



Better Case Management (BCM) Newsletter

7 JUNE 2016

Issue 8

Welcome to the eighth newsletter, which focuses on the Crown Court Digital Case System (DCS) and provides links to the imminent ninth newsletter which will give feedback on BCM

Tackling the feedback on the DCS

The Digital Case System (DCS)

- The national roll out of the DCS is now complete.
- Wi-Fi has been installed in every Crown Court, thereby enabling digital access to the documents in the case by the judge, the court clerk and other members of HMCTS staff, the defence, the prosecution and probation.
- It is now possible to upload relevant information onto the DCS. All those authorised to access the relevant electronic file can now read and annotate the papers privately, and any of the materials can be presented in court directly from a laptop or other mobile device.
- Navigation of the bundle is simplified and bookmarks and notes can be created which allow users to:
 - highlight any part of the evidence
 - prepare submissions, speeches, questioning and the summing up
 - access the documents via embedded links, and
 - control the level of privacy to be applied to notes or annotations.

Almost inevitably there have been some early difficulties that have needed to be resolved, but the overall experience of this new system appears to have been, thus far, very positive. Judges, court staff and practitioners are, from the reports we have received, greatly appreciating the benefits of the DCS, the most obvious of which are:

- The dramatic reduction in the number of paper documents now used in cases, thereby avoiding the vast and unnecessary quantities of printing and photocopying, and ending the frequent searches for lost files or documents and their expensive transportation and storage;
- The standardisation of the format of the case file and the common storage site in "the cloud" ensures everyone involved in the case has access to the same documents (save for private material, as dealt with below) which can be accessed instantly; the date of service for each document or piece of evidence is immediately apparent; and there is a justified high level of confidence that the papers in the case are securely stored;

- The administration of cases has been made far more efficient;
- The papers for the judiciary no longer need to be prepared in the old, time-consuming way;
- The DCS, together with BCM, has enabled greater engagement between the parties, thereby reducing the number and the length of hearings, together with applications for adjournments;
- There is much improved preparation in advance of the PTPH, especially following the introduction of the editable ONLINE PTPH form; and
- A reduction in correspondence, complaints and enquiries.

It has become readily apparent that many of the early problems in using DCS have been the result of a lack of familiarity with the new system. I hope, therefore, that the following information will help clarify some of the common misunderstandings, thus ensuring the benefits of this excellent new system are fully understood and realised.

Access to CJSM: *Practitioners report difficulties in using CJSM, which is currently the only way of communicating sensitive personal data via email that is compliant with the Data Protection Act across the CJS.*

- If you need help to apply for a CJSM account, or you are encountering problems with your CJSM account, please contact the CJSM Helpdesk on 0870 010 8535 between 08:00 and 19:00 Monday to Friday, or via email: cjsm.helpdesk@vodafone.com There was a limitation imposed on issuing new CJSM accounts which, I am told, has now been removed.

Invitations onto the system: *There is confusion about how advocates are invited onto the system, especially when briefs are returned.*

There are two ways in which defence representatives are invited onto the system:

1. **As an individual:** In these circumstances, the court is provided with the CJSM email address for an individual – not a group – CJSM mailbox account. The individual in question will receive a CJSM email from the DCS inviting him or her to join the case and indicating that access has been granted. Although this only relates to the individual, he or she is able to invite others onto the system, such as counsel or other members of a firm of solicitors.
2. **As part of a “Domain” CJSM account:** When the defence practitioner is an agent or there is no individual CJSM email address (but the Solicitors firm CJSM email address is known), the court can add the defence “CJSM email Domain” to the DCS. This means that **ANYBODY** from that CJSM email domain (viz. everything after the @sign in the CJSM email address) can access the case. **BUT** the DCS will **not** send out a CJSM notification email because the system will not know which individuals within that domain should receive it. It should be standard practice, therefore, for all defence firms to check the DCS daily in these circumstances after a client has been sent to the Crown Court.

- When the case is sent to the Crown Court, HMCTS create a file on the DCS and add the defence solicitors to the case. The CPS serve the prosecution case via the DCS. It is, therefore, essential that the correct details of the defence solicitors are entered on the BCM questionnaire in the Magistrates' Court so that defence solicitors are given access to the DCS at the earliest possible stage.
- If the defence have not received an invitation to the case (and have checked on DCS), they should contact HMCTS (copying the CPS) in order to begin the process and to ensure there are no errors once the representation order is recorded on the court system.
- Whilst it is not the responsibility of the CPS, in exceptional situations (for instance in advance of a decision on legal aid or when the defendant is paying privately), the CPS will assist HMCTS by issuing an invitation to the defence solicitors so as to facilitate early engagement and progress.
- The CPS invites the prosecution advocate and, where applicable, the chambers' clerks onto the system.
- Defence solicitors have a similar duty to invite their advocate and the chambers' clerks onto the system. It is to be stressed that the CPS are not responsible for inviting the defence advocates.
- When a prosecution brief is returned, the CPS will need to identify a replacement representative. Similarly, if a defence brief is returned, the solicitors will need to identify an alternative advocate. In either situation, the DCS must be amended to remove the previous representative and to invite his or her replacement. This can be done by the CPS, the defence solicitors or Chambers. The new advocate will then have immediate access to the papers.

