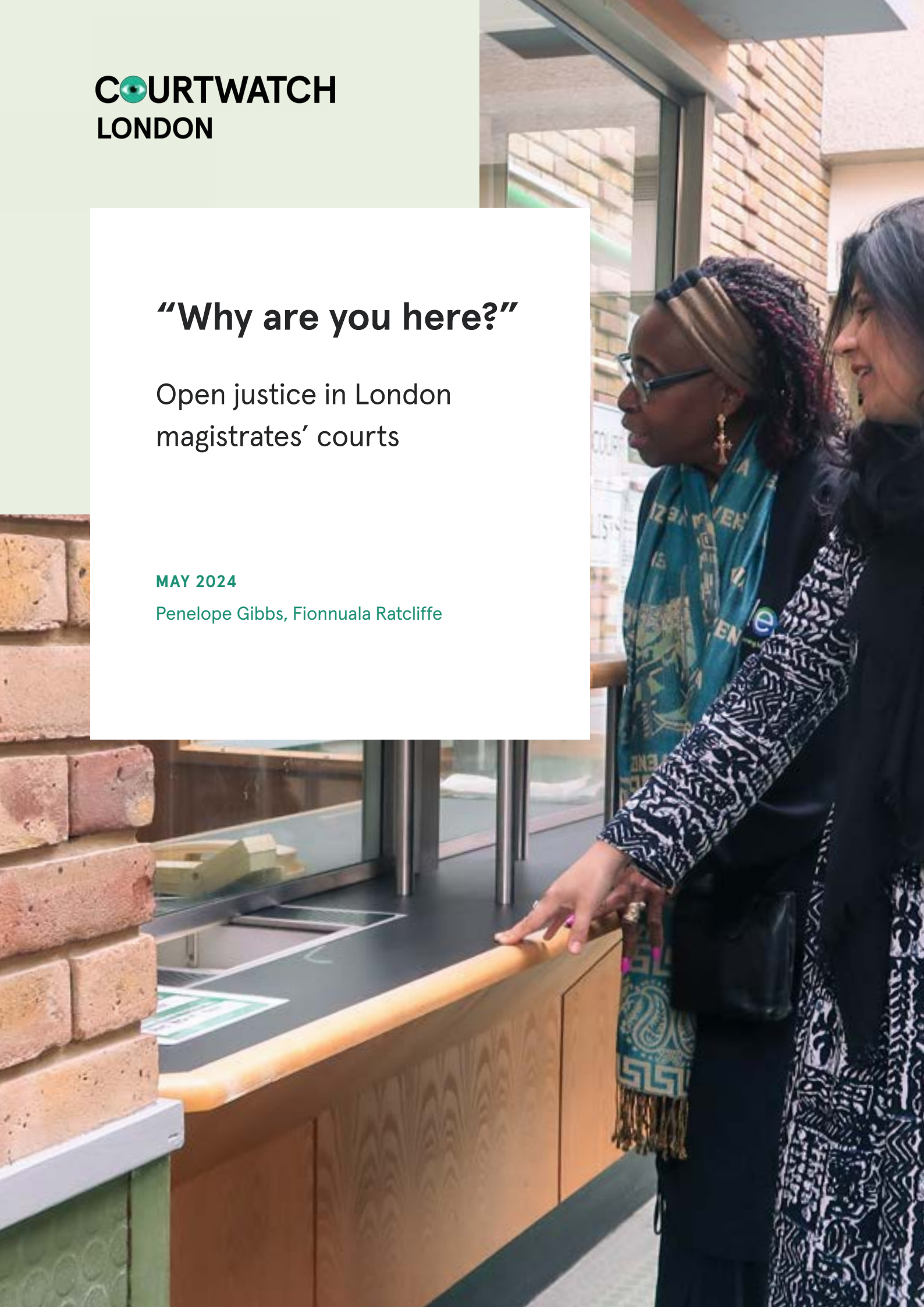


“Why are you here?”

Open justice in London
magistrates’ courts

MAY 2024

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Foreword

The criminal justice system is something that we all own. That fact is often overlooked. When politicians and media commentators discuss criminal justice, it is often from the starting point that criminal justice only affects criminals. That the operation of the justice system ought concern the public only if they commit a crime, or if a criminal receives punishment deemed by those same spokespersons as insufficient.

The truth is that the justice system underpins every facet of our daily lives. It is the institution that ensures – when it works – that our democratic laws are upheld, that individual rights are protected and that those accused of breaking those laws are fairly and justly dealt with. Even though many of us may travel through life paying little attention to the goings-on in justice, it is something we all have a stake in, and something which affects us directly, whether we realise it or not.

