NATIONAL AUDIT OFFICE

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

Administration of the Crown Court

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Comptroller and Auditor General

National Audit Office
20 July 1994

The Comptroller and Auditor General is the head of the National Audit Office employing some 800 staff. He, and the NAO, are totally independent of Government. He certifies the accounts of all Government departments and a wide range of other public sector bodies; and he has statutory authority to report to Parliament on the economy, efficiency and effectiveness with which departments and other bodies have used their resources.

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Summary and conclusions

1 The Crown Court and the Court Service came into being on 1 January 1972. The Crown Court was established partly to relieve the workload difficulties faced by the old Courts of Assize and Quarter Sessions. The Court Service provides administrative support and resources to the Crown Court. The Lord Chancellor is responsible for the administration of the Court Service, a responsibility which he exercises through his Department in partnership with the judges.

2 The Crown Court in 1992 was served by some 1,800 administrative staff and cost about £150 million a year to run. Court Service staff, who are members of the Department, work under the direction and authority of the judiciary. The Crown Court deals with the more serious criminal cases in England and Wales, all trials taking place before a jury. It also has jurisdiction to hear committals for sentence and certain appeals from the magistrates' courts.

3 In 1972 there were just over 41,000 committals for trial to the Crown Court, 13,000 committals for sentence and 11,000 appeals from the magistrates' courts. By 1992 there were over 100,000 committals for trial, an increase of almost 150 per cent, 9,000 committals for sentence and some 20,000 appeals from the magistrates' courts. Workload depends on a variety of factors ranging from the level of recorded crime, detection rates, cautioning and prosecution policies, to the numbers electing for trial at the Crown Court. The nature of defendants' pleas is not under the control of the Department or the courts.

4 In 1972 the average waiting time for defendants on bail in England and Wales was 12.1 weeks; and for those in custody on remand 8.3 weeks. However, there were regional variations. In London waiting times for bailed defendants were 25.2 weeks and for those in custody 15 weeks. In 1992 the average national waiting time for bailed defendants was 14.6 weeks and for defendants in custody 11.1 weeks. The equivalent figures for London were 17.4 and 13.2 weeks.

5 The Department has pointed out that although waiting times are longer than they would like, these times have been brought down significantly from a peak in 1979. Then the average waiting time for defendants on bail in England and Wales was 19.2 weeks and for those in custody on remand 11.2 weeks. But again, there were regional variations. In London waiting times for bailed defendants were 33 weeks and for those in custody 19.9 weeks.

6 The listing of cases is a key process in the operation of the Crown Court. Listing is complex and difficult, and depends crucially on the accuracy and timeliness of information provided by the parties. It is therefore not simply a question of scheduling cases before set time limits have expired. The objectives of successful listing tend to conflict with one another and it is frequently necessary to compromise between different interests.

7 The Department has introduced a range of measures to reduce trial waiting times and other initiatives are in hand or under consideration. These include measures arising from the Report of the Royal Commission on Criminal Justice.

8 The National Audit Office examined how quickly cases are brought to court; the causes of delay; and the measures being taken to improve the throughput of cases. The examination was carried out between October 1992 and May 1993. The main findings and conclusions are set out below, linked with suggestions for further action.

On waiting times for trial

(a) Under the Crown Court Rules a trial cannot begin in the Crown Court within 14 days of the date of committal, except with the consent of the parties. Under the same Rules a trial ought to begin within 8 weeks of committal. However, the courts have held that these provisions are not mandatory. There is also a provision, in separate Regulations, limiting the time an accused person can spend in custody before being invited to plead. This provides a uniform 112 day period between committal and arraignment. If the defendant is not arraigned within this period, and the prosecution do not seek and gain an extension from the court, the defendant must be released on bail. Although average waiting times for trial have fallen since 1982, the first of these limits is very rarely met, and at some courts the second is not being met either (paragraphs 2.7 to 2.18).

(b) The failure of the courts to meet the statutory time limits has led the Department to adopt less demanding targets as a basis for seeking to improve court performance. In 1992 performance against these lower targets was mixed, but on the whole even these targets were not being met (paragraphs 2.19 to 2.25).

(c) The causes of delay are numerous and complex and most of the factors which prevent the time limits being met, such as the readiness of the parties and the way defendants plead, are outside the control of the Department (paragraphs 2.26 to 2.33).

(d) Although the courts collect information on the causes of delay, the forms for this purpose allow the courts some discretion as to what information is collected. The Department collects information quarterly about the causes of delay in custody cases over 16 weeks from committal. The Department has introduced improvements to the relevant form and expects to have the first complete figures from it in mid-1994. However, there is no shortage of information on the reasons for delay in the criminal justice system. Its causes and measures to reduce it have been considered in recent years by (among others) the Royal Commission on Criminal Justice, the Pre-Trial Issues Working Group, and the Report of the Standing Commission on Efficiency (paragraph 2.33).

(e) Many cases listed for trial fail to take place and "cracked" trials (where there is a late change of plea) account for about half of these (paragraphs 2.38 to 2.42).

On reducing waiting times

(f) Sound case listing procedures are important to bringing cases promptly to trial. National guidelines for listing in the Crown Court, issued with the endorsement of the senior judiciary, came into force in April 1993. The

Department recognises the need to monitor compliance with the guidelines and will take this forward as part of an Internal Audit review of Crown Court listing in 1994-95. However, listing is a judicial function and the guidelines cannot be mandatory. The Department expects courts to adopt the general principles of the guidance but nevertheless accepts that variations to listing practices will continue (paragraphs 3.2 to 3.11).

(g) Although the period in the Magistrates' Courts Rules for sending committal papers from magistrates' courts to the Crown Court is four working days, most courts do not receive them until between eight and fourteen days after committal. In February 1994 the Home Secretary announced the Government's intention to abolish committal proceedings, and the necessary amendments to the Criminal Justice and Public Order Bill were tabled in March 1994 (paragraphs 3.12 to 3.15).

(h) The information which the parties give to listing officers about cases, such as the likely plea and how long the trial is likely to last, is often inaccurate and incomplete (paragraphs 3.16 to 3.21).

(i) Many of the reasons why witnesses fail to attend trials, including failing to warn them, are beyond the Court's control. But witnesses are dissatisfied with several aspects of listing, including insufficient notice of the trial date being given. Listing guidelines encourage listing officers to provide fixed dates for certain types of case where possible. Listing officers are also encouraged to provide time markings to assist the parties' legal representatives in phasing witnesses (paragraphs 3.22 to 3.28).

(j) The Lord Chancellor's Department is seeking to reduce the incidence of ineffective trials through the recommendations of the Pre-Trial Issues Steering Group. A pilot study of Plea and Directions Hearings before trial has shown that they can have advantages in this respect, and can improve the throughput of cases. The Department expects that the implementation of such hearings will lead to greater certainty in listing cases, and allow more fixed dates to be used in future (paragraphs 3.29 to 3.38).

(k) Liaison meetings between agencies in the criminal justice system generally work well, though there are difficulties in some areas which are being addressed (paragraphs 3.43 to 3.50).

On management of Crown Court resources

(l) Court targets for sitting hours are generally being met, though there is significant under-utilisation at some courts. This is caused by such factors as the number of "cracked" trials and workload (paragraphs 4.4 to 4.6).

(m) There is under-provision of courtrooms in other locations, which the court building programme is seeking to address. But planning has been affected partly by reclassification of offences and partly by inaccuracies in workload forecasts which the Department is now reviewing (paragraphs 4.7 to 4.12).

(n) Cases were not being heard promptly at some courts because of a shortage of judges. The time constraints under which Recorders and Assistant Recorders work can cause scheduling difficulties for court listing officers and lead to

courtrooms not being used. Often Recorders and Assistant Recorders can only sit for five days in one spell, which can cause listing difficulties (paragraphs 4.13 to 4.18).

(o) The Crown Court computer system has now been implemented at all but one of the main Crown Court Centres and is generally operating satisfactorily. However, some individual courts experienced initial operational difficulties (paragraphs 4.27 to 4.31).

(p) The Department publishes annual information on the performance of the Crown Court. But there is a recognised need to develop and expand management information systems and performance indicators and the Department is considering proposals to improve the reliability and the range of present indicators (paragraphs 4.32 to 4.37).

9 The National Audit Office examination identified the need for action by the Lord Chancellor's Department in such areas as:

- **measuring, monitoring and reporting performance against custody waiting limits.**

  The Department accepts this recommendation. While it does already monitor court performance against custody time limits, the relevant form has been amended to make it clearer and provides for the extraction of more useful information about delays in cases.

- **collecting and analysing on a systematic basis information on the causes of delay and ineffective trials.**

  The Department accepts the first part of this recommendation and has taken action to implement it. On the second part, it is considering how best to collect information on the causes of ineffective trials. However, the Department believes that reducing the incidence of ineffective trials is better in the long run, and that the work being done under the Pre-Trial Issues initiative is a major element of this.

- **introducing targets for committals for sentence and appeals.**

  The Department accepts this recommendation and work is in hand.

- **monitoring compliance with the case listing guidelines.**

  The Department accepts this recommendation and work is in hand.

- **improving the effectiveness of bringing cases to trial, by reducing delays in the time taken to deliver committal papers to the Crown Court, improving the reliability and accuracy of case information given to listing officers and giving early notice of trials so that witnesses can be warned early.**

  The Department accepts this recommendation as far as case information and listing are concerned, and believes that the work being done under the Pre-Trial Issues initiative will be of significant benefit. However, it believes that the

recommendation on committal papers is unnecessary in view of the Government's intention to abolish committal proceedings.

- **ensuring that listing officers are adequately trained.**

  The Department accepts this recommendation and has already taken action to ensure that it is followed.

- **reviewing the use of existing courtroom space with a view to reducing under-utilisation and securing a better matching of resources to workload.**

  The Department accepts this recommendation and work is in hand.

- **reviewing the arrangements for using Recorders and Assistant Recorders.**

  The Department does not believe that such a review would be productive. However, it does consider that there may be scope for strengthening the current procedures for monitoring the sittings records of Recorders and Assistant Recorders, and work is in hand.

Part 1: Introduction

1.1 The Crown Court deals with the more serious criminal cases in England and Wales. All trials take place before a jury. In 1992 the Court sat at 75 Chief Clerk headed centres (Figure 1), with a further 14 satellite locations (each administered from one of these centres) to which committals are sent. The centres are ranked according to the seriousness of offences that they can try.

1.2 First and second tier courts deal with serious offences which are normally triable before High Court Judges, such as murder and rape, as well as less serious offences which are triable before Circuit Judges or Recorders, such as burglary and theft. First tier courts also deal with High Court civil work. Third tier courts normally deal only with work that can be tried before Circuit Judges and Recorders. Figure 2 shows the position of the Crown Court in the criminal justice system.

1.3 In 1992 the Court received over 100,000 committals for trial, 9,000 committals for sentence and some 20,000 appeals. Since 1982 the number of cases received for trial has increased by 47 per cent (see Figure 3).

1.4 Although the Lord Chancellor and his Department are responsible for providing administrative support to the Crown Court, Court Service staff work under the direction and authority of the judiciary. The separation of judicial and administrative functions is fundamental to the principle of judicial independence. It ensures that judicial decisions and functions and the actions of Court Service staff when operating under judicial authority and directions - as with case listing - remain outside the remit of the Department.

1.5 The Crown Court in 1992 was served by some 1,800 administrative staff and cost about £150 million a year to run. Day-to-day administration is undertaken through a dispersed regional organisation divided into six Circuits, each headed by a Circuit Administrator. Courts Administrators are responsible for the management of groups of Crown/County/Combined Court Centres which are individually managed by a Chief Clerk. The Lord Chief Justice, with the agreement of the Lord Chancellor, appoints two Presiding Judges for each Circuit. They are responsible for the disposal of judicial business, and work closely with the Circuit Administrator.

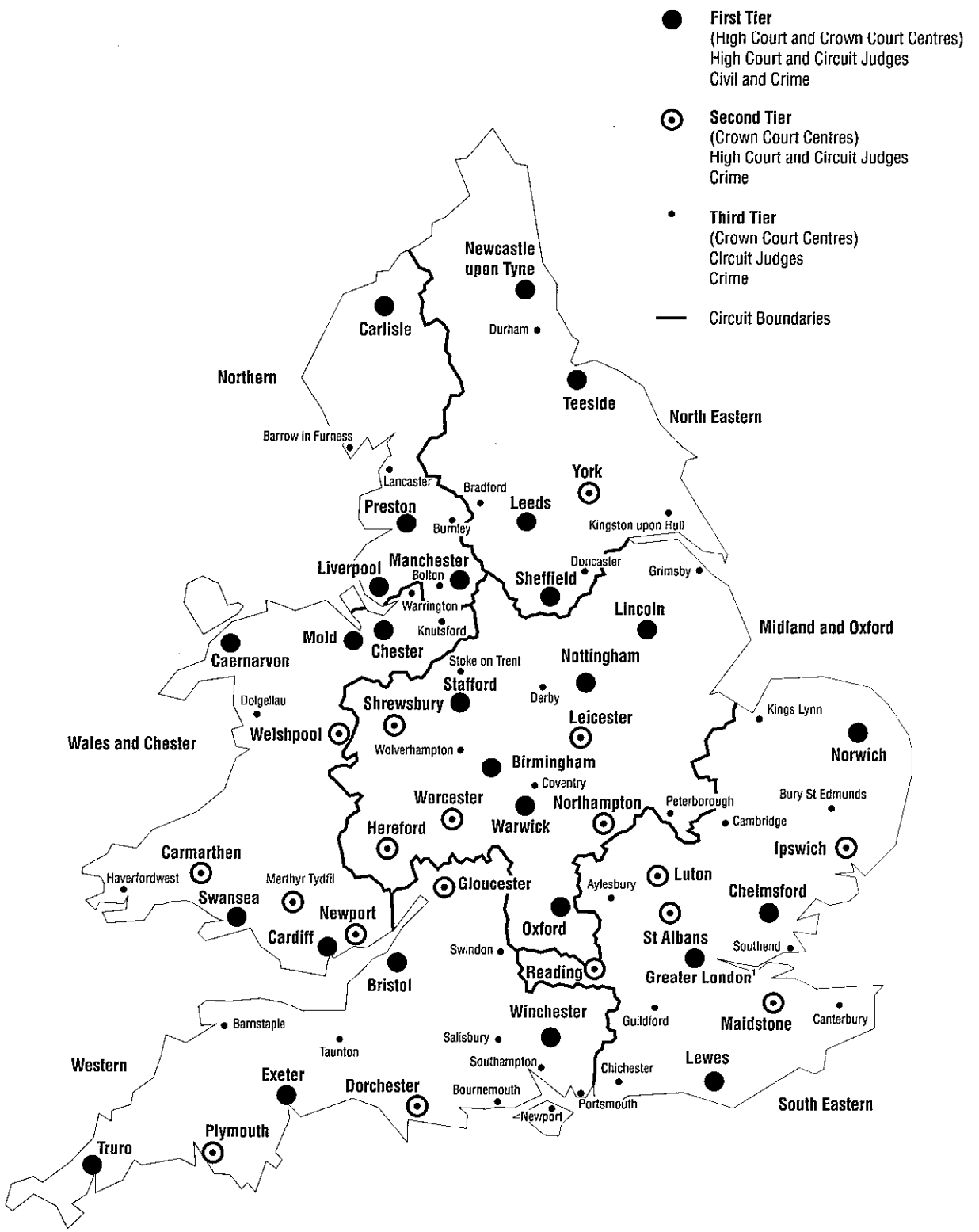
1.6 The Lord Chancellor's Department has no control over the Crown Court's workload. This is determined by a wide range of factors, including the level of recorded crime, police clear-up rates, cautioning rates, decisions about prosecutions, and how many people choose to appear before a jury rather than have their case tried in the magistrates' courts. Many parties are involved - judges, court officials, lawyers, the police, defendants and witnesses - and their interests are often varied and sometimes in direct conflict. So in many respects court operations are unpredictable.

1.7 In 1991 the Royal Commission on Criminal Justice was appointed "to examine the effectiveness of the criminal justice system in England and Wales in securing the conviction of those guilty of criminal offences and the acquittal of those who are innocent, having regard to the efficient use of resources...". So far as the Crown Court is concerned, the Commission's main areas of consideration were the right of defendants to elect for trial by jury; whether changes were needed to the Court's powers in directing proceedings; the possibility of the Court having an investigative role, both before and during the trial; and the role of pre-trial reviews and the Court's duty in considering evidence. The Commission reported in July 1993* and the Government published its Interim Response in February 1994 (see also paragraphs 2.43 to 2.44).

