



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## **Response questionnaire project group Timeliness**

### **Judges' Council of England and Wales**

#### **STRUCTURE OF RESPONSE**

The relevant courts' administrations in England and Wales have been consulted to seek their comments on timeliness. These have been collated and set out in this response. The Judicial and Courts Statistics 2009 report for England and Wales and the Tribunals Service Annual report both provide comprehensive information on judicial and court activity. Where appropriate, that information has been replicated to answer the specific topics covered in the questionnaire. This response covers England and Wales. A separate response will be submitted for Scotland.

#### **INTRODUCTION: Promoting best practices in the justice sector for quality management.**

The Judicial Council of England and Wales welcomes the opportunity to provide comments in relation to timeliness in England and Wales and feed into the ENCJ project. It endorses the project's approach as it promotes sharing information and the development of best practices and common standards in judicial procedures and decisions across member states' jurisdictions.

#### **The Court System available statistics**

##### **1.1 The Court System**

##### **Background on the court system in England and Wales.**

Virtually all criminal cases in England and Wales start in the magistrates' court. Less serious offences are handled entirely in magistrates' courts. More serious offences are passed onto the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' court.

Cases in the magistrates' courts are heard by either two or three lay magistrates (volunteers, who do not have formal legal qualifications but will have undertaken a training programme to develop the necessary skills), or by a District Judge (legally qualified, paid, full time professionals, who normally hear the more complex or

sensitive cases). Crown Court cases may be heard by Circuit Judges, Recorders or a High Court Judge, depending on the seriousness of the offence.

The vast majority of civil cases in England and Wales which do not involve family matters or failure to pay council tax or child maintenance are handled in the county courts. These cases typically relate to debt, property repossession, personal injury or insolvency. The majority of claims are either not defended, settle, or are withdrawn before a hearing or trial. Important, complex or substantial cases are dealt with in the High Court.

All family matters in England and Wales are dealt with at Family Proceedings Courts (part of the magistrates' courts), at county courts or in the Family Division of the High Court. Family courts deal with parental disputes, local authority intervention to protect children, matrimonial cases such as divorce petitions, the financial provisions for children after divorce or relationship breakdown, domestic violence remedies and adoption.

Some civil and family cases are generally dealt with in the High Court rather than in a lower court. The High Court's Chancery Division primarily deals with the resolution of disputes involving property (e.g. land, business, and intellectual property), taxation, mortgages, insolvency, and others. The High Court Queen's Bench Division deals mainly with civil actions in contract and tort (civil wrongs), and deals with more specialist matters such as applications for judicial review. As well as dealing with such cases outright, the High Court also hears appeals involving such matters where they were originally heard in the county and magistrates' courts. Most proceedings in the High Court are heard by a single judge, but certain kinds of proceedings may be heard by two or more judges. On rare occasions cases may have a jury.

The Court of Appeal of England and Wales is the second most senior court in the country. The Court of Appeal's Criminal Division hears appeals concerning criminal matters originally dealt with at the Crown Court, while the Civil Division hears appeals concerning cases heard at the county courts and High Court (also from tribunals). Permission to appeal is required, either from the lower court or the Court of Appeal itself. The judges of the Court of Appeal are the Lord Chief Justice, Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court and 38 Lord and Lady Justices.

The United Kingdom Supreme Court was created in October 2009 and replaced the House of Lords as the highest court in the United Kingdom. Decisions made by the Court of Appeal may be further appealed to the Supreme Court (in some civil matters dealt with at the High Court, an appeal may be made directly to the Supreme Court). The Supreme Court hears appeals on arguable points of law of the greatest public importance, bearing in mind that the cases will have already been the subject of judicial decision in a lower court. It hears appeals for the whole of the United Kingdom in civil cases, and for England, Wales and Northern Ireland in criminal cases. Additionally, it hears cases on devolution matters. There are 12 Justices of the Supreme Court in total; cases are typically heard by a panel of three to nine of the Justices.

The Judicial Committee of the Privy Council is the final court of appeal for 23 Commonwealth territories and four independent republics within the Commonwealth.