If the reality of the justice system is hidden from the public, and if there is a disconnect between the law and the public it serves, democracy is imperilled. The justice system – from those who design it and fund it, to those who work in it – can only be held to account if the public are able to understand what is being done in its name.

Open justice in the courts is therefore not an optional extra, or something nice to have – it is a fundament of a functioning justice system. Only by making the justice system transparent and accessible to our citizens can we ensure accountability, and satisfy ourselves that justice is operating as it should. It is not contentious to observe that the damage that has been inflicted on the criminal justice system over recent years by politicians of varying political hues has only been possible by keeping the public in the dark as to the real-world effects of their political decisions.

This report urgently shines a light on a problem that has been underattended for too long. The magistrates' courts, through which hundreds of thousands of criminal cases pass each year, should be spaces not merely accessible to the public, but configured to encourage public participation. All too often, volunteer courtwatchers were discouraged, deterred and even met with active hostility when trying to exercise the most basic right to watch justice being done.

The sensible and constructive recommendations in this report are a commendable starting point to fixing this long standing issue, and reconnecting the public with their justice system. Indeed, they should be the bare minimum.

THE SECRET BARRISTER

Author of *Stories of the Law and How It's Broken* and other works

Executive summary

How easy are the magistrates' courts to access, navigate and understand? This report seeks to answer that question, drawing on the experiences of 82 volunteer members of the public observing their local magistrates' courts over six months in 2023.

CourtWatch London was a mass court observation project where citizen volunteers observed magistrates' court hearings and reported what they saw. From July to December 2023, a diverse group of 82 volunteer members of the public (courtwatchers) visited their local London magistrates' courts armed with a booklet of observation forms and a small amount of training. Between them they observed over 1,100 hearings and reported on the treatment of defendants, the decision-making of magistrates and district judges and their experiences of attending the magistrates' court as a public observer. This report summarises courtwatchers' experiences of trying to observe magistrates' court hearings and the barriers they faced. Their reflections on the justice they saw delivered there and specifically how young adult defendants were treated, are reported on separately.

The courts are in principle open to any who want to observe, for whatever reason. Despite this, volunteers were sometimes severely constrained by a court system that has deprioritised public access. For example, courtwatchers could not actually hear court proceedings from many of the public galleries. The response from court staff towards volunteers bringing this to their attention ranged from assistance to puzzlement to hostility. Our efforts to alert senior London court representatives to the issue seemed to go unnoticed.

Courtwatchers should not have needed to justify their presence, but were asked to do so all too frequently. Staff questioning of public observers may be well-intentioned, but had potential to intimidate an unconfident observer. Inaccurate court lists, poor sightlines and courtroom jargon also made it difficult for courtwatchers to work out what was happening. All this sends a message to public observers that you can be there, but it is not the court's problem if you do not understand what is going on.

This report includes recommendations for how the courts can become more open, including: sending 'secret shoppers' into courts to check accessibility for members of the public; auditing audibility in courtroom public galleries and fixing any problems this reveals; better and fuller court listings online and in paper; and training for court staff and judges to re-prioritise the principles of open justice.

Introduction

About CourtWatch London

The magistrates' courts of England and Wales are little observed. Few members of the public know that they have full access to most criminal courts and few journalists now cover day to day court stories. What public and media debate exists tends to focus on the Crown Court, as do most fictional representations of what our criminal courts are like. A few academics observe criminal courts, but they do not have the resources to do so extensively. This means that the reality of what is happening in the magistrates' court is seldom reported.

Transform Justice sought to change this by piloting a mass court observation programme, where volunteer members of the public observe the daily hearings in court and report what they see. Citizen courtwatching is well-established in many US states, where peer support and 'how to' guides have helped courtwatching [proliferate](#). Courtwatching projects have also emerged in a handful of other countries, most notably in [Poland](#) where citizens have observed over 10,000 hearings since 2006.

The CourtWatch London project aimed to:

- Increase community ownership and oversight of our magistrates' courts.
- Improve our understanding of what actually happens in court, to strengthen the case for policy and practice change for more just decision-making.
- Find out what public observers thought of what they witnessed in magistrates' courts.
- Explore the potential of community courtwatching in England and Wales.