1.8 Against this background, the National Audit Office examined:

- bringing cases to trial, caseload arrears and waiting times (Part 2 of this Report);
- what is being done to address the various causes of delay (Part 3); and

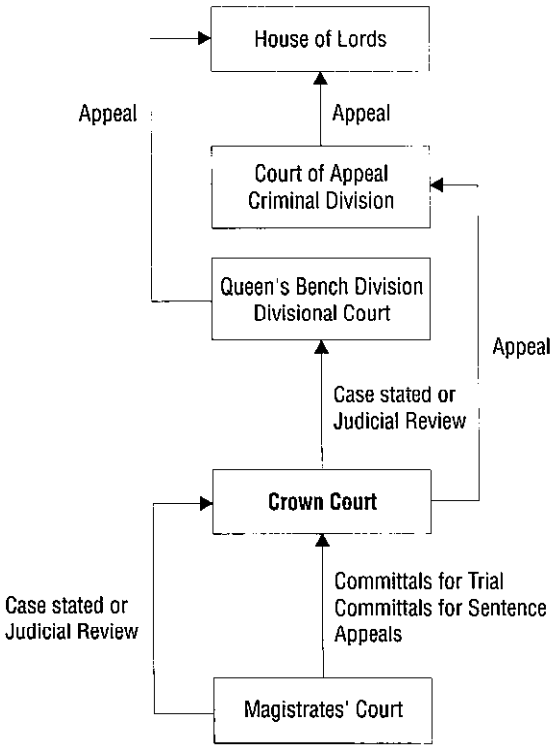
Figure 1: Crown Court Centres In England and Wales



Source: *Judicial Statistics 1992*

Note: 1. *In Greater London the High Court sits at the Royal Courts of Justice and there are Crown Court centres at Central Criminal Court (Old Bailey), Croydon, Harrow, Inner London Sessions House, Isleworth, Kingston upon Thames, Knightsbridge, Middlesex Guildhall, Snaresbrook, Southwark and Wood Green.*

Figure 2: The Court Structure of the Criminal Justice System



Source: Lord Chancellor's Department

Figure 2 shows the structure of the courts in the criminal justice system.

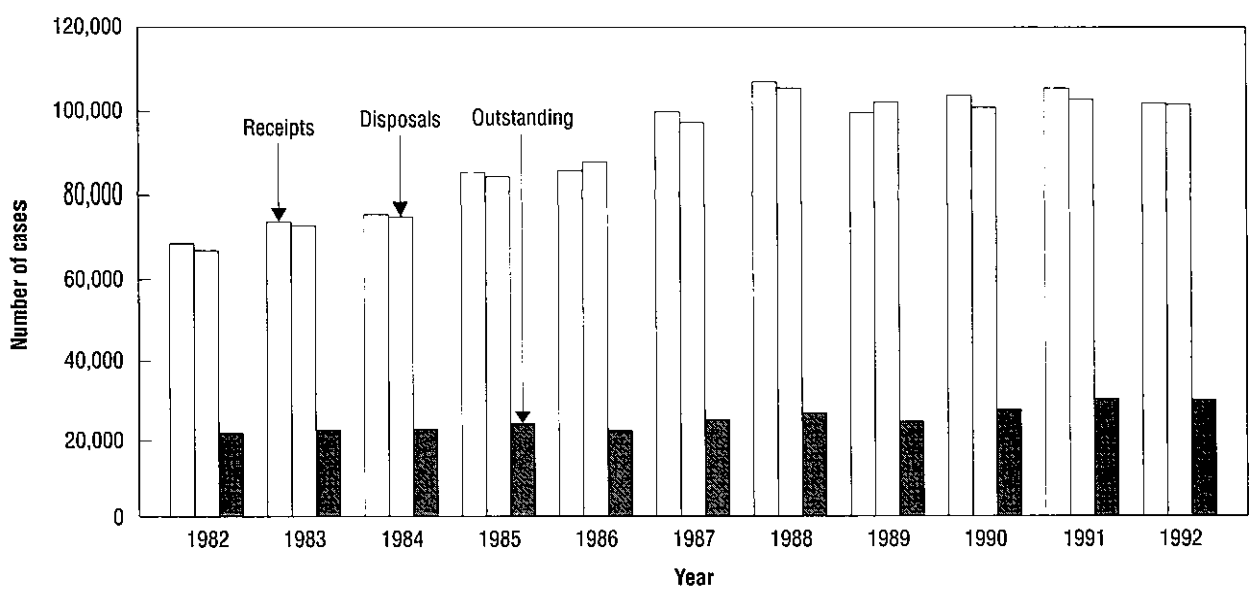
- how Crown Court resources are managed (Part 4).

The examination did not cover the role and responsibilities of the judiciary, nor those of the police, prosecuting authorities or the legal profession.

* The Royal Commission on Criminal Justice: Report. Cm 2263.

1.9 The National Audit Office examination included visits to a representative sample of 20 courts. Evidence was obtained from interviews with Court Service staff, examination of case files and analysis of court performance statistics. Views were obtained from the Association of Chief Police Officers, the Bar Council, the Metropolitan Police, the Law Society, the Home Office, the Crown Prosecution Service, and the Serious Fraud Office. Comments were also received from leading academics.

Figure 3: Committals for Trial at the Crown Court 1982-92



Source: Judicial Statistics 1982-92.

Figure 3 shows that the number of committals for trial at the Crown Court rose from 68,000 cases in 1982 to over 100,000 cases in 1992.

Part 2: Bringing cases to trial

2.1 A main objective of the Lord Chancellor's Department is to contain and reduce delays in bringing cases to the Crown Court whilst maintaining standards of justice. Delays do not serve the interests of justice and give rise to extra costs for most of the agencies concerned, especially the Crown Prosecution Service and the Prison Service.

2.2 This part of the Report examines performance against statutory waiting times and other targets and the impact of ineffective trials.

Delays between committal and trial

2.3 Once a case has been committed for trial, fixing a date is done by listing officers. Listing is subject to direction by the judiciary. It is a complex and difficult process, and not simply a question of scheduling cases before set time limits have expired. The objectives of listing in the Crown Court are to fix cases for a hearing in a way best calculated to ensure that:

- the convenience of the parties, their legal advisers, victims, witnesses, jurors, police, prison service, probation service and others involved is taken into account as fully as is reasonably possible;
- outstanding business is dealt with as expeditiously as possible, consistent with the parties being allowed adequate time for preparation; and
- available judicial and court time is used effectively.

In practice these objectives tend to conflict with one another and it is frequently necessary to compromise among the various interests.

2.4 The date a case is given depends on a number of factors, many outside the control of the court. Some of these factors are to do with other cases awaiting trial: whether they are contested, their estimated length when they start, and their actual length. Others arise out of the case in question: its estimated length, the readiness of the parties and the availability of counsel and witnesses, particularly expert witnesses. A crucial factor is the accuracy of the information given to the court by the parties on: trial length; the witnesses (lay, expert and police) to be called, and their availability; the likely plea; and whether the parties have discussed the acceptability of pleas to alternative charges. Furthermore, whether a trial is heard on the particular date given often depends on other factors outside the court's control. For example, a witness or the defendant may fail to turn up, a previous case may take longer than estimated, the prosecution may state that they will call no evidence or there may be a last minute change of plea. All these factors affect the efficient dispatch of business and can cause delays.

2.5 All the organisations consulted by the National Audit Office expressed concern about the long waiting times between committal and trial. The Prison Service noted that delays create a strong sense of injustice and disaffection among prisoners and represent a risk to control. Delay also impacts on the size of the remand population, the biggest single factor in overcrowding in local prisons in recent years. Numbers on remand have grown by about 50 per cent in the last ten years - from 5,400 in 1982 to around 8,200 in 1992 - of which about half are held for Crown Court trials. The average length of time on remand increased from 41 days in 1982 to over 50 days in 1991. About 92 per cent of remand prisoners were found guilty in 1992-93 and over half of these received custodial sentences. Time spent on remand comes off any custodial sentence that might be imposed.

2.6 Delays in bringing cases to trial are also very expensive. Unconvicted prisoners probably account for over 15 per cent of the Prison Service's annual running costs, or more than £200 million a year, with Crown Court prisoners accounting for half of this. The longer the delay the greater the cost and inconvenience for the Crown Prosecution Service and the police in handling, file storage, and continued supervision and review.

Statutory waiting times

2.7 Rule 24 of the Crown Court Rules 1982 (made by the Crown Court Rule Committee under section 77(1) of the Supreme Court Act 1981) builds on time limits that first appeared in statute in Schedule 1 of the Administration of Justice Act 1964. Rule 24 provides that a trial cannot begin within 14 days from the date of committal, except with the consent of the defendant and the prosecutor; and it must, unless the Court has otherwise ordered, begin no later than eight weeks from the date of committal. However, the Divisional Court held in 1988 that these provisions are in effect "directory and not mandatory". Courts and prosecuting authorities are also bound by the Prosecution of Offences (Custody Time Limits) Regulations 1987, as amended. These limit the maximum period a defendant should remain in custody between committal and arraignment before a judge to 112 days or 16 weeks. In the absence of a successful application by the prosecution to extend the custody time limit, the Court must grant the defendant bail.

2.8 The custody time limits were introduced in selected areas of the country in 1987 and have been in operation throughout England and Wales since October 1991. It was held by the Divisional Court in 1992 that the lack of a courtroom and judge to hear a criminal trial does not amount to good and sufficient reason for extending custody time limits in circumstances where there is no indication when such facilities will be available.

2.9 In considering waiting times, it has to be borne in mind that there are many reasons why the time taken to begin a trial in the Crown Court may have to be extended. Apart from the availability of judges and courtrooms, parties may not themselves be ready for trial, witnesses or counsel may be unavailable, or new evidence may be produced which results in trial dates being put back. Hence many of the cases which have been committed to the Crown Court for trial cannot be started even when a judge, courtroom and jury could be made available. Waiting times, as currently measured, do not take account of that fact. They simply measure the average time between the committal of cases to the Crown Court and the beginning of their trials. The result can be that whilst the court is able to bring on a case which is ready for trial within the waiting time targets, the waiting times, as currently measured, are longer than the targets. Implied waiting times (based on the court's disposal rate and the number of outstanding cases) provide a more accurate assessment of the ability of the courts to bring cases on. The implied time provides a measure of how long it would take a court to deal with all of its outstanding cases, rather than merely a measure of the average time taken to deal with those defendants whose cases were disposed of in the previous period. The Department is considering introducing implied waiting times alongside the current measure.

2.10 Between 1982 and 1992 the average waiting time between committal and trial fell from 14.6 to 13.7 weeks, mainly because of the construction of new courtrooms, longer sitting days and periodic increases in the numbers of defendants pleading guilty. In London, where waiting times were most acute, they fell significantly, from 23.6 weeks in 1982 to 16.4 weeks in 1992. In general, waiting times fell in the mid 1980s, but more recently have increased again (Figure 4 opposite).

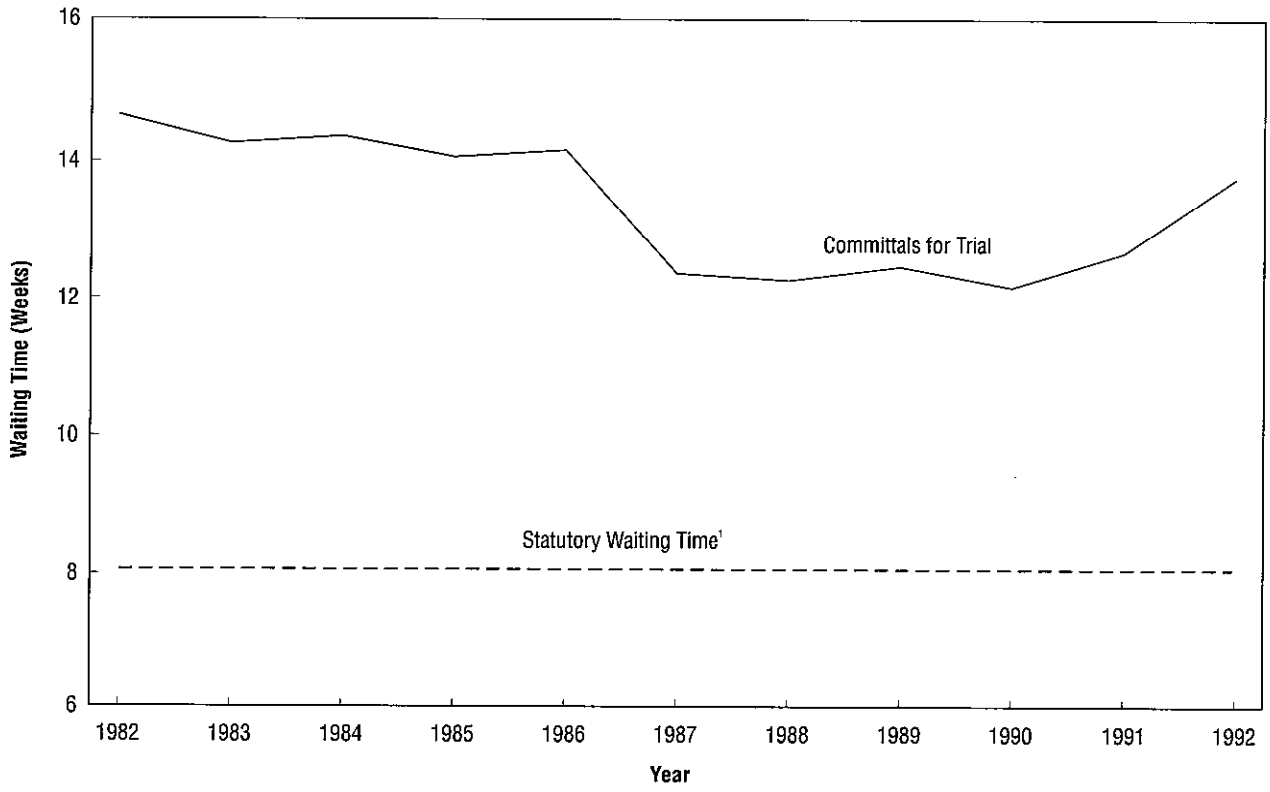
2.11 In 1992 no Circuit met the statutory eight week limit from committal to start of trial (Figure 5 overleaf). And only six per cent of individual courts met the limit. In the previous ten years only the Wales and Chester circuit met the limit - once, in 1989.

2.12 Average waiting times for defendants in custody have been lower than for those on bail. In 1992 average custody waiting times ranged from four weeks in Haverfordwest to 23.3 weeks in Chester; and average waiting times for defendants on bail ranged from 6.8 weeks in Cardiff to 26.9 weeks in Winchester (Appendix 1).

Statutory sixteen week custody time limit

2.13 As noted in paragraph 2.7, there is a statutory limit of 16 weeks for the period a defendant can remain in custody between committal and arraignment. If this period is exceeded the defendant must be granted bail unless the prosecution has successfully applied for an extension. Since 1987 at least 15 per cent of all defendants in custody have waited more than 16 weeks for their cases to come to trial. In 1992 the figure was 18 per cent.

Figure 4: Average waiting times for committals for trial, 1982-92



Source: Judicial Statistics 1982-92

Note: 1. Although it is not manadatory, Crown Court Rules made under the Supreme Court Act 1981 provide that a trial should start 8 weeks from the date of committal unless the court orders otherwise.

Figure 4 shows that average waiting times for committals for trial fell between 1982 and 1990 but have since risen.

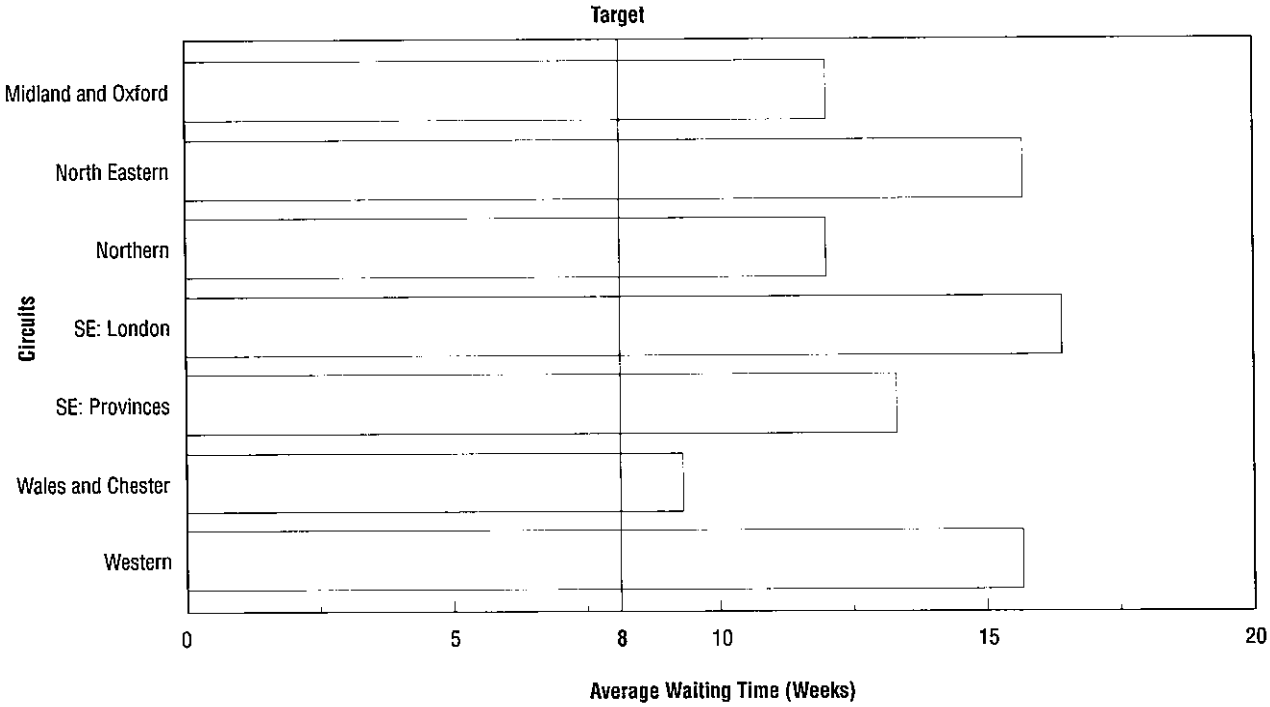
2.14 Cases older than 16 weeks are monitored by the Chief Clerk and the Resident Judge. Performance against this limit is not the subject of a target and is not reported on by the Department in its Court Service Annual Report. However, information on outstanding cases and performance against waiting time targets is distributed to Circuits monthly, with more detailed figures going out quarterly. Annual Judicial Statistics also report on defendants in custody for longer than 16 weeks. The Department collects national information on a quarterly basis as to the reasons why custody cases are outstanding for more than 16 weeks after committal. Such reasons will frequently be beyond the influence of the court, for instance, the unavailability of counsel or witnesses. The Department is currently introducing improvements to the scope and nature of the information collected. A revised form for doing so has been introduced and the first complete figures are expected in mid-1994.

