

Proposal on the provision of court and tribunal estate in England and Wales

Response from Citizens Advice Reigate & Banstead

Citizens Advice Reigate & Banstead

We are an independent charity offering an advice service in the borough of Reigate and Banstead and East Surrey. We provide free, independent and confidential advice to everyone on their rights and responsibilities. We value diversity, promote equality and challenge discrimination. We aim to provide the advice people need for the problems they face and improve the policies and practices that affect people's lives.

Our response

We are responding to the consultation as it affects our area through the proposed closure of courts at Redhill and Reigate and proposed transfer of provision to west-central Surrey (Guildford) and north-west Surrey (Staines).

Our response highlights the impact of the proposal on access to justice in East Surrey through our special knowledge of people who face housing possession actions, their families, social support networks, landlords, and housing providers.

We hope the consultation will lead to either retention of the Redhill courts or, prior to closure, provision of equivalent access to justice through other means.

Questionnaire

Question 1. Do you agree with the proposals? What overall comments would you like to make on the proposals?

We do not agree with ending provision of court and tribunal services in Redhill and Reigate. We believe closure will reduce access to justice in East Surrey with damaging consequences.

We understand the need for more efficiency and the logic of the case made in the consultation. However we believe withdrawal of provision in Reigate and Banstead Borough will be detrimental to the security and quality of life of the community and affect particularly a group of vulnerable individuals and families, their social support networks, landlords, and housing providers.

*Citizens Advice Reigate & Banstead
5 October 2015*

We have managed and staffed a court desk service at Reigate since 1998. This has given us a special understanding of the need for, and use of, court services in East Surrey.

Our main experience is advising citizens who face losing their homes through action against them in the County Court. This is a distressingly common experience. In 2014 we advised 121 clients in cases at Reigate County Court; 108 (89%) were facing repossession orders; we estimate this as approximately 30% of all such cases heard at Redhill that year. In 2015 (year to August) we advised 65 clients facing repossession orders.

Question 2. Will the proposals for the provision of court and tribunal services have a direct impact on you? If yes, please provide further details.

Citizens Advice Reigate and Banstead is at the heart of the borough's community. Our role is to advise and support people who live in the borough whatever their need or social circumstances. We believe that *local* provision of court and tribunal services is as integral to community well-being as health, education, blue light, and environmental services.

Locating justice services far from our centres of population would reduce the value of the Citizens Advice service and the whole voluntary support network of which we are part. The impact will be felt by certain groups quickly (Question 3) but the whole community will in due course be poorer in the absence of a trusted local justice service. We believe the government's Impact Assessment fails to address this consequence of its proposals (Question 4 below).

Question 3. Are there other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision? Please provide details.

Most of the people helped by our court desk rent homes in the social sector (provided by a council or housing association). But due to an increase in those who can no longer find social housing we're seeing more private renters facing the same problems; and the squeeze is getting worse with more people moving into the area from London where rents are even higher.

Many of our clients have low incomes; the most common cause of possession actions is the accumulation of unpaid rent. Many are vulnerable through disability or chronic illness. Eviction can be devastating to the individual householder and their family; it often leads to loss of support services and children being forced to change school.

People in these circumstances find attending court difficult for reasons including cost of travel, lack of childcare, and fear of taking time off work. But it is vital they do attend. The purpose is to hear each side and settle a way forward. Non-attendance leaves the court little option but to grant the landlord possession.

Regrettably, some tenants still don't attend hearings at Redhill. The consequences of eviction are frequently grave*. The tenant and his/her family may face the disruption and trauma of being officially homeless. They may have no option but to be moved in an unknown area. The legal responsibility to provide accommodation for homeless people weighs heavily on councils when housing stock is in short supply. Housing associations and private landlords may be able to re-let in a tight market but high tenant turnover is costly and no recipe for successful business.

In our view these unhappy outcomes are certain to increase if court hearings are held much further away.

Our concerns are heightened by both recent and predicted changes in housing tenure and population in Reigate & Banstead.

- There has been a 5% increase in tenancy through private rentals and a 6% decrease in outright home ownership between 2001 and 2011. All official estimates of future housing tenure show this trend continuing.
- The population of Reigate & Banstead is the largest in Surrey at approximately 138,000. The Borough has also seen the highest population growth in Surrey since 2001.
- The latest ONS 2010-based projections for Reigate & Banstead suggest the borough's population could grow to approximately 176,000 residents by 2035, an increase of around 29%, whilst growth across Surrey will be 19%.

(Source: 'Quality of Life in Reigate & Banstead', Reigate Banstead Borough Council, February 2014.)

In response to this question we have focused on one area of community life we know well. We believe there other areas, for example family law cases, in which these proposals will have similar damaging consequences.

* Question 6 below.

Question 4. Our assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached? Please provide any additional evidence that you believe could be helpful.

The Impact Assessment says the problem the proposals are meant to solve is: “The HMCTS hearing estate does not meet the strategic requirements of the organisation”.

It therefore provides evidence relevant to this – and to its stated requirement for government intervention: “the current size and associated cost of the estate which is unsustainable in the current financial context”.

In testing the proposed intervention – closure of 91 court buildings and change to 34 others – against these objectives the Impact Assessment concentrates, naturally in our view, on delivery of short-term cost efficiencies.

