



## Better Case Management (BCM) Newsletter

2 October 2015

Issue 2

Welcome to this second newsletter which will set out the imminent changes being implemented by Better Case Management (BCM).

**BCM starts on Monday 5 October 2015**

This involves the following changes:

### **Criminal Procedure Rules (CrimPR) and Case Management Practice Direction**

The uniformed national Early Guilty Plea (EGP) scheme which is a key initiative of BCM is embodied in the CrimPR 2015 and supported by the Criminal Practice Directions (Part 3 Case Management) 2015. Both the CPR and the supporting Practice Direction come into force on **5 October 2015**.

The CrimPR and Practice Direction are available to view at:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/>

### **Early Adopter Courts**

BCM will start in the following courts:

- Isleworth,
- Leicester,
- Merthyr Tydfil,,
- Portsmouth,
- Reading
- Woolwich

The other Early Adopter Courts namely Liverpool will start on 26 October and Leeds will start on 9 November.

From Monday **5 October** all cases ALLOCATED and SENT to those Crown Courts will be listed to a mandatory Plea and Trial Preparation Hearing within **28 days**. This does not have to be on the 28<sup>th</sup> day. Exceptions might apply to take into account Bank Holidays, court closure days and cases sent or allocated on a Saturday. The management of these exceptions will be determined locally.

It is expected that the PTPH will be an effective hearing, with either the defendant(s) being sentenced in the event of a guilty plea or clear, achievable directions given to allow straightforward cases to be listed for trial without the need for interim hearings. Further Case Management Hearings (FCMH) will only be needed in complex cases.

Where a Not Guilty plea is anticipated these early adopter courts will use the new PTPH form. They will be testing out the process for completion (which will be digital) as well as assessing whether the information provided by the parties on the form is sufficient to enable the judge to effectively case manage.

A copy of the PTPH form and accompanying guidance can be found at:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015>

Below is a summary of the responsibilities under BCM:

#### **Prosecution:**

- Accurate charging decisions
- Case ownership and responsibility
- Early and continuous engagement with the defence
- Compliance with the Crim PR and PD

#### **Defence:**

- Case ownership and responsibility
- Early and continuous engagement with the prosecution
- Compliance with the Crim PR and PD

#### **Court:**

- Appropriate listing
- Effective case progression

#### **Probation**

- Facilitating more oral “on the day” reports

#### **Magistrates**

- Enquiring about the nature of the communication between the prosecution and defence
- Requesting an indication of plea
- Ordering PSR (where appropriate) if there is an indication of a guilty plea
- In the likelihood of a not guilty plea establishing and recording the issues for trial.

## Judiciary

- Robust and consistent case management
- Positive engagement
- Fewer hearings.

## Non Early Adopter Courts

All other courts will continue with their current listing pattern of Preliminary Hearing and PCMHs., using the existing Plea and Case Management Hearing form - March 2013 edition.

However all non early adopters will be expected to apply BCM principles before the official start date (5 January 2015) in that:

- The prosecution and defence will seek to identify case owners who will engage with each other at the earliest opportunity – if not in the magistrates’ court then hopefully at the Preliminary Hearing;
- Guilty pleas will be agreed or issues identified in Not Guilty cases to allow for meaningful, specific, achievable directions to be made;
- Lots of interim “mentions” will be avoided before an effective trial.

## Digital Case System (formerly CaseLines)

BCM and DCS compliment each other. BCM is designed to operate digitally.

The Early Adopter Courts are capable of introducing DCS along side BCM. However BCM is not dependant on DCS. Therefore BCM will start in the Early Adopter Courts irrespective of the introduction of DCS. Similarly, BCM will be fully implemented from **5 January 2016**, whilst the programme for introducing DCS will continue until April 2016.

For more information on the DCS please contact the project team through the following email address:

[CJSEfficiency@cps.gsi.gov.uk](mailto:CJSEfficiency@cps.gsi.gov.uk)

## Expedited Case Management initiative

As mentioned in the previous news letter there will be an Expedited Case Management initiative (the “Blitz”) at **all** Crown Courts from October to December. This will help manage the “bulge” in work caused by operating both the old system whereby the review and decisions often take place near to or at the trial date and the new BCM system where such work is done at the outset.

The Blitz will:

- target approximately 11000 cases set down for trial in four offences categories (assault, theft , fraud and drug offences) which statistically are shown most likely to be resolved.
- involves the CPS Crown Advocates undertaking a critical assessment of these cases to determine:

- if they should still proceed to trial (with further work being identified and undertaken to strengthen the case);
- be discontinued;
- or the strength of the evidence allows for an early resolution (possibly through guilty plea), including bringing forward trial dates.

## Next steps

The Local Implementation Teams are using national guidance to help them plan for implementation, either now as an early adopter, or from 5 January.

Part of these plans will involve local engagement events and I would encourage every one to attend. Details can be obtained from your local Crown Court.

I hope that you will all help ensure a smooth and positive start to BCM on **Monday 5 October 2015**.

I will update you on progress through my next newsletter shortly.

## Lord Justice Gross

Senior Presiding Judge for England and Wales

## Further Information

More information on BCM can be found at [Judiciary.gov.uk](http://Judiciary.gov.uk) or you can view a [video of a BCM road show](#) online.