



JUDICIARY OF  
ENGLAND AND WALES



HM Courts &  
Tribunals Service

# MAGISTRATES' CRIMINAL COURTS 5-POINT PLAN

## RECOVERY AMBITIONS FOR ADULT & YOUTH COURTS





## Overall aim

The aim of this plan for the magistrates' criminal courts is "to safely restore court listing and timings to pre-pandemic levels at the earliest opportunity and at the latest by 31 December 2021". This is ambitious but achievable assuming the roadmap for lifting current restrictions remains on track.

The new National MC Taskforce - Executive Committee will be responsible for the governance and delivery of the 5 point plan. The five ambitions, associated plans and information about progress are set out in the following pages;



Improving on pre-Christmas listing and disposal rates from April 2021



Return to TSJ charging timings by July 2021



Focus on trial activity to reduce trial waiting times through 'Trial Blitzes'



Continue to maximise our court capacity with flexible listing



Magistrates return to normal arrangements July 2021

Recovery ambitions - Dashboard

Improving on pre-Christmas listing and disposal rates from April 2021

Return to TSJ charging timings by July 2021

Focus on trial activity to reduce trial waiting times through 'Trial Blitzes'

Continue to maximise our court capacity with flexible listing

Magistrates return to normal arrangements by July 2021

Narrative

Action Plan

Progress (to follow)

# GOVERNANCE FOR THE DELIVERY OF THE 5-POINT ACTION PLAN FOR RECOVERY IN THE MAGISTRATES' COURTS

## NATIONAL MC TASKFORCE – EXECUTIVE COMMITTEE

Chair: Deputy Senior Presiding Judge

Chief Magistrate  
[DJ (MC)s]

Deputy Chief  
Magistrate  
[DDJ (MC)s]

Duncan Webster  
JP  
[MLE & Lay Bench]

Tom Ring  
[HMCTS]

Jeremy Baker J  
[PJ & JOG]

Alyson Sprawson  
[JO / Secretariat &  
TSJ WG]



## REGIONAL MAGISTRATES' COURTS TASKFORCES

(existing multi-agency groups)

**LONDON**

Chair: **Whipple J**

**MIDLANDS**

Chair: **Jeremy Baker J**

**NORTH EAST**

Chair: **Lavender J**

**NORTHERN**

Chair: **Dove J**

**SOUTH EAST**

Chair: **Cheema-Grubb J**

**WALES**

Chair: **Picken J**

**WESTERN**

Chair: **Garnham J**

## Improving on pre-Christmas listing and disposal rates from April 2021



Each courthouse will be assessed with a view to returning listing levels to pre-Christmas listing arrangements or better from April 2021 so that non-SJP disposals return to at least 15,650 cases per week.



The Regional MC Taskforce will facilitate discussions with court users on expectations for personal attendance where that will assist the efficiency of dealing with court lists.



The Regional MC Taskforce will work with youth leads and court users to put in place an action plan for the return to TSJ timescales for first listings and for trials within 6 weeks of plea. The National MC Taskforce will work with police to reduce the number of youth offenders whose first appearance is before an adult court.



The Regional MC Taskforce will review SJP listing arrangements and explore whether SJP and ATCM work can be accommodated using flexible hours to increase SJP disposals to 10,350 per week.

## Return to TSJ charging timings by July 2021



The NPCC, CPS, and HMCTS, with the endorsement of the judiciary, should formally state that the Interim Charging Protocol should have no application after 1<sup>st</sup> July 2021. Meeting this deadline will be phased and co-ordinated by the TSJWG



Areas will work with police and CPS and HMCTS assisted by the TSJ Working Group to agree a timetable by 15<sup>th</sup> May for the return to TSJ timescales before 1<sup>st</sup> July 2021.



The Regional MC Taskforce will report on a monthly basis to the National MC Taskforce on local plans and progress.

## Focus on trial activity to reduce trial waiting times through 'Trial Blitzes'



The National MC Taskforce will invite the TSJ Group to secure the necessary support for the proposal for national trial blitz activity in autumn 2021. Co-ordinating these blitzes, including developing and promoting best practice for use.



