

3 January 2024

HMCTS Rolls Out Non Police Operating Model

With effect from 20 November 2023 a new operating model applies across England and Wales concerning how magistrates handle cases under the Single Justice Procedure on ATCM.

Up to three Magistrates will work separately but together with the legal adviser available in the same court building. Magistrates will decide cases and input the results directly onto Common Platform. Advice will only be given if requested; a distinct and, in PCS's opinion, dangerous move away from the current position where our members currently give advice on all matters of law practice, procedure, evidence and sentencing, irrespective of whether such advice is sought, and have a duty to ensure all whose cases come before the courts have a fair hearing.

A pilot took place and was evaluated. PCS does not accept that the evidence confirms the benefits identified by the employer. PCS believes the removal of our members' roles, their further de-skilling, an increase in workload and decisions being made about people's lives without legal advice is not a benefit.

We do however welcome confirmation from HMCTS during the consultation that session work remains a legal adviser's primary focus and any other work during that session time will be secondary and only as far as is reasonably practicable.

Consultation continues over extending the model to road traffic. PCS is wholly opposed to any extension of the model which we maintain will be damaging to members, result in significant job loss and is a significant threat to justice.