



National Audit Office

## HM COURTS SERVICE

# Administration of the Crown Court

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National Audit Office

**HM COURTS SERVICE**  
Administration of the Crown Court

LONDON: The Stationery Office  
£14.35

Ordered by the  
House of Commons  
to be printed on 2 March 2009

This report has been prepared under Section 6 of the National Audit Act 1983 for presentation to the House of Commons in accordance with Section 9 of the Act.

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**27 February 2009**

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# SUMMARY

## The role of HM Courts Service in administering the Crown Court

**1** In 2007, the Crown Court received 136,000 criminal cases, including the most serious cases such as murder and rape. The Crown Court sits in almost 100 locations in England and Wales. It is administered by HM Courts Service, which is an executive agency of the Ministry of Justice. HM Courts Service is organised into six regions, and Wales and has 24 areas which are responsible for the day-to-day management of Crown Court locations and other courts within their boundaries. HM Courts Service calculates that in 2007-08 the cost

of operating the Crown Court was around £382 million. Appendix 1 summarises the structure of HM Courts Service, and lists the Crown Court locations in each area.

**2** In April 2008 the Lord Chief Justice (the Head of the Judiciary of England and Wales) and the Lord Chancellor (the government minister responsible to Parliament for the courts and justice) published<sup>1</sup> an agreement setting out arrangements for the governance, financing and operation of HM Courts Service. This partnership agreement (see Appendix 2) enhances the judiciary's role in setting the aims, priorities and funding of HM Courts Service, but the Service's Chief Executive remains responsible for its day-to-day running.

<sup>1</sup> HM Courts Service Framework Document. The document is available at [www.hmcourts-service.gov.uk/cms/files/Framework\\_Document\\_Fina\\_Version\\_01-04-08.pdf](http://www.hmcourts-service.gov.uk/cms/files/Framework_Document_Fina_Version_01-04-08.pdf)

**3** HM Courts Service is responsible for providing the staff, the estate and other support necessary to enable judges to exercise their judicial functions independently. Under the direction of the judiciary, the Service's staff allocate dates or slots when cases are to be heard in the Crown Court – known as listing – and manage the progress of cases to trial by working with the defence and the prosecution. The Service is facing an increasingly tight financial position, with its budget declining over the period from 2007-08 to 2010-11.

## Scope of the NAO examination

**4** HM Courts Service's performance indicators for the Crown Court focus on the time taken to commence cases once they are received from the magistrates' courts. There are many factors which influence the speed with which cases commence. Some of these factors, such as the availability of judges, preparedness of the prosecuting agency or defence counsel, and the availability of witnesses are largely outside HM Courts Service's control. In addition, the listing and management of cases are the responsibility of the judiciary.

**5** It was not within the ambit of this examination to address issues which are the responsibility of the judiciary or other parties to the criminal justice process. Our examination was scoped to address matters which fall directly within the Chief Executive's responsibility for the efficient and cost-effective day to day management of HM Courts Service.

**6** We therefore examined whether HM Courts Service could make better use of three key Crown Court resources, which we identified as the three most important factors under HM Courts Service's direct control that influence the performance of the Crown Court. These three resources are:

- The Crown Court estate (covered in Part Two of this Report). The number, location and standard of court rooms, and supporting facilities, can affect the capacity of the Crown Court to hear cases and impacts on the experience of those who attend court hearings.
- Staffing of the Crown Court (Part Three). HM Courts Service staff manage case files and case progression, list cases and facilitate the progress of hearings and trials.
- Information Technology in the Crown Court (Part Four). The quality of IT influences the ease and efficiency with which Crown Court staff can undertake their work and the range, quality and timeliness of information that is available to HM Courts Service, the judiciary and other users of the courts.

**7** The methodology for this study is set out in Appendix 3. The focus of our review was HM Courts Service. However, for aspects of human resources, learning and development and information technology, HM Courts Service draws on corporate services provided by the Ministry of Justice. We reviewed these services where necessary to complete our examination.

## Main findings

### On the Crown Court estate

**8** Between 2008-09 and 2010-11, HM Courts Service plans to spend around £100 million a year on new Crown Court and other court buildings and major refurbishments to existing court buildings. Of this spending, the Service has allocated, or earmarked, a total of £120 million to projects which will increase the number of Crown Court rooms by 30 (or around six per cent) by the end of 2012. The Service forecasts that over the period 2008-09 to 2010-11 it will also spend around £120 million a year on maintaining and improving its entire estate, of which it estimates around £35 million will be spent on the Crown Court.

**9** HM Courts Service has developed forward looking estates strategies. The strategies would have been improved if the Service had clearly articulated its understanding of the level and distribution of future Crown Court workload and had developed a standard method for its areas and regions to assess the resources required to meet that workload. Estates and wider business planning would also be improved by better access to consistent service-wide information on existing provision. Most data on the number of court rooms and the facilities in court houses, such as secure docks and waiting rooms for defendants, are held regionally and consistent definitions have not always been used. Whilst regional data aids local planning, including bidding for any central funding, such data are not sufficient to enable those at the centre of HM Courts Service to assess the adequacy of national provision and develop strategies to tackle any problem areas. As at December 2008, the Service was undertaking an exercise to establish a central inventory of its existing estate. It was also reviewing its national estates strategy with the intention of basing it on a full assessment of future court workload.

**10** In some parts of the country there is potential within the existing estate to increase the number of court days when Crown Court cases can be heard. In contrast, some Crown Court locations in the South East are running at or close to full capacity. At these locations capacity constraints can contribute to long waiting times to commence cases which adversely affect victims and other parties in a court case.

**11** Within the South East and London, HM Courts Service is seeking to tackle local constraints on Crown Court capacity by transferring blocks of cases to other courts. Such transfers can reduce the long time taken to commence some cases thus benefiting victims and other parties. The Service recognises transfers must be handled carefully as they can often place burdens such as increased travel time on those attending courts. There has, however, been no full evaluation of the impact of transfers on victims, witnesses and defendants, and on HM Courts Service and its criminal justice partners.

**12** Sixteen of the 30 new Crown Court rooms, which HM Courts Service is planning by 2012, are being added in London and the South East where capacity constraints are the greatest. Eleven of the new rooms are being created by converting space in existing court buildings, mainly magistrates' courts. Creating Crown Court rooms through conversions requires less time than that required to build new courts and much lower levels of capital funding.

**13** Since 2005, the maintenance backlog across all parts of the HM Courts Service estate has been reduced by around £36 million to £182 million in 2008. The number of Crown Court locations at critical risk of operational failure or building failure has fallen by 60 per cent in the two years to March 2008. The tight financial position now faced by the Service has, however, seen one region reduce its non-capital maintenance budget in 2008-09, and levels of maintenance spending could be squeezed further in future years.

### On the staffing of the Crown Court

**14** Between 2005-06 and 2007-08, HM Courts Service's data show that the average number of full time equivalent staff working in the Crown Court fell by six per cent to 2,385. These staff, who account for 15 per cent of HM Courts Service's total workforce, cost the Service £58 million to employ in 2007-08. The Service's data show that staff turnover is low, with two per cent of Crown Court staff leaving HM Courts Service in 2007-08, and a further two per cent moving elsewhere in the organisation.

**15** Between 2005-06 and 2008-09, there was no national model for informing staffing levels at Crown Court locations, increasing the risk that locations may not have been appropriately staffed. A benchmarking exercise undertaken by the South East region in 2007-08 found variations in the workload of some categories of Crown Court staff, including ushers and administrative staff. The region is working with its areas to determine whether the variations reflect local factors – such as

the size and layout of court buildings and differences in case mix – or the effectiveness with which staff are deployed. In summer 2008, the Service identified the need to re-introduce a staffing model for the Crown Court and as at December 2008 it was finalising a model to be used from 2009-10 onwards.

**16** The Ministry of Justice's recruitment process is not meeting the needs of court-based staff, who are critical of the long time taken to recruit staff which they say has added to pressures on existing staff and reduced court performance. Court staff are concerned that a new screening approach, which enables quick sifting of applications, has reduced the quality of candidates identified as suitable for interview. The performance of the Ministry's recruitment service has not been helped by sharp variations in the number of staff HM Courts Service has wanted to recruit for all parts of its business. A separate NAO study,<sup>2</sup> examining recruitment at six central government organisations, has identified process improvements the Ministry could make to remove unnecessary labour-intensive steps in recruiting staff for HM Courts Service. These changes have the potential to cut recruitment times and could reduce the Ministry's costs of recruiting staff by £225,000 in a typical year.

**17** Crown Court staff receive on-the-job training and should undertake learning and development activities. Staff at the six courts we visited in summer 2008 were critical of the quality and availability of the formal learning and development programmes provided for front line staff. In May 2007, the Ministry of Justice concluded that learning and development programmes available to HM Courts Service staff and other staff were uncoordinated and inadequately evaluated. To address these problems, responsibility for developing court-specific skills was transferred to HM Courts Service from the middle of 2008, and the Ministry has altered the way it delivers activities which develop the personal effectiveness skills which are required across its business. HM Courts Service also increased its learning and development budget for 2008-09 by £3 million to £4.4 million. The Service is using £1.5 million of its increased budget to improve the consistency and quality of business skills training by increasing the number of dedicated trainers it employs. The initial priority for these staff will be training magistrates' courts staff, although some training should be provided for Crown Court staff by April 2009. But the volume of training for Crown Court staff is not yet known and depends upon the size of the 2009-10 learning and development budget. The indicative budget for 2009-10 is £2.8 million.

<sup>2</sup> C&AG's report, *Recruiting civil servants efficiently*, HC 134 2008-09.

**18** HM Courts Service had high levels of staff absence in 2006-07 and 2007-08. On average the Service's staff took 11.2 days of sick leave, some 1.7 days (or 18 per cent) higher than the average absence rate across the civil service for those two years, and 3.7 days higher than the 7.5 days target it is working towards. The Service has increased its focus on managing sick absence, including addressing recommendations made by its internal audit service. In the first six months of 2008-09, absence levels were cut by eight per cent compared to the same period in 2007-08, thus reducing average absence levels to 10.6 days in the year to September 2008. The Service's attendance policy is generally well-designed, but there is scope for the Service to build on recent reductions in absenteeism by improving the data provided to managers so that they are better placed to manage absence levels.

### On Information Technology in the Crown Court

**19** The Crown Court has two main information technology systems. CREST is a case management system that is used for tracking case progression, and facilitates the allocation of cases to court rooms. XHIBIT provides real-time information on the progress of hearings to interested parties outside the court room and records the outcome of court proceedings, including any sentence. Between 2008-09 and 2010-11 £16.7 million has been allocated to improve these two systems.

**20** CREST is long overdue for upgrade or replacement. It was introduced 20 years ago and runs separately in all court locations. The lack of any facility for electronically transferring data into CREST leads to duplication and risks error, as staff have to re-key data when cases arrive from the magistrates' courts or are transferred between Crown Court locations. The fact that CREST, which is critical to case management, runs on ageing computers using an operating system no longer supported by the manufacturer represents a significant risk for HM Courts Service. By March 2011, the Service is looking to have addressed that risk by "replatforming" CREST on to modern and supported hardware and software. The "replatforming" should facilitate functional improvements to be made to CREST in the future.

**21** Introduced in April 2006, the XHIBIT system is generally well-regarded by staff, but it could make a greater contribution towards Crown Court efficiency. Since XHIBIT was transferred over to one of HM Courts Service's new IT providers (Logica) in April 2008, its slow speed and its susceptibility to "crashing" at busy periods puts pressure on staff to maintain duplicate records. In response, HM Courts Service put in place a programme to improve XHIBIT performance, which

included upgrading the memory of some court-based computers. It is too early to assess how successful this programme has been, but Logica reported a reduction in incidents in autumn 2008.

**22** XHIBIT can automatically update HM Courts Service's criminal justice partners on the outcome of cases through a portal developed by the Office for Criminal Justice Reform. Since XHIBIT was designed, changes in legislation have introduced new or revised forms for recording the results of some cases. HM Courts Service has not been able to update XHIBIT for these new forms, and thus for some cases staff are having to input data manually and either fax or post information to other service users. As at December 2008, HM Courts Service was considering options for providing more flexible arrangements for updating the forms within XHIBIT.

### Conclusion on value for money

**23** Although HM Courts Service has taken practical steps to improve the use of existing resources, a number of risks to value for money remain:

- On **estates**, the Service has adopted pragmatic solutions, such as converting magistrates' court rooms and transferring blocks of cases between locations, to help tackle shortages of Crown Court rooms. The achievement of value for money from investment in the Crown Court estate is impaired, however, by the absence of readily accessible and consistent service-wide information on existing Crown Court rooms and supporting facilities, and the lack of a standard approach for the Service's areas and regions to assess the resources required to meet their projected future workload.
- On **staffing**, the absence of a staffing model, and weaknesses in learning and development programmes, increases the risk that individual Crown Court locations do not have appropriate levels of well-trained staff.
- On **information technology**, the continuing use of the CREST system, which is 20 years old, brings operational risks as its operating system is no longer supported by the manufacturer. Cases need to be manually re-entered into CREST when they are passed from the magistrates' courts to the Crown Court increasing administrative costs. The introduction in 2006 of XHIBIT to record the progress of hearings has been welcomed by court staff, but its effectiveness has been hampered by speed and stability problems and because it has been insufficiently flexible in responding to changes in legislation.

## Recommendations

### 1 Estates strategies have not been clearly and consistently underpinned by well evidenced assessments of future requirements for Crown Court rooms and facilities. HM Courts Service should:

- assist its regions and areas to make better use of national and locally available data on factors which will affect the future number of Crown Court cases, such as forecasts of population growth and changes in legislation and policy;
- provide guidance to regions and areas on how to use forecasts of case load and case mix to assess the number of court rooms they will require, including benchmarks for court room utilisation; and
- encourage regions and areas to set out in their strategies the views of their local criminal justice partners on future demands on the Crown Court, which can be affected by local criminal justice practices, and on options for meeting any expected growth in demand.

**2 Transferring blocks of cases between different Crown Court locations can bring benefits by reducing the long time it takes for cases to get to trial. Such transfers can, however, impose costs on HM Courts Service, its criminal justice partners and victims, witnesses and defendants.** By drawing on experience to date, HM Courts Service should undertake a full evaluation of the merits of transferring cases. The evaluation should assess the impact on: victims, witnesses and defendants, including their satisfaction levels and the levels of witness attendance; on criminal justice agencies, and on waiting times for cases.

**3 A benchmarking exercise undertaken by HM Courts Service in the South East shows that there are variations in the workload of staff across the region's Crown Court locations.** HM Courts Service's new model for assessing the staffing requirements of individual courts will need to be robust, and its areas will need to use the model when they review their staff allocations.

### 4 Recruitment of external staff is slow and costs could be reduced. To improve future recruitment performance:

- HM Courts Service should plan its recruitment needs across all parts of its business so that it avoids large fluctuations in the demands it places on the Ministry of Justice's recruitment team; and
- the Ministry of Justice should implement the process improvements identified by the NAO to remove unnecessary labour-intensive steps, for example, by asking prospective candidates to use on line application packs rather than sending out hard copy application forms and waiting for their return.

### 5 There have been weaknesses in the quality, range, and evaluation of the learning and development programmes provided to frontline staff which HM Courts Service and the Ministry of Justice are starting to address. The Service and the Ministry need to:

- define clearly their new respective responsibilities for training to reduce the risk of gaps or duplication in provision; and
- evaluate whether their new programmes, which for the Ministry include placing greater reliance on electronic delivery, are meeting the needs of both the Crown Court and its staff.

### 6 HM Courts Service has cut absence levels by eight per cent in the first six months of 2008-09, but its absence rate remains three days above the 7.5 days target it is working towards. To sustain and build on recent reductions in absence levels, HM Courts Service should:

- assess the impact of the changes it has recently made to the role of human resource staff, to ensure that its managers now have access to good specialist support in managing absence; and
- analyse national absence data regularly so that the main causes of absenteeism and underlying trends in absence are readily identified and understood.

**7 Centrally HM Courts Service has insufficient access to good quality information to enable it to assess the overall adequacy of the Crown Court estate and to monitor key staffing issues, such as recruitment and learning and development.** To ensure that it is well-placed to identify any weaknesses, and where necessary develop corrective plans, HM Courts Service should:

- for its estate, have ready access to up-to-date and consistently collected service-wide data on the courtrooms used to hear Crown Court cases, and the key facilities in court houses; and
- for its staff, work with the Ministry of Justice to agree a core set of information so that it can assess the performance of services that it receives from the Ministry, such as recruitment.

**8 There are weaknesses in the two main Crown Court IT systems leading to operational risks and reduced efficiency.** HM Courts Service has identified options for addressing these weaknesses and now needs to:

- minimise operational risks by ensuring that CREST runs on modern and supported software and hardware as soon as is practical; and
- exploit fully the capability of XHIBIT to facilitate the recording and electronic transmission of the results of cases, by ensuring that the system has the flexibility to respond to legislative change.

**9 On receiving a case from a magistrates' court or another Crown Court location, HM Courts Service staff must manually enter the case details into CREST, which is time consuming and can lead to transcription errors.** In developing its IT systems, HM Courts Service should give priority to enabling electronic transfer of data across systems, subject to appropriate data security controls.

# PART ONE

## The role of HM Courts Service in administering the Crown Court

**1.1** This part of the Report describes the role of the Crown Court, HM Courts Service and the judiciary. It also sets out HM Courts Service's budget, the cost of operating the Crown Court, and Crown Court performance in terms of the speed with which cases are commenced.

### The role of the Crown Court and the relationship between HM Courts Service and the judiciary

**1.2** Criminal cases in England and Wales start in the magistrates' courts, with around five per cent progressing to the Crown Court for trial, including cases covering the more serious offences, such as murder and rape. The Crown Court receives another three per cent of criminal cases for sentencing or on appeal (**Figure 1**). In the two years to 2007, the Crown Court's main workload – trial cases – increased by 4.5 per cent to 82,700, with further increases predicted until 2011.