2.15 Certain courts brought custody cases before a judge simply to enter a plea. This practice ostensibly improves court performance, but it runs counter to the spirit and purpose of setting statutory time limits to protect defendants. Those who plead not guilty are remanded in custody until a trial date becomes available, which in some cases can be well beyond the statutory waiting time period.

2.16 The Lord Chancellor's Department do not endorse this method of "bringing cases to trial" and in March 1993 they issued a circular to Crown Court centres stating that the taking of plea in the period immediately before expiry of limits must not be done to overcome any deficiency in prosecution monitoring systems.

2.17 The problems in bringing cases to trial are underlined by the number of outstanding cases. In December 1993 there were 30,000 outstanding committals for trial, 40 per cent more than 1983, although the number fell by

Figure 5: Average waiting times by circuit 1992



Source: Lord Chancellor's Department Statistics

Figure 5 shows the variations in average waiting times by circuit in 1992.

some 2,000 between the end of 1991 and the middle of 1993. This increase was partly due to a rise in the number of committals for trial. However, the introduction of section 3 of the Criminal Justice Act 1991 has increased the number of cases put back for pre-sentence report and this has artificially inflated the number of outstanding cases. A survey carried out by the Department in October 1993 showed that of the 29,417 cases outstanding 4,262 were waiting sentence, with 25,155 awaiting trial.

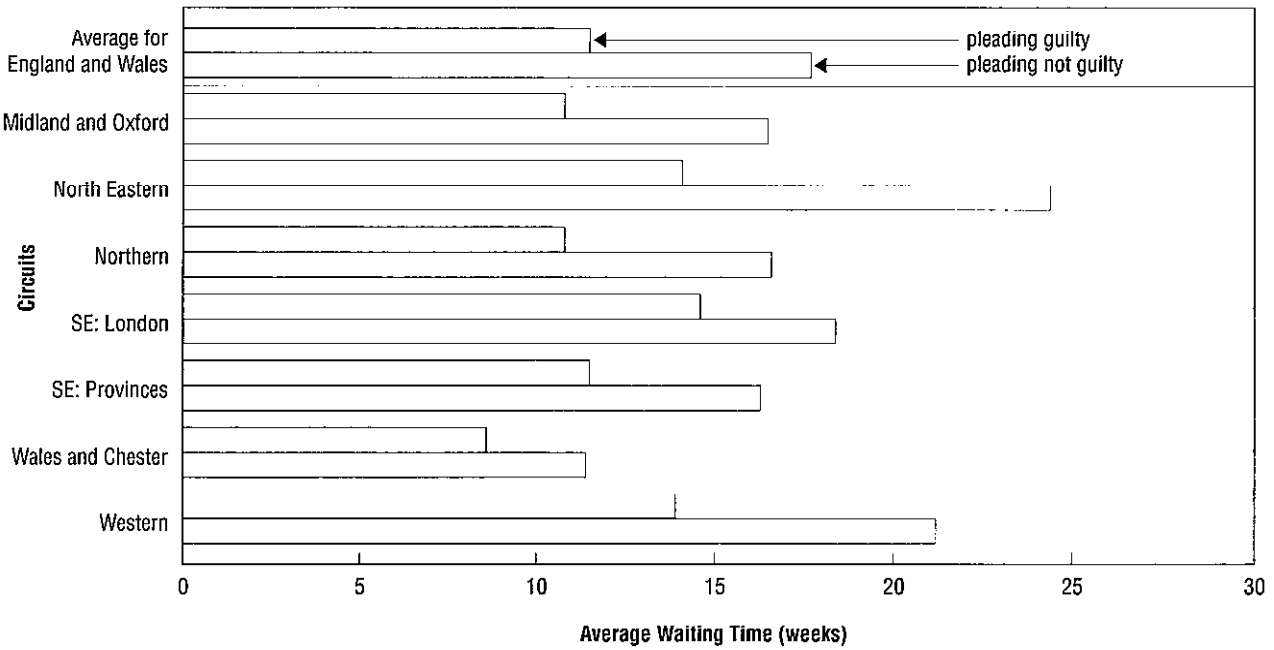
2.18 The Crown Court has directed its efforts towards keeping the waiting time between committal and trial to a minimum. Priority is given to those cases where the defendant has been remanded in custody. Because it is more difficult to arrange a trial than a plea hearing, defendants pleading not guilty and awaiting trial wait longer on average than those who plead guilty (17.6 weeks and 11.4 weeks respectively in 1992, Figure 6 opposite). The average waiting time for those held in custody (as opposed to those on bail) rose from 9.8 weeks in 1987 to 11.1 weeks in 1992.

Departmental waiting time targets

2.19 The long term aim of the Lord Chancellor's Department is to bring waiting times within the statutory limits throughout the country. But because the courts have for many years been unable to meet the limits, the Department has set less demanding targets on the grounds that these provide in practice a greater incentive to improve court performance. The Department has set average waiting time targets between committal and trial of eight weeks for custody cases and 12 weeks for bail cases (compared with the statutory limit of eight weeks for all cases). The targets for courts in the South Eastern Circuit, which face special difficulties, are set at 14 weeks for custody cases in London and ten weeks elsewhere.

2.20 Measured against average waiting times, the Department's custody targets were met in two Circuits in 1992 (South East: London and Wales and Chester) but missed in the others (Table 1 opposite). For bail cases the target was met in Wales and Chester alone.

Figure 6: Average waiting time of defendants dealt with in 1992 pleading guilty and not guilty



Source: Judicial Statistics 1992

Figure 6 shows that the average waiting time for defendants was higher for those pleading not guilty than for those pleading guilty

Table 1: Average waiting time performance against departmental targets in 1992.

Circuits	South East London	South East Provinces	Western	Midland and Oxford	Wales and Chester	Northern	North Eastern
Waiting times (weeks)							
Custody	13.2	10.5	12.2	10.4	7.5	9.8	12.8
Target	14	10	8	8	8	8	8
Bail	17.4	14.1	16.8	12.5	9.9	12.8	16.7
Target	15	13	12	12	12	12	12
Defendants disposed of (%)							
Custody							
at 8 weeks	37.8	54.7	50.1	59.8	70	56.7	52.7
Target	32	45	70	70	70	70	70
Bail							
at 8 weeks	24	38.2	35	47.3	56.4	34.2	39.4
Target	20	32	50	50	50	50	50
at 16 weeks	58.9	71.4	65.6	77.4	83.3	74.4	65.3
Target	55	75	80	80	80	80	80

This table shows that whilst the Wales and Chester Circuit met its waiting time targets the other Circuits failed to meet at least one of them.

2.21 The Department also set targets for the percentage of cases to be disposed of within prescribed time limits. For example, 32 per cent of custody cases in South East: London and 70 per cent of cases in the rest of England and Wales should be dealt with in eight weeks. The custody targets for both parts of the South Eastern Circuit (London and the Provinces) were met in 1992, but elsewhere the targets were met only in the Wales and Chester Circuit (Table 1). All bail targets were met in South East: London and in Wales and Chester but there were failures elsewhere.

2.22 But what matters to defendants is not average waiting times for the Circuit as a whole but waiting times at the individual courts where their trials take place. Many courts have met the targets each year but the position in 1992 (Appendix 1) indicated grounds for concern:

- Only one out of 15 courts on the Western Circuit met the eight week limit for custody cases and one court met the (longer) 12 week target for bail cases.

- Only two out of 11 courts in the North Eastern Circuit met the eight week limit for custody cases and only three courts met the (longer) 12 week target for bail cases (though they exceeded the statutory eight week limit).

- Only one out of six courts in the Northern Circuit met the eight week limit for custody cases and only one court met the (longer) 12 week target for bail cases (though exceeding the statutory eight week limit).

- Only one out of 17 courts in the Midland and Oxford Circuit met the eight week limit for custody cases and only four courts met the (longer) 12 week target for bail cases (all exceeded the statutory eight week limit).

- Four out of 13 courts in the Wales and Chester Circuit met the eight week limit for custody cases and seven courts met the (longer) 12 week target for bail cases (of which one met the statutory eight week limit).

- Six out of eight courts in the South East: London Circuit met the (longer) 14 week target for custody cases (though none met the statutory eight week limit) and three courts met the 16 week target for bail cases (though none met the statutory eight week limit).

- Nine out of 16 courts in the South East: Provinces Circuit met the (longer) ten week target for custody cases (of which seven met the statutory eight week limit) and nine courts met the (longer) 13 week target for bail cases (of which none met the statutory eight week limit).

2.23 The extent of the delays arising at court level were confirmed by analysis of the committals for trial outstanding (Figure 7 opposite). Over 60 per cent of all cases were over eight weeks old and 17 per cent of custody cases and one fifth of bail cases were over 24 weeks old.

2.24 The position has also been independently confirmed by the Standing Commission on Efficiency[1]. In 1992 the Commission commissioned research into the difficulties of bringing cases to the Crown Court and providing information in advance to assist efficient case listing. The researchers[2] examined the court records of 75 cases at three Crown Court Centres over an eight month period. They concluded that "while the size and selection of the sample cast doubt on the validity of extrapolating from the results of the analysis to courts in general" both statutory and Departmental targets were frequently exceeded:

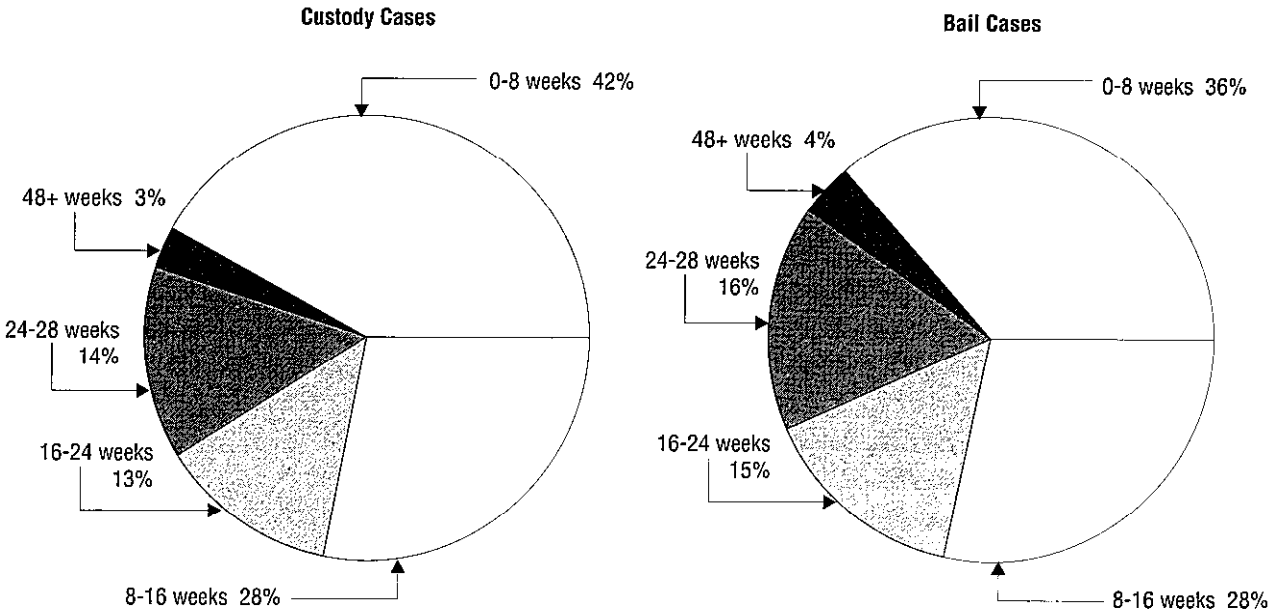
- the three courts exceeded the eight week time limit by an average of 18, 36 and 87 days;

- two of the courts met the 16 week custody time limit but the other exceeded it by 27 days;

1 Comprising the Department, the Crown Prosecution Service, the Bar and the Law Society.

2 'From Committal to Trial: Delay at the Crown Court' July 1993.

Figure 7: Analysis of cases outstanding in September 1992



Source: Lord Chancelor's Department

Figure 7 shows that 58 per cent of cases where defendants were held in custody were outstanding for longer than 8 weeks, and 64 per cent of cases where defendants were held on bail were outstanding for longer than 8 weeks.

- departmental targets for custody and bail cases were exceeded at all three courts by an average of between 34 and 95 days.

2.25 The National Audit Office also found that it was not possible to compare the performance of the courts on a reliable and consistent basis because they measured their performance and interpreted their targets in different ways. Some measured their waiting times from committal to first hearing, whilst others did so from committal to the date of trial or when sentence was passed. Some Crown Court staff were unsure what they were supposed to be measuring, with differences of view even between staff in the same court centre. However, now that procedures have been computerised (Part 4) the system automatically calculates waiting times in accordance with the Department's central instructions and court staff are not given the opportunity to interpret the requirement incorrectly, as in the past.

Causes of delay

2.26 The causes of delay in bringing cases to trial are numerous and complex. Some of the factors which can cause or mitigate delay are within the control of the Court Service - court resources and information technology. Others are within the control of the judiciary - listing and decisions as to adjournments.

2.27 There are also many important factors outside the control of the Court Service and the judiciary. These include the way defendants plead; the behaviour of defence lawyers, police, prosecution authorities, and the prison and probation services in the period leading up to the trial; and the delivery of committal papers by magistrates' courts (which are subject to local management independent of the Court Service).

2.28 The Lord Chancellor's Department considers that the way defendants plead has a significant impact on delay, since it affects the rate at which cases can be disposed of. Clearly if a defendant pleads guilty there is a significant saving in court time and expenditure. So the higher proportion of people who plead guilty (the 'plea rate') the quicker cases are dealt with and the less time others have to wait. However, the Department also considers that the factor with the greatest impact on delay is the way in which cases are prepared by the parties and their legal advisers.

2.29 The Department's aim is to implement efficient and effective pre-trial and court procedures to ensure that the likely plea is determined and communicated early; witnesses are identified; advance disclosure provisions are complied with; and that issues to be determined at trial are identified early on by timely case preparation.

2.30 Between 1982 and 1988 the number of cases committed to the Crown Court rose by 57 per cent but at the same time the guilty plea rate rose from 55 to 65 per cent. As a result, the number of trials disposed of increased by only nine per cent. But after 1988 the plea rate dropped to 59 per cent in 1992 (Figure 8), and this contributed to a fall in the average number of cases disposed of per courtroom per day from 1.40 cases in 1988 to 1.21 in 1992.

2.31 Generally, the plea rate is an influential factor on waiting times. However, at some court centres a low plea rate did not necessarily result in long waiting times (Appendix 2). For example, in 1992 both Sheffield and Preston Crown Courts had a guilty plea rate of over 70 per cent but Sheffield had an average waiting time of 18.9 weeks, compared with Preston's average waiting time of 9.4 weeks. Thus other factors can counter-act the effect of a low plea rate.

2.32 One reason for the increase in waiting times since 1990 (Figure 4) may have been the reclassification of certain offences following the Criminal Justice Act of 1988. This had the effect of reducing the number of minor offences (which usually have shorter waiting times) going to the Crown Court and increasing the proportion of serious offences (for which waiting times are generally longer).

2.33 Although the Lord Chancellor's Department collects information on the causes of delay, the forms for this purpose allow the courts some discretion as to what information is collected. This had led to variations in the information available and made comparisons between courts difficult. Some courts collect detailed information on the proportion of trials delayed for various reasons, for example because no courtroom was available or because evidence

Figure 8: Gulity plea rates 1982-92

Source: Lord Chancellor's Department

Figure 8 shows that the guilty plea rate rose from 55 per cent in 1982 to 65 per cent in 1988 but since then has fallen back. The plea rate has an important bearing on the throughput of cases in the Crown Court.

was delivered late. Others provide information on who was considered to be responsible for the delay but not the cause. Some provide no breakdown at all. The Department has reviewed the arrangements for collecting information on the delays affecting custody cases. It has introduced improvements to the relevant form and expects to have the first complete figures from it in mid-1994. The Department has told the National Audit Office that there is no shortage of information on the reasons for delay in the criminal justice system. The causes of delay, and measures to reduce it, have been considered in recent years by (among others) the Royal Commission on Criminal Justice, the Pre-Trial Issues Working Group and the research conducted for the Standing Commission on Efficiency.