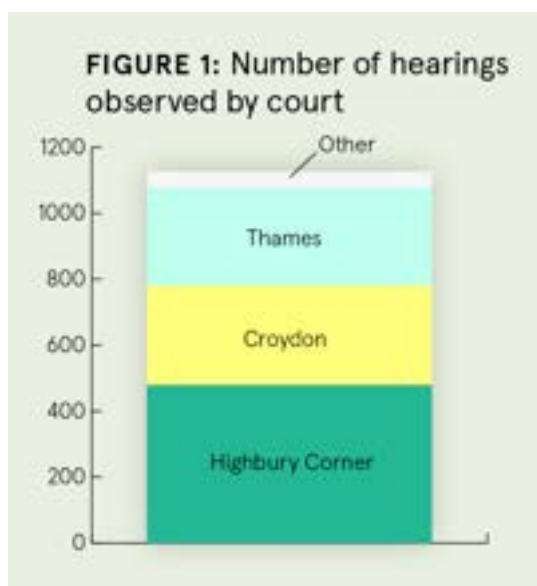
About Transform Justice

Transform Justice is a national research and campaigning charity working for a fair, open and compassionate justice system. We use research and evidence to show how the system works and what needs to change – then we persuade politicians and policy makers to make those changes. Through our work we hope to reduce crime and the harm that can be caused by the criminal justice system.

Methodology

Before beginning courtwatching, volunteers completed our two-part training: a three-hour in person session covering the project aims, an introduction to the magistrates' court and the courtwatcher role; followed by a 90-minute online session to explain the data collection forms and how to upload notes. See appendix 3 for more details about the training sessions.

Courtwatchers filled out a CourtWatch London hearing observation form for each hearing they observed. The form was completed by hand, with courtwatchers uploading the data online later via Google forms. The two-page form comprised a series of closed questions capturing details about the hearing, as well as a space for free-form reflections from the courtwatchers. Volunteers were free to use the reflections box to note down anything they found interesting, striking or concerning from their observations. Courtwatchers also filled out a court environment form to record details about the security process, court facilities, helpdesk and other accessibility factors on their first visit, and then used it to capture anything noteworthy about the court environment on subsequent visits. Where we cite percentages from the court environment survey data, this indicates proportion of survey responses, rather than proportion of courtwatchers.



The project focused on three magistrates' courts in order to build a community of volunteers around each court and allow us to target volunteer recruitment and training to smaller areas. The focus courts (Highbury Corner, Croydon and Thames) were selected based on the high volume of cases they see. Courtwatchers were free to visit magistrates' courts at a time that suited them. Volunteers were initially encouraged to attend our three focus magistrates' courts but then were welcome to branch out to other London magistrates' courts once they were familiar with the process. We encouraged observers to focus on cases brought by the Crown Prosecution Service and to avoid motoring offences and breach hearings. The courtwatching phase ran from late July 2023 until 31 December 2023.

We used an analysis software called [Dedoose](#) to code the qualitative data collected by courtwatchers using a theme-based coding framework. Quantitative data was cleaned and analysed in Excel. Most of the quotes in this report are taken from the data submitted in courtwatcher observation forms. A small number of quotes are taken from email or WhatsApp messages from courtwatchers and from facilitated discussions at a courtwatcher in-person event in January.

FIGURE 2: Who are our courtwatchers?



About the courtwatchers

“I wanted to help shine a little light into a system that has a huge impact upon society, but which operates in obscurity.”



Our 82 courtwatchers were volunteer members of the public recruited via social media, local volunteer websites, local press, e-newsletters and flyers in public spaces around our three focus magistrates' courts. Many were attracted to courtwatching as an interesting opportunity to learn more about the courts and the criminal justice system. Some were motivated by concern about the fairness of the courts, particularly for “those least able to fend for themselves,” or “people disadvantaged by age, race, education and financial means.” Others saw courtwatching as a way to “give back to society” or “help my community.” A few were just keen to gain some volunteering experience or “get involved in something in the local community,” with one attracted by the fact the role “was doing something useful [which] didn't involve too much talking.”

We suggested volunteers visit their local court for a half day or whole day at a time. Some of our courtwatchers visited court just once over the five months of courtwatching, while others attended many times.

Acknowledgments

Transform Justice extends its heartfelt thanks to the 82 courtwatchers who volunteered to attend magistrates' courts and wrote the detailed, thoughtful observations that have allowed us to produce this report. Thanks to the members of the project's advisory group, listed in appendix 1, for their engagement and support throughout the project. Thanks to the many more experts who gave advice and ideas during the project's design, to Kath Jatter from GT Stewart Solicitors and Dr Shaun Yates from London Metropolitan University for their involvement in the courtwatcher training, and to Dr Jessica Jacobson for her feedback on an earlier draft of this report. Thanks to the London Metropolitan University students who tested an early version of the observation form, to Mark Yin and Dr Samantha Burns for their support processing and analysing the observation data, and to Jenny Thomas from Statisticians for Society who provided pro bono quantitative analysis advice.

Finally, thank you to the magistrates' court staff for accommodating our courtwatchers during their visits and for letting us photograph the courts for this report. This project and the production of this report has been kindly supported by the Barrow Cadbury Trust and the Network for Social Change.

