

Report of an Inspection

of the

*Nottinghamshire
Magistrates' Courts Committee*

carried out during

March 2003

MCSI Inspection of Court Services

MCSI has a remit to inspect and report to the Lord Chancellor on the administration and management of magistrates' courts in England and Wales. It aims both to provide the Lord Chancellor with information about the performance of Magistrates' Courts Committee (MCC) areas and to support Committees by endorsing good practice and making recommendations about possible improvements. These recommendations are, in the main, addressed to MCCs but may also, where appropriate, be directed to other bodies which impact upon the performance of the magistrates' courts service.

The Inspectorate is not empowered to comment on the judicial decisions of magistrates or their clerks in particular cases. Nor does it conduct audits of the courts it inspects. Inspectors make enquiries about whether systems are in place, are understood and are monitored, but do not test the systems themselves. MCSI reports do not, therefore, offer any assurance that satisfactory standards of probity have been achieved within the MCC area inspected.

Inspectors reach judgements about the MCC's performance and make recommendations which reflect the MCC's stage of development and other local circumstances. The number of recommendations contained in an inspection report is not, therefore, an indicator of the standards achieved by the MCC. Each MCC is asked to provide an action plan, published with the inspection report, setting out how it will respond to the recommendations. Implementation of the action plan is monitored by MCSI and the Chief Inspector reviews the progress made within 18 months of the end of the inspection period. A management letter, setting out the results of that review, is sent to the Lord Chancellor and to the paying authority(ies). The management letter is not published but is available to members of the public upon request.

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This report makes reference to the Lord Chancellor's Department (LCD), which was the department responsible for magistrates' courts at the time of this inspection. The LCD became the Department for Constitutional Affairs (DCA) in June 2003.

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Chief Inspector's Foreword

Our inspection of the Nottinghamshire Magistrates' Courts Committee (MCC) area focused on three topics:

- ◆ Strategic Management with elements of Corporate Governance (how well the Committee plans for the future, checks that plans are followed and conducts itself in carrying out its responsibilities)
- ◆ Administration of Cases (how well the courts organise cases and process information)
- ◆ Care of Court Users (the quality of service offered to people who use the courts, including the way people are treated, the information given to them and what is provided for them in the courthouses)

I am pleased to be able to report that the Nottinghamshire MCC is a well managed organisation which has developed excellent working relations with the other criminal justice agencies in the county. I was impressed that the agencies had developed a joint Criminal Justice Plan for Nottinghamshire and there is a real sense of joint working. The Committee is clearly aware of its strategic role and is well supported by the Justices' Chief Executive and the Corporate Management Team.

Case completion is consistently poor but that is by no means solely the MCC's fault. The MCC, in conjunction with other agencies, is working hard to identify the issues and implement solutions. A performance culture is being developed and the MCC has made significant progress in dealing with cases involving Persistent Young Offenders.

I make only three recommendations and am pleased that the Committee has taken on board the points raised in my report and has drawn up an action plan which will adequately address them. This report is not intended as an assessment of all the activities undertaken by the MCC. The Committee exercises a number of important responsibilities which have not been examined during this particular inspection and it should not be assumed that statements contained in the report apply to MCC functions beyond the five upon which we have focused.

I am grateful to the Magistrates' Courts Committee, the magistrates and the staff for their co-operation throughout the inspection process. In particular I would like to thank Andrew Cunningham who, as the Liaison Officer, gathered together the briefing material and helped to arrange on-site activities.



Kit Chivers
HM Chief Inspector, MCSI

July 2003

Context

- 1 The County of Nottinghamshire covers an area just over 216,300 hectares and has a population of 1,032,700. Two-thirds of the population reside in the city of Nottingham and its surrounding conurbation. Other main centres of population include Mansfield, Worksop, Newark and East Retford. The county has an ethnic minority population of 3.3% but this rises to 11% in the City of Nottingham.
- 2 Economic activity in the county is a mix of urban development and substantial rural areas. Coal mining was a major industry in the county but is much reduced. Manufacturing, agriculture and financial services are now all important in the local economy. The unemployment rate in the county is, at 4.3%, higher than the UK average rate of 3.2%.
- 3 Recorded crime in Nottinghamshire was 139,903 between April 2000 and March 2001 and increased by 13.8% to 159,240 in April 2001 – March 2002. Recorded crime in England and Wales increased by 3.6% over the same period. The recorded crime committed in Nottinghamshire during 2001/02 represents 2.88% of the total crime recorded in England and Wales. Nottinghamshire magistrates dealt with 80,951 cases in 2001/02, which is a 7% increase from the previous year.
- 4 Transport links to, and within, Nottinghamshire are good with the M1 motorway, the A1, A46 and A614 running through the county. There are good rail links with main line railway stations at Nottingham, Mansfield, Retford, Newark and Worksop but public bus services around the county are poor.
- 5 Nottinghamshire Magistrates' Courts Committee (MCC) consists of 12 members, including two co-opted members, and has two sub-committees: the Magistrates' Training Sub-Committee and the Audit Committee. The MCC holds annual open meetings, the next being 19 December 2003. The MCC has an annual budget of over £8 million.
- 6 The MCC is supported by a Justices' Chief Executive (JCE), a Justices' Clerk (JC) and 266 full-time equivalent staff. There are five courthouses in the county, four of which have offices which are staffed on a daily basis.

Inspection Findings 1: Strategic Management (with elements of Corporate Governance)

This section assesses the degree to which the MCC has established a pertinent direction for its Service, complemented by a staged plan of action and mechanisms for implementation and review. Additionally, the section assesses the way the Committee conducts itself in carrying out its responsibilities.

In order to fulfil this key function, an MCC is expected to:

- ◆ *show leadership in determining and communicating strategic direction*
- ◆ *establish an effective organisational structure to deliver the MCC strategy, including government priorities*
- ◆ *identify key strategic issues and determine effective plans of action*
- ◆ *set and monitor standards of performance*
- ◆ *demonstrate adherence to appropriate principles of conduct in public affairs.*

Overall Assessment

The MCC has shown that it understands its strategic role and has demonstrated leadership in setting an appropriate direction for the organisation that takes account of government priorities and other external factors. Its strategy was subject to appropriate internal and external consultation and has been widely communicated. The MCC has established a clear and effective organisational structure, to deliver its strategy, in which roles and responsibilities are clearly laid down. It has also developed an Operational Plan and local plans to deliver its strategy, but the linkage between the local plans and the Operational Plan is not always apparent. The MCC has set clear objectives in its Operational Plan but reports of progress against these are limited and there is no formal in-year monitoring of performance against office plans. Corporate Governance arrangements are excellent.

The MCC shows leadership in determining and communicating strategic direction

1.1 The Committee clearly recognises that one of its key roles is to set the strategic direction for the organisation. Its Constitution and Standing Orders make it clear that it is the responsibility of the Justices' Chief Executive (JCE) to carry out the decisions of the Committee, and appropriate authority is delegated to him. Inspectors were pleased to note that the Chair and Committee members are very clear that their role is strategic and that

the implementation of that strategy is the responsibility of the JCE and his management team. The Constitution and Standing Orders explicitly spells out that members are collectively responsible for decisions made by the Committee and that members do not sit on the Committee to represent their particular Bench, but are expected to make decisions in the interests of the whole county.

