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COURTS AND
TRIBUNALS JUDICIARY

Judicial Ways of Working – 2022

Crime

April 2018

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Foreword from the Lord Chief Justice

The Courts and Tribunals Reform Programme was launched in 2016 with a joint statement from the Lord Chief Justice, the Senior President of Tribunals and the Lord Chancellor. In 2017, our plans for the future were described in 'Judiciary Matters'. These reforms will deliver savings – a necessary condition for securing the financial support of the government – but they will transform the way we operate the system of justice for the benefit of the public and enhance the administration of justice. Our approach to this modernisation must be rooted in our shared commitment and dedication to improving the administration of justice and access to justice so that we continue to uphold the rule of law.

Part of the underlying model for reform agreed in 2015 was to reduce the size of the Courts and Tribunals Estate but end up with buildings in a decent condition for our staff, the judiciary and the public. That remains an essential part of the overall package. Meanwhile, some of the developments in online services have already been outstandingly successful and provide models for the future.

It is now time to focus on the detail of how reform will affect you as a judge, panel member or magistrate in the jurisdictions in which you sit. The 'Judicial Ways of Working' documents that are attached are jurisdiction specific and have been provided by each head of jurisdiction. They summarise the detail of the plans that are being developed with Judicial Engagement Groups and the judges and magistrates who work in individual projects, to whom we are very grateful. The positions that are set out have drawn on the enormous collective experience of those judges and magistrates. The purpose of the documents is to invite each of you to become involved in providing your view about those positions and how reform should be developed in your jurisdiction. Your contribution is essential if we are to continue to administer justice in the public interest.

You are invited to contribute in two ways. There is a survey that accompanies the Ways of Working documents which includes specific questions and opportunities to set out your own ideas. There will also be a programme of meetings around the country where members of the Judicial Reform Board and leadership judges will be available to answer your questions and discuss your ideas. I very much hope you will feel able to complete the part of the survey that relates to your jurisdiction(s) and to identify which meeting would be the most convenient for you to attend.

Thank you very much for your help and continued support.

Ian Burnett

Lord Chief Justice

April 2018

A. Introduction – Criminal Jurisdiction

The backdrop to the Review of Efficiency in Criminal Proceedings (published in 2015) was the need to ensure that the criminal justice system allowed the process and delivery of justice to be as efficient as possible, not least because of the decrease in public funding. It was not premised on a concession (let alone an agreement) that funding should or could be reduced to any particular extent; rather it was intended to encourage the seamless operation of what were many systems – police, CPS, defence, legal aid, court administration, judiciary and probation – so that resources were not wasted.

What the Review was designed to achieve was that the police did not prepare files unnecessarily, the CPS always identified a lawyer with whom the defence lawyer could engage to progress a case efficiently, the defence lawyers did not unnecessarily have to spend time (and thus money) queueing up to visit their clients in custody or attending unnecessary hearings and, finally, court administration did not have to move vast quantities of paper about with ever increasing risks of documents becoming detached or not being in the right place at the right time.

I also commented that the criminal justice system was crowded with plans for future development with a plethora of pilots, initiatives and schemes and suffering from decades of being subjected to constant legislative change. I talked about ‘transformation exhaustion’.

Since the Review, the political landscape has moved on; the reality is that there is less space now for legislative initiatives. What has remained, however, is the need to work in a way that helps us maximise the limited resources that beset the criminal justice system, if only to demonstrate the limits of what can be achieved with ‘efficiency savings’.

It is for this reason that reform is and continues to be essential; we have to build on the recommendations made in the Review and we have done so. Over the last three years there has been a sea change in the approach to the way cases are conducted in the criminal courts.

Judges of the Crown Court have led the way in digital working. Almost all cases are run without paper, through the Digital Case System (DCS), saving millions of pages. Evidence can be displayed via ClickShare; video-links are used for vulnerable witnesses and defendants can attend directions hearings via video-link from custody. Many defendants in custody are sentenced via the video-link, at the discretion of the judge. At the request of the judiciary, HMCTS is now considering how better to make digital evidence (e.g. CCTV footage) available to the jury in their retiring room during deliberations.

Magistrates and District Judges (Magistrates’ Courts) too have been working digitally for some years. They receive their case papers (and other documents) via their iPads from the Court Store. The Common Platform is being developed for use in both the Magistrates’ Courts and the Crown Court. It aims to automate aspects of case progression and other administrative tasks including resulting. Judicial case management in the criminal courts will remain of fundamental importance and there will still be a need for case progression officers in the Crown Court and legal advisers in the Magistrates’ Courts to assist the implementation of judicial case management decisions. The principles of Better Case Management and Transforming Summary Justice which have led to real improvements in case progression will inform the development of the Reform Crime Programme.

This document intends to show you how criminal justice may look, once the Reform Programme has ended in 2022 and, where we know it, what the timetable is. It is based on our current understanding of Reform but as you will appreciate there are elements that are still being developed. I feel, however, that it is important that you are engaged as thinking develops. The Review involved judges of every rank and representatives of all sections of the criminal justice community and was premised on the basis that the participants tested the ideas that were discussed. Now, as the programme is developed, I am very keen that all judges and magistrates involved in criminal work have the opportunity to shape and influence the changes and contribute their thoughts.

I appreciate that first thoughts will challenge the reduction of public funding in many different parts of the system but we have to persuade the Government that, consistent with our fervent belief in access to justice and in the maintenance of excellence, we have done all that we can to be as efficient as possible. I am the first to recognise that judges may well have different ideas about ways of achieving that end, some of which may not have been considered. That is why I encourage you to be involved and provide your views.

I am grateful to the judges and magistrates that have written the text that follows which is intended to provide greater detail.

Brian Leveson

President of the Queen’s Bench Division and Head of Criminal Justice

April 2018

A. Reform for the Criminal Jurisdiction

The Current Position and Future Plans

Common Platform

1. The general view of the judiciary is that the Digital Case System (DCS) is much better than the previous paper-based system. The Common Platform, an ambitious project with a budget of £270m, has been in development for 4 years. When fully operational, it promises to be a sophisticated IT system, having a number of component parts designed to cater for all the criminal justice system needs across the Magistrates' and Crown Courts.
2. At its simplest, the Common Platform will replace the existing CPS and HMCTS IT systems with a single integrated system. This will enable the management of cases from charge to disposal; and provide a range of people and agencies involved in the criminal justice system with secure access to case information and materials.
3. Eventually, it will also offer a central digital database that will hold all of the material necessary to deal efficiently and fairly with criminal cases. Instead of material being passed from one agency to another – sometimes digitally, often in hardcopy and with papers going missing – everything will be available from a single central repository. The police will enter information about a case onto the Common Platform at the outset. The CPS will work on it. In all but a very few cases involving national security the material will be held on the platform and, subject to appropriate permissions, the police, the CPS, the defence, HMCTS, legal advisers and the judiciary will have access to the material that is relevant to them. This means that when fully functional the Common Platform will hold the most complete version of the case material which can be accessed by everyone, from anywhere at any time. Further detailed work will be carried out on this proposal.
4. It will replace the old 'legacy' systems such as Libra, CREST and Xhibit, as well as the relatively new Court Store and Digital Mark Up (DMU). While it is likely that DCS will remain for some time to come, no final decision has yet been taken about its future development – whether it is incorporated into the Common Platform programme, or superseded by the Common Platform's functionality.
5. The use of the Common Platform is expected to lead to a significant reduction in the costs of HMCTS (and other agencies) through automated case progression and resulting (recording the outcome of a case). Whilst we welcome the efficiencies that the Common Platform will bring and look forward to an integrated system, it is the view of the judiciary that active case progression by staff at court will remain essential to effective case management. The software will link with the cross-jurisdictional Scheduling and Listing software being developed by HMCTS (see paragraphs 36-37 below).
6. The police and CPS in Merseyside/Cheshire are now using the Common Platform to 'process' a limited category of cases. So far, only two of these have been dealt with at the Crown Court as part of a pilot at Liverpool. The system is still in its infancy and capability is being added in phased increments. Early signs are that the system will make the job of clerks and administrative staff a good deal easier – both in court and out. The interface is much more attractive; more intuitive; many functions have been automated including resulting, and feedback so far has been overwhelmingly positive. Efforts are being made to increase the number of cases going through the pilot so that the technology can be effectively tested.
7. Although work began at the Crown Court level, the plan now is to develop a single system for use across both the Magistrates' and Crown Courts. While each has its own unique characteristics, there are many functions that are common to both and a unified approach clearly makes good sense. The Common Platform will have the capacity to generate information to assist in the review of workloads, backlogs and general performance of the court.
8. There is no date yet for the national roll out of the Common Platform. It is expected that the pilot programme in Liverpool will be complete by early 2019, with legacy systems being decommissioned and the Common Platform becoming the system of record at all court centres from sometime next year.

