

Report by the
Comptroller and Auditor General

Lord Chancellor's Department
Crown Prosecution Service
Home Office

Criminal Justice: Working Together

Ordered by the
House of Commons
to be printed 29 November 1999

Executive summary

1 Each year almost two million defendants pass through the criminal courts in England and Wales. The criminal justice process is complex, principally involving the police, the Crown Prosecution Service, the Probation Service, legal representatives of the defendant, magistrates and their court staff. More serious cases move on from the magistrates' court to the Crown Court and also involve the judiciary, Crown Court staff and prosecution and defence Counsel.

2 The independence of many of these participants from each other as well as from Government is important in protecting the rights of the defendant and the interests of justice. The need for independence does not however preclude the need for close co-operation between the participants. The success of the criminal justice system depends on whether it jointly meets the reasonable expectations of victims, defendants, witnesses and the wider public.

3 Important aspects of the criminal justice system have recently been subject to policy review and reform. The Home Office, the Lord Chancellor's Department and the Law Officers' Departments (which include the Crown Prosecution Service) have taken steps to improve joint management of the criminal justice system, including a Ministerial Steering Group and a Strategic Planning Group of senior officials, the publication for the first time of a strategic plan containing aims, objectives and targets for the criminal justice system as a whole, and a commitment to report on performance annually. Initiatives to improve collaboration and reduce delay, many of which were introduced in the Crime and Disorder Act 1998, have been piloted and are being rolled out nationally from November 1999.

4 Our report concentrates on the management and performance of the system in processing criminal cases through the adult courts. Overall performance depends on the police, the courts, the Crown Prosecution Service and the Probation Service working closely with each other as well as with defendants, their legal representatives, victims, witnesses and others. In particular our report considers these issues at local level where the impact of the criminal justice system is most felt and performance can vary widely.

5 The report contains over sixty detailed recommendations. Our key findings, conclusions and recommendations are summarised under three headings: performance, management and information.

Figure 1

Key players involved in progressing a case through the magistrates' courts



Key



Magistrates



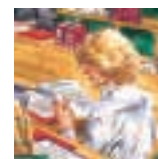
Witness



Police



Defendant's
Solicitor



Court Clerk



Probation Officer



Defendant



Crown Prosecutor



Prisoner Escort

Note: All these individuals would not necessarily be in the courtroom at the same time.

Performance

6 At present, all criminal cases that come before the courts are first heard in the magistrates' courts. The key players involved in progressing a case through the magistrates' courts are illustrated in Figure 1 opposite. Bottlenecks here impact not just on the large number of less serious cases completed, but also on the more serious cases that go on to the Crown Court. Effective and efficient handling of cases as they move through the magistrates' courts is therefore critical to the smooth running of the criminal justice system.

7 The limited information currently collected suggests that local performance in progressing cases is variable. In 1998 it took 81 days nationally on average to complete the more serious cases from the date of charge or summons. But it took less than 60 days on average in Barnet and Bromley and more than 100 days in Leeds, Walsall, Northamptonshire and Birmingham.

8 The number and length of adjournments granted by magistrates is a key factor in the time it takes to progress cases. Many adjournments result from standard court procedures. For example, where a defendant pleads not guilty at a hearing, the court will usually adjourn to allow time for the prosecution and defence to prepare for trial. Other adjournments are the result of factors over which the players in the case have some control; for example, where the prosecution or defence have had time to prepare but are not ready to proceed. In such cases the court hearing is likely to be ineffective because it has to be adjourned to a later date.

9 The Lord Chancellor's Department and Crown Prosecution Service separately collect information on the number of adjournments in magistrates' courts. Their figures suggest that between 1.8 and 2.6 million adjournments in total occur each year. On average, cases involving more serious offences have 2.6 adjournments prior to completion in the magistrates' courts. The initiatives under the Crime and Disorder Act 1998 are intended in part to reduce the number of adjournments, particularly in the early stages of a case. In the areas piloting the initiatives the number of adjournments in adult cases fell by an average of 1.2 adjournments per case.