- 1.2 The MCC has defined its purpose as “to provide the highest quality of local justice and service to the community” and has set out its core values as: fairness and impartiality; equality of treatment and opportunity; continuous improvement; co-operation and partnership; and openness and accountability. The MCC’s statement of purpose and the core values have been widely publicised through their inclusion in the Strategic Plan, publication on the MCC’s excellent web site and through electronic information points located in each courthouse.
- 1.3 The MCC’s self-assessment identified “wide involvement in Strategic and Operational Plan creation” as a key strength and Inspectors endorse this view. The Nottinghamshire Strategic Plan was drafted by a working party which included Committee members, members of the Corporate Management Team (CMT) and other staff members. The draft plan was then widely circulated for consultation, both inside and outside of the organisation. The MCC demonstrated its commitment to making this consultation process meaningful by replying individually to each response to the draft Strategic Plan that it received.
- 1.4 The Strategic Plan contains very good background sections that cover the Magistrates’ Courts Service in general and Nottinghamshire in particular. The assumptions within which the Strategic Plan has been framed are included in a comprehensive section on the external environment. This includes, among other things, reference to the Auld review; the need for more joined-up working, grant allocation including ring-fencing, and central government performance objectives. The plan also makes reference to the Lord Chancellor’s Department’s (LCD) Service Delivery Agreements (SDAs), demonstrating that the MCC is aware of Government priorities and takes appropriate account of these and other external environment factors.
- 1.5 In order to deliver its prime objective, as encapsulated in its Statement of Purpose, the MCC’s Strategic Plan sets out six strategic aims: performance improvement; joint working; staff development; support to the magistracy; resources and the raising of public confidence. The plan further defines each of these: for example, performance improvement is amplified to “ensuring we improve performance levels across the county by: creating an effective performance management system of continuous review and improvement; setting challenging but realistic performance targets and standards; adopting effective working practices and procedures and placing particular priority on improving performance in reducing delay and enforcing court decisions.”
- 1.6 Nottinghamshire MCC has clearly spent time and effort on its communications and has a comprehensive communications policy in place, which was subject to a review in November 2002. The policy sets out the respective roles of the Committee, the CMT, the Senior Management Team (SMT) and other line managers. It also outlines the roles of the Joint Consultative Committee (JCC) and the Joint Negotiating Committee (JNC) in ensuring effective communication within the MCC, but also places a responsibility on all individuals to participate fully. The policy includes sections on confidentiality and data protection and makes some reference to issues relating to electronic communication. In addition to revising the policy, the review recommended that “toolkits” for internal and external communication and for liaising with the media should be developed.

- 1.7 Even before the creation of the Local Criminal Justice Board, the MCC worked closely with other criminal justice agencies to develop a Joint Criminal Justice Plan for Nottinghamshire. This plan, developed with the assistance of external consultants, presents “a genuinely joint response to the challenges facing the criminal justice system in Nottinghamshire”. The plan sets out the key challenges facing the criminal justice system in the county and identifies four aims which promote: active case management; high quality service for victims and witnesses; a joined up approach to performance management; and quick and effective communications. Inspectors are impressed with the priority that the MCC has given to joint working and were pleased to find the good relationships and communications that exist between the MCC and the other criminal justice agencies.
- 1.8 Inspectors were pleased to note that other criminal justice agencies gave positive feedback about communication with the MCC. In addition, results from the MCSI survey of stakeholders indicated that 54% of respondents are satisfied or more than satisfied with the information they receive from the MCC, slightly higher than the average rating from the last 20 inspection surveys.
- 1.9 The MCC produces a wide range of reports, leaflets and documents aimed at a variety of audiences. For example, an interesting and informative staff newsletter is produced four times a year and *Nottinghamshire Justices’ Journal*, a glossy magazine for all magistrates, containing a good mix of articles is produced twice a year.
- Establishing an effective organisational structure**
- 1.10 The MCC has established an effective committee structure to carry out its responsibilities and has ensured that it has an effective and consistent management structure in place throughout the county. Although most of its business is dealt with by the full Committee, it has established a sub-committee to oversee magistrates’ training and an audit committee.
- 1.11 In addition to the sub-committees, some Committee members have been nominated as “Lead Spokesperson” for issues such as finance, staff, performance, buildings and boundaries, and magistrates’ training. The role of the Lead Spokespersons is to monitor and report to the Committee on performance; liaise as necessary with the JCE and CMT and provide more in-depth knowledge of their topic to the Committee. However, the Committee is clear that these spokespersons do not have any role in the day-to-day operations of the MCC.
- 1.12 The MCC has clearly defined the role of its JCE both in the Constitution and Standing Orders and through his job description. The JCE is assisted in the discharge of his responsibilities by the CMT which comprises the JC, the Deputy Clerk to the MCC and the Chief Administrative Officer. The CMT meets fortnightly, executes MCC directions and policies and is accountable to the Committee.
- 1.13 Below the CMT there is an SMT which consists of the three Deputy JCs, the three office managers, the Buildings and Facilities Manager, the Computer Manager, the Finance Manager, the Personnel Officer and the Performance Officer. The SMT executes CMT directions and policies and is accountable to the CMT.
- 1.14 The MCC has also established a clear organisational structure across all its offices. There is one Justices’ Clerk for the county and a Chief Administrative Officer. This legal/administrative divide is echoed

in each of the MCC's offices that have Deputy Clerks and Office Managers. There are good, clear job descriptions for all of these posts. Although the legal/administrative divide is clearly delineated throughout the organisation, Inspectors were pleased to find that there is obviously good communication between them and clear evidence that they work together.

Key strategic issues are identified, effective plans of action determined

- 1.15 The MCC has clearly defined what it sees as its key strategic issues within its Strategic Plan 2002-2004. This identifies six strategic aims that cover: performance improvement; joint working; staff development; support to the magistracy; resources; and raising public confidence. These reflect both Government priorities and the national environment as well as local concerns.
- 1.16 The Strategic Plan is supported by an annual Operational Plan. This restates the MCC's strategic aims and then sets out details of the operational objectives for the year. These operational objectives are grouped under the relevant strategic aim and set out timescales, nominate responsible officers and include achievement criteria.
- 1.17 Each office and department draws up its own annual plan, setting out how they will contribute to the delivery of the MCC Operational Plan. Inspectors were pleased to see that elements of planning have been appropriately devolved to managers at local level. However, not all plans include a clear link to the objectives included within the Operational Plan. The CMT cannot easily ensure, therefore, that all of the objectives in the Operational Plan are being taken forward in the appropriate manner at local level.
- 1.18 Although there is as yet no separate Human Resources (HR) plan, staff development is one of the strategic aims

and the Operational Plan for 2003/04 includes plans to develop and institute an HR plan.

- 1.19 The MCC produced a Race Equality Scheme and an associated action plan of good quality. It has clearly demonstrated its commitment to promoting race equality through a number of initiatives for some time. The MCC is complying with its specific duties under the Race Relations (Amendment) Act 2000 but does need to look at its strategic and corporate documents to ensure that these fully reflect this.

Standards of performance are set and monitored by the MCC

- 1.20 The MCC is clearly aware of its responsibility to manage performance and has taken steps to achieve this, such as appointing a Performance Officer. The MCC collects a great deal of performance information and carried out a review of its performance indicators in April 2002. As part of this review the MCC developed a compendium of national and local performance indicators that includes definitions and MCC targets. This compendium is available to all staff on the MCC's intranet.
- 1.21 The Committee receives regular reports on performance as measured by National Performance Indicators (NPIs), Core Performance Measures (CPMs) and local indicators. These performance reports include supporting narratives and also comparisons with some other MCCs and are subject to appropriate debate and discussion at MCC meetings.
- 1.22 Completion of objectives within the Operational Plan is reported to the Committee on a quarterly basis. However this report does not include any information on progress against those non-numeric objectives that are on-going or that have completion targets later in the

year. The Committee, therefore, has no clear picture of overall progress against its Operational Plan during the year. In the event of an objective with a fourth quarter completion date not being achieved, the Committee would not know of this until after the end of the year.