The Crime Programme

9. The Crime Programme has begun only very recently. Previously the work was driven by the development of the Common Platform. It is accepted that the requirements of the criminal courts must determine the use of technology rather than the other way round. HMCTS is currently drafting the initial programme documentation. Some inception events were held in the early part of the year. There are 4 working groups which include judges of the Crown Court, magistrates and DJs (MC):
 - Online plea and allocation
 - Case progression
 - Court hearings
 - Youths

Two further working groups have been working for longer, with the Single Justice Procedure project and the Video Remand Hearings project respectively.

A. Reform for the Criminal Jurisdiction (cont'd)

10. It is agreed that there is significant overlap between the groups and the issues they are considering. It is important to look at the criminal court process as a whole and the composition of the groups will be reviewed at the end of the current stage of design.

The Single Justice Procedure

11. The Single Justice Procedure (SJP) will use a separate version of the Common Platform software called Automated Track Case Management (ATCM). This will allow prosecutors such as TfL and DVLA to upload cases directly. If defendants plead guilty or do not engage, the case will be judged online on the papers by a single magistrate, working with a legal adviser to record the decision and sentence digitally. The question of the ratio of magistrates to legal advisers is discussed in section B3.
12. A hearing with a lay bench will still be possible where a defendant requests it or pleads not guilty, or if the magistrate believes it is necessary. Subject to legislative change, it is proposed that this could be a fully video hearing (see paragraphs 19-24 below). Whether or not a trial should be heard in a courtroom will be a decision for the bench.
13. Subject to legislation, defendants who plead guilty offering no mitigating circumstances will be able to opt in to immediate online conviction and payment of a fine. Safeguards will be developed in consultation with the judiciary.
14. It is envisaged that the SJP will apply to summary, non-imprisonable offences where there is no identifiable victim (up to 840,000 cases per annum). The ATCM is in operation with TfL at Lavender Hill and will gradually be extended to other prosecutors between now and the first half of 2020.

Reducing hearings in court

Online plea

15. The current proposal is a service which will allow defendants to indicate a plea online. Initially, the service would be designed for legal representatives. Further detailed work will be carried out on this proposal. It is further proposed that case management be conducted online, out of court. We can see that case management decisions that are currently communicated by email or letter (following box work) could be done online. It is important to record work being done out of court (and the time spent on it) as part of the judicial workload.
16. The Magistrates' Engagement Group (MEG, for more details see Annex C) is working to ensure that proposals do not overestimate the engagement of defendants and both the likely compliance and engagement by parties with their duties under the Criminal Procedure Rules. These are stated in section B3 below and your views are sought. The working group on this topic awaits progress. The Crime Judicial Engagement Group (JEG, see also Annex C) has not yet considered it.
17. Proactive case management is and will remain an important judicial function. Case management hearings will continue to be heard in public either in court or via video hearing. See further details on this issue in sections B2 and B3 below.
18. It is proposed that cases which involve a defendant facing a charge which is triable only on indictment should go straight to the Crown Court for a Plea and Trial Preparation (PTPH) hearing, removing the need for an unnecessary preliminary step. This is a very good idea.

Fully video hearings (hearings where all parties join via electronic links and no one is in a courtroom)

19. The fundamental principle of open justice will be observed. The current proposal is that all remands be conducted through fully video hearings. It is also suggested that other pre-trial hearings will be heard in this way or decided on the papers on the Common Platform in both the Crown Court and the Magistrates' Courts. A pilot of video remand hearings was proposed for September 2018 but this is currently under review by the Crime Programme Board. Any pilot is subject to the agreement of the Senior Presiding Judge.
20. Trials in the Crown Court and Magistrates' Courts will be conducted in the courtroom as now, with technology used as appropriate. In the SJP, subject to legislative change, a trial may be by way of fully video hearing (see above). Whether or not an application or other listing is to be heard in a courtroom or by way of fully video hearing is always a decision for the judge or bench responsible for the hearing. It is anticipated that in due course rules and a practice direction will be developed to deal with this issue.
21. The MEG, JEG, and a cross-jurisdictional judicial working group on video hearings have considered what type of hearings could properly be conducted outside the courtroom. Their proposals are given in section B2 and your views are sought.
22. The technology for fully video hearings is currently being tested in a pilot in the tax tribunal.

A. Reform for the Criminal Jurisdiction (cont'd)

23. HMCTS agrees with the JEG and the MEG that whenever video equipment is to be used (wherever the judge or bench are situated), staff members will be required to be sitting with the judge or bench during the hearing to set up and operate all video equipment. Technical support must be available on site if there is a problem. The current rate of technical issues with Prison Video-Link and the challenges of accessing support must be improved. HMCTS is encouraging all staff to report problems. The fundamental principle of justice being done in public will be observed. There must be adequate facilities for counsel and solicitors to conduct remote conferences and consultations in private.
24. The MEG and JEG will continue to consider the types of hearings where use of technology could be extended. They have emphasised the importance of new technology being robust and reliable – and accompanied by appropriate training and support. Your views are sought – see section B2.

'Case officers'

Magistrates' Courts

25. A significant theme of the 2015 Review was that consideration should be given to extending the case progression powers of justices' legal advisers to enhance the efficiency of the administrative aspects of case progression. This is being taken forward by the Reform Programme under the banner of 'case officers', across the jurisdictions (in the legislation introduced in the previous parliament, the description is 'authorised' staff; for more details see Annex A: the legislation, p. 18).
26. The existing Justices Clerks' Rules have been overtaken by changes in law and practice in the Magistrates' Courts. Primary legislation and changes to the Criminal Procedure Rules will be required before the powers presently authorised by the Justices Clerks' Rules can be modernised and, if thought appropriate, extended.
27. The MEG is discussing the powers which could be extended to legal advisers and your views are sought in section B5.

Crown Court

28. In the Crown Court, experienced staff co-located with judges and with close judicial supervision could be authorised to complete some routine box work currently done by judges.
29. Examples of the types of tasks that might be done by staff under supervision are applications to extend time for compliance with an order when there is no risk to the trial date, uncontested special measures applications; others may be possible. Some decisions will always remain for the judge, such as bail applications (whether uncontested or not).
30. What "case officers" could do remains to be decided. There is more detail on this issue at paragraph B5. We welcome your views.
31. It is important to remember that legislation is needed to extend the powers of legal advisers or case officers in either the Crown Court or the Magistrates' Courts, and that authorisation is a judicial matter, ultimately under rules of court or practice directions over which the judiciary will have control.

Estates

Court buildings

32. Much of the court estate is badly maintained and dirty, the result of years of underspending. The proposals for some court closures have recently been consulted on, along with a consultation on the principles to apply in proposals for further court closures. Their aim is to have fewer, better buildings that are welcoming, easy to use and in good condition. For the first time, the proceeds from buildings sales are being re-invested not merely to improve IT but more generally in modernisation of the retained estate.
33. The development of a new Courts and Tribunals Design Guide will mean that refurbishments and new builds share a standardised and approved layout. Judges and administrative staff should not have to work in the poor conditions which are too often found at present. In the refurbishment of the court estate, proper security for judges, magistrates, staff, parties and witnesses in accordance to agreed minimum standards is a non-negotiable requirement .

Staff

34. It is proposed that the number of staff will be reduced from 16,500 (at the start of Reform) to just over 10,000. They will be divided between the courts and tribunals and the Courts and Tribunals Service Centres (below). HMCTS is clear that staff in courts must include court clerks, listing officers and those responsible for case progression. There is a commitment to provide sufficient ushers in court. Roles such as the Digital Support Officer, who will deal with technical difficulties, and staff to help manage fully video hearings, will also remain in the courts.