Committals for sentence and appeal

2.34 Magistrates may commit defendants they have found guilty to the Crown Court for sentencing. Those convicted in the magistrates' courts may appeal to the Crown Court against conviction or sentence. And the Crown Court also deals with a small number of appeals in non-criminal matters, such as licensing of public houses. In 1992 these cases accounted for some 23 per cent of the total volume of cases received by the Crown Court and occupied eight per cent of Crown Court time.

2.35 Some courts wait until they have a full list of appeals before arranging a hearing date, and this can take up to five weeks. At some courts, sentences are generally used as time fillers around committals for trial. In 1992 waiting times were 11.4 weeks for committals for sentence and 9.8 weeks for appeal hearings. These times have risen steadily over the last five years (see Figure 9 overleaf).

2.36 During 1992 some 4,430 defendants were held in custody waiting for their sentences to be heard; 75 per cent of these waited over four weeks and 35 per cent waited over eight weeks. Some 3,000 defendants were held waiting for their appeals to be heard - 47 per cent waited over four weeks and 16 per cent over eight weeks. Appeals are relatively complex to deal with and require the presence of a judge and two magistrates in court.

2.37 Waiting times for committals for sentence and appeal hearings from the magistrates' courts are not subject to statutory limits or covered by departmental targets. But given the rising trends in waiting times, the National Audit Office suggest that consideration should be given to introducing targets and that these should be monitored on a regular basis by Court Service staff. The Department agrees, and is considering the best way of doing so. A general performance indicator has been proposed which will monitor the percentage of defendants whose case is started within target time. If targets are introduced for appeals and committals for sentence, the information collected could be collated into this high level indicator. The Department recognises that it will need to give consideration to the form these targets should take in view of concerns over the methodology used for measuring waiting times.

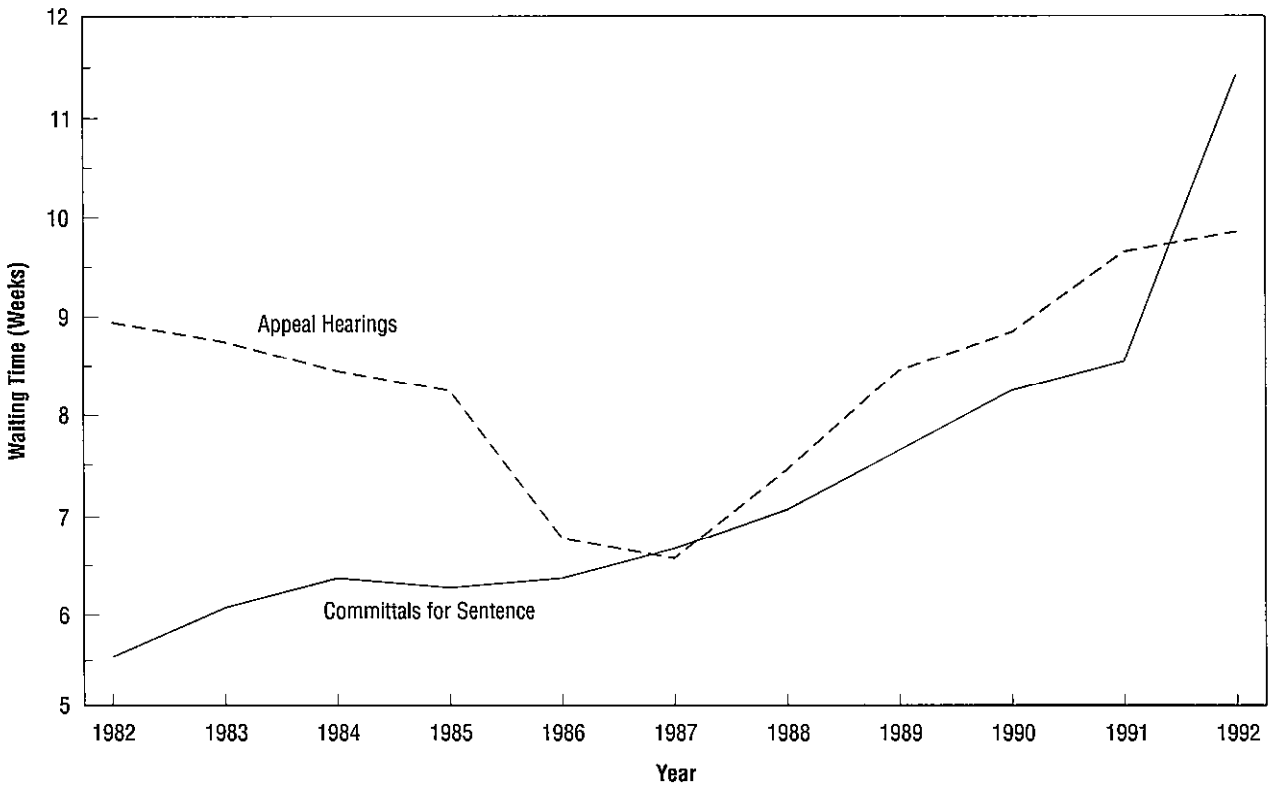
Ineffective trials

2.38 Many cases listed for trial do not take place; in some courts the number of ineffective trials is as high as 70-80 per cent. Courts are not required to collect data on the numbers of ineffective trials although about half of those examined did so. "Cracked" trials (see paragraphs 2.39 to 2.42 below) account for around half the ineffective trials. The rest were due to such factors as counsel not being ready, witnesses or defendants not turning up, and the prosecution not offering evidence. These are all factors over which the Court has no control. The Department accepts that it may be possible to collect information on the causes of ineffective trials, and will consider how best it could be done. The Department's proposed system of high level performance indicators does not involve the collection of data on ineffective trials, although this may be included if it proves feasible.

"Cracked" trials

2.39 It often happens that a not guilty plea is previously indicated by the defence, or is even entered at a preliminary hearing, but when the trial comes to be heard the plea is changed to guilty. These are known as "cracked" trials. The lack of notice of the guilty plea means that it is often impossible to bring another trial into the list and so court time and the time of all those

Figure 9: Average waiting times for committals for sentence and appeal hearings



Source: Lord Chancellor's Department

Figure 9 shows that the average waiting times for committals for sentence and appeal hearings have risen since 1987.

involved in the trial process is wasted. Frustration, inconvenience and extra costs are incurred in respect of witnesses and jurors who would not have been required to attend had the plea been known in advance. And the start of other cases is unnecessarily delayed.

2.40 The Lord Chancellor's Department has calculated that the cost of a wasted day in the Crown Court can be as high as £5,900, made up of fees to lawyers, legal aid and the expenses of witnesses and jurors (Figure 10 opposite). A 1989 efficiency scrutiny into court attendance by police officers on Merseyside found that 67 per cent of officers called to give evidence were not required because cases had cracked. It was estimated that the annual cost to the police service of officers attending court and not giving evidence was some £50.5 million a year. Additional, but unquantified, costs are incurred by the Prison Service, the Probation Service and the Crown Prosecution Service.

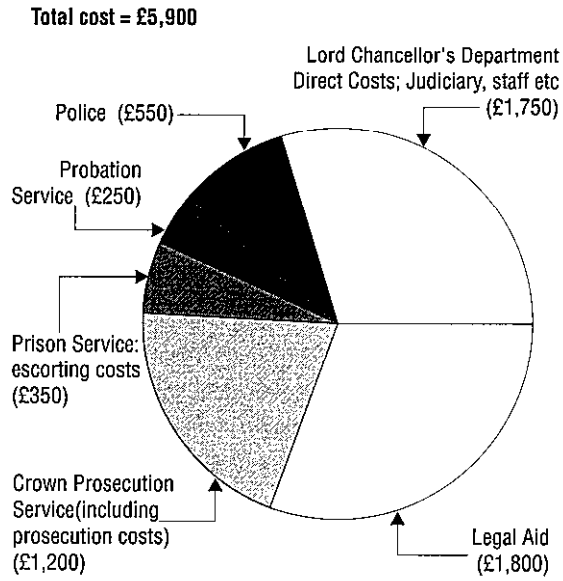
2.41 Analysis by the Lord Chancellor's Department has suggested that about 20,000 cases a year crack, or around 27 to 30 per cent of all listed trials. However, the proportion varies from court to court and in some cases has been as high as 54 per cent.

2.42 When the Standing Commission on Efficiency (paragraph 2.24) examined the reasons why cases crack they found poor communications between the trial parties to be a principal cause. Opposing counsel often got in touch with each other only at the last minute; and in 20 out of the 24 cases examined in detail, counsel only discovered the identity of opposing counsel on the day of the trial.

Royal Commission on Criminal Justice

2.43 The Royal Commission on Criminal Justice was appointed in March 1991 and published its report in July 1993. The Commission undertook the largest and most important review of criminal justice in many years. Its recommendations include:

Figure 10: The cost of a Crown Court day



Source: Costs of the Criminal Justice System 1992 (A Home Office Publication under section 95 of the Criminal Justice Act 1991).

Figure 10 shows the costs of a typical Crown Court day for the main agencies involved in the criminal justice system

- reserving the Crown Court for the most serious cases and diverting less serious ones to the magistrates' courts by removing the right of the defendant to insist on trial by jury.

- measures to improve the effectiveness of pre-trial procedures/preparatory hearings, to enable the trial issues to be clarified and defined in advance of the jury's being empanelled. This should reduce the number of cracked trials and ensure with greater certainty which witnesses will be required at trial. The Commission's members were, however, divided on the way to achieve more effective pre-trial procedures and hearings. Most favoured a new system of preparatory hearings but a dissenting member preferred to improve pre-trial procedures.

- a formal system of plea bargaining.

- discounts on sentence in return for early notification of a guilty plea.

- restructuring counsels' fees to provide a greater incentive for them to prepare adequately for trials.

2.44 These proposals have far reaching implications and will affect the Crown Court for many years to come. Any significant changes would take some time to consider and put into effect. They are being closely examined by the Lord Chancellor's Department and other parties in the criminal justice system. The Government published its Interim Response to the Royal Commission in February 1994.

Part 3: Reducing waiting times

3.1 This part of the Report examines how cases are brought to trial and what the Lord Chancellor's Department and other agencies are doing to reduce waiting times and the number of ineffective hearings.

Case listing

3.2 The main purpose of listing is to bring cases to trial as quickly as is compatible with the interests of justice. In practice this often entails a compromise, which given the number of individuals and agencies involved, may not be wholly to the convenience of everyone. On the one hand it is important to make the most effective use of the time of judges, jurors and the courts in seeking to dispose of outstanding business; but on the other hand there has to be full regard to the interests of defendants, their legal advisers, the prosecution, witnesses, and others concerned in individual cases.

3.3 Listing is subject to judicial directions issued by the Lord Chief Justice and by Presiding Judges, and is carried out under the supervision of Resident Judges. Much of the detailed work is, however, devolved by the judiciary to court staff.

3.4 The usual procedures for case listing are shown in Figure 11 opposite. A series of lists is produced for the trial parties; the warned list, the firm list and the daily list. As each list is issued the dates for trials become firmer. The procedure allows for the main parties to notify the court if a case cannot go forward for any reason and helps lawyers and the various agencies concerned plan their time and resources. A reserve list is kept of cases which can be brought in at short notice. Since listing is a judicial function, the parties have an overriding right of application to the judge if they are dissatisfied with the listing officer's decision.

3.5 Each Circuit has arrangements for keeping old cases under review and ensuring that these take priority in the listing process. Listing Directions issued by the Presiding Judge on each Circuit set out arrangements for monitoring outstanding cases. These require court staff to compile a monthly list of cases which are outstanding after a number of weeks designated by the Presiding Judge, typically 16 to 20 weeks from committal. The lists, often called "danger lists", contain details of the case, its listing history and factors contributing to delay. They enable the Resident Judge in charge of the court centre to review the progress of the cases with court staff.

Listing in practice

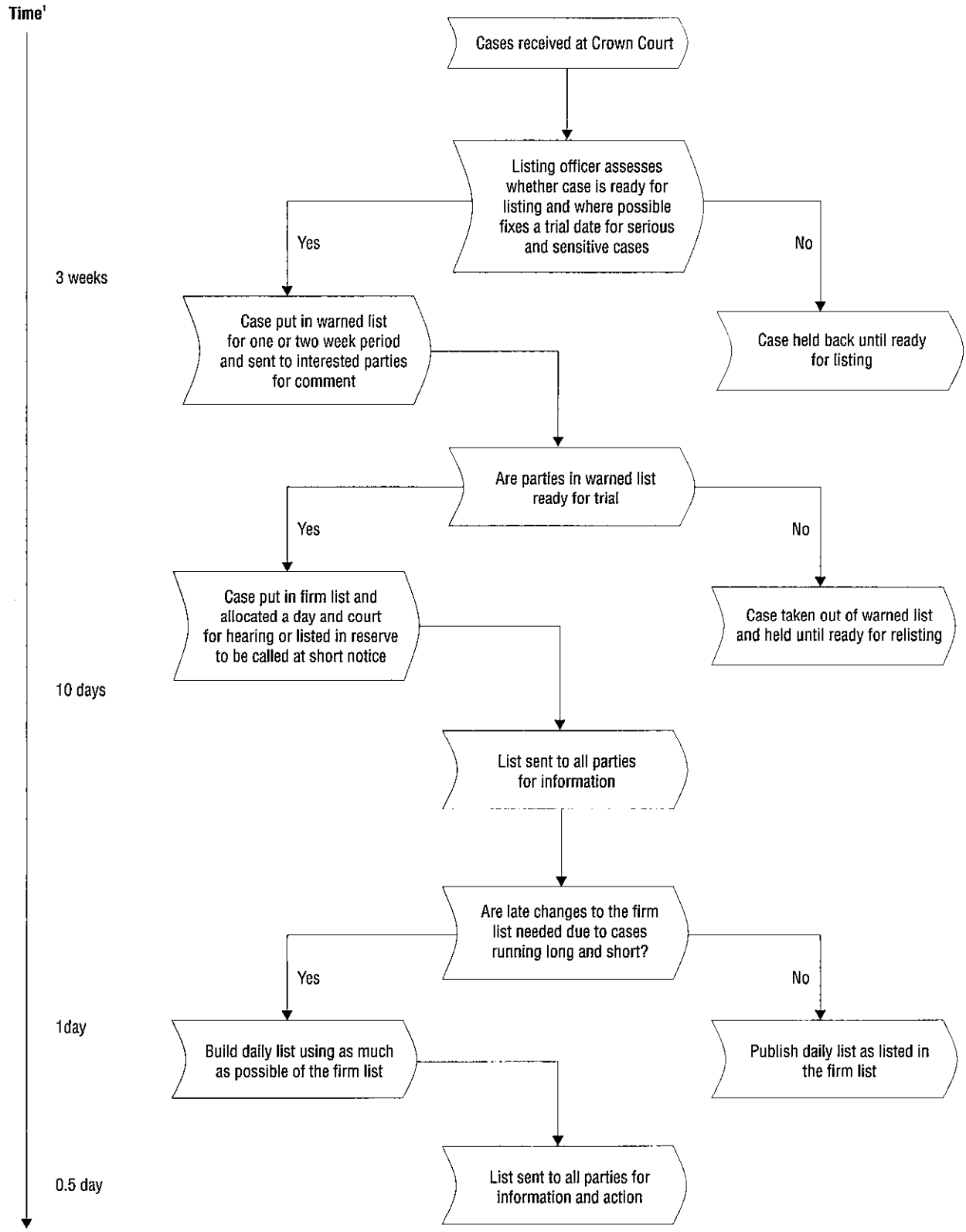
3.6 Until Listing Guidelines came into force on 1 April 1993, there was no standard guide to the administrative procedures to be followed by listing officers. Individual Circuits issued their own guidance, subject to the approval of the Presiding Judges of each Circuit. The Guidelines for Crown Court Listing, issued with the approval of the Lord Chief Justice, the Deputy Chief Justice, the Senior Presiding Judge and the Presiding Judges, consolidated that local guidance.

3.7 The Guidelines present the two methods of listing then in use as standard procedures. Both systems use the advance notice system, the principal difference being whether or not an intermediate list (the firm list) is published between the first appearance of a case in the warned list and its appearing in the daily list. However, in 1992 the National Audit Office found variations in procedures between courts which did not conform to the standard pattern. Some were inevitable as court centres differ in size and mix of cases. But there were other factors and these included:

- most courts use a form of regular conference with barristers' clerks to agree dates for trials, but these arrangements differ between courts; some discuss all cases and others only the complex or sensitive ones.

- courts were using different terminology to describe the same listing procedures; for example, the words 'firm', 'fixed' and 'advanced' were used by different courts to

Figure 11: Listing procedures in the Crown Court



Source: *Lord Chancellor's Department*

Note: *1. Listing officers can vary the time intervals. The degree of discretion is specified in the listing guidelines.*

mean similar things. This could lead to varying interpretations of guidance and could be confusing to court users, such as the police, who appeared as witnesses at several court centres. The Department has since rationalised the terminology and when the Guidelines are reprinted later in the year they will use only the term 'firm list'.