- 1.23 Office and department managers monitor progress against their plans and it was clear from discussion with them and their staff that they are aware of their objectives and targets. However, the only formal report against these office and department plans comes after the end of the year when the plan for the coming year is being agreed. When office and department managers meet with the Chief Administrative Officer, managers give a verbal report on the achievement, or otherwise, of their annual plan. There is no formal report in-year from managers to the CMT and therefore no way in which the CMT can have an assurance that the offices and departments are delivering their elements of the Operational Plan.
- 1.24 In view of these issues in the MCC's otherwise comprehensive planning system, Inspectors make the following recommendation.

Recommendation 1: that, in order to improve its planning process, the MCC:

- ◆ ensure that the office plans link clearly to, and ensure delivery of, the objectives in the Operational Plan
- ◆ amend the quarterly report on the Operational Plan to include progress against all key objectives
- ◆ implement a system for regular reporting to CMT of progress against office plans.

- 1.25 As part of its *Performance Management Framework*, published in December 2000,

the MCC introduced a comprehensive system of Service Reviews - self assessments of its operations and processes. These Service Reviews are conducted by a team drawn from across the MCC and from all levels of the organisation. They have a remit to review and to make recommendations to the CMT. All Service Review reports are seen by the Audit Committee together with CMT views on whether the recommendations should be implemented. Recent Service Reviews have included the MCC's Quality of Service Charter and Services to Victims and Witnesses.

- 1.26 Inspectors were impressed that the MCC has committed itself to this form of rigorous and open internal review. Staff at all levels of the organisation were complimentary about both the process and the outcomes of it. MCSI view this as good practice and more detail of the Service Reviews is included in a Good Practice annex at Annex D.

Adherence to appropriate principles of conduct

- 1.27 The MCC has put excellent Corporate Governance arrangements in place. There is a clear and comprehensive Constitution and Standing Orders. This makes reference to the seven Nolan principles of public service and clearly states that members have a collective responsibility for decisions and do not sit as representatives of their benches. The Constitution and Standing Orders requires committee members to comply with the LCD Code of Conduct including completing a Register of Interests and declaring any gifts or hospitality that they receive.

- 1.28 The Constitution and Standing Orders includes a statement on Human Rights and Equal Opportunities but has not yet been updated to include the commitments made by the Committee in its Race Equality Scheme.
- 1.29 As mentioned at paragraph 1.25 above, the Committee has set up an Audit Committee. This comprises three committee members plus the Deputy Clerk to the MCC and the Chief Administrative Officer. Responsibilities of the Audit Committee include: reviewing all audit reports, reports on compliance with the Management Assurance Programme (MAP) and Service Review reports; ensuring that the MCC complies with the Disabled Court Users Performance Standard (DCUPS) and monitoring the implementation of any MCSI recommendations.
- 1.30 The MCC has put appropriate “Whistleblowing” policies in place for both staff and magistrates. These are in line with the Public Interest Disclosure Act 1998.
- 1.31 There are excellent procedures in place for annual appraisal of the JCE’s performance. The MCC Chair conducts the appraisal and this is informed by an element of 360° feedback which is provided by other Criminal Justice Agency Chief Officers and CMT members.

Inspection Findings 2: Administration of Cases

This section assesses the extent to which the MCC processes cases and information promptly and accurately, taking into account the needs of court users.

In order to fulfil this key function, an MCC is expected to:

- ◆ *ensure that cases are completed within an appropriate time*
- ◆ *manage performance effectively*
- ◆ *schedule court business appropriately*
- ◆ *manage court business effectively on the day*
- ◆ *reduce delay in the Youth Justice System*
- ◆ *ensure that information technology (IT) contributes to the effective administration of cases*
- ◆ *meet the needs of other agencies for prompt and accurate information*
- ◆ *deploy trained magistrates in accordance with the Lord Chancellor's directions and to meet the demands of the workload.*

Overall Assessment

Case completion is consistently poor, although the MCC has worked hard at identifying problems and is taking action, both internally and with other agencies, to improve this. Performance is monitored and a performance culture has been developed but there is little evidence to suggest that this has yet yielded significant results. Court business is appropriately scheduled, meets the needs of users and is effectively managed on the day. The MCC has significantly improved its performance in Persistent Young Offender (PYO) cases and is prompt and accurate in meeting the information needs of other agencies. Deployment of magistrates is largely in accordance with the Lord Chancellor's directions and excellent training programmes are in place for magistrates, particularly in the field of case management.

Case completion

- 2.1 Case completion rates in Nottinghamshire, as measured by the Time Interval Survey (TIS), have been consistently worse than the England and Wales average (see Figure 1). In September 2002, for example, it took, on average, 40 days from first listing to completion, against an England and Wales average of 32 days.

Figure 1: Nottinghamshire MCC case completion data (England and Wales figures in brackets)

All cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within target	Number of defendants in survey
September 2001 TIS	48 (33)	46 (57) %	66 (75) %	594
March 2002 TIS	64 (34)	38 (54) %	64 (75) %	462
September 2002 TIS	40 (32)	52 (56) %	69 (75) %	456
MCSI survey	42	57%	72%	656
Indictable and either-way cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 56 days	Number of defendants in survey
September 2001 TIS	47 (56)	35 (29) %	71 (66) %	197
December 2001 TIS	52 (52)	35 (28) %	67 (68) %	164
March 2002 TIS	66 (56)	23 (27) %	68 (67) %	176
June 2002 TIS	58 (54)	21 (28) %	67 (67) %	171
September 2002 TIS	57 (54)	29 (30) %	63 (66) %	154
December 2002 TIS	56 (54)	28 (30) %	67 (66) %	144
MCSI survey	86	20%	58%	166
Summary non-motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
September 2001 TIS	51 (19)	53 (75) %	61 (83) %	150
March 2002 TIS	57 (21)	43 (70) %	53 (80) %	118
September 2002 TIS	28 (20)	70 (72) %	74 (80) %	157
MCSI survey	30	67%	72%	260
Summary motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
September 2001 TIS	46 (28)	52 (61) %	64 (75) %	247
March 2002 TIS	68 (28)	50 (60) %	68 (76) %	168
September 2002 TIS	34 (29)	56 (60) %	71 (76) %	145
MCSI survey	23	73%	82%	230

Figures based on LCD Magistrates' Courts Administration Division (MCAD) Time Elapsed Reports (TERs) dated 11 November 2002 and Time Intervals Surveys (TIS) (may be subject to minor changes).

- 2.2 Inspectors were pleased to note, however, that the MCC is moving closer to the England and Wales average figure. Case completion figures for summary motoring offences improved significantly over the 12 months from September 2001 to September 2002 and figures for summary non-motoring cases showed an even greater improvement between September 2001 and September 2002. This had a significant impact on first listing to completion figures for all cases, enabling Nottinghamshire MCC in the period ending September 2002 to reach its own target of 40 days, much closer to England and Wales average figure of 32 days, for the same period.
- 2.3 It is also noticeable that the MCC is showing signs of improvement in relation to indictable or either way offences. The MCC has improved from 66 days in March 2002 to 56 days in December 2002, close to the England and Wales average of 54 days.
- 2.4 As part of the inspection, MCSI undertook its own analysis of completed case files (see Annex C). A sample of one weeks' completed adult criminal case files and four week's completed youth criminal case files was analysed. This indicated a completion time for indictable and either way offences of 86 days, as opposed to the 56 days indicated by TIS in December 2002. Further analysis revealed considerable variation in the performance of courts across the MCC. For example, completion times for indictable and either way offences were 101 days in Nottingham; 66 days in Mansfield; 86 days in Worksop and 48 days in Newark. MCSI suggests that the MCC further analyses the causes of these variations, and takes any other appropriate action to bring all courts up to the standards of the best performers while spreading good practice.
- 2.5 Completion rates do, however, suffer as a result of long-running cases, particularly long-running warrant cases that adversely skew the figures. The MCSI case file analysis included 26 cases that took between 200 and 499 days to complete; three cases that took between 500 and 999 days and two cases that took more than 1000 days. Of those 31 cases, 17 were indictable/either way offences, eight were summary non-motoring and six were summary motoring. Removing these long-running cases from the MCSI analysis had the effect of significantly reducing the average number of days from first listing to completion, for all cases, from 46 to 26 days.
- 2.6 The MCC and the police have recently agreed a warrant protocol and initiated activity to bring warrant cases back to court. This is a laudable initiative for the MCC to commit to, as the result of bringing long-running warrant cases back before the court will adversely affect case completion figures in the short term.
- 2.7 Case completion times across the MCC are badly affected by the difficulties experienced in obtaining timely files from the police. This is, to a large extent, beyond its control. Inspectors observed a number of occasions when police delays in the submission of files resulted in Pre-Trial Reviews (PTRs) being adjourned. Although the criminal justice agencies within Nottinghamshire have developed a very good and close working relationship, this is not yet having a significant impact at court level. Inspectors are aware that the issue of file preparation is frequently discussed with the police and the CPS, but would encourage the MCC to continue to press on this key issue through the Local Criminal Justice Board and other inter-agency groups.

