



# **Judiciary of England and Wales**

**Crown Court Improvement  
Group (CCIG)**

**Progress Report  
Annexes A - F**

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## Annex A: Police update

1. The report 'Case Progression in the Criminal Justice System' made a number of recommendations which have now been incorporated into the national Case Progression Action Plan. The plan is governed by NPCC Case Progression Lead DCC Ciaron Irvine and Greg McGill CPS Head of Legal Services. The case progression group reports into the JOIB chaired by the DPP and AC Ephgrave.
2. The key activities being prioritised are:
  - a) A review of the DGA (File Quality) Framework commenced in the Autumn, which is twelve months since launch in Oct 21. The picture on DGA is becoming richer as new indicators are starting to show trends. Performance in respect of DGA remains a standing agenda item within the National Case Progression Group and locally at Joint Operational Improvement Meetings. Having agreed and published a joint dashboard DGA compliance in completing assessments require significant joint effort. The number of data points allows us now to effectively track these trends. Visits have been conducted to CPS Areas and Police forces where performance is not where it needs to be. This is being supported by a joint letter which has been drafted from Case Progression SRO's DCC Ciaron Irvine and Greg McGill Head of Legal Services. Discussions are taking place at the CPS internal working group about what further actions can be undertaken to drive performance. DGA is also to be raised by police at the NPCC Case Progression road shows in September which will capture all Heads of Crime and Criminal Justice across all forces.
  - b) All forces and Executive Officers should be actively reviewing the DGA dashboard to understand their current performance and risks, any local matters which need to be resolved should be fed into the JOIM for improvements, or where good practice is identified shared nationally with the NPCC lead for wider dissemination across policing. It should be noted that case progression is simply not a CJU or administrative process, this is about how investigative standards are driven forward across the organisation and policing, so that there are improved outcomes for victims and our communities are safer from harmful offenders. A letter from DCC Irvine and Greg McGill was circulated via Chiefs Net in September 2022, the letter highlighted how some of this public facing data would be available on the CJ Scorecard for the first time and some of the sensitive issues around DGA compliance would be broken down to force level.
  - c) NPCC Roadshows: Nine regional NPCC roadshows have taken place during the September and October 2022 periods. These roadshows were being led by T/ACC Stuart Murray (Hampshire) with support from other NPCC leads and staff officers, the roadshows focus on:

- i. Investigative Standards: A whole system approach to reasonable and proportionate lines of enquiries.
  - ii. Bail Act Amendments: This includes police readiness for the amendments to bail legislation which including technical, organisational and culture challenges, automated data returns (ADR) to the Home Office and what management information is held in force about the use of bail police, this includes how bail is used within individuals or groups with protected characteristic, such as race, gender and age and what outcomes have been applied when bail has been used. Forces also need to be aware how these amended powers will be used to support other NPCC strategies such as VAWG. (Bail lead ACC Roy NPCC - Merseyside)
  - iii. Redaction: The new amended redaction guidelines were invoked on 7 October 2022, training material is currently being produced and will circulated to forces in readiness so that redaction is both **Relevant and Strictly Necessary**.
3. In summary, there is a huge amount of work ongoing within policing, both via national activity and Local Criminal Justice Boards, to further improve the quality and timeliness of submissions into the system to ensure that we optimise our contribution to an effective and efficient criminal justice system.

## **Annex B: CPS update**

### **Issue**

4. This paper provides an update on the CPS contribution to the Crown Court Improvement Group's plan.

### **CPS pilots**

5. In line with the Director's Guidance on Charging 6<sup>th</sup> Edition (DG6) the CPS operating model has been examined and adapted to deliver increased early focus upon casework quality, trial strategy and disclosure at the charging decision stage.

### **Crown Court pilot**

6. The CPS has committed to Pilot the early provision of case material in Crown Court cases which have been charged following application of the Full Code Test (FCT). The commission was also to support the re-invigoration of robust case progression principles under the Better Case Management framework.
7. Key elements to the revised Crown Court model include:
  - a) Case ownership so that the prosecutor that makes the charging decision retains the case throughout. The contact details for the prosecutor will also be included with IDPC to facilitate early defence engagement.
  - b) Focus upon DG6 at pre-charge decision stage, to support the early service, as part of the Initial Details of the Prosecution Case (IDPC) the evidence available to the prosecutor when making their FCT charging decision and early completion of the BCM form.
  - c) Review effective deployment of paralegal officers within Crown Court units to support pro-active case progression, allowing lawyers to focus upon legal decision making and case reviews.
8. The Pilot focussed upon the internal CPS processes for cases where the CPS authorised charge under the FCT on or after 1 July 2022 within the CPS Areas of Cymru- Wales, Wessex, and Yorkshire & Humberside.
9. The Pilot Areas identified some issues with the technical ability to send large documents and bundles to the defence and courts and for the defence and HMCTS to open them, as well as HMCTS capacity in storing larger cases. Although these issues may currently prevent provision of the full IDPC in 'large'

