

Rural Needs Impact Assessment (RNIA) Template – Draft for Consultation

SECTION 1 - Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority.

Northern Ireland Courts and Tribunals Service (NICTS) – Department of Justice

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

NICTS has commenced a public consultation entitled 'Improving Cost Recovery in the Civil Courts'. Currently NICTS recovers only 82% of the full cost of running these courts; this contravenes the guidance in Managing Public Money (NI). NICTS proposes:

- doubling the planned fee increase from a 5% uplift to a 10% uplift to be applied to all existing fees from 1 April 2019;
- an increase in the fees currently charged by NICTS for searches of the Register of Judgments within the Enforcement of Judgments Office, so as to align this to the search fees charged in other areas of NICTS business;
- the creation of a number of new fees for work that is carried out by NICTS but for which no fee currently exists; and,
- to make a number of changes to the existing Exemption and Remission Policy to ensure that it remains fit for purpose and continues to assist those who meet the qualifying criteria (those on certain 'passported' benefits or in financial hardship).

The specific detail of each proposal is outlined in the consultation document which can be found at www.justice-ni.gov.uk/consultations. Views are welcome as part of the consultation process to further refine and finalise this draft impact assessment. Responses can also be posted via NI Direct, Citizen Space at <https://consultations.nidirect.gov.uk/>

1C. Please indicate which category the activity specified in Section 1B above relates to.

Developing a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Adopting a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Implementing a	Policy <input checked="" type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Revising a	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>
Designing a Public Service	<input type="checkbox"/>		
Delivering a Public Service	<input type="checkbox"/>		

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above.

Improving Cost Recovery in the Civil Courts

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service.

The overall aim is to comply with Managing Public Money (NI) and its policy objective, to obtain full cost recovery, whilst maintaining access to justice in the civil and family court system (current cost recovery position 82%).

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition).

Other Definition (Provide details and the rationale below).

A definition of 'rural' is not applicable.

Details of alternative definition of 'rural' used.

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

SECTION 2 - Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If the response is **NO** GO TO Section **2E**.

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

This policy is intended to deliver the same outcomes for the rural community as the urban community in that the increases in court fees and introduction of new fees will be applied to all court users regardless of rural/urban status.

NICTS completed a Court User Survey in June 2018 which obtained responses from civil and family court users (margin of error +/- 3%). Of these respondents, 798 indicated their urban/rural status, and of these valid responses, 28% were classified as being rural.

The civil and family courts in Northern Ireland work on the basis that those who use the courts pay for the provision of services; some court users will qualify for civil legal aid while others may qualify for either an exemption or a remission of court fees.

NICTS is obliged to comply with Chapter Six of Managing Public Money (NI) which states that the cost for the provision of services should be on a full cost recovery basis. The cost recovery position at the end of 2017/18 was 82%; this represented an improvement from 73% following a recent round of court fee increases where fees were increased by 10% in 2017/18, 7.5% in 2018/19 and 5% planned in 2019/20. As a result of these proposals, individuals will have to pay court fees at a higher rate than previously set (proposed 10% increase in 2019/20, not 5% as previously legislated for in 2017). It should be noted that court fees had not increased since 2007, and that the proposed cumulative increases are still less than what Consumer Price Inflation (CPI) is predicted to be by the end of 2020/21.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas differently from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

The increase to existing fees and the introduction of new court fees will be charged to all civil and family court users irrespective of urban/rural background.

NICTS does not believe that the policy proposals will impact the rural community disproportionately; civil legal aid is available to those who meet certain criteria, and NICTS has a scheme of exemptions and remissions of fees; the latter of these two schemes offers support to those in receipt of qualifying benefits and/or those who can demonstrate that they would be under financial hardship if they had to pay court fees, regardless of geographical location. In addition, given the geographical spread of NICTS civil and family courthouses, NICTS does not believe that the rural community will incur significant travel costs on top of the proposed increases in existing fees and introduction of new court fees.