It also hears from the Channel Islands and the Isle of Man, and appeals within the UK relating to a small number of matters such as veterinary work and pastoral schemes.

In 2008 The Tribunals Courts and Enforcement Act 2007 commenced, establishing a new judicial and legal framework For the Tribunals Service. Under the Act, two new tribunals have been created; a First-tier Tribunal and an Upper Tribunal. Chambers were created within each of the two tribunals, which bring together similar jurisdictions.

### **1.2 & 3 Statistic information on Courts, Judges and cases & statistic information on processing time.**

The statistics in this response are primarily used to monitor the type and volume of cases that are received and processed through the courts and tribunals system in England & Wales.

#### **Courts and number of judges.**

There are currently 12 Justices of the Supreme Court, 38 Members of the Court of Appeal plus the five Heads of Division, 108 High Court Judges, 585 circuit judges, 430 district judges (civil), 130 district judges (crime) and approximately 30,000 magistrates. There are 330 magistrate courts, 216 county courts, and 77 Crown Courts.

In addition there are also part time fee paid members of the judiciary who sit as Deputy High Court Judges, Recorders in the Crown Court and as deputy district judges in the magistrates and county courts.

However, due to efficiencies and budget savings the Ministry of Justice (MoJ) needs to make to meet its Spending Review commitments, the MoJ published a consultation paper during the summer which aims at reducing the number of courts in England and Wales, through a package of efficiency measures and court closures to deliver significant cost savings by 2014. In addition, HMCS and The Tribunals Services will be brought together in 2011 to become Her Majesty's Courts and Tribunals Service.

#### **Tribunals Service (TS).**

##### **Key points.**

The Tribunals Service consists of 36 separate jurisdictions. However, over 90 per cent of appeals are received by three of them. Social Security and Child Support, Employment, and Immigration and Asylum.

The average number of judiciary employed in the Tribunals Service is 450 judicial officers and 1,376 full time equivalent fee paid judiciary. There are a total of 110 TS hearing venues at the present time. This figure does NOT include the numerous HMCS sites which the TS utilises to various degrees for courtrooms. There are also a number of schemes in train at the moment which will result in the reduction of the TS estate in the next few months relocating some hearings permanently to magistrates' courts.

The Tribunals Service had 794,000 receipts in 2009-10, an increase of 26 per cent over the previous year. There was an increase in the number of disposals from 558,000 in 2008-09 to 640,000 in 2009-10. At the 31<sup>st</sup> March 2010, the case load outstanding was 629,000.

### **County courts (non family)**

Since 2006 the total number of claims issued has generally followed a downward trend, while the number of defences made, hearings and trials have remained relatively flat.

#### **Key points:**

Some 1,879,000 civil (non-family) cases started in 2009, a fall of nine per cent compared to 2008, continuing the general downward trend since 2006.

The fall in 2009, compared to 2008, was mainly due to decreases in specified money claims, (typically related to debt issues) and repossession claims, and was despite an increase in the number of unspecified money claims, (typically related to personal injury) and insolvency petitions. The fall in repossession claims (230,000 in 2009, compared to 291,000 in the previous year) coincides with the introduction of the mortgage pre action protocol, which gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. It encourages more pre-action contact between lender and borrower and as such enables more efficient use of the courts time and resources.

There were 316,000 defences made in 2009, this is a six per cent increase on the previous year, and continues the longer term general upward trend seen over the last decade.

Defended cases which are not settled or withdrawn result in a hearing or trial. In total there were 67,000 trials and small claims hearing in 2010. On average small claim hearings occurred 31 weeks after a claim was originally made. Trials took place an average 48 weeks after the claim was originally made.

There were 585,000 applications for enforcements in 2009 (of which 397,000 were warrants, the remainder being other forms of enforcement orders, such as attachments to earnings. 63,000 repossessions of property by county court bailiffs occurred).

### **Family matters**

In 2009 there was an overall increase in the number of applications made in relation to matters affecting children. The number of orders made in relation to divorce/separation and domestic violence has fallen in recent years.