The National MC Taskforce, in conjunction with the Regional MC Taskforce will agree an action for trial blitz activity in each area.

## Continue to maximise our court capacity with flexible listing



The Regional MC Taskforce to devise a plan, in consultation with the police and the CPS (where necessary), for the April to June period for additional courts or SJP sessions. Any additional Saturday courts should wherever possible avoid the need for additional duty solicitors, probation officers, or dock cover. No additional courts should be listed without prior engagement with the agencies that are likely to be affected.



The Regional MC Taskforce to devise a plan for use of flexible working arrangements to deal with SJP, ATCM and search warrants.

## Magistrates return to normal arrangements by July 2021



An initial programme involving the installation of screens in 376 court or retiring rooms should be completed by the end of March 2021. Funding for further installations has been approved for April 2021.



The rotas for magistrates for April to September have been devised on the basis that we will move to benches of three during this period. Bench chairs, in conjunction with HMCTS, will plan for the return of benches of three and communicate arrangements.



Each region will publish a training / competence recovery programme for magistrates for the period 1 April 2021 to 31 March 2022.



HMCTS will devise and publicise suitable arrangements to enable potential new magistrates to resume court observations prior to application.



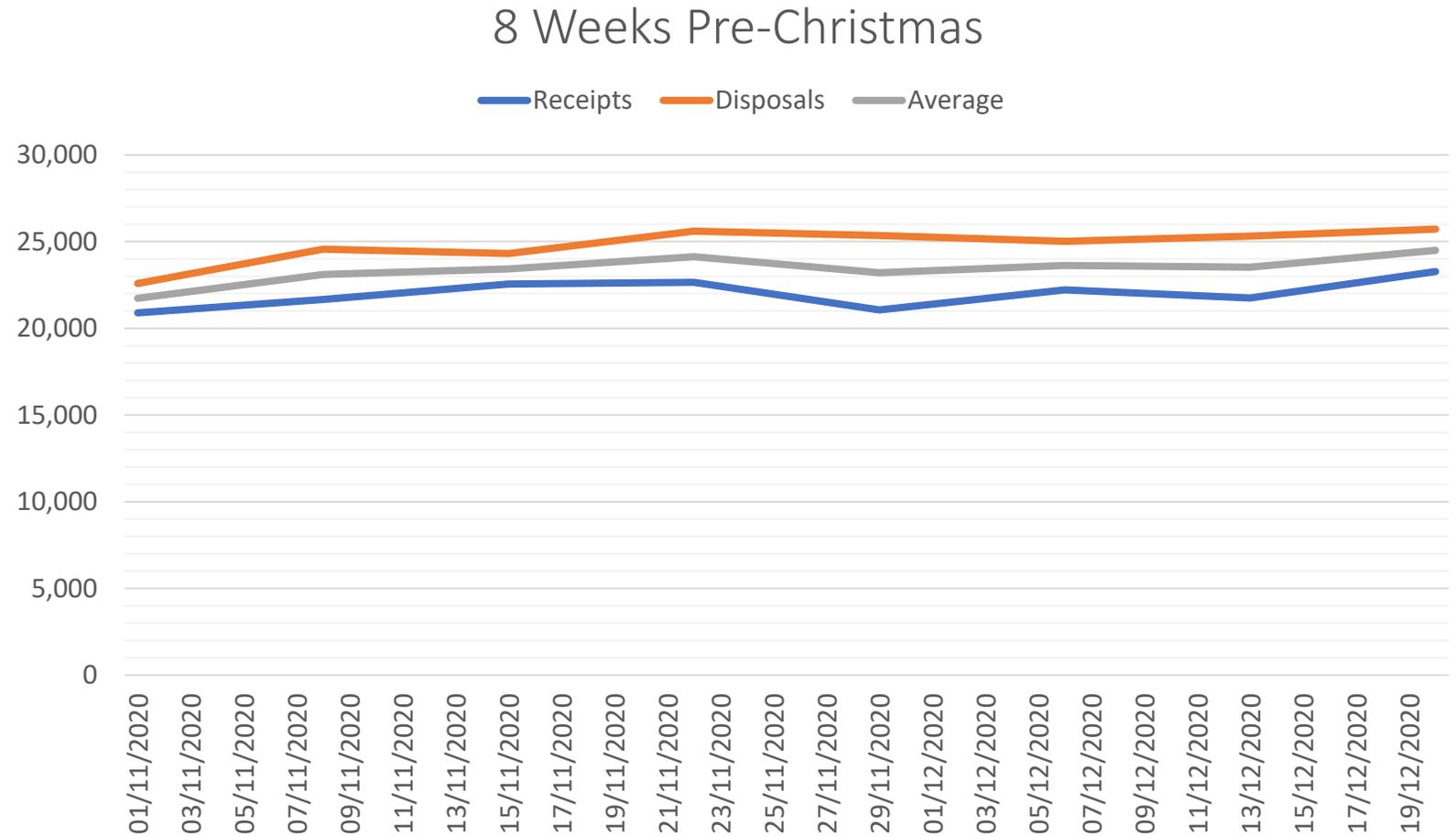
Feedback from Advisory Committees will be reviewed to determine what changes might be needed to the Directions regarding the use of virtual interviews.