Management of Performance

- 2.8 Inspectors were impressed by staff awareness, at all levels in the organisation, of performance issues. It is clear that the MCC is developing an organisational culture that is focused on performance, in which individuals and teams are aware of targets and are constantly looking for ways to improve.
- 2.9 The MCC is good at recognising poor performance and mobilising Service Review teams to try to identify solutions. For example, a case management and timeliness group has been created. From these reviews come initiatives such as the ‘Getting Through the List’ training for magistrates, which links directly with the MCC target to increase case throughput, and the development of a long-running cases group in Nottingham that gets court staff, CPS and police managers around the table, to identify problems and initiate action in long-running cases.
- 2.10 In order to improve the execution of warrants and bring more warrant cases back to court, a joint warrant protocol was recently agreed with the police. Early anecdotal evidence suggests there has been an increase in activity, in this area, since this protocol was adopted. However, there has been no formalised monitoring since the warrant protocol went live, making it difficult to reach objective assessments as to the benefits of operating the protocol. In addition, Inspectors found that not all courts apply the warrant protocol in the same way and would suggest that the MCC ensures that the protocol is complied with across the county.
- 2.11 Inspectors were impressed with the performance culture which is developing; with the collection and analysis of data that takes place; and with the number and variety of initiatives that the MCC has put

in place to address areas of poor performance. However, there is little evidence to suggest that the effort that goes into improving performance has yet yielded significant results. The action taken is not always improving performance. There is consistently poor performance in timeliness of case completion (although it is showing some signs of improvement); case throughput per sitting hour remains one of the lowest of all MCCs and, at 8.8 cases per sitting hour, below the MCC’s own target of 9.5 cases per sitting hour. Similarly, the MCC’s projected outturn figures for effective trials is 31% against its target of 35%.

Recommendation 2: that the MCC should consolidate and develop current initiatives into a comprehensive plan which will deliver improvements in the administration of cases. The plan should include:

- ◆ **MCC-wide priorities and objectives for case completion and case progression**
- ◆ **responsibilities, milestones and targets**
- ◆ **detailed monitoring, reporting and review mechanisms.**

Scheduling of court business

- 2.12 Court business is appropriately scheduled and meets the needs of users. Deputy Clerks and listing officers regularly consider listing issues and local arrangements. Courts across Nottinghamshire are significantly different in terms of throughput and resources; schedules take into account the available physical and personnel resources at respective courts and the efficiency of the listing process is increased by appropriate local agreements and effective flows of information between the criminal justice agencies.

2.13 Scheduling takes place after appropriate discussion with other court users, for example, a pattern of sittings to accommodate Early Administrative Hearings (EAHs) and Early First Hearings (EFHs) was established after discussions with other agencies. In Retford and Worksop, good use is made of court time by listing all PTRs in a dedicated court in Retford, without the attendance of defendants. Consideration is currently being given to introducing an inter-agency Listing Forum, to consider issues raised by the MCSI Thematic Review of the Listing and Management of Criminal Cases in Magistrates' Courts (October 2002).

2.14 Nottinghamshire is the best performing MCC (84% rolling average for the year ending December 2002) in courtroom utilisation (NPI3), that is the total actual sitting hours as a proportion of calculated availability. Effective scheduling of business is a significant contributor to this excellent performance.

2.15 In its self-assessment, the MCC identified the lack of a county-wide listing policy as a weakness. It has plans to establish, in consultation with other agencies, a set of key principles to guide listing decisions in Magistrates' Courts, Youth Courts and Family Courts in the county by June 2003. Inspectors welcome this decision. Although it is unlikely that such a policy will result in significant improvement, there is a potential danger that the lack of a county-wide listing policy or statement of principles may prevent 'buy-in' from other agencies.

Management of court business on the day

2.16 Court business is effectively managed on the day. Benches, legal advisors and ushers work as a team and display a clear awareness of, and commitment to, the need to progress business. However, although this opinion is supported by

Inspectors' observations in courts across the county, the MCC consistently fails to meet its own weighted caseload per sitting hour target of 9.5 cases. Fluctuating between eight and nine cases per sitting hour since April 2001, it is consistently below the England and Wales average of 11 cases.

2.17 Inspectors observed ushers and clerks being proactive in getting cases before the court. For example, in one instance, an usher ensured that a case, in which the defendant was becoming very agitated and was displaying the potential to interrupt business or leave the court, was heard as soon as possible. In other cases, ushers ensured that defendants were waiting for their case to be called so as to minimise delay between cases.

2.18 Observation by Inspectors suggested that Benches are good at progressing business, and that retiring to make decisions is seen as the exception rather than the rule. Benches were also very good at explaining what was happening in court, their decisions and the reasons for them. Inspectors got a real sense that the investment in the 'Getting Through the List' training for magistrates was already starting to pay off.

2.19 Both witness and defendant waiting times on the day, as measured by NPI5 and NPI6 are good, and better than the England and Wales average. Defendant waiting times have improved to 70% waiting one hour or less in October 2002, compared to the England and Wales average of 60%. For witnesses, the figure was 60% in June 2002, better than the England and Wales average of 50%.

Reducing delay in the youth justice system

2.20 Nottinghamshire MCC is committed to reducing delay in the youth justice system and has worked closely with other criminal justice agencies to improve performance. In terms of first listing to

completion, it has performed at, or significantly better than, the national average for all youth crime cases since December 2001.

Figure 2: All youth crime cases – from first listing to completion. Source: LCD TIS

	December 2001 (days)	March 2002 (days)	June 2002 (days)	September 2002 (days)
Nottingham	36	44	42	36
England & Wales average	45	43	45	46

2.21 For cases involving PYOs, the MCC made excellent early progress and has reduced the average number of days from arrest to sentence in the magistrates’ courts, from 100 in March 2000 to below 70 days in December 2002. Although there has been considerable and consistent improvement,

there are some signs that the focus slipped during 2002, resulting in the average number of days from arrest to sentence in the magistrates’ and Crown Courts hitting 73 days in the July to September quarter.

Figure 3: Persistent young offender case completion rates

Persistent Young Offenders (PYOs)	Cases completed in magistrates’ courts only	Cases completed in magistrates’ courts and Crown Courts
LCD figures extracted from Phoenix (police national computer)	Average number of days from arrest to sentence	Average number of days from arrest to sentence
October - December 2001	55 (61)	57 (68)
January - March 2002	64 (62)	70 (69)
April - June 2002	53 (60)	59 (68)
July - September 2002	69 (60)	73 (68)
October – December 2002	54 (61)	63 (70)
MCSI survey – number of defendants in survey = 45	52	

(England and Wales average in brackets)

2.22 Inspectors are encouraged by the way in which the MCC responded to the decline in performance. A legal advisor in Nottingham was commissioned with focusing on PYO issues, and there is now

good proactive management of youth cases in Nottingham by District Judges (DJs) operating in the youth court. Whilst PYOs are effectively monitored in the system, the decline in performance could be partly

attributed to the lapse of tracker meetings in Nottingham and attention being diverted to other initiatives, for example, the Street Crime Initiative. The December 2002 quarter's figures, however, indicate that the refocusing that has taken place in Nottingham has brought the MCC back to a position of performing at a level that is better than the average for England and Wales.