10 There is no single national source of data on the causes of adjournments, and not all courts we visited collected local information on why adjournments occurred. We undertook a survey of adjournments, which suggested that some 40 per cent are a result of errors or omissions on the part of one or more of the participants. If our data are typical, about 700,000 ineffective hearings a year lead on average to additional delay of more than two weeks in the progress of each case,

and result in total wasted expenditure of at least £41 million each year. In the Crown Court scheduled trials that do not go ahead on the day result in waste of over £40 million each year.

Management

11 We found from our survey that about half of ineffective hearings in the magistrates' courts were caused by problems within, or in liaison between, the courts, the police, the Crown Prosecution Service, the Prison Service, the Prisoner Escort and Custody Service, and the Probation Service. Many of these problems have previously been identified but continue despite departmental guidance provided to local agencies to help tackle them.

12 A quarter of ineffective hearings in our survey were caused by defendants on bail not turning up at court. The Home Office will need to monitor closely the impact of reforms to procedures introduced in the Crime and Disorder Act 1998, which are designed in part to reduce the number of breaches of bail conditions.

13 A further quarter of ineffective hearings were caused by errors or omissions on the part of defendants or their legal representatives. Defence lawyers work in independent private practice and, although largely remunerated through legal aid, it is difficult for Departments to influence their performance. The Government proposes to provide criminal legal services through a mix of directly employed lawyers and firms of solicitors under contract. We believe the opportunity should be taken to incorporate standards for defence preparedness for hearings into contracts and ensure performance is closely monitored.

14 Magistrates decide whether an adjournment should be granted and for how long. They have to weigh the disadvantage of delaying a case against the risk to justice of proceeding when, for example, the defence or the prosecution consider they are not ready. Lay magistrates in particular need help to develop understanding of the need for and appropriate length of adjournments. We found that the sanctions available to magistrates to address unsatisfactory performance by local criminal justice agencies in preparing for hearings are ineffective and require review.

15 Although the effectiveness of the criminal justice system depends on the joint performance of agencies locally, the independence of many of the participants, including the courts and the police, inevitably constrain the extent to which Government Departments can directly ensure that local resources are used to best effect. In many areas they can only act by influence, persuasion and the promotion of good practice, and many of the co-operative initiatives within the

criminal justice system take place through consultation and partnerships in bodies that sit alongside, rather than within, Departments. Two such bodies – the Criminal Justice Consultative Council and the Trials Issues Group – have provided the main impetus to local collaborative working. They were set up in response to different initiatives, have different memberships and separate networks of local bodies to help implement their proposals.

16 One of the main constraints on local co-operative working is the different administrative boundaries of bodies within the criminal justice system, which inhibits familiarisation of each other’s policies and practices, strategic decision-making and practical co-ordination. We found that progress is being made towards aligning boundaries. Local Chief Crown Prosecutors are now in place in 42 Areas, matching local police forces (the Crown Prosecution Service London Area covers the Metropolitan Police Service and the City of London Police). The Home Office is re-organising the Probation Service into operational units which will also match these areas. There are proposals to reduce the number of Magistrates’ Courts Committees so that the number of local administrative areas will fall from the present 84 to 42 by 2001. The Lord Chancellor is consulting with the judiciary and the Bar to align judicial circuit boundaries with those of the other organisations.

17 Up until recently there was no national model for the local forum in which the police, crown prosecutors, defence solicitors, the courts and others should meet to liaise and jointly plan and monitor developments. We found there were three main different local groups through which liaison took place: Area Criminal Justice Liaison Committees and local Trials Issues Groups, which are the local fora of the Criminal Justice Consultative Council and the national Trials Issues Group, and Court User Groups.