cases, it is anticipated that later releases of Common Platform (CP) namely the case document and evidence sharing functionality will address this issue. Therefore, until such time as this CP functionality is delivered, 'larger cases' will need to maintain the current provision of a usual IDPC bundle which includes the case summary and key statements/documents in advance of the first hearing. However, the fuller case material will be prepared at the charging stage and uploaded to DCS as soon after the sending hearing as a case has been opened in DCS.

10. A further issue has been identified by Pilot Areas namely the need for the timely opening of cases on the DCS and within 24 hours of sending a case to the Crown Court. HMCTS have given a commitment to open the cases on the day of receipt from Magistrates' Court, or otherwise as quickly as possible, thereby providing further support for defence engagement.
11. The Pilot Areas are now in a position to communicate externally that they have moved to this way of working and a communication is being drafted to explain to CJS partners what they can now expect in these Pilot Areas. A phased roll out is planned which will reach 10 CPS Areas by the end of Quarter 4 2022/2023 and the remaining 4 CPS Areas will follow.

### **Magistrates' Courts pilot**

12. In the Magistrates' Courts, four CPS Areas are deploying Paralegal Officers into Magistrates' teams to assist with case progression and ensure prosecutor time is focussed on legal decision making and engagement. There are four pilot Areas (North East, South East, South West and London North) that went live in July 2022 and are being evaluated to measure the impact.

### **File Quality**

13. Producing high quality files is critical to ensuring a prosecution is effective and managed in a timely manner. It is well understood that without effective and complete files from the initial stages of prosecution, the criminal justice process is delayed and becomes less effective.
14. The DG6 was launched in late December 2020 and gives a clear expectation of what is required evidentially, under reasonable lines of enquiry and disclosure. This puts an onus on both the police and CPS to provide and serve more material at an early stage.
15. The assessment tool DGA is being used by the reviewing lawyer on submission of a file to assess if a file is deficient and what the deficiencies are.

16. The data is shared with the police so that local discussions on performance can occur where issues are identified.

17. The data is also published as part of the Data Delivery Dashboards published by the MOJ. The latest published data on DGA in August 2022, shows police compliance at 53% between January and March 2022. This is consistent with performance in June and July 2022.

## **Annex C: Legal Aid Agency update**

### **Issue**

18. At the last Crown Court Improvement Group meeting, the Senior Presiding Judge requested progress updates from each member agency. This paper focuses on the legal aid content.

### **Background**

19. The Legal Aid Agency (LAA) is an executive agency, sponsored by the Ministry of Justice.

20. The LAA does not directly provide legal advice, assistance, or representation to clients. Instead, the LAA grants legal aid for clients to receive services from private practising solicitors and barristers.

21. In order for a private practising solicitors' firm to undertake criminal legal aid work, they must have been awarded an LAA Standard Crime Contract. To obtain a contract, firms of solicitors must demonstrate certain quality requirements. The LAA does not contract with barristers that do legal aid work. (In addition, there is a relatively small direct provision of legal aid support provided by the Public Defender Service.)

### **Update**

22. LAA operations play a significant role by facilitating the provision of police station and Magistrates Court advice through the deployment of localised duty rota schemes. We also recognise the importance of early representation and seek to encourage early applications for Representation Orders, which are ordinarily processed within 48 hours. In addition, the LAA continues to work with partners across the criminal justice system to identify and implement improvements to early engagement between defence and prosecution in particular:

- a) We have accelerated introduction of a change to Common Platform which improves early identification of the defendant's representative to the CPS. (A notification is sent to the CPS when a defence practitioner self-associates on Common Platform or when the LAA grants Legal Aid to a provider. This prompts a message to the CPS.)
- b) The LAA is feeding into the HMCTS-led change request which will see greater search functionality built into the Common Platform. It is anticipated that this change will make it easier for defence firms to navigate and efficiently use the Common Platform (in particular improving their ability to locate cases and to



access case management forms more easily). HMCTS has commenced work on the change request, with progress and timelines to be confirmed.