3.8 Courts on the South Eastern Circuit follow the practice, one of the two allowed by the Guidelines, of issuing a warned list and a daily list but no firm list. This makes listing more flexible but increases the risk of witnesses, counsel and defendants not being available. The parties to trials in the South East have adapted to this practice but it is difficult to tell what impact this has on the throughput of cases when compared with other Circuits.

Listing difficulties

3.9 Whichever of the procedures is followed, listing officers face considerable difficulties in bringing cases to trial in good time. Figure 12 opposite illustrates the sort of difficulties listing officers can face, with recurring factors including delivery of committal papers, obtaining listing information and witness attendance. These are dealt with further below. Figure 13 overleaf gives examples of cases which were delayed for various reasons, some being listed several times before they reached an effective hearing.

Listing Guidelines

3.10 It is too early to comment on the effectiveness of the Guidelines (paragraph 3.6). But though they cannot solve all the difficulties caused by inadequate or late provision of information or late changes in plea, they should bring about consistency in listing procedures and thus help to avoid some of the difficulties referred to above. The computerisation of case progression in a standard format throughout England and Wales (see Part 4) will also help.

3.11 In June 1993 the Lord Chancellor's Department conducted a compliance monitoring exercise limited to those courts equipped with a computerised system. The exercise relied on self-reporting by the courts and invigilation by the courts administrators. Problems with the design limited the value of the exercise although it indicated that the level of compliance with the Guidelines was high and exceptions were where local judicial direction dictated different practice. Given the importance of listing to the efficiency and effectiveness with which cases are brought to trial it will be important for the Lord Chancellor's Department to monitor compliance with the Guidelines. The Department recognise this and their Internal Audit Service will be reviewing listing in the Crown Court as part of its 1994-95 programme.

Dispatch of committal papers

3.12 Magistrates' courts have a duty in the Magistrates' Courts Rule to send committal papers to the Crown Court within four working days of the case being committed to the Crown Court for trial. The Lord Chancellor's Department has recently reminded justices' clerks of this requirement. However, the management of the magistrates' courts remains the responsibility of the individual justices' clerk concerned and of his/her local Magistrates' Courts Committee. The Crown Court is not generally able to start listing a case until committal papers are received. Any delay in sending committal papers may therefore delay the hearing.

3.13 A sample of cases examined at 16 courts showed that 14 received committal papers on average between eight and 14 days after committal with the shortest delay being 4.8 days (Leeds) and the longest 15.5 days (Winchester) (Figure 14, page 25). Only one court (Leeds) received committal papers for more than half its cases within four working days; ten courts had received papers for less than a fifth of the cases by then; and one court (Merthyr) had received papers for only two per cent of its cases within four working days.

3.14 Chief Clerks are encouraged to monitor this problem and discuss it with justices' clerks at magistrates' courts, but there is no sanction against non-compliance with the time limit. In a few cases the courts had taken action to speed delivery of committal papers by monitoring delays and liaising more closely with the magistrates' courts. In 1992 for example, Luton Crown Court reduced the average delay in receiving committal papers from 11.5 to seven days by these means. And

Figure 12: Participants in a Crown Court trial and some difficulties faced by listing officers

The Judge: Sittings at a Crown Court Centre are presided over by a High Court Judge, Circuit Judge, or part-time Judge (a Recorder or Assistant Recorder). Cases are assigned to judges according to the gravity of the offence, with more serious cases normally being heard by a more senior judge. The listing officer has to ensure that a judge is able to sit for as long as the case is likely to run.

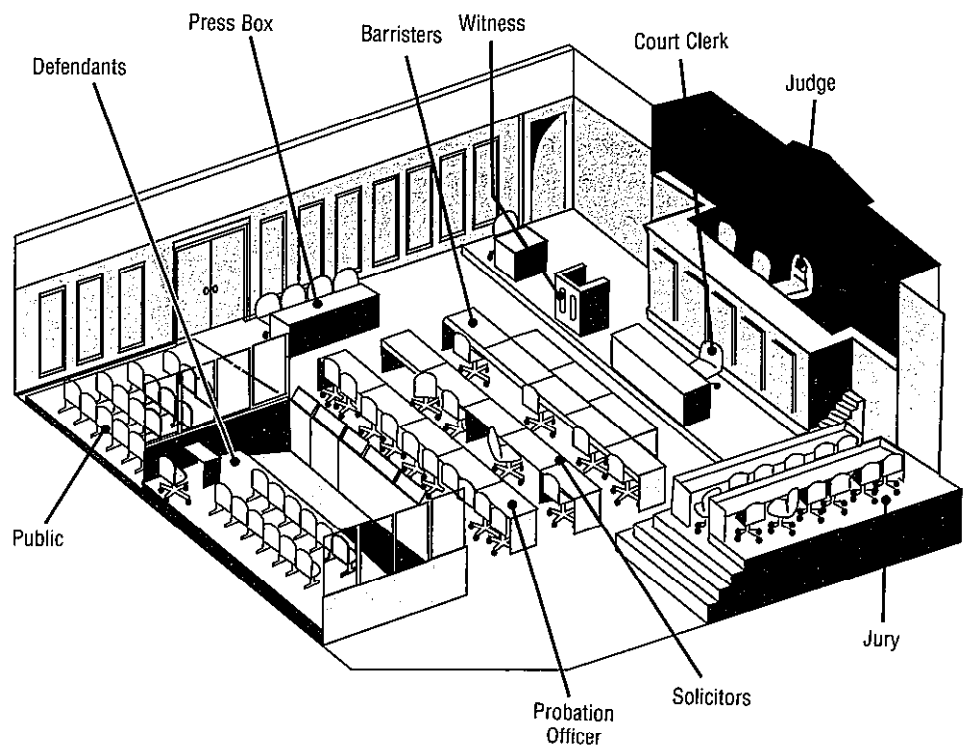
The Jury: Comprises 12 members of the general public, Crown Court staff are responsible for selecting the jurors from the electoral roll and summoning them to attend court. Jurors are compensated for their loss of earnings and expenses incurred in attending court.

Witnesses: Called by either prosecution or defence. May be the victim of an offence, have witnessed it, be a Police Officer, or another expert witness. They may fail to attend because they are ill or not available or else there are delays in the delivery of medical or psychiatric reports, forensic science and expert witness reports.

Defendants: If held in custody, the prison service is responsible for ensuring that defendants appear at the Crown Court hearing. They may enter late pleas of guilty because they prefer to be held in custody under remand conditions.

If on bail, the Crown Court will inform defendants of when they are required to attend. But some defendants change status from bail to custody without the listing officer being informed. This can result in failure to inform the Prison Service to produce the defendant. Other defendants may commit further offences while on bail and complicate proceedings.

A Typical Courtroom



Barristers: Different barristers are responsible for conducting the case for the prosecution and the defence in the Crown Court. Prosecution barristers may fail to provide advices and indictments promptly; defence barristers may fail to meet the defendant in person until the day of the trial; counsel for either party may be involved in other work and unavailable.

Solicitors: Solicitors for the defence advise the defence barrister on the details of the case when necessary, and may receive instructions from their clients. They may fail to take prompt instructions from their clients or fail to contact the prosecution to discuss preliminary issues.

Probation Officer: Provides advice to the court. The Probation Service is locally based. Delays may be caused by late preparation of pre-sentence reports.

Court Clerk: Responsible for swearing in jurors, keeping notes of proceedings in court and advising the listing officer of the likely duration of the hearing.

Figure 13: Examples of delayed cases

A burglary case which took 40 weeks to come to trial at Swansea Crown Court was delayed by three months waiting for an expert report to become available. During this period progress was reviewed twice before a judge in court and the case given two fixed dates for trial;

a defendant charged with minor fraud, whose case at Winchester Crown Court had been delayed by 85 weeks due to his ill-health, waited a further six months for his case to come to trial because his counsel was not available. This case was put in three warned lists before being fixed for trial;

a defendant charged with affray waited 38 weeks to come to trial at Derby Crown Court. His case was held back three times because the defence witness was not available and his first trial was adjourned because the witness had not been warned and did not turn up. The trial was also put back to allow the defendant to go on honeymoon. This case was put in five warned lists before being allocated a fixed date for the trial.

Source: *Crown Court records*

Note: *All cases were bail cases.*
Figure 13 shows that cases can be delayed for a variety of reasons, frequently beyond the control of the court, and that often a case will be listed several times before an effective trial takes place.

Reading Crown Court drew up a monthly table to show the comparative performance of the magistrates' courts in committing cases to the Court. This spurred the late deliverers to improve their performance.

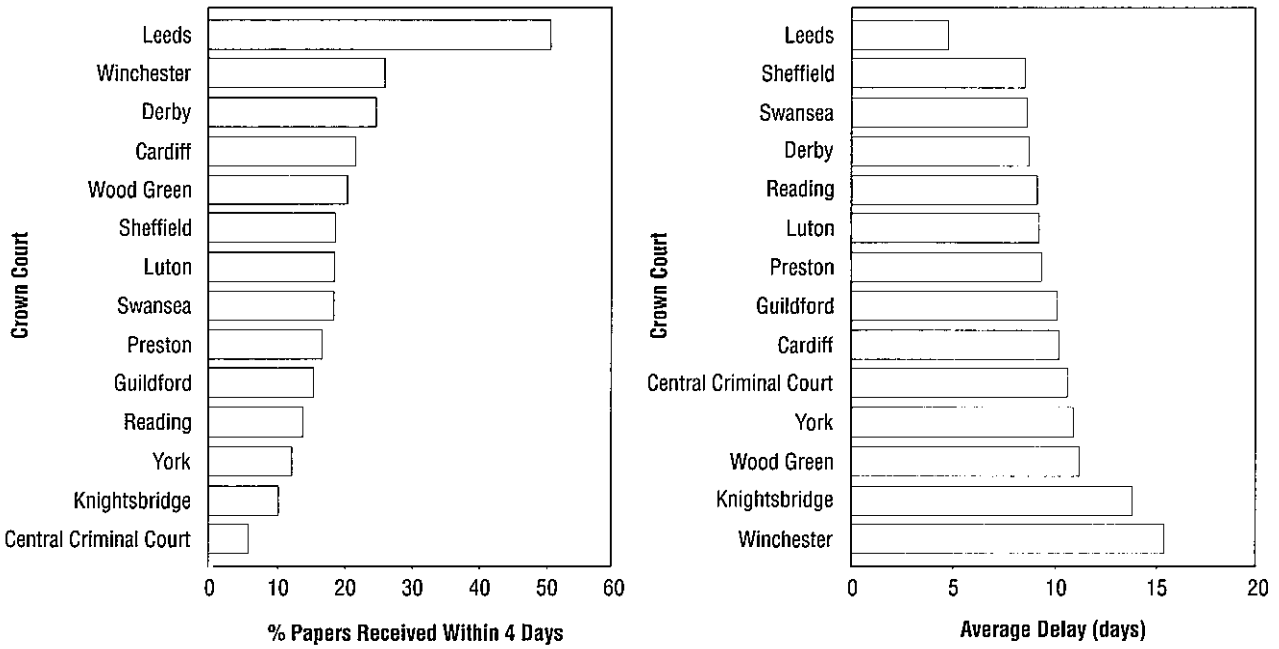
3.15 Although there is significant scope to improve delivery times the Department is reluctant to introduce new monitoring arrangements at this time. This is because the Home Secretary announced on 7 February 1994 that committal proceedings are to be abolished and replaced with a transfer to trial procedure in accordance with a Royal Commission recommendation. In March 1994 the Minister of State at the Home Office moved a new clause in the Criminal Justice and Public Order Bill. This clause introduces the transfer-to-trial procedure in a separate Schedule and abolishes magistrates' functions as examining justices.

Obtaining listing information

3.16 Committal papers and case files contain information on the nature of the crime. But to make effective decisions about listing a case, the listing officer needs accurate information in three key areas: the plea likely to be entered; the estimated length of the case; and the number and availability of witnesses.

3.17 All courts are required to send listing information forms to defence solicitors in every case. The Guidelines for Crown Court Listing highlight the need for the parties to keep the listing officer informed of developments in the case, changes in the information already provided, the availability of witnesses and any problems which might arise. There are two forms: one for cases expected to last up to three days, and another for cases expected to last longer than three

Figure 14: Delivery of committal papers, March - September 1992



Source: Crown Court Centres

Figure 14 shows that most courts experienced delay in receiving committal papers from magistrates' courts with only one court receiving half their papers within the statutory four days.

days. The forms were not completed by solicitors in about a third of cases. And returned forms often contained inaccurate information and were incomplete, partly because solicitors had not made early contact with their clients.

3.18 The Listing Guidelines require courts to follow up non-return and they emphasise the need for the parties to keep the listing officer informed of developments in the case, changes in the information already provided as to the availability of witnesses and any problems which might arise. Listing officers may request information by telephone to fill the gaps, but this is less precise and less reliable than the completed form. The Criminal Bar Association confirmed that listing officers were often not given up-to-date information about the availability of witnesses and defendants. This caused trials to be delayed and wasted the Court's time.

3.19 Similar findings were made by researchers, working on behalf of the Standing Commission on Efficiency in their study of pre-trial Crown Court processes in March 1993. The researchers proposed that the role of listing forms should be re-examined and that in the long run a better system is required to keep the listing office better informed, perhaps by computer links to solicitors' offices or barristers' chambers.

3.20 The Department noted the researchers' findings on listing forms, and guidance on the despatch and follow up of the forms was subsequently issued to courts.

3.21 On computer links, the Department doubts whether the existence of these links would secure the provision of the timely and accurate information that members of the legal profession do not presently provide. Moreover, the Department's principal priority in relation to the use of information technology in the Crown Court has been the implementation of the Crown Court Electronic Support System (CREST). Nonetheless, a project to provide a computerised list distribution system will be inaugurated in 1994 as part of the Co-ordination of Computerisation in the Criminal Justice System initiative. It is expected that the system will be implemented in the financial year 1995-96. It will provide the electronic transmission of the lists from the CREST system to other criminal justice organisations and to the legal profession.

Witness attendance

3.22 The Crown Prosecution Service and the police (for the prosecution) and defence solicitors are notified when their case appears on either the warned or fixed list. Defence solicitors and the police are responsible for warning witnesses to be on standby for the period concerned and for ensuring their witnesses' attendance. The failure of witnesses to attend is therefore beyond the Court's control.

3.23 However, the Listing Guidelines draw particular attention to the needs of witnesses at court and the inconvenience which may be caused if cases are not reached because the list is overloaded, or if late changes are made. Listing officers are also reminded of the inconvenience which can be caused if cases with many witnesses are included as 'floaters' or 'backers'.

3.24 Victim Support, a national charity which gives advice and assistance to victims of crime, told the National Audit Office that they were dissatisfied with the following aspects of listing:

- asking every witness to attend court at 10.00am, which often resulted in long waiting times. Research by Victim Support had shown that 50 per cent of witnesses wait longer than four hours.

- the practice of 'floating' cases (holding them in reserve) has meant that witnesses have had to hang around for long periods.

3.25 The Department has pointed out that listing officers have to take into account the claims of other cases, all of uncertain preparedness and length and that witnesses are not the only people involved (see Figure 12). In particular as long as cases crack there is a need for last minute arrangements and for floating cases to be held in reserve. The alternative is empty courtrooms and increased waiting times. And the Listing Guidelines encourage listing officers to provide fixed dates where possible for certain types of case: where an earlier hearing has been abortive and witnesses were called to court, where there has been a Plea and Directions Hearing, and particularly where the case is expected to be long, complex or sensitive (for example, where child abuse is involved). Listing officers are encouraged to put cases in the daily list with appropriate time markings to facilitate the making of appropriate arrangements by the defence and prosecution who decide when to call their witnesses to court. The judiciary and court staff have been made aware of the principles for the phasing of witnesses commended by the Crown Prosecution Service in 1993 to their staff. Listing officers recognise the need to work with the Crown Prosecution Service to ensure that the most efficient and effective use is made of later court and individual witness time.

3.26 In October 1991 Victim Support published research into the experiences at court of victims and prosecution witnesses. The research programme included a MORI survey of a sample of 500 witnesses appearing at seven Crown Court centres. Respondents were asked about their perceptions as to the fixing of a date for the trial. Fifty eight per cent felt there had been insufficient consultation and 37 per cent felt that the date had been fixed with insufficient advance notice. (Table 2 opposite shows how much advance warning witnesses were given at the seven courts: the differences partly reflect the variations in listing practice referred to in paragraph 3.7). The Department does not dispute Victim Support's findings. However, it has pointed out that since witness warning is a matter for the prosecution, the periods of advance notice listed in Table 2 are not necessarily an accurate indication of when the prosecution were notified by the court that the case was being listed - particularly if the case appeared in the warned or firm list and witnesses were not notified at that stage.

3.27 For 63 per cent of the sample, the trial began on the scheduled day. The hearings for the other cases were adjourned, either because preceding cases had been delayed or because of a change of plea. These factors are outside the control of the Court Service.