18 We believe that the growing alignment of administrative boundaries provides an opportunity to rationalise liaison arrangements. From April 2000 the Area Criminal Justice Liaison Committees, which will be aligned with the 42 Areas and renamed Area Criminal Justice Strategy Committees, will take on a strategic role to develop local plans and performance targets agreed by all the criminal justice agencies and reflecting the overall aims and objectives set in the national strategic plans. We believe that Departments should consider how the accountability of these bodies for achieving national objectives locally will work in practice, and their precise relationships with other local groups.

Information

19 Modern information technology has an important role to play in improving the quality, relevance, and timeliness of management information available to local managers. It also provides scope for improving communication and information transfer between agencies by speeding up contact and information flows through electronic links.

20 Information systems have historically been developed in isolation by each of the separate criminal justice agencies. Moves towards the automated exchange of information have been slow and constrained by the number of different systems in use, and by the fact that they were not designed to communicate with each other. The track record in developing and implementing major information technology projects within the criminal justice system is not good. For example, full implementation of a new system throughout all magistrates' courts is planned for 2004, some 15 years after the need for a replacement system was first identified. And after delays in implementing a new case tracking system started in 1990, the Crown Prosecution Service decided to halt its full implementation in December 1997. Existing systems are being maintained and the Crown Prosecution Service will be introducing new information technology infrastructure from 2000-2001. The Crown Prosecution Service expects to introduce a new case management system, as part of a new managed service provided by an external partner, from 2001-2002.

21 Departments have launched a new initiative, aimed at strengthening the joint-departmental machinery for integrating information systems and related business processes across the criminal justice system. The initiative is being developed against a background of major investment in new computer systems and services by all the main criminal justice agencies, most of which have already entered into contracts. Implementation is expected to take up to six years and will depend in some areas on the willingness of local bodies to adopt the systems being offered nationally. Departments face a major challenge in co-ordinating delivery of these systems and, in particular, maximising the benefits of information exchange without unduly adding to the length of projects and the frustration of local managers at the consequent delay.

22 Information technology in itself cannot ensure that relevant information is available to managers. Many of our recommendations reflect the need to collect better and more consistent information across the different local criminal justice agencies, irrespective of the systems being used. For example, without local information on the precise causes of adjournments, it is difficult for magistrates to progress the case effectively, or for managers to discuss the problem with those

who are responsible and agree the action needed to reduce the number of ineffective hearings. We recommend that the causes of all adjournments are formally agreed and recorded on case files and that this information is analysed and presented for discussion and action at local inter-agency meetings as well as collated nationally.

23 A great deal of performance information is already collected. But much of it focuses on the performance of individual agencies, rather than the joint performance of participants or overall performance of the system. A number of positive initiatives have been undertaken including joint performance management by the police and the Crown Prosecution Service, first piloted in 1995, covering the quality and timeliness of case files in preparation for the first court hearing, the reasons for discontinuing cases in magistrates' courts, and Crown Court acquittals. We believe there is scope for further joint performance management, for example between the police, courts and Crown Prosecution Service on witness care, and between the Probation Service and courts on the provision of pre-sentence reports.

24 Improvements in the quality and consistency of information, together with the improved information systems on which the Departments are already working, should create new scope for analysing the behaviour of the criminal justice system and understanding how its performance can be improved. It should for example become possible to model alternative scenarios and assess options more systematically.

25 Achievement of the new national strategic targets for the criminal justice system as a whole will depend on local action. Departments will need to obtain better and more relevant intelligence about what is happening locally to verify that real improvements in performance are being made. They have made a start by setting performance measures for the criminal justice system as a whole but it will be a major challenge to identify and collect the information needed to monitor progress. For example, there are problems with the quality, completeness, consistency, relevance and transparency of the basic data agencies currently collect on the timeliness with which cases are processed through the criminal justice system. Our report sets out the actions required to improve management information and target setting. Most importantly these include the need for agreement between agencies at local and national level about what information should be collected and how it should be used to determine joint action to improve performance.

Recommendations

Planning the criminal justice system

1 To reduce the potential for duplication of effort and to improve local understanding of their respective roles, we recommend that the new terms of reference, membership, and forward work programmes of the Criminal Justice Consultative Council and the Trials Issues Group and the relationship between them are set out in one document to be made available to managers throughout the criminal justice system.