How open and accessible are magistrates' courts?

"Open justice is a fundamental principle at the very heart of our justice system and vital to the rule of law – justice must not only be done but must be seen to be done. Its history and importance in law can be traced back to before the Magna Carta. It is a principle which allows the public to scrutinise and understand the workings of the law, building trust and confidence in our justice system."

MIKE FREER, PARLIAMENTARY UNDER SECRETARY OF STATE FOR JUSTICE

The public's ability to physically observe court hearings is an essential facet of open justice. Any member of the public can observe criminal hearings involving adult defendants (bar exceptional hearings where vulnerable witnesses are involved). Observers should not need to identify themselves or give reasons for their visit.

Our courtwatch observers were more prepared than many when they first visited a magistrates' court. They had information about where to go and about the process of getting into and finding their way round the court. Nevertheless, they were often surprised and disappointed by the barriers they encountered.

Getting in and getting around

All magistrates' courts have security checks for visitors whether they be witnesses, defendants, or members of the public. These checks are akin to airport checks but can often be more intrusive – partly because the equipment is not as high tech as that used in airports. Courtwatch observers were surprised to be asked to empty their pockets and their bags at some courts: "every single item in my bag was 'carefully analysed', which I did not mind but I found a little excessive and strange."

Courtwatchers tolerated the searching of their bags and 97% found security staff respectful, but a couple had concerns about how checks were done: "[It] was intimidating at one stage when about 6 security people [were] standing as if to form a temporary wall just after you went through screening," "there was someone entering the court...who was in a dispute with the security guard and I didn't feel the guard tried to de-escalate the situation effectively, instead saying things to provoke the other person."

One courtwatcher with a hand injury was treated rudely when he asked the security officer to repack his pac-a-mac raincoat after a search, because he was not physically able to do so himself: "I asked three times if he would repack the mac and finally said 'I've asked you three times if you will repack it.' He then said, 'I'm ignoring your question.' My jaw literally dropped. I was so shocked."



We asked all courtwatchers whether courts were accessible to everyone, including if wheelchair access was clearly signposted. In 71% of responses, courts were judged accessible. Courtwatchers who were physically disabled needed step-free access and lifts. However, neither was always available.

The lift was broken in Croydon magistrates' court for at least a month, preventing access to all the courtrooms on the upper floors for people who could not use stairs. Members of the public watch proceedings from the public gallery, an area separated from the main well of the court, usually at the back of the courtroom. Many were difficult to access: "the public gallery had a step and there was no space for a wheelchair user." Even where efforts had been made to provide support, they could be undermined by inconsistency: "access to the court is via two powered doors. But to get there, there are two manual doors to get through." One courtwatcher however shared the positive view of the majority, citing "street parking outside with available spaces, ramp, bell for assistance, working lift and wheelchair accessible toilet."

Courtwatchers looked for signs and notices in the court to help them navigate and to tell them what they should and should not do. Some courts had good information and, in 76% of reports, courtwatchers said that rules were displayed clearly: "was interesting that in this court, some areas of the court were actually labelled (e.g. court officials, probation, public gallery etc), so made identifying people much easier. I also noticed while I went to Court 6 that there was a very helpful large diagram outside the court showing who sat where within the court."

But there were generally few signs about courtroom rules such as the need to stand up when the magistrates/judge came into the room. One courtwatcher was also concerned that notices may be out of date: “The notice ‘Did you know?’ (CT25) referring to online sources for courtroom rules etc. contained some obsolete info. This and other standard HMCTS notices (e.g. Customer Service Standards) all seem to date from 2014.”

“A work of fiction”: problems with court lists

In the initial training session, the Transform Justice team gave courtwatchers information about how the courts worked, including how to find out what was going on. But courtwatchers still often struggled to work out what hearings were happening and what they were about. We suggested they look at court lists – either online or the printed lists of cases which should be displayed in a central lobby and outside each individual courtroom.

Some courtwatchers used the free online service Courtserve to find out about cases in advance, but most relied on the paper lists. No one is allowed to photograph anything in the courthouse, so courtwatchers had to write down information from the court list in longhand.



Courtwatchers often found the court lists unhelpful and unreliable: “Court lists, in my little experience, are a work of fiction because so many factors cause them to be rearranged.” They needed to see all the court lists in one place in order to decide which courtrooms to observe. But they sometimes found that the central display missed the lists for some of the individual courtrooms. Lists did not always include basic details like what sort of case it was, so courtwatchers could find themselves in the wrong courtroom: “It was my first day at the magistrates’ court today and I mistakenly sat in on two Local Authority cases – which, I realise, are not the best for the CourtWatch project” and “it always seems a bit of a waste of our time when we sit through something only to discover it’s a driving offence and it seems rude/awkward to just get up and walk out.”