- c) We are also working with HMCTS to improve defence awareness of the assistance that Courts and Tribunals Service Centres (CTSCs) can provide in obtaining a Unique Reference Number (URN). The LAA conducted qualitative analysis of a sample of applications without a URN received in a single week. Data from that exercise was used to identify affected defence organisations, who were then asked to complete an online survey aimed at making procedural improvements. (Organisations were asked questions related to why applications were submitted without a URN; issues providers had in obtaining a URN; if they were aware of CTSCs and how they could help and if they had ever contacted a CTSC). The intelligence from this exercise has been shared with HMCTS with a view to working together to develop further communications products to highlight the assistance that CTSCs can provide as well as to help improve the support provided to the defence community.
  
- d) The LAA is also engaging with local and national police leads on the early engagement pilot currently operational in Kent. That pilot focuses on facilitating early engagement with defence firms through noting the representative's details where a suspect is represented at the police station and then notifying the defence representative where proceedings are issued. We are working with police counterparts to explore the potential opportunities to understand the benefits of continuation of legal representation from police station through to conclusion. The pilot has recently recommenced following a break over the summer, and we are working with police leads on what scope there might be to carry out some small-scale qualitative research to test those anticipated benefits.
  
- e) The LAA hold regular meetings with CPS and Police leads to look at ways in which all agencies can work together to remove barriers to early engagement. This forum has overseen changes to the Preparation for Effective Trial (PET) form to include allocated prosecutors' details, as well as looking at ways to promote consistent service of the IDPC.

## **Annex D: Improving the First Hearing at the Magistrates' Court**

### **Objective**

23. The CPS and defence were tasked to meet and discuss how to improve the effectiveness of the first/sending hearing in the Magistrates' Court.

### **Membership**

24. A small group extending beyond the defence and CPS has been established to consider this. The group comprises of Richard Atkinson (defence), Jenny Hopkins (CPS), HHJ Heather Norton, David Phillips (LAA), DJ (MC) Gareth Branston, Stephen McAllister (HMCTS), Tom Ring (HMCTS), Craig Robb (HMCTS), Barry Hughes (CPS), Mark Trolley (CPS), Steve Wooding (MOJ) and Alison Mead (MOJ).

### **Introduction**

25. In order to achieve the objective of more efficient and effective disposal of cases, there has to be an effective PTPH. However, an effective PTPH requires prior engagement between the prosecution and defence and the defence and their client. The sending hearing is the best opportunity to ensure that engagement either has or will take place, to identify issues and begin case management. There is typically a 10 week period between charge and the PTPH in a bail case charged on the Full Code Test (FCT). This is a very lengthy period and an effective first hearing in the Magistrates' Court is critical in ensuring that this time is put to good use and not wasted.

### **Areas of consideration and discussion**

#### **A. What is the purpose of the sending hearing?**

26. All parties acknowledge that the current focus of the sending hearing is on getting the case to the Crown Court as quickly as possible, with there being little more than a requirement for defendants to indicate their pleas, allocation to be addressed in either way cases, and bail to be decided. The defence also use the opportunity to complete Legal Aid forms and highlighted that particularly in video remand hearings time with their client is limited. The culture described contributes to ineffective PTPHs.

27. More progress can be expected from a case charged by the CPS on the FCT where full IDPC should have been served, compared to the more limited time and material available in a custody overnight case charged on the Threshold Test (TT) or a police charged case.

28. As a minimum our group agreed that the purpose of the sending hearing should be to:

- a) obtain confirmation that IDPC has been served by the prosecutor;
- b) establish who has ownership of the case from the prosecution and defence and exchange contact details;
- c) facilitate and set out clear expectations regarding engagement between the prosecution and defence and the defence and their client;
- d) elicit a firm/unequivocal indication of any guilty pleas;
- e) ensure that the defendant understands that credit begins to reduce after the first hearing for any offence for which there is not an indication of a guilty plea;
- f) facilitate identification of the issues and areas of agreement between the parties;
- g) establish a timetable for the case to progress ahead of the PTPH with directions in accordance with the requirements of the Criminal Procedure Rules; and
- h) ensure the BCM form is completed as comprehensively as possible in order to support case progression and assist all parties, particularly the Crown Court Judge.

