



Judiciary of England and Wales

Crown Court Improvement Group (CCIG)

Progress Report January 2023

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1. Foreword

I established the Crown Court Improvement Group (CCIG) in September 2021 with the aim of promoting better ways of working within existing structures and rules and to reinforce effective case management and adherence to Better Case Management (BCM) principles. The group has representatives from all the major players in the criminal justice system and enables its members to tease out together how each can contribute to improved performance.

The effective and efficient discharge of business in the Crown Court requires all those concerned to work together and to appreciate the difficulties the others face.

I am grateful to all for their constructive involvement and to the current and previous Senior Presiding Judge for chairing the group. The overall aim is to ensure that hearings are used effectively; that guilty pleas are entered as early as possible in the process; and that fewer trials are ineffective or adjourned shortly before a hearing date. To this end the group has been working on Better Case Management and the judicial members have been working on listing having heard from the other members of the group. The individual members of the group have been concentrating on problems within their own domains that contribute to inefficiency in the system as a whole.

This report shows that progress is being made. The work of the group will contribute to the more effective use of the resources of all concerned and play a part in reducing the outstanding caseload and improving timeliness.

**The Rt Hon. The Lord Burnett of Maldon
Lord Chief Justice of England and Wales**

2. Executive summary

I chair the CCIG which has a broad membership comprising experienced members of the Judiciary and senior representatives from the key agencies in the criminal justice system including: the Police, the Crown Prosecution Service (CPS), His Majesty's Prisons and Probation Service (HMPPS), His Majesty's Courts and Tribunals Service (HMCTS), the Ministry of Justice (MOJ), the Legal Aid Agency (LAA) and the Legal Professions. The CCIG also has the benefit of a data analyst to consider ways of measuring the effectiveness of its work.

Over the last year the CCIG has worked to identify and develop initiatives that will increase the efficiency of the Crown Courts and improve access to justice. I would like to thank all the agencies for their hard and co-operative work.

Summary:

- Work has been done to remove obstacles to the proper conduct of cases in their early weeks in the Crown Court, prior to the Plea and Trial Preparation Hearing (PTPH). It is hoped that this will enable the defence teams to deliver advice to their clients before the PTPH with benefits to those clients who wish to secure the best possible credit for any pleas, and to the efficiency of the system.
- This work is summarised in this document.
- Judges will be aware of this development and will expect the PTPH to be an effective hearing. They are likely to investigate reasons why it is not effective in cases where that happens.
- If the measures do not work the court needs feedback so that problems can be attended to.
- Listing advice will be given to judges, based on data, which will improve the management of trials after PTPH.



The Rt Hon. Sir Andrew Edis
Senior Presiding Judge for England and Wales

3. Improved file quality, case management and engagement with defence representatives by the Police, CPS and HMCTS

To address this, the CPS and the Police, led by the National Police Chiefs' Council implemented a DGA (File Quality) Framework in October 2021. The framework has been supported by visits to forces where performance needs to be improved along with NPPC Roadshows with a focus on investigative standards; Bail Act amendments and operational impacts; and the new amended redaction guidelines.

Following the completion of a successful pilot, the CPS are commencing a phased roll out of a revised Crown Court model for the early provision of case material in Crown Court cases which have been charged following application of the Full Code Test (FCT) in the Code for Crown Prosecutors. The roll out will reach 10 CPS Areas by the end of Quarter 4 2022/2023 and the remaining 4 CPS Areas will follow.

Key elements to the revised Crown Court model include:

- the prosecutor that makes the charging decision retains the case throughout. Contact details for the prosecutor will also be included with Initial Details of the Prosecution Case (IDPC) to facilitate early defence engagement;
- focus upon the Director's Guidance on Charging 6th Edition (DG6) at pre-charge decision stage, to support the early service, as part of the IDPC the evidence available to the prosecutor when making their FCT charging decision and early completion of the BCM form; and
- 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.

In addition, the CPS are also piloting the deployment of Paralegal Officers into Magistrates' teams to assist with case progression and ensure prosecutor time is focused on legal decision making and engagement.