Use of IT and production of information

2.23 Current IT provision contributes in a limited way to the effective administration of cases. The MCC makes the most of its system but faces problems similar to most MCCs in that the old systems are not robust. Video links and special measures courts have been successfully introduced into the scheduling and administration of cases.

2.24 The production of information (as measured by CPM 3 – production of representation orders, registers and committals) is very good. The right to representation decisions and despatch of committals for trial are essentially undertaken within the target times of two and four working days respectively. (This has been achieved almost 100% of the time since 1999/2000, with occasional slippage, such as over the 2002 Christmas period, owing to staff shortages.)

2.25 Production of court registers within three working days has been sustained at around 90% since 1999/2000 but reached 91% and 99% respectively, in the first two quarters of 2002. Inspectors were impressed with the sustained achievement of administrative staff in this area and the clear learning guides that have been produced as reference/learning documents for all administrative functions.

Deployment of magistrates

2.26 The MCC manages the deployment and training of magistrates to meet the demands of the workload, largely in accordance with the Lord Chancellor's directions. Excellent training programmes are in place to address the needs of magistrates, and Inspectors were impressed by the fact that each magistrate interviewed was highly complimentary about induction and development training, especially that covered by the 'Getting through the List' training.

2.27 Effective systems for arranging magistrates' rotas operate locally to meet the needs of magistrates. Where necessary, the MCC has been prepared to merge benches for efficiency purposes, such as those at Worksop and Retford. The flexibility offered by such a move should have a positive impact on the relatively high number of sittings experienced at Worksop (51 in 2001).

2.28 Good relations exist with the two advisory committees which serve the county. There is one joint recruitment sub-committee covering the county and bench chairs are consulted on bench size, the number of new justices sought and balancing factors for the bench. While there is a degree of concern about the number of applications received from potential magistrates, the ethnic composition of justices is representative of the community it serves: 4.5% of the magistracy relative to 3.3% of the population. Given the concern over the number of applications received from potential justices, Inspectors suggest that the MCC should work with the advisory committees to formulate and implement an action plan that will identify and recruit the number of magistrates required, to bring the average number of sittings more in line with the Lord Chancellor's directions.

2.29 Inspectors observed a high number of courts sitting with only two magistrates. For example, of 22 different courts observed in Nottingham (a mix of courts including video remand, sentencing, fines courts, road traffic and Narey), 11 sat with only two magistrates. However, the statistics show that only 7% of Nottingham courts sat with only two magistrates in 2002 and those magistrates interviewed confirmed that it is not their experience that large numbers of courts sit with only two magistrates.

Inspection Findings 3: Care of Court Users

This section assesses the extent to which the MCC provides a quality service to the people who use the courts. It assesses the provision of facilities which allow all users to conduct their business in adequate comfort, privacy and safety; the provision of a courteous, helpful and appropriate service to all court users and the provision of sufficient, clear information about the court and its proceedings.

In order to fulfil this key function, an MCC is expected to ensure that:

Facilities:

- ◆ *all court users are able to enter and conduct their business within court buildings*
- ◆ *facilities for court users offer adequate comfort, taking into account the likely duration of any period of waiting*
- ◆ *all court users have access to facilities to conduct their business with appropriate levels of privacy*
- ◆ *court buildings offer adequate levels of safety and security for court users, staff and magistrates.*

Treatment:

- ◆ *court users are treated with courtesy and offered appropriate help*
- ◆ *waiting times on the day are kept to a minimum*
- ◆ *complaints are followed up and practices changed where necessary.*

Written information:

- ◆ *court users receive, or have access to, appropriate and clear written information before and after court proceedings*
- ◆ *signs to, on and within the courthouse allow most users to find their destination unaided.*

Overall Assessment – Facilities

Facilities in courthouses range from outstanding to satisfactory, although there are some issues of comfort, privacy and, particularly, Health & Safety that need further attention by the MCC to bring all its court facilities up to the level of its best courthouses. Access and facilities for users with disabilities are good to excellent in the MCC's five courthouses. In some courthouses, however, access for magistrates with disabilities is limited.

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| <p>3.1 The MCC has five courthouses of varying age, architecture and quality, providing at least satisfactory, and often good to excellent facilities for court users.</p> <p>3.2 There is a real concern on the part of the MCC to meet the needs of court users with</p> | <p>disabilities. This concern is reflected in the MCC's use of Disability Audits, carried out by independent voluntary organisations such as RADAR and the RNIB, and its active response to the recommendations emerging from them. Reports are received by the MCC, actions are prioritised and, in</p> |
|--|--|

most cases, taken within a very short time span. As a result, access for court users with disabilities, and facilities for such users have been progressively improved over the past five years in the MCC's three older courthouses. Here, access and facilities for users with disabilities are of generally good quality and in the two newer courthouses, at Mansfield and Nottingham, they are excellent.

- 3.3 The MCC meets all the standards in the Lord Chancellor's Disabled Court Users Performance Standard (DCUPS). It has a nominated Disabled Persons' Officer and there are Site Disabled Persons' Officers plus deputies and a standing officer group to monitor the provision of facilities and service. The MCC's disability policy was fully revised in 2001, including the incorporation of human rights requirements. There is a register of facilities in each courthouse and staff are fully aware of what is available and how to offer help. Hearing and induction loops, wheelchair access, disabled toilets and sign language availability are standard across the MCC and there is adjacent parking for disabled users at Nottingham and Mansfield.
- 3.4 Not all parts of all the court buildings (for example, some courtrooms and interview rooms are on the first floor in some courthouses) are accessible to users with disabilities and there is sometimes an onus on the user to declare themselves as having a disability and to seek help – for example, when needing to use the lift at Mansfield or the stair lift at Worksop. In addition, some courthouses and courtrooms are not fully accessible to disabled magistrates. Nonetheless, Inspectors were pleased to find that the MCC has succeeded in ensuring that there is always adequate access to the courthouse itself, plus good access to disabled toilet facilities and to at least one courtroom.

- 3.5 Inspectors were impressed with the general level of facilities for court users throughout the MCC. These are of, at least, a satisfactory standard in the three older courthouses at Worksop, Newark and Retford, following a determined effort on the part of the MCC to refurbish in recent years and to improve and enhance them. Even more impressive are the facilities for court users in the two newest courthouses at Mansfield and Nottingham, which are of excellent quality and provide levels of comfort that are outstanding. All court buildings are well-cleaned and maintained and provide pleasant and attractive environments in which defendants and witnesses as well as professional users conduct their business.
- 3.6 There is a no-smoking policy throughout the MCC area that is strictly enforced in all parts of court buildings by court staff, and which is well observed by court users. Public waiting areas in two courthouses, Nottingham and Mansfield, have extensive seating of excellent quality available. In the smaller Worksop courthouse, seating is less extensive but usually more than adequate to cope with demand. Only in two courthouses, Newark and East Retford, are the public waiting areas and seating limited and court staff report that this can be a problem on busy days. This was confirmed by Inspectors' observations during the inspection.
- 3.7 Excellent refreshment facilities are provided at Nottingham and Mansfield throughout the day when courts are sitting. There are limited facilities at the three other courts provided by a local hospice charity.
- 3.8 Court users in two courthouses (Mansfield and Nottingham) have access to sufficient interview rooms or other court areas in which they can conduct their business with appropriate degrees of privacy. The situation is not as good in the other three

courthouses, where there are occasionally some problems in finding suitable rooms in which users can discuss matters privately, either with court staff or defence lawyers. Some cell areas, for example at Newark, have very limited secure and private interview areas. In the case of Worksop, there is one very small room that, according to custody staff, is infrequently used by solicitors who regard it as inadequate, plus a police room that is available on request. These cell areas are, however, part of the police accommodation and therefore not under the control of the MCC.

