

Report of an Inspection

of the

South Yorkshire
Magistrates' Courts Committee

carried out during

May 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.

Copies of this report may be obtained from:

MCSI Secretariat
8th Floor, Millbank Tower
Millbank
London SW1P 4QP

Telephone: 020 7217 4347
Fax: 020 7217 4357

Or via our website at <http://www.mcsi.gov.uk>

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 South Yorkshire Magistrates' Courts Committee (SYMCC) area focused on five 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)
- ◆ Management of Human Resources (how well the Committee recruits, trains and manages its staff)
- ◆ Administration of Cases (how well the courts organise cases and process information)
- ◆ Collection and Payment Out of Financial Orders (how quickly and accurately fines, and other money, are collected and passed on)
- ◆ Care of Court Users (the quality of services 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).

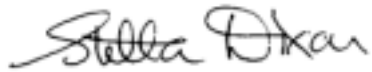
SYMCC clearly understands its strategic role and has shown effective leadership, firstly in managing a difficult amalgamation well, and since then, in setting out and communicating a clear direction for the service during a period of transition and change, and against a background of underfunding. On amalgamation, the MCC chose to adopt an evolutionary approach to reorganisation, moving from a structure based on four clerkships to one based on two clerkships. To its credit, the new structure was put in place effectively and has served it well in delivering its strategy although, as the MCC recognises, it is timely for it to consider the case for moving to a single clerkship. Overall, the MCC is performing well and it is pleasing to note that it was one of only nine MCCs to achieve a higher-than-average performance rating in all eight Strategic Steer Indicators (SSIs)¹ in 2002/03. Inspectors also found levels of communication and staff morale across the MCC to be good. SYMCC is also commended for being the first MCC to achieve the Charter Mark standard independently in all of its courthouses and for maintaining its Investors in People (IiP) accreditation across all courthouses.

We make a total of five recommendations. Two are concerned with improving the MCC's operational planning processes and another with developing its performance management system. A further recommendation focuses on SYMCC developing a strategic approach to collection and enforcement of financial orders, and the final recommendation, on an important Health and Safety issue. In the context of the move towards a unified courts administration (UCA), our recommendations focus on areas in which the MCC can make improvements in the shorter term. The MCC has responded constructively to the recommendations made by developing a comprehensive action plan.

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.

¹ National Performance Indicators are now reported as Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs).

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 Jo Dransfield who, as the Liaison Officer, gathered together the briefing material and helped to arrange on-site activities.

A handwritten signature in cursive script that reads "Stella Dixon".

Dr Stella Dixon
HM Chief Inspector, MCSI

September 2003

Context

- 1 In October 1997, the Lord Chancellor determined that the number of MCCs should be reduced from 96 to 42, to align with the boundaries of local police forces and, in time, other criminal justice agencies (CJAs). Following a period of consultation, Barnsley, Doncaster, Rotherham and Sheffield MCCs amalgamated to form the South Yorkshire Magistrates' Courts Committee in April 2001.
- 2 In accordance with section 32 of the Justices of the Peace Act 1997, the four MCCs had to satisfy the Lord Chancellor that the amalgamation would be "*likely to contribute to an overall increase in the efficiency of the administration of the magistrates' courts*" in the area. In January 1999, the MCCs issued a consultation paper, setting out their aims and the planned outcomes of the amalgamation. These aims were in line with the following objectives, set out in MCSI's *Resource File for Amalgamating MCCs*:
 - ◆ more efficient deployment of staff
 - ◆ better case management from first listing to completion, resulting in a reduction in delay
 - ◆ optimum utilisation of office and court buildings
 - ◆ value for money in contracting for standard goods and services
 - ◆ improved strategic liaison with other agencies in the criminal justice system (CJS).
- 3 The Lord Chancellor gave his approval to the amalgamation and a Shadow Committee was established in February 2000. Fourteen months later, the four areas formally amalgamated to form the South Yorkshire Magistrates' Courts Committee. The boundaries of the new organisation now correspond with those of the police, Crown Prosecution Service (CPS) and Probation Service. MCSI's *Guidelines for Inspection and Liaison* indicate that newly-amalgamated MCCs will be inspected between 18 and 30 months after the inspection date.
- 4 In terms of population, the MCC is the fourteenth largest in England and Wales. The 1.3 million people resident in the area are predominately white, with ethnic minority people making up just under 5% of the population. Home Office statistics show that, between April 2001 and March 2002, there were 134,764 offences in the area. This corresponds to 104 offences per 1,000 population, which is in line with the average of 104 for England and Wales. These figures translated into a weighted caseload for the MCC of 414,404 from January 2002 to December 2002, a slight increase of 0.7% on the corresponding period in 2001, against a decline of 1.1% nationally over the same period.
- 5 SYMCC comprises ten voting members (reduced from 12 prior to April 2003) and works with two main sub-committees. The four magistrates' benches in South Yorkshire comprise over 700 magistrates and five District Judges (Magistrates' Courts) who dispense justice across the area.
- 6 The MCC employs over 280 full-time equivalent staff. Its legal management structure is based on two clerkships, based in offices at each of its four courthouses, together with a central secretariat office in Sheffield. At the time of inspection, its Senior Management Team (SMT) comprised the Justices' Chief Executive (JCE), two Justices' Clerks and their deputies, and Directors of Administration

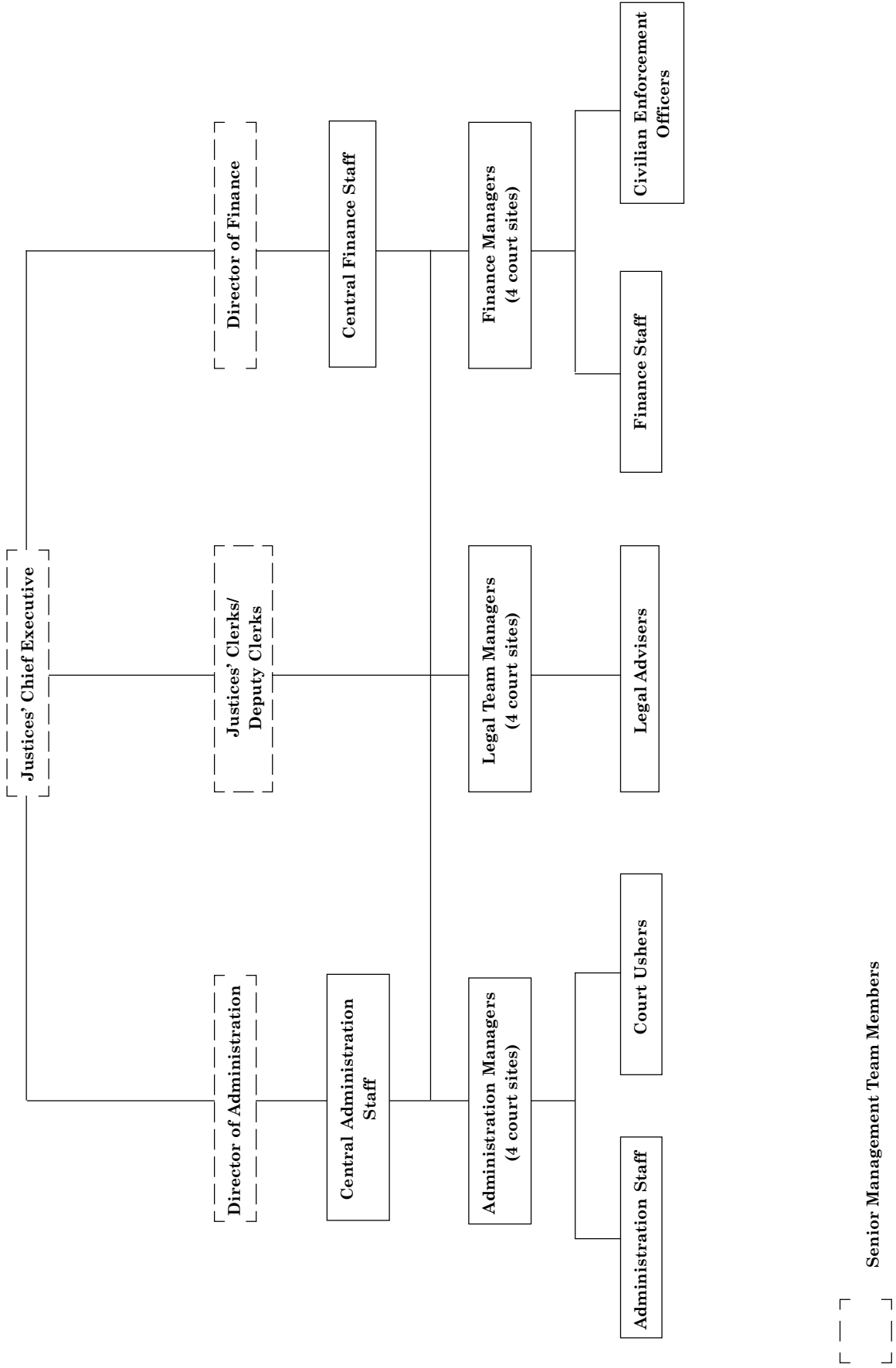
and Finance. A chart illustrating the overall structure is included in Figure 1.

- 7 In 2001/02, the MCC's budget was £9m and, in 2002/03, £9.3m, of which 80% was provided by the LCD. The remaining 20% was jointly provided by Sheffield City Council and Barnsley, Doncaster and Rotherham Metropolitan Borough Councils. Barnsley Metropolitan Borough Council has acted as the lead paying authority since the amalgamation. The MCC's total budget for 2003/04 is £10.1m. The recent review of the revenue grant allocation mechanism has demonstrated that SYMCC has been historically underfunded. This is further demonstrated by its low costs in relation to its weighted caseload – in 2001/02, its cost per unit of weighted caseload was £21, against a national average of £31, ranking it the most cost-effective MCC nationally during this period.
- 8 The two-year period since amalgamation has been one of considerable activity and continuing change for SYMCC, with further changes anticipated in the future. In particular, the implementation of an increasing number of national initiatives was achieved by an organisation in transition and against a background of resourcing difficulties. Given this, the MCC is to be commended for achieving a Charter Mark in Sheffield Courthouse, making it the first MCC to achieve the Charter Mark standard independently in all of its courthouses, and maintaining its IiP accreditation across all courthouses. It has also won a National Training Award for innovative youth court training at Rotherham Courthouse, and achieved a Beacon Award and maintained its ISO 9000 quality assurance standard in Barnsley Courthouse.

- 9 Annex A sets out details of the processes by which the inspection team gathered its evidence for this report. A summary of the key facts relating to SYMCC is included at Annex B. Annex C contains general information about SYMCC's performance, as measured by the National Performance Indicators (NPIs)². It also includes the MCC's own Core Performance Measures (CPMs), based on MCSI's *Thematic Review of Information for Management (TRIM)*. MCSI's analysis of adjournments in cases completed in one week in February 2003 is set out in Annex D.

² National Performance Indicators are now reported as Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs).

Figure 1: South Yorkshire MCC organisational structure



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*
- ◆ *plan strategically for the management of transition to the Unified Courts Administration*
- ◆ *establish an effective organisational structure to deliver the MCC's 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 demonstrates clear leadership in determining and communicating strategic direction and is taking appropriate steps to plan for the UCA. Key strategic issues are identified in the MCC's Strategic Plan and actions to achieve these are set out in its corporate operational plans. However, these actions have yet to be cascaded effectively into local plans that add up to the achievement of the MCC's key aims. The MCC has still to integrate its commitments to race equality within its operational plans. Considerable effort has been put into developing a comprehensive performance monitoring framework. However, although actions to improve performance and share good practice are being implemented, these are not yet systematically planned for and co-ordinated, and the MCC is not yet capitalising on good practice across the area. The MCC's new organisational structure was put in place effectively and supports good performance. While this has served the MCC well in delivering its strategy, it is not now facilitating the corporate steer necessary to enable it to capitalise fully on the opportunities provided by amalgamation. The MCC makes a clear commitment to high standards of conduct and a good range of corporate policies and procedures is in place.

Show leadership in determining and communicating strategic direction

1.1 A Strategic Planning Sub-Committee was established, well in advance of amalgamation, to develop a vision and strategy for the new organisation. A comprehensive environmental scanning exercise was undertaken and the emerging

strategy was subject to wide-ranging consultation, both internally and externally. For example, a series of internal workshops, led by the JCE, was undertaken for staff and magistrates, and these were positively commented upon.

This helped secure a good level of support and commitment to the developing plans and acted as a unifying factor in starting to bring together four disparate organisations. It also meant that the new MCC was in a position to publish its Strategic Plan in July 2001, just three months after amalgamation; a good achievement.