### **Key points for 2009.**

Some 25,810 public law applications (applications for various court orders relating to the protection of children, which were brought by local authorities or the National Society for the Prevention of Cruelty to children) and 137,000 private law applications (applications for court orders which are brought by private individuals) were made in 2009, which were increases of 31 per cent and 14 per cent respectively on the previous four year.

21,000 public law applications were dealt with in 2009, in that an order was either made or refused or the application withdrawn. Some of these will relate to applications initially received during the year, and some which were initially received in a previous year. Some 155,000 private law applications were dealt with during 2009.

There were 132,000 petitions for the dissolution of marriage were filed in 2009, an increase of three per cent compared to 2008 and a reversal of the recent downward trend seen since 2005. Some 116,000 decrees absolute were granted in 2009. Around 24,000 domestic violence orders were made.

### **Magistrates' Courts.**

#### **Key points for 2009.**

An estimated 1.79 million defendants were processed against in criminal cases in the magistrates' courts in 2009 (excluding breaches), a fall compared to the 1.92 million defendants in the previous year. However, not all criminal offences reach the magistrates' courts, as there has been an increasing use of out of court disposals such as cautions and penalty notices for disorder in recent years.

180,000 trials were recorded in the magistrates' courts in 2009 (excluding breaches), fewer than 184,000 in 2008, although the number of trials has generally remained flat in the last few years. Of those trials, 43 per cent were recorded as effective, 38 per cent were recorded as cracked, and 19 per cent were recorded as ineffective. Rates of cracked and ineffective trials have remained unchanged over the last three or four years.

For defendants in criminal cases, the estimated average time between the date an offence was committed and the date a case was dealt with by a magistrates' court was 141 days. There was an average of 85 days from offence to charge or laying of information. The estimated average time taken from charge to completion in 2009 for adult charges cases, excluding cases sent or committed to the Crown Court, was 6.9 weeks. The average number of hearing per case was 2.27.

There were 420,000 defendants in adult indictable / triable – either-way cases; this represents just under a quarter (23 per cent) of defendants in criminal cases. The number in adult non summary motoring cases was 571,000, comprising 32 per cent of defendants. Adult summary motoring cases constituted the largest group with 644,000 defendants (36 per cent). There were 156,000 youth defendants, representing nine percent of all defendants in criminal cases.

There are timeliness statistics which are sourced from quarterly time interval surveys. The MoJ also publish a separate statistical report on the department's website. Information on completed adult indictable / triable-either-way cases and charged summary cases is collected over one week in the final month of each calendar quarter. Information on completed adult summonsed summary offences is additionally collected in March and September surveys. Information on youth defendants in both indictable / triable-either-way and summary completed cases is collected in four weeks of each quarter.

## **Crown Court**

The Crown Court is formally a single court which sits in approximately 77 different locations across England and Wales.

### **Key points for 2009.**

There were 157,000 cases received by the Crown Court in 2009. This was three percent more than in 2008 and continues an upward trend seen in recent years. In particular, the number of 'committed for trial' cases received by the Crown Court has been increasing (a total of 68,000 in 2009, which was 14 percent more than in 2008).

147,200 cases were dealt with by the Crown Court in 2009. This figure has been increasing in recent years, reflecting the increase in the number of cases referred to the Crown Court. Since more cases were received in 2009 than were dealt with during the year, the backlog of cases outstanding as at the end of the year (47,700) increased compared to as at the end of 2008 (44,500), continuing an upward trend.

Approximately 39,300 cases were listed for trial in the Crown Court in 2009, compared to 36,000 the previous year. Of these, 46 per cent were recorded as effective, 13 per cent were ineffective and 42 per cent were cracked<sup>1</sup>. As with the magistrates' courts the number of cracked trials at the Crown Court have remained constant over the last two or three years. The number of Crown Court sitting days nationally for 2009 was 102,163.

