

## INTRODUCTION

The reports from the Crown Court and the civil jurisdiction of the County Court are in broadly the same format as in previous years, though attempts are always being made to improve the quality of the information:

- The reports from each of the Crown Court centres in England and Wales are written jointly by the Resident Judge and the Court Manager, and include, in graphic form, statistics relating to the business of that court.
- The reports from each of the groups of courts under the supervision of the Designated Civil Judge, are written jointly by the Designated Civil Judge and the Director of the Circuit within whose Circuit the group lies.

Each has been asked to set out a true and fair view of the business of the court over the year ended 31 March 2006.

## THE CROWN COURT

### *The statistical record*

The work of the Crown Court varies considerably, but each court has the task of doing justice in varying circumstances. In managing the business of the court, it is necessary for the Resident Judge, with the assistance of the Court Manager, to deal with a wide variety of factors:

- The volume of work received (receipts). The charts show the split between trials for the more serious crimes (class 1, 2 and 3) and other crimes, cases sent for sentence by the Magistrates' Courts and appeals from the Magistrates' Courts; this year, there has been added in bar chart form information as to the type of case.
- The need to see that justice is not denied by being delayed. This is reflected in the figures for "outstanding trials" and for "stale cases".
- The number of trials that are not heard when they are listed (ineffective trials), and those where the defendant pleads guilty on the day of the trial, or where the prosecution accepts a plea to a lesser charge (cracked trials).
- The length of time each case takes. This is partly reflected in the average trial hearing time and the disposal rate.
- Ensuring that witnesses are heard without unreasonable delay.
- Ensuring that the time given by members of the public summoned for jury service is properly used.

### *The Criminal Procedure Rules and Innovation*

The procedure and practice of the court needs to evolve to keep pace with change. The main contributor to change has been the Criminal Procedure Rules which came into effect as the year began.

- One of the principal innovations has been the Plea and Case Management Hearing, but it is clear that proper time is needed in these hearings to try and ensure that due consideration is given to the plea and the issues.
- Another change has been to require better defence statements: as one judge observed:  
“the new defence statement where the document has to be meaningful is most welcome and will jettison the farcical nature of the old statements that contained more disclaimers than particulars of any defence.”
- The rules would not operate without the tireless work of the Case Progression Officers who do their best to ensure that orders of the court are carried out and trials are ready at their appointed time.

But the Rules on their own are not enough; the reports show much change and innovation being brought about in individual courts; for example,

- The cocklepickers trial at Preston saw the use of very sophisticated Electronic Presentation of Evidence with the necessity to link this to simultaneous translation given the amount of evidence that came from China.
- The court sat at Dovegate prison to hear confiscation proceedings against a high security prisoner who required constant medical attention and could not easily be brought to court.
- At Liverpool where domestic violence accounted for 25% of all Crown Court work, a protocol has been agreed to expedite all such cases in the Magistrates and Crown Court.
- A “no fee” court at Manchester deals with those who fail to comply with court orders or have not cooperated in case management.
- At Gloucester, a psychiatric liaison officer has been appointed to liaise between court users and psychiatrists.
- At Norwich, a local protocol is being agreed with the Primary Care Trust to ensure that psychiatric reports ordered by the court are produced promptly and at an agreed cost.
- At Snaresbrook, there is improved case progression with a special form completed by the judge in court, sent to all the parties and chased by the Case Progression team.

#### *Information Technology*

It is also important to note that the development of the IT case progression system known as *PROGRESS* has proceeded well at Manchester; this probably would not have come about but for the persistence, drive and determination of the late Judge Barry Woodward who died a few days after the system was launched at the court over which he presided at Manchester.

#### *The issues to be tackled*

However there are significant issues that need to be tackled; three of the most important of these are:

- *Compliance with court orders.* Compliance is fairly good in many parts of the country, but in some it is poor. Several courts, particularly in the

London and the South East, however, have to hold hearings to ensure that orders previously made have been complied with. This is not an efficient use of court time and ways are being examined to ensure compliance without the need for court time to be used.

- *Very high cracked trial rates.* Although a plea of guilty at the time fixed for a trial is better than a trial, it is so much better for witnesses and victims and in the interests of justice to see pleas made much earlier.
- *Delay.* Some cases are taking too long to come to trial; concern is expressed that there is excessive delay between arrest and the time that cases are committed or sent to the Crown Court. A number of courts seem to have shortened the time to the PCMH as against the somewhat relaxed timeliness maximum permitted by the rules. As one judge commented about allowing the maximum times: "Parties' state of readiness for trial was not improved, increasing the burden on case progression."

Steps are already in hand at many courts to tackle these issues:

- At Carlisle, the Case Progression Officer is also the listing officer and cannot check compliance with all orders. The court has therefore devised a scheme for her to concentrate on the key issues that enable trials to be progressed.
- At Liverpool, a system for review of compliance with court orders and readiness for trial in each case is being developed to try and ensure that these are dealt with out of court, thus saving court time and the attendance of lawyers.
- Rigorous analysis of each ineffective trial at monthly meetings between the judge or the court manager and the Chief Officers of the CJS agencies take place at several courts.
- At Coventry, an 18 point plan has been put into effect to improve the efficiency with which cases can be handled; an important feature of this is the attention given to close co-operation with the other participants in the CJS with a joint workshop being run for the defence.

