



JUDICIARY OF
ENGLAND AND WALES



You said, we did - the key changes to the DCS Plea and Trial Preparatory Hearing form (PTPH2)

There were a large number of responses to an invitation to comment by the then Senior Presiding Judge in autumn 2016. Since then many have made individual suggestions through the SPJ's offices or through HMCTS. All have been considered by a committee established by the Senior Presiding Judge. In addition, changes in the law have necessitated changes or additional elements. The revisions have taken some time because it was necessary to provide the multi-defendant solution first.

The new PTPH2 form will start to be used from 22 July and can be expected to reach PTPH hearings by 29 July 2019.

1. **You asked for easier access to the online PTPH form:** There is now a PTPH button in the grey menu.
2. **You asked for a single witness table:** PTPH2 has only one table.
3. **You asked for auto insertion of dates and easier calendar functions:**
 - In PTPH2 the prosecution inserts the sending date and from which the Stage 1 and Stage 2 dates are automatically calculated and inserted – but they can be altered if need be.
 - When a trial date is inserted a Certificate of Readiness date 28 days before will be automatically inserted.
 - When you click on a date box a calendar for two months will appear rather than just one month.

It remains the case that the dates for the stages apply to all the orders in that stage unless the judge chooses to insert a specific date.

4. **You asked for easier navigation:** The grey side panel allowing you to move easily between sections rather than scrolling up or down has been simplified so that each of the sections is easy to see. With prosecution and defence information where an answer raises a cause for concern, for instance that CCTV relied on has not been served, a warning triangle will appear to draw attention to it.
5. **You asked for items to appear in a different order:** Many conflicting views were expressed about the most desirable order for elements to appear. These have been taken into account, but we know that conflicting views will remain.
6. **Some wanted the form to be shorter and some asked for more to be included:** We have responded to this by making some sections “knock in”. For example, a “Pre-Arrestment – Fitness   to participate in the trial process” hearing will only be required in some cases, but when required directions must be given. The title of the hearing appears on the online form as a single line. If you click on the green box against the title the directions drop down so that you can make them, and the directions will appear on the PDF version. If you do not open those directions, then they will not appear on the PDF. Knocking out of an optional section will result in any data entered being deleted. If this is to happen the user is warned before being allowed to proceed.

7. **Vulnerable Defendants and victims of modern slavery:** The form asks the defence about vulnerabilities so that appropriate orders or investigations can be made at PTPH.
8. **Disclosure:** Information from mobile devices, computers and social media is of increasing importance. The CPS already use Disclosure Management Documents in many cases and the AG's review on disclosure¹ recommended their use for most Crown Court cases. To avoid delay that can impact adversely on all parties the form makes provision for the prosecution to indicate whether a DMD has been served and for the defence to indicate whether a served DMD is adequate and if not why not, to identify reasonable lines of enquiry and to identify what they say is the appropriate "level of extraction" from mobile devices and computers. Where it is reasonable to expect the Defence to indicate such things at PTPH it is very valuable for them to do so.
9. **s.28:** PTPH2 provides separate "knock in" lists of directions for, respectively, vulnerable witnesses and intimidated witnesses. These directions have been developed by the pilot courts based on their experience so as to be available when the wider s.28 roll-out takes place. It is hoped that most s.28 orders can be made following oral application at the PTPH.
10. **The LCJ asked for:** In R v Grant-Murray² Lord Thomas asked that the form make provision for the court to make and record appropriate orders for vulnerable defendants. There is therefore a "knock in" section allowing such orders to be considered and made. Under authority and the CrimPR and CrimPD there is an obligation on the judge to consider each of these orders and it is hoped that the drop-down list will provide a useful reminder as well as being a tool efficiently to make and record these orders.
11. **You asked that saving and publishing be easier:** Parties should regularly click on the "Save" button to ensure their entries are saved. At the end of the hearing the judge (but only the judge) can click on the "Save & publish to bundle" button to save the form and create the PDF version in the review bundle. That process can then take place behind the scenes without having to wait
12. **You asked for a clearer PDF version of the orders:** The PDF will contain only the orders that were made. Orders marked as N/A will not appear. The layout and style of the PDF is much clearer.
13. **Sorry not yet:** There are some changes you asked for but which cannot be delivered yet. For example, some asked for key dates like the trial date or the Stage dates to appear automatically on the DCS review screen. Others would like to be able to amend the PTPH form after the date of the hearing, for instance to adjust stage dates, rather than make a separate order. That is something for the future and at present it is necessary for there to be a separate order with notice to the parties and for the defence to use the separate Standard Witness Table to provide witness requirements at Stage 2.
14. Users should refer to the Criminal Practice Direction and the Better Case Management Handbook 2018 for more information on the use of the PTPH form.

July 2019

Office of the Senior Presiding Judge

¹ "Review of the efficiency and effectiveness of disclosure in the criminal justice system" on 15th November 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756436/Attorney_General_s_Disclosure_Review.pdf

² [2017] EWCA Crim 1228