- 1.2 The strategic direction, vision and values set out in the *Strategic Plan 2001-04* are appropriate and reflect well the national context, taking account of the current aims for the magistrates' courts service and anticipating changes in the light of the Auld Review. The Plan has recently been reviewed, again involving a good level of consultation with key stakeholders, and relevant new issues and priorities identified and incorporated e.g. the MCC's new role in contributing to the Criminal Justice Board's national targets.
- 1.3 In particular, the MCC is taking appropriate steps to plan strategically for the development towards UCA, to the extent that it can at this stage. This issue was identified as a key factor in the recent review of its Strategic Plan and the MCC, through its JCE, has played an active role in setting up liaison meetings with Court Service personnel at circuit level, in preparation for UCA. It has also taken steps to keep staff and magistrates advised of developments, through progress reports in newsletters.
- 1.4 Since amalgamation, the Committee has worked hard to develop a corporate approach and has used an external facilitator to assist its development. Bringing together four very different organisations was not without difficulties and this necessitated the Committee taking a robust approach at times. It is pleasing to note that the Committee has been successful in developing an appropriate level of corporacy, for which it

is commended. Currently, two MCC members are also Bench Chairs and, while members interviewed were aware of the potential dangers inherent in holding dual roles, they considered that, in practice, this has proved beneficial in developing trust and good communication with magistrates.

- 1.5 The MCC has put considerable efforts into developing a good external communications, and an effective internal communications, framework. External respondents to MCSI's survey indicated a higher-than-average level of satisfaction with communication from the MCC, opportunities to make their views known and the MCC's response to these. Internal respondents also responded positively and internal communication was found to be good. This is covered in more detail in the Management of Human Resources section of this report (see paragraphs 2.18-2.20).
- 1.6 The MCC has established good working relationships with other CJAs at a strategic level and agencies are, in general, supportive of the MCC's plans. There is also evidence of effective inter-agency working, for example, in work with persistent young offenders (PYOs), the Street Crime Initiative and the Partnership for Justice, an inter-agency initiative with the aim of "*providing a system of justice that is fair to all*".

Establish an effective organisational structure

- 1.7 The MCC consulted widely on a number of organisational models for the amalgamated organisation, taking due account of the Strategic Steer, the Access to Justice Act 1999, future funding arrangements and responses from MCSI to structural changes in other areas. After much deliberation, it decided to adopt a structure based on two, as opposed to the previous four, clerkships. The Strategic Plan clearly states that by 2004, the end of

the period covered, a single clerkship should be adopted.

- 1.8 The new organisational structure was put in place effectively and supports good performance. However, while the MCC's chosen incremental approach to restructuring has served it well in delivering its strategy, it is now not facilitating the corporate steer necessary to enable it to capitalise fully on the opportunities provided by amalgamation. Many staff interviewed said that the current organisational structure did not always encourage a clear and consistent direction. These staff also said they were keen to find out more about how staff worked in other courthouses, share good practice and develop a more consistent approach.
- 1.9 Inspectors were pleased that the MCC, in its recent Strategic Plan Review, recognised the need to consider the business case for moving to a single clerkship. This would potentially assist in developing a clearer corporate steer, and the MCC is encouraged to take this forward at the earliest opportunity. In its self-assessment, the MCC identified a priority for action as *"to review and clarify the management structure and responsibilities to provide for effective delivery"*. Inspectors consider it is timely for the MCC to build on the benefits gained as a result of the evolutionary approach taken, and refine its management structure to provide a stronger central steer for the organisation. To help achieve this, it is suggested that the business case review should incorporate a review of all senior management roles.
- 1.10 During the first two years of operation, the MCC worked with three main sub-committees, covering Finance and Facilities, Information Technology (IT) and Performance and Personnel and Training,

together with an ad hoc Strategic Planning Sub-Committee. These arrangements proved effective in helping the Committee to discharge its responsibilities post-amalgamation. Following a recent review, the MCC has reduced its main sub-committees to two, one covering Finance, Facilities and IT and the other, Performance, Personnel and Training. This is appropriate given that MCC membership has recently been reduced from 12 to ten and much of the post-amalgamation development work has been completed.

Identify key strategic issues and determine effective plans of action

- 1.11 In its Strategic Plan, the MCC sets out comprehensive and appropriate key aims. One of the key aims is to *"establish a strategic direction supported by plans for implementation and review"*. High-level actions to achieve the MCC's aims are set out in its Operational Plan, Human Resources Strategy and Action Plan and Race Equality Scheme Action Plan. However, these actions have yet to be cascaded into local action plans.
- 1.12 The MCC has recently adopted a new approach to court centre action planning, which was in the process of implementation at the time of the inspection. This provides a good focus on performance and has the potential to link well with the area 'Narrowing the Justice Gap' Plan. However, it is still not clear how local plans will address the actions in the corporate operational plans that will require local action and add up to the achievement of the MCC's aims. For example, actions required at local level to put new policies in place, ensure risk assessments are conducted annually and to maintain IiP and other accreditation standards. At the time of inspection, only one of the local court centre action plans had been produced in draft and, while this contained targets and some appropriate

actions, it lacked clear accountabilities, timescales, objectives and prioritisation.

Recommendation 1: that the Committee review its recently adopted approach to local planning to ensure plans:

- ◆ **are comprehensive and, in total, add up to the achievement of its corporate operational and human resources action plans, and thus its strategic aims**
- ◆ **incorporate clear accountabilities, timescales and objectives**
- ◆ **develop further a corporate approach, to capitalise fully on the opportunities provided by amalgamation.**

1.13 The need for the MCC to develop further its operational planning processes is also highlighted in a number of other sections in this report, where reference is made to this Recommendation.

1.14 Although, in the recent Strategic Plan Review, some attention was given to diversity issues and revisions made in the light of this, the MCC's commitments to race equality included in its Race Equality Scheme (RES) have yet to be integrated within its corporate operational plans. For instance, it is disappointing that no reference is made to race equality in the recently-revised Corporate Operational Plan. Although the MCC recently reviewed progress against its RES Action Plan, it has still to revise this in the light of feedback provided following MCSI's race equality baseline assessment, conducted in August 2002. At that time, it was suggested that the MCC review its action plan and develop a more detailed

implementation plan to include details of its arrangements for:

- ◆ assessing and consulting on the potential impact of new policies on race equality
- ◆ monitoring existing policies, and
- ◆ publishing the results of its assessments, consultations and monitoring

in accordance with the guidance set out in the Statutory Code of Practice on the Duty to Promote Race Equality. It was also suggested that the MCC set out clear plans for developing a more representative workforce, particularly at more senior level, and meeting the targets it has set in these areas.

Recommendation 2: that the Committee ensure its commitments to race equality are fully integrated in its corporate and local operational plans, and further review its Race Equality Scheme Action Plan to ensure it is comprehensive and meets fully the requirements of the Race Relations (Amendment) Act 2000.

Set and monitor standards of performance

1.15 One of the stated values of SYMCC is to “*seek continuous improvement in the quality of existing services and performance and to strive towards excellence*”. In working towards this, the MCC has put considerable efforts into developing a comprehensive performance monitoring framework. The provision of reliable information has been hampered by the fact that the MCC operates with two core computer systems. Developing valid and reliable data for reporting, and comparative purposes, has been a major task and one that is still continuing.

- 1.16 Targets are set for NPIs and CPMs and performance against these reported on regularly, by way of quarterly performance reports. The MCC intends to supplement these with briefer monthly reports for managers, thus providing more immediate feedback. Reports are effectively communicated, and managers and staff were found to be well aware of relevant targets and performance against these. There is good evidence of performance data being used at local level and actions being taken to improve performance, with more limited evidence of sharing of good practice across the county.³ However, the actions taken tend to be more reactive, and in response to performance problems, than proactive, and are not yet systematically planned for and co-ordinated. As a result, while there is evidence, particularly at local level, of a performance culture developing, the MCC is not yet capitalising fully on good practice across the area, to build on already good performance as well as responding to areas where performance is weaker.
- 1.17 The Terms of Reference for the SMT state that performance will be considered at each meeting. However, in practice, there is limited overall review of performance data, or planning for improvement and prioritisation, and few action points are agreed. Inspectors were encouraged to see the development of a number of county-wide functional groups e.g. the County Administration Managers Group, the Legal Forum and the more-recently-formed Enforcement Good Practice Group, which were beginning to actively consider performance issues. While such groups are starting to discuss and share good practice, in the absence of a strong central steer, their work in improving performance is not optimised.
- 1.18 Due to funding difficulties, the MCC was unable to employ a performance officer until relatively recently (July 2002). Had it been able to fund this post earlier, as it wished to, then its performance management may have been at a more advanced stage. In its self-assessment, the MCC acknowledges that it “*needs to enhance the emerging performance culture and ensure that we work towards consistently good performance in all areas of the county, building on the work in establishing a Performance Management Framework and integrating monitoring with the Operational Plan*”. Inspectors agree with this and it will be important for the MCC to address these issues to improve its performance further, and capitalise on the emerging performance culture and existing good practices across the area.
- Recommendation 3: that the Committee develop further its performance management system to ensure improvements are systematically planned for and co-ordinated at county level, capitalising on good practice and maximising performance.**
- 1.19 The need for the MCC to develop further its performance management systems is also highlighted in other sections of this report, where reference is made to the Recommendation above.
- 1.20 The MCC is playing an active role in setting up an area performance management framework to support the aims and objectives of the area ‘Narrowing the Justice Gap’ Plan. This will comprise a county performance improvement group, supported by four local area performance improvement groups, that will report to the area Criminal Justice Board. It will be

³ In the context of this report, “county” has the sense used by the MCC ie. covering the MCC area or MCC-wide.

important, as the MCC recognises, for its performance management systems to make appropriate links to this framework.

Demonstrate adherence to appropriate principles of conduct

- 1.21 SYMCC makes a clear commitment to high standards of conduct. One of the values in its Strategic Plan is to “*act with honesty, integrity and probity in all matters*” and one of its key aims is to “*put in place working arrangements that ensure regularity, propriety, probity and accountability in all the Committee’s undertakings*”.
- 1.22 The Committee holds a public meeting annually and its constitution allows for a staff observer at its meetings, although, in practice, staff representatives do not take up this opportunity. It is suggested that this is raised with the Joint Consultative Committee (JCC). Minutes of Committee meetings are well distributed within the organisation and made available to the public on request. A number of corporate documents, for instance, minutes of public meetings and the MCC’s Race Equality Scheme, are accessible on the MCC’s website.
- 1.23 The Committee has had a Constitution and Standing Orders in place since amalgamation. Recently, drawing on good practice in another MCC, these have been revised and are much improved as a result; for instance, they now incorporate a very good Code of Conduct. A Register of Interests is in place and up-to-date and a whistle-blowing policy had recently been agreed. The Committee has yet to agree a code of conduct for its JCE, although it plans to adopt the national model for all staff, including the JCE, when this is finally agreed.
- 1.24 The revised documents also incorporate a more comprehensive breakdown of the responsibilities of the Committee and the JCE, and now include the Committee’s responsibilities for conducting an annual appraisal and agreeing the pay scales of its JCE. It was acknowledged that the JCE has not been appraised since amalgamation and the Chair has plans to do this. Linked with this, the Committee also needs to develop terms of reference, to include remit and membership, for its Remuneration Sub-Committee.
- 1.25 The Committee’s audit responsibilities are insufficiently defined in its Financial Regulations and the Terms of Reference of its Facilities and Finance Sub-Committee (since April 2003, reconstituted as the Finance, Facilities and IT Sub-Committee), although these are dealt with appropriately in practice. It is suggested that the Committee ensure its responsibilities for approving the annual audit plan, and assuring itself that audit recommendations are appropriately responded to, are incorporated within the relevant documents.
- 1.26 The MCC has developed excellent procedures for ensuring that the Management Assurance Programme (MAP) is implemented and quarterly reports are now provided to the Committee, enabling it properly to assure itself of compliance.
- 1.27 In early 2002, Barnsley Metropolitan Borough Council suggested that it undertake a corporate governance audit of the MCC. While this was not taken further at that time, it is suggested that it would be timely for the Committee to reconsider this matter.

Inspection Findings 2: Management of Human Resources

This section assesses the extent to which the MCC provides and deploys staff capable of delivering the MCC's objectives cost-effectively.

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

- ◆ *systematically and continuously plan human resource needs*
- ◆ *ensure that the staff structure and numbers enable work to be carried out cost-effectively*
- ◆ *identify, sustain and develop staff capabilities*
- ◆ *continuously review staff performance and development and agree targets*
- ◆ *maintain an effective dialogue with staff and foster a climate of involvement*
- ◆ *meet its statutory obligations as an employer and demonstrate good employment practice.*

Overall Assessment

Human resource (HR) needs are given a high priority in the MCC's strategic planning processes and much has been achieved to create a structure and workforce that is capable of delivering the MCC's aims cost-effectively, although the process of harmonisation following restructuring is still underway. While the MCC has laid sound foundations for the systematic identification of human resource needs and planning for these, HR issues have yet to be reflected in local action plans. Though the MCC is clearly committed to the training and development of its staff, training so far has been more ad hoc and reactive than properly planned for. The MCC is actively promoting a culture of improvement through target setting and performance monitoring. Staff morale and levels of communication within the organisation are good, and the MCC conveys a positive message in terms of the value it places on staff and their active involvement in the organisation. The MCC has policies in force that reflect good employment practices, although more work is needed to ensure it has the expertise and systems in place to discharge its Health and Safety obligations comprehensively and effectively.