Of those defendants who entered a plea (in cases committed or sent for trial), 71 per cent pleaded guilty, with the other 29 per cent pleading not guilty. The proportion of guilty pleas entered has been increasing in recent years (for example, 63 percent pleaded guilty in 2005).

The average waiting time refers to the average time between the date of the sending or committal to the Crown Court and the start of the substantive Crown Court Hearing. In 2009, the average waiting time for defendants committed for trial was 13.5 weeks (the same as in the previous year), while the corresponding figure for defendants sent for trial was 18.6 weeks (again the same as in 2008). Generally, the average waiting

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<sup>1</sup> Cracked trial – On the trial date no further trial time is required and the case is closed. This may be because the defendant offers acceptable pleas or the prosecution offers no evidence.

time was lower for those defendants held in custody than for those defendant on bail, and lower for those defendants who pleaded guilty than those who did not plead guilty.

## **High Court – Chancery and Queen’s Bench Divisions**

### **Key points.**

In 2009, 49,500 proceedings were started in the High Court’s Chancery Division, down from 51,900 in 2008. This is the first annual fall in proceedings started since 2005, and until 2008 there had been an upward trend.

Of these 49,500 proceedings, 16,300 were proceedings in the Companies Court, a fall of 20 per cent compared to the previous year. In recent years the number of Companies Court proceedings saw a fluctuating trend between about 15,000 and 23,000 per year.

The 2009 total also includes 26,000 applications filed in the Bankruptcy Court in 2009, an increase of 18 per cent compared to the previous year (22,200) and continuing an upward trend seen in recent years.

In the High Court’s Queen’s Bench Division, there were some 18,600 proceedings started in 2009, continuing a flat trend seen in the last few years.

5,700 of these claims were issued by the Royal Courts of Justice in London, while the remaining were 12,900 were issued by District Registries of the High Court.

In the Admiralty Court, the total number of claims issued more than doubled to 230 from approximately 110 in 2008.

In the Administrative Court in relation to applications for permission to apply for judicial review 9,097 were received, 862 were granted and 3,610 were refused. For applications for judicial review disposed of by result determined by a single judge 192 were allowed, 282 dismissed, and 21 withdrawn.

## **The Court of Appeal.**

### **Key points.**

The Court of Appeal is divided into two divisions, criminal and civil. Its court rooms are situated in the Royal Courts of justice in London. The Criminal Division, presided over by the Lord Chief Justice and the Vice- President of the Criminal Division, hears appeals in criminal matters from the Crown Court.

The Civil Division, presided over by the Master of the Rolls, hears appeals mainly against decisions of the High Court and county courts and also of tribunals.

## **Criminal Division.**

During 2009, there were 7,195 applications for leave to appeal received, of which 1,435 were against conviction in the Crown Court and 5,443 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, 22 per cent (275) of those seeking to appeal against conviction were granted as were 31 per cent (1,298) against sentence (22 per cent and 33 per cent respectively in 2008). 477 conviction applications and 763 sentence applications were renewed to the full court.

The total number of applications to renew granted by full court fell by 33 per cent from 809 in 2008 to 546 in 2009, whilst the majority of the other groups of applications by type increased in the same period.

Of the appeals heard by the full court during 2009, 38 per cent (164) appeals against conviction were allowed and 73 per cent (1,372) appeals against sentence were allowed.

## **Civil Division.**

The total number of final appeals filed in 2009 remained at the same level as in 2008 (1,225). There was an 18 per cent decrease in interlocutory appeals filed in 2009 compared to 2008, mainly due to a reduction in appeals filed from family proceedings in the county courts, from 24 in 2008 to 14 in 2009.

## **The Supreme Court.**

### **Key Points.**

In 2009, 188 petitions for leave to appeal were presented to the House of Lords or the Supreme Court, while 173 such petitions were disposed of. These are falls compared to the 207 petitions for leave to appeal presented and 207 disposed of in 2008, prior to the creation of the Supreme Court and when such matters were handled in the House of Lords throughout the entire period. As in previous years, the vast majority were brought from the Civil Division of the Court of Appeal in England and Wales. 69 of these disposals in 2009 were by the Supreme Court.