2 The Trials Issues Group has played a key role in developing inter-agency initiatives including joint performance management. While the issues covered by the Group are published, more detailed findings and recommendations are not widely circulated. We recommend that the Trials Issues Group considers whether any of its work could be published as more formal good practice guides and distributed more widely.

3 Departments should consider how the accountability of the new local Strategy Committees for implementing the national criminal justice system strategy can be strengthened, for example by creating a more direct link between them and the Strategic Planning Group.

4 Chief officers of local agencies should ensure that the local strategic plans agreed by the Strategy Committees are binding on local organisations. The responsibilities of each organisation to work towards the agreed plans should be defined in multi-lateral service level agreements or concordats.

5 The Departments, in consultation with local agencies, should consider how the local Trials Issues Groups can be more explicitly linked to the Strategy Committees so as to help implement the agreed local strategy and to help manage any initiatives agreed by the Strategy Committees.

6 In view of our local findings that much of the practical cross-agency liaison in support of performance improvement is currently carried out by Court User Groups, the Departments should also consider their future place in the new arrangements.

7 In view of the wider role envisaged for the new Strategy Committees, Departments and local agencies will need to consider arrangements to ensure the Committees have appropriate administrative support.

8 The Departments should consider appropriate arrangements to ensure that performance against strategies and plans is regularly reviewed.

Getting cases to court

9 Local police forces and Chief Crown Prosecutors should:

- refine their data collection to improve the quality of monitoring under the joint performance management initiative;
- develop the monitoring to identify whether there are particular types of case or procedures which give rise to disappointing performance on the timeliness and quality of file preparation, including the appropriateness of initial charges prepared by the police;
- take appropriate management action to address the problems identified by the monitoring.

10 Because of changes made under the Crime and Disorder Act 1998, the Crown Prosecution Service's performance indicator on case review has been withdrawn. The Crown Prosecution Service should consider replacing the withdrawn performance indicator with a measure of the number of cases that the Crown Prosecution Service is ready to proceed with at the first hearing.

11 Where the Crown Prosecution Service decides to use designated caseworkers, it should monitor the impact of the change and, as suggested by its Inspectorate, work with the courts to ensure that listing arrangements enable caseworkers to be used fully, so that lawyers can be released to carry out more complex work.

12 In introducing designated caseworkers across the Crown Prosecution Service, areas should monitor the impact of the change on other prosecution work.

13 The Departments should consider a wider evaluation of the early first hearing procedure including the impact on summons cases and court business generally.

Handling cases in the magistrates' courts

14 Departments should provide guidance to local agencies on the development of systems for capturing information on the causes of all ineffective hearings and for using it to develop strategies for reducing their number. Such systems would include:

- a requirement for the cause of each adjournment to be recorded on case files;
- the case file also to note the reason for application and the actions required by the parties;
- the collation and analysis of this information at regular intervals;
- the presentation of the analysis for discussion and agreement on appropriate action at local inter-agency liaison meetings.

15 Magistrates' court staff should:

- collect data to calculate the average time granted locally for different types of standard procedural adjournment;
- compare the performance of the court as a whole against other courts;
- identify inconsistencies and problem areas and develop strategies to address them;
- discuss and agree with other criminal justice agencies protocols to cover the length of adjournment to be allowed.

16 The Home Office should review whether the performance target requiring local probation services to meet court deadlines for providing pre-sentence reports is appropriate and whether a specific maximum target should also be set.

17 Those local probation services that have not yet done so should explore with courts the scope for using on the day specific sentence enquiries, with a view to reducing the number of adjournments required to prepare pre-sentence reports.

18 The Lord Chancellor's Department and magistrates' courts should monitor the new procedures which allow the police to serve concise witness statements with summonses in traffic cases, to ensure they are being used and that they lead to fewer adjournments and shorter case completion times.