Planning for human resource needs

- 2.1 HR needs are given a high priority in the strategic vision and planning processes of the MCC. The stated values of the MCC include "acting as a good employer and to value and develop staff", providing "a pleasant and safe working environment" and promoting "open and honest communication". In supporting these values, a key aim of the MCC is "to ensure the provision and deployment of staff capable of delivering the MCC's objectives cost-effectively".
- 2.2 The HR implications of the MCC's Strategic Plan are effectively identified and planned for within the Corporate Operational Plan. This includes key human resource actions to achieve the MCC's aims and support its values, and clear timescales and accountabilities to

achieve these. At the time of inspection, plans had recently been reviewed and revised.

2.3 In June 2002, the MCC published a separate Human Resources Strategy that complements and develops its approach to human resource issues. This is clear and comprehensive, and based on a number of 'guiding principles' that reflect the values of the organisation. Key elements of the strategy include organisational development, resource utilisation, recruitment selection and retention, motivation and development, valuing work and reward systems. In each of these areas, explicit and clear links are made with relevant key aims and objectives in the Strategic and Corporate Operational Plans. Strategic targets for HR development are identified with a detailed action plan to achieve these over the period 2002-04. This ensures that there are appropriate links between the MCC's strategy and its HR plans, which, as a result, are clearly focused.

2.4 However, Inspectors were disappointed that the clearly articulated and comprehensive approach taken to HR planning at a strategic level was not reflected in the planning processes at local courthouse level. As reported in the Strategic Management section (see paragraph 1.12), it is not clear how the new-style local plans will address the actions in the corporate plans, including the HR Action Plan, that will require local actions. There was almost no reference to HR needs and issues in either the new MCC Performance Plan or in the one draft local court centre action plan that had been produced at the time of inspection. For instance, local actions needed to retain IiP and Charter Mark Award accreditation, implement the new Employee Review and Development Scheme and to meet the MCC's

commitments to race equality set out in its Race Equality Scheme.

2.5 In responding to Recommendation 1 (see paragraph 1.12), the MCC must ensure that its local court centre plans reflect appropriately its corporate HR action plans, and make clear what actions are needed at local court centre level to achieve its aims and objectives in this area.

Staff structure and numbers

2.6 Overall, the new staff structure enables work to be carried out cost-effectively, although staffing shortages as a result of recruitment and retention problems and slow progress towards harmonisation have, to some extent, undermined full realisation of the potential of the recent restructuring exercises. In its self-assessment, the MCC acknowledged that progress made post-amalgamation on some HR issues, for instance, harmonisation and job evaluation, has been slow and a source of frustration for staff. Inspectors agree with the MCC's assessment that completion of harmonisation should now be a priority.

2.7 One of the MCC's strategic aims is "*to ensure the provision and deployment of staff capable of delivering the MCC's objectives cost-effectively*". To help achieve this, the MCC identified as a key task "*to agree a staff structure and numbers that will enable work to be carried out cost-effectively and allow staff to be deployed flexibly within the MCC area*". In working towards this goal, the MCC has undertaken a number of restructuring exercises since amalgamation. These include the introduction of a revised management structure across the MCC based on two, as opposed to the previous four, clerkships and the implementation, in 2002, of a new, unified grading structure for legal advisers. In order to

develop greater flexibility, all new posts in SYMCC have a built-in mobility clause; mobility across the MCC being one of the cornerstones of the new legal adviser structure.

2.8 Restructuring was accomplished with a good level of staff consultation. Proposals were circulated to staff, who were given opportunities to express views, and there was appropriate negotiation with the union side through the Joint Negotiating Committee (JNC). Good progress has been made in the implementation of the new structures, which are capable of delivering the MCC's aims cost-effectively. There is also good evidence of the development of a consistent and more corporate approach to HR management, for example, with the introduction of a new recruitment and selection pack, flexi-time and other county-wide personnel policies and practices.

2.9 Inspectors were also pleased to see that the new structure is proving effective in promoting cross-functional co-operation and working. For instance, the new Court Management Teams (CMTs) have greatly facilitated cross-functional working at court centre level. The cross-MCC managers' meetings for legal, administration and finance managers are also encouraging greater co-operation; for instance, in the sharing of staff, and some discussion and sharing of good practice across the organisation (see also paragraph 1.17). Good working relationships, at both court centre and cross-MCC level, were reported by administrative, finance and legal team managers in all courthouses and by all levels of staff interviewed.

2.10 Most managers interviewed were generally content that there are sufficient numbers of staff to meet the demands of the workload. However, it was clear from a number of interviews, and other evidence,

that administrative staffing shortages at both Doncaster and Sheffield Courthouses were hampering efforts to operate the new organisational structure in an effective and efficient way. Problems of recruitment and retention in both areas, with more competitive salaries and good career opportunities being offered by nearby organisations, were cited as the main reasons for this. The MCC has also experienced some difficulties in retaining legal advisers, although it has made good progress in addressing this through its policy of recruiting a pool of trainee legal advisers to assist in succession planning.

2.11 Post specifications (job descriptions) are in place for staff based at the secretariat and for those in posts created following amalgamation at court centre level. These were drafted at the time the new structure was implemented. However, post specifications for other posts pre-date amalgamation and should be reviewed. A selection of post specifications was reviewed and these were found to incorporate clear lines of accountability, and clearly delineate roles and responsibilities. Post specifications are reviewed when posts become vacant, as part of the recruitment and selection process. However, arrangements for reviewing post specifications on a more systematic basis, to ensure they support an effective and efficient distribution of work, were less clear, particularly as the MCC has decided not to proceed with a full job evaluation process. Inspectors were told that the main reason for this decision is the MCC's understandable belief that such an evaluation would be premature in the light of the impending UCA.

Identification and development of staff capabilities

2.12 Inspectors found good evidence that the MCC has systems and policies in place to identify, sustain and develop staff capabilities, and to enable it to achieve one

of its prime aims – “to maintain and enhance staff capabilities”. However, this is not yet being fully achieved. While there is a clear commitment to training and development, the first training and development plan was not comprehensive or specifically targeted. Some managers and staff interviewed felt under-prepared for their new responsibilities following amalgamation. A new plan, due in March 2003, was not available at the time of the inspection. As a result, staff training, including legal training, has tended to be more ad hoc and reactive, rather than comprehensively planned.

2.13 Nonetheless, a range of training opportunities for staff has been provided; for example, training in diversity awareness recently provided for all staff, training for line managers and staff on the new Employee Review and Development Scheme (ERDS), and a development programme for senior managers. There is evidence that training priorities are driven by a mixture of organisational goals and individual needs, which are identified through staff review and development. At the moment, the balance is very much weighted towards overall organisational drivers and, in time, as the ERDS becomes fully operational, the MCC will need to review this balance. Staff views on training are generally positive and there is now a much more systematic means of evaluating training events, with a new form and guidelines produced in response to one of the recommendations of the IiP assessment in 2002.

2.14 With the demise of the Regional Training and Development Training Unit, training for legal advisers has not been as comprehensively and systematically provided for as the MCC would have wished. Although some training has been arranged in partnership with West Yorkshire MCC and there has been a limited amount of ‘in-house’ training, these

initiatives have only gone some way to providing the development required. Inspectors were therefore pleased to hear that the MCC has taken steps to create a new post, of Legal Training Principal, to promote and co-ordinate legal training throughout the area.

2.15 The ERDS is being phased in from May 2003 and is designed to align closely to both operational objectives and individual development needs. The focus of the Scheme is staff development, rather than staff appraisal, and it is based on the principles underpinning the IiP Scheme. Inspectors consider that the materials and accompanying guidelines for the ERDS are clear and appropriate, and that the Scheme has the potential to provide an effective means of developing and sustaining staff capabilities and linking personal performance to organisational goals and targets. The Scheme includes, as a major element, a Personal Development Plan (PDP) which all staff will complete and against which their performance will be evaluated. The PDP includes a statement of the MCC’s ten core values and it is intended that all personal objectives make specific reference to these, and align with operational objectives. Annual reviews will be conducted on the basis of the PDPs, which are to be ‘working documents’, and will include the identification of training needs.

2.16 Inspectors were pleased to learn that SYMCC was the only MCC to obtain funding from the National Work/Life Balance Challenge Fund to carry out a comprehensive survey of staff attitudes and views regarding the organisation and communication. This was undertaken in December 2001 and revealed that 67% of respondents said their line manager took staff development seriously, and 71% said that their training and development needs were discussed and reviewed at least once a year. Though encouraging, these figures

suggest there is still scope for further improvement in this key area. Inspectors also noted that induction was not highly rated by staff, nor was it yet on a proper or MCC-wide basis. Staff interviewed reported very variable experiences of induction and many said that their induction to the MCC had been cursory. Inspectors understand that the introduction of an MCC formal induction scheme is seen as a major priority.

Review of staff performance and development

2.17 Inspectors judged that staff performance and development is continuously reviewed and targets agreed with staff, and within teams, on a regular basis. For example, this clearly happens at a local court centre level. All staff interviewed were fully aware of targets relevant to their roles. Middle managers are clearly fostering a performance culture by, for example, regularly monitoring performance and discussing this in team briefings. As noted above, staff review and development has recently been put on a consistent basis across the MCC, with the introduction of the ERDS. In linking individual development with operational objectives, this has the potential to enhance further the developing performance culture within the organisation. As part of the MCC's strategic planning cycle, court management teams are involved in setting performance targets that support the MCC's strategic and operational objectives. Any development needs identified in individual PDPs will have explicit links to organisational objectives.

Communication and dialogue with staff

2.18 The MCC has a dialogue with its staff that is effective and it actively fosters a climate of involvement. A number of initiatives, including the Work/Life Balance Survey, IiP and the consultation exercises on reorganisation, are reflective of the

concern of the organisation to promote a real sense of valuing staff views. The MCC responded positively to an IiP survey that indicated that communication was not optimal by developing, in 2002, a Communications Charter to underpin and facilitate its existing communications policy. Communication across the MCC is now good, for which the MCC is commended.

2.19 Staff interviewed perceive that managers are effective communicators and that they receive clear and comprehensive information from a variety of sources, including staff meetings, a regular newsletter (*In4mation*), the JCC and the JNC. Both the JNC and JCC are seen by staff to provide effective channels of communication with the MCC. Staff also consider that the MCC keeps them informed about developments and about its strategic priorities. Inspectors found that, as the MCC identified in its self-assessment, the formal meeting structure is well supported by less formal communication structures, through meetings of managers and team briefings and focus groups.

2.20 Managers based at the secretariat and at local court centre level regularly communicate with staff through e-mail. Although this is an efficient means of communicating information, many staff interviewed expressed some concerns about the increasing reliance on electronic communication at the expense of personal contact. Inspectors consider that the MCC must take care to ensure that e-mail communication is supplemented appropriately by direct personal approaches, both to ensure that electronic communication is understood and acted upon, and to avoid the danger of remoteness developing within working relationships.

The MCC as an employer

- 2.21 Inspectors found that the MCC has a good range of personnel policies and procedures in operation, with others shortly to be implemented, that demonstrate good employment practice. These include policies on equal opportunities, protection from harassment at work, job sharing and part-time work, a code of practice for the use of e-mail and the Internet, pension and discretionary payments, staff recruitment and selection, race equality and the new ERDS.
- 2.22 Staff interviewed by Inspectors perceived the MCC to be a good, flexible and sympathetic employer and, throughout the organisation, Inspectors found staff morale to be good. Inspectors were impressed with the level of commitment shown by staff at all levels in the organisation.
- 2.23 When looking at arrangements for Health and Safety, Inspectors found a mixed picture. Each site has a Health and Safety Committee, whose role includes ensuring that risk assessments are conducted and necessary follow-up actions are taken. In some courthouses, risk assessments are undertaken by committee members whilst, in others, it is a line management function. However, Inspectors found that many of the newly-appointed administration managers did not feel fully trained and prepared to undertake their new Health and Safety responsibilities, although they had received some introductory Health and Safety training. Some expert advice is sought where necessary – for example, when conducting fire risk assessments and in relation to the security of court buildings. However, as the MCC recognises in its self-assessment, additional expertise is required at ‘competent person’ level to ensure that it has the expertise and systems in place to discharge its Health and Safety obligations comprehensively and effectively. This issue is further reported

on in the Care of Court Users section (see paragraphs 5.12-5.16).

Inspection Findings 3: 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 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

Overall case completion times have improved since amalgamation and, in the last survey, were significantly better than the national average. While indictable/either-way case completion times are consistently good, performance in summary non-motoring is now good and in summary motoring, poor. MCSI's survey indicates that there are some long adjournments and there are some long delays to trial. The MCC has worked well with other agencies to reduce delay in the youth justice system. A county-wide scheduling policy is shortly to be implemented and this has the potential to better utilise resources. Business on the day is effectively managed and weighted caseload per sitting hour is consistently good. Good performance reports are produced on a regular basis and this data is used well, at courthouse level, to evaluate and improve local performance. However, there is considerable variation in performance and working practices between courthouses and, as yet, limited evidence of co-ordination and planning at MCC level, to maximise the sharing of good practice and implement county-wide improvement actions. IT contributes well to the effective administration of cases. The needs of other agencies for prompt and accurate information are well met. Magistrates are generally deployed in accordance with the Lord Chancellor's directions.