Improving on pre-Christmas listing and disposal rates from April 2021

Slide 1 of 4

In the eight-week period between 26<sup>th</sup> October 2020 and 20<sup>th</sup> December 2020 the magistrates' courts received an average of 22,004 cases each week and disposed of 24,807 cases.



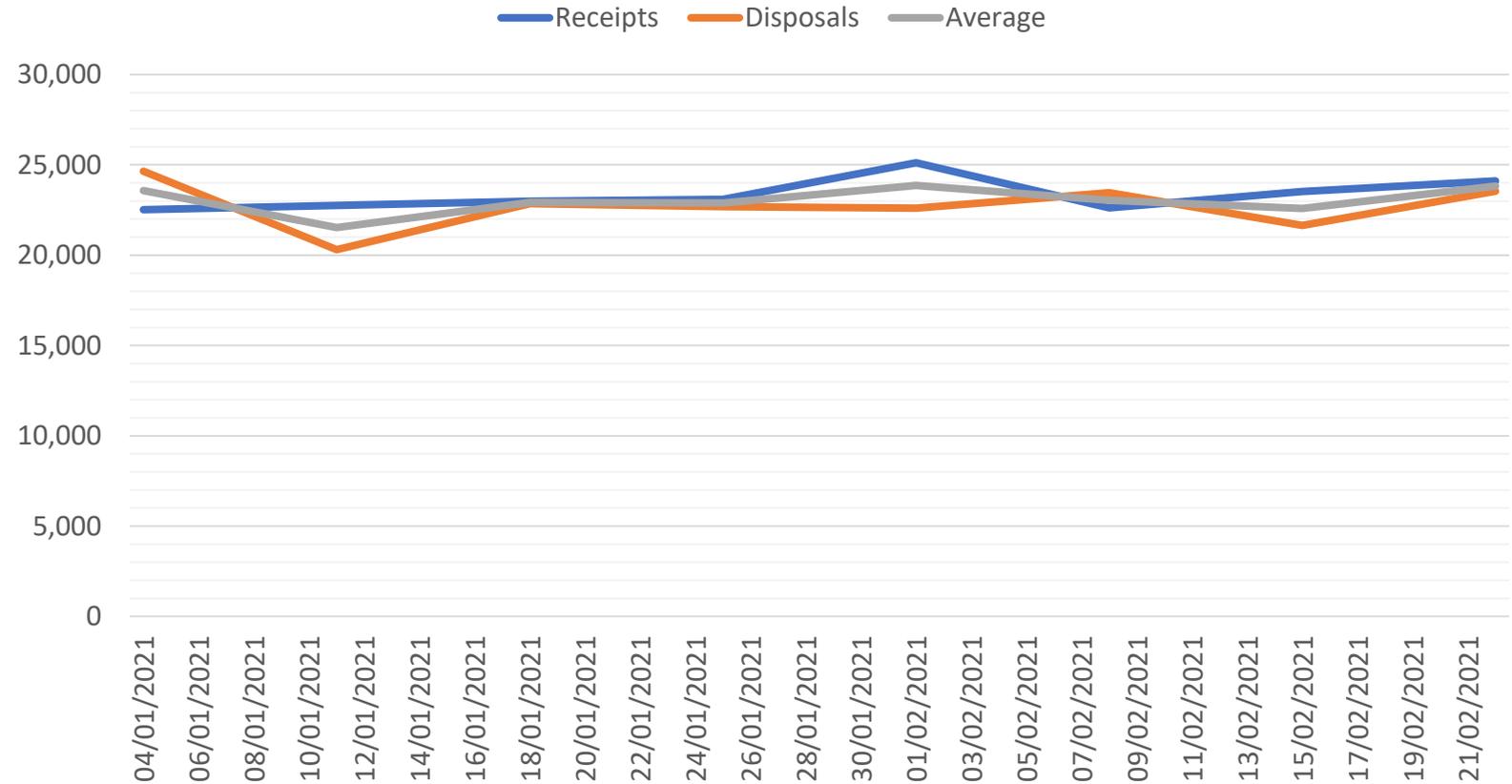


Improving on pre-Christmas listing and disposal rates from April 2021

Slide 2 of 4

In the first eight weeks of 2021 average weekly receipts rose by 6.1% to 23,336. At the same time, in response to reduction in listing loadings and the need to reduce footfall in the magistrates' courts, average weekly disposals fell by 8.5% to 22,686. The net effect of this is that, prior to Christmas, magistrates' courts were disposing of 12.7% more work cases than were being received, and since the New Year there has been a 2.8% deficit which can be attributed to a combination of listing changes and an increase in receipts.