19 The Lord Chancellor's Department should remind court clerks and magistrates of the importance of making clear to defendants the impact of breaches in bail conditions, particularly where the defendant has a history of breaches, and should examine ways in which the penalties for breach of bail can be made more effective.

20 The Home Office, Lord Chancellor's Department and magistrates' courts should collect data on the impact of those changes in bail procedures brought about by the Crime and Disorder Act 1998 to ensure they achieve their aim in reducing the number of bail breaches.

21 Magistrates' courts should develop protocols with local Benefits Agency offices to cover the provision of benefit entitlement information needed for legal aid applications.

22 Those magistrates' courts that do not already do so should consider developing and circulating guidance on legal aid requirements to local firms of solicitors.

23 The Home Office should review with police forces the provision of appropriate safe facilities in police stations to enable private and secure interviews between detainees and solicitors in order to avoid court adjournments requested by solicitors for this purpose.

24 The Lord Chancellor's Department, the Court Service, magistrates' courts and the Prison Service should review the arrangements for providing defendants' solicitors with access to defendants on remand with a view to reducing the number of ineffective hearings that currently result where there are problems.

25 The Home Office should review with police forces the provision of tape-copying facilities in police stations to ensure that adjournments to enable the defence to obtain a copy of the defendant's interview with the police are minimised.

26 Chief Crown Prosecutors should explore the reasons for the time taken to provide advance information to the defence and compare performance in their Area with other Areas. Crown Prosecution Service Headquarters should provide good practice guidance based on the working methods of the best performing Areas.

27 Those magistrates' courts that do not already do so should consider providing the defence solicitor's name to the Crown Prosecution Service to improve the availability of advance information to the defence before hearings.

28 Chief Crown Prosecutors should explore the reasons for the time taken to provide committal papers to the defence and compare performance in their Area with other Areas. Crown Prosecution Service Headquarters should provide good practice guidance based on the working methods of the best performing Areas.

29 The Criminal Defence Service should consider including standards in contracts for legal firms providing criminal legal aid services, as a means of reducing the number of ineffective hearings caused by the defence. Standards might require contractors to:

- deliver legal aid applications within a certain period;
- request advance information within a certain period, and to consider it;
- take all reasonable steps to ensure that full instructions are received from the defendant prior to the first hearing;
- warn defence witnesses within a certain period;
- attend all hearings including any preliminary hearings in the magistrates' courts and plea and directions hearings in the Crown Court;
- inform the prosecution and court of the defendant's plea as soon as possible and notify local probation services of any intention of a defendant to change a plea to guilty in advance of a plea and directions hearing;
- deliver briefs to Counsel to allow time for preparation in Crown Court cases.

30 In assessing firms' suitability for contracts and in monitoring performance, the Criminal Defence Service should consider consulting the courts about the standard of service provided by solicitors according to the criteria in recommendation 29.

31 The Trials Issues Group should evaluate the costs and benefits of pre-trial reviews in the light of the stronger case management powers available to single justices and court clerks, and consider issuing guidance on how to organise the reviews and the types of case in which they are most effective.

32 Local agencies should be encouraged to collect information on the reasons why witnesses do not attend court. Chief Crown Prosecutors, Crown Court Managers, Justices' Chief Executives, and police forces should consider using joint performance management to evaluate this information and identify action to improve performance. Targets should be set for the amount of advance warning given to witnesses.

33 The results of monitoring of late and non-delivery of prisoners should be discussed by the courts, the Prison Service and the Prisoner Escort and Custody Service in order to identify the action necessary to improve performance.

34 Clerks and magistrates should work together to:

- monitor the number and type of adjournments granted by individual magistrates to inform their future training;
- issue guidance to help magistrates to establish whether an adjournment is justified.

35 Magistrates' courts should:

- encourage parties to apply for adjournments early so where possible they can be granted outside court, thus saving court and attendance time and costs;
- ensure the progress of each case is monitored carefully and the parties chased to make progress where necessary.