The court lists outside each courtroom were often inaccurate. They were different from the lists that had appeared online and often listed cases that were not in fact heard in that courtroom. Listings changed frequently and the list outside the court was not updated. Updated paper and/or digital lists were circulated to court staff, lawyers and judges but not to those in the public gallery. The timings on the lists outside the court were also misleading. They implied several cases started at the same time in each courtroom, when in fact cases run sequentially through the day.

While it's difficult to provide exact timings when many short hearings are scheduled, more accurate lists would have been helpful to courtwatchers trying to work out which courtroom to observe. More frustratingly for courtwatchers, most morning cases were listed as starting at 10am despite hearings usually starting much later: **"The timings of the cases were written on the sheet outside the room but in reality none of the cases started at 10am and no one explained what was happening."**



We also suggested courtwatchers ask at the information desk to see what cases were going on. Every magistrates' court has a staffed helpdesk to signpost defendants, witnesses, and observers to the hearing they are looking for and answer their questions about the court process.

When used by courtwatchers it was perceived as helpful 76% of the time, however the information desk was not always open. The information desk hours in our focus courts were 9am - 11am and 1.30pm - 2.30pm. Even if open, they often had long, slowly moving queues. **"The help desk opened only one of two windows despite a long queue of people, some of whom with quite involved queries or issues. Nevertheless, they were very helpful once I got to speak to them."**

As a result, courtwatchers sometimes struggled to understand what was going on in hearings. The greatest barrier to understanding was audibility (see below) but, even when courtwatchers could hear, there were other barriers. Initially they couldn't work out the roles of the staff and lawyers in the courtroom and these were never explained by the judges or legal advisor. Courtwatchers often couldn't decode the purpose of a hearing - whether it was taking pleas, deciding on bail or remand, sentencing or a combination.

"I didn't know what was going on at all."

"It was very unclear throughout the morning when cases would be heard and in what order."

"It was the first time I've ever attended a magistrate's court and I was very unclear initially as to who was who in the court - became clearer as afternoon went on but I was concerned that, if I was confused, how did defendant feel if he/she unfamiliar with set-up and having so many unidentified people (including me!) there?"

Not being able to hear

The biggest problem courtwatchers encountered was in actually hearing the cases. Courtwatchers told us that hearings were consistently audible only 23% of the time. This meant courtwatchers struggled to write down crucial details about cases or to understand what the case was about. There were many causes for the audibility problems.

The design of the courtroom made it more difficult to hear. In many courts the public gallery is behind a perspex screen or even inside a perspex box. This perspex is a sound barrier. Most courtrooms do have microphones for the core participants and the judge to use, and speakers to relay the sound to the public gallery. But this equipment was frequently turned off or maybe didn't work at all. **"I had problems hearing - usher said mikes not switched on because not working!! Fetched me a hearing loop but was not much use because very crackly re background noise, maybe they need to invest in something better or get mikes fixed and turned on!"** Even when microphones were turned on, lawyers and others often didn't speak into them so they didn't help audibility.

The design, culture and etiquette of the courtroom exacerbated audibility issues. Lawyers nearly all spoke with their back to the public gallery and to the defendant. Lawyers often, and judges sometimes, spoke quietly as if they were having a private conversation. People in and outside the courtroom created extra noise - coming in and out of the door and shuffling papers loudly. Staff and lawyers in the courtroom whispered to each other while a case was going on, and there was loud talking just outside the courtroom. This extraneous noise would not have mattered if courtwatchers were not already struggling to hear due to the other issues. **"Very difficult to follow proceedings due to the background noise, chatter in the courtroom by court staff and lack of use of microphones supplied. I do not have any issues with hearing so, for anyone who has, this courtroom would not be suitable. Generally there was nobody available to speak to as I wanted to address this issue."**

Courtwatchers were particularly frustrated by their difficulties in hearing the defendant. They frequently missed their name and date of birth. Defendants were usually separated from the rest of the court by perspex, sometimes spoke softly and had microphones which often didn't work. It was not only the courtwatchers who struggled to hear defendants: **"the judge was unable to clearly hear the defendant saying his address and the need to repeat multiple times/shout appeared distressing for the defendant."**

Occasionally courtwatchers got so aggravated by their inability to hear that they complained to court staff. Even more occasionally court staff then arranged for them to sit in the well of the court, rather than in the public gallery: **"I told the list caller I couldn't hear in court 7 so she allowed me to sit in the main courtroom. The judge saw me then and asked me what I was doing."** A courtwatcher who was hearing impaired sought help at the information desk and they offered him headphones. But no one proactively asked the courtwatchers if they could hear properly. And some staff were less than helpful.