Some 64 appeals were disposed of during 2009 by the House of Lords/Supreme Court, compared with 96 in the previous year. Seven of these were disposed of by the Supreme Court.

## **2. Statistics Requirements and Transparency.**

### **2.1 What statistics are provided for on a regular basis?**

The Judicial Court statistics provide statistics on activity for all the courts and some associated offices and agencies. The statistics give a summary overview of the volume of cases dealt with by these courts and offices over time, broken down for the main types of cases involved. Statistics are provided regularly in the following areas:

Timeliness, sitting days and hearings, comparative workload, witness waiting times, juror surveys, trial receipts and disposals, sentence workload, and appeals workload.

Within the Tribunals Service Statistics are recorded by jurisdiction on workloads, judicial sitting days and performance against waiting time targets.

## **2.2 Are provided statistics published?**

These statistics are published annually. The Ministry of Justice website has also launched (making sense of sentences), which provides the public access to statistics at court level. Statistics are also broken down into HMCS areas. In addition to the annual judicial courts statistics, quarterly reports are published in the statistical bulletin “Courts Statistics Quarterly”. In addition they can be found on line at [www.justice.gov.uk/publications/judicialandcourtstatistics.htm](http://www.justice.gov.uk/publications/judicialandcourtstatistics.htm) and [www.justice.gov.uk/publications/judicialandcourtstatisticsquarterly.htm](http://www.justice.gov.uk/publications/judicialandcourtstatisticsquarterly.htm)

The TS Annual Report also provides some narrative on performance against waiting time targets and speed of service together with average judicial numbers and workloads and waiting time performance.

## **2.3 Is processing of individual cases transparent?**

The majority of cases in the Chancery, Queen’s Bench and Family Divisions, cases take place in open court. However, there are instances where some family cases involving children do take place in Judge’s chambers to protect the identity of individuals. Orders that are made in open court are public documents so anyone can have a copy of the court order. There is usually a fee charged where a request for an order is made.

When a claim is issued, it will appear on a public search engine which is available at the court counter for £5 for 15 minutes, searchable by reference number; documents thereafter are then available from the Register. Claims are not publicly available until acknowledged by the defendant. Arbitration appeals are heard in private and applications for injunctions are normally listed anonymously. Cases coming to court on an ad hoc basis are not available. Cases are displayed on cause lists and the cases reference number is published on the internet. The information is also available to the press.

## **2.4 Are requirements for processing time stipulated?**

Once a claim is issued it must, generally, be served on a defendant within three months of issue. A defence must either be served within 14 days of receipt by the defendant of the particulars of claim, or within 14 days of the defendant filing an acknowledgment of service of the particulars of claim. On further application the court may grant an extension of time to serve the defence. There are also statutory limitations for commencing proceedings, 3 years for Personal Injury cases, 6 years for contract and 12 years for matters dealt with in the Chancery Division such as land disputes. These time limits are however imposed on parties and not on the court.

**2.5 - 2.7** At the conclusion of each judicial hearing the outcome of the hearing is recorded on the court service IT system. The outcome of this inputting is the availability of a record open for inspection but not made available without request. The timescale for the above process is an internal court service target of recording 75% of cases within three days and 100% within 6 days.

There is an ongoing programme of work to allow for the automatic updating of the court outcomes onto the police national computer.

### **3. Reduction of Caseload and Facilitating Court Procedures.**

In 2006-2007 a desire to speed up the simple summary cases in magistrates' courts was developed and became known as CJSSS, Criminal Justice: Simple Speedy Summary.

CJSSS took a varied and complex court process from the police charging point to the case conclusion and stripped it back to 10 universal behaviours. The development of the process was by a group of practitioners with backgrounds in defence, prosecution, court process and with strong judicial support.

CJSSS was put into practice across all courts of summary jurisdiction. With the important participation of local defence practitioners at each court a change of culture could begin to happen.