A. Reform for the Criminal Jurisdiction (cont'd)

Courts and Tribunals Service Centres

35. HMCTS intends to create a number of Courts and Tribunals Service Centres (CTSCs), which will bring together telephone answering and as many of the administrative functions associated with the running of the courts and tribunals as possible, including query management and assisting people to use new services. Some listing tasks in some jurisdictions may be carried out by staff in the service centres. Bulk scanning will also take place there. It is also intended that case progression should take place in these centres. There may be differences according to jurisdiction. Much remains to be developed, resolved and agreed across the jurisdictions.

Scheduling and listing

36. It is agreed by HMCTS and the judiciary that scheduling of itineraries and listing of cases are and will remain judicial functions. Scheduling involves identifying the courts that will be sitting in a given period and the judges who will be sitting there. Save in respect of High Court work, listing of criminal cases takes place in the courts and is carried out by listing officers working with Resident Judges in the Crown Court and by legal advisers in the Magistrates' Courts in accordance with arrangements agreed by the Judicial Business Group (JBG). As you know, HMCTS has reassured the judiciary that there will be listing officers in all courts that have them now.
37. Software is being developed to assist court listing officers in listing cases as efficiently as possible. The software cannot and will not replace listing officers nor will it dictate the list: this will always be a judicial decision with judicial overrides. Consideration is being given to jurisdiction-specific listing tools to be tested and developed in a small number of courts. The design of the software is still at an early stage. A cross-jurisdictional Scheduling and Listing Working Group of judges and listing officers is informing HMCTS of our design requirements.

Flexible Operating Hours

38. There is no need to rehearse the history. You are all aware of it. Responses to the prospectus were received in November 2017. Whatever the outcome, any plans would involve different judicial and court staff rather than longer hours for an individual judge or magistrate. This project is not necessary to the HMCTS Reform business case.

B. Your views on how we work with Reform

To shape Reform, we need to get your views

Reform must be done “with” the judiciary, not “to”. In support of this, we the judiciary must do two things:

- Firstly, set out some guiding principles for how we want to work in 2022 in the context of Reform
- Secondly, provide our views on the most significant questions the Reform Programme is grappling with in relation to the administration of justice

Whilst the MEG and JEG have had a continuing involvement, now is the time to seek much wider views so that the judiciary shapes Reform. This section, prepared under the instructions of the Lord Chief Justice and the Judicial Executive Board (JEB), gives you the opportunity to do this. We have identified 9 principles for how we the judiciary will work in 2022 in the context of the 7 Reform programmes and 52 projects (see Annex B). We set out some judicial positions for Reform to incorporate into its design and delivery plans. There is an ambition to improve efficiency overall where possible, but that does not always mean replicating the same processes across the jurisdictions. The end point for each jurisdiction will look different.

Way of working 2022 How this should be achieved

Set out below are 6 ‘ways of working’ directly linked to changes brought about by HMCTS Reform:

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|--|---|
| 1. Use of digital systems | <ul style="list-style-type: none">• The judiciary will use standardised, digital case management systems and paperless working. Prior to being made digital, case progression and other administrative processes will be reappraised so they are more efficient and effective than current ways of working. |
| 2. Use of technology for hearings | <ul style="list-style-type: none">• Judges and magistrates will decide whether to conduct hearings by telephone, video-link, online or in person. There will be no compromise to the principles of transparency, access to justice, and open justice. If defendants struggle with technology, they should receive the appropriate assistance or alternatives through the ‘assisted digital’ service provided by HMCTS. |
| 3. Cases dealt with in ways proportionate to their nature | <ul style="list-style-type: none">• Criminal cases will remain triable on indictment only, triable either-way or triable summarily. Trials will be heard in court (in the SJP, whether or not a trial should be heard in a courtroom will be a decision for the bench). Some hearings will take place outside the courtroom either by telephone or by way of fully video hearing. |
| 4. Use of simple, accessible procedure rules | <ul style="list-style-type: none">• There should be clear procedure rules for those accessing justice online with limited legal advice. Processes will be consistent, predictable and easier to understand, especially for litigants in person. People will get help when and how they need it. |
| 5. Authorisation to perform routine judicial functions | <ul style="list-style-type: none">• The appropriate use of well trained and capable case officers (who may or may not be legally qualified, depending on the jurisdiction and the exact role meant by this term) should allow a greater share of judicial time to be spent on decision-making in court and substantive case management (less time spent on routine box work). There should be sufficient supervisory mechanisms in place so that there is no detriment to the quality of justice. The role of case officers should be developed with the judiciary and will be subject to and may require legislation for some jurisdictions. |
| 6. A modern estate, properly staffed | <ul style="list-style-type: none">• A reduced estate should not compromise the quality of justice administered. The HMCTS Board has agreed that money saved will be used to fund investment in fewer, more modern buildings. They should be equipped and maintained to a higher standard. Buildings also need to be properly staffed by people to support the administration of justice and to provide for the needs of some of the most vulnerable in society. |

A further 3 considerations are not directly linked to the Reform Programme, but have significant implications for how the judiciary will work in 2022. Judicial Executive Board recognises that these important issues require a long term strategy and further work. You will be asked for your views on these topics in the Judicial Attitudes Survey which will be released in June 2018.

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|---|---|
| 7. Greater opportunity to work across jurisdictions | <ul style="list-style-type: none">• There will be an opportunity to work across jurisdictions where there is sufficient demand and an aspiration from judges to do so. This will be supported by the requisite training to ensure there is no diminution of specialist skills. It will be done on an ‘opt-in’ basis and through a transparent selection process as part of the deployment powers of the Lord Chief Justice and Senior President of Tribunals. |
| 8. A diverse judiciary able to work more flexibly | <ul style="list-style-type: none">• Appointment and career progression will continue to be based on merit, mindful of the need for the judiciary to reflect society and maintain its confidence. There will be more salaried part-time working roles and greater support for more flexible working patterns. |
| 9. Leadership judges clear in purpose, supported in their role | <ul style="list-style-type: none">• The role of leadership judges will be clearly defined, supported by the necessary training required to manage these responsibilities. There should be more consistent support for regional and local leadership judges. |

1. Use of digital systems

The judiciary will use standardised, digital case management systems and paperless working. Prior to being made digital, case progression and other administrative processes will be reappraised so they are more efficient and effective than current ways of working.

Criminal judges and magistrates have extensive experience of working digitally. Most consider it to be an improvement on what went before. The Crime Programme team should update the JEG and the MEG as to the proposed features on the Common Platform. It is agreed with HMCTS that proposed changes to processes will be brought to the JEG and MEG for their consideration.

The information and observations at section A paragraphs 1-8 set out the proposal for what the Common Platform will achieve. The JEG and MEG consider the following steps necessary to support these proposals:

- **Common Platform and Automated Tracked Case Management (ATCM):** The Common Platform and ATCM should enable simple and easy digital working. The same system should be available in both Magistrates' and Crown Courts.
- **Reliable IT:** In future, IT should be robust and reliable, the necessary hardware available to judges and magistrates, and systems kept up to date. There should be clear contingencies so that delays to court business are minimised. The selection and positioning of hardware – in particular screens – should be made in collaboration with the judiciary.
- **Training:** The judiciary should receive full IT training to use the future digital systems in advance of implementation. The lessons of the introduction of ejudiciary and DCS should be learned.
- **Support:** Trained IT support should be available in each court building to assist judges and magistrates experiencing IT problems.
- **Alternative processes:** Judges and magistrates will be able to use paper documents in some instances, for example to accommodate cases which are sensitive.
- **Management information:** Leadership judges should have access to secure, live data relevant to caseloads, backlogs compared to sitting days, and performance in their court. This data source should be used consistently between the judiciary and HMCTS, and be linked to a clear set of measures agreed by the judiciary.

Questions

Questions where your input is requested:

Judges sitting in the Crown Court

Q1: Aside from the resolution of the long standing problem of multi-defendant cases, what further improvements could be made to the DCS and/or incorporated into the Common Platform to improve the criminal process?

Magistrates and DJs (Magistrates' Courts)

Q2: In the Magistrates' Courts, what improvements could be made when Court Store is replaced by the Common Platform and ATCM?

Resident Judges, Presiding Judges, DJs (Magistrates' Courts) in leadership roles

Q3: What information do you need to help you review your workloads, backlogs and the general performance of your court?