**1.3** HM Courts Service administers the Crown Court. In doing so, it: provides court rooms and supporting facilities in court houses; manages cases received by the Crown Court; liaises with other organisations in the criminal justice system, including prosecutors and defence counsel; provides staff to enable court hearings to progress; and records the results of hearings and trials and communicates the results to other parties (**Figure 2 on page 12**). HM Courts Service was created in April 2005 when the former Court Service – which had administered the Crown Court and county courts – was amalgamated with the Magistrates' Courts Service.<sup>3</sup>

**1.4** The April 2008 partnership agreement between the Lord Chief Justice and the Lord Chancellor sets out arrangements for the governance, financing and operation of HM Courts Service with a view to preserving the due and independent administration of justice. The partnership agreement enhances the judiciary's role in setting the aims, priorities and funding of HM Courts Service. It also states that all HM Courts Service staff owe a joint duty to the Lord Chancellor and the Lord Chief Justice for the efficient and effective operation of the courts.

**1.5** In line with the agreement, a new Board has been established to provide leadership and broad direction to HM Courts Service, with the Service's Chief Executive remaining responsible for its day-to-day running. The new Board has seen the number of judicial representatives increase from one to three. The Board oversees the resourcing, budgeting and planning of HM Courts Service's operations, and reviews the Service's performance (**see Figure 3 on page 13**). The first year the new Board will be able to undertake its role in full will be 2009-10.

### HM Courts Service budget

**1.6** HM Courts Service is facing an increasingly tight budgetary position. In the two years to 2007-08 its net resource expenditure increased, but its budget will decline over the period from 2008-09 to 2010-11 (**Figure 4 on page 14**).

**1.7** As part of the wider government efficiency agenda applying to all central government bodies, HM Courts Service has been required to make efficiency savings. HM Courts Service has reported that in the three years to 2007-08 it saved £134 million. Over the period 2008-09 to 2010-11, the Service has a target to achieve another £145 million of savings.

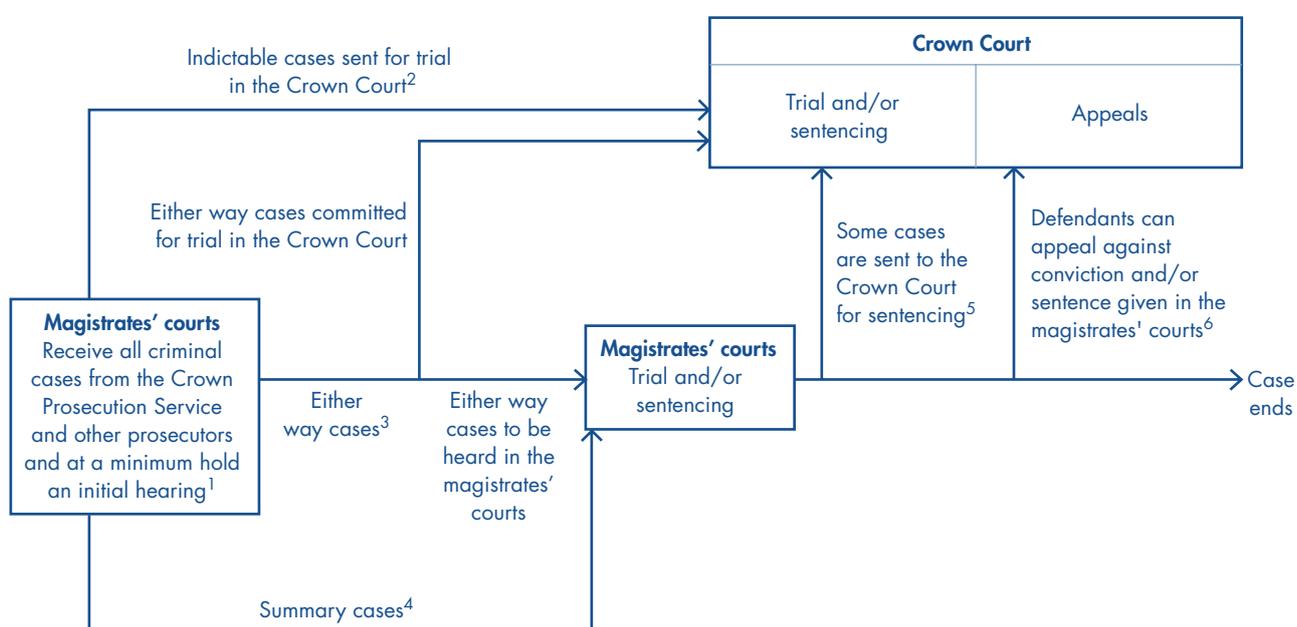
<sup>3</sup> HM Courts Service is also responsible for the Probate Service and the Royal Courts of Justice, where the majority of High Court and Court of Appeal cases are heard.

**1.8** In autumn 2008, HM Courts Service cut its planned 2008-09 operating expenditure by £27 million (two per cent) to offset a reduction in income from the county courts, which were receiving fewer cases than the Service had forecast. The Service saved some £10 million during 2008-09 by cutting central programmes, and regions were asked to remove £17 million from their budgets. As at December 2008, the Service was seeking to minimise the impact on frontline services, including the Crown Court, of the cuts made to regions' budgets.

**1.9** The majority of HM Courts Service's funding is allocated to regions. For 2008-09, HM Courts Service introduced a new funding mechanism which has, for the first time since its establishment in 2005, increased the proportion of resources allocated to those regions experiencing increasing workload such as the South East. The regions work with their areas to determine how the resources they receive should be best split between the Crown Court, magistrates' courts and the county courts to achieve national and local objectives.

## 1 Overview of the relationship between the magistrates' courts and the Crown Court in dealing with criminal cases

The Crown Court receives four types of cases from the magistrates' courts. In 2007, it received 33,000 indictable cases sent for trial and 50,000 either way cases committed for trial. It also received 40,000 cases for sentencing and 13,000 appeal cases.



Source: National Audit Office presentation of material from the Ministry of Justice's Judicial and Court Statistics 2007

### NOTES

1 In 2007 criminal proceedings were taken against 1,736,000 defendants in the magistrates' courts. These proceedings included cases which were subsequently transferred to the Crown Court for trial, for sentencing or on appeal, see notes 2 to 6. In 2007, the Crown Court received a total of 136,000 cases from the magistrates' courts.

2 Indictable offences are the most serious cases, such as murder and rape, which must be heard in the Crown Court. In 2007, the Crown Court received 33,000 indictable cases – also known as sent cases.

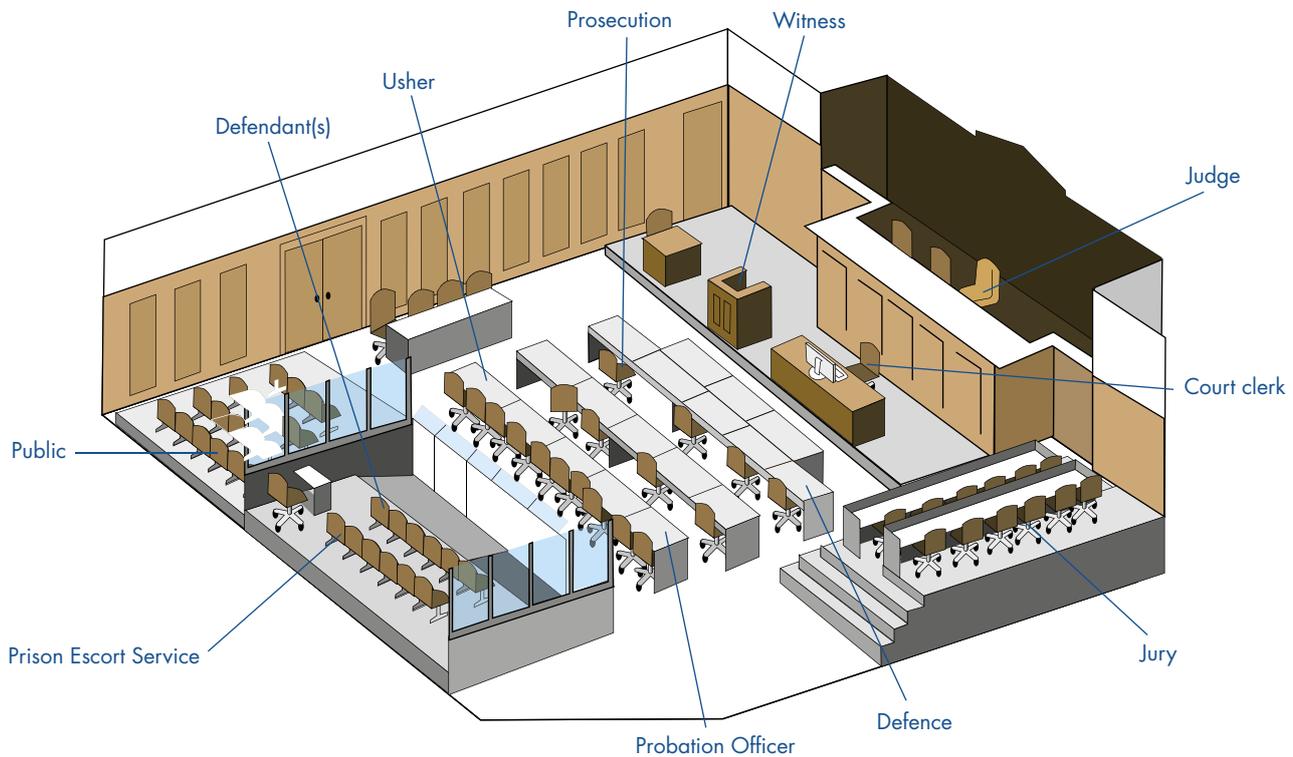
3 An either way case is one where the defendant may opt for jury trial, or where magistrates may decide that the offence is sufficiently serious that the defendant should be tried in the Crown Court. Around 85 per cent of either way cases remain in the magistrates' courts, with the majority of defendants in these cases entering a guilty plea rather than being tried. In 2007, 50,000 either way cases were committed for trial in the Crown Court.

4 Summary offences are less serious and the defendant is not usually entitled to trial by jury. In 2007, the magistrates' courts took proceedings against 1,329,000 defendants charged with summary offences.

5 Defendants convicted in magistrates' courts can be committed for sentencing in the Crown Court depending on the seriousness of the offence(s). In 2007, the Crown Court received 40,000 cases for sentencing.

6 Defendants convicted in the magistrates' courts may appeal against their conviction and/or sentence. In 2007, the Crown Court received 13,000 appeal cases.

## 2 The main parties HM Courts Service works with on Crown Court cases



**Judge** – The judiciary are responsible for the listing of cases and managing the progress of cases to trial with the administrative assistance of HM Courts Service staff. The judge’s role during a trial includes ensuring that all parties involved are given the opportunity for their case to be presented and considered fully, and summing up the case when all the evidence has been heard. If the jury find the defendant(s) guilty the judge will decide on an appropriate sentence.

**Witnesses, including victims** – HM Courts Service liaises with the local **Witness Service** which assists witnesses and victims. HM Courts Service staff may also support individuals directly.

**Prosecution** – **The Crown Prosecution Service** is the principal prosecuting authority in England and Wales, handling all criminal cases investigated by the Police Service. Its responsibilities include: determining the charge; preparing cases for court; providing advocates to conduct the prosecution; and arranging for prosecution witnesses to attend court. Other prosecution agencies include HM Revenue & Customs’ Prosecution Office and the Health & Safety Executive.

**Police** – The police often attend court as prosecution witnesses, and can be involved in executing warrants issued by the Court on defendants who have previously failed to answer bail, or non-attending witnesses who have been served with a summons.

**Defendant(s)** – HM Courts Service’s staff may provide help and information to defendants. **HM Prison Service**, usually through the **Prisoner Escort Service**, transports defendants who are on remand so that they can be present at their trial. For pre-trial hearings, defendants who are on remand can sometimes use a prison video-link as an alternative to attending court.

**Defence** – In accordance with a defendant’s instructions, a barrister usually presents the case for the defence and arranges for defence witnesses to attend court.

**Probation officer** – **The Probation Service** is responsible for producing reports to inform sentencing. When a defendant is a young person, responsibility rests with the **Youth Offending Team**.

**Jury** – Twelve jurors decide whether the defendant(s) in a Crown Court trial is guilty or not. Jurors are called by HM Courts Service’s Jury Central Summoning Bureau based on random selection from the electoral register.

**Court clerk** – The court clerk is a member of HM Courts Service staff, responsible for the administration of the court room and assisting the judge. The clerk’s role includes recording the progress and results of trials and other hearings.

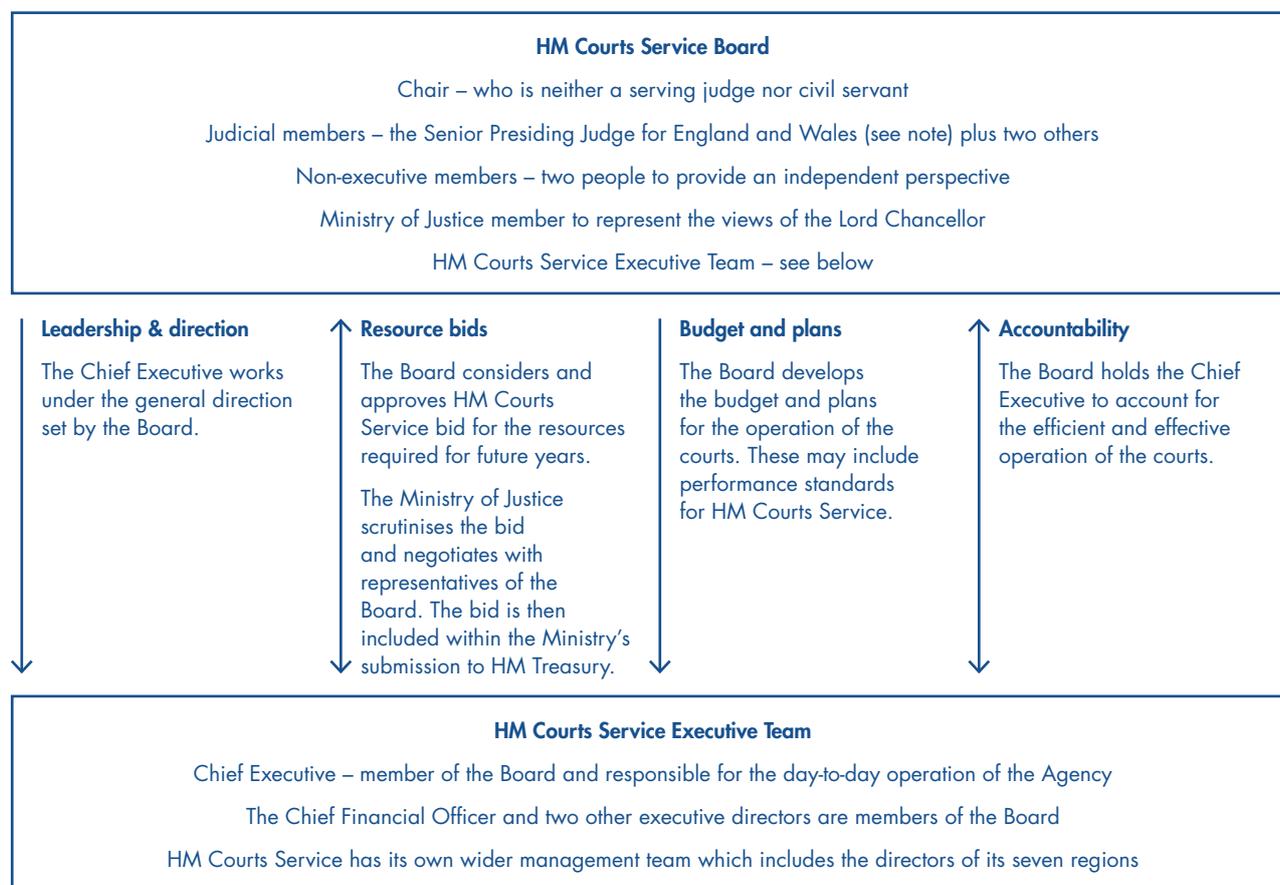
**Usher** – The usher is a member of HM Courts Service staff who assists the court clerk in administering the court room. The usher’s role includes assisting court users, preparing the court room, maintaining order in the court, and assisting with the swearing in of witnesses and jurors.

Source: National Audit Office

### NOTE

Parties in bold appear in the diagram. Parties in bold italics do not.

### 3 The membership and key responsibilities of the HM Courts Service Board and Executive Team



Source: National Audit Office presentation of material in the HM Courts Service Framework Document and HM Courts Service Business Plan 2008-09

#### NOTE

The Senior Presiding Judge is responsible to the Lord Chief Justice for the judicial management of the Crown Court and all county and magistrates' courts in England and Wales as well as the High Court out of London.

## The cost and performance of the Crown Court

**1.10** In 2007-08, HM Courts Service's resource costs totalled £1,777 million. HM Courts Service calculates that the cost of operating the Crown Court, including a contribution to the Service's central costs, totalled £382 million (21 per cent of total costs) in 2007-08 (Figure 5).

**1.11** HM Courts Service's indicators for the Crown Court focus on its performance in commencing cases. In 2007-08, the Service exceeded target levels for the time taken to commence cases received for sentencing and for commencing appeals (Figure 6). For trial cases – the Crown Court's principal activities – performance was below targeted levels. Overall in 2007-08, the Service met the specified times for 77.6 per cent of all cases against a target of 78 per cent. The Service's 2007-08 performance was similar to that achieved in 2005-06 (77.8 per cent) and an improvement on that achieved in 2006-07 (75.4 per cent).

**1.12** The specified periods for commencing cases sent for trial (26 weeks) and cases committed for trial (16 weeks) are the same as the relevant custody time limits. These limits are set out in section 22 of the Prosecution of Offences Act 1985, and specify maximum times that defendants can be held in custody pending a trial without a judge reviewing progress and approving an extension. When the statutory time limits cannot be met, it is for the prosecuting authority to seek judicial approval for an extension. Crown Court staff, especially those at locations where there are capacity constraints, give priority to meeting cases which are subject to custody time limits when allocating trial dates. There can in consequence be increases in waiting times for those cases where defendants are on bail. Extensions are needed in some custody time limit cases - around 10 per cent - but these are typically due to the prosecution or defence requiring longer to prepare their case.

**1.13** Across HM Courts Service's areas, there are significant variations in the percentage of trial cases that commence within target times. In 2007-08, the percentage of the more serious cases which are "sent" for trial in the Crown Court which began within 26 weeks varied from 66 per cent in Thames Valley to 97 per cent in North Wales. Eleven of the Service's 24 areas met the target to begin 78 per cent of "sent" cases in 26 weeks. For cases "committed" for trial in the Crown Court the variation in area performance was greater, ranging from 47 per cent in Surrey and Sussex, to 94 per cent in North Wales. Nine of the Service's 24 areas met the target to begin 78 per cent of "committed" cases in 16 weeks.