In addition, there is also evidence to suggest that household median equivalised net disposable weekly incomes (after housing costs) is higher for the rural community in comparison to the urban community; this suggests that affordability could be less of a factor regarding the ability to pay court fees.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

Rural Businesses	<input checked="" type="checkbox"/>
Rural Tourism	<input type="checkbox"/>
Rural Housing	<input type="checkbox"/>
Jobs or Employment in Rural Areas	<input type="checkbox"/>
Education or Training in Rural Areas	<input type="checkbox"/>
Broadband or Mobile Communications in Rural Areas	<input type="checkbox"/>
Transport Services or Infrastructure in Rural Areas	<input type="checkbox"/>
Health or Social Care Services in Rural Areas	<input type="checkbox"/>
Poverty in Rural Areas	<input type="checkbox"/>
Deprivation in Rural Areas	<input type="checkbox"/>
Rural Crime or Community Safety	<input type="checkbox"/>
Rural Development	<input type="checkbox"/>
Agri-Environment	<input type="checkbox"/>
Other (Please state)	<input type="text" value="Civil and Family Court Users in the Rural Community (Including Businesses)"/>

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

SECTION 3 - Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If the response is **NO** GO TO Section **3E**.

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders	<input type="checkbox"/>	Published Statistics	<input checked="" type="checkbox"/>
Consultation with Other Organisations	<input type="checkbox"/>	Research Papers	<input type="checkbox"/>
Surveys or Questionnaires	<input checked="" type="checkbox"/>	Other Publications	<input type="checkbox"/>
Other Methods or Information Sources (include details in Question 3C below).			<input type="checkbox"/>

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

The following information sources were used to determine the social and economic needs of people in rural areas with respect to the payment of court fees:

April to June 2018 - NICTS Court User Survey – survey of civil and family court users obtained a margin of error of +/- 3% overall. Specifically for rural respondents the margin of error was +/- 7%.

NICTS have also looked at other available information, including;

June 2018 - [Statistical Review of NI Agriculture 2017](#) – Section 7 on Rural Population, published by DAERA.

June 2018 – [Households below Average Income Report: Urban-Rural Statistics](#), published by DAERA.

August 2018 - [Households below Average Income Northern Ireland 2016/17](#), published by DfC.

In addition NICTS is content to consider any responses received as a result of this public consultation exercise and to make use of these to further refine this draft impact assessment. NICTS would also like to invite views from the rural business community to inform the Regulatory Impact Assessment supporting the consultation document.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

NICTS does not believe that the social and economic needs of the rural community come into the scope of the proposals to increase court fees.

According to [Households below Average Income Northern Ireland 2016/17](#) published by DfC (which is the most up to date information available on disposable incomes at the household level for the rural community), in 2016/17 the rural community had a higher median equivalised net disposable weekly household income (£431 per week, after housing costs) than the urban community (£401 per week, after housing costs); therefore there is no evidence that this community would be at any significant disadvantage regarding the affordability of court fees. For those who cannot afford court fees, NICTS operates an exemption and remission scheme to help ensure that access to justice is maintained.

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

SECTION 4 - Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

NICTS does not believe that the social and economic needs of the rural community come into the scope of the proposals to increase court fees.

SECTION 5 - Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If the response is **NO GO TO Section 5C.**

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

NICTS does not believe that the social and economic needs of the rural community come into the scope of the court fee proposals.

The Rural Needs Act (NI) 2016 (the Act) provides a statutory duty on public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.

The commencement of the Act has been implemented on a phased approach, beginning with all government departments and local councils from 1 June 2017 and for the remaining public authorities listed in the Schedule to the Act from 1 June 2018.

As the first phase of court fee increases was consulted on and implemented prior to June 2017, a Rural Needs Impact Assessment was not conducted at this juncture. However, recognising its duty to have due regard to rural needs, NICTS designed a Court User Survey to gather the necessary information for analysis of court users and to be able to ascertain the split between those users who are classified as rural and those from urban areas. The Court User Survey was facilitated with the assistance of Kantar Millward Brown.

Following the completion of the consultation exercise, any responses received from rural stakeholders will be used to finalise this draft impact assessment.

If the response to Section **5A** was **YES GO TO Section 6A.**

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

SECTION 6 - Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:	Ryan O'Donnell - NICTS
Position/Grade:	Deputy Economist
Division/Branch	NICTS Fee Review Team
Signature:	
Date:	10 th December 2018
Rural Needs Impact Assessment approved by:	This document is in draft and will be completed following the consultation exercise, Improving Cost Recovery in the Civil Courts
Position/Grade:	
Division/Branch:	
Signature:	
Date:	