Case completion

3.1 LCD Time Intervals Survey (TIS) results (see Figure 2) show that case completion times have improved since amalgamation and, in the last survey, were significantly better than the national average, ranking SYMCC tenth nationally. The percentage of all cases finalised at first appearance is consistently better than the national

average. The percentage of cases completed within target has improved and, in the last survey, was better than the national average. Indictable and either-way cases are consistently completed in good time and the rate of cases completed at first appearance is good. Completion times for summary non-motoring cases

Figure 2: South Yorkshire MCC case completion data (national 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
March 2002 TIS	35 (34)	56 (54) %	72 (75) %	911
September 2002 TIS	33 (32)	58 (56) %	73 (75) %	898
March 2003 TIS	26 (33)	65 (56) %	80 (75) %	1097
MCSI survey	30	60%	75%	1080
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
December 2001 TIS	50 (52)	36 (28) %	68 (68) %	296
March 2002 TIS	59 (56)	27 (27) %	62 (67) %	271
June 2002 TIS	48 (54)	28 (28) %	67 (67) %	253
September 2002 TIS	43 (54)	41 (30) %	66 (66) %	247
December 2002 TIS	51 (54)	32 (29) %	66 (66%)	246
March 2003 TIS	43 (57)	38 (29) %	78 (67) %	240
MCSI survey	62	26%	58%	227
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
March 2002 TIS	29 (21)	63 (70) %	71 (80) %	182
September 2002 TIS	20 (20)	77 (72) %	82 (80) %	391
March 2003 TIS	10 (21)	86 (72) %	90 (81) %	555
MCSI survey	15	77%	86%	482
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
March 2002 TIS	23 (28)	70 (60) %	79 (76) %	458
September 2002 TIS	42 (29)	47 (60) %	67 (76) %	260
March 2003 TIS	41 (26)	46 (61) %	65 (77) %	302
MCSI survey	28	58%	72%	371

Figures based on LCD MCAD Time Elapsed Reports (TERs) dated 19/03/03 & 29/05/03, and Time Intervals Surveys (TIS).

MCSI survey (four weeks' youth and PYO data)				
Case Type	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
Indictable/either-way	56	28%	64 %	138
Summary non-motoring	55	29%	51%	92
Summary motoring	36	34%	57%	53
All cases	52	30%	59%	283

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
January – March 2002	62 (62)	66 (68)
April – June 2002	75 (60)	83 (68)
July – September 2002	63 (60)	70 (68)
October – December 2002	53 (61)	61 (70)
January – March 2003	56 (63)	65 (71)
MCSI survey – number of defendants in survey = 36	63	

have improved and, in the March 2003 survey, were considerably better than the national average. However, completion times for summary motoring cases are poor, with the percentage of cases finalised at first appearance and within target well below the national average. The latter area provides considerable scope for improvement. For instance, the lengths of adjournments where defendants fail to appear in motoring cases differ across the courthouses, an area in which improvement could be made through the reviewing of procedures and sharing of good practice.

3.2 Courtroom observations by Inspectors indicated that magistrates across the MCC could more robustly challenge requests for adjournments. MCSI carried

out its own analysis of adjournments (see Annex D), utilising a sample comprising one week's completed adult criminal cases and four weeks' youth cases. While the percentage of effective hearings compared favourably to the rolling average from the last 28 MCSI inspections, a high number of adjournments were for long periods. For instance, over 20% of standard procedural adjournments were for over 28 days. The length of adjournments for pre-sentence reports (PSRs) was of particular concern. Eighty five of the 138 adjournments for PSRs were for longer than the National Probation Service target of 21 days and this did not appear to be due to probation delays. The proportion of adjournments as a result of the defendant failing to appear was also higher than the MCSI comparator, and this was a particular

problem in Doncaster and Sheffield. Adjournments as a result of a lack of court time were lower than the MCSI comparator figure, which indicates good management of cases on the day (see also paragraphs 3.13-3.17).

- 3.3 There are some long delays to trial at Sheffield and Doncaster. At the time of inspection, the delay to the next available date for a one-day adult trial at Sheffield was 74 days and, at Doncaster, 62 days. The MCC has recognised this and put in place arrangements to transfer a number of trials from Sheffield to Rotherham and Barnsley on a regular basis, thus freeing up courts in Sheffield. While the MCC consider this to be proving successful in reducing delay to trial, the effectiveness of the trials transferred is not monitored at MCC area level and the overall effectiveness of the initiative has yet to be fully evaluated. For instance, staff interviewed at Barnsley and Rotherham expressed some concerns about the level of effectiveness of transferred trials. However, it should be noted that the MCC's overall rate of effective trials is better than the national average. In 2002/03, the overall percentage of effective trials was 34.8%, against a national average of 31.9%, ranking it eighteenth of the 42 MCCs.
- 3.4 There is some evidence of initiatives, at court centre level, to improve case completion times. An excellent example of this is the *Getting Back on Track* training initiative at Sheffield, which aims to develop the confidence and skills of magistrates and legal advisers to appropriately challenge adjournments and reduce delays. This could be usefully shared throughout the county.
- 3.5 Although it is two years since amalgamation, there remains considerable variation in performance and methodology

across the four courthouses. While it is recognised that, in certain instances, there may well be good reasons for differences, Inspectors were not confident that the rationale for these have yet been systematically evaluated, and good practice identified and shared (see also paragraph 3.8 below). However, the MCC has recognised this and steps are being taken to achieve a greater degree of consistency in practices and performance, for example, in the development of an area-wide scheduling policy. The MCC is aware that it needs to continue on its journey to build on good practice and capitalise on the opportunities of amalgamation.

Performance management

- 3.6 The MCC has put considerable effort into collecting valid and comparable data, as part of which realistic and appropriate targets are set for NPIs and CPMs, in consultation with staff, for each of the four courthouses. Performance against these targets is rigorously monitored and reported on, by way of a quarterly performance report and a quarterly performance managers' report, which the MCC intends to produce monthly in future.
- 3.7 Performance information is effectively disseminated to relevant staff within the MCC and Inspectors found that staff at all levels across the MCC were aware of their own targets and committed to improving performance. There is good evidence of data contained in these reports being well used at courthouse level, in order to evaluate and improve local performance.
- 3.8 However, at the time of inspection, there was little evidence of proactive co-ordination and planning at MCC area level, to maximise the sharing of good practice and to identify and implement

county-wide improvement actions. Centrally-initiated actions tend to be more reactive to problems than proactively planned for. This is reflected in the continuing and significant differences in performance between the four courthouses, across a range of performance measures. For example, the effectiveness of pre-trial reviews (PTRs) varies across the MCC. While it is good to see that work has been undertaken at each courthouse to improve the effectiveness of PTRs, this has yet to be fully evaluated and further developments planned at a MCC area level to share emerging good practice and build upon lessons learned. For instance, staff interviewed were not fully aware of the rationale for the different approaches being taken. Performance management is also addressed in the Strategic Management section of this report (see paragraphs 1.15-1.20) and is the subject of Recommendation 3.

Listing and scheduling

- 3.9 At courthouse level, court business is scheduled in an appropriate manner, in line with the needs of professional and non-professional court users. Block-listing and over-listing is used at all four courthouses, and is effective in ensuring a smooth flow of business on the day and in minimising waiting times.
- 3.10 However, the four courthouses currently operate to differing scheduling principles and, as a consequence, the MCC is not maximising the use of its resources county-wide and capitalising on good practice. For instance, the system for categorising and prioritising trials and trial loading policies, applied in Doncaster, represent potential good practice from which other courthouses might benefit. The MCC has recognised the need for greater consistency to encourage and

facilitate more interchange of resources and, at the time of inspection, was in the process of developing an area-wide scheduling policy in consultation with key stakeholders. This development, which is near completion, has the potential to better utilise resources in reflecting the needs of the organisation and drawing on good practice highlighted within national frameworks, thematic studies and previous MCSI report findings.

- 3.11 Court lists are well planned in advance and court scheduling generally achieves the effective separation of cases involving adult, family and youth cases, although separation is more limited at Doncaster (see also paragraph 5.11).
- 3.12 Mobility clauses have recently been incorporated in legal advisers' contracts and interviews with legal advisers indicated some examples of when they had assisted other courthouses, for instance, to cover for sickness absence. This is a useful development that has the potential to assist in scheduling and ensuring the smooth running of courts.

Management of business on the day

- 3.13 Business on the day is effectively managed and performance in NPI 1⁴ (weighted caseload per sitting hour) is consistently good. The MCC achieved an average throughput of over 12 cases per hour in both 2001 and 2002, against a national average of just over ten, ranking it fourth nationally in this measure in 2002.
- 3.14 Block-listing and good case throughput rates help the MCC achieve good defendant and witness waiting times. Overall defendant waiting times (NPI 5⁵) are good and overall witness times (NPI 6⁶), very good. In both areas, performance is consistently above the national average, for which the MCC is commended. However, performance varies

⁴ NPI 1 is now reported as BMR 1.

⁵ NPI 5 is now reported as BMR 4.

⁶ NPI 6 is now reported as BMR 3.

across the courthouses and there is scope for further improvement (see also paragraph 5.21).

- 3.15 Courtroom observations by Inspectors showed that all courthouse staff were in court and ready to proceed with business in a prompt and timely fashion. Although there were slight differences in the roles of ushers and legal advisers across the courthouses, local practices worked well, with effective interactions between court staff and magistrates. In particular, some good examples of proactive ushering were observed. However, the majority of legal advisers failed to announce in open court the advice offered to magistrates in the retiring room.
- 3.16 Courts were seen to be flexible to the demands of business on the day, and staff and magistrates responded to changing circumstances quickly and efficiently. For example, Inspectors observed one courthouse respond very well to an unusually high number of remand prisoners. Also, numerous examples were observed of less busy courts, or courts with collapsed trials, progressing work from busier courts. This reflected a general desire to progress work efficiently that was evident at all courthouses.
- 3.17 Responses to MCSI's questionnaire indicated a good level of satisfaction from magistrates and professional court users, in terms of the flow of business on the day and with waiting times for defendants and witnesses.

Reducing delay in the youth justice system

- 3.18 SYMCC demonstrates a clear commitment to reducing delay in the youth justice system and case completion times have shown significant improvement. PYO case completion times are consistently better than the Government's 71-day target. A

lapse in performance occurred during the early part of 2002, as a result of a number of factors, which the MCC identified and has successfully taken steps to remedy. This involved the creation of additional youth courts at Sheffield, the deployment of District Judges in youth trials and a concerted multi-agency approach to tackling delay throughout the system. The last two national survey results have reflected the hard work and dedication by staff, magistrates and CJA partners to improving performance. The time in days from arrest to sentence in the magistrates' courts for PYO cases was 53 days for the October – December 2002 period, which compares favourably to the national average of 61 days, and 56 days for the period January – March 2003, which compares favourably to the national average of 63 days.

- 3.19 There are, however, significant differences in performance between the four courthouses, as well as some fluctuations in performance within courthouses. In particular, performance in Sheffield is consistently poor and there is scope for further improvement through the greater sharing of good practice and resources.
- 3.20 Relationships between the MCC and other CJAs involved in the youth courts are good and are supported by a number of appropriate service level agreements, panels and review teams. In view of the number of different fora and committees that impact upon youth justice, the MCC may benefit from nominating a 'Youth Justice Champion' in order to provide consistency and oversight.

Use of IT

- 3.21 The MCC operates with two computer systems; Sheffield using the Unisys LCIS system and the other three courthouses, EQUIS. The functionality of the two systems is variable, with each having

different strengths and weaknesses. Differences in paperwork and administrative procedures within the organisation create an extra burden for the MCC, which it identifies as a key weakness in its self-assessment. The police and CPS also commented upon the difficulties inherent in working with two systems, as well as staff interviewed. The MCC is hopeful that its bid for funding to move all courthouses onto the same system will be successful.

3.22 However, despite the difficulties in operating with two different systems, the innovative use of IT contributes well to the administration of cases in South Yorkshire. For example:

- ◆ in-court resulting takes place across the MCC, which means that data is input in a prompt and timely fashion
- ◆ a courtroom diary system has been successfully implemented at Doncaster, which has helped reduce long-running cases, trial waiting times, court over-runs and improve court utilisation. More recently, this has been rolled out to Rotherham and there are plans to implement this at Barnsley and, ultimately, in Sheffield
- ◆ an Excel spreadsheet is well used across the county to aid monitoring and improve performance in CPM 3 (production of registers, committals and rights to representation orders).

3.23 All staff have access to e-mail and this medium is used particularly well for the communication of performance information, which helps ensure staff are aware of their performance and that of the MCC as a whole. There are also good links to other CJAs, which facilitates the accurate and speedy transfer of information between them, and contributes to a combined sense of ownership in relation to performance issues.

The production of information

3.24 The needs of other agencies for prompt and accurate information are well met. The MCC's overall performance in CPM 3 (production of registers, committals and representation orders) is good and it is encouraging to see that the recent trend is one of improvement and greater consistency in performance levels, both overall and within individual courthouses. Since administration managers from each courthouse started to meet regularly, a more corporate approach has developed. For example, when performance in Doncaster fell as a result of staff shortages, Rotherham provided a member of staff on temporary secondment to assist with the workload. These meetings have also proved an excellent forum for the sharing of good practice. For example, an Excel spreadsheet for monitoring CPM 3 figures was adopted at Sheffield. In providing a constant update of performance, this helped to increase staff and managers' awareness of performance levels and led to an improvement in performance. This forum was then used to share this good practice across the county.