All judicial office holders

Q4: Would you welcome more detailed information about precisely what is planned for the Common Platform? In what form would you like that information? E.g. by way of a presentation, live demonstration, paper, etc.

Q5: What method of training in IT would best suit you? The following seem to be the possibilities: written instructions, video instructions, small group training from judges and/or HMCTS – or a mix of all of the above.

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

2. Use of technology for hearings

Judges and magistrates will decide whether to conduct hearings by telephone, video-link, online or in person. There will be no compromise to the principles of transparency, access to justice, and open justice. If defendants struggle with technology, they should receive the appropriate assistance or alternatives through the 'assisted digital' service provided by HMCTS.

There will be an increase in the use of technology in hearings, as set out in section A paragraphs 19-24. It is for the judge or magistrate(s) dealing with the case to decide whether to conduct any hearing using video or telephones. There may need to be a practice direction providing guidance for fully video hearings. Trials in the Crown Court and Magistrates' Courts will be conducted in the courtroom as now, with technology used as appropriate. In the SJP, whether or not a trial should be heard in a courtroom will be a decision for the bench.

The MEG, JEG and the Judicial Working Group for video hearings are currently discussing the types of hearings where technology is most appropriate and have put forward the following views:

- **Suitable hearing types for fully video in the Crown Court:** The JEG considers the most suitable types of hearing for fully video may be directions hearings and case management hearings where parties are legally represented and there is no conflicting evidence for the court to determine. Other examples of hearing types which may be suitable for fully video hearings are remand hearings where the defendant is in custody, Further Case Management Hearings (FCMHs) including dismissal, abuse of process, and s. 28 Ground Rules Hearings (GRHs). Compliance hearings (i.e. repeated non-compliance with earlier directions) must be in court. Plea and Trial Preparation Hearings (PTPHs) will usually take place in court where the defendant is on bail; there will be exceptions: all will depend on the facts of the case, the circumstances of those involved in the hearing, and the interests of justice.
- **Suitable hearing types for fully video in the Magistrates' Courts:** In the Magistrates' Courts, a similar approach has been taken. The MEG considers that fully video hearings are unlikely to be appropriate where the defendant should have access to the duty solicitor, where one of the parties has mental health issues or a learning disability, or for any hearing involving a youth.
- **Open justice:** As a minimum, the public should be able to see and hear that which they can currently see and hear in court.
- **Research:** Consideration should be given to any impact on judgecraft which may result from greater use of technology in hearings, including fully video hearings, such as the risks of unconscious bias and depersonalisation which have been identified in early testing.
- **Practical support and set-up:** Operation of equipment should be the responsibility of a court clerk (in the Crown Court) or legal adviser/court associate (in Magistrates' Courts). Technical support should be provided on-site by dedicated HMCTS staff in each court building.
- **Quality of the equipment:** Video hearings and their audio record need to be of high quality such that it replicates what can presently be seen and heard in court. The video should involve an intuitive system to alert the judge/bench and other participants if there is a momentary video/audio dropout.
- **Assisted digital:** If there is to be greater use of digital technology, support will need to be available for those who have difficulty using it so that their ability to access justice is not impaired. This will be an HMCTS responsibility.
- **Security of fully video hearings:** Safeguards to ensure the security of the live feed and audio recording should be implemented. Information should be kept secure and be protected from unauthorised disclosure or hacking. The issue of audio recording and retention of hearings in the Magistrates' Courts requires further work. If this is the case, and when hearings in the Crown Court are recorded, it should be stored only by the Court. Sensitive or restricted material should be appropriately labelled.

Questions

Your input is welcomed on the following questions:

Q6: What types of hearings and cases could/should not be conducted by fully video hearings (where all parties join via video-link, and no one is in the court)?

Q7: In what ways can open justice and transparency be achieved for fully video and telephone hearings?

Q8: Where hearings are currently conducted by telephone, would the addition of video technology improve the quality and usefulness of the hearing?

Q9: How can we best ensure that for appropriate hearings the seriousness of court proceedings is brought home to those participating by video? How can we ensure the integrity of the hearing is maintained e.g. no off screen coaching?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

3. Cases dealt with in ways proportionate to their nature

Criminal cases will remain triable on indictment only, triable either-way or triable summarily. Trials will be heard in court (in the SJP, whether or not a trial should be heard in a courtroom will be a decision for the bench). Some hearings will take place outside the courtroom either by telephone or by way of fully video hearing.

Whether cases are heard in the Crown Court or the Magistrates Court is a matter of law and procedure. As to dealing with hearings in a proportionate way, the proposals are (see also section A paragraphs 11-18):

- i) That there is a service which will allow defendants to indicate a plea online. Initially, the service would be designed for legal representatives. Further detailed work will be carried out on this proposal. HMCTS is working with the Legal Aid Authority to encourage legal advice to be given at the earliest possible stage.
- ii) That all remand hearings take place via fully video. It is also proposed that other pre-trial hearings will be heard in this way or decided on the papers on the Common Platform in both the Crown Court and the Magistrates' Courts.
- iii) That under the SJP, summary, non-imprisonable offences where there is no identifiable victim (up to 840,000 cases per annum) will be resolved digitally, each by a single magistrate. At the moment a legal adviser sits with the single magistrate. The HMCTS assumption is that the ratio of magistrates to legal advisers will be 3:1, 2:1, or even 1:1, depending on the type of case, with the legal adviser sitting remotely. This will be tested and developed in the light of experience.
- iv) That subject to legislation, defendants who plead guilty with no mitigating circumstances will be able to opt in to immediate online conviction and payment of a fine.
- v) That case management takes place outside the courtroom either online or via fully video hearings.
- vi) That for non-SJP cases a first hearing may not be necessary where a defendant is engaged; a triage function will be required to confirm whether this is the case. The decision is for the judiciary.

The following summarises the MEG's current views on these proposals:

- **Engagement and compliance of defendants:** Save in SJP cases, the online indication of plea and case management and case progression features of the Crime design should be re-evaluated, acknowledging the problems with engagement and compliance of defendants and other participants. Access to legal advice should not be diminished as a result of the proposed new online plea system.
- **Online indication of plea:** The online indication of plea process should accommodate equivocal pleas and those which involve a basis of plea. An online indication of plea should be an indication only and not disadvantage the defendant. The system should be designed so that the gravity of indicating a plea is as clear as possible to a defendant. Proper analysis should determine whether the new procedure reduces the gains made under TSJ in achieving appropriate guilty pleas at the earliest possibility. There may be a risk that time will be expended confirming and clarifying pleas, and that cases may be inappropriately listed.
- **First hearing process:** The first hearing process should be the default position for non-SJP cases. A hearing may not be necessary. Where bringing participants together and active judicial case management will save time and effort later in the case. A hearing may not be necessary where a defendant is engaged; a triage function will be required to confirm whether this is the case.
- **PET form process:** Suitable IT must be developed to replace the Preparation for Effective Trial (PET) form process but allow for the bench to add or amend case management information and directions in and out of court.
- **Ratio and location of legal advisers in SJP cases:** A focus on efficiency should not be at the expense of a fair trial or the quality of outcomes. Safeguards should be in place, particularly if the legal adviser is sitting remotely. These safeguards should include a clear audit trail to show that decision-making has been followed properly. The geographic allocation and prioritisation of cases will also need to be defined by a set of rules, such as whether cases are organised on a national or regional basis. If the legal adviser does sit remotely, the magistrate should be able to contact them quickly and easily.
- **Open justice in SJP cases:** Open justice is a fundamental principle for all criminal cases. SJP cases should be transparent for the public, the press, and any other interested parties.

Questions

Your input is welcomed on the following questions:

Q10: What advantages or disadvantages are there to a defendant indicating a plea online?

Q11: What are the issues to be considered regarding the proposals that someone may not come to court until their trial (if they indicate a not guilty plea online and any hearings are fully video)?

Q12: What access to legal advisers would give magistrates sufficient confidence in hearing SJP cases? What opportunities or risks are there from changing the ratio and location of legal advisers?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

4. Use of simple, accessible procedure rules

There should be clear procedure rules for those accessing justice online with limited legal advice. Processes will be consistent, predictable and easier to understand, especially for litigants in person. People will get help when and how they need it.