The aim of CJSSS was to reduce the average number of hearings per case to less than three and to have cases concluded in the shortest possible timescale. With the development of clear criminal procedure rules and support by the appeal courts for a more robust approach to case management the judiciary had confidence in challenging poor advocate behaviour and regain the initiative in court to control the outcome.

There has been a corresponding drop in caseload as a consequence of the removal of hearings each criminal case carries. As the churn of cases reduces the capacity of staff to manage the work increases and so brings further efficiencies.

### **4. Increase of Capacity and improvement of processing**

Since 2007 and CJSSS there has been a focus in England and Wales by the judiciary and administration to improve the way cases dealt with in the magistrates' court are dealt with. The key aspects are:

- Proportionate preparation by the prosecution of the case, this includes the intelligent investigation of cases with a realistic assessment of the likelihood of a guilty plea by the defendant;
- An expectation that the defendant will seek out legal advice before the first hearing at the court and be prepared to engage with the judicial scrutiny of his case;
- A copy of the case summary to be made available to the judiciary for the first hearing;

- At the first court hearing a plea to be entered, if not guilty the investigation of what the disputed issues are, if a guilty plea the expectation that a sentence should be imposed;
- If either of the above cannot happen the next hearing should either result in a trial or sentence hearing;
- Any work to achieve either the sentence or trial hearing is to be managed by dedicated administrative staff at the court, prosecution or defence. Hearings before the judiciary should always be effective and for a clear purpose.

As a result of the above across England and Wales from a baseline position of performance in 2007 , 25% fewer court hearings take place in the magistrates' court and overall timeliness has improved by approx 20% resulting in average case conclusion being achieved in 6.5 weeks from the charging point in the police station. The above has been achieved with out an increase in the number of judicial officers or courtrooms.

### **e-Working Project**

The eWorking project is now live in the Commercial Court, Technology & Construction Court and Chancery Division. Court users are filing Part 7 and Part 8 claims, and subsequent documentation, in increasing numbers. Within the TCC and Commercial Court we have introduced a scanning capability; this allows documents filed on paper to be turned into electronic files, enabling the judges and court staff to take the case forward using a fully electronic case file and generating subsequent use of on-line filing and submission of electronic documents.

Since the launch of e-working in the Commercial Court in April 2009 there have been some significant refinements based on feedback from court users, judges and court staff as they use the system on real, and often complex, cases. A User Group of solicitors' clerks, chaired by Mrs Justice Gloster, meets regularly to channel feedback on the content and ease of use of forms which is helping to make the whole system robust and increase user confidence.

The project is now entering its final stages of development with Payment Online, Case Reader and Bankruptcy & Companies applications nearing release.

#### **4.3 Do you try to limit processing time by facilitating processing of cases?**

Specialization of judges - The Jackson Review of Civil Litigation Costs (<http://www.judiciary.gov.uk/publications-and-reports/reports/civil/review-of-civil-litigation-costs/civil-litigation-costs-review-reports.htm>) recommended increases in 'docketing' of cases so that they are heard by judges who are specialists in that area of law. A docketing scheme is being piloted at Leeds Combined Court Centre for civil law cases.

#### **4.5 Case management**

The aforementioned Jackson Review has made a number of amendments on case management (see in particular Chapter 39 of the Review's final report -

<http://www.judiciary.gov.uk/publications-and-reports/reports/civil/review-of-civil-litigation-costs/civil-litigation-costs-review-reports.htm>. A pilot is taking place at Birmingham Civil Justice Centre on improved case management techniques for mercantile, technology and construction disputes.

Judicial training in enhanced case management is also being addressed by the Judicial Studies Board. The review recommended that judges should be less tolerant of unjustified delays by parties, or breaches of court Orders. Case management should involve monitoring of the progress of cases, timetables should be drawn up and pre-action protocols observed. Case management direction should be standardised to reduce delays and encourage consistency across the courts.

## **5. Other initiatives.**

While the majority of the improvements work has focused on the first tier court of summary jurisdiction, (magistrates' courts) the Senior Presiding Judge of England and Wales has begun to explore ways of improving the timeliness of cases which are dealt with in the Crown Court.