First 8 Weeks of 2021

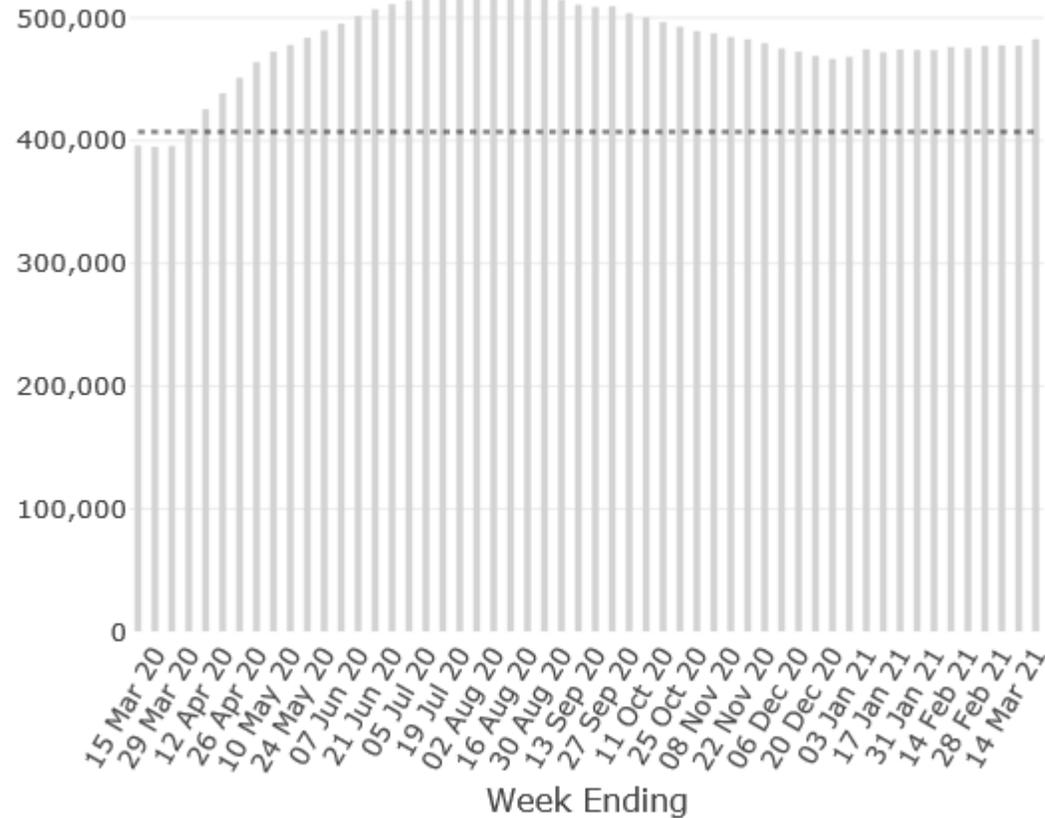




Improving on pre-Christmas listing and disposal rates from April 2021

Slide 3 of 4

The total volume of outstanding work on 20<sup>th</sup> December 2020 was 466,445 cases. By the end of February this figure had increased by 11,366 to 477,811 cases. What is becoming clear is that the 6.1% increase in receipts this year is almost wholly attributable to an increase in summary motoring cases (the outstanding 'traffic' caseload has risen by 9,726). Across the whole period (November to February) the number of SJP disposals has remained steady; the outstanding caseload has gone up because the increased demand was not anticipated.





