

Justice Unions Cross Party Group (JUCPC)

Fifth Meeting held on November 11 2015, Media Briefing Room, Senedd

Present: Julie Morgan AM, Helen Cunningham (Jenny Rathbone support), Rhydian Fitter (Simon Thomas support), Ashley Wakeling (Wales Green Party), Ruby Scott (Julie Morgan support), Helen West (Julie Morgan support), Nancy Cavill (Julie Morgan support), Darren Williams (PCS), Christopher Hall (PCS), Jane Foulner (NAPO), Tracey Worth (NAPO), Emily Cannon (Unison),

Apologies: Aled Roberts AM, Mark Fairhurst (POA), Kay Powell (Law Society).

1. Welcome

Julie Morgan AM (Cardiff North) welcomed everyone to the fifth justice unions cross party group meeting. The meeting began with approving the minutes of the last meeting. There were some matters arising raised by Christopher Hall which are referred to in the minutes. Minutes were approved.

2. Speaker-Christopher Hall, Court legal advisor, PCS.

Julie Morgan introduced Christopher Hall, Court legal advisor based in Wrexham Magistrates Court. Christopher is here today representing PCS members concerns from across Wales.

Notes taken from Christopher Hall:

1. **Fines default, court charge, privatisation & collection:** The last 4-5 yrs the govt have been looking to privatise the collection of fines. This has resulted in a slimming down of HMCTS Fine enforcement staff (CEO's). The bidder shortlist was down to 4-5 last year, but with bidders slowly withdrawing. Last month they declared that the fines service would not be privatised. Good news but they have subsequently undermined teams of staff, organisation & capacity to enforce & collect fines across Wales.
2. **Criminal Court charge:** £150 or £180 for a guilty plea or £520/ £1,000 for a NG plea. This is impacting whether we like it or not, for good or ill, upon all court parties & practitioners: JP's, Legal Advisers, Solicitors & defendants.
3. **Court closures:** The number of magistrates courts across Wales continues to fall and the next round of closures will probably remove, Llangefni, Holyhead & Rhyl County Court in north Wales (Neath having recently been lost). This inevitably makes accessing the courts more difficult. However, in cash-strapped times other bodies are pleased that courts are closing because it means they have fewer to service (Witness Service & CPS for example). But the downside is that we arrest more defendants who will not attend court so now have an expensive police "taxi" service.
4. **Other problems include:** (1) Attack upon PCS trade union subscriptions; (2) reduction of facility time to approx 10% of what it was previously.
5. **Reduction in access to Legally Aided (client chooses solicitor on Legal Aid):** Crucial in family courts but becoming rare; most now are privately paying with the exception

being where a client can prove that they have suffered domestic violence (prima facie). It is too complex for individuals to know how to handle themselves in family courts without guidance. In criminal courts there has been a tightening of what the solicitors will be paid to do. – **Ironic that if legal aid is refused for some common assault trials (domestic violence), the Court (upon notification by CPS) then has to appoint a solicitor to conduct the unrepresented defendants (Cross examination) to prevent the alleged victim being directly questioned by her alleged perpetrator.**

6. **Reduction in access to duty solicitor (available to each custody/remand court on daily basis):** Up to now there has been a rota and solicitors took turns to cover the duty solicitor role when he/she would deal with anything thrown at them to help the smooth running of the court. The new Legal Aid contracts (still being resolved) will change that so that from January 2016 (approx) each area such as North Wales (will be covered by a duty solicitor franchise of just 3-4 firms). Currently they are paid “waiting time”, but that will cease and the court will have to call a duty solicitor out to deal with a case/s that require advice & assistance. **But** how long to get the firm to attend & how long before the case is ready to be brought before the court once the duty sol has spoken with the defendant?
7. **Vacuum / Plugging the gaps in Service:** Duty solicitor not available or tied up on other cases: Court needs to make progress efficiently: re increasing numbers of cases with unrepresented defendants coming into the court system and not really understanding what’s going on. It is left to the Legal Adviser or DJ to talk the defendant through the process; but this is at the very time when we want to progress cases quicker & there is the impact of massive costs (Criminal Court charge). **Other problems include: Increasing number of interpreter cases adding time & complexity; mental health issues; outside contractors (G4S etc) wanting to close the court building at 19.00; late delivery or request to deal with prisoners to return them to a prison (by GeoAmey etc); waiting for the interpreters to arrive.**
8. **Daily Court Workload:** Courts that used to have 2-3 trials now routinely have 3-4 trials in a 6 hour court day. 1 court with 3 trials has become 2 courts with 8 trials. Everything is running at above maximum capacity. Typical Road Traffic Court has 75 cases listed; from which anything up to 20+ could attend the court and of these some will be time consuming or complex. Nobody likes to have a large or busy youth court because of the numbers of people involved namely: parents, care home workers, solicitors, Youth justice service, friends & family outside the court room, escort staff (GeoAmey) etc.
9. **Workload & stress:** There is a breakdown between the courtrooms and the back office administration. Legal Advisers are additionally answerable to a phone & a computer whilst running a court. Clearly some crucial & helpful information comes in & goes out, but the volume, time pressures & coal face impact are not understood or appreciated. Whilst the Legal Adviser is dealing with a busy court there may be 1 phone call & 4-5 emails about cases they are dealing with in the court that day. This can be inefficient if you realise after you have dealt with a case.
10. **Speedy justice:** Sentencing a defendant may require a PSR (Pre-sentence report) which takes 3 weeks for Probation to prepare. Instead we can do sentencing on the day without a PSR or with an FDR (Fast Delivery Report) ordered forthwith; but probation will be expected to do it over the lunch break & still come back ready for