**1.14** Most of HM Courts Service's areas have performed well against their targets for commencing cases received for sentencing from the magistrates' courts and for commencing appeals by defendants convicted in the magistrates' courts. In 2007-08, 23 of the Service's 24 areas achieved the target to commence 78 per cent of cases for sentencing in 10 weeks, and 21 of its areas achieved the Service's performance to commence 78 per cent of appeals in 14 weeks. Appendix 4 lists the performance of each area in commencing trial cases, cases received for sentencing and appeals.

### 4 HM Courts Service spending and budget

The Service faces a reduction in its resource budgets in the three-year period starting in 2008-09.

	Resource departmental expenditure limit <sup>1, 2</sup> £m
2005-06 outturn	913
2006-07 outturn	940
2007-08 outturn estimated	1,096
2008-09 plans	1,059
2009-10 plans	992
2010-11 plans	996

Source: Ministry of Justice Departmental Report 2007-08

#### NOTES

1 All figures are nominal values and thus have not been adjusted to take account of the impact of inflation.

2 The limits apply to HM Courts Service net resource expenditure. The Service also funds resource expenditure incurred in undertaking civil work, but not criminal work, from its operating income. This income largely arises from fees charged to users of the county court, with a small amount of income arising from fees charged for civil work undertaken in the magistrates' courts. It is intended that the income received should meet the cost of providing the services for which HM Courts Service charges a fee.

## 5 HM Courts Service resource costs for the Crown Court 2007-08

Cost	Description	£m	Percentage of total <sup>3</sup>
Judiciary	Includes salaries, fees, social security and employer's pension costs	102	27
Accommodation <sup>1</sup>	Maintenance, rates, cleaning and utilities	59	15
Crown Court staff	Includes salaries, social security and employer's pension costs	58	15
Depreciation	Charge to reflect the wearing out, consumption or other reduction in the useful life of a fixed asset	42	11
Jury costs	Includes travel, refreshment allowance and compensation for loss of earnings	40	10
Area, regional and central support costs <sup>2</sup>	Apportionment to the Crown Court of the staff, accommodation and other costs of HM Courts Service's areas, regions and headquarters	38	10
Shared service costs	Apportionment to the Crown Court of the cost of shared services provided by the Ministry of Justice including IT, procurement, human resources and payroll	23	6
Other costs		20	5
<b>Total</b>		<b>382</b>	<b>100</b>

Source: National Audit Office presentation of HM Courts Service data

### NOTES

- 1 Accommodation costs include the cost of resource expenditure on maintenance but not the cost of capital maintenance, such as replacing a roof, that increases the value of the property.
- 2 Costs include central, regional and area management costs and some IT costs.
- 3 Values have been rounded, and as a result individual entries in the fourth column do not sum exactly to the column total.

## 6 HM Courts Service's performance in commencing Crown Court cases in 2007-08

Indicator	Performance %	Target %
Cases "sent" for trial in the Crown Court commencing within 26 weeks of receipt from the magistrates' courts. These cases cover more serious offences which can only be tried in the Crown Court (see Note).	76.7	78
Cases "committed" for trial in the Crown Court commencing within 16 weeks of receipt from the magistrates' courts. These cases arise when a defendant opts for jury trial, or when magistrates decide that an offence is sufficiently serious that the defendant should be tried in the Crown Court (see Note).	70.3	78
Cases committed for sentencing in the Crown Court commencing within 10 weeks of receipt from the magistrates' courts. A defendant convicted in a magistrates' court can be committed to the Crown Court for sentencing because of the seriousness of the offence(s).	91.0	78
Cases on appeal in the Crown Court commencing within 14 weeks of receipt from the magistrates' courts. A defendant convicted in a magistrates' court can appeal against the conviction and/or sentence.	87.1	78
<b>Percentage of all cases in the Crown Court starting within the specified period from receipt from the magistrates' courts.</b>	<b>77.6</b>	<b>78</b>

Source: National Audit Office presentation of HM Courts Service data

### NOTE

The performance indicators for trials apply to cases both where defendants are in custody and where defendants have been bailed. Around a third of defendants in trial cases are in custody.

# PART TWO

## The Crown Court estate

**2.1** To progress cases effectively HM Courts Service needs an adequate number of court rooms within court houses, in the right locations with the right facilities for meeting the needs of the various parties attending court. The required facilities include: waiting rooms for victims, witnesses, defendants and the jury; cells, where necessary for holding defendants; and segregated circulation routes so that the judge, jury, and defendants can make their way to the court without meeting each other. This part of the Report examines the Service's estates strategies; its approach to tackling shortages of Crown Court rooms where they exist; the provision of video facilities which link court houses to prisons; and the maintenance of the estate.

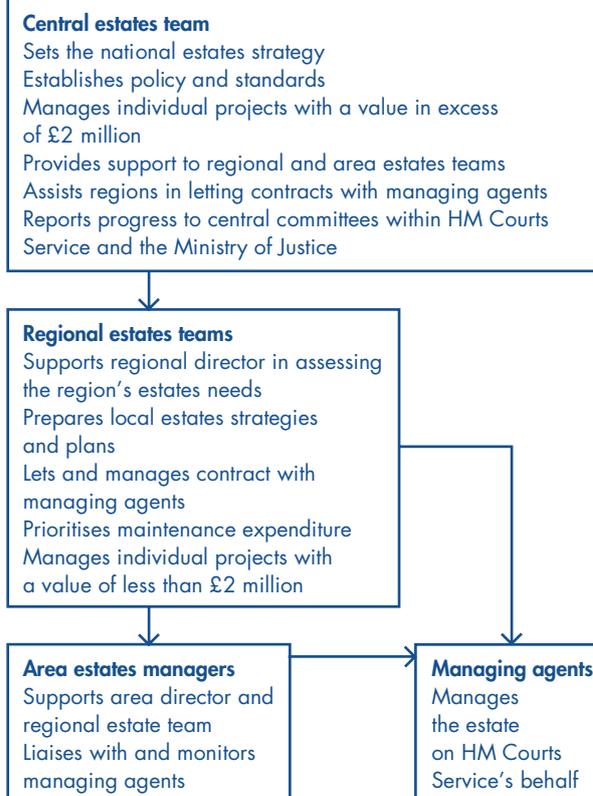
### HM Courts Service's estates strategies

**2.2** Responsibility for the estate is split between HM Courts Service headquarters, regions and areas (Figure 7). The central estates team is responsible for setting strategy, supporting regional and area estates teams and managing major capital projects. The regional and area teams are responsible for the day-to-day management of the estate, in conjunction with managing agents that they appoint through competition. Between 2008-09 and 2010-11, HM Courts Service plans to spend around £100 million a year on new court buildings and major refurbishments to existing buildings for the Crown Court and other courts. It forecasts that over the same period it will also spend around £120 million a year on maintaining and improving the entire HM Courts Service estate, of which it estimates around £35 million will be spent on the Crown Court. Maintenance expenditure includes payments to managing agents which in 2007-08 totalled £9.8 million.

### The central estates strategy and information on current provision

**2.3** The central estates team developed in 2005 an estates strategy that for the first time covered all Crown, county and magistrates' court buildings and supporting facilities. In 2006, HM Courts Service produced its first business strategy. We reviewed the estates strategy and concluded that it met most of the characteristics of a

#### 7 The main responsibilities of the central, regional and area estates teams within HM Courts Service



Source: National Audit Office

good estates strategy. Neither the estates strategy nor the business strategy, however, included a detailed assessment of future Crown Court workload and the distribution of that work across the country. In autumn 2008, the Ministry of Justice initiated a review of the strategy for providing the estate required by HM Courts Service and two smaller bodies. The Service intends that the new strategy will be underpinned by a full assessment of future court workload.

**2.4** Currently most data on the number of court rooms and the facilities for court users in those rooms, or within the associated court houses, such as secure docks and waiting rooms for defendants, are held regionally. Whilst these regional data aid local planning, including helping regions bid for any central funding, consistent definitions are not always used and thus it is difficult to draw on these data to generate a national picture of provision. On an occasional basis, HM Courts Service has monitored the service-wide provision and quality of some specific facilities, such as witness video links which enable vulnerable witnesses to give evidence without appearing in court. There has, however, been no generally accessible up-to-date centrally held information on: the number of rooms used regularly for Crown Court hearings; the number of secure docks and cells for holding defendants; or the quality of waiting rooms for defendants. Without a single central inventory of court houses and their facilities, HM Courts Service is not best-placed to assess the adequacy of provision, develop plans to tackle any problem areas and prioritise the use of funding when it becomes available. In response to this examination, HM Courts Service was in December 2008 completing an exercise to draw on regional data and establish a central inventory of its estate.

### The tools and information available to inform local estates strategies

**2.5** HM Courts Service's regions, working with their areas, are responsible for assessing and meeting their estates needs in a manner which is consistent with national policy. An estates modelling tool designed by HM Courts Service enables regions to develop and compare the costs of different property options, such as rationalising the estate by increasing the number of combined courts. The Service has, since 2005, been seeking to develop a tool which would help staff in regions and areas to assess the estate and other resources required to meet current and future Crown Court and other court workload, but as at December 2008 it did not have such a tool in place.

**2.6** Strategies and plans produced by different parts of HM Courts Service do not routinely show whether proposals for future court provision are underpinned by the best available data and forecasts of future workload. Most of the six regional and area strategies and plans we examined discussed changes in Crown Court workload, but only two had clearly used data to support their assessments of workload. In both these cases, areas were looking ahead to assess the impact on their criminal courts of substantial increases predicted in their local population over the next 10 to 20 years. One had asked the Ministry of Justice's central economics and statistics team to produce forecast workload for its area based on estimates of increasing population. The other had obtained data from its local police force on population growth to inform its assessment of workload. Consultation with local criminal justice partners is valuable as the demands on Crown Court locations in a particular area are not only affected by national trends and developments but also by the practices of local agencies, such as the prosecution's approach to offences involving several defendants who might be tried together or individually. Wider and explicit adoption of the data sources used by the two areas, and clear explanations of the views of local criminal justice partners on future demands on the Crown Court and on the options for meeting that demand, would improve the overall rigour of regions' and areas' strategies and plans.

### The capacity of the Crown Court estate

**2.7** The Crown Court operates from around 500 court rooms. HM Courts Service considers that in some parts of the country there has been, and continues to be, a shortage of Crown Court rooms. It sees this lack of capacity as being one of the major barriers to improving the timeliness of cases, particularly in London and parts of the South East.

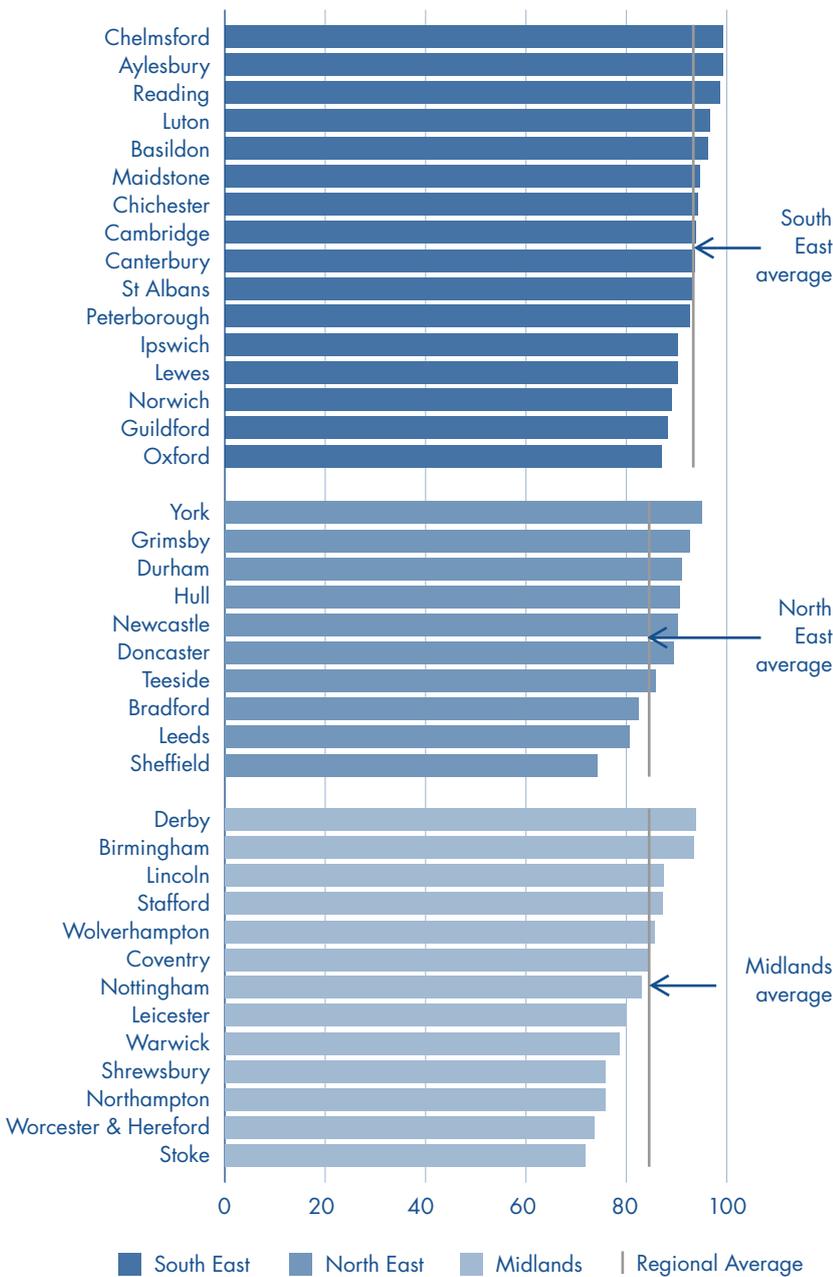
**2.8** HM Courts Service does not have a target for the number of days its Crown Court rooms should be used but its largest region – London – aims to use its court rooms on 95 per cent of working days. We examined the number of days Crown Court rooms were used in the three regions we visited during this examination (**Figure 8 overleaf**). HM Courts Service's data shows that in the South East in 2007-08, Crown Court rooms were typically used on 93 per cent of working days, while utilisation rates in the North East and the Midlands were 85 per cent and 84 per cent, respectively. The Service told us that utilisation rates would have been higher in 2007-08 but regions had not been able to use courts on all of the days they had planned, and had resources for, as they had been unable to fill some judicial posts.

2.9 At six of the 39 locations we examined, including five in the South East, courts were used on over 95 per cent of available days. Three of the six locations had utilisation rates in excess of 98 per cent and were, therefore, very close to absolute capacity given the time taken to hear cases at these courts and the length of their court day. The overall utilisation rates in the Midlands

and North East, and the utilisation rates at some large court locations, such as Sheffield (75 per cent) and Leeds (80 per cent), show that in parts of the country there is potential within the existing HM Courts Service estate to increase the number of court days that are used to hear Crown Court cases.

**8** The number of days Crown Court rooms were used in 2007-08 as a percentage of the total number of working days, for the locations in the three regions visited during this examination

In 2007-08 there were wide variations in the use of Crown Court rooms between regions and within regions, with the South East having the highest level of utilisation.



NOTE

The number of working days was assumed to be 242 in 2007-08. Most court rooms were used to hear only Crown Court cases. However, at some locations one or more rooms were used to hear a mix of Crown Court and other court work. Where shared rooms were mainly used for county court work or magistrates' court work they have been excluded from the analysis. Where shared rooms were mainly used for Crown Court work they have been included in the analysis, and utilisation rates have been adjusted to reflect the days when rooms were used for county or magistrates' court work.

The usage rate for Lewes covers the court rooms at Lewes, and the rooms at Hove and at Brighton magistrates' courts as they are administered by Lewes. Similarly, the usage rate for Basildon includes court rooms at Southend and the usage rate for Norwich includes a court room at Kings Lynn. The usage rate for Newcastle is an aggregate covering two locations. Huntingdon, in the South East region, has not been included as it opened part way through the year.

Source: National Audit Office analysis of HM Courts Service data

**2.10** HM Courts Service has taken steps to improve the capacity within its estate to hear Crown Court cases by:

- making better use of court time;
- improving the distribution of work around courts; and
- increasing the number of Crown Court rooms.

### Improving the use of court time

**2.11** HM Courts Service has worked with other criminal justice agencies and the judiciary to improve value for money by increasing the proportion of planned trials which are effective, and by cutting the number of unnecessary pre-trial mention hearings as these reduce the efficiency and capacity of the Crown Court (**Box 1**).

**2.12** An effective trial is one that goes ahead on the day it is scheduled as all parties are ready to proceed. The Ministry of Justice's data show that between 2002 and 2005 the proportion of trials categorised as effective increased by eight percentage points, with performance in 2008 around the levels achieved in 2005 (**Figure 9**). The increase between 2002 and 2005 was achieved mainly by the employment of officers responsible for tackling barriers to case progression, and by the introduction of a requirement for the defence and prosecution to certify that they were ready to proceed with a case.

**2.13** The Ministry of Justice's data also show that the number of pre-trial mention hearings has reduced by 22 per cent between 2006 and 2008 (**Figure 10 overleaf**). A 2006 review of the criminal justice system found that a large number of mention hearings often delivered no tangible result in taking a case forward to trial. In July 2006, the judiciary and HM Courts Service introduced a programme with the aim of cutting the number of mention hearings whilst maintaining the Crown Court's performance in commencing cases in target times (see **Figure 6** on page 15). The number of mention hearings had grown between 2002 and 2004, partly as a result of the focus on reducing the number of trials which had to be cancelled as one or more parties were not ready to proceed.

**2.14** HM Courts Service has been seeking to reduce the amount of time lost during the court day due, for example, to the court rising early or counsel asking for more time. An initial month-long exercise conducted in 2008 across the South East region's Crown Court locations indicated that lost time could amount to 145 court days per month (six per cent of total court time in the region). The region considers that there is scope to reduce the level of lost time although there will always be some. The region has asked each of its court locations to work with criminal justice partners with the aim of reducing lost time by

25 per cent. HM Courts Service was planning to undertake a short exercise to identify lost time at all Crown Court locations during 2009.

## BOX 1

### Effective trials and unnecessary pre-trial hearings

**Effective trial** – is one that proceeds on the day it is scheduled. Where a case does not proceed it is either ineffective or cracked.