**Actions:**

- A clear expectation needs to be re-enforced and communicated across the CJS in relation to the purpose of the first hearing in the Magistrates' Court. This should be supported by training.
- Explore whether the above messages/expectations could be tied in with the TSJ re-launch, depending on when that is going to take place.
- A feedback mechanism to highlight good practice or areas of concern from the Crown Court Judge to Judges/Magistrates in relation to case management at the first hearing.

**Linked request of CCIG members:**

- Judicial leadership and ownership of the expectations and messaging, supported by the organisations and professional bodies represented at the CCIG.

## **B. Issues re completion of the BCM form**

29. The culture surrounding the sending hearing described above.

30. The BCM form itself does not encourage the provision of detail (stating “concise details will be sufficient”) and would benefit from being substantially redrafted.

31. Completion of the existing BCM form (or any redrafted form) needs to improve. The information provided will differ according to whether the case was charged under the FCT or TT and by the CPS or the police. In a TT case or police charged case the prosecution should specify what evidence is outstanding. Parties should offer an explanation on the BCM form as to why it was not possible to complete any questions with a date provided by which those questions will be answered and a requirement for the defence to confirm that a timely conference with their client will be held in advance of the PTPH.

### **Actions:**

- Revision of the current BCM form to support case management.
- Listing practices in the Magistrates’ Court need to be in accordance with TSJ principles and allow sufficient time for there to be a meaningful enquiry into the issues and completion of the BCM form.

### **Linked request of CCIG members:**

- Consideration of proposals for the revision of the BCM form.
- Listing practices to support an effective first hearing.
- High quality police files, particularly in relation to police charged cases and cases charged on the TT, are vital to enable a meaningful enquiry into the issues.

## **C. Identification of defence representative**

32. The need to promote the importance of firstly notification to the CPS as soon as the defence are instructed, and secondly self-service of IDPC from Common Platform (CP), so that effective use can be made of the time between charge and the first hearing. The role of CP is important here to allow the defence to record that they are instructed, triggering an email notification to the CPS.

**Actions:**

- Notification by the defence as early as possible of the fact they are instructed in a case and continuity of defence representation where possible.

**Linked request of CCIg members:**

- HMCTS to manually open on CP cases charged by way of postal requisition at the earliest opportunity.
- At the earliest opportunity, the defence to record on CP that they are instructed.
- CPS to ensure case ownership and service of full IDPC in cases charged by them on the FCT. The CPS Crown Court pilot will assist here.
- To be kept updated on the work that is going on presently in the Kent police pilot led by David Phillips (and any similar pilots) could provide a partial solution to this problem.

**D. Case management**

33. Case management and the ability of the Magistrates' Court to issue directions at the sending hearing in accordance with the Criminal Procedure Rules and additionally in relation to the timing of engagement between the parties and of a conference with clients. The CPRs do not set out when engagement should take place.

34. The need for case management between sending and the PTPH. This would be particularly beneficial in overnight custody cases charged on the TT where limited information is available at the first hearing. We note and support the pilot for BCM Compliance Officers. In relation to the remainder of the Courts the consensus (although not unanimous) is that this would sit with the Crown Court. It could be achieved by the case progression officer in the Crown Court working in conjunction with the Resident Judge.

**Actions:**

- Directions in accordance with the CPRs to support case management and additionally regarding the timing of engagement between the parties and conferences with clients.
- Consideration of case progression in the Crown Court between sending and the PTPH particularly in relation to cases charged on the TT/appropriate cases and supported by the availability of technology.

**Linked request of CCIG members:**

- Consideration by the Judiciary of pre-PTPH case management particularly in relation to cases charged on the TT.
- HMCTS to open the case on the DCS within 24 hours of sending to the Crown Court.

## **Annex E: HMPPS update**

35. HMPPS will continue to contribute to the Crown Court Improvement Group (CCIG) and what follows is an overview of the actions that have been completed, commenced or planned to deliver improvements.

36. Clearly these areas have co dependencies with other parts of the CJS. It should also be noted that Prisons are also engaged in other court facing forums to take forward similar work including the Judicial Forum, HMTCS Board and HMCTS Crime Recovery Operating Working Group.

### **What we have completed?**

- a) Introduced a Single Point of Contact (SPoC) in each prison to act as liaison between the various elements of the CJS.
- b) Developed and implemented a Good Practice Guide for all prisons to ensure consistency of delivery of Video Conferencing and Legal Visits.
- c) Hosted quarterly meetings of the SPoCs to share good practice.
- d) Offer support visits to those prisons struggling to maximise video usage.
- e) Developed an improved communication system for staff to support PTPH prisoners considering a guilty plea.
- f) Placed Video utilisation as a matter of high importance to Governors and Prison Group Directors.