The work being undertaken by the Police and CPS is being supported by HMCTS and the LAA. HMCTS are making improvements to the Common Platform to remove technical limitations, particularly for cases with large document bundles. HMCTS have confirmed that their standard requirement is for cases to be opened on the Digital Case System (DCS) on the day of receipt from Magistrates' Court, or otherwise as quickly as possible, thereby ensuring that case material can start being shared as early as possible.

The LAA have worked to help facilitate engagement between other agencies and improvements to systems. This includes the accelerated introduction of a change to

Common Platform to improve early identification of the defendant's representative to the CPS and increased functionality to make it easier for defence firms to navigate and efficiently use the Common Platform. They are working with local and national Police leads to facilitate early engagement with defence firms and held regular meetings with Police and CPS leads to look at ways in which all agencies can work together to remove barriers to early engagement.

The detailed work plans of the Police, CPS and LAA can be found at Annex A, B and C.

4. Better use of the sending hearing to encourage early engagement and legal advice to defendants

A sub-group, drawing together members of the Judiciary, CPS, HMCTS, MOJ, LAA and defence professionals, was formed to look at making better use of the sending hearing to improve engagement between the parties, identify issues and begin case management.

The group identified that the purpose of the sending hearing should be to:

- obtain confirmation that the IDPC has been served by the prosecutor;
- establish who has ownership of the case from the prosecution and defence and exchange contact details;
- facilitate and set out clear expectations regarding engagement between the prosecution and defence and between the defence and their client;
- elicit a firm/unequivocal indication of any guilty plea;
- 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;
- facilitate identification of the issues and areas of agreement between the parties;
- 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
- 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.

The group is now working with stakeholders in the criminal justice system to implement these improvements.

The detailed work plans of this sub-group can be found at Annex D.

5. Improving access for defence representatives to defendants held on remand

HMPPS are working to facilitate better engagement with the court process by defendants and their representatives by maximising resources to increase the availability of video and face-to-face meeting slots for defence representatives at prisons.

To do this, single points of contact at prisons for courts are being established to help resolve issues as they arise and availability for each individual prison along with information on booking processes will be made publicly available online. In addition, preliminary work on the possibility of a national digital booking solution for professional visits (in person and via video), has started and will continue through to the end of 2023.

The detailed work plan of HMPPS can be found at Annex E.

6. Engagement with Judiciary to promote listings best practice and increase the efficiency of pre-trial hearings.

Under the CCIG, a judicial sub-group has been established which is creating new BCM Guidance for the use of the Judiciary to improve case management. The objective of this is to lead to the reduction in the need for further pre-trial hearings so that the time of advocates and judges is better used. It will also address problems in the listing of trials, to better balance the need to ensure that listed cases proceed while at the same time having work available to be tried when other listed cases go short.

The new Guidance will be released in January 2023 at which time any necessary supporting changes to Criminal Procedure Rules and Practice Directions will be identified and proposed to the Criminal Procedure Rules Committee and Senior Judiciary for consideration.

While not the immediate focus, the sub-group will also be considering how technology can be further utilised where appropriate to facilitate remote hearings.

7. Better use of pre-sentencing reports

Following the completion of a pilot by the Probation Service at Bristol Crown Court, the Service will be rolling out a new national process for the provision of pre-sentencing reports in all guilty plea cases committed to the Crown Court. This is expected to lead to a reduction in the number of adjournments for sentencing and allow better management of probation resources by moving from a reactive to proactive model of production for pre-sentencing reports.

The detailed work plan of the Probation Service can be found at Annex F.

8. Next steps

While improvements to the efficiency of the criminal justice system are now being implemented, the CCIG recognises that the challenges facing the courts remain significant. Over the next year the CCIG will continue to meet monthly to monitor the impact of these new initiatives while seeking to respond to new and emerging trends in the system.

Feedback from courts and other agencies will be considered alongside developing data so that problems which are identified are addressed at the appropriate level with agencies involved.