3.25 Responses to MCSI's questionnaire indicated a higher level of satisfaction with the accuracy and promptness of information provided by the MCC to other CJAs, than the average for previous inspections, as did MCSI's interviews with CJA representatives. Similarly, CJAs and other court users indicated a higher-than-average level of satisfaction with the MCC's responses to telephone calls and letters.

The deployment of trained magistrates

3.26 The deployment of magistrates is generally in accordance with the Lord Chancellor's directions, although a shortage of magistrates at Sheffield and Doncaster is resulting in some high sitting levels. Magistrates at Sheffield sat, on

average, 45 times and, in Doncaster, 43 times during 2002, both of which are on the high side of the acceptable range. In both petty sessions areas (PSAs), a small number of magistrates sat an inappropriate number of times and the number of benches sitting with two magistrates in Sheffield is too high.

3.27 The MCC acknowledges a shortage of magistrates in its self-assessment. In Sheffield, it has calculated that 370 magistrates are required this year to achieve an average annual sitting figure of 35 and, in Doncaster, 219 magistrates to achieve the same sitting level. This compares with current bench strengths in Sheffield and Doncaster of 294 and 163 respectively, representing a significant shortfall. The Advisory Committees have been proactive in taking steps to address the shortages. For instance, in Sheffield, the Advisory Committee has taken steps to recruit more magistrates and has applied successfully for an additional District Judge. While these measures should alleviate the problem, the MCC is well aware that continued efforts will be needed to ensure an appropriate supply of new magistrates and enable it to ensure continued compliance with the Lord Chancellor's directions.

3.28 Magistrates' sitting levels in Barnsley and Rotherham are appropriate, and the MCC's forecasts indicate that numbers of magistrates at these courthouses will be able to cover the projected level of business in the foreseeable future.

3.29 Magistrates' rotas operate effectively across the MCC, providing for good forward planning, yet being flexible to changing circumstances. Magistrates interviewed commented positively on recent changes made to the rota system.

3.30 A high standard of training is provided for magistrates. In particular, the MCC-wide

induction training was seen as helping to contribute toward a more corporate identity. More recently, the MCC has adopted a corporate framework for magistrates' training which has the potential to further improve the consistency and quality of training across the area. The first event to be run as part of this framework, in March 2003, was attended by over 90 magistrates and commented on very favourably by magistrates. In general, magistrates spoke highly of the variety and quality of training available to them. In 2002, the MCC won a Regional Training Award for its training programme for Youth Court Panel magistrates; an excellent achievement.

Inspection Findings 4: Collection and Payment Out of Financial Orders

This section assesses the extent to which the MCC achieves prompt collection, enforcement and payment out of impositions in ways that assure probity.

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

- ◆ *adopt collection and enforcement practices that maximise collection and minimise arrears*
- ◆ *set and monitor standards of performance*
- ◆ *ensure that IT contributes to the prompt and effective collection and enforcement of fines*
- ◆ *provide methods of collection and payment out that are appropriate for the circumstances of users*
- ◆ *ensure warrant enforcement arrangements are appropriate and offer value for money.*

Overall Assessment

National data, measured on an annual basis, indicates that the MCC's performance is better than the national average for fine enforcement and, although performance has declined since the formation of the MCC in 2001, it is now stabilising. There is evidence of commitment to effective enforcement and of useful efforts to innovate and adopt good practice. However, these are primarily at a local level, and the MCC has yet to develop a corporate approach to enforcement and the harmonisation of practices. Performance data is not used fully at strategic level to bring about county-wide improvements, although it is used well at courthouse level. South Yorkshire is now one of the best performing MCCs in relation to community penalty warrant enforcement, validating its decision to use in-house civilian enforcement officers (CEOs). The MCC offers a good range of payment facilities, but payment out varies in promptness, disadvantaging some creditors. IT systems are adequate but offer unrealised potential to improve collection and payment out.

Adopt collection and enforcement practices that maximise collection and minimise arrears

4.1 South Yorkshire MCC's payment rate is better than the national average. In the year ending March 2001, its payment rate was 73% against a national average of 59%; in the year ending March 2002, it was 66% against a national figure of 59%. However, since amalgamation, the MCC's performance has declined, although it now

appears to have stabilised. The payment rate for the year ending March 2003 was 61%, which compares favourably to the national average of 55%, although it is below the national target of 68%.

4.2 The MCC's approach has been to devolve management of collection to local court

centre offices and allow these to operate as appropriate to local circumstances. The MCC benefits from having many experienced collection and enforcement staff who are skilled at utilising a wide range of enforcement actions. Inspectors were told of many innovative activities to trace defaulters and encourage payment, including:

- ◆ working with a local authority tax licensing department to trace defaulters
- ◆ cross-checking statutory name change declarations against defaulters
- ◆ staff going out with groups of probationer police officers to serve financial warrants as a training exercise
- ◆ obtaining lists of those surrendering to police bail, in order to identify where defaulters would be so a warrant could be executed.

4.3 In addition, the MCC has put in place other structures to assist good enforcement such as:

- ◆ well-supported and committed fines enforcement panels for each PSA
- ◆ a county-wide CEO group and local inter-disciplinary fines focus groups.

4.4 Inspectors were impressed by the real commitment demonstrated by staff and magistrates to maximising collection. However, the MCC has yet to develop a corporate approach to enforcement. In its Operational Plan for 2001/04, the MCC committed to the following actions for enforcement: publish an enforcement policy by May 2003; establish a good practice group; set standards for each team; report performance to teams and the IT and Performance Sub-Group. Whilst standards have been set and are reported on and the Good Practice Group was

established in February 2003, a corporate enforcement policy has yet to be drafted.

4.5 Following amalgamation, the MCC allowed local offices to manage enforcement and made a, relatively late, move to the strategic management of enforcement. In response to the increased national focus on enforcement, a County Action Plan was drafted in February 2003 and, during the period of inspection, the four court centre offices were developing local action plans. Although the plans contain some useful actions, they are not consistent or co-ordinated in their approach and they are not the result of a systematic end-to-end examination of current performance, national guidance such as the recent Home Office research⁷ and current barriers to good performance. Inspectors suggest that the MCC systematically evaluate the available options, identify the key activities that will lead to improvements in enforcement and ensure that these are consistently reflected in local plans. The MCC's reliance on income from the Netting Off Scheme underlines the importance of this, as some of this income will need to be handed back if the MCC does not collect an additional £150k by March 2004.

4.6 While the MCC identified its intention to develop a county enforcement policy by May 2003 in its initial Operational Plan, at the time of inspection this had not been done and no such action is included in the revised Operational Plan. While Inspectors agree that local offices need to adjust practices to local circumstances, this does not negate the value of a clear corporate direction from the MCC on the overall approach to enforcement. Currently, there is a range of different policies and practices between offices which would benefit from rationalisation. For example, there were differences in

⁷ *Clearing the debts* – Home Office 2003.

courthouses' 'time to pay' policies provided to Inspectors.

- 4.7 Inspectors' observations in courtrooms indicated that there is room for more consistent adoption of good practice e.g.
- ◆ variable requests for personal details which often omitted National Insurance or mobile telephone numbers
 - ◆ magistrates failing to explore and challenge statements made by defendants in enforcement courts
 - ◆ no indication that payment on the day is expected
 - ◆ variable use of review hearings
 - ◆ mixed use of Means Enquiry Forms (MEF) and/or means enquiries
 - ◆ a failure to always impress on defendants to keep in touch with the court.
- 4.8 Inspectors were impressed with the clear and comprehensive MEF developed at Rotherham, and were pleased to see this being rolled out to Barnsley and Doncaster. However, at the time of inspection, Sheffield planned to retain its MEF, despite the fact that this is very out-of-date. For example, it refers to some state benefits which were abolished several years ago and asks for the name of defendants' Unemployment Benefit Offices, which no longer exist. It also fails to encourage defendants to record expenditure for a TV licence.
- 4.9 In order to assist the MCC to harness the benefits of amalgamation to improve enforcement, Inspectors make the following recommendation:

Recommendation 4: that the Committee develop a strategic approach to collection and enforcement to include:

- ◆ a systematic, county-wide review of working arrangements, identifying good practice and barriers to good performance
- ◆ a county-wide strategy and improvement action plan with clear accountabilities, objectives and milestones, which builds on existing good practices.

Set and monitor standards of performance

- 4.10 The MCC has set clear enforcement targets at county and local office levels, which are in line with national expectations. Local managers were knowledgeable about the performance measures and their targets, and took steps to collect and use management information to bring about improvements. Inspectors also identified a wide range of secondary measures, including the number of warrants over 12 months old and the average number of enforcement actions per account closed, that were being effectively used at local level. Administrative staff interviewed by Inspectors were aware of specific targets relative to their roles (such as the time taken to result an enforcement court or process a driving licence) and CEOs were particularly aware of the need to execute breach warrants within 14 days for youths and 28 days for adults.
- 4.10 By contrast, Inspectors did not find significant evidence of the active management of performance at an MCC area or strategic level. Commentaries on the quarterly performance reports are limited and lack full analysis; minutes of the IT and Performance Sub-Committee and SMT do not provide evidence of the active consideration of performance or holding managers to account in collection and payment matters. In responding to Recommendation 3 (see paragraph 1.18), the MCC should ensure that

improvements to collection and payment out are systematically planned and coordinated, and capitalise fully on good practice.

- 4.12 In its self-assessment, the MCC identifies the collection of statistical data produced by two separate computer systems as a key weakness. Information is collected separately and on a different basis between the two computer systems, resulting in a distorted SYMCC performance. For example, county averages are generated for the arrears and write-off rates from the two systems, as required by the MCAD for the Strategic Steer Indicators. While the new Managers' Report reminds readers of the dangers of relying on such data, it is important that the MCC continues to ensure managers and members are aware of the incompatibility of the base data and care is taken when using this data to inform decision-making.
- 4.13 Inspectors explored the extremely high write-off rate reported for Sheffield, which grossly distorts the county rate and has led to the setting of inappropriate targets for the county. Although the problem was being tackled, there were indications that historical explanations for the high rate continued to be accepted without challenge and little attempt had been made to benchmark with comparable cities.
- 4.14 Inspectors were assured that the three EQUIS sites are collecting consistent performance data. However, there is no written record of the agreed definitions or system printouts to be used, creating the possibility that discrepancies could occur in future.

Ensure that IT contributes to the prompt and effective collection and enforcement of fines

- 4.15 IT, and particularly the use of the 'auto-enforce' functions, makes a reasonable

contribution to collection and enforcement. However, as noted above, the MCC has the disadvantage of having inherited two mainframe systems which have different functionality and reduce the ability to standardise processes across the county. The MCC is aware of the potential benefits of a single IT system and has made a capital bid for a new EQUIS processor for Sheffield, which would also assist migration towards the Libra core application in due course.

- 4.16 In the absence of a single system, the MCC has taken some useful IT initiatives, for example:
- ◆ developing a good warrant tracking system at Rotherham, which is being rolled out to Doncaster and Barnsley. There was some confusion about whether this would be used in Sheffield but it has been decided that it would be too costly to do so until the new EQUIS system is installed
 - ◆ applying for capital funds to purchase 'palm top' computers to enable CEOs to access more real-time information and to spend more time out of the office
 - ◆ developing an in-court diary system at Rotherham to enable more effective listing of enforcement cases.
- 4.17 However, there is evidence that information from the existing systems could be used more effectively. The EQUIS processors used by Barnsley, Doncaster and Rotherham are free-standing and staff cannot access account information held at other offices. Staff commented that it would be very beneficial to have access to the accounts held by other offices, to assist in tracing defaulters, identifying all outstanding liabilities and answering defaulters' queries, but that this possibility had not been discussed. Inspectors are aware that, in other MCCs with separate EQUIS systems, access

between different accounting units has been facilitated and the MCC could not identify any technical reason why this would not be possible in South Yorkshire. Inspectors consider that this is an example of the benefits that could be achieved by systematically identifying all potential barriers to better performance and identifying ways to overcome them.

- 4.18 Inspectors observed information about defendants' outstanding fines being routinely provided to magistrates in enforcement courts, although it did not always cover all outstanding accounts. Provision of information on existing fine accounts was provided less systematically in crime/sentencing courts. Inspectors were advised that some legal advisers were more willing than others to raise enforcement issues in a busy court. Legal managers were aware of this and will need to make clear the MCC's expectations on how and when enforcement issues should be raised in non-enforcement courts, and should ensure that legal advisers fully utilise the ability to access account information on the in-court IT equipment.

Methods of collection and payment

- 4.19 In its self-assessment, the MCC rightly identified the availability of a wide range of payment methods as a key strength. Besides the availability of payment counters in each courthouse, payments are accepted through the Post Office and banks, and by telephone via credit or debit cards. The MCC has also adopted secure payment boxes within each courthouse, allowing payments to be made whenever the courthouses are open. A thorough evaluation of the latter facility at Barnsley demonstrated that it led to increased payments and, as a result, this facility was extended across the county. The only payment method not currently utilised by the MCC (although it has been previously considered) is use of the 'paypoint' or 'allpay' networks, which allow a wide

range of debt and utility payments to be made at local retail outlets, such as convenience stores or garages. While MCCs using these networks bear the cost of each payment, there can be value for money if this encourages higher receipts, because it is more affordable to the fine payer. Inspectors would encourage the MCC to keep this matter under consideration, particularly after IT systems are fully harmonised.