Impact of Reform on Criminal Procedure Rules: Subject to legislation, new rules will need to be developed to deal with the proposed online conviction and payment of a fine for some non-imprisonable offences dealt with under the SJP. Other changes may also require rule changes.

Question

Your input is welcomed on the following question:

Q13: What safeguards need to be in place for an unrepresented defendant indicating a plea online?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

5. Authorisation to perform routine judicial functions

The appropriate use of well trained and capable case officers (who may or may not be legally qualified, depending on the jurisdiction and the exact role meant by this term) should allow a greater share of judicial time to be spent on decision-making in court and substantive case management (less time spent on routine box work). There should be sufficient supervisory mechanisms in place so that there is no detriment to the quality of justice. The role of case officers should be developed with the judiciary and will be subject to and may require legislation for some jurisdictions.

Primary legislation and changes to the Criminal Procedure Rules will be required before the powers presently authorised by the Justices Clerks' Rules can be modernised and, if thought appropriate, extended. The Lord Chief Justice will ultimately decide what work case officers will be authorised to do.

In the Magistrates' Courts case officers is a term that refers to justices' legal advisers and court associates, who already play a unique role in undertaking judicial functions, under the Justices Clerks' Rules and as noted in Criminal Practice Direction 24A. In the Crown Court, the term case officer is currently expected to refer to case progression officers, listing officers and, possibly, court clerks with enhanced roles working under the supervision of the Resident Judge. It has been made clear by the senior judiciary that these staff must remain in court.

Section A paragraphs 25-31 describe this further. The JEG and the MEG have also taken the following positions:

- **Future role of legal advisers in the Magistrates' Courts:** The MEG has agreed the following powers could be extended to legal advisers:
 - Directions for service of summons (CrimPR Part 4) (if not covered by para 17)
 - Transfer of proceedings under section 27A MCA 1980 from one court to another
 - General power to extend time limits subject to the trial date being unaffected
 - The power to extend or vary the time limit for the submission of, or response to, an application or notice regarding evidence or a measure to assist a witness
 - Direction preventing cross-examination of a witness (s36 YJCEA)
 - Direction appointing representative for purposes of cross-examination (s38 YJCEA) (if it did not affect the progress of a case)
 - Power to make directions regarding victim personal statements
 - The taking of a statutory declaration
 - The making of an attachment of earnings order

The MEG also continues to discuss whether legal advisers could have the power to conduct case management for SJP cases (where it is required), and to allocate cases to the Magistrates' Court or the Crown Court. In terms of the latter, both parties should continue to have the ability to make representations about the venue for a case to be heard, as now. Legislation enabling the Crown Court to send cases back to the Magistrates' Courts would be required. Where defendants have a first hearing, magistrates should still have the ability to allocate the case during the hearing rather than create a needless further step in the process. If the defendant has indicated a guilty plea, allocation for sentencing should be decided by the bench. Your views are sought on this and some further powers which could be extended to legal advisers (in question 14 below).

- **Future role of case officers in the Crown Court:** The roles of listing officers and case progression officers, court clerks, and administrative staff could be expanded and developed with a similar rationale. The JEG did not think that there was sufficient work for a legally qualified case officer (comparable to a magistrate's legal adviser) in the Crown Court. The JEG has also requested that consideration should be given to providing administrative support for Resident Judges so that they may focus on the work that only judges can do.
- **Recruitment and training:** All individuals authorised to exercise case officer functions should have the appropriate level of qualification, experience and training.
- **Oversight and feedback:** In the Crown Court, judges will supervise the work of case officers on routine box work, as agreed by the judiciary. Responsibility for line management will remain with HMCTS. Legal Advisers will continue to be managed by Heads of Legal Operations, as per the existing structures in the Magistrates' Courts.

The question of review of or appeal from a case officer's decision is still to be considered.

Questions

Your input is welcomed on the following questions:

Q14: In the Magistrates' Courts, what is your view on the following tasks being undertaken by legal advisers?

- Allocation of either-way cases to the Crown Court or the Magistrates' Courts (both parties should continue to have the ability to make representations about the venue, as now)
- Ground rules hearings
- Live-links directions
- Applications for all types of measure to assist a witness in a case
- Determining applications under s8 CPIA 1996, for disclosure of unused material
- Amendment of suspended sentence order by reason of change of address (CJA 2003, sched 12, para 14)

Q15: In the Crown Court, what tasks or box work could case officers be authorised to do without legal qualifications?

Q16: Is there a potential role, and if so what, for a legally qualified case officer providing direct support to Resident Judges in a court or a group of courts?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

6. A modern estate, properly staffed

A reduced estate should not compromise the quality of justice administered. The HMCTS Board has agreed that money saved will be used to fund investment in fewer, more modern buildings. They should be equipped and maintained to a higher standard. Buildings also need to be properly staffed by people to support the administration of justice and to provide for the needs of some of the most vulnerable in society.

Section A paragraphs 32-34 describe what this will mean for the criminal courts. The JEG and the MEG have also taken the following positions:

- **Application of the design guide:** A Court and Tribunals Design Guide should set the minimum requirements for refurbishment works and new buildings. It should be applied on a case by case basis. Within the overall design guide leadership judges in the courts should determine the requirements for the judiciary at that court.
- **Adequate staffing:** There should be sufficient staff of high quality in the courts to ensure that the judges and magistrates are able to administer justice. There must be proper procedures in place between the court and the Courts and Tribunals Service Centres (CTSCs) to allow immediate communication and exchange of information.
- **Supplementary provision:** “Supplementary provision” of justice facilities, i.e. courts held in buildings which are not part of the court estate (previously described as “pop-up courts”), should be available where there is business need. This should offer the opportunity to improve access to justice, but should not be a substitute for court and tribunal buildings where there is permanent demand. No premises should be used where the security of judges and indeed staff, parties and those attending any hearing cannot be assured in accordance with the agreed minimum standards.
- **Flexible operating hours:** Any future implementation of “flexible operating hours” should only be with judicial consent. Any plans should involve different judicial and court staff rather than longer hours for an individual judge or magistrate.
- **Judicial relocations:** Judicial relocations required by reductions in the court estate should not involve moves into lower quality accommodation, or into interim accommodation or interim lease extensions without a sustainable agreed end state. Clear policies and procedures should be in place for relocation subsistence, expenses and specific ways of working considerations.

Questions

Your input is welcomed on the following questions:

Q17: What are the advantages or disadvantages of having court buildings and courtrooms/hearing rooms that are used by a combination of jurisdictions?

We welcome your answers to these questions along with any additional comments on the issues you consider arise under this heading. You can put them in the accompanying online survey.

Full list of questions

1. Use of digital systems

Judges sitting in the Crown Court

Q1: Aside from the resolution of the long standing problem of multi-defendant cases, what further improvements could be made to the DCS and/or incorporated into the Common Platform to improve the criminal process?

Magistrates and DJs (Magistrates' Courts)

Q2: In the Magistrates' Courts, what improvements could be made when Court Store is replaced by the Common Platform and ATCM?

Resident Judges, Presiding Judges, DJs (Magistrates' Courts) in leadership roles

Q3: What information do you need to help you review your workloads, backlogs, and the general performance of your court?

All judicial office holders

Q4: Would you welcome more detailed information about precisely what is planned for the Common Platform? In what form would you like that information? E.g. by way of a presentation, live demonstration, paper, etc.

Q5: What method of training in IT would best suit you? The following seem to be the possibilities: written instructions, video instructions, small group training from judges and/or HMCTS – or a mix of all of the above.

2. Use of technology for hearings

Q6: What types of hearings and cases could / should not be conducted by fully video hearings (where all parties join via video-link, and no one is in the court)?

Q7: In what ways can open justice and transparency be achieved for fully video and telephone hearings?

Q8: Where hearings are currently conducted by telephone, would the addition of video technology improve the quality and usefulness of the hearing?

Q9: How can we best ensure that for appropriate hearings the seriousness of court proceedings is brought home to those participating by video? How can we ensure the integrity of the hearing is maintained e.g. no off screen coaching?

3. Cases dealt with in ways proportionate to their nature

Q10: What advantages or disadvantages are there to a defendant indicating a plea online?

Q11: What are the issues to be considered regarding the proposals that someone may not come to court until their trial (if they indicate a not guilty plea online and any hearings are fully video)?