3.28 Others directly involved in the criminal justice system told the National Audit Office about difficulties they had experienced in witness attendance. The Association of Chief Police Officers for example referred to the immense amount of police time spent obtaining dates when witnesses would be available and how witnesses became angry and upset when a case was listed at a time inconvenient to them. And because listing officers cannot in practice take account of police officers' rest days over and above the other factors affecting the listing of cases, enhanced rates of pay are paid for rest

Table 2: Notice given of date in advance of hearing

Court Centre	1 Day Notice (%)	2-5 Days Notice (%)	6-14 Days Notice (%)	+14 Days Notice (%)	Can't Remember (%)
Teeside	10.5	18.6	34.9	32.6	3.5
Manchester	1.3	6.7	23.1	62.3	6.5
Liverpool	4.9	12.2	23.1	48.8	8.5
Preston	3.4	27.5	27.6	32.8	8.6
Newcastle	13.5	16.3	21.6	43.2	5.4
Wood Green	23.4	12.7	10.7	44.7	8.5
Maidstone	26.7	6.7	8.3	55.0	3.3
Overall	11.0	14.8	22.3	45.7	6.2

Source: Victim Support

This table shows that nearly 50 per cent of witnesses were given over 14 days notice of a trial at 7 courts but that more than 25 percent were given 5 days or less notice.

day working and officers are then given the regulation time off "in lieu", causing knock on effects and increasing costs.

Plea and Directions Hearings

3.29 One of the ways in which the Lord Chancellor's Department is seeking to improve the throughput of cases is by means of the recommendations of the multi-agency 'Pre-Trial Issues Working Group'. This was set up in November 1989 'to consider specific matters relating to the preparation of cases for consideration by the court which involve relations between the Police, the Crown Prosecution Service and the courts'.

3.30 The work was completed in November 1990. The report contained recommendations covering areas of the criminal justice system ranging from charging the defendant through to the preparation of cases in court and completion. An Action Plan was prepared and approved by Ministers in November 1991.

3.31 Those recommendations relevant to listing were aimed at removing the uncertainty over when a case would be listed and reducing the number of cracked trials. One of the key recommendations (Recommendation 92) was that magistrates' courts should commit a defendant to appear on a specific date in the Crown Court and that cases should initially be listed for a 'Plea and Directions Hearing' - a form of pre-trial review. In appropriate cases fixed trial dates would be given at the directions hearing. The working group recognised that this recommendation would have serious implications for the Crown Court and proposed a pilot study to determine its feasibility. The pilot study began at the Crown Court centres of Sheffield, Plymouth and Croydon in July 1992 and continued until the end of June 1993.

3.32 An analysis of the results indicates that the effectiveness of Plea and Directions Hearings depends to a large extent on how well solicitors and barristers are prepared. The hearings allow the court to obtain more accurate plea and other listing information from the prosecution and defence lawyers, who answer questions from the judge in open court. The information sought includes issues that may arise during the trial, the numbers of witnesses, and an estimate of the length of the hearing. Incomplete answers or answers requiring further information can be pursued immediately.

3.33 At these hearings, the prosecution and defence are also required (under Recommendation 105 of the Pre-Trial Issues Initiative) to give consideration to the staggering of witness attendance at the trial. The pilots showed that this had the potential to improve arrangements for witness attendance and reduce witness costs. The consideration of witness requirements and availability also enables the court to fix a date for trial immediately, or to give directions to the listing officer to provide a fixed date or enter the case in a specific warned list. This enables the parties to give maximum warning to witnesses of the date or period when they are to attend court. On the other hand, if a case can be disposed of at the Plea and Directions Hearing through a guilty

plea, that would forestall abortive attendances by witnesses at a "cracked trial".

3.34 The results of the pilot study have also highlighted a range of obstacles to success, including the remuneration system for the Bar, and the absence of any inducement for the defendant to offer an early plea. These two obstacles have been tackled. During the pilot study a fee of £90 was paid by both the Crown Prosecution Service and the Lord Chancellor's Department to counsel for all pre-trial hearings. Outside the pilot study, a pre-trial hearing in a standard fee case would attract a fee of £44.75, and in other cases a fee of up to £98 can be paid. However, the pilot study produced no evidence that the special fee arrangement secured any earlier preparation. Nonetheless, the Department recognises the need for effective incentives to secure early preparation by advocates, and is discussing this issue with the Bar Council and the Law Society in the context of developing a graduated fees scheme for advocacy in the Crown Court.

3.35 Ministers also accept the need for a legislative provision formalising the practice of sentence discount, and a provision to this effect has been included in the Criminal Justice and Public Order Bill.

3.36 Data from the pilot study shows that each court recorded a marked reduction in the proportion of cases listed for trial and in the number that cracked. Before the pilot study 53 per cent of cases were listed for trial of which 58 per cent cracked. During the pilot 39 per cent of cases were listed for trial, with 45 per cent of these cases cracking. Cracked trials as a proportion of all cases reduced from 31 per cent before the pilot to 18 per cent during the pilot. The fewer cases cracking at court resulted in fewer abortive witness attendances. The reduction in cracked trials occurred notwithstanding that prosecuting counsel and defence counsel attending the substantive hearing were the same as the counsel that had been originally briefed in only 8.5 per cent and 21 per cent of cases respectively. The average length of an effective trial was reduced and almost 50 per cent of effective trials lasted less than four hours compared with only 30 per cent in the pre-pilot.

3.37 In addition, the average custody waiting time between committal and start of trial in contested cases fell from nine weeks to just over six weeks in the pilot. This meant a saving to the Prison Service, particularly for those convicted defendants who did not receive custodial sentences. The increase in legal aid costs of the pilot were marginal and were more than offset by savings in witness and other costs.

3.38 However, certainty in fixing a greater proportion of hearing dates needs to be balanced against the risk that, if too much flexibility is lost, there will be shorter sitting days, longer waiting times and a growing backlog of cases. Courts have indicated that listing a large number of fixed hearings is feasible only when a court has spare capacity. Nonetheless, the Lord Chancellor's Department expects that the introduction of Plea and Directions Hearings will reduce the incidence of ineffective trials and thereby improve the throughput of cases. It anticipates that this will lead to a greater certainty in listing cases, and allow more fixed dates to be used in future. The final pilot study report was published on 5 July 1994 and recommended that Recommendation 92 (paragraph 3.31) be introduced generally. A National Implementation Group has been formed to take this forward.

Listing officers

3.39 The work of listing officers is complex and demanding and requires the right level of training and experience. The Lord Chancellor's Department have laid it down that listing officers should:

- be in post a minimum of two years;
- have at least one years court clerk experience;
- have a one month handover;
- attend a listing officer training course.

3.40 On the whole, the National Audit Office found that the first three of these requirements were being met. For example, the records of listing officers on the Northern and Midland and Oxford Circuits showed that in 1992 the average length of experience in the listing office was over two and a half years; and no-one had been working as a court clerk for less than one year.

3.41 On training, the National Audit Office found that the Lord Chancellor's Department's requirements were not being met. Over 70 per cent of listing officers in post had not received any formal training. Several Chief Clerks expressed doubts about the value of the training course provided because the qualities required to do the job were innate and could not be taught. In their view, being a good listing officer depended more on experience, working well under pressure and being assertive with trial participants.

3.42 Nonetheless, the Department accepts the need for listing officers to receive formal training and minimum training requirements were issued in April 1992. In September 1993 the Department reminded Circuit Administrators of the requirements and as a result steps have been taken to ensure that all new listing officers, and where appropriate, those recently appointed, attend formal training. The Department will continue to monitor the training of listing officers and asked Circuit Administrators to provide details of the listing officers in post on 31 March 1994. That information is being analysed and appropriate follow-up action will be taken.

Liaison

3.43 The Lord Chancellor's Department has a key role to play in ensuring that there is understanding and co-operation between all those involved in Crown Court business. As well as being pursued on a day to day basis, liaison is effected more formally at trilateral meetings between the Home Office, Crown Prosecution Service and the Lord Chancellor's Department; by the Criminal Justice Consultative Council and its Area Criminal Justice Liaison Committees (Area Committees); and in court user groups.

3.44 Regular trilateral liaison meetings have been a feature in the criminal justice system since 1987. They provide an opportunity to discuss policy initiatives, seek solutions to common difficulties and consider criminal justice strategy in the round.

3.45 The National Audit Office found that these liaison arrangements were generally working well so far as the Crown Court is concerned. However, information systems in the various parts of the criminal justice system have developed at a different pace. The variations in the size and complexity of the systems have contributed to this, as well as the different priorities for systems in place within Departments. For example, most magistrates' courts already had a variety of computer systems while the Crown Court had none, and the Crown Prosecution Service was only being established at the same time as the Crown Court computer project (CREST) began to be developed. As a result, the magistrates' courts replacement system, which is considerably larger and more complex than the others, will not be fully implemented in all courts until the turn of the century, and special interfaces will need to be developed separately for each system to allow information to flow between them.

3.46 The Home Office, the Crown Prosecution Service and the Lord Chancellor's Department are committed to developing compatible systems and have set up a steering committee to improve information transfer. Implementation of the committee's programme has begun and is expected to yield annual savings of around £30 million when fully implemented at the turn of the century. The savings will accrue progressively from 1995-96, and the Crown Court system will be an important component in achieving these savings.

Criminal Justice Consultative Council and Area Committees

3.47 Lord Justice Woolf's report on the "Prison Disturbances April 1990"[1], identified a 'geological fault' between the different agencies in the criminal justice system and recommended much closer co-operation. In response, the Government established the Criminal Justice Consultative Council to promote better understanding, co-operation and co-ordination. The Council first met in December 1992. The Department are represented on the Council by the Permanent Secretary and the Head of the Court Service.

1 Woolf Prison Disturbances April 1990: Report of an Enquiry. Cm 1456.

They also provide half of the Secretariat, jointly with the Home Office.

3.48 Twenty four area liaison committees, based on county boundaries, were also appointed in 1992 to establish local links between the different agencies involved. The Court Service is represented on the Area Committees by the Circuit Administrator or in some instances by the Deputy Circuit Administrator or the Courts Administrator. The Secretariat to the Committees is also provided by the Court Service. The Area Committees are meeting four times a year. Although the Committees do not have executive functions, representatives are expected to report back to their organisations and take agreed action. National Audit Office discussions indicated a general confidence in the potential benefits of the Area Committees, but it is too early to judge their effectiveness in practice.

Court user groups

3.49 Court user groups are locally based and usually chaired by the Resident Judge. Members comprise all the court users, including court clerks, the Crown Prosecution Service, the police, probation officers, the Bar, the Law Society, and Victim Support. In January 1992 the Lord Chancellor's Department issued guidance to Courts Administrators and Chief Clerks as to how user groups should be set up and run.

3.50 This guidance was being followed at the courts the National Audit Office visited. And there was general satisfaction among the participants as to the way the user groups work, although the Bar felt that the meetings could be parochial in nature and, because of their composition, could carry little weight when substantial changes were required.

Part 4: Management of Crown Court resources

4.1 This part of the report examines the use made of Crown Court resources, focusing on accommodation, judges and jurors. It considers the support provided by information technology and how performance is monitored and controlled.

Accommodation

4.2 Making full use of existing courtrooms:

- maximises value for accommodation running costs, which at £58 million a year are the largest item of expenditure on the administration of the Crown Court;
- keeps capital expenditure to a minimum - the Crown Court building programme in 1992-93 cost some £51 million;
- improves the speed with which cases are dealt with.

4.3 Courtrooms are usually occupied between 10.00 and 16.00 hours, including a lunch adjournment of one hour, Monday to Friday every week, excluding public holidays. In London the hours are longer by one quarter of an hour because of the higher proportion of longer cases. Except in special circumstances courts are not used at night or over weekends.

4.4 Over the last three years, the average length of a court sitting day in England and Wales fluctuated between 4.2 and 4.3 hours, against a target of 4.5 hours in London and 4.25 hours elsewhere. (Longer hours can be sat in London because the greater volume of work allows business to be distributed in a more flexible way between courts, particularly where a listed trial is ineffective). In 1992 sitting hours ranged from 5 hours in Isleworth to 2.8 hours in Barnstaple (Appendix 1). Trials were taking longer, with the disposal rate of cases per courtroom per day having fallen from 1.40 cases in 1988-89 to 1.16 cases in 1992-93.

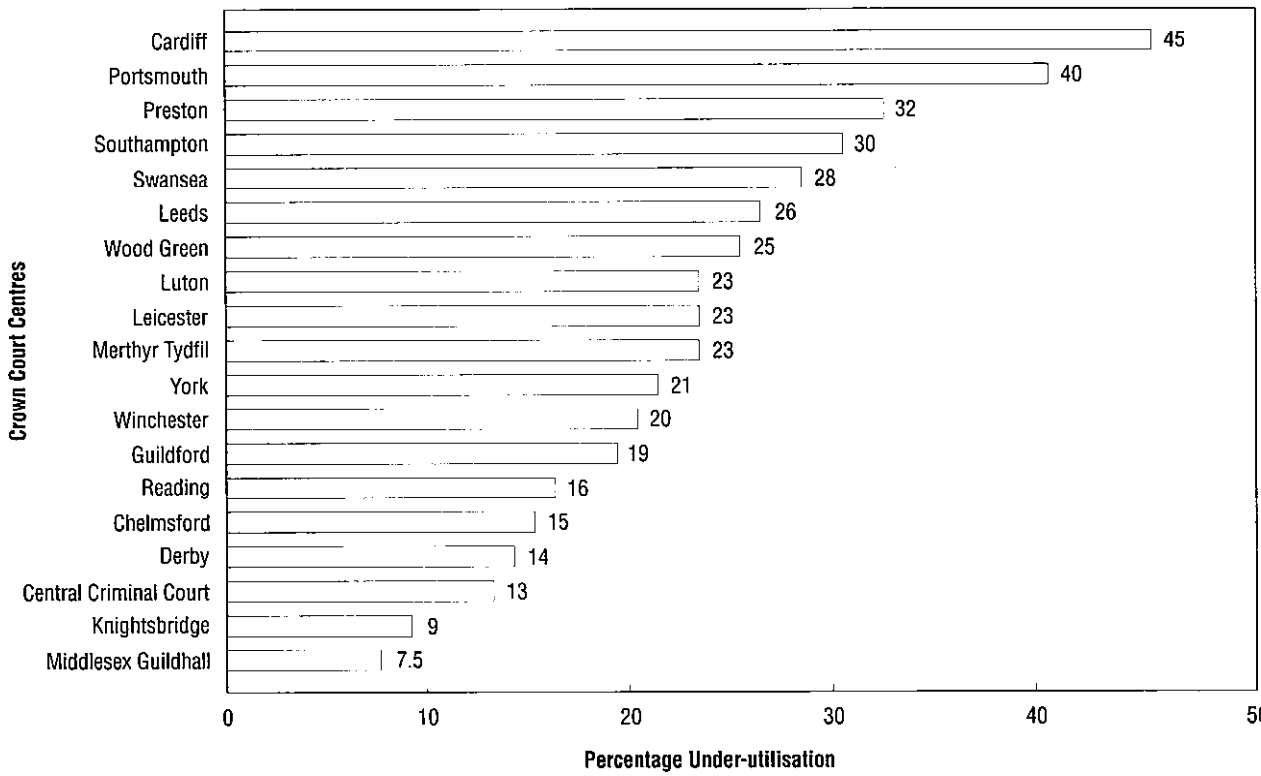
4.5 National Audit Office analysis of the records of courtroom use at 19 courts (Figure 15 overleaf) found under-utilisation of courtrooms at some centres and under-capacity at others. Six courts were under-utilised for more than a quarter of the time available. Utilisation was reduced in some cases by factors largely outside the control of the Court Service, such as the number of cracked trials and workload patterns; at Cardiff, for example, where under-utilisation was 45 per cent, there was a high level of cracked trials and a relatively low workload. And under-utilisation at Portsmouth (40 per cent) and Southampton (30 per cent) was mainly caused by a fall in the number of cases committed during the year.

4.6 The bigger the Crown Court centre and the flow of cases, the easier it is to achieve full utilisation. For example at some smaller Court Centres, such as Merthyr Tydfil and York, listing officers have less opportunity to use reserve cases. But large Court Centres, such as Middlesex Guildhall and Knightsbridge have a balanced workload and are able to use courtrooms more efficiently because of the listing flexibility provided by a greater range of cases. The Department considers that the reclassification of offences in 1991, and increased use of cautioning by the police, reduced the number of smaller cases coming to the Crown Court. This, in turn, reduced listing flexibility, increased waiting times and added to the problems of under-utilisation at some court centres. The use of cautioning is now falling; this may have the effect of increasing the total number of cases again.

4.7 There was under-provision of courtrooms at other locations, for example:

- **Chelmsford Crown Court:** had had a substantial backlog of cases for the last four years and transferred many cases to the London courts every year. In December 1993 the Court had 417 committals for trial outstanding in its six courtrooms.

Figure 15: Percentage of available courtroom time not used, March 1991 to September 1992



Source: Sample of court utilisation forms completed by Crown Court Centres

Note: Percentages were calculated using half day court sessions, therefore only courtrooms not used for a full half day are included.

Figure 15 shows that there is a wide variation in the use made of avaialble courtroom time. The highest level of utilisation was achieved by the London courts.