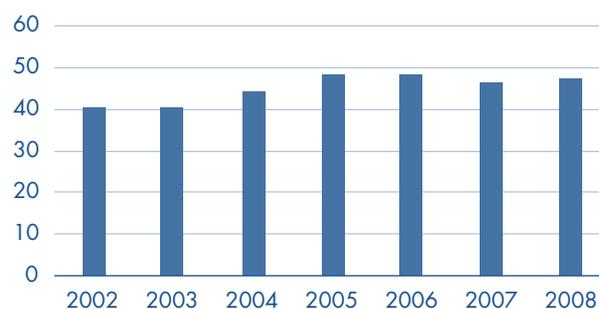
- **Ineffective** – on the trial date, the trial does not go ahead due to action or inaction by one or more of the prosecution, the defence or the court and the trial needs to be rescheduled at a later date. The main causes of ineffective trials in 2007 were: defendant absent or unfit to stand (27 per cent); prosecution witness absent (20 per cent); the defence not ready (19 per cent); or the prosecution not ready (18 per cent).
- **Cracked** – on the trial date, the defendant offers an acceptable plea(s) or the prosecution offers no evidence. A cracked trial requires no further trial time, but as a consequence the time allocated has been wasted, and witnesses have been unnecessarily inconvenienced.

**Unnecessary pre-trial mention hearings** – most trial cases require a plea and case management hearing, at which a defendant will be asked if he or she is guilty or not guilty. If the defendant pleads guilty, arrangements are made for sentencing the defendant. If the defendant pleads not guilty, a date is set for trial and directions given to the defence and prosecution for the future conduct of the case. Mention hearings can subsequently be requested by the defence or prosecution if they are experiencing difficulty in progressing their case to trial. These short hearings are deemed unnecessary by HM Courts Service if they do not tackle the barriers hindering the progress of the case.

Source: National Audit Office

## 9 The percentage of Crown Court trials which were effective, 2002 to 2008

The percentage of trials which were effective grew from 40.4 per cent in 2002 to 48.3 per cent in 2005, and then remained relatively steady, with 47.4 per cent of trials effective in 2008.



Source: National Audit Office presentation of Ministry of Justice and HM Courts Service data

## Improving the distribution of work around existing court rooms

**2.15** Where a Crown Court location is close to capacity, regions can, subject to judicial approval, transfer workload, temporarily or permanently, to other Crown Court locations or to courts usually used by magistrates. The scope for transferring blocks of cases to other Crown Court locations is likely to be greater in the more densely populated parts of the country where locations tend to be closer together. More serious or specialist cases may only be transferred if the receiving Crown Court location, and its judges, are designated to take such cases. The facilities at the receiving court, such as the availability of secure docks, may also limit cases which can be transferred. Use of magistrates’ court rooms may be limited to pre-trial hearings or appeals, but can include some trial cases if there are adequate facilities, for example, to cater for victims, witnesses and jurors.

**2.16** The two regions facing the greatest pressures on their Crown Court rooms – London and the South East – have worked with their areas to transfer significant volumes of work. The transfers, which have been agreed with the judiciary, are part of a wider strategy seeking to equalise and improve waiting times across all the regions’ Crown Court locations. The strategy includes tackling pressures on two Crown Court locations – Reading and Aylesbury – which are part of the Thames Valley area, which we visited during this examination (see Box 2). Both these locations had experienced increased workload with, for example, Aylesbury receiving a greater number of cases from Milton Keynes as that town has expanded. The increasing workload contributed to long waiting times to commence Crown Court cases at both Reading and Aylesbury. Long waiting times adversely affect witnesses and other parties in criminal cases.

**2.17** Transferring workload between courts can reduce waiting times for some cases, which can have a range of benefits for HM Courts Service, its criminal justice partners and victims, witnesses and defendants, but such transfers can also have a number of disadvantages (see Box 3 on page 22). HM Courts Service can face a difficult task in gaining general support for proposals to transfer cases given their potential negative impact on other parties, such as the additional costs faced by the prosecution and police in attending trials and any inconvenience to victims and witnesses of travel to a location which may well be less familiar. The Service therefore needs to plan and handle transfers carefully, including consulting its partners in a way that enables them to provide their views and influence the outcome wherever possible. For the transfers of work within and from the Thames Valley area, HM Courts Service was able to reduce some of the burdens placed on the Crown Prosecution Service, but not address all their concerns (see Box 2). To assist the planning of transfers of cases within London, HM Courts Service’s London region has established a protocol which sets down procedures that should be followed, including the need to consult with prosecuting authorities. This protocol builds on existing guidance on listing cases which requires HM Courts Service to take account of the interests of victims and witnesses.

**2.18** The Service has held meetings with other agencies to discuss how individual transfers, such as the one from Aylesbury to Huntingdon, are progressing. The Service has not, however, evaluated the overall impact of transfers on victims, witnesses and defendants, and on HM Courts Service and its criminal justice partners.

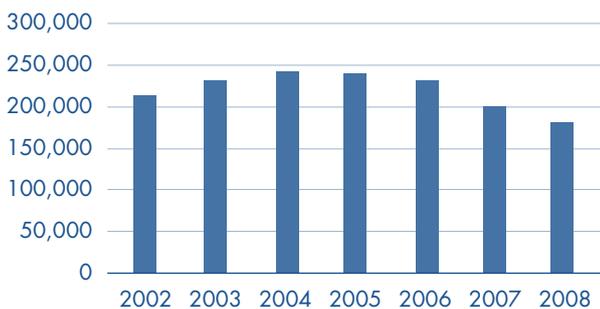
## Increasing the number of Crown Court rooms

**2.19** HM Courts Service’s longer term options for increasing Crown Court capacity are through opening new buildings or extending and refurbishing existing buildings. The central estates team holds the capital budget for major projects. Proposed Crown Court projects compete for funding with proposals for improving other parts of the Service’s estate.

**2.20** We reviewed HM Courts Service’s framework for scoring the merits of proposals for major projects and concluded that it was robust. Since January 2006, new projects proposed by regions have been scored against set criteria including: alignment with government policy and scale of impact; business need; consumer need; building and operational concerns; security concerns; and value for money.

**10** The number of mention hearings in the Crown Court, 2002 to 2008

The number of mention hearings grew by 14 per cent from 2002 to 2004 before stabilising and then falling by 22 per cent in the two years to 2008.



Source: National Audit Office presentation of Ministry of Justice data

**2.21** As at autumn 2008, HM Courts Service had allocated or earmarked around £120 million of capital funding to projects which will increase the number of Crown Court rooms by 30 (or around six per cent) by the end of 2012. Of this £120 million, the equivalent of

£110 million<sup>4</sup> has been allocated to 10 major projects. These projects are due to provide 19 new Crown Court or dual purpose rooms by the end of 2012. Eight of the additional 19 rooms will be provided in London and the South East where there is greatest pressure on the estate.

## BOX 2

### The impact on outstanding cases of transferring Crown Court work from Reading and Aylesbury and the views of the Crown Prosecution Service

Despite utilising their Crown Court rooms on 99 per cent of working days, both Reading and Aylesbury had a significant backlog of cases at the end of 2007 and Reading, in particular, was not commencing trial cases within target times. Reading is a well-equipped six room court house and Aylesbury is an old two room court house with limited facilities.

	Reading	Aylesbury	National target
Court room use – The number of days court rooms were used in 2007-08 as a percentage of the total number of working days	99%	99%	No target
Backlog of trial cases per court room at December 2007	112	132	No target
Percentage of cases sent for trial commencing within 26 weeks in 2007	57.8%	78.4%	78%
Percentage of cases committed for trial commencing within 16 weeks in 2007	52.3%	59.5%	78%

#### Transfers from Reading to Oxford

To assist Reading to tackle its case backlog, around 35 per cent of all new trial cases it would have received between January and September 2008 were passed to Oxford. Oxford, like Reading, is in HM Courts Service's Thames Valley area and is also covered by the same police force and by the same Crown Prosecution Service area. Oxford had increased capacity as a result of space previously occupied by its restaurant facilities being converted into a new court room which opened in February 2008. The transfer assisted Reading to reduce its backlog of cases to 85 per court room at September 2008, when the transfer was stopped because Oxford's backlog of cases had increased from 65 per court room to 106.

#### Transfers from Aylesbury to Huntingdon

The Thames Valley area has also worked with the South East region in 2008-09 to move work from Aylesbury to a court location in a different HM Courts Service area. This culminated, from September 2008, in all trial cases arising from Milton Keynes magistrates' court being heard in the two Crown Court rooms at Huntingdon rather than at Aylesbury (Milton Keynes does not

have its own Crown Court house). The Huntingdon court centre, which opened in 2007, is part of the Cambridge, Norfolk and Suffolk area and is neither covered by the same police service nor the same Crown Prosecution Service area as Aylesbury. The cases arising from Milton Keynes magistrates' court continue to be prosecuted by staff from the Crown Prosecution Service based in Aylesbury.

Prior to the transfer of cases from Aylesbury, HM Courts Service assessed the additional travel cost and travel time for court users. To reduce the number of times Crown Prosecution Service staff have to travel to Huntingdon, HM Courts Service aims to hold all pre-trial hearings for cases originating from Milton Keynes on a single day each week.

#### Crown Prosecution Service

We spoke to the Crown Prosecution Service about the transfers of work. It was supportive of HM Courts Service's aim to improve the timeliness of cases. The Crown Prosecution Service praised the dialogue that it had had with HM Courts Service over the transfer of work from Reading to Oxford. In particular, it mentioned that the two Crown Court locations had listed cases for hearings so as to assist the Crown Prosecution Service deploy its staff effectively.

The Crown Prosecution Service was, however, critical of the degree to which it was able to influence the timing and scale of the work which was transferred from Aylesbury to Huntingdon. The Crown Prosecution Service supported the initial proposal that cases would be transferred to Huntingdon when they were ready for trial with uncontested cases and those with clear reasons for local trial remaining at Aylesbury. It was subsequently decided that all pre-trial hearings should also be undertaken at Huntingdon. This change has increased the time that Aylesbury based Crown Prosecution Service staff spend at Huntingdon which is some 60 miles from their office. The transfer of cases has also made it more difficult for victims, witnesses and defendants, especially those without access to private transport, as it takes longer on public transport to travel between Milton Keynes and Huntingdon than between Milton Keynes and Aylesbury.

#### Increasing Crown Court capacity

During 2009-10, HM Courts Service plans to convert two rooms at Reading magistrates' court so that they can undertake Crown Court work. It also plans to open a new four-room centre for the Crown Court in Aylesbury in 2011, increasing the number of court rooms in the town by two.

Source: National Audit Office including presentation of HM Courts Service's performance data

<sup>4</sup> Of the £110 million, £85 million is planned to be spent over the spending review period 2008-09 to 2010-11.

**2.22** The capital programme also includes spending some £11.8 million between 2008-09 and 2010-11 to convert rooms in existing court buildings so that they can hear Crown Court cases. Eleven new Crown Court rooms will be created, eight of which are in London and the South East. Creating Crown Court rooms through conversions typically requires less time than that required to build new courts and much lower levels of capital funding. It can, however, bring some additional operating costs, especially where a small number of rooms are being created in a building which does not currently host Crown Court cases. Small sites can make it more

difficult for HM Courts Service to use its court-based staff efficiently and can impose costs on criminal justice partners, for example, in travelling between different locations. It can also be more difficult to provide all the facilities required by court users at small sites.

**2.23** If good use is to be made of the new court rooms as they become available, HM Courts Service will need to find within its increasingly tight budget adequate resources to cover the judicial, staff and others costs of operating the new facilities. Similarly, the new court rooms will increase the demands placed on the Service’s criminal justice partners.

**BOX 3**

**Potential advantages and disadvantages of transferring work between courts to enable trials to be held earlier**

	<b>Advantages</b>	<b>Disadvantages</b>
<b>Timeliness of trials</b>	Transferred cases should be heard more quickly than would otherwise be the case.	Cases at the receiving location may be delayed as a consequence of transfers.
<b>Quality of justice</b>	<p>An earlier trial should both increase witnesses’ commitment to a case, which may mean better witness attendance, and help witness recollection.</p> <p>Earlier conclusion of the trial will benefit victims and innocent defendants.</p> <p>Transfers can assist compliance with statutory custody time limits for how long defendants can be held in custody pending a trial without a judge reviewing the progress of a case and approving an extension (see notes to Figure 6 on page 15).</p>	Victims, and local communities more generally, may wish to have cases tried in courts near to where crimes were committed.
<b>Cost</b>	<p>An earlier trial should reduce the time HM Courts Service, the Crown Prosecution Service and the defence spend maintaining cases which are waiting to go trial.</p> <p>Transfers can improve utilisation of existing court rooms, and thus may avoid or delay investment to increase the number of court rooms.</p> <p>Earlier trials should reduce the cost to the Prison Service of those defendants who are held on remand before being found innocent.</p>	<p>Transfers to other locations may increase the time and cost to the defence, police and prosecution of attending hearings and trials. Usually responsibility remains with the police force and with the Crown Prosecution Service area where the case originated.</p> <p>Transfers to a single or small number of rooms in a separate magistrates’ court building can:</p> <ul style="list-style-type: none"> <li>■ increase HM Courts Service’s own costs as it can be difficult to staff small court centres efficiently and specialised Crown Court IT will need to be installed;</li> <li>■ make it more difficult to make best use of judicial and court time. In a small court house, if a trial finishes earlier than expected, it may not be possible to transfer new cases in, to use remaining court time. In a large court house it is usual for one or more additional cases to be listed for hearing but with no allocated court room. These cases are then used to fill court rooms which become available during the day.</li> </ul>
<b>Quality of service</b>	<p>Earlier trials can reduce the stress that victims and witnesses experience waiting for their case to be heard and help (emotional) closure.</p> <p>Earlier commencement should reduce the number of times witnesses need to be contacted by the Crown Prosecution Service.</p>	Victims, witnesses and defendants may have to travel further when a case is transferred which may add to the stress of attending court. Travel can give people particular difficulties if they have to use public transport and the provision is poor, or if the location of the Crown Court is unfamiliar.

Source: National Audit Office

## The availability of prison video links

**2.24** The availability of facilities affects where and when cases can be heard, and hence impacts on the throughput of cases, as well as the experience of those attending court. For example, court staff must have regard to the number of cells they need for defendants to be held in custody before trial, as well as the numbers that may be required to cover custodial sentences.

**2.25** Defendants remanded in custody can sometimes use a prison video link as an alternative to attending court for a pre-trial hearing. Using video links benefits defendants as they do not have to travel to court or face the risk that they may lose their existing prison place to another prisoner and thus be sent to a new prison. Video links can also benefit HM Courts Service and its criminal justice partners as, for example, they cut the cost of transporting and escorting defendants, and reduce the risk of defendants absconding.

**2.26** As at April 2008, 32 Crown Court locations had prison video links. Of the remaining Crown Court locations, five mentioned in their annual reports for 2007-08 that they would benefit from having the facility. Since 2006 the network used to link courts and prisons has been at capacity, and thus no new courts have been given video link equipment. From April 2009, the Office for Criminal Justice Reform will have a new contract in place which will provide an integrated network capable of supporting links between the various organisations within the criminal justice system. The network will enable more Crown Court locations to use prison video links subject to HM Courts Service having available funds to purchase and install the relevant equipment.

## Maintaining the estate

**2.27** In 2005, HM Courts Service inherited a substantial maintenance backlog, estimated at around £200 million across all its estate. The Service estimated that by 2008 the overall backlog had fallen to £182 million. The current backlog includes some £18 million for work required in the magistrates' courts to comply with the requirements of the Disability Discrimination Act 2005 which had not been included in the original estimate. The 2008 estimate now provides a baseline against which the Service can assess its future performance in managing the estate.

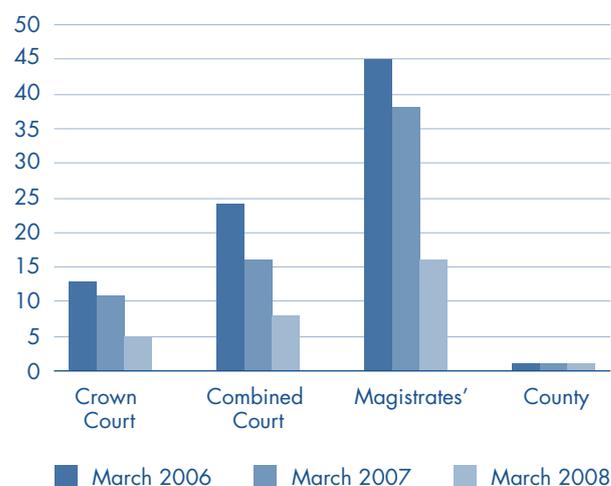
**2.28** In the three years to 2007-08, expenditure on maintaining and improving the estate averaged £132 million. HM Courts Service forecasts that over the three years to 2010-11 expenditure will average £119 million, of which it estimates around £35 million a year will be spent on the Crown Court (**Figure 12 overleaf**).

**2.29** Each year, regions receive part of HM Courts Service's total capital budget (£37 million in 2008-09) to meet the cost of work to improve the overall estate, and they also use part of their operating cost budget to meet the cost of non-capital maintenance and small buildings projects (forecast to be £70 million in 2008-09). We found that regions had adequate frameworks for prioritising how they use these funds. The frameworks required staff to consider the probability of failures occurring and the business impact of those failures.

**2.30** Between 2006-07 and 2007-08, HM Treasury provided £60 million of capital funding to assist HM Courts Service restructure and modernise the court estate. This funding was allocated by the central estates team. Some £50 million was targeted on those courts which were either most at risk of operational failure, for example, because custody facilities were inadequate, or most at risk of building failure, such as a collapsed roof. Building failures could force the closure of the court and lead to work being transferred to other locations. By the end of the programme in March 2008, HM Courts Service, working with its managing agents, judged that there had been a 60 per cent reduction in the number of dedicated Crown Court houses at critical risk of operational failure or building failure. There had been a similar reduction across the overall court estate which includes buildings which combine the Crown and other courts (**Figure 11**).

**11** Number of court houses at critical risk of building or operational failure, 2006 to 2008

There has been a reduction in the number of Crown Court houses at critical risk of failure from 13 to five in the two years to March 2008. The total number of courts at critical risk of failure reduced from 83 to 30 over the same period.