Q12: What access to legal advisers would give magistrates sufficient confidence in hearing SJP cases? What opportunities or risks are there from changing the ratio and location of legal advisers?

4. Use of simple, accessible procedure rules

Q13: What safeguards need to be in place for an unrepresented defendant indicating a plea online?

5. Authorisation to perform routine judicial functions

Q14: In the Magistrates' Courts, what is your view on the following tasks being undertaken by legal advisers?

- Allocation of either-way cases to the Crown Court or the Magistrates' Courts (both parties should continue to have the ability to make representations about the venue, as now)
- Ground rules hearings
- Live-links directions
- Applications for all types of measure to assist a witness in a case
- Determining applications under s8 CPIA 1996, for disclosure of unused material
- Amendment of suspended sentence order by reason of change of address (CJA 2003, sched 12, para 14)

Q15: In the Crown Court, what tasks or box work could case officers be authorised to do without legal qualifications?

Q16: Is there a potential role, and if so what, for a legally qualified case officer providing direct support to Resident Judges in a court or a group of courts?

6. A modern estate, properly staffed

Q17: What are the advantages or disadvantages of having court buildings and courtrooms/hearing rooms that are used by a combination of jurisdictions?

Annex A | Reform: the Business Case

Reform is a six-year £1bn investment to modernise the court estate and invest significantly into IT provision, and in doing so improve how courts and tribunals work. Government is committed to investing more than £700 million to modernise courts and tribunals, and over £270 million more in the criminal justice system. The proceeds from estates sales will also be used to support Reform. The c.£1bn investment will be spent in the following ways:

- £270m developing a Common Platform with the Crown Prosecution Service .
- £230m modernising and reforming the court estate.
- £280m developing digital systems.
- £220m on other Reform Programme costs, including core programme costs, training and development.¹

The price for this investment is a requirement for long term spending reductions. The aim is to reduce annual costs by approximately £250m by 2022, from a current cost base of £1.6bn per annum. Approximately 16,500 HMCTS officers (at the start of Reform) will reduce to just over 10,000. The 460 buildings that made up the court estate has been reduced to 350 so far, with more reductions due to come.

The judiciary has a shared commitment to help deliver the proposals agreed between the Lord Chancellor, the Lord Chief Justice, and the Senior President of Tribunals. This commitment extends to realising the judicial savings as agreed with HMCTS and HM Treasury in successive versions of the Programme Business Case. These savings total £81m², subject to updates to the Business Case. They will be achieved through a combination of measures dependent on each jurisdiction, the detail of which is being further developed by the Judicial Office together with HMCTS.

At the point of sign-off of the last Programme Business Case (November 2017), it was anticipated that these savings would break down as follows:

- **Civil:** £8m was anticipated to be saved from efficiencies in conducting case management, ADR and hearings (including video technology and better guidance given to litigants in person); increased use of case officers for routine box work and out of court resolution (at judicial discretion); making some box work automated; and a reduction in some types of hearing owing to an expansion of other types of resolution.
- **Family:** £16m was anticipated to be saved from efficiencies resulting from digital processes and in improved ways of conducting hearings.
- **Tribunals:** £41m was anticipated to be saved from increased use of case officers for preliminary issues, case management hearings, box work, and interim applications (dependent on the chamber, where this is appropriate); efficiencies in conducting hearings (including video technology, use of online hearings, and use of online dispute resolution); reductions in demand for summary and written reasons; and reductions in withdrawn bail applications in the Immigration and Asylum Chamber.
- **Crime:** £14m was anticipated to be saved from indications of pleas being made online; efficiencies in conducting hearings (including use of video technology and automation); efficiencies in case progression (including use of the Common Platform).
- **Cross-CFT:** A further £3m was anticipated to be saved from a series of 'Early Initiatives' across Civil, Family, and Tribunals, such as changes to the issuing of Attachment of Earnings Orders and to Tribunals authorisations.

The spread and composition of these savings are under scrutiny and we anticipate that further conversations will be required at the Judicial Executive Board and the Tribunals Judiciary Executive Board to agree how they are achieved.

This does not mean that any salaried judge will be made redundant, nor is there a mechanism to do so. Recruitment and deployment decisions will continue to ensure that the business need is met.

¹ Figures taken from 'Judiciary Matters: HMCTS Reform Briefing Note', February 2017, p.11; ongoing engagement with HMCTS is being taken to understand the exact makeup of the unspecified costs.

² Jurisdictional figures do not sum to £81m owing to rounding.

Annex A | Reform: the Legislation

Primary legislation will be required for some elements of the Reform Programme to be delivered. A Prisons and Courts Bill was introduced in the House of Commons in February 2017 but was not passed as Parliament was dissolved ahead of the General Election. In a written submission to the Bill Committee, the Lord Chief Justice and the Senior President of Tribunals noted that the legislation was “a critical enabler”³ which will support access to justice and strengthen the rule of law.

The Queen’s speech in June 2017 announced that the Government would be introducing legislation to ‘modernise the courts system’. This legislation will be introduced as soon as parliamentary time allows. A summary of the court reform measures that were included in the Prisons and Courts Bill is set out below.

Cross-Jurisdictional

- *Local justice areas*: Abolish local justice areas to increase flexibility in the deployment of magistrates and where a case can be heard.
- *Authorised staff (also known as ‘case officers’)*: Provide for the authorisation of court and tribunal staff across the jurisdictions to exercise judicial functions. The relevant Procedure Rule Committees will have the power to specify which functions may or may not be undertaken by authorised staff in the Crime, Civil, Family and Tribunals jurisdictions. Apply statutory independence and immunities to these staff. Reform the role of justices’ clerks – removing the role from statute to enable the creation of a more flexible, cross-jurisdictional leadership role for authorised court and tribunal staff.
- *Open Justice*: Ensure open justice for fully video and audio hearings (subject to existing reporting restrictions), including the creation of new criminal offences to guard against abuse.

Crime

- *Streamlining case management, allocation and sending procedures*: Allow defendants to indicate their pleas in writing (preferably online) in all offences, and enable allocation and sending of either-way offences online by removing statutory requirements for hearings where the defendants are physically present. Remove the requirement for defendants charged with indictable-only offences to make a first appearance in the Magistrates’ Court by sending indictable-only cases to the Crown Court directly.
- *Automatic online convictions and statutory standard penalties*: Create a new online procedure for adults who plead guilty to the least serious offences to be convicted, sentenced and pay their fines entirely online.
- *Video and audio hearings*: Enable more matters to be dealt with by video-links or by fully video or audio hearing. All use of video-links remains at the discretion of the court which has to be satisfied that it is in the interest of justice and that the participants will be able to participate effectively.

Civil, Family, and Tribunals

- *Online Court and Rule Committee*: Establish a new Online Procedure Rule Committee (OPRC) that will be able to create new Online Procedure Rules in relation to the Civil, Family and Tribunal jurisdictions. The OPRC will provide simplified rules to support online procedure.
- *Employment Tribunal reform*: Change the legislative framework of Employment Tribunals to bring them into line with other tribunals and enact reform and new rules in a consistent way.
- *Enforcement powers*: Extend enforcement powers to the High Court so that the Court can make Attachment of Earnings Orders for the recovery of monies due under a judgment debt, as far as practicable on the same basis that the County Court can make such orders using a fixed deductions scheme.
- *Panel Composition*: The Composition Order, which provides the SPT with greater flexibility in setting panel composition, was laid before Parliament in February 2018. The Lords have already debated and approved the Order, and we are now awaiting a date for the Commons debate before the Order can be implemented. We anticipate this will take place in April/May 2018.