- **Hull Crown Court:** although the Court only opened in 1991 it was already experiencing difficulties, partly because of a shortage of courtrooms and partly because the increase in workload was underestimated. In December 1993 there were 446 committals for trial outstanding.

- **Sheffield Crown Court:** had 649 committals for trial outstanding in December 1993. In their 1992 Annual Report the Board of Visitors for Wolds Remand Prison expressed concern about the length of time spent by prisoners awaiting trial at Sheffield.

- **York Crown Court:** in December 1993 the Court had 208 cases outstanding in its two courtrooms, although these were under-utilised. Despite a relatively large workload, the small size of the court makes it difficult to adopt flexible listing practices.

New accommodation

4.8 The Court Building Programme is an important element in the Department's strategy for reducing the backlog of work and reducing waiting times. Since the mid 1970s some 65 Crown Court schemes have been completed, providing a total of over 360 new and replacement courtrooms (a net increase of some 200, as older courtrooms have been taken out of use). At the end of March 1993, 10 schemes were under construction, 18 were at various stages of design, and 10 schemes were being planned.

4.9 The total cost of the Court Building Programme was £78 million in 1992-93 of which some £51million can be attributed to the Crown Court (including combined courts). The provision for the whole Court Building Programme is as follows:

1993-94 - £111 million;

1994-95 - £89 million and

1995-96 - £70 million.

4.10 In planning the programme, forecasting of workload needs to be as accurate as possible to ensure that courtrooms are built when and where they are needed. But the National Audit Office found that forecasts used to determine local courtroom need on the basis of workload projections had not, in retrospect, proved accurate. For example, forecasts made in 1988 indicated a workload of 126,000 cases in 1991, whereas actual outturn was 106,000 cases.

4.11 This difference is partly because (i) forecasts were based on historical trends and did not take account of the impact of the reclassification of offences in October 1988 and (ii) forecasts were based on the numbers of cases rather than workload, and did not therefore take account of the complexity and seriousness of cases and likely plea rates. The Department is now reviewing their statistical model, the base data and the use made of local factors. Recent forecasts by the Department's statistical branch suggest a shortfall of courtrooms for the South East Circuit in 1995, whilst the rest of England and Wales are likely to be in surplus.

4.12 In November 1993 the Department held a one day conference to discuss the methodology and needs of the court building projections. A number of improvements were suggested including the use of demographics, further integration with Home Office projections for other trends in the criminal justice system, and projection of the disposal rate. The Department is developing a new methodology, a process in which the Treasury is involved. The Department is also reviewing the robustness of the current methodology for forecasting demand for both civil and criminal workload and its translation into courtrooms and other accommodation. A paper discussing the way forward will be considered during the summer of 1994.

Availability of judges

4.13 The judges who can try cases in the Crown Court are:

- **High Court Judges:** senior judges who sit most of the time at the Royal Courts of Justice in London and, for limited terms, at individual Crown Court centres. They normally hear the most serious criminal cases, such as murders and rapes.

- **Circuit Judges:** hear most criminal trials and dispose of committals for sentence and certain appeals. They can also hear a wide range of civil cases and cases which would otherwise be heard by High Court Judges.

- **Recorders and Assistant Recorders:** these are part-time judges, usually practising barristers or solicitors, who sit a minimum of 20 days each year. They discharge the duties of Circuit Judges in the Crown Court, although they tend to sit on the shorter, less serious cases.

4.14 The number of judges has risen steadily over the last five years, broadly in line with the rise in workload (Table 3 overleaf). Nevertheless, the numbers of Circuit Judges in post have fallen short of the approved complements. In April 1993 there were 487 Circuit Judges in post against a complement of 519, a shortfall of some six per cent. The complement figure is agreed with the Treasury as part of the Public Expenditure Survey and is set for 1 April each year. Resources have increased in successive years in line with the rising workload and it is inevitable that there will be some shortfall at the beginning of each year between the actual number of Circuit Judges and the agreed complement. Sittings by Recorders and Assistant Recorders can be arranged to make up that shortfall until the complement is achieved. In each of the three years to 1993-94 the Circuit bench has been brought up to strength during the course of the year.

4.15 Ten of the 20 courts examined by the National Audit Office in 1992 had experienced a shortage of judges in the previous year, contributing to delays in hearing cases. Three of the courts did not have enough judges available to hear all the serious cases. At Leicester Crown Court, for example, two murder cases in 1992 were outstanding for 30

Table 3: Comparison of numbers of judges in post with complements 1988-1993

	High Court Judges		Circuit Judges[1]		Part-time judiciary[2]		
					Recorders	Assistant Recorders	Total
Date	In Post	Statutory ceiling	In Post	Complement	In Post	In Post	In Post
April 1988	77	85	398	432	615	418	1,033
April 1989	81	85	408	433	697	426	1,123
April 1990	82	85	427	451	765	447	1,212
April 1991	83	85	433	468	740	451	1,191
April 1992	84	85	471	487	781	440	1,221
April 1993	83	85	487	519	828	428	1,256

Source: Lord Chancellor's Department

Notes: 1. Official referees are excluded from these figures
2. There is no ceiling set for part-time judiciary

This table shows that the numbers of judges increased in the five years to 1993, although the numbers of High Court and Circuit Judges in post remained below ceiling levels.

and 32 weeks respectively because of a shortage of High Court Judges. At Leeds Crown Court, from July to September 1992, 14 per cent of cases over 16 weeks old were delayed because no judge was available. Two other courts (Preston and Southampton) had a shortage of Circuit Judges. And the other five courts had experienced a general shortage of judges.

4.16 The Department arranges for Recorders and Assistant Recorders to sit to meet the needs of the court and to fulfil their commitment of 20 sitting days a year, which normally includes one spell of ten days. This is reviewed annually during the Public Expenditure Survey cycle. In practice an increasing amount of sitting time in the Crown Court is being taken up by Recorders and Assistant Recorders, with the proportion of days spent on Crown Court work rising from 25 to 27 per cent between 1987 and 1992 (Table 4 opposite). This enables courtrooms to be utilised which would otherwise be standing idle.

4.17 Limitations on the sorts of cases that Recorders and Assistant Recorders are permitted to hear are determined by the Lord Chief Justice's and Presiding Judges' Directions on the Allocation of Business. These limitations affect the Court's ability to deal with the increasing proportion of serious cases (up from 1.8 to 4.7 per cent) committed to the Crown Court between 1987 and 1991. And as Recorders and Assistant Recorders can often sit for only five days at a time, listing officers often find it difficult to schedule cases of the right length towards the end of the week, since they cannot risk cases spilling over from one week to the next. Chief Clerks told the National Audit Office that this constraint has led to empty courtrooms at the Central Criminal Court and at Reading and Chelmsford courts.

4.18 The Department does not believe that a review of the scheduling arrangements would be productive because it recognises that, as practitioners, Recorders and Assistant Recorders would find it difficult to commit themselves to more than 20 days a year and for longer than ten days in any one spell. However, it considers that there may be scope for strengthening the current procedures for monitoring the records of their sittings.

Attendance of jurors

4.19 Juries are made up of 12 registered electors, who are normally required to attend court for about ten working days. In summoning jurors the Court has to reconcile the needs of the efficient administration of justice with the convenience of the ordinary citizen. It must also ensure that the principle of random selection is applied throughout (Appendix 3). The Crown Court aims to make each juror's attendance as useful as possible and to minimise waiting time. But the Court must not allow trials to fail to proceed for lack of jurors. There has to be a balancing of risks and some of the time of jurors will usually have to be spent waiting.

Table 4: Percentage of total days set in the Crown Court by each type of judge, 1987-1992

Year	High Court Judge/ Deputy High Court Judge	Circuit Judge/ Deputy Circuit Judge	Part-time Judge (Recorder or Assistant Recorder)
1987	4.0	70.8	25.2
1988	4.2	69.5	26.3
1989	4.4	68.9	26.7
1990	4.8	68.5	26.7
1991	5.0	68.3	26.7
1992	4.9	68.1	27.0

Source: Judicial Statistics 1987 to 1992

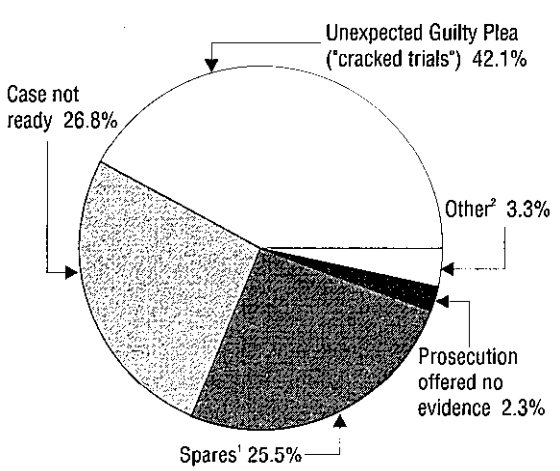
This table shows that between 1987 and 1992 the proportion of total days sat in the Crown Court by part-time judges and High Court Judges increased, whilst Circuit judge sittings declined.

4.20 The number of electors required to form a jury is always more than 12 to allow for jurors being excused or challenged. Courts outside London have a target that jurors should sit on trials for at least 70 per cent of the days that they attend court. In London the target is 85 per cent, because there are more multi-courtroom centres and jurors can be switched more easily to other cases.

4.21 Performance was mixed in 1992-93 (Appendix 1). In London five out of eight courts met their 85 per cent target and in the South Eastern Circuit (Provinces) 13 out of 16 courts met their 70 per cent target. But in the other Circuits use of jurors was generally less effective, with only 21 out of 61 court centres meeting their 70 per cent target. Utilisation of jurors at individual courts varied from 50.35 per cent in Lincoln to 90.27 per cent in Southwark. Those courts that fell furthest short of their target tended to be at the smaller centres which have lower caseloads and where it is rarely possible to back up listed cases with reserves (Lincoln and Barnstaple). In the first six months of 1993-94 the average jurors utilisation figure for England and Wales was 76.3 per cent. Two Circuits failed to meet their target levels: North Eastern (68.2 per cent) and Wales and Chester (69.7 per cent).

4.22 National Audit Office analysis of the reasons for not using jurors who had been summoned at Chelmsford and Southend Crown Courts for the 18 months ended December 1992 confirmed that the main cause of under-utilisation was cracked trials, although 26.8 per cent of under-utilisation was caused by cases not being ready (Figure 16). More than a quarter of jurors were not used because they were 'spares' summoned above the number needed. The Crown Court Manual and guidance issued by the Department in September 1993 urges courts to avoid having large numbers of jurors on hand either at home or at court merely because there is a possibility that their services may be required.

Figure 16: Reasons for non-utilisation of jurors at Chelmsford and Southend Crown Court Centres, April 1991 to December 1992



Source: Information collated by Chelmsford and Southend Crown Court Centres

Notes: 1. 'Spares' are additional jurors summoned above the number that are expected to be needed, to allow for the non-attendance of some jurors

2. 'Other' compises:
Judge/party taken ill (1.5%)
Defendant did not attend Court (1.1%)
Case not reached (0.5%)
Defendant known to the judge (0.2%)

Figure 16 shows that the main causes of non-utilisation of jurors are 'cracked trials', cases not being ready and additional jurors being summoned above the number needed.

4.23 In 1992-93 expenditure on juries was some £32 million, of which 74 per cent was related to compensating jurors for loss of earnings. Examination of a sample of juror claims for loss of earnings showed that about 12 per cent were for days when jurors were on standby but had been told not to attend court. Courts are instructed to release jurors randomly so as not to bias the selection of jurors in any way, but in 1992 some courts were trying to minimise the number of jurors who were paid to stay at home by giving priority to releasing those who were able to return to work, thereby reducing expenditure on loss of earnings.

4.24 There were variations between courts in the expenses that jurors were allowed to claim and in the checks carried out. For example:

- on reimbursing the cost of child minders, arrangements varied between payment on an hourly basis (eg £3 an hour at Cardiff) to paying a fixed amount (£10 a day at Wood Green);
- on travel and car-parking expenses, some courts required proof of the cost of journeys, including receipts, whilst others did not;
- checks on loss of earnings - especially on the self-employed - were in some cases pursued by collecting evidence from accountants and telephone calls to employers; but in other cases there were virtually no checks at all.

4.25 In the interest of control and consistency, the Department has given clearer guidance to remind Chief Clerks as to what jurors can claim for, and on what basis, and the proof of expenditure required. In March 1994 the Department issued guidance on the payment of childminding expenses, and it intends in the near future to issue further guidance on the minimum requirements for self-employed jurors to prove loss of earnings, and other aspects of juror expenses.

4.26 Whilst bearing in mind the need to maintain the important principle of random juror selection, the use of jurors might be improved if court officials were set a financial target to help keep juror expenditure to a minimum. The Department intends to conduct research into juror costs and claims with a view to determining what scope exists for restructuring allowances and are considering the introduction of a Crown Court unit cost indicator (paragraph 4.34), of which juror costs will form a part.

Computer support

4.27 The Crown Court Electronic Support System (CREST) is the main IT support provided to the Crown Court and has been implemented at all but one (which is being refurbished) of the main Crown Court centres in England and Wales. CREST is a case management system that supports the main administrative functions of the Crown Court, including case progression and record keeping, the listing of cases, the determination of costs and accounting. It is designed to provide speedier access to information, faster production of better quality documentation and standardisation of sound practice. Management information is more accurate and is generated automatically for the Lord Chancellor's Department, and court appearance information required by the Home Office will be provided in due course.

4.28 The need for computer support for Crown Court administrative functions was identified as a priority need in the Department's information technology strategy in 1985. A study, completed in July 1988, envisaged implementation at the 75 then current locations over a two-year period, with forecast annual savings to the Lord Chancellor's Department of £1.027 million, of which £993,000 were savings of staff time (based on 1987-88 rates and workloads). In addition, savings to the Home Office and Police were estimated at over £500,000 per annum when the Department provides court proceedings information to the Home Office on magnetic tapes. The total cost of the project was estimated at £10 million, including a period of eight years in operation. Treasury approved the project in October 1988, with completion and implementation at all Circuits targeted for Spring 1992.

4.29 Planned implementation slipped by two years, and in April 1994 revised costs and benefits of the system gave a forecast of £19 million for the total expenditure on the project, including operational costs, and benefits of £20.8 million over the project life cycle.

4.30 The main reasons for delay and escalated costs have been the complexity of the design, the need to incorporate major changes to reflect the changing business environment, the relative inexperience of the project team, and a five month pause in 1992 to evaluate the implementation and experience gained in the first 14 courts. The major changes included the requirements arising from the Criminal Justice Act 1991, the Bail Amendment Act 1993 and the introduction of a system to monitor the payment of standard fees. Further major changes will be required to provide interfaces with other computer systems in the criminal justice system, and to provide electronic distribution of lists. The Home Office estimates that the investment costs of these changes will amount to £284,000 and the resulting benefits to the Lord Chancellor's Department, when fully implemented, will be at least £349,000 a year. Some additional savings may be realised when CREST provides information to the Department's new criminal legal aid management information system. A post-implementation review of CREST will be carried out by the Department during 1994.

4.31 The National Audit Office found that for the most part CREST was operating satisfactorily at the courts where it had been implemented. It provided improved access to case information and produced good quality documents with little time lost due to system failure. However, individual courts were experiencing difficulties:

- Staff at some courts that received CREST early on in the programme complained about inadequate training and insufficient support. The Department took steps to improve their training programme in 1992 and courts are now more satisfied.

- Several courts found that CREST was taking longer to operate than the previous manual systems, including the time taken on case listing, on post trial work and on certain accounts.

- There were delays in providing information on performance in important areas such as waiting times. Initially, delays in producing data by individual court centres led to delays in disseminating reports back to the courts. However, courts are now more familiar with the system and turnaround times for reports are faster than under the previous manual system. Most courts provide information to headquarters by the fourth working day of the month and information is usually distributed back to courts during the third week of the month.

- Response times on the CREST system can be slower at peak times. The Department has assessed this problem and decided to upgrade the hardware at an additional cost of approximately £8,000 at each court centre (included in the total cost figure in paragraph 4.29).

Performance measurement

4.32 The Court Service publishes annual information on the performance of the Crown Court in meeting targets for waiting times, utilisation of jurors and court sitting days. These targets are designed to measure the quality of service provided to court users. Performance against target is monitored at each management level within the Court Service. Reasons are sought where courts do not meet their targets or are otherwise performing below the norm and appropriate action is taken.

4.33 The Court Service also measure the unit costs of the courts in terms of costs per case disposed and costs per courtroom day. (These figures have not hitherto been published, but the Department is now considering whether they should be).

4.34 On the basis of the available figures, performance over the last five years has been mixed (Table 5 overleaf). Courtroom day costs have fallen but costs per case disposed of have risen. The number of case disposals per member of Crown Court staff has also fallen from 59 disposals per head in 1987-88 to 53 in 1991-92. But this reflects some factors outside the control of the Department, such as the increase in the proportion of serious cases following the re-classification of offences in 1988, length of trials and the fall in the guilty plea rate (Figure 8).