"Having been given permission by the usher to sit in the probation bench because of hearing problems, I was told to go to the public benches by the court clerk."

"I go this court, I explain that I can't hear properly. Can I sit inside the court room? Normally they ask the judge but last time the legal advisor...says very rudely no you can't come, if you can't hear, go to another room."

It didn't seem to be a priority for court staff, lawyers or judges to ensure that cases could be heard by those in the public gallery or in the dock: "Court users seem totally unaware of the need to speak clearly and loudly. I was asked by family [of the defendant] what was being said and what was going on a couple of times." The design of the courtroom is not in the gift of court staff, but turning on and properly using microphones, speaking louder and asking for people in the courtroom to keep extraneous noise down is. Audibility in the courtroom (or rather the lack of it) demonstrates the hierarchy of power, and the semi-invisibility of those at the back of the court. As explored in our other report, it's likely that the difficulties courtwatchers had hearing what was being said were experienced by many defendants too.

So bad were the audibility issues in some of the courtrooms that the CourtWatch London staff team decided early on to give feedback to staff and judges. We wrote about the problem to London's lead presiding judge and the London courts' head of legal operations in August 2023. Our letter was quickly acknowledged but, while it may well have prompted communication to the courts in question, we received no further response about the issue or how it was addressed.

Confined in a corner of the courtroom

Courtwatchers' ability to observe was also impeded by difficulty seeing what was happening. The design of the courtroom and the use of equipment caused problems. Those sitting in the public gallery often couldn't see the dock or the defendant: "public gallery (just 4 seats) was at the back of the court, round a corner so impossible to see what was going on in the main body of the court and defendants when they came in." One courtwatcher found that the "bench [panel of judges] is barely visible," another that "public is confined in a corner of the room."

Courtwatchers found it particularly challenging to see when screens were used – for video links to defendants in prison or to show evidence like CCTV – either because they didn't work or because of their angle to the public gallery (the screens are always mounted on a side wall). "Only one of the two TV screens in the court room was working so I could not see the CCTV footage that was shown. This was not noticed by anyone in the court and I did not want to disturb the court by raising."

Why are you here?

Most of our courtwatchers were asked why they were in the courthouse or in a courtroom. These questions came from security staff, list callers, lawyers and judges. "I was asked who I was by a lawyer at the entrance seeking a client, and we were asked out of curiosity by the duty solicitor in our courtroom if we were students."

Courtwatchers were asked why they were there by someone in authority in 56% of all visits. In the courtroom, they were most often asked either if they were from CourtWatch London (once the word got around that the project was happening), or if they were applying to be a magistrate. Potential magistrates need to observe hearings and sitting magistrates are always keen to answer their questions. Courtwatchers took the questioning good-naturedly, particularly if the questioner offered help. But the spirit of open justice was too often broken – people should not need to explain why they are observing and such questioning risks intimidating anxious observers.

Barred from the courthouse

The most extreme example of preventing public access happened to a courtwatcher in March 2024 (after the end of the formal courtwatching period). He wanted to watch a specific trial at Stratford magistrates' court.

“When I came into the entrance, before security, a court officer with a clipboard asked why I was there and what was the name of the person on trial or which court it was in. I said I was there to observe a trial and didn't need to give a name or reason other than that. They went to get a manager, who asked the same things and I gave the same response, and then that person refused me entry, saying I wasn't giving a good enough reason for why I was there. He said I wasn't telling him what I was there for, even though I made it clear I was there to observe a trial. I even pointed out the people whose trial it was. I also had made clear I was obviously willing to be searched and wasn't refusing that or being uncooperative. The court officer/security manager kept refusing and asking me to leave, and I kept asking what the basis for that decision was, and under what authority. He changed his reasoning several times, at one point even saying the courtroom was full so I couldn't go in. I said it was a public building and there's a right to observe any of the trials. Then two of the court security grabbed me and physically moved me outside the court, and said not to try and re-enter.”

On a few occasions, the questioning of courtwatchers was especially intrusive. In December 2023, a courtwatcher entered a public gallery. He had observed in this courthouse many times previously but “for the first time was asked my name by the usher...when I said that I hadn't had to give it before, she produced an official-looking form and said that the judge needed to know who was in the courtroom. I said that I'd give it voluntarily (and did) but that I didn't need to.”

Another courtwatcher noted “I was asked for ID - to show that I was a volunteer for CourtWatch. My name and the organisation I was volunteering for was recorded by the court usher. I had to get permission from the court to be able to observe the proceedings.”