- 3.9 In the two newest courthouses, at Mansfield and Nottingham, there are sufficient rooms to ensure that an effective separation of witnesses and parties in cases can be maintained. However, the separation of witnesses in the remaining three older courthouses is not always easy. Nonetheless, listing policies and practices are generally effective in minimising potential problems by separating youth and family court participants from adults.
- 3.10 A witness support scheme is in operation throughout the county and the MCC has done much in recent years to provide space and facilities for the volunteer workers and their clients. However, despite these efforts, not all courthouses are able to provide dedicated facilities for the witness support scheme, and for intimidated witnesses particularly, and the MCC acknowledges this to be a problem in its self-assessment.
- 3.11 Inspectors were impressed with the levels of safety and security provided by the MCC's court buildings for all court users, including staff and magistrates. The MCC has clearly seen such matters as major priorities and has expended considerable effort and funding on improving facilities. All courthouses have at least one security

guard and in the larger courthouses there are sufficient numbers to provide good levels of cover. In addition, all courthouses have CCTV facilities, electronic detectors and screening devices.

- 3.12 The MCC takes seriously its obligations and statutory duties in respect of Health & Safety and has acted responsibly to ensure that the safety of all court users are of paramount concern for its staff in the implementation of relevant practices. There is a comprehensive and clear written *safety policy* in the MCC – and a published *court security policy*. Fire and evacuation drills are carried out regularly in all courthouses and court offices and there is a clear delineation of roles and responsibilities for these, as well as clear lines of reporting and accountability. There is also a comprehensive programme of risk assessments that covers all the MCC's offices and courts. This is regularly reviewed and updated where necessary. Regular custody suite audits are also carried out.
- 3.13 There is good first aid provision available to court users. A large proportion of staff in front-of-house roles are trained in first aid, and defibrillators are available in each courthouse.
- 3.14 Inspectors found that some cell areas do not conform to acceptable standards in protecting the Health & Safety of prisoners. Two docks require upgrading to be totally secure and there are issues regarding the production of prisoners at two courthouses. These concerns, and an associated recommendation, are included in a confidential annex to this report.

Overall Assessment – Treatment

Court users are treated with respect and courtesy by all staff and their needs for help and advice are effectively identified and dealt with. Waiting times for defendants and witnesses are good. Clear and comprehensive complaints procedures are in place, are well advertised and the MCC responds promptly and fairly to complaints it receives. There is a clearly set out Quality of Service Charter available in all courts and the associated performance targets are published and monitored.

- 3.15 Court users are treated with courtesy and are offered appropriate assistance and guidance by court staff. Much of the good practice noted was undoubtedly rooted in the extensive training for staff in customer care and in the excellent ushers' manual. The MCC has a clearly-written and comprehensive Quality of Service Charter which is displayed in all courthouses. Key performance indicators, such as waiting times on the day, are clearly identified and publicly reported. Observations by Inspectors and interviews with non-professional users confirmed that ushers and legal advisors ensure that defendants and witnesses fully understand court proceedings.
- 3.16 Staff understand both the policies and practices involved in offering witnesses alternatives to the oath on the New Testament. Appropriate holy book alternatives to the New Testament are available and these are stored and covered, in accordance with required religious custom, in all the MCC's courthouses.
- 3.17 The national guidelines on the selection and use of interpreters are applied. Staff involved in their implementation clearly understand these. As noted at paragraph 3.10, a witness support system, with a service level agreement with appropriate agencies, is now in existence. The Witness Support Service has been granted office facilities in the MCC's courthouses for its three co-ordinators.
- 3.18 Very few defendants and witnesses have to wait unacceptable lengths of time for their cases to be heard. All staff are aware of the importance of progressing cases as quickly as possible. Where there are unavoidable delays, staff are at pains to relay information as quickly as possible to users who are waiting. The percentage of defendants waiting an hour or less, as measured by NPI5, was 70% in October 2002, placing the MCC joint third among the 42 MCCs. Waiting times for witnesses, as measured by NPI6, are also highly creditable, with the latest data showing Nottinghamshire in fifth position overall.
- 3.19 The MCC generally deals with complaints in a proper and effective manner. There is a clear and comprehensive complaints procedure in place and this is well advertised. Staff are trained in the receipt and response to complaints, including verbal complaints. The MCC takes seriously each the complaint it receives. It has procedures for a proper consideration of those issues that might require a change of policy or practice. Inspectors noted, with approval, that the MCC has recently reviewed and amended its complaints practices and associated literature and is moving towards a 'comments' procedure to elicit a more comprehensive response from users.

Overall Assessment – Written Information

The MCC produces a good range of written information for court users, which is of excellent quality and of considerable help. The written information is supplemented by an excellent web site and an electronic information touch-screen facility in all courthouses. Notice boards are well organised and well maintained. Internal signage is good but some improvement could be made in terms of the frequency, helpfulness and siting of road and pedestrian signs.

- 3.20 Court users receive clear written information before attendance at court and the well-maintained notice boards at all courts clearly display comprehensive information about the work of the MCC and its courts. The MCC has a well-constructed web site containing essential information and there are excellent electronic information points in all court houses. Leaflets relating to the location of courts, opening times, telephone numbers and brief details of court personnel and procedures are very clear and comprehensive and accompany charge/summons forms. The main leaflets are available in four languages other than English, reflecting the main languages in use, and are also available in large print, Braille and CD formats. Non-professional users confirmed that they receive this information in good time. User surveys indicate that 93% of respondents were satisfied with the information provided, placing Nottinghamshire joint fourth among the 42 MCCs. All court houses have leaflet racks and all have adequate supplies of leaflets, relating to matters such as legal aid, victim support and the payment of fines.
- 3.21 Road signs for car drivers and signs for pedestrians from train or bus stations exist in most of the towns involved but are sometimes of limited value. For example, some are too near the courthouse or difficult to see. Internal signage is usually very good and clearly shows the whereabouts of significant locations such as interview rooms, courtrooms and toilet facilities. All court staff wear function badges and there are plans in the court leaflets showing court layout, the whereabouts and functions of the key players.

Methodology

The Nottinghamshire MCC inspection was conducted by a team of three Inspectors and an inspection assistant. The MCC was given notice of the inspection and the topics to be inspected approximately three months before the preliminary meeting. The MCC provided the inspection team with documentary evidence, together with its own analysis of performance in the three topic areas. A wide selection of professional users of the Nottinghamshire magistrates' courts were identified and questionnaires, telephone and face-to-face interviews were used to gather information about their views and concerns.

The inspection team visited each of the MCC's four offices (Mansfield, Newark, Nottingham and Worksop) to inspect the files of all adult cases completed during the week commencing 11 November 2002 and the files for all youth cases completed during the four weeks commencing 21 October 2002, together with corresponding court registers. As part of the exercise, 656 crime files were analysed using methodology comparable with that of the LCD Time Interval Survey. This analysis produced the case completion information included in Figure 1, within the body of this report.

Having assessed all the available evidence, the inspection team planned, and carried out, a series of interviews with MCC members, staff and magistrates. This five-day on-site period was used to fill in gaps in the evidence, corroborate written information and test hypotheses.

The Nottinghamshire MCC has seen the report in draft form and any comments on factual inaccuracies have been taken into account in this final version.