4.35 Discussions about the future of the Court Service, the move towards "Next Steps" agency status, and pressure on resources have highlighted the need to develop and strengthen management information systems and performance indicators. The Department accordingly commissioned a review by KPMG

Table 5: Crown Court unit cost indicators

Indicator	1987/88	1988/89	1989/90	1990/91	1991/92
Running costs[1] per courtroom day (£)	432	434	376	438	428
Running costs per disposal (£)	296	287	297	330	338
Disposals per head[2]	59	58	53	55	53

Source: Court Service Secretariat

Notes: 1. Running costs do not include judicial salaries, juror expenses or accommodation costs
2. Disposals per head comprise the number of cases disposed of per member of Crown Court staff.

This table shows that running costs per courtroom day and disposals per head have fallen in the five years to 1991-92 whilst the running cost per disposal has increased.

Peat Marwick who reported on their findings in February 1993. They recommended a range of new performance indicators for the Crown Court including:

- the number of courtroom hours sat as a percentage of the number of hours available, to provide a measure of courtroom utilisation;
- the cost per productive (in terms of court hearing) courtroom hour, to be the key unit cost for the processing of cases;
- the percentage of cases stood over on each sitting day as a result of overlisting, to give an indication as to the effectiveness of listing;
- average number of training days per member of staff.

4.36 These proposals are being reviewed by the Department in the light of the need to develop performance indicators for the proposed Court Service Agency. Senior and operational managers within the Court Service are together developing a range of key indicators against which to monitor the performance of the Chief Executive. Supporting these key indicators will be a hierarchy of lower level indicators which will be applied to the management tier. Management information systems are not yet in place to provide the data to support all the indicators, but they will be phased in over the period up to and following the launch of the Agency, expected to be in April 1995.

4.37 The overall results of the National Audit Office examination confirmed that widening the range of existing performance and cost measures, bringing in all relevant costs, will significantly improve management information and analysis, improve monitoring and control, and provide better accountability.

Appendix 1: Performance of Crown Court centres against departmental targets during 1992-93

South East: London Circuit

	Waiting times			
Court	Custody (weeks)	Bail (weeks)	Sitting day (hours)	Juror attendance (%)
Target	14.00	16.00	4.50	85.00
Knightsbridge	11.20	**20.30**	4.50	**84.39**
Harrow/Acton	11.40	12.60	**4.10**	86.84
Inner London Sessions House	11.50	14.60	**4.40**	88.87
Middlesex Guildhall	12.10	15.70	**4.40**	**84.03**
Snaresbrook	13.00	**19.80**	**4.20**	87.86
Southwark	13.40	**19.30**	**4.30**	90.27
Central Criminal Court	**15.40**	**16.60**	**4.20**	86.26
Wood Green	**17.90**	**19.80**	**4.20**	**81.01**

South East: Provinces Circuit

	Waiting times			
Court	Custody (weeks)	Bail (weeks)	Sitting day (hours)	Juror attendance (%)
Target	10.00	13.00	4.25	70.00
Canterbury	6.70	8.40	**3.90**	70.27
Reading	6.80	11.10	4.30	74.69
Aylesbury	6.80	12.20	4.40	**69.29**
Isleworth	7.40	8.50	5.00	80.76
Cambridge	7.40	12.90	**3.60**	**62.65**
Kingston	7.60	**14.10**	4.50	76.82
St. Albans	8.00	12.50	4.50	78.63
Guildford	9.20	**16.80**	**4.20**	79.99
Chichester	10.00	11.60	4.70	74.31
Croydon	**10.30**	12.30	4.30	84.44
Luton	**11.20**	13.00	4.60	77.61
Maidstone	**12.20**	**14.60**	4.50	83.00
Ipswich	**12.60**	**21.20**	**4.10**	71.55
Lewes	**13.00**	**14.10**	**4.00**	74.32
Chelmsford	**15.80**	**18.90**	4.30	76.77
Norwich	**15.90**	**19.70**	**4.00**	**65.73**

North Eastern Circuit

	Waiting times			
Court	Custody (weeks)	Bail (weeks)	Sitting day (hours)	Juror attendance (%)
Target	8.00	12.00	4.25	70.00
Bradford	7.50	10.60	**4.00**	**65.74**
Durham	7.60	9.30	**3.70**	**56.25**
Huddersfield	**10.10**	**15.60**	**4.00**	**67.70**
Newcastle	**10.60**	10.30	**4.10**	71.92
Doncaster	**10.60**	**17.80**	**3.60**	**59.96**
Wakefield	**10.70**	**16.50**	**4.00**	**64.61**
Leeds	**12.00**	**15.80**	**4.20**	75.86
York	**14.40**	**21.30**	**3.80**	**62.54**
Beverley	**14.50**	**17.40**	**3.60**	**52.58**
Teeside	**15.30**	**20.10**	**4.00**	**63.53**
Sheffield	**16.60**	**19.30**	**4.00**	**60.83**

Northern Circuit

	Waiting times			
Court	Custody (weeks)	Bail (weeks)	Sitting day (hours)	Juror attendance (%)
Target	8.00	12.00	4.25	70.00
Preston	7.40	9.90	**4.20**	**59.47**
Burnley	**9.00**	**12.90**	4.40	**55.72**
Liverpool	**9.10**	**12.50**	4.60	79.76
Manchester	**12.20**	**16.10**	4.30	75.23
Bolton	**13.10**	**16.20**	4.40	**62.89**
Carlisle	**19.00**	**19.70**	**4.10**	75.52

Western Circuit

	Waiting times			
Court	Custody (weeks)	Bail (weeks)	Sitting day (hours)	Juror attendance (%)
Target	8.00	12.00	4.25	70.00
Newport, Isle of Wight	6.80	**12.20**	**3.70**	**62.18**
Plymouth	**9.20**	**12.30**	**3.70**	**66.05**
Swindon	**9.20**	**16.50**	4.50	**61.52**
Taunton	**9.50**	**12.70**	**3.70**	**67.25**
Portsmouth	**9.60**	**14.50**	4.30	74.31
Exeter	**9.80**	**12.80**	4.50	**64.73**
Barnstaple	**10.00**	10.20	**2.80**	**54.18**
Southampton	**10.40**	**21.30**	**4.10**	73.51
Gloucester	**12.60**	**15.10**	**4.10**	**63.77**
Bristol	**13.80**	**17.00**	**4.10**	79.36
Weymouth	**14.00**	**25.50**	4.70	71.41
Bournemouth	**14.50**	**25.40**	**3.90**	**63.56**
Salisbury	**15.00**	**24.40**	**4.20**	80.41
Truro	**16.70**	**15.70**	**4.20**	71.96
Winchester	**19.50**	**26.90**	**4.20**	80.45

Midland and Oxford Circuit

	Waiting times			
Court	**Custody (weeks)**	**Bail (weeks)**	**Sitting day (hours)**	**Juror attendance (%)**
Target	8.00	12.00	4.25	70.00
Warwick	6.80	9.90	**3.70**	**55.07**
Stafford	**8.50**	8.60	**4.00**	71.65
Dudley/Wolverhampton	**9.20**	10.60	4.60	70.40
Stoke on Trent	**9.40**	11.90	**3.50**	**57.75**
Shrewsbury	**9.80**	**14.50**	**4.00**	**65.14**
Grimsby	**9.80**	**15.10**	4.70	**64.11**
Oxford	**9.90**	**13.40**	**3.90**	72.32
Peterborough	**10.40**	**13.00**	**4.10**	72.61
Derby	**10.60**	**13.50**	5.00	**56.21**
Leicester	**11.00**	**12.10**	**4.20**	**67.94**
Worcester	**11.00**	**13.00**	**4.10**	**61.07**
Coventry	**11.00**	**17.10**	**3.70**	**66.91**
Northampton	**11.10**	**12.60**	**3.90**	**68.73**
Birmingham	**13.60**	**14.10**	**4.10**	72.92
Lincoln	**13.90**	**23.60**	**4.10**	**50.35**
Nottingham	**14.50**	**21.60**	**4.00**	74.60
Hereford	**14.60**	**13.20**	**4.10**	*

** The juror attendance rate for Hereford is included within the figure shown for Worcester.*

Wales and Chester Circuit

	Waiting times			
Court	**Custody (weeks)**	**Bail (weeks)**	**Sitting day (hours)**	**Juror attendance (%)**
Target	8.00	12.00	4.25	70.00
Haverfordwest	4.00	**19.90**	**3.20**	77.45
Cardiff	6.10	6.80	4.50	76.68
Merthyr Tydfil	7.00	10.10	**3.70**	**56.59**
Swansea	7.20	10.60	**4.00**	**65.17**
Mold	**8.30**	11.50	**4.10**	**66.83**
Newport	**8.50**	**13.60**	**3.70**	**54.45**
Caernarvon	**9.50**	12.00	**4.20**	**66.73**
Knutsford	**10.50**	8.40	**4.10**	**60.89**
Warrington	**11.80**	**16.90**	**3.80**	**57.55**
Welshpool	**12.30**	**12.80**	**3.20**	**59.12**
Carmarthen	**16.10**	**13.60**	**3.50**	**66.62**
Dolgellau	**17.50**	9.70	**3.50**	**67.50**
Chester	**23.30**	**17.70**	4.30	77.35

Source: Lord Chancellor's Department

Appendix 2:

Analysis of the relationship between plea rates and average waiting times 1992-93

Circut and Court	Waiting time (weeks)	Plea rate (% guilty)
Average	**14.4**	**57**
South East: London		
Harrow/Acton	12.5	42
Inner London Session House	14.1	41
Middlesex Guildhall	15.0	44
Central Criminal Court	16.5	36
Southwark	18.3	39
Snaresbrook	18.6	41
Knightsbridge	18.7	39
Wood Green	20.5	34
South East: Provinces		
Cantebury	7.9	58
Isleworth	8.2	35
Reading	10.2	39
Aylesbury	11.1	48
Chichester	11.1	51
Cambridge	11.4	53
St. Albans	11.7	53
Croydon	12.2	48
Luton	12.5	62
Kingston	12.6	42
Lewes	13.7	62
Maidstone	13.9	56
Guilford	16.2	43
Chelmsford	18.1	55
Norwich	19.2	63
Ipswich	19.5	61
Midland and Oxford		
Stafford	8.7	69
Dudley/Wolverhampton	10.8	67
Stoke on Trent	11.7	62
Northampton	12.4	59
Peterborough	13.0	50
Leicester	13.0	59
Worcester	13.1	67
Derby	13.1	62
Oxford	13.1	45
Midland and Oxford (Ctnd.)		
Warwick	13.6	64
Shrewsbury	13.7	55
Hereford	14.0	65
Grimsby	14.1	58
Birmingham	14.3	58
Coventry	16.7	54
Nottingham	19.5	59
Lincoln	22.0	54
Wales and Chester		
Cardiff	6.7	59
Knutsford	9.9	69
Merthyr Tydfil	10.2	49
Swansea	10.4	59
Mold	11.6	60
Chester	11.9	56
Caernarvon	12.1	59
Newport	12.4	64
Welshpool	13.1	50
Dolgellau	14.0	46
Carmarthen	14.6	45
Warrington	15.5	63
Haverfordwest	18.3	43
North Eastern		
Durham	8.8	73
Bradford	9.6	65
Newcastle	11.6	70
Huddersfield	14.2	68
Leeds	14.8	68
Wakefield	15.5	71
Beverley	16.6	76
Doncaster	16.9	78
Sheffield	18.9	71
Teeside	19.5	69
York	20.2	64

Analysis of the relationship between plea rates and average waiting times 1992-93 (Ctnd.)

Court	Waiting time (weeks)	Plea rate (% guilty)	Court	Waiting time (weeks)	Plea rate (% guilty)
Average	**14.4**	**57**			
Northern			Western		
Preston	9.4	73	Newport Isle of Wight	11.1	48
Burnley	11.9	75	Barnstaple	11.7	41
Liverpool	12.5	61	Plymouth	11.8	64
Manchester	15.2	67	Taunton	11.9	60
Bolton	16.00	59	Exeter	12.6	65
Carlisle	19.5	64	Gloucester	14.2	66
			Portsmouth	14.4	55
			Southampton	15.4	64
			Truro	16.4	54
			Bristol	17.2	59
			Swindon	17.6	53
			Salisbury	23.2	45
			Weymouth	23.5	58
			Bournemouth	25.1	49
			Winchester	25.9	54

Source: Lord Chancellor's Department

Appendix 3:

Juror selection

You are qualified for jury service if:

(a) you will be at least 18 years old and under 70 years old on the day you start your jury service; and

(b) your name is on the Register of Electors for Parliamentary or Local Government elections; and

(c) you have lived in the United Kingdom or the Channel Islands or the Isle of Man for a period of at least five years since you were 13 years old,

and you are not disqualified for one of the reasons set out below.

Some people cannot be jurors by law, on a number of grounds:

A. Convictions

You are not qualified for jury service if:

(a) you have ever been sentenced:

- to imprisonment for life
- to imprisonment or youth custody for five years or more
- to be detained during Her Majesty's pleasure or during the pleasure of the Secretary of State for Northern Ireland

(b) you have in the last ten years:

- served any part of a sentence of imprisonment, youth custody or detention
- received a suspended sentence of imprisonment or an order for detention
- been subject to a community service order

(c) you have in the past five years been placed on probation

B. Mental Disorders

You are not qualified for jury service if:

(a) you suffer or have suffered from a mental disorder and because of that condition:

- you are resident in a hospital or other similar institution
- you regularly attend for treatment by a medical practitioner

(b) you are in guardianship under section 37 of the Mental Health Act 1983

(c) a judge has decided that you are not capable of managing and administering your property and affairs because of mental disorder

C. The Clergy and those concerned with the Administration of Justice

The Clergy

You are not qualified for jury service if you are:

- in holy orders
- a regular minister of any religious denomination
- a vowed member of any religious order living in a monastery, convent or other religious community

The Judiciary

You are not qualified if you are or ever have been:

- a judge
- a stipendiary magistrate
- a justice of the peace
- the Chairman or President, the Vice-Chairman or President, the registrar or assistant registrar of any Tribunal

Juror selection (Ctnd.)

Others concerned with the Administration of Justice

You are not qualified if during the last ten years you have been:

- an authorised advocate or authorised litigator
- a barrister, a barrister's clerk or assistant
- a solicitor or articled clerk
- a legal executive employed by solicitors
- a Public Notary
- a member of the staff of the Director of Public Prosecutions
- an officer employed under the Lord Chancellor and concerned with the day to day administration of the legal system
- an officer or a member of the staff of any court whose work is concerned with the day to day administration of the court
- a coroner, deputy coroner or assistant coroner
- a justices' clerk, deputy clerk or assistant clerk
- one of the Active Elder Brethren of the Corporation of Trinity House of Deptford Strond
- a shorthand writer in any court
- a court security officer
- a governor, chaplain, medical officer or other officer of a penal establishment
- a member of the board of visitors of a penal establishment
- a prisoner custody officer
- the warden or a member of the staff of a probation home, probation hostel or a bail hostel
- a probation officer or someone appointed to help them
- a member of a Parole Board or of a local review committee
- a member of any police force (including a person on central service, a special constable or anyone with the powers and privileges of a constable)
- a member of any police authority or of any body with responsibility for appointing members of a constabulary
- an Inspector or Assistant Inspector of Constabulary
- a civilian employed for police purposes or a member of the metropolitan civil staffs
- someone employed in a forensic science laboratory

Some people have the right to be excused from jury service

You may ask the jury summoning officer to excuse you from jury service if:

(a) you are more than 65 years old

(b) you have been on jury service during the past two years (not at a coroner's court)

(c) you have been a juror and the court excused you for a period that has not yet ended

(d) Parliament:

- you are a Peer or Peeress entitled to receive a writ of summons to attend the House of Lords
- you are a Member of the House of Commons
- you are an Officer of the House of Lords
- you are an Officer of the House of Commons

(e) Medical and other professions:

- you are a dentist
- you are a medical practitioner
- you are a midwife
- you are a nurse
- you are a veterinary surgeon or a veterinary practitioner
- you are a pharmaceutical chemist; **and**
- you are practising the profession and you are registered, enrolled or certificated under the law which relates to your profession

Juror selection (Ctnd.)

(f) European Assembly:

- you are a representative to the assembly of the European Communities

(g) The Forces

- you are a full time member of the Army, Royal Navy or Royal Air Force
- you are a full time member of the Queen Alexandra's Royal Naval Nursing Service
- you are a full time member of any Voluntary Aid Detachment serving with the Royal Navy; **and**
- your commanding officer certifies to the jury summoning officer **that** your absence would be 'prejudicial to the efficiency of the service'

The Selection Process

Outside London, Circuit Administrators arrange for the appropriate electoral registers to be sent to each Crown Court; jurors are then selected from the registers by the summoning officer at each Crown Court.

In London, the jury summoning is centralised; all jurors are summoned from Knightsbridge Crown Court where the jury summoning officer allocates electoral registers to each Crown Court.

Selection is random and based on the registration number on the electoral roll.

Jurors are summoned from those parts of the catchment area which are within daily travel distance (90 minutes each way by public transport).

Jury service may be inconvenient for many people, some people may have special problems which would make it very difficult for them to do jury service. A potential juror may, therefore, apply (in the first instance) to the jury summoning officer for the period of service to be deferred to a later date, or for them to be excused altogether. If the person is dissatisfied with the decision of the summoning officer they have a right to appeal to the Judge.