Source: National Audit Office presentation of HM Courts Service's performance data

**2.31** HM Courts Service forecasts that it will spend £70 million on non-capital maintenance and small building projects in 2008-09, 16 per less in real terms than in 2007-08 (Figure 12). The increasing financial pressures on HM Courts Service, which are requiring it to cut its current expenditure both in-year in 2008-09 and in

future years, may impact on planned levels of maintenance expenditure. One of the three regions we visited had made an in-year reduction to its 2008-09 maintenance budget of 10 per cent. If not carefully planned, there is a risk that reductions in maintenance could lead to more substantial and expensive work being required at a later date.

## 12 Expenditure on maintaining and improving HM Courts Service's overall estate 2005-06 to 2007-08, and budgeted and forecast expenditure for 2008-09 to 2010-11

Expenditure on maintaining and improving the estate peaked in 2007-08. Expenditure is forecast to remain above 2005-06 levels throughout the period 2008-09 to 2010-11.

Type of expenditure and source of funding	Expenditure £m <sup>1</sup>			Budget for capital expenditure and forecast for current expenditure £m <sup>1</sup>		
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
<b>Capital</b>						
Each region is allocated part of HM Courts Service's core capital budget. Funding is used to cover expenditure on items such as replacing roofs.	16	17	38	37	37	37
HM Treasury allocated HM Courts Service additional capital funding through the Restructuring and Modernisation Programme. Over the two years of the Programme, £50 million was used for buildings at risk, with the remainder used for estate integration.	0	32	32	0	0	0
Other capital items, including expenditure to comply with the requirements of the Disability Discrimination Act and works required to manage emergency incidents	10	6	3	9	9	9
<b>Total capital</b>	<b>26</b>	<b>55</b>	<b>73</b>	<b>46</b>	<b>46</b>	<b>45</b>
<b>Current</b>						
Each region receives an allocation from HM Courts Service from which it has to meet all its operating costs, including staff costs and non-capital estates costs. The values show the cost of small buildings projects and maintenance costs, including the costs of managing agents	78	81	83	70	74	75
<b>Total</b>	<b>104</b>	<b>136</b>	<b>156</b>	<b>116</b>	<b>120</b>	<b>120</b>
<b>Annual average</b>		<b>132</b>		<b>119</b>		

Source: National Audit Office presentation of HM Courts Service's financial data

### NOTES

- All values are at September 2008 prices. The Consumer Price Index has been used to adjust values for 2005-06 to 2007-08 and the government's target rate of two per cent for the Consumer Prices Index has been used to adjust values for 2009-10 and 2010-11.
- Values have been rounded, and as a result individual entries do not always sum exactly to column totals.
- HM Courts Service does not record separately expenditure on Crown Court buildings. It estimates, however, that in the period 2008-09 to 2010-11 it will spend around £35 million a year on the Crown Court.

# PART THREE

## Staffing of the Crown Court

**3.1** The Crown Court needs effective, well trained staff. Within courtrooms, clerks and ushers facilitate the progress of hearings and record the results. Office-based staff manage case files, list cases for hearings and manage case progression. This part of the Report examines how HM Courts Service determines the number of staff it employs at Crown Court locations, and how it recruits and develops those staff. It also examines staff absence levels.

### The allocation and workload of Crown Court staff

**3.2** Between 2005-06 and 2007-08, HM Courts Service's data show that the average number of staff working in the Crown Court fell by six per cent to 2,385. Around 55 per cent of those staff were in the two lowest grades. These grades have salary scales of less than £20,000 a year. The two locations with the largest number of court rooms – Snaresbrook (London) and Liverpool – had over 90 full time equivalent staff each, but most locations had less than 30 staff. Crown Court staff owe a joint duty to HM Courts Service management and to the judiciary for the efficient and effective operation of the courts.

**3.3** Turnover levels in the Crown Court are low. In 2007-08, two per cent of Crown Court staff left HM Courts Service and another two per cent of Crown Court staff moved within the Service but to a posting outside the Crown Court.

**3.4** Between 2005-06 and 2008-09 there was no service-wide model for informing decisions on staffing levels at Crown Court locations. Working with their areas, regions decide how staff and other resources should be best split between the Crown Court, magistrates' courts and the county courts to achieve national and local objectives as set out in business plans. At some locations we visited, such as Thames Valley, HM Courts Service staff told us that they were still seeking to apply a Crown Court model which had until 2004-05 been the service-wide

approach for determining the number of staff required within courts. At other locations, such as Lewes, staff said that they no longer used the Crown Court model, in part because of the requirement for HM Courts Service to reduce its total number of staff during 2006-07 and 2007-08 and the wider pressures on HM Courts Service's budget.

**3.5** The absence of a current and well-accepted staffing model for the Crown Court reduces the information managers have available when they are determining staffing levels, and thus increases the risk that Crown Court locations may not be appropriately staffed. We therefore examined:

- whether there was evidence of variations in workload between different Crown Court locations; and
- whether HM Courts Service was taking steps to improve the information available for assessing staffing requirements in the Crown Court.

**3.6** Using locally available data, one of the three regions we visited – the South East – has assessed the workload of different staff groups. The region is working with its areas to determine whether the variations identified in workload reflect local factors – such as the size and layout of court buildings, differences in case mix and the nature of the population served – or the effectiveness with which staff are deployed.

- In-court staff. The region used data on the planned use of court rooms to estimate the number of in-court staff required within each of its five areas, and then compared this estimate to actual staff in-post. The analysis showed that the number of court clerks in post in 2007-08 broadly reflected planned workloads, but that one of its areas may have had too few ushers to meet planned workload, whilst two others may have had too many ushers (**Figure 13 overleaf**).

- Office-based staff. The region compared staff workload across its five areas using data on cases received, number of court rooms and the number of days those court rooms were due to be used in 2007-08. This analysis showed that there could be wide variations in the workload of staff responsible for listing cases and progressing cases and variations in the workload of other administrative staff who, for example, record cases on the Crown Court's case management system (Figure 14).

3.7 HM Courts Service is seeking to improve its understanding of the staffing and other costs of dealing with all Crown Court and other court work to aid decision making. As at December 2008, it was improving its

estimates of the costs of the main court activities. It was also finalising work it had begun in summer 2008 to update the Crown Court staffing model which had been used until 2004-05 (see paragraph 3.4). The Service intends to use the new model from 2009-10 onwards.

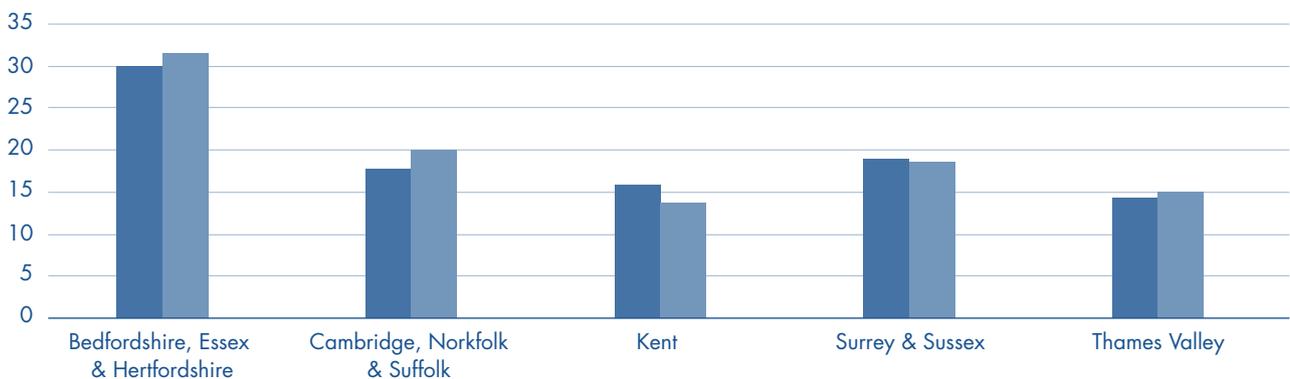
3.8 Since the start of 2008 HM Courts Service has been applying the "Lean" business technique, with the aim of improving the efficiency and standardisation of the administrative processes used across the Crown Court (Box 4). As at autumn 2008, the Service was testing, applying and developing the lessons learned from work undertaken at the Crown Court in Liverpool in summer 2008 to other Crown Court locations.

**13** Number of in-court staff in-post in 2007-08, compared to the South East region's assessment of the number that might be required by each of its five areas

The first part of this figure shows that the number of court clerks in post in 2007-08 broadly reflected the region's assessment of the levels required to meet planned workloads. The second part shows that one of the region's areas, Thames Valley, may have had too few ushers in post in 2007-08 to meet planned workload, whilst two others, Kent and Surrey & Sussex, may have had too many. The number of ushers in post at the other two areas broadly reflected the region's assessment of the levels required.

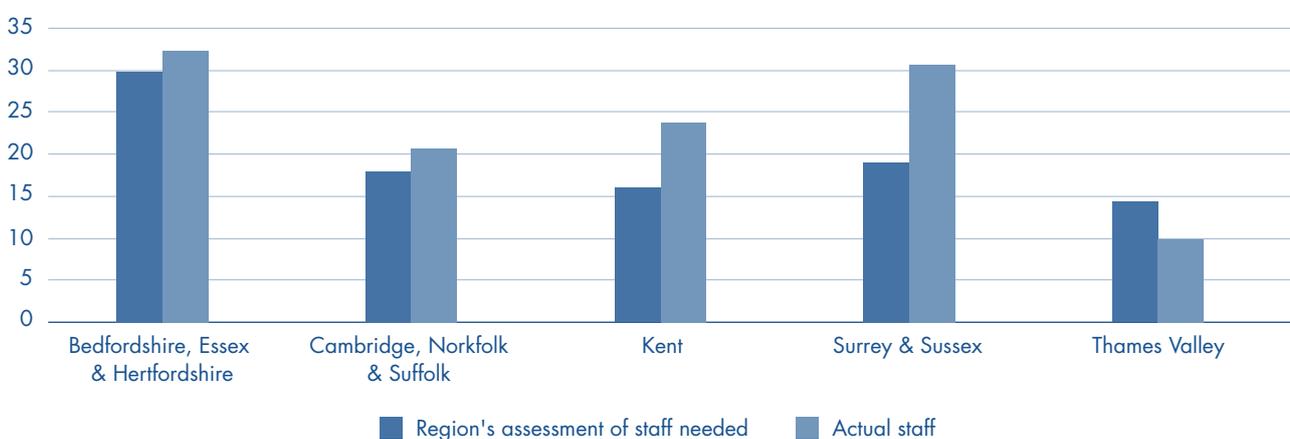
**Court clerks**

Number of full time equivalent staff



**Ushers**

Number of full time equivalent staff



Source: National Audit Office presentation of HM Courts Service's analysis

## BOX 4

**The “Lean” technique and its application in the Crown Court**

The “Lean” technique, which is increasingly being used across the UK public sector, aims to improve performance and customer satisfaction and eliminate waste and duplication through process improvement. The “Lean” technique typically involves identifying the various steps in producing a good or service and then identifying and removing those that do not add value to the end user. The remaining steps should then be placed in the best order within the constraints of time, cost and resources.

HM Courts Service is seeking to apply “Lean” across all its courts, including the administrative non-IT elements of Crown Court business. The first major “Lean” exercise in the Crown Court was

undertaken in summer 2008. A team of three consultants, working with experienced court-based staff, reviewed business and managerial processes at Liverpool Crown Court. The review led to a number of changes, including standardisation of the processes for handling pre-trial cases and improved understanding of the causes of lost time.

In autumn 2008, HM Courts Service began training its own staff in the “Lean” technique so that it could be adopted widely. “Lean” trained staff will work with court-based staff at other Crown Court locations, to apply lessons already learnt, where applicable, and develop other process improvements.

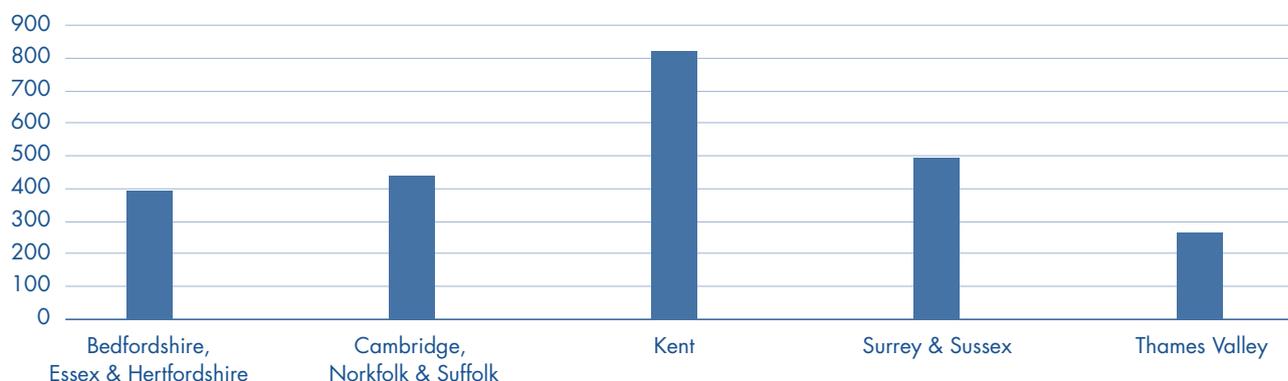
Source: National Audit Office

**14** Measures of the workload of office-based staff in post in 2007-08 in each of the South East region’s five areas

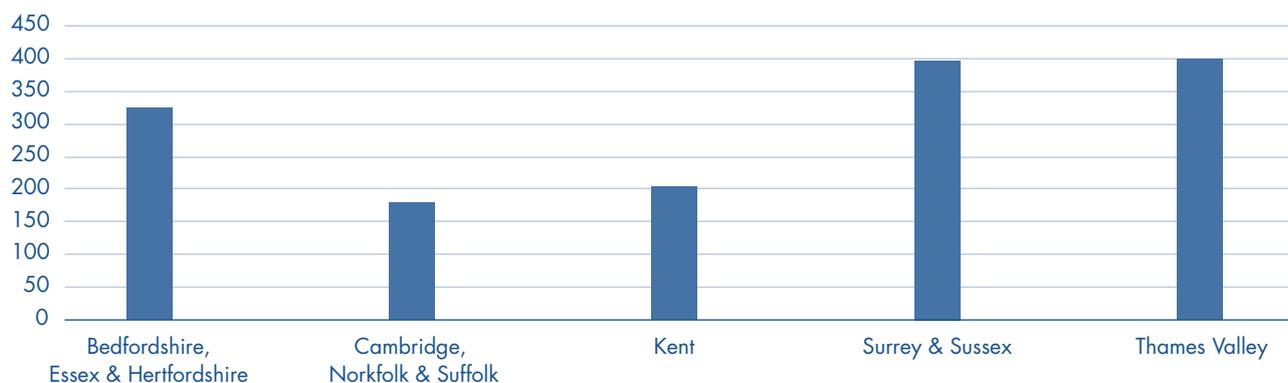
The first part of this figure shows that the workload of listing officers and case progression officers varied across the South East’s five areas based on the planned number of days Crown Court rooms were due to be used. The second part shows that there are also variations in the workload of other administrative staff based on cases received.

**Listing officers and case progression officers**

Number of days Crown Court rooms were due to be used in 2007-08 per full time equivalent

**Administrative staff**

Number of cases received by the Crown Court per full time equivalent in 2007-08



Source: National Audit Office presentation of HM Courts Service’s analysis

## Recruiting court staff

**3.9** Although HM Courts Service identifies the number, type and location of staff it requires and interviews potential candidates, administrative aspects of recruitment, including sending application forms to candidates, are undertaken by the Ministry of Justice.

**3.10** In Autumn 2007, the Ministry of Justice reviewed its recruitment process and concluded that it was expensive and failing to meet the needs of the courts, as it was taking around 20 weeks to recruit staff. Between November 2007 and November 2008 the Ministry of Justice changed the way it administers recruitment with the aim of cutting costs and elapsed time. The Ministry centralised recruitment activity from 11 centres spread around the country to a single centre in Bristol. It also introduced new procedures for screening candidates for the two most junior posts, which accounted for most of its recruitment in 2007-08. The Ministry has not collected data on recruitment times during 2008 and thus it is not possible to identify the impact of its new arrangements.

**3.11** When we conducted our fieldwork between July 2008 and September 2008, recruitment arrangements were not meeting the needs of HM Courts Service staff. Recruitment was identified as the most important “staff” issue at the focus groups we ran. Crown Court staff were very critical of the long time taken to recruit, which increased the risk that good candidates might find alternative employment while awaiting the results of

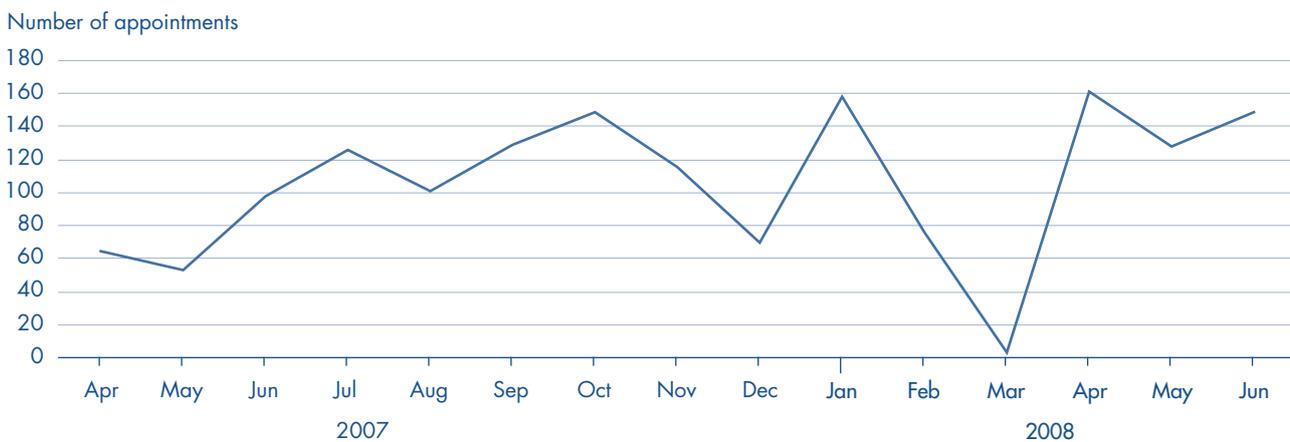
their applications. It also added to pressures on existing staff and reduced court performance. The Ministry’s new screening approach has replaced questions requiring candidates to prepare long form answers with multiple choice questions. The new approach enables the Ministry to sift candidates quickly, but some court staff were concerned that it had reduced the quality of candidates that were identified as suitable for interview.