Two courtwatchers who were watching together were asked to leave a courtroom due to their allegedly disruptive behaviour. They had been joined in the public gallery by a group of teenagers who said they were friends of the young defendant, and a woman who was applying to be a magistrate. No one in the public gallery could hear well. The prospective magistrate was allowed to sit in the well of the court. When the teenagers asked to get the same treatment, they were ejected from the courtroom altogether. The two courtwatchers stood up for the rights of the teenagers to stay in the public gallery and were then asked to leave the public gallery themselves for 'interfering'.

In all these cases, as far as our courtwatchers could tell, they were normal hearings with no access or reporting restrictions. The judge has a right in law to exclude people from a courtroom to prevent disorder (see *Ewing vs Isleworth Crown Court 2019*) but a member of the public has little power to dispute that decision in the moment or later.

Courtwatchers also raised concerns about how welcoming the courthouse space was for both defendants and observers.

"The public gallery seating is cramped, my knee is touching the wall and it's very painful."

"I mean the whole environment of [the court] was, was stark and miserable and faintly intimidating, and if I'd been there as a defendant, it would be horribly intimidating."

Are the courts falling apart?

We asked courtwatchers about the state of the courthouse. Courtwatchers responded that toilets were well maintained 83% of the time. But some complained of toilets being out of order and/or not clean. One toilet was in a "frightful state" while in another court "one of the two [ladies'] toilets was blocked. It was 10.40 and there was no one at the info desk to report it to. I checked at 11.50, still blocked so I reported it to the man at the info desk. Got absolutely no feedback. No 'sorry', or 'I'll report it', nothing." Courtwatchers were similarly unimpressed by the state of other areas "the carpets in the public waiting area and courtroom were stained and utterly filthy," "in the public gallery the graffiti is still on the wall, as is used chewing gum, making the area shabby and unwelcoming."

There were few comments about the general condition of the courts, though one courtwatcher observed a persistent leak: "When I was walking through the public concourse, I felt a drip on my arm - and looked up to see the AC unit leaking water. It was worse inside the courtroom - the AC next to the entrance was dripping water into a bucket, surrounded by a very large stain on the carpet."

Courtwatchers who spent all day at court felt two amenities were missing - a café or vending machine to get refreshments, and some means of charging phones: "I have heard a number of disgruntled relatives/friends wondering why they can't charge phones, and nervous to leave the building to get needed refreshments just in case they miss the person they have come to support. Are there good reasons for no onsite refreshments or a safe place to charge tech?"

Conclusion

There are clear principles and case law as to how the public should be treated in magistrates' courts (including that "it is the court's responsibility to ensure that members of the public can, in so far as possible, have access to courtrooms to observe proceedings.") The courts are meant to be open to any who want to observe, for whatever reason. Our courtwatchers should never have felt they needed to justify their presence, but they had to do so all too frequently. Staff were often only trying to help, magistrates wanted to support potential recruits and our courtwatchers were pretty tolerant, but the challenges suggest that staff did not understand the spirit of open justice.

The lack of priority afforded to open justice was also shown in the information available and in the court experience itself. Despite having been briefed by us, courtwatchers found it extremely difficult to find out what they were allowed to do, and what was going on. Information on the court lists was inadequate and often wrong and the correct, up-to-date printed court lists were never made available to the public gallery. This impeded courtwatchers' ability to understand who was involved in each hearing and what it was about. The inability to hear what was going on, and often poor sightlines, compounded courtwatchers' confusion.



Court staff and judges are doing a difficult job in trying circumstances. But the needs of public observers are accorded little priority. No one ever asked whether our courtwatchers could see and understand the hearings. When courtwatchers did ask for help, they got a mixed response.

There was great interest from Londoners keen to learn about the reality of the magistrates' courts and contribute to making our justice system fairer and more effective. It was surprisingly easy to sign up over 600 people to our volunteer mailing list, of whom 170 attended our training. Most training sessions were oversubscribed; we could have delivered more if resources and timescales allowed. Our experience shows that there is appetite and capacity among Londoners (and likely the wider public) to visit and scrutinise their local courts.

Ten ways to make our magistrates' courts more open and accessible

Based on an overview of our courtwatchers' experiences, we have developed ten recommendations to make our magistrates' courts more open and accessible for future courtwatchers.

- 1 Send "secret shoppers" into courts to check how accessible and welcoming they are.
- 2 Introduce airport security technology at entry so less personal searching is needed.
- 3 Conduct an audibility audit in all courtrooms and address any problems revealed.
- 4 Provide better online and written information about how criminal courts work and about rules for court observation (including where laptops and phones can be used). Put a poster of "who's who in the courtroom" in every court waiting area.
- 5 Create better, more detailed open access court listings online and on paper. Trial an electronic board with up to date court listings (like an airport departure board) centrally in the courthouse and outside each courtroom.
- 6 Train court staff and judges in the principles of open justice and in how to enhance the understanding of public observers.
- 7 When courts are being designed or renovated, prioritise improving accessibility for public observers, defendants, witnesses and victims.
- 8 Try to give public observers access to the same written or CCTV evidence which is available to the parties and professionals.
- 9 Provide a clear route for public observers to feedback about problems they have had accessing and understanding hearings. Give a response to that feedback.
- 10 Clarify legislation as to what behaviour justifies a public observer being excluded or thrown out of the courtroom.