### **Work that has commenced**

37. Although in its infancy, we have developed a Management Information (MI) system to monitor delivery, identify blockages and we include a few screen shots to demonstrate its effectiveness. The MI is dynamic and will develop further to meet the needs of the group.

### **Work planned to deliver ongoing improvements**

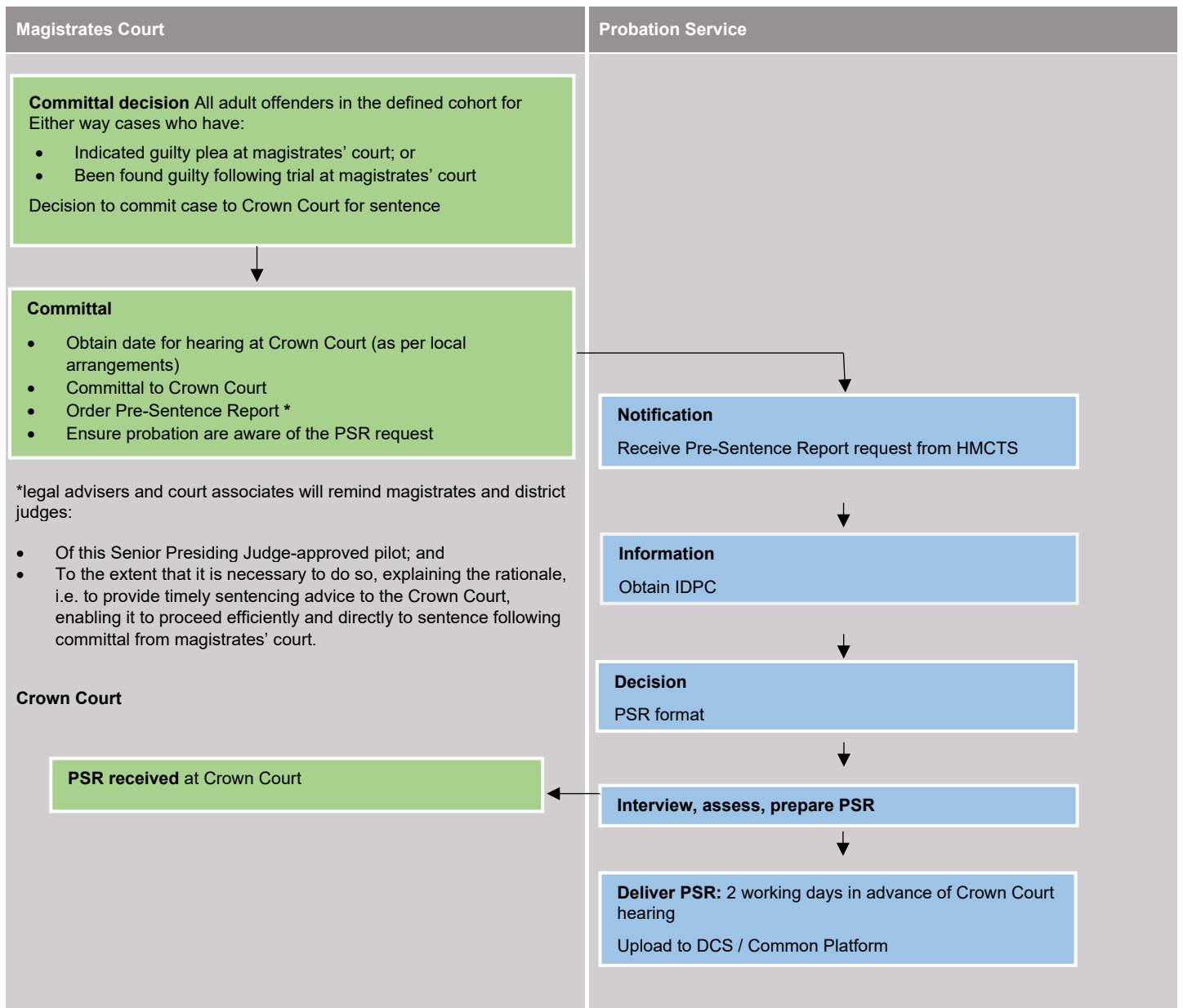
38. IT Booking system: We have begun preliminary work on the possibility of a national digital booking solution for professional visits (in person and via video), however it will be late 2023 before this can be explored in full. There is a social visits model currently nearing completion and the intention is to use this as the baseline for the professional visits model. The team are now involved in a working group to ensure the system meets our needs.