³ Lord Chief Justice and Senior President of Tribunals, “Memorandum: Prisons and Courts Bill 2017”, para. 10

Annex B | Reform: Programmes Summary

Reform is divided into 7 programmes. These are detailed as follows:

- 1. Crime Programme.** This programme aims for cases to progress through the criminal justice system more efficiently and with reduced delays. It plans to reduce the number of hearings taking place in court, and to develop a 'Common Platform' for securely sharing information on a single system.
 - Crime Service Model.** Most summary non-imprisonable offences with no identifiable victim (approximately 840,000 cases) will be taken out of the courtroom and heard by a single magistrate on the basis of the case file. In either-way and indictable cases, defendants will provide an indication of their plea online rather than in a court hearing, while judges and magistrates will, at their discretion, be able to conduct remand hearings through telephone, video-link, or online unless they need to be in court. Other elements of the model, such as partial automation of case progression, are in the process of being designed.
 - Common Platform.** The Common Platform plans to introduce new online case management software so that in a criminal case information can be securely shared. This will mean a shared system from when a police officer charges a case or requests a charging decision from the CPS, to the point the case is decided and the result is recorded formally.
- 2. Civil, Family and Tribunal (CFT) Programme.** The intent is to develop a range of digital services to support the resolution of Civil, Family and Tribunal cases fairly and speedily, underpinned by a set of 'Common Components' to be used across the three jurisdictions.
 - CFT Design.** The CFT programme has identified a set of administrative and judicial procedural steps that are common across CFT, known as the 'common procedures'.⁴ The ambition is to unite these under one digital platform, with a single access portal. It will involve automated triage, where appropriate, and more frequent use of alternative dispute resolution. This, and a new set of online procedure rules (subject to primary legislation), will provide clear mechanisms for claims to be brought without legal aid or representation.
- 3. Common Components.** In a separate workstream but aligned to the CFT programme, HMCTS are creating over 30 'common components', a set of applications which will enable a more integrated technology system across CFT. The most important components will be Core Case Data, a way to capture case information, and Document and Evidence Management, which will hold the documents related to a case. A further component will be the Judicial User Interface so that judges and panel members see the same types of screen throughout their use of CFT systems.
- 4. Property Programme.** This programme aims to improve the utilisation of a reduced number of HMCTS buildings, create new designs for courts and tribunals, modernise the remaining buildings, and generate some of the income required for investment elsewhere.
 - Estates reductions.** Taking cases out of the courtroom through fully video hearings will mean the requirements for estates will change. The number of courts and tribunals will be reduced. A number of these buildings will be used by more than one jurisdiction.
 - Court design.** There will also be a programme of modernisation of court and tribunals in line with a new Court Design Guide, so that they are fit for purpose in terms of their equipment and maintenance.
- 5. Infrastructure and Operations Programme.** This programme provides the products and services to enable the others.
 - IT infrastructure.** The programme will install WiFi in every court and tribunal building (and in the case of criminal courts, upgrade it) together with screens. The aim is for courtrooms and tribunal hearing rooms to be properly equipped.
 - Video hearings.** Increased use of video hearings is planned to improve efficiency in conducting hearings. This will be in two forms. First, hearings where one or more parties attend through telephone, video-link or online. Second, subject to legislation, some hearings (particularly preliminary hearings) where all parties attend in this way.
 - Digital scheduling and listing.** A new digital tool is being developed to automate some aspects of the scheduling and listing process, where this is considered appropriate by the judiciary. Listing officers will remain in courts and judicial control of listing decisions will remain because they are a judicial function.
 - Courts and Tribunal Service Centres (CTSCs).** A number of Service Centres will be created as the centralised locations for "contact" and the support and administration of cases. These may include some of the case officers, where the judiciary decide it is not necessary for them to be co-located with the judiciary.
 - Case officers.** As part of the CTSC and 'Regional, Courts and Tribunals' projects, the role of case officers is being considered. This could involve the creation of new roles or the expansion of existing roles, dependent on the staff working in a particular court or jurisdiction currently (see sections A and B5 in this document). The use of case officers will always be in the control of judges.
 - Assisted digital.** Assisted digital refers to the new support arrangements put in place to help users interact with the courts and tribunals via digital channels such as webchat, telephone assistance, and where necessary face to face assistance.
- 6. People and Culture Transformation (PACT) Programme.** PACT will redesign HMCTS to support the new ways of working delivered by Reform. This will include supporting the reduction in staff from 16,500 (at the start of Reform) to just over 10,000.
- 7. Transforming Compliance and Enforcement Programme (TCEP).** This programme involves new technology, a new operating model, and re-procuring contracts to ensure orders of the court are enforced effectively.

⁴ According to HMCTS, these are: Signposting (online, printed and verbal); Application and Information Routing; Payment; Identity Verification; Casework and Case File Management; Administrative Decision-Making; Communications and Support; Scheduling and Listing; Hearings, Trials and Sentencing; Recording Decisions; Interface with Partners; Enforcement; Service Improvement.

Annex B | Reform: Projects Summary

The Reform Programme

Currently there are 52 projects that sit under 7 programmes to deliver Reform. These are described below together with their start and end dates, as proposed in the most recent Reform business cases. Please note that the dates and details of many of these projects remain under discussion with HMCTS.

A. Crime Programme

Crime Service Model

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
1	Single Justice Service (SJS)	Expanding on the existing Single Justice Procedure. Cases involving summary, non-imprisonable offences with no mitigating circumstances could be digitally managed, or pass through other pathways, e.g. to go before a single Magistrate with access to a legal adviser.	28/02/2017	18/03/2020
2	Video Remand Hearings (previously Virtual Remand Hearings)	Remand hearings conducted directly from the police station/custody through video means (i.e. video conferencing) with any pre-trial work also being managed by video.	03/07/2017	28/10/2020
3	Online Plea and Allocation	Plea and allocation to take place outside the court, through a "virtual" centralised triage function, removing the need for allocation hearings. Defendants will be able to indicate a plea online (with assisted digital as required).	03/07/2017	04/03/2021
4	Case Progression	Cases progressed outside of court by judges and authorised staff under judicial supervision. This will be supported by automated scheduling where possible; interlocutory hearings will happen online, or via video and telephone.	03/07/2017	09/06/2021
5	Court Hearings	Maximising the use of digital and video capability for existing court proceedings.	03/07/2017	08/09/2020
6	Youth	Enabling use of digital channels, considering use of more fully video hearings, making administrative work digital and defining a future operating model for the criminal courts within the Crime Service Model. This will all be considered alongside the constraints of working with young people and their parents and/or guardians.	03/07/2017	28/04/2021

Common Platform:

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
7	Single Justice Services - Automated Track Case Management System (ATCM)	Part of the new digital service that will include obtaining pleas from defendants online. It is expected to apply to summary only and non-imprisonable cases dealt with under the Single Justice Procedure (SJP) where trials are overseen by a single magistrate. This ATCM System would be used from the prosecutor's receipt of the case in the Magistrates' Court through to a decision.	TBC	01/04/2020
8	Charge to IDPC	Enabling police officers to initiate pre-charge decisions with prosecutors and enabling the prosecutors to complete that charge.	TBC	30/06/2019
9	Online Plea	Changing the way that defendants can enter a "guilty" or "not guilty" plea. This project is aiming to make the process digital, so that defendants could enter a plea online and in written format.	TBC	01/06/2019
10	Digital Mark-Up	A court resulting tool for legal advisers and court associates in the Magistrates' Court, for all criminal cases. The service will be a digital process to record and transmit the results of the judicial decision makers in Magistrates' Courts to the current case management system (Libra).	01/10/2014	01/03/2018
11	Crown Court End-to-End	Covering case management and other capabilities to support processing of guilty plea cases in the Crown Court. The initial delivery will focus on Sentencing Hearings only within the Crown Court. Subsequent delivery will extend the services to all types of Crown Court hearings and into the Magistrates' Court.	TBC	01/12/2018