- 4.20 Information provided by the four offices indicated that the frequency of payments out to compensates, witnesses and those who were owed maintenance varied across the county. For example, witnesses were either paid monthly, weekly or the same day as the claim was received by the court, and compensates were paid monthly as a matter of course by two courts, or weekly for larger creditors at the other two. Some interviewees were unaware of these differences and, while there may be valid reasons for some variation, it did not appear that there had been structured consideration of how to maximise customer service for those awaiting receipt of these payments.

Warrant enforcement arrangements

- 4.21 Planning for the transfer of responsibility for the execution of all financial and breach warrants took place within the shadow MCC period. The former MCCs had the experience of longstanding use of CEOs for financial warrant enforcement and also the use of a private bailiff company. SYMCC capitalised on this by setting up a working group to advise on the most appropriate method of warrant enforcement and to obtain quotations from potential external contractors, including the police. Following this exercise, the MCC decided to use in-house CEOs to execute all but distress warrants. Although the MCC has not undertaken a formal evaluation of its new arrangements to ensure continuing value for money, it

judges the transfer of responsibility a success. The performance of CEOs in executing breach warrants, which is amongst the best in the country, helps to support this opinion. From April – December 2002, 50% of all warrants were executed in time, ranking the MCC third nationally, although no MCC area met the national target⁸.

4.22 At the time of the transfer, the MCC recruited additional CEOs but retained management of CEOs through its local court centre offices. The MCC has taken some steps to develop common approaches and the sharing of common problems or good practice through the establishment of county CEO meetings, and a single policy and procedures document. However, in the briefing materials provided by the MCC, different guidance for CEOs was received from each office and the MCC policy and procedures document supplied was clearly a Barnsley document, which still requires amendment to be relevant to all offices. Induction and training will benefit from the adoption of common standards across the MCC area.

4.23 The MCC has bid for additional CEOs through the enforcement Netting Off Scheme. Inspectors support the plan to use some of the new posts to create, for the first time, a county CEO resource. This CEO team will be deployed in support of area-based teams, to improve performance in difficult areas or where a dip in enforcement performance has taken place. It will be directed by the County Performance Officer, in agreement with the local finance managers.

4.24 The MCC is party to an inter-agency agreement on the enforcement of community penalties, which is useful in principle and well presented in a small booklet. However, this agreement is not

comprehensive as it does not cover youth warrants and neither the youth offender teams (YOTs) nor the prison escort contractor are signatories. Inspectors were advised that relationships with the police are often good but sometimes patchy, and that the agreed National Probation Service risk assessment forms were not always received by CEOs. More worryingly, there was no evidence of involvement in risk assessments by YOT staff and some CEOs had never had any contact with a YOT over warrant execution. This points to the need for inter-agency agreements to be updated and expanded, and their operation monitored on a regular basis.

⁸ 75% of all community breach warrants for adults to be executed or withdrawn within 28 days and 14 days for youths.

Inspection Findings 5: 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 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

Court users are generally able to enter and conduct their business within courthouses without difficulty, although access and facilities for magistrates and prisoners with disabilities are more limited. All courthouses provide a high standard of comfort for users, with excellent provision in some. Generally, court users have access to facilities offering adequate levels of privacy, although waiting facilities for witnesses in two courthouses are limited. Existing risk assessment and hazard reporting arrangements are insufficient, and the delivery and collection of prisoners at two courthouses pose safety and security risks, although funds have been secured to improve the situation at one of these.

Accessibility of buildings

- 5.1 SYMCC is fully aware of its responsibilities to court users. One of the key aims in its Strategic Plan is to “provide accessible court buildings, which offer adequate facilities and levels of privacy, safety and security for court users, staff and magistrates”.
- 5.2 Court users are generally able to enter and conduct their business within court buildings without difficulty, although access for magistrates with disabilities is less developed in Doncaster, Rotherham and Sheffield Courthouses. The MCC is aware of this and has secured funds for improving facilities in these courthouses, to ensure there is access to at least one courtroom for magistrates with disabilities. This will assist the MCC in complying with the provisions of the Disability Discrimination Act 1995. However, access for prisoners with disabilities is limited in all courthouses.
- 5.3 Access and facilities for other users with disabilities are generally good. The MCC has demonstrated its commitment to making improvements by effectively responding to Access Audits, two of which were conducted pre-amalgamation, in each of its courthouses, and in securing funds to do this through effective capital bidding. The MCC meets the standards set out in the Lord Chancellor’s Disabled Court Users Performance Standard (DCUPS). It has an appropriate disability policy and, in each courthouse, a register of facilities for users with disabilities is displayed and set out the individual courthouses’ Quality of Service Charters. Dedicated and committed Disabled Persons Officers are in place at each courthouse. Hearing and induction loops, wheelchair access, toilets for disabled users and sign language availability are standard across the MCC,

and interviews confirmed that frontline staff are fully aware of the facilities available and how to offer help.

- 5.4 Good progress has been made in the introduction and use of video link facilities at three of the courthouses. Staff are aware of how to use these facilities effectively, in accordance with the good practice guidelines.

Facilities offer adequate comfort

- 5.5 All four courthouses provide adequate seating of a generally good quality, and public waiting areas are well maintained and provide comfortable surroundings for court users. Public toilet facilities on the ground floor level at Doncaster are in need of replacement and a capital bid to improve these has been submitted although, at the time of inspection, this had not been accepted. The custody suites at all courthouses provide a satisfactory level of comfort for prisoners, and custody staff interviewed had no major concerns about facilities.
- 5.6 A good standard of food and refreshments is available for court users at each courthouse until mid-afternoon. Barnsley Courthouse has a vending machine available when the canteen facilities are closed, whilst there are no other facilities at Sheffield, Rotherham and Doncaster.
- 5.7 Except in designated areas, a no-smoking policy operates in all courthouses and this is well enforced by court security staff. In Barnsley and Doncaster, smoking rooms are available for court users and smoking is permitted in the canteen area in Sheffield.
- 5.8 NPI 5⁹ (the percentage of court users satisfied with court facilities) performance is consistently high. The latest figures

⁹ NPI 5 is now reported as BMR 7.

(October 2002) showed that 76% of court users surveyed were satisfied with facilities, ranking the MCC twelfth nationally. MCSI's survey of professional users of South Yorkshire's courthouses also indicates a good level of satisfaction with facilities, compared to responses in other MCCs, with only 10% of respondents indicating dissatisfaction with facilities, compared to an average of 23% for the last 14 inspections.

Facilities to conduct business with appropriate privacy

5.9 Court users in all four courthouses have access to an adequate number of interview rooms, within which they can conduct their business with appropriate levels of privacy. Adequate interview facilities are also available in custody areas and there is good provision of confidential areas at payment counters.

5.10 While there are good witness waiting facilities at Doncaster and Sheffield for both prosecution and defence witnesses, facilities for witnesses at Barnsley and Rotherham are limited. These courthouses each have only one room, which doubles as an office for the Witness Service, and Inspectors were told that, at times, this has led to child witnesses waiting in the same room as adult witnesses. Also, there are no dedicated facilities for defence witnesses at these courthouses, except on an ad hoc basis when interview rooms are used. Video link rooms are also available for vulnerable and intimidated witness at all four courthouses. Within the limitations of the building stock, the MCC has endeavoured to improve witness waiting facilities and plans to provide an additional room at each courthouse for vulnerable and intimidated witnesses.

5.11 Listing practices at Barnsley, Rotherham and Sheffield achieve good separation of adult and youth defendants, but Doncaster listing practices do not provide for this.

The MCC has, in the past, made attempts at Doncaster to separate youths from adults, by designating the concourse seating area on the ground floor for youths only. However, it proved difficult to avoid contact in such an open environment. The MCC has also tried scheduling youth courts on separate days to adult courts but, due to workload, this has proved impossible to manage operationally. Court staff acknowledged the situation was not ideal, but stated the lack of separation of youths and adults had not caused any problems. It is suggested that the MCC consider listing youth and adult courts at opposite sides of the building, to allow for some element of separation. Family proceedings are heard in separate areas of the courthouses, which is effective in avoiding contact between participants in family and criminal proceedings.

Safety and security for court users, staff and magistrates

5.12 The MCC is aware of its responsibilities for Health and Safety and has established, in each of its courthouses, Health and Safety Committees that report to its Finance and Facilities Sub-Committee (since April 2003, the Finance, Facilities and IT Sub-Committee). However, it has recently recognised a shortfall of expertise in this area at 'competent person' level and has approved the appointment of an external expert to act in this role. It is proposed that this person will assist the MCC to review its overall arrangements for Health and Safety and, in particular, its arrangements for risk assessments and workplace inspections.

5.13 Following restructuring, responsibility for Health and Safety at courthouse level was delegated to administration managers. Although some training has been given to these managers, in interviews, individuals said that they did not feel fully equipped and competent to carry out these new responsibilities. In particular, individuals

expressed concerns about their abilities to conduct risk assessments.

5.14 The MCC has elements of a risk assessment process in place, but this is not yet fully comprehensive and does not cover custody areas. Group 4 carries out annual risk assessments of custody areas, but these are not conducted jointly with the MCC. While Group 4 is satisfied with the MCC's response to its risk assessments, generally these do not include timescales for improvement actions and responsibilities for these. Inspectors were assured by the MCC that it intends to conduct joint assessments with Group 4 in future.

5.15 Inspectors were seriously concerned about the arrangements at two courthouses for the delivery and collection of prisoners, believing that these pose significant safety and security risks. Furthermore, in one courthouse, these issues had not been covered fully in the last risk assessment conducted. In the other courthouse, however, the MCC has secured funds to make improvements that will minimise the identified risks. The lack of panic alarms in some critical locations in one courthouse was also a matter of concern. These issues are covered in detail in a Confidential Annex.

5.16 Inspectors were also very concerned about the condition of one of the custody holding rooms in Sheffield Courthouse, which they considered unsafe for the holding of prisoners (details are contained in a Confidential Annex). This was reported to the MCC and the room was immediately put out of commission. Credit is given to the JCE and his team for responding in a very rapid and positive manner to the hazards identified, and these had been remedied by the time Inspectors returned a few weeks later. However, MCC and Group 4 staff gave Inspectors differing

accounts of how long the holding room had been in this condition and the MCC's response to the hazards identified by custody staff. In the absence of a formal procedure for recording identified hazards and remedial actions, the MCC would be unable to demonstrate it acted appropriately in the event of an accident occurring.

Recommendation 5: that the Committee review its risk assessment and hazard reporting arrangements to ensure they are comprehensive and effective.

5.17 Regular fire alarm testing takes place and fire drills are carried out approximately twice yearly in each courthouse, with one of these drills including a full evacuation when the courts are sitting. This does not include custody suites, where appropriate desktop exercises are carried out, and custody staff interviewed by Inspectors were aware of what to do in the event of an emergency. Court staff interviewed were aware of how to obtain first aid and those who were qualified in first aid understood their responsibilities. All custody staff had been trained in first aid.

5.18 In all courthouses there are appropriate CCTV facilities, and funds have been secured to improve further the CCTV system at Barnsley Courthouse. There are appropriately-staffed security arches at the entrances to all courthouses. These measures help ensure a good level of safety and security for court users. Records of confiscated items are kept and these are reviewed at the local Health and Safety Committee meetings and used to identify appropriate actions to improve security.

Overall Assessment – Treatment

Court users are generally treated with respect and courtesy, and their needs for help and advice effectively identified and dealt with by staff. Overall witness and defendant waiting times are consistently better than the national average, although performance varies across courthouses. A county-wide complaints and suggestions procedure has recently been put in place. This is clear and comprehensive and understood by staff, although it is too early to evaluate its effectiveness. All courthouses have a Charter Mark Award, which is an excellent achievement by the MCC.

Court users are treated with courtesy and offered appropriate help

5.19 The MCC has some dedicated and motivated frontline staff, who provide a good level of treatment for court users, and Inspectors were impressed with the personal qualities and professionalism displayed by staff. Courtroom observations indicated that legal advisers, generally, made good efforts to ensure defendants, particularly those who were unrepresented, fully understood the proceedings and their part in them. Ushers were observed to be hardworking, approachable and helpful to court users, and security staff were courteous in their treatment of court users. However, one case was observed when a defendant was treated inappropriately by a magistrate and a summary, which did not identify the bench concerned, was given to the MCC. The good impression Inspectors gained through observations is confirmed by responses to MCSI's survey of professional users, in which 91% of respondents stated that they were 'satisfied' or 'highly satisfied' that all court users are treated with courtesy, compared to an average of 81% for the last 14 inspections. Frontline staff received training in a range of customer care issues over the last year, including diversity and disability awareness.

5.20 Each courthouse has a Quality of Service Charter which is clear and concise, and provides a useful reference guide for court users. Performance against charter standards are monitored at courthouse level. SYMCC is the first MCC to achieve a Charter Mark Award independently in all its courthouses. These awards are given to public sector organisations that provide an excellent quality of service to their users, and this represents a commendable achievement for the MCC. In recognition of this, the JCE is currently part of a national Court Service development group which is considering how best to assist other MCCs to work towards achievement of the award.