**3.12** Total external recruitment levels for all parts of HM Courts Service’s business varied sharply in the first six months of 2008. The number of staff recruited fell sharply in February 2008 and March 2008. Recruitment levels subsequently increased shortly after restrictions on staff numbers, imposed as part of the wider government efficiency agenda, were lifted in April 2008. These changes in demand (**Figure 15**) may have impacted on the performance of the Ministry of Justice’s recruitment service.

**3.13** A separate National Audit Office study<sup>5</sup> – looking at recruitment in six central government organisations – has identified scope for improving the Ministry of Justice’s processes. Process analysis workshops that were run in summer 2008, with the Ministry’s recruitment team and with a number of court-based staff, identified changes that could reduce the cost and the time taken to recruit staff. The changes include: asking prospective candidates to use on line application packs rather than the Ministry sending out hard copy forms and waiting for their return; and the Ministry informing applicants upfront that they should assume they have been unsuccessful if they do

**15** Number of external recruits appointed for HM Courts Service, April 2007 to June 2008

The number of staff appointed by HM Courts Service varied sharply during the first six months of 2008.



Source: National Audit Office presentation of the Ministry of Justice’s data

**NOTE**

Separate data on recruitment levels for the Crown Court are not available.

5 C&A’s report, Recruiting civil servants efficiently, HC 134 2008-09.

not receive notification by a certain date. Given the levels of recruitment for HM Courts Service in 2007-08, these changes could save the Ministry £225,000 a year in staff and postage costs.

## Learning and development programmes for court staff

**3.14** Crown Court staff receive on-the-job training and should undertake learning and development activities. Court staff at the six Crown Court locations we visited during summer 2008, as well as area and region staff, were critical of the quality and availability of formal learning and development programmes that had been provided for front line staff. Some of these programmes included training courses that had been designed to be provided locally by accredited staff whose main role was undertaking operational Crown Court work. Two of the three regions we visited told us there had been shortages in the number of accredited trainers available to run training courses. Some of the staff we spoke to told us that work pressures had stopped staff being released to attend training activities. There were also few controls to ensure the quality of training provided, although HM Courts Service stressed that it required attendees to complete course evaluation sheets. We therefore examined:

- the respective responsibilities of the Ministry of Justice and HM Courts Service for learning and development; and
- their plans to address weaknesses in provision.

**3.15** Until the middle of 2008, the Ministry of Justice had overall responsibility for the provision of all skills training for court staff. By 2007, the Ministry and HM Courts Service recognised that this structure was not providing the support required by court staff. Learning was poorly coordinated and inadequately evaluated, with neither the Ministry, nor the Service, collecting data on the volume or quality of training received by staff. It was agreed that from the middle of 2008 HM Courts Service would be responsible for skills training which is specific to the work of the courts. Responsibility for personal effectiveness skills which are relevant to staff across the Ministry of Justice, such as aspects of management and leadership, customer service, stress management and diversity, would remain with the Ministry.

**3.16** HM Courts Service has raised its budget for providing court-specific skills from £1.2 million in 2007-08 to £4.4 million in 2008-09. Some of the increase will meet one-off costs, including £0.9 million on a leadership

programme for the Service's 800 most senior staff and £0.9 million to improve IT training suite provision as much operational training for court staff is IT based.

**3.17** HM Courts Service is seeking to improve the consistency and quality of court-specific training courses by using around £1.5 million of its budget to increase the number of dedicated trainers it employs. It is intended that these trainers will deliver standard training packages which support both established and new business processes. The initial priority for the dedicated trainers will be supporting business change in the magistrates' courts following the roll-out of a new case management system. In October 2008, HM Courts Service judged that the dedicated trainers were likely to be providing some training for Crown Court staff by April 2009. But the volume of training is not yet known and depends upon the size of the 2009-10 learning and development budget. The indicative budget for 2009-10 is £2.8 million.

**3.18** After researching practice used by other organisations, the Ministry of Justice is making greater use of electronic delivery with the aim of improving the quality, and reducing the cost, of the learning activities it provides. During 2008, it has therefore slimmed down its existing central skills team and introduced an internet-based learning portal which staff can access 24 hours a day. As at December 2008, the Ministry was in the process of developing a learning strategy, and considering whether to purchase a learning management system that would assist it to track and evaluate learning activity.

## Managing staff absence

**3.19** HM Courts Service manages any absence problems involving its 20,000 staff with support from the Ministry of Justice's specialist human resource service. In both 2007-08 and 2008-09, HM Courts Service set a target to "work towards" reducing its overall sick absence rate to an average of 7.5 days or less per year. A sustained one day reduction in HM Courts Service's average absence levels could deliver efficiency savings of over £2 million a year.<sup>6</sup>

**3.20** HM Courts Service data show that, in both 2006-07 and 2007-08, its staff took an average of 11.2 days of sick leave, some 1.7 days<sup>7</sup> (18 per cent) higher than the average absence rate across the civil service for those two years. The Service does not collect aggregate data showing the levels of absence for its staff working in the Crown Court. The Service's absence rate covers staff undertaking a wide range of functions, including: staff administering its

<sup>6</sup> Calculation based on 2007-08 total HM Courts Service salary costs of £467.6 million.

<sup>7</sup> Civil Service absence rate in 2006-07 was 9.3 days and in 2007-08 was 9.6 days.

courts; regional and area staff; and bailiffs and front line staff, responsible for enforcing fines and recovering assets from the proceeds of crime.

**3.21** In 2007-08, HM Courts Service's staff took on average 5.6 days in short periods of absence and another 5.6 days in longer periods of absence (**Figure 16**). The Service's longer term absence rate was in line with the civil service average but its short term absence rate was 1.4 days above. Typically, organisations have more scope to influence short term absence levels than longer periods of absence.

**3.22** HM Courts Service has a higher proportion of staff in junior grades compared to the Civil Service norm. This profile may well have contributed to the Service's higher absence rate as Cabinet Office analysis shows that junior civil servants take more absence than their senior colleagues.

**3.23** In the first six months of 2008-09, HM Courts Service has reduced sick absence levels by eight per cent compared to the same period in 2007-08. In the year to September 2008 the Service's absence rate was 10.6 days.

**3.24** An effective approach to absence management will include clear absence management policies, including defined roles and responsibilities for staff; consistent

application of key procedures; and rigorous monitoring of absence throughout the organisation based on good quality data. We examined HM Courts Service's policy and approach to managing absenteeism. In doing so we drew on a May 2007 internal audit report examining Attendance Management across HM Courts Service.

**3.25** We found that HM Courts Service's policy on attendance was generally well-designed and the Service had taken, or were planning to take, action to address weaknesses reported by internal audit. This action included seeking to improve the consistency of support given by human resource specialists to line managers dealing with absence cases. There remained, however, scope to improve the specification or application of a small number of important procedures and thus reduce absence levels. These included improving the quality of information provided to managers on the main causes and trends in absence (**Box 5**).

**3.26** We found evidence that regions and areas were actively seeking to reduce absence levels. In the South East, for example, the region was during 2008-09 requiring managers to take greater ownership of local targets to reduce absence levels. It was also encouraging managers to take a more proactive approach to tackling long term absence cases, including setting at an early stage a date for a final case conference.

## 16 Short term absence and long term absence 2007-08

HM Courts Service's overall absence rate exceeds the civil service average largely because of its higher levels of short term absence.

	Average number of days per employee		
	Short term absence	Long term absence	Total absence
HM Courts Service	5.6	5.6	11.2
Civil Service average	4.2	5.4	9.6
Number of days HM Courts Service is above average	1.4	0.2	1.6

Source: National Audit Office presentation of Ministry of Justice and Cabinet Office data

### NOTE

Short term absence is any period of absence which is less than or equal to 20 working days or 28 calendar days.

**BOX 5****Improving controls over sickness absence**

*Human resource specialists have been given a greater role in attendance management.* HM Courts Service's absence policy has focused on the responsibilities of staff and their managers; it has not provided a clear overview of the role of specialist human resource staff in supporting managers. The 2007 internal audit found varying levels of day-to-day involvement of specialist staff in absence cases. In response to the audit, human resource specialists now have specific job objectives relating to attendance management and the Ministry of Justice and HM Courts Service are looking to develop the specialists' role in supporting line managers.

*Responsibility for tracking data on regular periods of short-term absence has not been clear.* The Service's guidance states that managers should set up an absence review meeting when a member of staff has regular short term absences which show a pattern, such as falling on the same day of the week or close to leave periods. It is not clear from guidance who is responsible for identifying these patterns. It is a role that the human resource team could usefully undertake.

*Occupational health assessments can provide limited assistance in resolving absence issues.* Two court managers told us that the assessments did not help them to gauge how long they could expect individuals to be absent.

*Managers are provided with little management information to help them manage absence.* Good quality information on the levels, frequency and causes of absence can aid managers to identify and tackle problem areas. The 2007 internal audit found inaccuracies and inefficiencies in the process for gathering absence information. When we conducted our fieldwork in 2008, we found that regions and areas relied on their own data and analysis of absence levels to inform the way that they managed absence. The central human resource team in the Ministry of Justice had not produced service-wide reports. A central analysis of national absence data could help managers by identifying, for example, the main causes of absenteeism, underlying trends and the groups or categories of staff with the highest levels of absence.

*Source: National Audit Office including presentation of material from HM Courts Service internal audit*

# PART FOUR

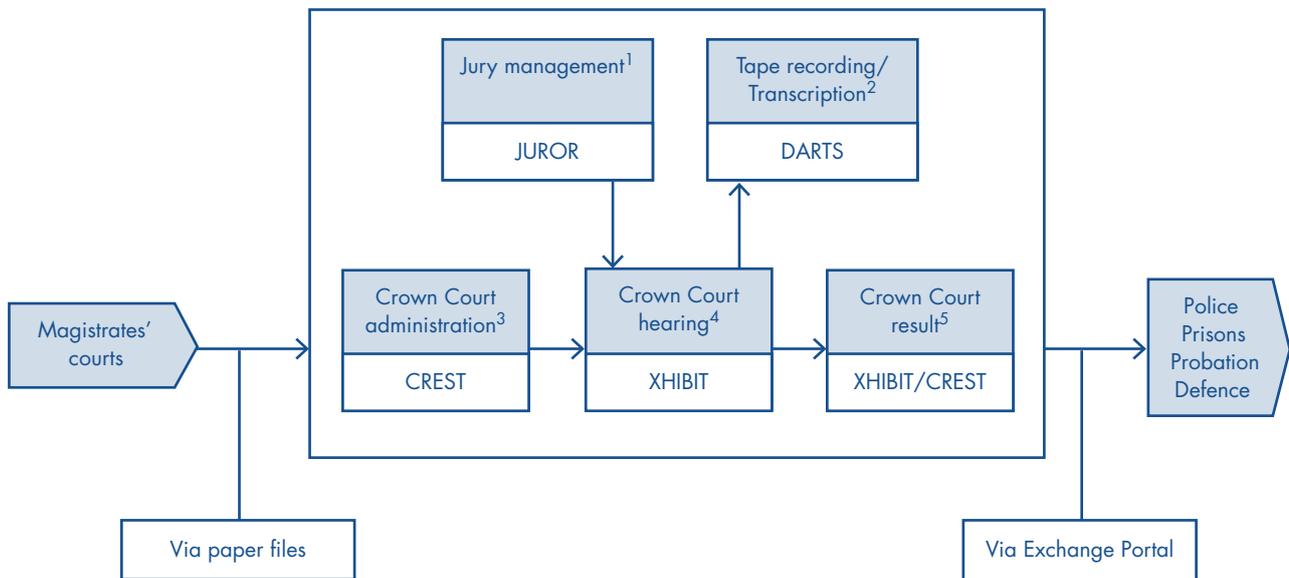
## Information Technology in the Crown Court

**4.1** Court staff need efficient user-friendly systems if they are to be able to record and process cases effectively, make best use of court rooms and report the progress and outcome of trials promptly to other criminal justice partners. This part of the Report examines key systems

relevant to the management of cases in the Crown Court (**Figures 17 and 18**). It covers the two major information technology systems (CREST and XHIBIT) and the new digital system to be introduced for recording, transcribing and storing court proceedings (DARTS).

### 17 Key information technology systems in the Crown Court

How cases are received and processed in the Crown Court, and the role of CREST and XHIBIT information technology systems.



Source: National Audit Office

#### NOTES

- JUROR is a standalone system which assists HM Courts Service to summon the number of jurors required for Crown Court trials and to record and manage juror data. It is not considered in this Report.
- In 2009, HM Courts Service is planning to introduce a new digital audio recording transcription and storage system, DARTS, to replace its current analogue tape recording systems for transcribing court proceedings.
- Cases received from the magistrates' courts are initially entered in CREST, using data from paper files.
- Once the case is listed for hearing in the Crown Court, it appears in XHIBIT and clerks can record live events during a case.
- When the case is concluded, the result of the trial is recorded on XHIBIT, automatically updated into CREST and the result published to the Exchange Portal, where it can be accessed by third parties.

## 18 Key Crown Court information technology systems and infrastructure

System	Date introduced	Use	Comments
CREST (Crown Court Electronic Support System)	1989-92	<p>Database used throughout the Crown Court for tracking all cases received from the magistrates' courts. Uses include:</p> <ul style="list-style-type: none"> <li>■ case progression;</li> <li>■ listing; and</li> <li>■ calculating counsels' fees.</li> </ul> <p>Provides case information (via XHIBIT and CJS Exchange Portal) to wider criminal justice system.</p>	<p>Runs separately in each court location.</p> <p>Runs on old operating system.</p> <p>Non-windows based, and not easy to use.</p>
XHIBIT (Exchanging Hearing Information by Internet Technology)	By April 2006	<p>XHIBIT application used by court staff for:</p> <ul style="list-style-type: none"> <li>■ receiving listing of cases from CREST;</li> <li>■ public information displays, public screens and message distribution;</li> <li>■ in-court electronic recording of events;</li> <li>■ real-time production of court orders;</li> <li>■ electronic distribution of outputs to XHIBIT portal; and</li> <li>■ updating CREST for results.</li> </ul>	<p>Real-time information for police, Crown Prosecution Service, Probation Service, Prison Service, Victim Support and other court users.</p> <p>Award-winning system, including four awards in 2005 for innovation and joined-up government.</p>
Criminal Justice System Exchange Portal	By July 2006	<p>Developed by the Office for Criminal Justice Reform. It provides other criminal justice organisations, such as the police, Crown Prosecution Service and defence solicitors with:</p> <ul style="list-style-type: none"> <li>■ court lists;</li> <li>■ defendants;</li> <li>■ hearing information;</li> <li>■ results;</li> <li>■ charges orders; and</li> <li>■ warrants.</li> </ul>	<p>Internet based – 20,000 users.</p> <p>Allows users to set alerts (email, fax or phone) to tell them whenever the information they are interested in is received.</p>
Link	March 2006 (all locations)	<p>ICT infrastructure providing industry-standard office automation (Word, Excel, Secure Email, Internet access) and CREST and XHIBIT (via Exchange).</p>	<p>Industry standard software.</p>
DARTS – Digital Audio Recording, Transcription and Storage	By December 2010	<p>Digital technology to replace current system which records all court proceedings on analogue audio cassette tapes.</p>	<p>Uses XHIBIT technology.</p>

Source: National Audit Office, based on data from HM Courts Service

## Responsibilities for Crown Court information technology

**4.2** Responsibilities for the provision and monitoring of information technology in the Crown Court are split between the Ministry of Justice, HM Courts Service and information technology suppliers. HM Courts Service has responsibility for identifying, logging and funding business-related requests for change and identifying long-term requirements. Each of the Service's regions and areas has an "IT lead", who responds to operational requirements, liaises with the Ministry and the information technology suppliers, monitors performance, and highlights issues that need to be resolved.

**4.3** The Ministry of Justice provides HM Courts Service with information technology services. It holds the contracts with IT suppliers, pays the service charges and manages the budget for implementing changes to applications or infrastructure. This separation enables the Ministry of Justice to act as a trusted advisor to HM Courts Service, with the ability to suggest alternative solutions. It also provides an opportunity for a level of scrutiny and due diligence to all requests for change before they are implemented.

**4.4** With effect from 2007-08, the Ministry of Justice began transferring all contracted out information technology services for HM Courts Service, and the other parts of the former Department for Constitutional Affairs, to two new suppliers, Atos Origin (infrastructure) and Logica (applications). The contract with Atos Origin, worth £350 million over seven years, is to roll out a unified infrastructure allowing for more effective and efficient communication and better service levels across the criminal justice system. The contract with Logica, worth £150 million over seven years, includes support and maintenance of existing applications and providing a platform for modernisation.

## Overview of key developments in information technology

**4.5** Changes to the organisation of the courts, including the creation of HM Courts Service in 2005, presented various challenges for the provision of information technology across the various courts. HM Courts Service and the then Department for Constitutional Affairs recognised the desirability of replacing the wide range of incompatible networks and applications inherited from the different courts with a universal case management system supporting all court houses – Crown and others – and associated administrative users. But they concluded that a universal system was likely to be unaffordable.

**4.6** The appointment of new infrastructure and software suppliers limited the opportunities for updating Crown Court IT systems between 2006 and 2008. The former Department for Constitutional Affairs and HM Courts Service recognised that it was unrealistic and potentially costly to implement significant changes or upgrades during the transition between suppliers.

**4.7** After introducing the in-court system (XHIBIT) in 2006, the most important Crown Court related task for the Service has been to meet the ministerial priority to introduce new procedures enabling the Police National Computer to be automatically updated with the results of court trials. Deployment of the new procedures, known as Bichard 7, into the Crown Court is scheduled to begin in September 2009 and will improve the timeliness and accuracy of information available to the police (**Box 6**). A timeline of key events and changes in Crown Court information technology is shown at **Figure 19**.

## The CREST case management system

**4.8** CREST is an old non-Windows database system used to manage cases in the Crown Court. It was developed by the then Court Service's information technology department and introduced between 1989 and 1992. CREST is still being used by about 2,500 staff.