36 The Lord Chancellor's Department should collect more detailed information on local practice in the award of costs against parties for acts of omission or negligence. The Department should use this information to review the effectiveness of costs orders as a sanction against delay.

37 Together with the magistracy, the Law Society and the Bar Council, the Lord Chancellor's Department should review the sanctions and levers available to magistrates to deal with errors or omissions by local criminal justice agencies that lead to avoidable adjournments.

Handling cases in the Crown Court

38 The Lord Chancellor's Department should ensure that magistrates' courts collect information on the time taken:

- between first hearing and completion of either-way cases completed in the magistrates' courts;
- between first hearing and completion of either-way cases that go on to the Crown Court;
- between first hearing and completion of indictable-only cases that go on to the Crown Court.

39 The Court Service should ensure that Crown Court centres collect information on the time taken:

- to complete either-way and indictable-only cases;
- from plea and directions hearing to trial;
- from the start of the trial to conviction or acquittal;
- from conviction to sentence;
- the total time taken to complete cases from the point they are received from the magistrates' courts.

40 The Lord Chancellor's Department and the Court Service should collate information on the total time taken to complete cases from charge/summons to completion in the Crown Court.

41 All magistrates' courts should monitor their performance in forwarding committal papers to the Crown Court against the statutory requirement of four working days.

42 The Lord Chancellor's Department should identify those magistrates' courts that perform well in transferring committal papers and issue good practice guidance.

43 In taking forward its proposals for improved listing procedures, the Court Service should undertake operational research to identify best practice.

44 The Crown Prosecution Service Inspectorate's review of advocacy should consider how our earlier recommendation that Chief Crown Prosecutors develop more explicit approaches to monitoring the performance of Counsel might be taken forward.

45 Chief Crown Prosecutors should:

- in consultation with local chambers, introduce systems for monitoring the number of returned briefs;
- compare performance in their Area with other Areas and discuss the results with local chambers.

46 The Crown Prosecution Service should monitor the impact of the use of employed solicitors rather than outside Counsel to present cases in the Crown Court. In particular, the Crown Prosecution Service should assess the expected benefit of improved case preparation.

47 The Court Service should encourage those Crown Courts with lower rates of cracked trials to identify and promulgate information on how this is achieved.

48 The Home Office and Lord Chancellor's Department should:

- collect information on the use of sentence discounts;
- evaluate their impact on defendant behaviour;

- review whether the system could be improved to ensure the intention of encouraging those defendants who plead guilty to do so as early as possible in proceedings is achieved.

49 The Court Service and Crown Prosecution Service should encourage the wider use of joint performance management to monitor and improve performance in reducing the number of cracked and ineffective trials.

50 The Court Service should consider whether there is a case for more flexibility in the use of plea and directions hearings, in particular by appropriate use of less costly paper-based systems where these provide an effective replacement to a hearing in Court.

51 In taking forward its proposals to change Crown Court procedures, the Court Service should ensure that appropriate forms of sanction are introduced to help manage cases robustly.

52 The Court Service and the Legal Aid Board should review whether the incentives available to defence Counsel for early preparation are effective.

53 Chief Crown Prosecutors should ensure that briefs to Counsel indicate the acceptable response to possible pleas offered by the defendant.

54 In drawing up its plans for the wider introduction of case management officers within the Crown Court, the Court Service should consider the need to deploy staff of sufficient calibre and seniority to take on the role effectively.

Managing information

55 Departments should continue to work together to develop common information standards and definitions for use throughout the criminal justice system. There should be a single definition of “case”, comparable across the criminal justice system.

56 The Board of the new inter-agency initiative for Integrating Business and Information Systems (IBIS) across the criminal justice system should ensure that links with defence solicitors are fully covered in the strategic plans for integration.

57 Departments should bring together key performance statistics from Criminal Statistics, Judicial Statistics and other Departmental and agency publications in the proposed annual report on the criminal justice system.

58 The Lord Chancellor's Department should review the case progression timeliness targets and indicators it sets for magistrates' courts to ensure that they:

- provide for transparent measurement over time;
- provide incentives to those courts which are already performing better than the existing national target.

