



## Better Case Management (BCM) Newsletter

13 NOVEMBER 2015

Issue 3

Welcome to this third newsletter which explains how Better Case Management (BCM) and Crown Court Digital Case System (DCS) link and work together.

**BCM started on Monday 5 October 2015**  
**First PTPHs listed on 2 November 2015**

### Better Case Management (BCM)

Better Case Management (BCM) links together certain key initiatives which complement each other and which together improve the way cases are processed through the system to the benefit of all concerned within the CJS.

#### The overarching aims are:

- Robust case management
- A reduced number of hearings
- The earlier resolution of pleas and the identification of the issues in the case
- The maximum participation and engagement by every participant within the system
- Effective compliance with the **Criminal Procedure Rules (CrimPR); Practice and Court Directions.**

The CrimPR and Practice Direction are available to view at:

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

### Crown Court Digital Case System (DCS)

The DCS is a digital version of the court file and it is one element of the Criminal Justice Efficiency Programme. The other parts are:

- Professional Court User Wi-Fi
- In-court presentation technology, which enables the presentation of digital evidence

**The DCS is a secure digital web-based software solution. It allows the parties and other participants (prosecution, defence, HMCTS, judges and probation) to upload, access, annotate, make notes and present cases in the courtroom digitally.**

When the DCS is fully rolled out there will be **no paper files in the Crown Court** (although some special provision may continue to be required for unrepresented parties and jurors). Therefore the documents relied on in criminal cases such as the indictment, statements, paper exhibits, applications and written orders will be uploaded onto the DCS and will be accessible on computers, tablets and smartphones.

Prosecution evidence or defence statements will be “served” when they are uploaded onto the system AND a notification is sent, usually by e mail, to the other party or parties. Thus any paperwork handed over during a hearing will only be deemed to have been “filed” when it is uploaded onto the DCS.

These elements of the new approach are reflected in the new **CrimPR 4.6**.

**The DCS is operating in Leeds, Southwark, Portsmouth, Liverpool, and Merthyr Tydfil. Reading and Leicester will also commence using DCS in November. The remaining courts are scheduled to adopt the DCS in a phased implementation approach from January 2016.**

### **Key features of the DCS**

- The DCS presents the case documents in an ordered and comprehensive manner.
- Judges and court staff can access all the case files on the DCS.
- Other users such as the prosecution and defence will be permitted to access any relevant material.
- The Judge, court staff, prosecution and defence will have access to identical versions of the documents, on any computer, tablet and smartphone and from any location.
- Those using the DCS can privately make notes and mark up the digital documents.
- Judges can make notes on an official “memorandum” which is visible only to other judges and court staff (just as they use to make notes on the file cover-sheet).
- The electronic files are quick and easy to navigate.
- The DCS requires access to the Professional Court User Wi-Fi (PCU Wi-Fi) which is being installed in all Crown Courts
- The prosecution and defence must have a CJSM account in order to access the DCS.
- **BUT**
- Video footage or audio files (for example 999 tapes) currently cannot be stored on the DCS (this will be rectified in due course when Common Platform is available).
- The DCS is designed to facilitate in court handling of document bundles. It is not a case management system and therefore does not hold a record of court hearings (this would duplicate Xhibit). Therefore the DCS will run alongside Xhibit.

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

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

## The Role of Magistrates at a hearing where a case is sent to PTPH

When a case is to be sent for PTPH to the Crown Court the Magistrates should expect the parties to provide information on any relevant communications between them in accordance with CrimPR 3.3. The court should explore with the parties:

- Whether the defendant is likely to plead guilty or not guilty, or is prepared to plead to other offences;
- What evidence and issues are agreed and what is likely to be disputed;
- What information, or other material, is required by either of the parties to facilitate an effective PTPH.

When Common Platform is available, all relevant information will be passed from the magistrates' court to the Crown Court digitally. In the meantime the magistrates' court will continue to use LIBRA in order to send information such as the case details, the Notice of Sending, and, from 16 November 2015, whether a PSR was ordered. Work is ongoing to establish the most efficient way to advise the Crown Court of any issues identified and directions given by the magistrates to assist the PTPH.

## The Plea and Trial Preparation Hearing (PTPH) Form

When a Not Guilty plea is anticipated, BCM requires the parties to complete the new PTPH form.

A copy of the PTPH form, the Introduction and Guidance Notes and the Standard Witness table can be found at: <http://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015>

The DCS in due course will accommodate the PTPH form. However, at present the form needs to be completed outside the DCS. The form will then be uploaded into the DCS. The "Early Adopter" Courts (Isleworth, Leeds, Leicester, Liverpool, Merthyr Tydfil, Portsmouth, Reading and Woolwich) will assist in developing the necessary systems prior to full implementation.

Further enhancements to improve the functionality of the DCS by enabling the PTPH form to be edited within the system are being developed, but will not be available until **February 2016**.

The key features of this improved functionality will be:

- The PTPH form will be completed by the parties within the DCS, and it will be possible to do this simultaneously and collaboratively, thereby producing a single composite version.
- The DCS will automatically record the time, date and the reason for any amendments to the form, thereby providing an audit trail.
- Any earlier versions of the form will be retained and can be viewed, if required.
- It will be necessary to enable the system to deal with:
  - A single case with multiple defendants
  - A single defendant with many cases
  - Merging and splitting cases.

The implementation of the DCS is being phased over several months and this process last until the end of March 2016. This will mean that some areas will be operating BCM before the DCS is available and, in any event, the “Early Adopter” Courts will hold PTPHs before the editable version on the DCS is available.

## The Further Case Management Hearing

When a Further Case Management Hearing (FCMH) is required the judge will consider with the parties the stage at which the FCMH will be most effective, in order to resolve any outstanding issues in the case. It follows that there is no automatic timescale for such a hearing. However, in most cases where a FCMH is required it will be most effective if it is listed for a date after the completion of the Stage 4 directions.

For everyone within the CJS these are significant changes. This is especially true of the new digital ways of working. Problems and delays will always occur with developments of this kind. This will lead to understandable frustrations. We are working hard to address any difficulties as soon as they arise.

## Next steps

Part of the purpose of the “early adopter” courts is to test the PTPH form and in particular whether the information provided by the parties on the form is sufficient to enable the judge to provide effective case management.

The DCS will be rolled out to all BCM “early adopters” by late 2015, and it is anticipated that all other courts will have received the system before the end of March 2016.

My **key message** is that, whilst the DCS is a useful tool, courts **do not** need to have the DCS up and running in order to implement BCM or to use the PTPH form effectively.

I will update you on progress in my next newsletter which will be circulated in the near future.

## 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.