Waiting times on the day

5.21 Overall defendant waiting times are good and overall witness times, very good. In both areas, performance is consistently better than the national average, for which the MCC is commended. However, performance varies across the courthouses – for instance, witness waiting times at Barnsley are generally much better than those in other courthouses – and there is scope for further improvement. Court staff are aware of the importance of processing cases quickly and effectively and, where this is not possible, staff ensure they inform users who are waiting of the reasons for the delay.

Figure 3: Waiting times

NPI 5 ¹⁰ Defendant waiting times Percentage of adult defendants waiting one hour or less				
	April 2001	October 2001	April 2002	October 2002
England & Wales	61%	61%	59%	60%
SYMCC	64%	64%	61%	62%
National ranking	10 th	12 th	12 th	14 th
NPI 6 ¹¹ Witness waiting times Percentage of witnesses waiting one hour or less				
	June 2001	November 2001	June 2002	November 2002
England & Wales	52%	51%	50%	49%
SYMCC	76%	53%	57%	58%
National ranking	1 st	11 th	11 th	7 th

Complaints

5.22 The MCC has recently introduced a county-wide complaints and suggestions procedure. Although it is too early to evaluate its effectiveness, staff are aware of what to do if approached by a court user with a complaint. Staff confirmed they took verbal complaints seriously and, when they were unable to resolve them, they enlisted the help of a senior member

of the office staff, which can result in the complainant being advised to put their complaint in writing. The new complaints and suggestions procedure, which includes an appeal stage and the services of an ombudsman to periodically review complaints and suggestions received and the MCC's response to these, has the potential to work well.

Overall Assessment – Written Information

Arrangements are in place for court users to receive appropriate information before court proceedings, and ushers and legal advisers are clear about what information needs to be given to court users on the day. The MCC provides a good range of information leaflets, although the provision of information in languages other than English is under-developed. Leaflets were not readily available in one courthouse. Notice boards are well organised, but some information is out-of-date. Internal signage is good throughout the MCC area, with all courthouses displaying excellent courtroom layout plans. For users who are not familiar with the location of the courthouses, poor road and pedestrian signage may hinder their journey to court.

¹⁰ NPI 5 is now reported as BMR 4.

¹¹ NPI 6 is now reported as BMR 3.

Access to clear and appropriate written information

- 5.23 Clear and comprehensive information covering the location of courthouses, telephone contact points, opening hours, likely waiting times and facilities for court users with disabilities accompany pre-court attendance correspondence, such as charge and summons forms. Courthouse observations and interviews confirmed that legal advisers and ushers are clear about the information that needs to be given to court users on the day.
- 5.24 In general, an appropriate range of written information is displayed within courthouses, although the extent of information displayed varies and some information displayed is out-of-date. In Barnsley, Doncaster and Rotherham, a good range of information leaflets are available for court users, although there were variations. For instance, there was a better range of community information leaflets available in Rotherham than in other courthouses. However, relatively few information leaflets were available in Sheffield Courthouse and some of these were out-of-date, for instance, the complaint forms on display pre-dated the new complaints and suggestions procedure.
- 5.25 The provision of information in languages other than English is under-developed. However, at the time of inspection, the MCC was putting into place arrangements with the National Interpreting Service (NIS) to enable it to ensure that appropriate information and assistance can be given to court users who are unable to communicate in English. Enquiry counter staff are being provided with Language Identification Cards to help identify a user's language, together with a dual handset telephone which provides access for enquiry staff and users to an

interpreting service covering 150 languages. This demonstrates a positive commitment to those court users who do not speak English and has good potential to improve the service provided.

- 5.26 The MCC has a well constructed web-site, which provides useful information for court users, including contact details, directions to courthouses and the Quality of Service Charters, as well as corporate documents such as the Race Equality Scheme and Annual Report.
- 5.27 NPI 5¹² (percentage of users satisfied with information) performance shows a good level of satisfaction with information. In the last national survey (October 2002), for which figures are available, 90% of respondents indicated satisfaction with the information provided, a figure which is consistent with the England and Wales average.

Signs to, on and within courthouses

- 5.28 Inspectors found direction signs to all but one courthouse – Barnsley - inadequate, especially for motorists. In the past, the MCC has tried to work with local authorities to address this issue, but without success. The directions on the South Yorkshire MCC web-site are very clear and easy to follow, as are the location maps in the Quality of Service Charter leaflets for each courthouse. All courthouse buildings are clearly marked externally. Signage within all the courthouses was of a high standard, including excellent courtroom plans showing the layout of each courtroom and where the different participants in proceedings sit.

¹² NPI 5 is now reported as BMR 7.

Methodology

The MCC was given approximately five months' notice of the start of the process and of the topics to be inspected. The MCC provided the inspection team with documentary evidence together with its own analysis of performance in the five topic areas. A wide selection of professional users of the South Yorkshire magistrates' courts was identified and questionnaires, telephone and face-to-face interviews were used to gather information about their views and concerns. In addition, Inspectors observed proceedings in all the MCC's four courthouses (Barnsley, Doncaster, Sheffield and Rotherham).

The inspection team visited each of the MCC's four offices to inspect the files of all cases completed during the week commencing 10 February 2003 and the files for all youth cases completed during the four weeks commencing 20 January 2003, together with corresponding court registers. As part of the exercise, 1,080 crime files were analysed using methodology comparable with that of the LCD Time Interval Surveys. This analysis produced the case completion information included in Figure 2 within the body of this report. The team also analysed the history of each of the casefiles, looking at the length of each adjournment together with the recorded reason (if any) for the adjournment. The resulting data are set out in Annex D.

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.

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

The following members of MCSI were involved in the South Yorkshire MCC inspection:

David Abbott
Kika Bowen
Lori Buckley
Martin Edgerton
Sarah Merchant
Alan Nisbett
Penny Rickards
Caroline Sage

South Yorkshire MCC: key facts

Clerkship	Petty sessions areas	Magistrates (as at 23 April 2003)	Courthouses and admin offices	Courtrooms (source: LCD courthouse survey 2002)	Staff (full-time equivalent as at 4 th February 2003)	Weighted caseload (January 2002/ December 2002)	
Barnsley & Sheffield	Barnsley	120	Barnsley	6	47.1	414,404	
	Sheffield	294	Sheffield	16	111		
Doncaster & Rotherham	Doncaster	174	Doncaster	8	79.3		
	Rotherham	130	Rotherham	10	43.8		
Secretariat – based at Meadow Court, Amos Road, Sheffield							12

Expenditure 2001/2002 (£000s) – Unaudited	
Staff	6,139
Premises	1,505
Supplies & services	1,059
Local authority charges	89
Magistrates' expenses	279
Magistrates' training	9
Gross expenditure	9,080
Income	178
Net expenditure	8,902

Weighted caseload		
2000/01	January 2001/ December 2001	January 2002/ December 2002
392,870	411,634	414,404

South Yorkshire MCC: performance data

National Performance Indicators 2002/03¹³

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

National Performance Indicator	National data			South Yorkshire MCC ranking (of 42 MCCs)
	Best	Worst	Average	
NPI 1 Cost efficiency	April 2002 – March 2003			
Cost per unit of weighted caseload	£20.40	£47.52	£30.36	£23.44 (3)
NPI 2 Timeliness	March 2003 survey			
Average number of days from first court listing to completion for all defendants in all criminal cases	17 days	64 days	33 days	26 days (11)
NPI 3 Courtroom utilisation	Rolling average April 2002 – March 2003			
Total actual court sitting hours as a proportion of calculated availability	82.0%	40.4%	67.3%	69.1% (16)
NPI 4 Debt analysis	Rolling average April 2002 – March 2003			
Completion rate indicator: Impositions collected, written-off and cancelled as a proportion of all impositions	132%	60%	90%	98% (19)
Payment rate indicator: Amount collected for every £100 imposed	87%	33%	55%	61% (26)
Write-off indicator: Write-offs as a proportion of impositions	2%	43%	16%	17% (28)
Cancellation rate indicator: Cancellation of impositions as a proportion of all impositions	0%	51%	19%	20% (27)
Balances ratio indicator: Length of time to clear all debts if no further impositions made (1 = 1 year)	0.42	3.78	1.27	0.91 (15)
Arrears rate indicator: Percentage of balances owed which are collected in arrears (100% = nothing collected on time).	25%	86%	57%	57% (20)

¹³ National Performance Indicators are now reported as Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs).

National Performance Indicator	National data			South Yorkshire 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%	62% (14)
User reaction survey: Proportion of users who rated facilities or information as satisfactory or very satisfactory				
Facilities	84%	61%	72%	76% (12)
Information	95%	83%	90%	90% (20)
NPI 6 Joint performance management witness monitoring		November 2002 survey		
Proportion of witnesses whose waiting time was one hour or less	70%	21%	49%	58% (7)

NPI 7 Ethnicity of MCC staff			
Comparison of the ethnicity of magistrates' courts staff with the ethnicity of the South Yorkshire population (as at 31 March 2003)		Population %	Staff %
		White	95
	Black	1	1
	Asian	3	1
	Other	1	0

National Performance Indicators 2002/03 – continued

National Performance Indicator	National data			South Yorkshire MCC ranking (of 42 MCCs)
	Best	Worst	Average	
NPI 8 Trials – effective, ineffective, cracked and vacated				
April 2002 – March 2003				
Effective trials	49.0%	24.5%	31.9%	34.8% (18)
Ineffective trials – on the trial date. A further listing for trial is required	13.2%	39.6%	30.6%	25.6% (17)
Cracked trials – on the trial date both with and without results. Requires no further trial time.	30.5%	46.6%	37.5%	39.5% (26)
Vacated trials – trials where a request to vacate has been granted prior to the trial date.	1.0%	27.0%	11.0%	12% (21)
NPI 9 Community penalty breach warrants				
April 2002 – March 2003				
Proportion of adult bail warrants executed or withdrawn within 28 day target	100%	0%	37%	70% (4)
Proportion of adult no-bail warrants executed or withdrawn within 28 day target	64%	9%	27%	46% (4)
Proportion of youth bail warrants executed or withdrawn within 14 day target	73%	0%	28%	54% (5)
Proportion of youth no-bail warrants executed or withdrawn within 14 day target	59%	0%	22%	34% (5)

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.

		July 2002 - September 2002	October 2002 - December 2002	January 2003 - March 2003	April 2003 - June 2003	MCC target
	All cases					
CPM 1 – Average length of cases from first listing to completion	Barnsley Doncaster Rotherham Sheffield MCC	29 days 33 days 25 days 44 days 33 days	- - - - -	19 days 31 days 23 days 28 days 26 days	- - - - -	31 days
CPM 2 – Percentage of defendants waiting one hour or less	Barnsley Doncaster Rotherham Sheffield MCC	68.4% 63.1% 65.9% 62.7% 63.9%	71.0% 54.0% 68.0% 53.0% 62.0%	- - - - -	- - - - -	July 02 – 69% Oct 02 – 70%
CPM 3 – Percentage of cases for which specific information is provided to other agencies within prescribed timescales	Barnsley Doncaster Rotherham Sheffield MCC	98.9% 86.0% 98.1% 92.9% 91.3%	99.1% 75.9% 98.6% 97.0% 85.0%	93.7% 77.5% 98.8% 99.3% 87.1%	87.0% 91.2% 99.6% 97.2% 94.7%	Sept 02 – 92% Dec 02 – 93% 2003/04 – 95%
CPM 4 – Amount of arrears as a proportion of outstanding balances	Barnsley Doncaster Rotherham Sheffield MCC	51.41% 52.15% 40.87% 54.13% 50.93%	52.20% 54.54% 44.22% 74.09% 57.60%	51.26% 51.00% 48.45% 76.89% 57.37%	47.47% 40.31% 44.75% 56.10% 48.27%	Sept 02 – 37.0% Dec 02 – 36.5% 2003/04 – 45%
CPM 5 – Write-offs as a proportion of impositions	Barnsley Doncaster Rotherham Sheffield MCC	3.31% 4.25% 5.10% 46.80% 17.70%	1.99% 5.00% 9.92% 28.38% 13.96%	24.68% 7.60% 6.47% 53.00% 28.88%	114.26% 4.78% 11.96% 29.88% 31.48%	Sept 02 – 12% Dec 02 – 11% 2003/04 – 12%
CPM 6 – Number of occupied court sitting hours as a proportion of planned hours of court time	Barnsley Doncaster Rotherham Sheffield MCC	88.85% 102.40% 75.13% 100.69% 94.10%	- - - - -	- - - - -	- - - - -	Sept 02 – 92%