### BOX 6

#### New procedures for recording results of trials and updating the Police National Computer (Bichard 7)

- originates from the seventh recommendation of the 2004 Bichard inquiry, the independent inquiry following the murders of two young girls in Soham;
- will replace existing manual and semi-automated processes, such as posting results to the police for updating on to the Police National Computer;
- relies on completeness of court result information, including the ability to match the result with the original record held on the Police National Computer;
- will automatically update the Police National Computer with up to 80 per cent of all court results, helping to make the most up-to-date information available and minimise the risks to public safety. The remaining court results will be entered onto the Police National Computer using new manual and semi-automated procedures;
- will ensure that Criminal Record Bureau checks are as up-to-date as possible; and
- will reduce the number of resulting queries between criminal justice agencies.

*Source: National Audit Office based on Criminal Justice System "Introduction to Bichard 7... automating court results to PNC"*

**4.9** Although the performance of CREST, measured using “availability”, has been consistently above target, there are considerable risks associated with the system. The version of ORACLE on which CREST is based is no longer supported by the manufacturers, and the system runs on ageing infrastructure, some of which is 10-15 years old.

**4.10** In 2004, HM Courts Service requested its IT supplier to produce an upgrade to CREST but the Service stopped the development in 2006. Contracts for the supply of IT services were due to be re-tendered with effect from 2007-08 and the Service concluded that the winning supplier was likely to be able to deliver a better value for money upgrade of CREST.

**4.11** In May 2007, HM Courts Service agreed a “stabilisation programme” for CREST with Logica, the newly appointed IT supplier. The programme, to enable the existing CREST system to operate for another few years, included prioritising requests for change and removing information which was older than seven years from the database. The programme was completed in 2008.

**4.12** HM Courts Service is now working with Logica on longer-term improvements to CREST. The intention is by March 2011 to “replatform” CREST on to modern and supported hardware and software, which should address the risks associated with using the obsolete ORACLE-based system. “Replatforming” is also the first step towards improving CREST’s functionality, including overcoming current limitations whereby CREST works separately in all court locations.

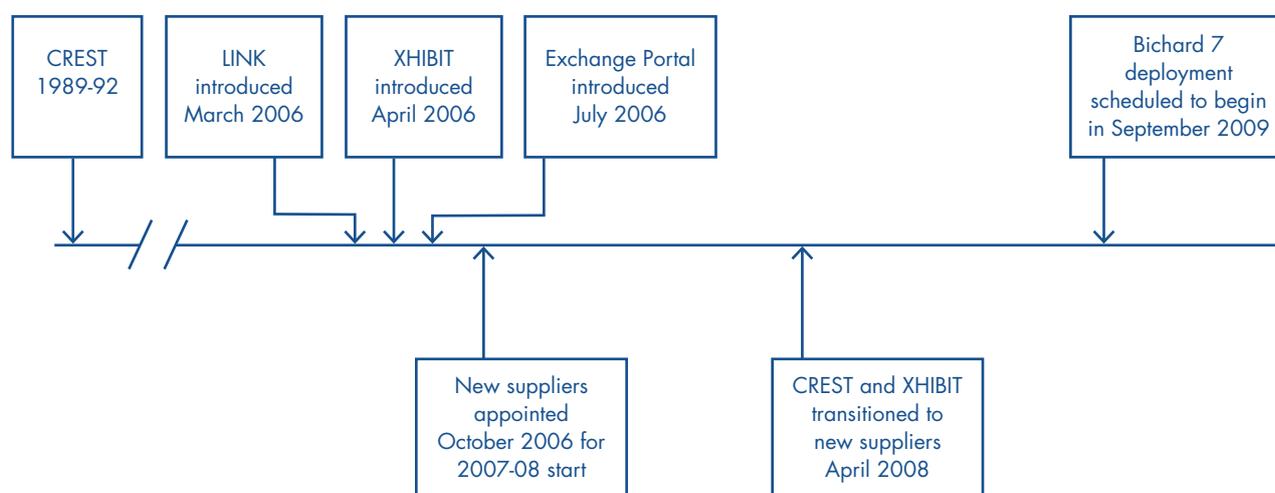
**4.13** The funding allocated for implementation of change requests, stabilisation and “replatforming” is £10.4 million over the three years 2008-09 to 2010-11. As at December 2008, on grounds of affordability, HM Courts Service had no plans to replace CREST.

**4.14** The Committee of Public Accounts reported in 2000<sup>8</sup> that information technology in the criminal justice system was being developed from a low base. The Committee concluded that as the various parties in the criminal justice system, such as the police, prosecution and courts, were separately inputting the basic case details they required, there was likely to be duplication, error and delay. In responding to the Committee, the criminal justice departments fully accepted the need to record common data in a consistent way using consistent definitions, and said that they were working together to ensure that systems then being planned and developed could exchange and share information.<sup>9</sup>

**4.15** Eight years on, there is still no facility for automatically receiving data on new cases for the Crown Court. Transfer of cases from magistrates’ courts to the Crown Court is dependent upon the magistrates’ courts copying documents and then sending them either by fax or post. The receiving Crown Court spends about nine minutes per case re-keying data from the magistrates’ files. Costs per month for a busy court house receiving 80 cases a month may amount to 12 hours of administrative time. Across the Crown Court, the cost of time re-keying data is likely to be over £300,000 a year.

## 19 Timeline showing key events and changes in Crown Court information technology

### Crown Court information technology



Source: National Audit Office presentation of HM Courts Service data

<sup>8</sup> 27th report 1999-2000 Committee of Public Accounts.

<sup>9</sup> Treasury Minute on 27th report 1999-2000 Committee of Public Accounts.

**4.16** As CREST runs separately in each court location (see paragraph 4.12) cases have to be re-keyed if they are transferred from one Crown Court location to another for trial, for example, where the initial receiving court is particularly overloaded. In addition to the risks of transcription errors, re-keying and transfer procedures amount to about 30 minutes per case.

**4.17** In 2008, HM Courts Service looked at the scope for establishing an electronic link between CREST and the magistrates' courts case management system. Logica estimated the costs of developing the interface could be around £600,000. The Service also assessed that the benefits arising from the link would be limited until CREST was centralised and cases could be transferred between different Crown Court locations. It therefore decided that the project was not a priority, but intends to re-appraise the situation when a centralised CREST system is in place. A centralised system can be introduced only after the Service has replatformed CREST, which it is due to do by March 2011 (see paragraph 4.12).

## XHIBIT in-court system

**4.18** The introduction of XHIBIT in April 2006 transformed court procedures, enabling clerks to keep a real-time record of activity and to relay the outcome of court proceedings to pre-selected interested parties electronically. The system is well-liked by court staff, listing officers and judges, all of whom now have the facility to track easily the progress of trials. Staff told us that they would not wish to be without it. During the period 2008-09 to 2010-11, HM Courts Service has allocated £6.3 million for changes and enhancements to XHIBIT.

**4.19** Almost all court staff interviewed expressed concern, however, about XHIBIT's reliability and speed. Over half the court managers and judges, in their 2007-08 annual court reports,<sup>10</sup> raised issues about XHIBIT. A particular concern was that the system sometimes ran too slowly or "crashed", especially on Mondays and Fridays when the courts were processing a significantly higher number of cases. This problem increases pressures on staff to maintain duplicate paper records when they are already very busy.

**4.20** HM Courts Service recognises that there was a degradation in performance of XHIBIT at the time of the system's transition to the Service's new IT suppliers in April 2008. In response, HM Courts Service has put in place a programme to improve performance, which has included rolling out memory upgrades for all courts with computers below a certain memory threshold. By October 2008, 60 per cent of locations had received their upgrades, and 21 per cent were on track or almost

complete. It is too early to assess how successful the Service's programme has been, but the Service's IT provider – Logica – reported a reduction in incidents during autumn 2008.

**4.21** The full potential benefits of XHIBIT are not being realised because it is insufficiently responsive to change. XHIBIT was intended to be the primary mechanism for recording and electronic transmission of the results of Crown Court trials on the Exchange portal. But legislation has overtaken some of the forms accessible on or through XHIBIT, and court staff are using a combination of forms available on different systems. For some cases, instead of electronic transmission of forms automatically populated from CREST, staff have to input data and either fax or post completed forms to other service users. In 2007 at the benefits evaluation stage of the procurement process, the Office of Government Commerce warned that failure to address this aspect would continue to erode the benefits of introducing the system, and recommended that requests for change should be implemented as soon as possible.

**4.22** As at December 2008, the Ministry of Justice and HM Courts Service were seeking to develop more flexible arrangements which will enable XHIBIT forms to be updated simply and cheaply and new forms to be incorporated, and enable all forms to be transmitted easily to the Exchange portal (see Figure 18), and stored electronically. The Service plans to align the necessary development of XHIBIT with upgrades to CREST as the systems are partially interdependent.

## DARTS – the new Digital Audio Recording, Transcription and Storage system

**4.23** Currently, court loggers record all court proceedings on cassette tapes and maintain paper records showing the key stages of court proceedings; tapes are stored for five years. But the analogue tape machines are now obsolete and HM Courts Service expects to replace them over the next few years with a new Digital Audio Recording Transcription and Storage system. The DARTS system, on which £0.9 million was spent in 2007-08, and £5 million allocated for the subsequent years, is expected to be rolled out by December 2010.

**4.24** DARTS should improve the quality of recordings, provide easier access to transcriptions and reduce costs. HM Courts Service estimates that implementation of DARTS, which uses technology that is compatible with XHIBIT, will mean that it no longer needs to employ court loggers or transcription companies, and will release savings of £13.9 million over a six-year period.

<sup>10</sup> Reports prepared spring 2008.

# APPENDIX ONE

## Structure of HM Courts Service and Crown Court locations in each area

**1** HM Courts Service is organised into six regions and Wales (the seven regions), and has 24 areas,<sup>11</sup> each of which is responsible for the day-to-day management of a number of Crown Court locations and other courts within its boundaries.

**2** **Figure 20 overleaf** shows the boundaries of HM Courts Service's regions and areas, and the location of court houses where Crown Court cases are heard.

<sup>11</sup> HM Courts Service also has a twenty-fifth area – London Civil and Family – which has no Crown Court responsibilities.

**20** HM Courts Service's regions, areas and Crown Court locations

Outside of London, cities and towns with a single Crown Court location have a numbered grey spot, and those cities and towns with two Crown Court locations have a numbered green spot. In London, each Crown Court location is numbered separately. Boundaries between regions are shown in grey. Boundaries between areas in the same region in blue.



Source: National Audit Office

**NOTE**

In addition to the locations shown, significant numbers of Crown Court cases were also heard at Brighton magistrates' court and Bury magistrates' court in 2007-08.

## Key to Figure 20

### North West region

#### Area A: Cumbria and Lancashire

1. Barrow-in-Furness
2. Burnley
3. Carlisle
4. Lancaster
5. Preston

#### Area B: Greater Manchester

6. Bolton
7. Manchester

#### Area C: Cheshire and Merseyside

8. Chester
9. Knutsford
10. Liverpool
11. Warrington and Runcorn

### North East region

#### Area D: Cleveland, Durham and Northumbria

12. Durham
13. Newcastle
14. Teeside

#### Area E: North and West Yorkshire

15. Bradford
16. Leeds
17. York

#### Area F: Humber and South Yorkshire

18. Doncaster
19. Grimsby
20. Hull
21. Sheffield

### Wales

#### Area G: North Wales

22. Caernarfon
23. Dolgellau
24. Mold

#### Area H: Mid and West Wales

25. Carmarthen
26. Haverfordwest
27. Swansea

#### Area I: South East Wales

28. Cardiff
29. Merthyr Tydfil
30. Newport

### Midlands region

#### Area J: Birmingham, Coventry, Solihull and Warwickshire

31. Birmingham
32. Coventry
33. Warwick

#### Area K: Nottinghamshire and Derbyshire

34. Derby
35. Nottingham

#### Area L: Leicestershire, Lincolnshire and Northamptonshire

36. Leicester
37. Lincoln
38. Northampton

#### Area M: Black Country, Staffordshire and West Mercia

39. Hereford
40. Shrewsbury
41. Stafford
42. Stoke-on-Trent
43. Wolverhampton
44. Worcester

### South West region

#### Area N: Avon and Somerset

45. Bristol
46. Taunton

#### Area O: Devon and Cornwall

47. Barnstaple
48. Exeter
49. Plymouth
50. Truro

#### Area P: Dorset, Gloucestershire and Wiltshire

51. Bournemouth
52. Gloucester
53. Salisbury
54. Swindon
55. Weymouth and Dorchester

#### Area Q: Hampshire and Isle of Wight

56. Newport (Isle of Wight)
57. Portsmouth
58. Southampton
59. Winchester

### South East region

#### Area R: Bedfordshire, Essex and Hertfordshire

60. Basildon
61. Chelmsford
62. Luton
63. Southend
64. St Albans

#### Area S: Cambridgeshire, Norfolk and Suffolk

65. Cambridge
66. Huntingdon
67. Ipswich
68. Kings Lynn
69. Norwich
70. Peterborough

#### Area T: Kent

71. Canterbury
72. Maidstone

#### Area U: Surrey and Sussex

73. Chichester
74. Guildford
75. Hove
76. Lewes

#### Area V: Thames Valley

77. Aylesbury
78. Oxford
79. Reading

### London region

#### Area W: London Central and South

80. Blackfriars
81. Central Criminal Court
82. Croydon
83. Inner London
84. Southwark
85. Woolwich

#### Area X: London North and West

86. Harrow
87. Isleworth
88. Kingston upon Thames
89. Snarbrook (Bow)
90. Wood Green
91. Wimbledon

#### NOTE

Outside of London, the cities and towns which have two Crown Court locations are in italics.

## APPENDIX TWO

# The main principles of the new partnership for the operation of HM Courts Service

1 HM Courts Service Business Plan 2008-09 described the main principles of the new partnership agreement between the Lord Chancellor and the Lord Chief Justice in the following bullet points. The detailed structure of the governance of HM Courts Service is set out in the Framework Document, which was published on 1 April 2008, and is available at [www.hmcourts-service.gov.uk/cms/files/Framework\\_Document\\_Fina\\_Version\\_01-04-08.pdf](http://www.hmcourts-service.gov.uk/cms/files/Framework_Document_Fina_Version_01-04-08.pdf).

- A new HM Courts Service Board structure which holds HM Courts Service (the Chief Executive and the executive team) to account for the delivery of the aim and objectives of HM Courts Service agreed jointly between the Lord Chancellor and the Lord Chief Justice. The Board is led by an independent non-executive chairman who is neither a judge nor a civil servant.
- The other members of the Board are three judges, a representative of the Ministry of Justice, two non-executive directors and four executive directors (the Chief Executive of HM Courts Service, the Chief Financial Officer and two others).
- The Chief Executive is responsible for the day-to-day operation of HM Courts Service.
- The Chief Executive works under the general direction set by the Board and is held to account by it for the delivery of the efficient and effective operation of the courts in accordance with the Framework Document, the budget for HM Courts Service and its agreed plans.
- A joint duty for all HM Courts Service staff to the Lord Chancellor and the Lord Chief Justice for the effective and efficient operation of the courts.
- An open and transparent means of settling the budget for HM Courts Service, which includes greater judicial engagement in the resourcing of the courts through the HM Courts Service Board. The process includes:
  - the HM Courts Service Board having responsibilities for considering and approving HM Courts Service resource bids and for developing the budget and plans for the operation of the courts; and
  - greater clarity in the role of the Lord Chief Justice when representing the views of the judiciary on the provision and allocation of resources. This will enable him to communicate the views of the judiciary to the Chancellor of the Exchequer, as well as the Lord Chancellor, when the Government is settling Spending Review negotiations.
- A clearer relationship between HM Courts Service and the judiciary, reflecting the new partnership model, operating not only at the centre but also at regional, area, and court level.
- A joint examination of how HM Courts Service and the judiciary can improve performance and efficiency across all aspects of the operation of the courts, including the contribution the judiciary may properly make to that while respecting their independence as a body and in respect of individual decisions.

# APPENDIX THREE

## Methodology

**1** The Crown Court is administered by HM Courts Service which is responsible for providing the staff, the estate and other support necessary to enable judges to exercise their judicial functions independently. We examined whether HM Courts Service could make better use of three key Crown Court resources, which we identified as the three most important factors under HM Courts Service's direct control that influence the performance of the Crown Court. These three resources are:

- the Crown Court's estate;
- the Crown Court's staff; and
- information technology in the Crown Court.

**2** The examination did not look at issues which are the responsibility of the judiciary or other parties to the criminal justice process.

**3** Our methodology involved:

- semi-structured interviews with HM Courts Service and the Ministry of Justice staff responsible for administering, supporting and overseeing the performance of the Crown Court and its estate, staff and IT;
- visits to three HM Courts Service regions, five areas and six Crown Court locations;
- consultation with key external stakeholders;
- analysis of the Service's and Ministry's resource and performance data;
- focus groups with HM Courts Service staff to test the validity of our emerging findings; and
- use of an advisory panel to inform the scope of the study and test our findings and conclusions.

**4** We employed Accenture to assist us with the study. Their role included: participating in or undertaking some of the semi-structured interviews with HM Courts Service staff; undertaking some of the visits to HM Courts

Service regions, areas and Crown Court locations; analysis of resource and performance data; and conducting the focus groups.

### Semi-structured interviews with staff in HM Courts Service headquarters and the Ministry of Justice

**5** Between May and September 2008, semi-structured interviews were carried out with 15 staff in HM Courts Service headquarters and the Ministry of Justice. The interviews included the following – unless otherwise stated staff are employees of HM Courts Service:

- the Chief Executive of HM Courts Service, the former Acting Chief Executive and the Director of Court Improvement to discuss priorities for the Service, the Crown Court and performance against objectives;
- the former Director of Finance and his staff to discuss the Service's budgetary position and expenditure in the Crown Court;
- the Head of Court Facing Services to discuss policy and business developments affecting the Crown Court;
- the Director of Estates, his Deputy, and members of their team to discuss the strategy for the court estate, arrangements for prioritising major new capital projects, the maintenance of the estate and the data held on the estate;
- the Director of Human Resources within the Ministry of Justice with responsibility for HM Courts Service. We discussed staff recruitment, staff absence, staff turnover, and data held on staff issues;
- the team leader within the Ministry of Justice responsible for project managing the introduction of the Ministry's new approach to learning and development;

- the Head of Delivery and Business IT, and his staff, to discuss current performance of information technology systems in the Crown Court, and priorities for developing information technology systems across the Service; and
- the Director of the HM Courts Service Change Programme to discuss change priorities for the Service and the organisation’s capability to deliver business change.