Appendices

Appendix 1: CourtWatch London project advisory group

The primary role of the advisory group was to advise, challenge and support Transform Justice for the purpose of making the project as effective as possible. Their involvement in the advisory group does not necessarily indicate endorsement of all the report's recommendations.

Advisory group members

Becky Clarke, Manchester Metropolitan University

Emma Snell, JUSTICE

Dr Helen Taylor, Spotlight on Corruption

Dr Lucy Welsh, University of Sussex

Marcus Keppel-Palmer, University of the West of England Bristol

Naima Sakande (chair), freelance researcher & solicitor

Natalia Schiffrin, magistrate

Dr Sally Reardon, University of the West of England Bristol

Dr Shaun S. Yates, London Metropolitan University

Suzanne Smith, Centre for Justice Innovation

Dr Thomas Smith, University of the West of England Bristol

Appendix 2: Environment form

CourtWatch - environment form

Please complete once per court visit.

Volunteer name:	Date:
Court name:	

Please respond to the following statements:

The court is accessible for everybody, with wheelchair access clearly signposted.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
Security screenings are carried out respectfully.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
Timings for court cases are clearly displayed and/or explained to court users.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
Courtroom rules are clearly displayed and communicated to court users.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
The information helpdesk provided clear and useful information.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A / Not sure <input type="checkbox"/>	
Public facilities in the building (including toilets and waiting areas) are well-maintained and clean.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
Delays to hearings are explained clearly to court users.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not sure <input type="checkbox"/>	
Court proceedings can be heard clearly from the public gallery.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Some-times <input type="checkbox"/>	Not sure <input type="checkbox"/>
Any courtroom technology (e.g. video links) works properly and efficiently	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Some-times <input type="checkbox"/>	N/A/Not sure <input type="checkbox"/>

Use this space to note anything of interest in relation to the questions above:

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Courtroom questions

Were you asked why you were in court?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were you asked who you were there with?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were you asked if you needed any assistance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were you asked to leave any courtrooms?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If yes to the above question, please explain why and what happened next.

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Appendix 3: CourtWatch London training outline

CourtWatch London training

Session 1: in person

Time	Session
9.15	Team arrive, setup
9.45	Volunteers arrive, refreshments, hand out training pack
10.00	Welcome, introductions
10.10	Run through agenda for today and session 2
10.15	About CourtWatch London <ul style="list-style-type: none"> • About Transform Justice • Project funders • Issues we're interested in – plus, what are you interested in? • Project outputs • Questions
10.40	Overview of magistrates' courts in England and Wales Q&A with defence lawyer / criminal justice academic
11.10	Break
11.30	About the courtwatching role <ul style="list-style-type: none"> • Your responsibilities • Target courts • Flexibility • Questions
11.45	Navigating the magistrates' court. <ul style="list-style-type: none"> • Court timings • Security • Court lists • Rules for the public gallery • Reporting restrictions • Engaging with other people in the court • Questions
12.10	Volunteer wellbeing <ul style="list-style-type: none"> • Taking care of yourself

Time	Session
	<ul style="list-style-type: none"> • Volunteer support • Contacting us • Questions
12.20	Courtwatch London comms <ul style="list-style-type: none"> • Purpose of our comms activities • What we'll be doing to promote project/findings/stories • How you can get involved • Guidance around personal social media posting • Questions
12.30	Next steps – second training session, additional reading
12.35	Finish and lunch, vacate by 13.00

Session 2: online

Time	Agenda item
11.00	Welcome, reminder of session 1, agenda
11.05	Introduction to notetaking as a courtwatcher
11.10	Filling in the standard hearing observation form
11.40	Filling in the young adult form
11.55	Filling in the court environment form
12.05	How to upload notes
12.15	A few other things: <ul style="list-style-type: none"> • Expenses • CourtWatch London WhatsApp community • Volunteer survey • Fortnightly check ins
12.30	Close



**CHAMPIONING
SOCIAL
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Charity number: 1115476

**Network for
Social Change**
Charitable trust

**Transform
Justice**

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The photos in this report feature courtwatchers from the CourtWatch London project and were taken in Thames, Croydon and Highbury Corner magistrates' courts with permission from HM Courts and Tribunal Service.