Nottinghamshire MCC: key facts

Clerkship	Petty sessions areas	Magistrates (as at 31 March 2002)	Courthouses (administration offices in bold)	Courtrooms (source LCD courthouse survey 2002)	Staff (full-time equivalent as at February 2003)	Weighted caseload (October 2001/ September 2002)
Nottinghamshire	East Retford	27	Retford*	2	*	275,514
	Mansfield	156	Mansfield	8	51.39	
	Newark and Southwell	38	Newark	2	13.54	
	Nottingham	407	Nottingham	24	183.66	
	Worksop	42	Worksop	2	25.26	
Secretariat – based at Nottingham courthouse						

* Staffing figures included in Worksop office

Expenditure 2001/2002 (£000s) – Audited	
Staff	5,197
Premises	2,411
Supplies & services	947
Local authority charges	63
Magistrates' expenses	274
Magistrates' training	7*
Transfers to Provisions	152
Gross expenditure	9,051
Income	101
Net expenditure	8,950

* This sum represents only the direct costs of tuition, the total expenditure on magistrates' training for the year was in excess of £100,000

Weighted caseload	
October 2001/September 2002	275,514
2000/2001	255,174
1999/2000	265,768

Nottinghamshire MCC: performance data

National Performance Indicators 2001/2002

(For NPIs 1 to 6, shaded = better than or equal to national average)

National Performance Indicator	National data			Nottinghamshire MCC ranking (of 42 MCCs)
	Best	Worst	Average	
NPI 1 Cost efficiency	April 2001 – March 2002			
Cost per unit of weighted caseload	£20.97	£51.64	£30.72	£34.33 (36)
NPI 2 Timeliness	September 2002 survey			
Average number of days from first listing to completion for all defendants	19 days	66 days	32 days	40 days (33)
NPI 3 Courtroom utilisation	Rolling average January 2002 – December 2002			
Total actual court sitting hours as a proportion of calculated availability	83.6%	39.9%	66.8%	83.6% (1)
NPI 4 Debt analysis	Rolling average January 2002 – December 2002			
Completion rate indicator: Impositions collected, written-off and cancelled as a proportion of all impositions	130%	52%	90%	105% (10)
Payment rate indicator: Amount paid into court as a percentage of new amounts owed.	85%	32%	56%	64% (23)
Write-off indicator: Write-offs as a proportion of impositions	2%	39%	16%	16% (27)
Cancellation rate indicator: Cancellation of impositions as a proportion of all impositions	5%	43%	19%	25% (34)
Balances ratio indicator: Length of time to clear all debts if no further impositions made (1 = 1 year)	0.45	3.18	1.23	0.59 (4)
Arrears rate indicator: Percentage of the closing arrears over closing balances (100% = all of the balances are in arrears).	25%	89%	57%	59% (22)

National Performance Indicator	National data			Nottinghamshire MCC ranking (of 42 MCCs)
	Best	Worst	Average	
NPI 5 Quality of service		October 2002 survey		
Waiting times on the day of survey: Proportion of defendants who waited one hour or less	75%	44%	60%	70% (4)
User reaction survey: Proportion of users who rated facilities or information as satisfactory or very satisfactory				
Facilities	84%	61%	72%	81% (2)
Information	95%	83%	90%	93% (4)
NPI 6 Joint performance management witness monitoring		June 2002 survey		
Proportion of witnesses whose waiting time was one hour or less	71%	30%	50%	60% (5)

NPI 7 Ethnicity of MCC staff			
Comparison of the ethnicity of magistrates' courts staff with the ethnicity of the Nottinghamshire population as at 31 March 2002		Population %	Staff %
	White	96.70	95.32
	Black	1.36	2.47
	Asian	1.42	1.49
	Other	0.51	0.73

Core Performance Measures

In its *Thematic Review of Information for Management (TRIM)* – published in June 1997 and updated April 1999 – MCSI identified the following 12 core performance measures (CPMs) as enabling MCCs to assess performance across the range of their responsibilities.

		October 2001 - December 2001	January 2002 - March 2002	April 2002 - June 2002	July 2002 - September 2002	MCC target
	All cases					
CPM 1 – Average length of cases from first listing to completion	Nottingham Mansfield Worksop East Retford Newark MCC	- - - - - -	74 days 58 days 10 days 38 days 37 days 65 days	- - - - - -	45 days 31 days 15 days 73 days 19 days 40 days	40 days
CPM 2 – Percentage of defendants waiting one hour or less	Nottingham Mansfield Worksop East Retford Newark MCC	60% 56% 62% 82% 42% 59%	- - - - - -	59% 52% 63% 79% 67% 61%	- - - - - -	60%
CPM 3 – Percentage of cases for which information is provided within prescribed timescales	Nottingham Mansfield Worksop East Retford Newark MCC	98% 96% 99% * 100% 98%	98% 98% 100% * 100% 98%	94% 98% 97% * 99% 96%	97% 100% 97% * 100% 98%	95%
CPM 4 – Arrears as a proportion of outstanding balances	Nottingham Mansfield Worksop East Retford Newark MCC	57% 53% 48% * 67% 56%	55% 46% 42% * 49% 51%	57% 49% 39% * 40% 52%	52% 47% 48% * 62% 51%	52%
CPM 5 – Write-offs as a proportion of impositions	Nottingham Mansfield Worksop East Retford Newark MCC	12.5% 9.4% 4.8% * 5.8% 10.8%	12.3% 3.5% 11.5% * 5.2% 9.9%	22% 6% 10% * 4% 18%	16% 11% 11% * 6% 14%	12%

		October 2001 - December 2001	January 2002 - March 2002	April 2002 - June 2002	July 2002 - September 2002	MCC target
	All cases					
CPM 6 – Occupied court sitting hours as a proportion of the number of planned hours of court time	Nottingham Mansfield Worksop East Retford Newark MCC	94% 92% 79% 79% 94% 92%	98% 95% 81% 81% 92% 95%	93% 95% 84% 88% 96% 93%	93% 94% 85% 83% 91% 93%	93%
CPM 7 – Weighted caseload per sitting hour	Nottingham Mansfield Worksop East Retford Newark MCC	7.9 8.5 11.3 11.3 8.7 8.3	9.5 9.6 11.4 11.4 8.3 9.2	8.5 10.3 11 - 9 9.1	7.7 9.5 10.7 - 8.6 8.4	9.5
CPM 8 – Percentage of user satisfaction <i>*Surveys conducted in April and October 2002.</i>	Nottingham Mansfield Worksop East Retford Newark MCC	83% 93% 89% 89% 89% 87%	- - - - - -	86% 90% 90% 91% 91% 89%	- - - - - -	85%
CPM 9 – Staff cost per weighted case	Nottingham Mansfield Worksop East Retford Newark MCC	£19.00 £19.30 £20.30 * £15.80 £19.00	£15.00 £17.90 £18.73 * £16.66 £15.90	£16.88 £18.43 £18.55 * £15.18 £17.26	£19.87 £18.62 £19.20 * £16.57 £19.34	£18.00
CPM 10 – Weighted caseload per member of staff	Nottingham Mansfield Worksop East Retford Newark MCC	220 265 252 * 268 233	275 288 260 * 276 276	249 281 259 * 282 257	208 283 246 * 263 228	262

No data provided for CPM11 – total revenue cost per weighted caseload

* Not applicable as East Retford has no staff based at the courthouse.

Core Performance Measures – continued

		October 2001 - December 2001	January 2002 - March 2002	April 2002 - June 2002	July 2002 - September 2002	MCC target
	All cases					
CPM 12 – Actual court hours as a proportion of capacity	Nottingham	62%	64%	64.3%	68.5%	63%
	Mansfield	56%	54%	50%	59.3%	
	Worksop	55%	60%	64.9%	65.7%	
	East Retford	27%	28%	30.1%	31.6%	
	Newark	59%	59%	59.8%	65.7%	
	MCC	58%	60%	57.6%	64.3%	

Nottinghamshire MCC good practice: Service Reviews

The Service Review process forms a key part of the MCC's Performance Management Framework. It is a system of self-assessment of the operations and processes of the MCC, conducted by a team drawn from all levels across the organisation.