### Visits to regional and area offices and Crown Court locations

6 In developing the scope for the study, we visited the Crown Court at Kingston and Croydon. During the fieldwork stage, in July and August 2008, we visited the regions, areas and Crown Court locations listed in the table below. They were selected so that we covered: both large and small Crown Court locations; regions, areas and court locations that were performing well against performance indicators and those which were under pressure; and court locations which covered both urban and rural populations.

Region	Area	Court location
North East	Humber and South Yorkshire	Grimsby
		Sheffield
South East	Thames Valley	Reading
	Surrey and Sussex	Lewes
Midlands	Birmingham, Coventry, Solihull and Warwickshire	Birmingham
	Black Country, Staffordshire, West Mercia	Worcester

7 During those visits we held semi-structured interviews with over 60 staff. At regions we interviewed regional heads responsible for: the estate; human resources; learning and development; information technology; and, the performance of the courts. At areas we interviewed area directors as well as staff responsible for the estate, staff and IT. At courts we interviewed the following staff to get their views about the estate, staff deployment and IT:

- court managers and their assistants or office managers;
- staff responsible for listing of cases to Crown Court rooms;
- staff responsible for case progression;
- staff working in Crown Court rooms; and
- administrative staff whose responsibilities include entering cases onto IT systems.

### Consultation with key external stakeholders

8 We consulted the following key external stakeholders to get their views on the Crown Court estate, deployment of staff and the use of IT:

- The judiciary. We met the Senior Presiding Judge who is responsible to the Lord Chief Justice for the judicial management of the Crown Court and all county and magistrates’ courts in England and Wales and the High Court out of London. We also spoke to resident judges at each of the six courts we visited;
- The Crown Prosecution Service and the National Offender Management Service. Both organisations provided written comments and we held follow-up discussions with relevant staff; and
- The Law Society and the Bar Council. We met representatives from both organisations who were able to provide the view of defence counsel.

### Analysis of HM Courts Service’s and the Ministry of Justice’s resource and performance data

9 After some initial semi-structured interviews and visits, we compiled a data request which was sent to HM Courts Service and the Ministry of Justice. The data request covered estate, staff, IT and Crown Court performance and expenditure, addressing topics such as the maintenance backlog, staff absenteeism and performance of the XHIBIT IT system. The request was designed to test the adequacy of the Service’s and Ministry’s information systems, as well as provide evidence from which we could draw conclusions on the use of key Crown Court resources.

10 HM Courts Service and the Ministry of Justice were not able to provide all the information requested. For example, data on staff absence levels and turnover levels were only available at an aggregate level for HM Courts Service rather than for Crown Court staff.

### Focus groups

11 Following fieldwork, Accenture led two focus groups with 20 HM Courts Service staff to feedback, test, prioritise and further develop our findings. The groups were held in HM Courts Service’s regional headquarters in the North East and the South East. Each group included regional or area staff with specific responsibilities for estates, staff and IT as well as court managers. The groups were also attended by NAO staff.

## Advisory panel

**12** We established an Advisory Panel to provide expert advice on the scope of the examination, and to review the emerging findings, conclusions and recommendations. We selected the panel to provide both internal views from HM Courts Service staff and external views from key stakeholders. We would like to thank each member for their contribution.

Keith Budgen	HM Courts Service Regional Director
His Honour Judge Chapple	Resident Judge at Inner London Crown Court
John Kennedy	Head of Local Performance Unit, Office for Criminal Justice Reform
Clare Pillman	HM Courts Service Regional Director – Wales
Steve Przybylski	Head of Resources and Performance Division, Crown Prosecution Service
Dot Starkey	Manager, Bristol Crown Court
Mark Taylor	Manager, Croydon Crown Court
Deborah Wheeldon	HM Inspector, HM Inspectorate of Court Administration

## APPENDIX FOUR

### The time taken to commence Crown Court cases

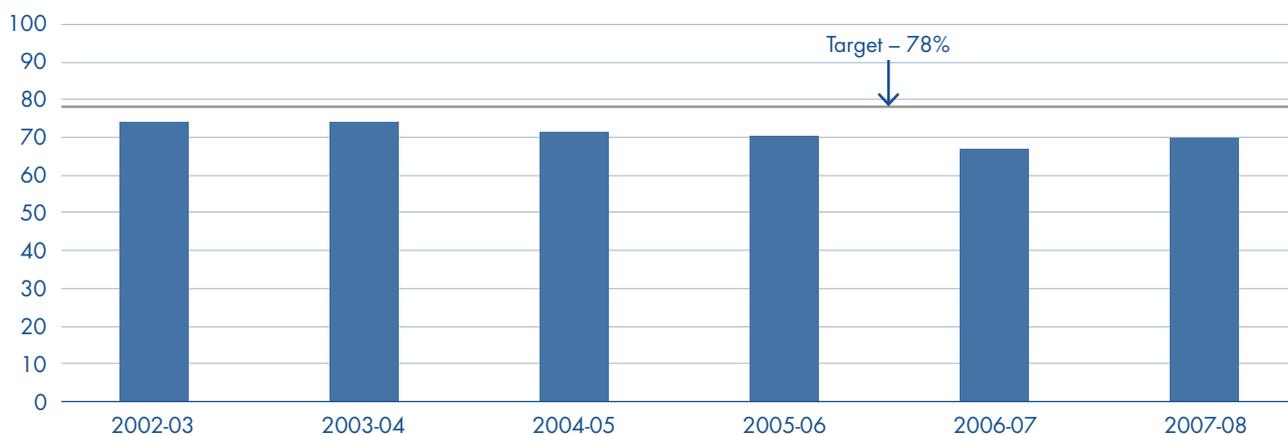
**1** HM Courts Service has performance indicators for the time taken to commence each of the four types of cases undertaken in the Crown Court:

- To commence 78 per cent of cases **committed** for trial in the Crown Court within 16 weeks of receipt. A case is committed for trial:
  - i when a defendant opts for trial in the Crown Court rather than a magistrates' court; or
  - ii when magistrates decide that an individual case is sufficiently serious that it should be dealt with in the Crown Court.
- To commence 78 per cent of cases **sent** for trial in the Crown Court within 26 weeks of receipt. Sent cases are the more serious cases, and they can only be tried in the Crown Court. Sent cases are referred at an early stage from the magistrates' courts and thus require more work in the Crown Court than committed cases. The target time is to commence sent cases within the longer period of 26 weeks of receipt from the magistrates' court.
- To commence 78 per cent of cases committed for sentencing in the Crown Court within 10 weeks of receipt from the magistrates' courts. A defendant convicted in a magistrates' court can be committed to the Crown Court for sentencing because of the seriousness of the offence(s).
- To commence 78 per cent of cases on appeal in the Crown Court within 14 weeks of receipt from the magistrates' courts. A defendant convicted in a magistrates' court can appeal against the conviction and/or sentence.

**2** **Figures 21 and 22** show how the time taken to commence cases sent for trial and cases committed for trial has varied in the Crown Court between 2002-03 and 2007-08. **Figures 23 and 24 on page 46** show how the time taken to commence cases received for sentencing and appeal cases has varied between 2002-03 and 2007-08.

**3** HM Courts Service cascaded its 2007-08 key performance indicators down to each of its 24 areas. **Figures 25 to 28 on pages 47 to 48** list the performance of each area in commencing: cases committed for trial; cases sent for trial; cases received for sentencing; and cases on appeal.

**21** The percentage of cases committed for trial in the Crown Court commencing within 16 weeks of receipt, 2002-03 to 2007-08

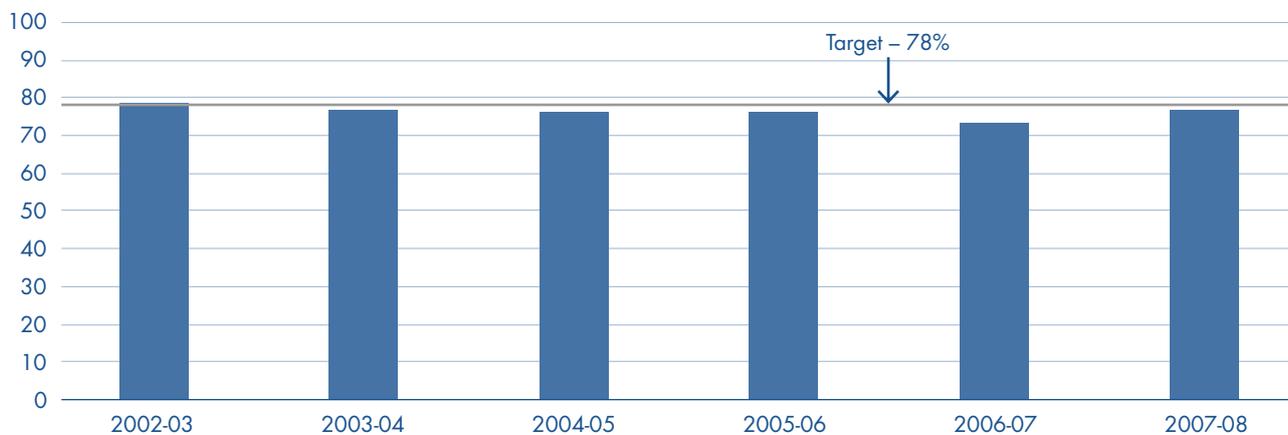


Source: National Audit Office presentation of HM Courts Service's data

**NOTE**

The date the case commences is the first date of the trial for not-guilty plea cases, or the date of the plea hearing in guilty-plea cases.

**22** The percentage of cases sent for trial in the Crown Court commencing within 26 weeks of receipt, 2002-03 to 2007-08

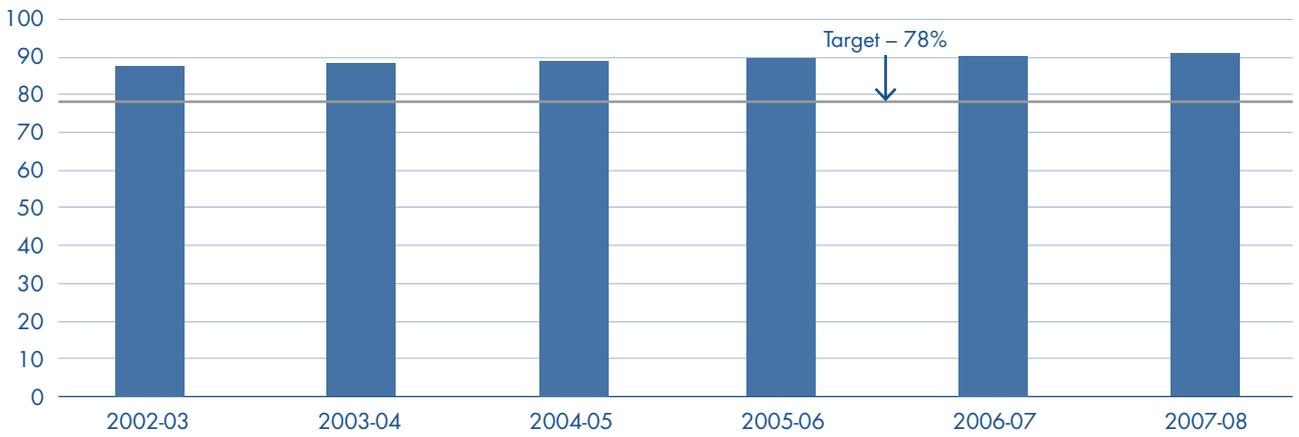


Source: National Audit Office presentation of HM Courts Service's data

**NOTE**

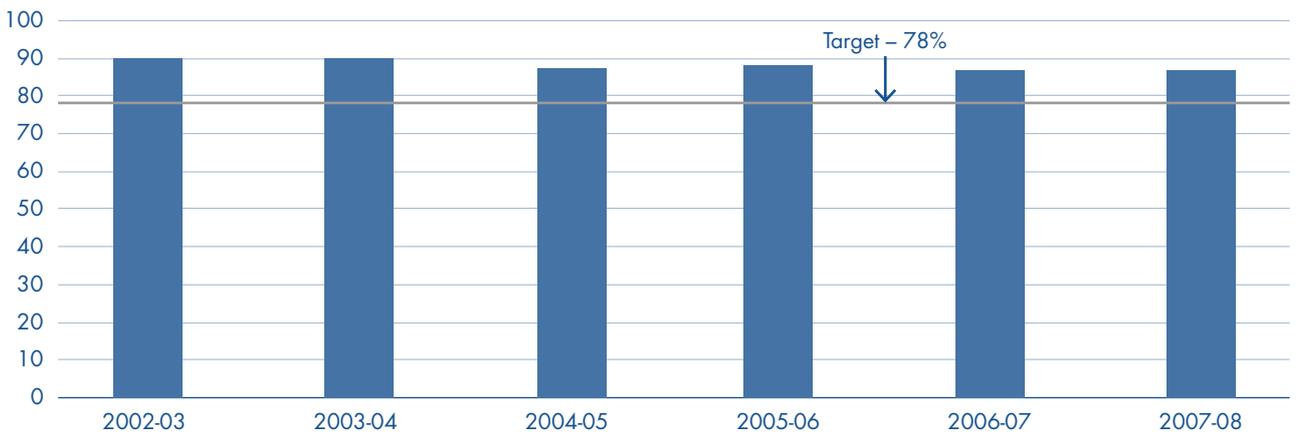
The date the case commences is the first date of the trial for not-guilty plea cases, or the date of the plea hearing in guilty-plea cases.

**23** The percentage of cases committed for sentencing in the Crown Court commencing within 10 weeks of receipt, 2002-03 to 2007-08



Source: National Audit Office presentation of HM Courts Service's data.

**24** The percentage of cases on appeal in the Crown Court commencing within 14 weeks of receipt, 2002-03 to 2007-08



Source: National Audit Office presentation of HM Courts Service's data.

**25** The performance of HM Courts Service areas in commencing cases committed for trial to the Crown Court, 2007-08

Area	Percentage of cases commenced within 16 weeks
North Wales	93.6
South East Wales	89.1
Humber & South Yorkshire	88.4
Mid & West Wales	87.9
Nottinghamshire & Derbyshire	84.2
Cheshire & Merseyside	81.2
Cleveland, Durham & Northumbria	80.6
North & West Yorkshire	79.2
Cambridgeshire, Norfolk & Suffolk	78.5
Birmingham, Coventry, Solihull & Warwickshire	77.5
Cumbria & Lancashire	75.1
Black Country, Staffordshire & West Mercia	73.7
Leicestershire, Lincolnshire & Northamptonshire	73.4
Dorset, Gloucestershire & Wiltshire	71.3
Devon & Cornwall	69.7
Hampshire & Isle of Wight	68.9
Avon & Somerset	65.8
Greater Manchester	64.3
Bedfordshire, Essex & Hertfordshire	62.6
Kent	59.9
Thames Valley	55.8
London North & West	55.3
London Central & South	55.1
Surrey & Sussex	46.7

Source: National Audit Office presentation of HM Courts Service's data

**26** The performance of HM Courts Service areas in commencing cases sent for trial to the Crown Court, 2007-08

Area	Percentage of cases commenced within 26 weeks
North Wales	97.2
Humber & South Yorkshire	91.9
Mid & West Wales	91.8
South East Wales	90.4
North & West Yorkshire	87.2
Cleveland, Durham & Northumbria	86.6
Nottinghamshire & Derbyshire	83.7
Cheshire & Merseyside	82.2
Birmingham, Coventry, Solihull & Warwickshire	79.7
Dorset, Gloucestershire & Wiltshire	79.7
Cambridgeshire, Norfolk & Suffolk	78.1
Black Country, Staffordshire & West Mercia	77.0
Hampshire & Isle of Wight	75.0
Leicestershire, Lincolnshire & Northamptonshire	73.2
Kent	73.2
Cumbria & Lancashire	73.0
Greater Manchester	72.5
London North & West	72.3
Bedfordshire, Essex & Hertfordshire	71.1
Surrey & Sussex	70.8
Avon & Somerset	68.6
London Central & South	67.7
Devon & Cornwall	66.9
Thames Valley	65.7

Source: National Audit Office presentation of HM Courts Service's data

**27** The performance of HM Courts Service areas in commencing cases received for sentencing in the Crown Court, 2007-08

Area	Percentage of cases commenced within 10 weeks
Humber & South Yorkshire	97.7
North Wales	97.1
Cleveland, Durham & Northumbria	96.5
South East Wales	94.4
Nottinghamshire & Derbyshire	94.2
Bedfordshire, Essex & Hertfordshire	94.2
Leicestershire, Lincolnshire & Northamptonshire	93.3
Greater Manchester	92.8
Dorset, Gloucestershire & Wiltshire	92.7
Hampshire & Isle of Wight	92.6
London North & West	92.0
Cambridgeshire, Norfolk & Suffolk	91.7
Black Country, Staffordshire & West Mercia	91.4
Cumbria & Lancashire	91.3
Cheshire & Merseyside	91.1
Birmingham, Coventry, Solihull & Warwickshire	89.7
Devon & Cornwall	89.0
London Central & South	87.9
North & West Yorkshire	87.9
Avon & Somerset	87.5
Mid & West Wales	87.1
Kent	86.5
Surrey & Sussex	79.1
Thames Valley	75.4

Source: National Audit Office presentation of HM Courts Service's data

**28** The performance of HM Courts Service areas in commencing appeal cases in the Crown Court, 2007-08

Area	Percentage of cases commenced within 14 weeks
Humber & South Yorkshire	97.7
Leicestershire, Lincolnshire & Northamptonshire	95.8
Cheshire & Merseyside	94.7
South East Wales	94.4
Nottinghamshire & Derbyshire	93.4
Cambridgeshire, Norfolk & Suffolk	91.6
Avon & Somerset	91.3
Birmingham, Coventry, Solihull & Warwickshire	91.2
Bedfordshire, Essex & Hertfordshire	91.0
Greater Manchester	90.8
Cleveland, Durham & Northumbria	90.2
North & West Yorkshire	89.4
Mid & West Wales	89.3
North Wales	88.8
Kent	87.8
Black Country, Staffordshire & West Mercia	87.5
Cumbria & Lancashire	86.9
Devon & Cornwall	86.2
London North & West	84.4
Dorset, Gloucestershire & Wiltshire	82.9
Hampshire & Isle of Wight	81.7
London Central & South	76.2
Thames Valley	69.5
Surrey & Sussex	60.3

Source: National Audit Office presentation of HM Courts Service's data