We acknowledge that one of the principles used in decision-making about particular court closures is “enabling efficiency in the long-term” but the Impact Assessment is silent about the long-term impacts on the community of the withdrawal of local justice. We accept that such impacts are hard to measure through standard quantitative cost and benefit analysis.

Our comments on specific aspects of the Impact Assessment are:

1) HMCTS Principles (8 >>)

We note the second principle – Ensuring access to justice – includes: “To take into account the needs of users and in particular, victims, witnesses and those who are vulnerable”. However the evidence dealing with such matters as travel times and costs takes no account of the capacities and horizons of many court users, particularly those normally thought vulnerable. People in wheelchairs and those with children and buggies will be particularly affected.

Equally there is no reference to local support networks built up over years to support court users which will disappear or become less effective in the event of court closures. Such local networks are a key part of access to justice and play a significant, if unquantified, part in reducing the long-run costs of society’s problems leading to court action.

2) Affected groups (20)

The Impact Assessment provides a useful list of those affected by the proposals. However the analysis of potential problems facing non-official users including victims, witnesses, offenders and the public who appear well down the ‘affected’ list, is inadequate as shown throughout our response.

*Citizens Advice Reigate & Banstead
5 October 2015*

3) Conclusions (107)

We do not agree that the travel time modelling, which is a critical aspect of support for the proposals provided in the Impact Assessment, justifies conclusions such as:

“The majority of the people living in the areas affected by the court closures will be within an acceptable travelling distance of the court where the work is transferred to.”

“Most individuals will still be able to reasonable (*sic*) journeys to court to attend hearings, including by public transport.”

Our own basic research shows a Redhill resident potentially facing a 52 mile round-trip to a hearing in Guildford or a return train journey to Staines costing £19. In the latter example the reasonable wish for the company of a family member or friend would raise the combined cost to a level that would undoubtedly deter people on low income from attending.

4) Review of the policy (136)

We regret that a decision has already been taken not to hold a separate review of such a major change to local court services and access to justice.

Question 5. Are there alternatives to travelling to a physical building that would be a benefit to some users? These could include using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires. Please explain your answer, with specific examples and evidence of the potential demand for the service where possible.

The examples of changing practice in a range of other services referred to in Mitigations (106) are important.

In the event of a decision to proceed with closure of the Redhill and Reigate courts it is essential in our view that effective alternative means of providing genuinely local access to justice are put in place.

We are not currently in a position to make specific recommendations but we would be happy to play a part in exploring options and testing ideas against the needs of our clients and local people.

Question 6: Please provide any additional comments that you have.

We believe neither the Consultation nor Impact Assessment takes account of the consequences for individuals of proceeding with the propose closure of courts at Redhill and Reigate. To illustrate, here are summaries of the experience of two people who attended court in the past year with the support of Citizens Advice. We have changed their names to disguise their identity.

1 'Susan'

In summer 2014 Susan, a borough housing association tenant in her 50s, was living with her adult son who had addiction issues and was putting the household budget under severe strain. She had built up rent arrears of over £5000 and some council tax arrears. Susan's monthly income was around £1400 from 2 part-time jobs; she was not receiving any benefit payments. Under an arrears work-out plan Susan was paying £570 monthly as well as £140 council tax. The landlord had proposed a higher payment plan which in her circumstances Susan couldn't accept. Accordingly she had received a notice seeking possession and faced eviction following legal proceedings. In court Susan was advised and supported by Citizens Advice.

In the event eviction was avoided. Susan was placed under a Suspended Possession Order: the higher work-out plan would be delayed for 3 months to enable Susan to apply for council tax discount. She was also advised about how to apply for a variation of the SPO and the possibility of an occupation order regarding her son should that become necessary.

While Susan's situation remained difficult, the outcome of local justice was positive for her, her landlord and the council who would likely have faced the costly responsibility of finding accommodation for Susan had she become homeless.

2 'Adele'

Adele has lived in her 3-bedroom housing association property since 1980. She is disabled and receives Employment Support Allowance. In 2014 she was affected by the Spare Room Subsidy (Bedroom Tax) and despite receiving time-limited Discretionary Housing Payment there was still a shortfall and by early this year she had built up rent arrears of nearly £2000.

The housing association claimed outright possession in the County Court on the ground that there was no prospect of Adele being able to afford a payment that would bring down the arrears in a reasonable period. In court Adele was advised and supported by Citizens Advice.

The court looked at Adele's situation and the possibility of increasing her income including by sub=letting a room. In light of this the judge said he would not evict someone from their home of 35 years without a second chance. Adele undertook to stick to current payments and the case was adjourned to allow time for her to draw up a full financial statement and explore the sub-let option.

The value of this interim outcome was clear when the case resumed 3 months later. The judge accepted a revised payment plan based on the financial statement; but in addition since Adele's first hearing the housing association had identified alternative accommodation in the same area that was smaller than her current house and more suited to her needs. This was discussed in court and Adele was happy to consider this way forward.

Adele's case shows how access to local justice and an established support system provides social and economic benefit by enabling a solution to be found without the time-consuming and costly burden of an avoidable eviction.

Ends

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