59 The Lord Chancellor's Department and Court Service should group similar courts together for performance monitoring, to allow local managers to make meaningful comparisons in performance data.

60 Until more regular and timely information on the timeliness of case progression is available through new computer systems, the Lord Chancellor's Department should take steps to improve the usefulness of the current data it collects by:

- asking internal audit to undertake sample verification of local returns;
- distinguishing more transparently bail from custody cases.

61 The Departments should consider how to develop the work started by the Flows and Costs Model and the Crown Court Costs and Performance Model so that improved information on the unit costs across the criminal justice process can be made available.

62 To improve management information and target setting in the criminal justice system Departments and local agencies need to address the issues set out in Figures 60 and 61 of this report. These include the need to ensure information is based on common definitions and standards, is reliable, accurate and validated, reflects the process as a whole, and is able to demonstrate the cost implications of different procedures.

63 Local agencies should agree frameworks to govern the core or key management information that needs to be collected in order to meet local and national targets and how it should be presented to promote joint working and understanding.

Figure 3

Key people and responsibilities in progressing criminal cases in England and Wales

Police

- 125,000 police officers and 57,000 civilian staff are employed by 43 independent forces, each headed by a Chief Constable or a Commissioner.
- Expenditure in 1997-98 of £7.1 billion of which £3.7 billion was provided from the Home Office and the remainder from local authorities.
- Responsible for investigating criminal offences, and have other key priorities including maintaining order, community support and visibility.



Crown Prosecution Service

- 5,500 staff, a third lawyers, are employed by a national Crown Prosecution Service organised into 42 areas, one for each police force area outside London and one for the area covered by the Metropolitan Police and the City of London Police.
- Expenditure in 1997-98 of £321 million, funded from the Exchequer.
- Responsible for prosecuting criminal cases investigated by the police.



Defence solicitors and barristers

- Around 11,000 solicitors¹ and 11,000 barristers, including 1,000 Queen's Counsel, in individual legal chambers or firms.
- Paid under legal aid regulations fees totalling £700 million in 1997-98.
- Under instructions from defendants, solicitors prepare and present the defence case in the magistrates' courts, while barristers usually carry out the defence advocacy in the Crown Court. Barristers may also act as prosecuting counsel on behalf of the Crown Prosecution Service. Many solicitors and barristers also do civil legal work.
- Both solicitors' firms and barristers' chambers are independent private practices. Solicitors and barristers must be members of their professional association in order to practise. Barristers are registered with the Bar Council and solicitors with the Law Society and have professional ethics with which they are expected to comply. Claims for legal aid must be presented in accordance with statutory regulations.



Magistrates' courts

- 30,500 magistrates (of which about 180 are stipendiary magistrates who have legal qualifications) and 10,800 staff operate in about 460 courts organised into 84 independent Magistrates' Courts Committee areas.
- Expenditure in 1997-98 of £350 million, funded 80 per cent from the Lord Chancellor's Department and 20 per cent from local authorities.
- Responsible for hearing all cases. Magistrates sentence defendants found guilty in less serious cases, and commit more serious cases (for trial or sentence) to the Crown Court. Magistrates also hear some non-criminal and family cases.



Crown Court

- 682 judges and 1,200 recorders and assistant recorders (the judiciary) and 2,200 staff operate in 90 court centres organised into six areas.
- Expenditure in 1997-98 of £171 million funded by the Court Service.
- Responsible for trying more serious cases, sentencing defendants committed by magistrates, and hearing appeals against conviction or sentence in the magistrates' courts.



Probation Service

- Expenditure of £537 million funded by the Home Office and local authorities.
- 14,606 staff organised in 54 local bodies.
- Responsible for producing more than 200,000 reports each year to inform sentencing.



Note: 1. A Law Society survey showed that around 11,000 solicitors in private practice regularly conducted criminal business during 1997.

Sources: Criminal Justice System Strategic Plan 1999-2002; National Audit Office