It is essential that these issues continue to be tackled with vigour. The judiciary and HMCS have in hand clear plans to see that good practice and innovation is shared between all courts over the coming year. There will be a particular effort to keep delay to a minimum in every phase of a case; it is in the interests of victims, witnesses and justice itself that all do their utmost to see this is achieved.

#### *Judicial Appointments*

Delays in the judicial appointments system noted in some of the reports are an additional, but avoidable, strain on the system. It has been inevitable that there would be some delay whilst the new system bedded in, but the real challenge for the Judicial Appointments Commission will be to ensure that the more complex processes now in place will be operated in such a way so as to ensure a diminution of the delays and not an increase.

#### *Police and the prison escort contract*

Much needs still to be done to ensure better coordination and liaison between the work of the courts and the police:

- Police liaison officers play a really valuable role in the way in which a court works and in public confidence. For example, at one court, there is protocol to ensure that in the event of non appearance by a defendant, immediate steps are taken to effect his arrest. As the judge comments: “The availability of the police liaison officer and the assistance provided in the utilisation of this scheme is invaluable”.
- A scheme at Manchester enables probationary police officers to gain more of an insight into the court as part of their training.

It is very pleasing to note that there has been a general improvement in the operation of the Prison Escort Contract; this has been the result of very hard work by HMCS, those at the Prison Service who lead the enforcement of the contract and the contractors themselves.

## **THE CIVIL JURISDICTION OF THE COUNTY COURT**

### *The division between the County Court and the High Court*

The figures in this report reflect solely the work of the County Court. However in reality outside the Royal Courts of Justice, there is very little distinction in practice between the way in which High Court and County Court work is done. We have in practice a “single civil court”, but unfortunately the figures in this report do not reflect this. A distinction is still perpetuated between the High Court and the County Court, even for reports such as this; as the High Court has no report, an unfortunate fact is that its work is not reported on, save in one or two of the London specialist courts. The report for South Wales sets out an indication of the figures and observes that:

“there is no rational reason why a case is issued one or the other. Practitioners frequently issue and pursue personal injury cases worth a seven-figure sum in the County Court; whereas cases may run in the TCC or Mercantile Court for a fraction of that because they concern a building or commercial contract. In any event in whichever court they are pursued, they are likely to be tried by the same judge. A large personal injury claim of any complexity is likely to be heard by a suitably experienced Circuit Judge who would probably try the case as a s.9 Deputy if it proceeded in the High Court. To give a fair reflection of the civil work in the region, statistics should be collated for both County and High Court.”

### **ADR**

There are descriptions of the schemes available and the attempts to ensure that litigants are aware of mediation and use it. Although there are some areas where, despite all efforts, little interest is shown, some areas have a very high interest. For example in a survey conducted in Chester, 72% of litigants (excluding lawyers) were aware of mediation, 57% knew how the process worked and only 18% said they were not prepared to use mediation.

## *Costs*

There is reference in several reports to the increasing costs of civil litigation and the disproportionate size of those costs to the sums in issue. As one judge observes:

“There is a perception among judges that an inflationary spiral in the claimed costs in fast track cases is getting worse. It is routine to receive costs schedules claiming in excess of £10,000 in cases where damages have been agreed at the £2,000 to £3,000 level”

This is a longstanding issue which needs to be taken forward with some urgency.

## *The success of the CPR*

The CPR reforms continue to sustain civil justice, despite the increasing pressures faced. There has been a material increase in work in most courts; it is therefore very good to see that despite the pressure on resources (to which I refer in the next paragraph) there was an improvement in the timely manner in which cases were dealt with in the year reported on. A particular tribute is due to the judges and staff of the County Courts in London where a real turnaround was achieved.

## *Resources*

The real difficulty, which the civil courts began to feel towards the close of the year, was that civil work became the first to feel the effect of reduced resources made available to HMCS. The reports contain some examples of the issues that have arisen. It is to be hoped that the performance of the courts can be maintained and that resources will not be reduced any further.

## **THE NEED FOR CAPITAL EXPENDITURE ON BUILDINGS**

The alteration in the patterns of work means that there is a continuing need to review capacity and there is a considerable maintenance backlog which it is recognised needs to be addressed; for example:

- Some courts lack the capacity to deal with their workload. For example, at Aylesbury, the state of the building is such that it cannot cope with its workload. In Bolton, the existing court cannot cope with the cases sent to it, though much has been done to improve the physical condition of the building; Hull is at capacity.
- At other courts, the fabric of the buildings is in need of urgent repair. For example, Shrewsbury's accommodation is outmoded and spending money on the present building is not a sensible use of funds; the Local Authority is prepared to build a court. At Merthyr, a leaking roof forced the closure of the cafeteria facilities for jurors and the public; the court clearly needs substantial capital expenditure not only to make it wind and watertight, but to upgrade the standards for witnesses and victims to those to be expected in a modern court. At Winchester, there is a

need for major expenditure to deal with heating and general repairs. In the County Courts of London, urgent maintenance is needed; during the year, at Brentford County Court, only built in the early 1970s, the ceiling in both main court rooms collapsed; at Guildford there was no money to repair the ceiling lights in the Circuit Judge's room after water ingress.

