hearings enable access to justice for people who are quarantined, shielding, or particularly vulnerable to COVID-19. They also make it possible for defendants to appear from custody, supporting social distancing and helping to keep more people safe. Since the start of the pandemic, we have installed video equipment in over 780 court and tribunal hearing rooms. There are now over 3,000 court, tribunal and witness rooms on the HMCTS estate that are capable of participating in video hearings. Our published statistics on audio and video hearings show that we are often holding over 20,000 hearings per week using audio or video services.

As well as video-enabled hearings, we have been working to maximise the use of our existing estate by installing Plexiglass screens in court rooms and jury deliberation rooms to allow jury trials to be heard safely within social distancing guidelines. To date we have installed screens in over 450 courtrooms and deliberation rooms. Where we have needed additional space to effect social distancing for deliberating jurors, we have repurposed conference/meeting rooms, hired rooms close to existing court buildings or procured temporary modular units and placed them on the existing HMCTS estate. These modular units have, for example, been installed at 14 sites freeing up 27 courtrooms.

Taken together, these measures have enabled us to make approximately 300 courtrooms from within the existing HMCTS estate available for jury trials.

Our Nightingale venues have increased that operational capacity even further by providing temporary non-custodial courts where there is an operational requirement for additional capacity. When establishing that requirement we have looked at:

- the current number of non-custodial cases in that region;
- of those, the number of cases that are considered suitable for hearing within a Nightingale Court;
- the estimated number of days that such cases would take;
- the number of jury trial courtrooms already in operation in the region; and
- the number of additional rooms we would require to hear the outstanding cases.

While not a determining factor, we also consider proximity of staff, judiciary and practitioners when planning Nightingale locations. That is, we prioritise venues in locations where HMCTS already has a presence, as it is more practical for staff,

judiciary and justice partners to attend a locality close to one which they already visit, rather than a more remote location.

In selecting suitable venues in those locations, we take into account the following:

- The venue's suitability for the type of work intended to be heard;
- The ability to hold the hearings safely and securely (i.e. the capacity to accommodate socially distanced jury trials);
- The need for additional physical alternations or other mitigations and the cost and time required to do so;
- The overall costs of hire set up and operation of the venue;
- The length of the available lease to ensure that we are able to operate the venue for long enough to justify start-up costs; and
- Whether the venue offers full and sole access to the leased accommodation for the full term of the licence period so that we will not face competition for the use of the space.

We have also broadly approached the nature of Nightingale tenure in the following order of preference:

- Venues owned by HM Courts & Tribunals Service/ Ministry of Justice and venues owned by Local Authorities which we have hired under licence,
- Properties owned by the third sector (charities, universities, the arts) and Criminal Justice System partners, and finally
- Properties owned by private sector landlords.

Locations of all Nightingale Courts (both currently open, and those now closed) can be seen in Annex A.

We are exploring options to extend some Nightingale court leases in order to maximise the use of the court estate. We will continue to consider where Nightingale courts are needed for local operational reasons and we remain in close contact with the landlords of all existing venues.

I hope that this additional detail, together with the information I provided during the course of the hearing, is helpful to the Committee.

At the end of the hearing, the Committee asked about whether we had any recent data on the comparison between the length of time private law family cases take when individuals have access to legal representation, and those where they do not.

I have produced below, for the Committee's benefit, a table showing the comparative mean durations of cases where none, some or all of the parties have legal representation. These private law figures are from Table 10 in the [published family court statistics covering Oct – Dec 2020](#). You will see from these data that the figures vary over the years, but the most recent figures for 2020 suggest that the duration of cases where

neither party was represented and those where both were represented was the same. In previous years, the duration has tended to be longer for those cases where both applicant and respondent are legally represented.

Year	Quarter	Parties with legal representation							All types of representation		
		Both Applicant and Respondent		Applicant only		Respondent only		Neither Applicant nor Respondent		Number of disposals	Mean duration in weeks
		Number of disposals	Mean duration in weeks	Number of disposals	Mean duration in weeks	Number of disposals	Mean duration in weeks	Number of disposals	Mean duration in weeks		
2011		45,520	19.1	28,780	12.1	9,393	19.7	10,958	15.3	94,656	16.6
2012		42,435	17.3	30,072	11.5	9,681	17.0	11,926	14.8	94,120	15.1
2013		31,432	20.8	35,724	12.4	8,982	18.5	18,264	12.8	94,403	15.9
2014		18,372	22.2	29,073	13.9	8,485	20.4	23,497	14.7	79,427	16.8
2015		15,792	16.4	25,032	12.2	8,559	18.3	24,023	13.7	73,406	14.3
2016		17,159	15.3	26,655	11.0	10,065	17.6	27,541	13.6	81,420	13.6
2017		16,980	15.7	27,657	11.5	10,746	18.2	30,966	14.0	86,349	14.1
2018		17,219	16.5	27,370	12.5	10,908	19.3	32,795	15.4	88,292	15.2
2019		18,903	17.7	28,954	12.9	12,570	21.1	37,948	16.7	98,375	16.3
2020		18,405	19.7	25,359	15.4	11,486	24.4	32,203	19.8	87,453	19.1

Annex A

Nightingale Courts

Region	Site	Type of work	Total No. court rooms
London	Prospero House	Crown	3
London	102 Petty France	Family	4
NE	Cloth Hall Court	Business Property & Civil	1
NE	Middlesbrough Town Hall	Civil	1
Wales	Swansea Civic Centre	Non-custodial crown	1
SE	Knights' chamber and visitor Centre Peterborough Cathedral	Corporate Crown	1
Mids	Former county court at Telford	Civil and Family	3
NW	Former Magistrates court Fleetwood	Civil	2
NW	Chester, Chester Town Hall	Crown	2
NW	The Lowry Theatre, Salford	Crown (x3), Tribunals (x1)	4
NE	York, Hilton Hotel	Family	1
NE	Middlesbrough, Jury's Inn Hotel	Civil and Family	2
SW	Winchester, The Guildhall	Civil Family and Tribunal	3
SW	Cirencester - former Mags court	Crown & Magistrates	2
Mids	Birmingham Repertory Theatre & Library	Crown	2
NE	Hull University	Civil & Family	1
Mids	Stafford Shire Hall	Civil & Family	2
SW	Taunton	Crown (non-Jury trial) & Magistrates	2
NW	Hilton Hotel - Manchester	Crown	2
London	Barbican	Crown	2

Mids	Maple House, Birmingham	Crown and Civil & Family	4
London	Croydon Jurys Inn	Crown & Crown Court appeals	2
Mids	Wolverhampton Park Hall Hotel	Crown	2
NW	Hilton Hotel - Liverpool	Crown	1
Mids	Nottingham Mercure	Crown	2
NW	University of Bolton FC	Crown	2
SE	Chichester - former court	Crown	2
NW	Preston FC	Crown	2
NW	Lancaster – Town Hall*	Crown & Magistrates	2
SE	Hertfordshire Development Centre**	Civil	4 judges
SE	East Pallant House**	Civil and family	2
SW	Bristol Law Society**	Crown - Judge only and Civil and Tribunal	1
NW	Liverpool, St Georges Hall***	Magistrates	1

** Temporary closure until w/c 25 May*

*** Venues now closed*

****This venue has now switched from being a Nightingale court to a live link venue for another trial*

April 2021