Reviews assess a specific service or activity to identify constraints to improved performance and quality of service. The process comprises three elements:

- ◆ **Challenge** – what is done, why it is done and could it be done differently?
- ◆ **Compare** – differences in performance and practice between the MCC's offices and other MCCs and organisations
- ◆ **Consult** – who is affected, what do they think?

One of the aims of the Service Review process is to provide team members with an opportunity for self-development by gaining and practising skills which they might not undertake in their normal role, for example statistical analysis, interviewing and report writing. They are also given the opportunity to experience other areas of the organisation, voice their opinions and ideas, and participate in bringing about change.

Service Review Teams prepare a final report which details findings and recommendations. These are given a high priority by the Corporate Management Team and are passed to the MCC's Audit Committee for consideration.

Recent Service Reviews have looked at Case Management and Timeliness; the Quality of Service Charter; Services to Witnesses and Victims; Fine Enforcement and Family Proceedings.

Recommendations and Nottinghamshire MCC's action plan

1 MCSI recommendation:

That, in order to improve its planning process, the MCC:

- ◆ ensure that the office plans link clearly to, and ensure delivery of, the objectives in the Operational Plan
- ◆ amend the quarterly report on the Operational Plan to include progress against all key objectives
- ◆ implement a system for regular reporting to CMT of progress against office plans.

MCC response

The Committee will:

- ◆ ensure that the office plans link clearly to, and ensure delivery of, the objectives in the Operational Plan
- ◆ amend the quarterly report on the Operational Plan to include progress against all key objectives
- ◆ implement a system for regular reporting to CMT of progress against office plans.

Improvement target: To ensure office plans link more closely to the Operational Plan and improve reporting mechanisms of progress in implementation of plans.

By date: April 2004

2 MCSI recommendation:

That the MCC should consolidate and develop current initiatives into a comprehensive plan, which will deliver improvements in the administration of cases. The plan should include:

- ◆ **MCC-wide priorities and objectives for case completion and case progression**
- ◆ **responsibilities, milestones and targets**
- ◆ **detailed monitoring, reporting and review mechanisms.**

MCC response

The Committee will:

- ◆ map out current and investigate new initiatives and develop a comprehensive plan which includes all current work being undertaken by the MCC to reduce delay in case completion and deliver improvements in the administration of cases.

Improvement target: To reduce the average number of days from first listing to completion in criminal proceedings to 40 days.

By date: March 2004

3 MCSI recommendation:

The concerns outlined at paragraph 3.14 and an associated recommendation are included in a confidential annex to this report.

Glossary

<i>Advisory Committees</i>	Advisory Committees are local, non-departmental public bodies which, amongst other things, are responsible for determining the number of magistrates to be appointed and recruiting suitable candidates
<i>Clerkship</i>	An administrative unit comprising one or more petty sessions areas for the geographic area which is the responsibility of a single Justices' Clerk
<i>Court register</i>	All courts are required to keep a register of adjudications
<i>Core Performance Measure (CPM)</i>	In its <i>Thematic Review of Information for Management</i> – published in June 1997 and updated April 1999 – MCSI identified 12 Core Performance Measures which should allow MCCs to assess their performance in key areas of their responsibility
<i>Criminal Justice System (CJS)</i>	The expression used to describe all the many agencies involved in the administration of justice who are parties to HM Government's strategies, aims and objectives for criminal justice in England & Wales
<i>Department for Constitutional Affairs (DCA)</i>	The DCA is the government department (formerly the Lord Chancellor's Department) that is responsible for magistrates' courts and funds 80% of the activity of MCCs
<i>District Judge (Magistrates' Court)</i>	Full time, professional judge who sits in a magistrates' court. The District Judge has the same powers as a bench of two lay magistrates, i.e. he or she may sit alone, except in the Family Court. Until 2000 they were known as Stipendiary Magistrates
<i>Early Administrative Hearing (EAH)</i>	An arrangement in which issues, such as legal aid and advance information, can be dealt with at the earliest opportunity after a person has been charged and bailed to appear before a magistrates' court - the objective being to expedite progress of the case. These hearings can be conducted by a single magistrate or a court clerk using delegated powers
<i>Early first hearing (EFH)</i>	An arrangement for all straightforward cases, where a defendant has been charged and a guilty plea is expected, to be dealt with at the earliest opportunity. The CPS, in the expectation that a duty solicitor can deal with the case before the magistrates, prepares brief information on the offence. Designated case workers, rather than qualified lawyers, may prosecute at these hearings
<i>Either-way cases</i>	Cases that can be dealt with either in the magistrates' court or committed to the Crown Court
<i>Indictable Cases</i>	Serious cases which have to be sent forthwith, at the Early Administrative Hearing, to the Crown Court

<i>Lord Chancellor's Department (LCD)</i>	The LCD was the government department responsible for magistrates' courts, funding 80% of the activity of MCCs, until June 2003 when it was superseded by the Department for Constitutional Affairs (DCA)
<i>Magistrates' Courts Committee (MCC)</i>	The 42 independent administrative bodies in England & Wales responsible for providing magistrates' courts. Eighty per cent of MCC funding comes direct from central government (the DCA) and the balance from local authorities within the area. Each MCC comprises a Committee of up to 12 lay magistrates selected from within the area, although up to two non-magistrates may be co-opted onto the Committee. (The Greater London Magistrates' Court Authority is differently constituted.) The Committee is responsible in law for the effective and efficient administration of the magistrates' courts in its area
<i>Management Assurance Programme (MAP)</i>	Issued by the Lord Chancellor's Department in May 1997. Designed to assist MCCs in ensuring financial probity within Fines & Fees accounts
<i>Narey report</i>	Report " <i>Reducing Delay in the Criminal Justice System</i> " on speeding up justice, named after its author, Martin Narey, which prompted a number of reforms including EAHs and EFHs, often known as "Narey courts"
<i>National Performance Indicators (NPIs)</i>	National indicators, published by the Lord Chancellor's Department for the first time in June 2000, used to measure progress in achieving Public Service Agreement (see below) targets
<i>Nolan Principles</i>	The Nolan Report (1995) set out seven principles for the guidance of holders of public office: selflessness, integrity, objectivity, accountability, openness, honesty and leadership
<i>Persistent Young Offender (PYO)</i>	A young person aged 10 to 17 years who has been sentenced by any criminal court in the UK on three or more occasions for one or more recordable offences, and within three years of the last sentencing occasion is subsequently arrested or has information laid against him or her for a further recordable offence
<i>Petty Sessions Area</i>	England and Wales are divided into areas known as petty sessions areas (formerly petty sessional divisions). Magistrates are appointed to a specific petty sessions area and become members of the bench for that area
<i>Pre-trial reviews (PTRs)</i>	May be conducted in advance of a trial. The aim is to anticipate problems that might prevent the trial going ahead on the date fixed and to identify other issues that assist in planning for the trial
<i>Public Interest Disclosure Act 1998</i>	The Public Interest Disclosure Act 1998 provides protection for workers who properly make disclosures about wrongdoing – often referred to as 'whistle-blowing'

<i>Summary cases</i>	Cases which must be tried in the magistrates' court
<i>Time Intervals Survey (TIS)</i>	A quarterly survey conducted by the DCA (formerly the Lord Chancellor's Department) that measures the timeliness of magistrates' courts criminal proceedings
<i>Youth Offending Team (YOT)</i>	A multi-agency team that deals with young offenders. A typical team comprises youth justice social workers, an education welfare officer, a health worker and police & probation officers

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