### **Early Guilty Plea Scheme.**

An example of this is an early guilty plea scheme which seeks to have serious cases concluded in one hearing at the Crown Court.

The process requires the lower court to hear representations from the prosecution or defence that the case before them while too serious for that court is likely to result in a guilty plea. The decision is based on preliminary discussions with the defence before the lower court hearing.

The second stage is for the case to be sent/committed to the crown court for a hearing to take place in three or four weeks. During this adjourned period the defence conform with the probation service that their client is to plead guilty. The probation service will then prepare a pre sentence report, based on their risk assessment of the client.

At the crown court hearing the report is presented to the judge who confirms with the defendant his guilty plea. The judge will then sentence the defendant and reduce the sentence in line with the sentencing guidelines for a very early plea.

The incentive for the defence is two fold, the client is aware of how to get the sentence reduction and the advocate is able to conclude the case in a single hearing thereby maximising the fee received.

The scheme has been in operation a single Crown Court for 18 months and results have shown an increase in cases disposed of in a shorter timescale than elsewhere, a reduction in the number of wasted trials and a saving for the prosecution team in time and resources. The scheme is now being tried in three other Crown Courts.

### **Double shift sitting.**

Another example is sitting two court days in one venue.

Rather than starting a trial hearing at 10.30 and sitting two hours morning and two and a half hours in the afternoon, the whole 4.5 hours are squeezed into a morning sitting ending at 1.30pm. If the trial is not concluded the judge, jury and parties return to resume on the next morning. At 2pm the same venue holds another trial with new judge, jury etc and runs for 4.5 hours until 6.30pm. If this trial isn't concluded all parties etc return to resume on the next afternoon.

Undertaking this double shift or extended hours work, the capacity of a court house is doubled.

The above is running at one Crown Court and is to be evaluated in 2011.

### **Virtual Courts Pilot**

The virtual court pilot was a pilot which started in May 2009, following a prototype period of 12 weeks operating in 2007. The pilot operated out of London at Camberwell Green and Kent, however, the pilot in Kent only operated from one police station compared to 15 in London and from January 10 to April 10 Kent had done 37 cases compared to 1592 in London.

The objectives of the pilot were to review whether the virtual court could bring about speed and efficiency improvements to the criminal justice system as a whole e.g. a reduction in time from charge to first appearance and earlier resolution of cases; reduction in prisoner movements leading potentially to cost savings. All objectives were subject to ensuring that there was no negative effect on the fairness of proceedings.

In the virtual court, a defendant appears from a police station into court by way of a secure video link. Defence representation may be at the police station or at Court. All other practitioners and the Judiciary remain at the Court.

The virtual court is for first hearings only and evidence is not heard over the link, but the court can sentence and conclude cases over the link. In London 15 police stations from across the area which normally send work to 7 court houses feed into Camberwell Green Magistrates Court and Judiciary from across those courts have sat in the virtual court.

The criteria for a case going before the virtual court whilst changing slightly during the life of the pilot, has been devised to be broad as possible but only relates to Adult offenders. All categories of offence are included and exclusions only apply in relation to practical considerations relating to those presenting with psychiatric issues or violent behavior. Initially the pilot ran with bail and custody cases; it is currently operating with custody cases only.

To facilitate the virtual court a secure online space known as the collaboration space was devised to enable case files to be created and shared electronically between criminal justice agencies.

During the lifetime of the pilot various working models have been operated, these have included extended hours, with the court operating from 08.00a.m. through to 07.00p.m., the use of both fixed timed slots of 15 minutes booked through an on line diary system and currently a flexible approach whereby all cases are listed as in a

normal remand court for a 10.00a.m start and cases are dealt with as they become ready.

The pilot officially ended on the 30<sup>th</sup> September 2010 and a full independent evaluation was commissioned to review the outcome, this has yet to be published and the virtual court is continuing pending the evaluation and decisions on its future until March 2011.