- At other courts, facilities are inadequate. For example, at Bournemouth, the out of town court has a car park that is too small; jurors arrive early to get a space or trials are otherwise delayed while a parking space is sought elsewhere.
- Some courts are in need of urgent replacement. For example, at Inner London Crown Court, six courts are housed in what was meant to be temporary accommodation; there are continuing concerns in relation to the security and comfort of these courts
- At Oxford, the pressure on court accommodation is such that the library is court 6 and the CPS room has become court 7; both are small and unsuitable for more than two parties and a couple of witnesses. At Sunderland, the need for a replacement building for the County Court has been recognised for years; the position there has been exacerbated this year by the deterioration in the Magistrates Court building in that City which has necessitated adding further to the space pressures by holding the Magistrates Family Proceedings Courts as well as County Court business in the County Court building.

### **IMPROVEMENTS TO THE QUALITY OF STATISTICAL INFORMATION**

There is a continuing need to improve the statistical information available; this is recognised, but progress could be faster; for example,

- There is little information available about the effect of the decisions of the Court of Appeal, Criminal Division, in *Goodyear* on sentence indications.
- It is important for courts to consider ineffective trial statistics together with statistics on vacated trials as the two are directly related to the effectiveness of the Crown Court. To this end vacated trial statistics have been kept since September 2005, but as full year figures were not available, they were not included in the statistical information published. The importance of these figures is shown by some reports where the figures for the period in which they were kept are analysed. In one Court, 112 cases were vacated in the period from September 2005 to March 2006 because guilty pleas or guilty pleas to lesser charges were tendered after the PCMH; an analysis of the causes conducted by the court showed that there had been common failures such as those of the prosecution to identify weaknesses in their case or reluctance of witnesses to attend by the time of the PCMH or the failure of the defence advocate to have a meaningful conference with his client.
- Many of the Crown Courts on the North Eastern Circuit have seen a dramatic fall in work; at Bradford the fall has been 23.7%, at Leeds 26.5%, at Doncaster, 13.5% whereas in London and the South East

there has at most courts been a very considerable increase in the amount of work. There is no real explanation for this difference and this needs to be considered further by the judiciary and HMCS.

- The figures for receipts in the Crown Court do not always include transfers in and out; this needs to be tackled so that the actual caseload of the court can be monitored.
- For County Court work, the figures attached to the report do not show the speed at which paper work is dealt with; this is a key factor in the efficient dispatch of civil business and any failure to maintain this is a sure indicator of problems ahead. I hope for future this will be included.

## **THE COURTS AND THE COMMUNITY**

It is again encouraging to see many courts doing so much to inform the wider community, and in particular schools, of the work of the courts. Open days at Crown Courts and Criminal Justice open days have attracted the public in their hundreds. It is important to see the continuance of, for example, attendances at careers fairs, diversity meetings, carol services, a stand at the Royal Norfolk Show, teaching packs for schools and organised visits in line with the National Curriculum, co-operation with local law schools, visits by overseas judges and many other programmes are described in the reports.

A welcome activity at Leigh County Court is the provision of work experience for the disabled; this initiative is carried out in collaboration with Wigan Borough Council and began with a 57 year old stroke victim who benefited from the experience and has since found work elsewhere. Another was on Humberside where at Scunthorpe and Grimsby the court held seminars to help individuals to manage their finances and learn of the consequences of getting into debt. I am grateful to the judiciary and the staff for undertaking all the extra work, beyond their normal duties, which these activities entail.

## **THE COURT STAFF**

Above all the functioning of the courts depends upon the dedication and hard work of the staff.

“We can operate here in a 200 year old building asking all involved to make the necessary sacrifices, but we cannot operate without top quality staff” . .

“It is common for court clerks to be still at their computers at 6pm on a Friday evening”

I am very glad to see that their achievement has been recognised by a number of different awards put into place this year by the Lord Chancellor and HMCS.

The problem of wage differentials with the private sector and other government departments continues; it is greatest in the large civil courts in major cities where the demanding work makes an offer from the private sector or other government offices attractive. It is to be hoped that the pay and

grading review currently being conducted will result in a proper recognition of the work of the staff in the courts.

May I add my own thanks to the staff and the volunteers of the Witness Service, and also to all the Judges of the Crown and County Courts who work tirelessly to see that justice is fairly administered. This has been a year of significant improvement in the Crown and County Courts; real gratitude is due to the judges and the staff for working together in an effective partnership to bring about these significant achievements.

Lord Justice Thomas  
Senior Presiding Judge for England and Wales