Annex B | Reform: Projects Summary

B. Civil, Family, and Tribunals Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
12	Adoption	An end-to-end solution for adoption cases.	01/02/2018	31/10/2019
13	Upper Tribunals	New digital ways of working across Upper Tribunals and the RCJ.	01/04/2019	30/09/2020
14	Online Civil Money Claims (OCMC)	A new online process will be used for the management of relatively simple and lower value civil disputes. The project will also automate and streamline the procedure for other civil money claims.	01/04/2016	29/11/2019
15	Possession	The accelerated possession claims process will be made digital. As an interim step, automation of administrative processes will be implemented to make processes more efficient and save money. Considerations are being given to ways of standardising the administration of possession cases.	01/10/2018	30/06/2020
16	Court of Protection	People using the Court of Protection will be able to initiate and manage their cases online.	01/02/2019	29/01/2021
17	RCJ Services	Identifying areas of focus to improve services in the RCJ and wider High Court District registries and Upper Tribunals.	03/10/2016	30/09/2019
18	Divorce	Delivering a transformed divorce service for people who want to end their marriage or civil partnership. This project will also reduce the HMCTS resource required to administer those cases. A digital service for applications for: divorce, nullity or judicial separation of marriage or civil partnerships, and online payment of fees.	01/04/2016	31/01/2019
19	Private Family Law	Implementing systems and processes to enable private family law litigants to initiate and manage their cases online.	01/08/2019	30/04/2021
20	Family Public Law	This project will transform our public family law function to enable users, including local authorities, to start and manage cases online for all public family law and adoption cases.	02/10/2017	31/10/2019
21	Probate	Implementing a streamlined, digital system to speed up and simplify the process for users who apply for a grant of probate in non-contentious cases.	01/04/2016	02/01/2019
22	Social Security & Child Support (SSCS)	Establishing a new, digital process to improve the experience of appellants, allowing them to submit, track and manage their appeal online. This will include verification checks and an online listing tool.	01/04/2016	29/03/2019
23	Specialist Tribunals	The project will establish new ways of working across the tribunals, developed on a tribunal-by-tribunal basis.	02/01/2019	30/06/2021
24	Immigration and Asylum Chamber (IAC)	Developing the administration of the Immigration and Asylum Chamber's service so that it can adapt according to different needs of users. It will enable case resolution both online and by video.	01/12/2017	29/11/2019
25	Employment Tribunals (ET)	This project will use a combination of the tribunals authorisation and the civil money claims models to develop an ET service that can change the way it works according to what the user needs. This will include the ability to resolve cases online and by video.	01/11/2019	30/06/2021
26	Civil Enforcement	Reviewing the structure of civil enforcement to deliver better information and increase the likelihood of successful enforcement. This includes increased guidance, a simplified process, and a digital system to increase efficiencies.	03/04/2018	30/10/2020

Annex B | Reform: Projects Summary

C. Common Components

A full list of the projects within the Common Components Programme will be made available on the Judicial Intranet in due course.

D. Property Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
27	Birmingham Estates Rationalisation Project (BERP)	Rationalising the HMCTS Civil, Family and Tribunals (CFT) estate in Birmingham to realise long term savings. Delivering a Birmingham CFT hearing estate that is fit for purpose and can withstand future change.	30/07/2014	30/04/2018
28	Estates Reform Project 1 (ERP1)	Reviewing the utilisation of HMCTS estates and removing surplus capacity.	01/09/2015	29/03/2019
29	Estates Reform Project 2 (ERP2)	Reducing the property profile of HMCTS further, enabling a more fit for purpose and modern court estate.	01/08/2016	29/04/2022
30	Hammersmith & Camberwell Green Project	Reviewing the utilisation of HMCTS estates and removing surplus in London.	01/06/2015	31/03/2020
31	The Court Design Guide	Defining the principles and standards upon which HMCTS will base future building design.	01/06/2016	31/05/2018

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E. Infrastructure and Operations Programme

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
32	IT Infrastructure – Screens	Implementing screens for the judiciary, and litigant in person and witness screens to Civil and Family courts and tribunals.	31/07/2018	31/03/2020
33	IT Infrastructure – WiFi	Deliver WiFi in remaining CFT hearing venues. Refit of HMCTS WiFi to Crime sites-funded from PBC3. Screens in CFT Venues, review the WAN/LAN networks, capability for Video Hearings and specifications for Alternative Provision.	18/07/2016	29/03/2018
34	IT Infrastructure – Video Hearings (VH) Hardware	Providing video conferencing equipment in the local tier to support video hearings.	19/04/2017	29/03/2019
35	IT Infrastructure – RCJ WiFi and Screens	Implementing WiFi and screens in the RCJ.	23/06/2017	29/03/2019
36	Video Hearings (previously Virtual Hearings)	Implementing hearings in a digital environment outside traditional courts or tribunals. Developing the capacity to provide 'On the Day Management' of hearings, where the hearing attendees can be welcomed, communicated with and directed digitally. A telephone conferencing system will be delivered as part of the project.	01/09/2016	31/05/2019
37	Scheduling & Listing	Implementing a scheduling and listing tool to be used by court listing officers to support their work.	02/05/2017	TBC
38	Bulk Scanning & Printing	Supporting the digitisation of services by establishing a bulk scanning service. It will also reduce printing and postage costs by establishing a centralised bulk printing solution. Local printing and scanning solutions are out of scope for this project.	01/09/2016	18/12/2018
39	Courts, Tribunals and Regional Tier	Developing a new organisation design for the staff operating within the courts and tribunals. This project, together with the CTSC project, includes work on the role of the case officer, rather than it being a separate project in its own right.	31/08/2017	31/03/2022
40	Enterprise Performance Framework (EPF)	Developing a new performance framework to measure the performance of HMCTS (as a technology project it forms part of this programme, not PACT).	03/07/2017	31/01/2020
41	Flexible Operating Hours (feasibility study)	Completing a pilot and evaluation across a series of sites in different locations and jurisdictions to examine the feasibility of flexible, extended operating hours for hearings. Note that this project is not necessary to deliver the business case for Reform.	30/09/2016	TBC
42	Online Tier	This project will shape HMCTS' online presence, signposting, information and guidance on accessing or using HMCTS services. It will make it easier for customers to self-serve, to make informed choices, and to understand what is happening.	TBC	TBC
43	Courts and Tribunals Service Centres (CTSCs)	Delivering a number of centralised case administration centres for HMCTS in England and Wales by consolidating administrative activity. This project, together with the Regional, Courts and Tribunals project, includes work on the role of the case officer, rather than it being a separate project in its own right.	01/04/2017	12/12/2022
44	Assisted Digital	Providing support to members of the public (including litigants in person) who have limited digital capability or who are unable to access resources/information digitally.	01/09/2017	01/03/2022
45	Judicial Fees & Expenses Payment System (JFEPS)	Improving the payment of fees and expenses to all court judges and tribunal judges and panel members. The project is creating an online system to handle the processing of claims and expenses, which now includes fee-paid members.	01/12/2015	29/03/2018

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F. People and Culture Transformation Programme (PACT)

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
46	Org Design (Workstream)	Completing organisation design work, including considering the size and cost of the future HMCTS organisation.	14/11/2016	12/12/2022
47	People Proposition (Workstream)	Developing the future employment model considering diversity, equality, reward, performance, careers on offer and opportunities for career development.	14/11/2016	12/12/2022
48	Employee Engagement (Workstream)	Defining the engagement strategy and plan to increase engagement at all levels.	14/11/2016	12/12/2022
49	People Transition (Workstream)	Reviewing, updating and developing policies for recruitment, retention, redundancies and redeployment.	14/11/2016	12/12/2022
50	Capability Development (Workstream)	Identifying the new skills and capabilities required in the HMCTS workforce. Building the knowledge and developing interventions and change leadership to support this.	14/11/2016	12/12/2022

G. Transforming Compliance and Enforcement Programme (TCEP)

#	Project Name	Project Description	Proposed Start Date	Proposed End Date
51	Transforming Compliance and Enforcement Programme (TCEP)	Increasing both the level and the efficiency of the collection of criminal financial impositions through improved business processes and IT systems. This will consolidate administrative activity through a reduced number of sites and headcount. The improved IT systems will also increase the levels of collection through improved verification and data segmentation functionality.	04/01/2016	30/04/2019
52	Approve Enforcement Agency (AEA)	Covering the re-procurement of Approve Enforcement Agency (AEA) contracts, due to expire, including a review of how this service is provided.	01/08/2016	30/04/2019

Annex C | Judicial Governance Groups

The table below describes the various groups that make up the Judicial Reform Network (JRN). The JRN is the collection of groups that will help to drive Reform across the Judiciary.

Group	Description
Judicial Executive Board (JEB) & Tribunals Judiciary Executive Board (TJEB)	
Judicial Reform Board (JRB)	
Judicial Reform Board – Courts (JRB-C)	
Tribunals Judicial Strategy Group (TJSG)	
Judicial Reform Steering Group (JRSG)	
Judicial Ways of Working Group (JWOW)	
Judicial Engagement Groups (JEG) and the Magistrates Engagement Group (MEG)	
Regional Leadership Groups (RLGs)	
Local Leadership Groups (LLGs)	
Project working groups	