## Annex F: Probation update

39. The Hippocratic Oath states that prescription should always follow diagnosis. In much the same way the Pre-Sentence Report provides the Judiciary with an independent assessment (diagnosis) to inform the sentencing exercise. The Pre-Sentence Report provides the Judiciary with an independent assessment (diagnosis) to inform the sentencing exercise.
40. The Probation Service manages 240,000 individuals and is responsible for the delivering justice imposed by the court, on behalf of victims and communities. Its ability to deliver the sentence of the court, to protect the public and reduce reoffending is optimised in cases where it is able to contribute to the sentencing exercise.
41. Between February and June 2022 at Bristol Crown Court (BCC) a pilot took place evaluating the impact of the routine use of a PSR on Committal with a Guilty Plea. The pilot was commissioned through the Crown Court Improvement Group (CCIG) to test if the provision of a PSR on Committal with a Guilty Plea:
- a) reduced the requirement for adjournment for PSR at Crown Court (CC) with an assessment available at first hearing.
  - b) impacted on Probation resources (i.e., if providing proactive rather than reactive PSRs had a positive impact on resourcing).
42. The diagram below sets out the process for the preparation of a Pre-Sentence Report following a committal for sentence by magistrates' court.



43. The pilot applied to all adult offenders remanded on bail or in custody at the point of committal for sentence at Crown Court who had:

- a) indicated a guilty plea to an either way offence; or
- b) been found guilty of an either way offence following summary trial and committed for sentence to the Crown Court.

## Findings from the pilot

44. For the purposes of this report, data is drawn primarily from probation recording systems. Obtaining committal data from HMCTS systems that include PSRs requests has proved difficult.

Probation data shows a consistent volume of PSR requests for committal for sentence cases across the 7 Magistrates' Courts for both pre and during pilot periods.

In the year leading up to the pilot, there was an average of 23 PSRs requested per month at the point of committal from the 7 Magistrates' Courts, compared to an average of 22 PSRs requested per month during the pilot.

Overall, there does not appear to have been an increase in volumes of PSRs being requested at point of committal in Bristol.

45. Despite the pilot reporting no significant difference in the volumes of PSR's completed in advance of first hearing at BCC during the reporting period, the data reveals that before the commencement of the pilot, all seven Magistrates Courts that feed BCC were already utilising PSR on Committal with a guilty plea in 90% of cases. Consequently, the potential for improvement as a result of the pilot was severely limited.
46. To better contextualise the pilot findings, a comparison of the utilisation of a PSR on Committal model was undertaken with 16 randomly selected Crown Courts. Significant disparities in approach and utilisation were noted across the sample sites. In the five-month reporting period at all 17 Crown Courts in the sample, a total of 648 PSRs were requested at point of Committal and 811 were requested by the CC translating to an average utilisation of 44%.

## Next Steps

47. Despite the limitations of the Bristol Crown Court pilot, the principles underpinning the preparation of pre-sentence reports at the earliest point are considered to be well-founded and demonstrate the PSR to be a critical enabler to swift and fair Justice.
48. An advantage of requesting a PSR at committal stage is to provide efficient use of the period between committal and first appearance at Crown Court to enable a PSR to be prepared. The potential for efficiency gains in the length of time a case takes to be sentenced in the court process provides another key driver for change. Both

factors enable a proactive approach to be adopted, helping to embed greater efficiency and quality gains across the court process.

49. The decision has therefore been taken, following agreement from CCIG, to proceed with a phased national roll-out of the PSR on Committal protocol. This initiative will commence at three sites that have low utilisation of PSR on Committal to support court recovery. The Probation Service will continue to work with the Senior Presiding Judge, local Judiciary and Criminal Justice System partners, to ensure visible support continues to be given to this initiative, thereby maximising its contribution to swift and fair Justice.
50. The inclusion of the PSR on Committal activity in the newly revised 'Better Case Management' handbook, is a helpful endorsement of the potential benefits of adopting a proactive stance to sentencing advice, including a focus on greater cross-departmental collaboration. The Probation Service continues to develop its focus on these aspects, with further initiative to be tested in 2023.