Uploading the file onto the DCS: *There is confusion about the process for uploading the file onto the DCS.*

- The IDPC is uploaded onto the DCS by HMCTS, using the copy provided by the CPS in the Magistrates' Court.
- In remand cases in areas where the IDPC is not provided digitally for the first hearing in the Magistrates Court, the CPS e-mail a version of the IDPC to HMCTS who upload it onto the DCS.
- Material from the IDPC is placed in the charges section (E), the case summary section (F), the key witness statements section (G), the key exhibits section (H), the transcripts and ABE interviews section (K), the streamlined forensic disclosure section (L) and the previous convictions section (N).
- When the CPS have further material that they wish to provide prior to full service, it is placed in the relevant sections, and the defence solicitors and the prosecuting advocate (if retained) are notified by CJSM e-mail.
- The materials comprising full service are placed on the DCS by the CPS. The CPS file the papers in the witness statements section (I) and the exhibits section (J), together with any streamlined forensic disclosure or ABE interview transcripts, which in turn are filed in the

relevant sections. The CPS send the section 51 notice by e-mail, thereby notifying the defence solicitors and the prosecution advocate.

Working DVD players being removed from courts: *It is impossible to play evidence to the court on the same device as the advocate is using to take notes.*

- No DVD players that have previously been installed are being removed.
- Installed or fixed DVD systems are a limited facility across court estate. Courtrooms which have fixed DVD systems are being incorporated into the Crown in-Court Presentation (CiCP) design and they will be enhanced in order to share material on the new HD large format screens.
- In addition, each Crown Court courtroom has a Samsung USB DVD Drive for the advocates to use.

Notice of Additional Evidence and Unused material: *There is a lack of clarity as to where these items should be placed on the DCS.*

- Additional evidence is placed on the DCS by the CPS in the witness statements section (I) and the exhibits section (J), as appropriate. The CPS send the “notice of additional evidence” by CJSM e-mail in order to notify defence solicitors and the prosecution advocate.
- A recent amendment to the DCS has enabled this material to be placed automatically at the bottom of the section containing the full service material, with the result that all the evidence is to be found in one section.
- Unused material is not placed on the DCS.

Amending indictments: *To ensure the defendant is arraigned on the correct indictment, some judges require a copy to be printed, endorsed and dated in accordance with Crim PR 10.1.*

- The indictment can now be edited on the DCS, and as of 26 April 2016 a national procedure now governs how indictments are to be placed onto the DCS. Hereafter, it will be wholly unnecessary to print and endorse a paper copy of the indictment. [Guidance here](#)

Improving communications: *There has been confusion regarding the correct process by which information is exchanged between the parties.*

- The new Two Way Interface (TWIF) became available on 26 April 2016. This connects the DCS to the CPS case-management system (CMS) via a direct interface, with the result that the two systems can “talk” to each other. The case materials are transmitted between the two systems via the click of a button; i.e. a “Send to DCS” button in the CMS system and a “Send to CPS” button in the DCS.
- It is important that all parties ensure that the “Send to CPS” button shows a green tick to indicate successful transmission across the interface. In the event a green tick is not shown, service has failed and a copy should be emailed to CPS. [Guidance here](#)
- A national procedure was introduced on 26 April 2016 which delineates the material that should be filed in the DCS as service on the other party or parties. [Defence guidance here](#)

- It has been recognised that the parties and the court cannot be expected to be aware of material without being alerted to its existence, and the Notification Bell alerts system on the DCS does not sufficiently fulfil this function. It is necessary, therefore, for the parties to send an email or a notification over the interface to indicate that evidence has been placed on the DCS.

Multi-handed cases: *There are difficulties managing multi-handed cases on the DCS because the consolidated file does not enable defence solicitors/ advocates to place material onto the DCS without revealing the contents to each co-accused.*

- Work is underway to resolve this difficulty. The proposed solution is to create “Defence Team Restricted Areas” within the single DCS file. Each Defence Team will have its own Restricted Area in which it is able to store documents without sharing them with other defendants, the court, the probation service or the prosecution.
- The PTPH form, however, will be accessed by all defendants in the consolidated file, by using the green PTPH button which, when pressed, enables the parties to update a single form at the same time. [Guidance here](#)

If you are encountering any difficulties with the DCS, please contact the Digital Case System support team via email: crimeitsupport@hmcts.gsi.gov.uk

Please provide a brief description of the issue and whether it concerns either training or the DCS site. Include your name, telephone number, location and when you would prefer to be contacted.

Finally, there are now over 43,000 “cases” on the DCS, with around 5,800,000 (yes, nearly six million) pages filed on the system. There are now over 16,000 registered users, the majority of whom are external prosecutors and defence practitioners.

Lord Justice Fulford

Senior Presiding Judge for England and Wales

Further Information

More information on BCM can be found at Judiciary.gov.uk