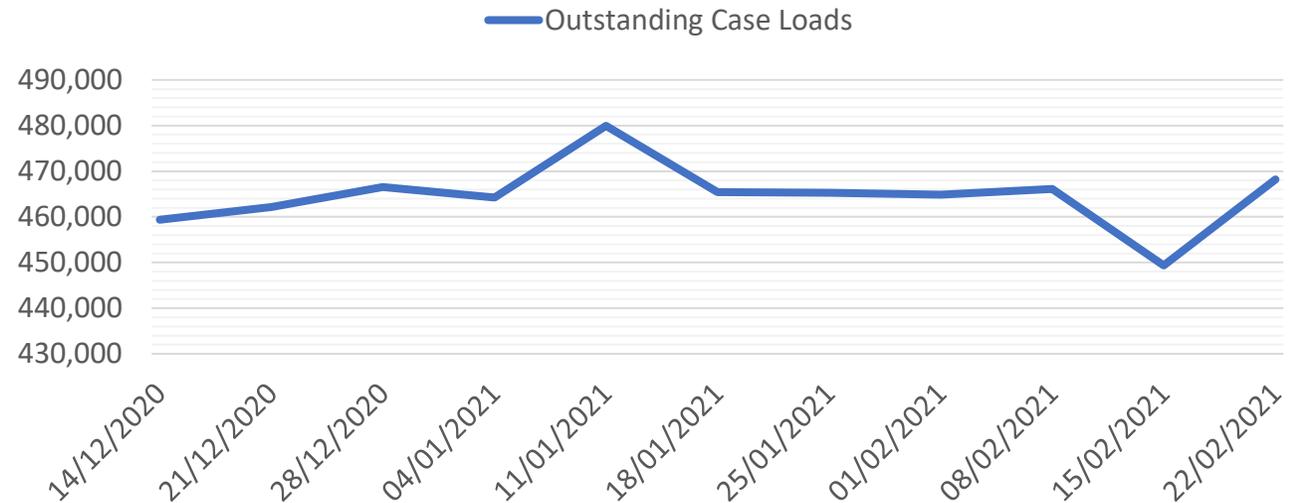
Improving on pre-Christmas listing and disposal rates from April 2021

Slide 4 of 4

When SJP cases are excluded, there has been a 3.3% fall in the volume of outstanding cases between 20<sup>th</sup> December and 28<sup>th</sup> February. This is despite the fact that the average number of non-SJP disposals has fallen by 11.5% this year. This has happened because non-SJP receipts have fallen by 5% since the start of the year and have remained below disposals. The R-Rate is currently 0.93.