cases in the afternoon (without a proper break). Likewise a court with too many prisoners wants help from another court.

11. **Sub standard Equipment:** Courtrooms are very often not the most modern buildings and legal changes/pressures have imposed new demands which stretch the system to breaking point. Furniture adjustments are constant in Mold & Wrexham to deal with changes from family to criminal to youth courts. Efforts are being made to “engage” with young offenders at their level hence the importance of a more user-friendly atmosphere in court. Regular difficulties with “Click share” TV screens & compatibility with police DVD’s etc. Video link equipment (+ microphones & tannoy) usually between court & prison is too often not working properly. Computer systems seem to be limited in what they can do & have reached maximum capacity so that they are often on a “go slow”. This is incredibly stressful for the staff (ushers, administrative assistants & Legal Advisers) who both have to finalise as many cases as possible within time pressures. But also the Legal Adviser in particular (and usher to a lesser extent) is the public face of HMCTS – Members report that they are under pressure to keep the courts going and to tell people what the problem is and how it will be sorted & by when. The problem with technology is that we have to phone a central number and could wait for hours or days to resolve problems.
12. **Wrexham Prison:** : A smaller prison with 500 places makes sense for Welsh offenders & nearby. However a 2,000 place prison may collect prisoners from much further afield (Derby, Shrewsbury, Hereford etc). This will reduce prison family visits & cause the family unit to break down. So the offenders may leave prison in an even worse state than when they entered the prison and rehabilitation is less likely whilst the odds on reoffending massively increase.
13. **Appropriateness of the amount of Youths sent to Private Care Homes (Prospects in Wrexham etc):** Offenders have arrived in Wrexham & Welshpool because a local authority has taken on care for many very disturbed young people from as far afield as Cumbria, London & Torbay. They can create local crime problems at a cost to our policing, courts, Probation & YJS as well as the connected impacts upon the local authority and public services.
14. **Probation service:** Seem to be really struggling with new plans, work pattern changes & the strains of such demand.
15. **SUMMARY:**
 - **Transition** (from paper to paperless) IT is damaging people who are struggling under a welter of practical issues
 - Heavily focused on efficiency savings.
 - Many parts of the Criminal Justice System has been outsourced: GeoAmey, G4S, Global Solutions, Capita which makes maintaining a joined up justice system difficult to maintain.

Questions and comments

- Tracey Worth commented that there appears to be a drive towards ‘swift justice’, who is it actually benefiting? Christopher Hall stated that his day at Court is long and busy. He commented that the Criminal Justice System is becoming more pressurised.
- Jane Foulner voiced her concerns regarding the new Court charges.

- Christopher Hall agreed that defendants are basing their pleas on affordability. Many cannot afford not to plead guilty, many cannot afford legal representation.
- Julie Morgan stated that it made a mockery of Justice.

Actions

- Write to Mr Michael Gove voicing our concern regarding the criminal court charges currently being imposed on offenders.
- Write to Keith Towlar, Children's Commissioner of Wales asking if the use of private care homes for children in Wales has been reviewed by his office.
- The group felt that all Justice Unions should come together and write to MOJ voicing concerns regarding the inadequate IT systems used across the Criminal Justice System.

Minutes prepared by Tracey Worth, NAPO Cymru