Increasing SJP sessions, particularly traffic sessions, will create a corresponding additional burden on the administrative teams in pre and post session work. This will require resourcing. In addition, a significant volume of SJP traffic work must be listed for a hearing in open court, normally because either a not-guilty plea is entered, or because a disqualification from driving is being considered.

### Outstanding cases



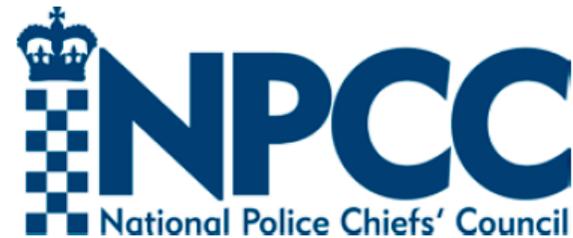
Data for the previous slides is from published MI

[HMCTS weekly management information during coronavirus - March 2020 to February 2021](#)



## Return to TSJ charging timings by July 2021

The Interim charging protocol was introduced from 1<sup>st</sup> April 2020 in response to the immediate decision to suspend the listing of non-urgent bail cases. At the start of year 16 police forces were still operating the interim charging protocol, including some of the larger forces such as Merseyside Police and Thames Valley. The Met, GMP, West Midlands, all of the SW forces, all the Welsh forces – were either back, or heading back to TSJ timelines. It follows that 26 police forces have moved away from the Interim Charging Protocol, including most of the larger forces. There is an important caveat to this statement. The reduction in the loadings in GAP/NGAP courts since January, is having the effect of pushing bail dates out again. The police may look to bail someone for 14 days and all slots are full and the next available slot after 14 days must be used and the problem compounds itself.





## Focus on trial activity to reduce trial waiting times through 'Trial Blitzes'

In 2019, 5,963 trials were vacated because the prosecution discontinued the prosecution within five days of the date fixed for summary trial. This accounted for 28.5% of all trials vacated. With this in mind, the Chief Magistrate has proposed the adoption of the three-stage process in his paper dated 5<sup>th</sup> March, which is summarised here.

The CPS to undertake a review of outstanding cases awaiting trial, through trial 'surgeries'. Priority will be given to those cases which have not yet been considered by a reviewing lawyer.

Cases where a trial is still required will be listed in a trial 'blitz' court. These will be set up for the autumn. Blitz courts should ordinarily run in addition to normal listing patterns so that new cases are not delayed.



At least one court will be identified in each region, to hold triage lists where matters set for trial are reviewed by a District Judge or Deputy. Such lists ought to maximise the number of cases, perhaps by brigading according to defence firm or offence type.



Continue to  
maximise our  
court capacity  
with flexible  
listing

Prior to Christmas we were sitting more than 100 additional Saturday Courts each month. This figure has dropped in recent months, largely because of a shortage of legal adviser volunteers. We will continue to list these additional courts, and we will endeavour to increase the number of these courts where we can. In addition, some areas are listing additional evening or weekend SJP sessions.

<b>Month</b>	<b>Number of Saturday Courts</b>	<b>Number of sessions</b>	<b>Ave number of cases dealt with hearings (based on minimum 20 cases per day)</b>
August	69	138	1380
September	101	202	2020
October	129	256	2580
November	90	178	1800
December	44	87	880
January	72	144	1440
February	86	172	1720
March			



Magistrates  
return to  
normal  
arrangements  
by July 2021

We will aim to sit as many benches of three as we can by Mid-May. This will be enabled by the increased use of plexi-glass, and the national vaccine programme. As 82% of magistrates are aged over 50, they will have been offered a vaccine by mid-April, and those vaccinated should have developed a good level of immunity by mid-May and be less likely to transmit the virus to others.

Subject to guidance from the Judicial College, we will also aim to resume a more normal training programme including, from the Autumn with some face-to-face training.

[Diversity of the judiciary 2020](#) (page 39)