Core Performance Measures – continued

		July 2002 - September 2002	October 2002 - December 2002	January 2003 - March 2003	April 2003 - June 2003	MCC target
	All cases					
CPM 7 – Weighted caseload per sitting hour	Barnsley Doncaster Rotherham Sheffield MCC	14.23 11.94 12.41 10.98 11.94	14.38 11.44 13.88 11.69 12.39	13.39 12.08 13.38 11.43 12.20	12.17 12.24 10.39 10.90 11.34	Sept 02 – 12.70 Dec 02 – 12.80 2003/04 –12.50
CPM 8 – Percentage of user satisfaction (Surveys conducted six monthly in April and October)	Facilities MCC	-	76%	-	-	Oct 02 – 81%
	Information MCC	-	89%	-	-	Oct 02 – 91%
CPM 9 – Staff cost per weighted case	MCC	£16.56	£16.05	£16.18	£18.24	-
CPM 10 – Weighted caseload per member of staff	Barnsley	407	384	349	338	
	Doncaster	318	290	338	325	
	Rotherham	400	401	417	317	
	Sheffield	366	363	364	329	
	MCC	351	339	348	314	
CPM 11 – Total revenue cost per weighted case	MCC	£20.95	£21.49	£23.50	£32.96	-
CPM 12 – Actual court hours as a proportion of capacity	Barnsley	66.83%	66.72%	67.69%	71.48%	Sept 20 – 70%
	Doncaster	82.62%	78.67%	79.03%	76.19%	Dec 02 – 70.5%
	Rotherham	59.74%	62.84%	56.84%	55.34%	2003/04 – 70%
	Sheffield	70.65%	70.67%	71.85%	68.63%	
	MCC	69.74%	69.72%	68.91%	67.55%	

South Yorkshire MCC: adjournment analysis

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56		
Standard procedural adjournments							61%	55%
To prepare for trial/pre-trial review	14	30	37	47	101	32	261 38%	6,552 41%
For reports prior to sentence	1	7	45	55	28	2	138 20%	3,334 21%
Miscellaneous (e.g. defendant was ill)	6	5	2	11	16	1	41 6%	1,305 8%
To serve concise witness statements	–	–	–	2	2	–	4 1%	716 4%
To prepare for committal	9	14	19	7	35	9	93 14%	1,264 8%
For defendant to be informed that s/he faces disqualification from driving	5	7	17	24	12	2	67 10%	1,468 9%
To tie in with other matters	10	17	16	9	8	1	61 9%	1,304 8%
For a full file after unexpected not guilty plea	2	2	1	1	7	–	13 2%	57 0%
Subtotals	47 4.3%	82 7.4%	137 12.4%	156 14.1%	209 18.9%	47 4.3%	678 100%	16,000 100%
Ineffective hearings							39%	45%
Defendant did not attend	31	24	14	16	31	20	136 32%	3,510 27%
Subtotals	31 2.8%	24 2.2%	14 1.3%	16 1.4%	31 2.8%	20 1.8%	136 32%	3,510 27%
Defence – other reasons								
To take further instructions	7	35	28	16	17	–	103 24%	2,643 21%
Defendant had not applied for legal aid	–	–	–	–	–	–	– 0%	136 1%
Advance information had not been requested	–	–	–	–	–	–	– 0%	96 1%
Committal papers received but not considered	–	–	–	–	–	–	– 0%	32 0%
Advance information received but not considered	1	3	1	–	1	–	6 1%	110 1%
To review tape or video evidence	1	5	4	2	1	–	13 3%	312 2%
Subtotals	9 0.8%	43 3.9%	33 3.0%	18 1.6%	19 1.7%	– 0.0%	122 29%	3,329 26%

Adjournment analysis – continued

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56		
Court								
Details of previous driving convictions not available	2	1	2	4	-	-	9	2% 562 4%
Application for legal aid not processed	-	-	-	-	-	-	-	0% 15 0%
Insufficient court time	4	1	-	-	-	-	5	1% 465 4%
Subtotals	6	2	2	4	0.2%	0.4%	14	3% 1,042 8%
Prosecution								
To make further enquiries	4	3	6	7	5	-	25	6% 1,086 8%
Advance information not provided on time	1	7	3	3	1	-	15	4% 223 2%
Committal papers not provided on time	1	-	3	1	-	-	5	1% 72 1%
Summons not served	1	3	3	2	4	1	14	3% 530 4%
Concise witness statements not served	1	-	-	5	1	-	7	2% 71 1%
Prosecutor unable to produce file in court	-	-	2	1	-	-	3	1% 412 3%
To consider the appropriateness of the charges	2	13	5	10	12	-	42	10% 689 5%
Subtotals	10	26	22	29	2.1%	2.6%	111	26% 3,083 24%
Third party								
Witness did not attend	-	-	-	1	-	-	1	0% 86 1%
Subtotals	-	-	-	1	0.0%	0.0%	1	0% 86 1%
Probation service								
Pre-sentence report requested but not provided	-	-	1	-	-	-	1	0% 83 1%
Subtotals	-	-	1	-	0.0%	0.0%	1	0% 83 1%

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56		
Prison Service/Prisoner Escort								
Prisoner Escort and Custody Service failed to produce prisoner	-	-	-	-	-	-	-	12 0%
Subtotals	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0%	12 0%
More than one party								
Defendant not made aware of hearing/ issued with defective summons	-	1	1	4	1	-	7	186 1%
For prosecution and defence to liaise	-	2	1	1	-	-	4	342 3%
Subtotals	- 0.0%	3 0.3%	2 0.2%	5 0.5%	1 0.1%	- 0.0%	11 3%	528 4%
Miscellaneous								
Other miscellaneous reasons	4	3	3	2	2	3	17	606 5%
Unable to identify the reason for adjournment	4	1	3	1	3	1	13	604 5%
Subtotals	8 0.7%	4 0.4%	6 0.5%	3 0.3%	5 0.5%	4 0.4%	30 7%	1,210 10%
Total	111 10.1%	184 16.7%	217 19.7%	232 21.0%	288 26.1%	72 6.5%		

Sample case size:

432 cases with one or more adjournments

648 cases completed at first hearing

1080 cases in sample

*Source: Consolidated data from 28 MCSI inspections completed between September 2000 and March 2003

Recommendations and South Yorkshire MCC's action plan

1 MCSI recommendation:

That the Committee review its recently adopted approach to local planning to ensure plans:

- ◆ are comprehensive and, in total, add up to the achievement of its corporate operational and human resources plans, and thus its strategic aims
- ◆ incorporate clear accountabilities, timescales and objectives
- ◆ develop further a corporate approach, to capitalise fully on the opportunities provided by amalgamation.

MCC response

The Committee will:

- ◆ review the recently-completed plans to ensure they encompass the full range of the MCC's activities and develop further a corporate approach
- ◆ review the plans to confirm they incorporate clear accountabilities, timescales and objects
- ◆ agree an action plan and monitor progress.

Improvement target: All plans produced will be cohesive and match organisational requirements.

By date: October 2003

2 MCSI recommendation:

That the Committee ensure its commitments to race equality are fully integrated in its corporate and local operational plans, and further review its Race Equality Scheme Action Plan, to ensure it is comprehensive and meets fully the requirements of the Race Relations (Amendment) Act 2000.

MCC response

The Committee will:

- ◆ review all plans to ensure its commitment to race equality is fully integrated into them
- ◆ review its Race Equality Scheme Action Plan to ensure it is comprehensive and fully meets the requirements of the Race Relations (Amendment) Act 2000.

Improvement target: To successfully complete the reviews of all plans and the SYMCC's Race Equality Scheme Action Plan in order to ensure commitments to race equality are fully integrated in all plans.

By date: December 2003

3 MCSI recommendation:

That the Committee develop further its performance management system to ensure improvements are systematically planned for and co-ordinated at county level, capitalising on good practice and maximising performance.

MCC response

The Committee will:

- ◆ receive a report outlining the development of the management framework and including recommendations for further co-ordination of improvements, capitalising on good practice
- ◆ agree an action plan designed to ensure that improvements in performance are systematically planned, and effectively co-ordinated, at county level
- ◆ monitor progress against the action plan on a quarterly basis.

Improvement target: The development of an enhanced framework for performance management, which successfully addresses the issues highlighted in the recommendations.

By date: 31 March 2004

4 MCSI recommendation:

That the Committee develop a strategic approach to collection and enforcement to include:

- ◆ a systematic, county-wide review of working arrangements, identifying good practice and barriers to good performance
- ◆ a county-wide strategy and improvement action plan with clear accountabilities, objectives and milestones, which builds on existing good practices.

MCC response

The Committee will:

- ◆ receive a report reviewing working arrangements and identifying good practice across the county
- ◆ publish a county-wide strategy and improvement action plan.

Improvement target: 70% payment rate for county.

By date: 31 March 2004

5 MCSI recommendation:

That the Committee review its risk assessment and hazard reporting arrangements to ensure they are comprehensive and effective.

MCC response

The Committee will:

- ◆ receive a report on the new risk assessment and hazard reporting arrangements, which were introduced in June 2003, to confirm that the procedures are comprehensive and effective
- ◆ put in place appropriate review arrangements to ensure continued compliance with risk assessment and hazard reporting procedures.

Improvement target: A fully comprehensive risk assessment and hazard reporting procedure will be in place.

By date: August 2003

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>Area Criminal Justice Strategy Committee</i>	These committees, one in each of the 42 MCC areas, look at local strategic issues. Local criminal justice agencies are represented on the committee at chief officer level
<i>Association of Magisterial Officers (AMO)</i>	A national trade union for persons employed within the magistrates' courts service
<i>Block-listing</i>	A system for allocating cases to a time block during court sitting hours by reference to the stage the case has reached, or by some other clear criteria
<i>Civilian enforcement officer (CEO)</i>	An officer, usually employed by a Magistrates' Courts Committee, to execute warrants (see warrant enforcement below)
<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>Commission area</i>	Every magistrate is appointed to a commission area, which is subdivided into one or more petty sessions areas (see below). Summary offences must be dealt with in the commission area where they occurred. Commission areas do not necessarily coincide with MCC areas
<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>Court clearance</i>	The administrative process of sending out documents produced as result of court adjudications
<i>Court register</i>	All courts are required to keep a register of adjudications
<i>Cracked trial</i>	On the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time. See also <i>Ineffective</i> and <i>Vacated trials</i>
<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 Lord Chancellor's Department) that is responsible for magistrates' courts and funds 80% of the activity of MCCs
<i>Designated Case Workers (DCW)</i>	CPS prosecutors, without professional legal qualifications, who prosecute the more straightforward cases
<i>Disabled Court Users Performance Standards</i>	Since 1998, MCCs are required to meet certain minimum standards with regard to disabled court users
<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>Financial regulations</i>	A written code of procedures intended to provide a framework for proper financial control. Financial regulations usually set out rules on accounting & audit, and detail administrative procedures & budgeting systems
<i>Fines clinic/surgery</i>	Some form of arrangement for fine defaulters to meet court staff to discuss payment terms or payment difficulties
<i>Indictable cases</i>	Serious cases which have to be sent forthwith, at the EAH, to the Crown Court
<i>Ineffective trial</i>	On the trial date, expected progress is not made due to an error or omission by one or more of the organisations or individuals involved in the case and a further listing for trial is required. See also <i>Cracked</i> and <i>Vacated trials</i>
<i>Justices' Clerks' Accounting Manual (JCAM)</i>	Issued by the LCD, the Manual sets out the rules and procedures which must be followed when dealing with all aspects of the collection and payment out of fines and fees

<i>Lead paying authority</i>	The local authority designated to co-ordinate the funding of the MCC, subject to cash-limited grant from the LCD (see below). The lead paying authority liaises with the other paying authorities (if any) within the MCC area. Local paying authorities fund 20% of the MCC's activities, the other 80% being funded by the LCD
<i>Libra</i>	The new national computer system for the magistrates' courts service of England & Wales
<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 LCD) 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 LCD in May 1997. Designed to assist MCCs in ensuring financial probity within Fines & Fees accounts
<i>National Performance Indicators (NPIs), Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs)</i>	National indicators, published by the LCD for the first time in June 2000, used to measure progress in achieving Public Service Agreement (see below) targets. SSIs and BMRs were introduced in April 2003 and now replace NPIs
<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>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>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 & 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-sentence report (PSR)</i>	A report produced by the probation service or youth offending team at the request of the magistrates to assist them in determining the most appropriate sentence for offenders found guilty. The case is normally adjourned while the report is prepared
<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>Public Service Agreement (PSA) and Service Delivery Agreement (SDA)</i>	The LCD Public Service Agreement was published in the government White Paper <i>Spending Review 2000 - Public Service Agreements 2001-2004</i> , in July 2000. The PSA contains the high-level departmental targets for the period and the SDA includes the lower-level targets and key commitments to improve and modernise the service
<i>Service Level Agreement (SLA)</i>	An agreement, usually written, between two parties setting out the terms on which one party (the service provider) will provide a service to the other (the customer)
<i>Specific sentence report (SSR)</i>	Where a probation officer or member of the youth offending team is in court and the defendant’s situation and history is already known, or there has been a recent pre-sentence report (PSR) prepared, the magistrates may request this abbreviated report to be produced on the day, instead of adjourning for a full PSR
<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 LCD which measures the timeliness of magistrates’ courts criminal proceedings
<i>Transfer of fine order (TFO)</i>	When the offender lives in another petty sessions area, the court may transfer the fine to the offender’s local court for enforcement
<i>Trials Issues Group (TIG)</i>	The Trials Issues Group – originally the Pre-Trial Issues Working Group – is a national group which includes representatives of the LCD, the Home Office and all agencies in the criminal justice system. It was set up to look at ways of reducing delays in criminal court proceedings – and is currently overseeing implementation of the Crime and Disorder Act 1998. Each MCC area has a local TIG sub-group
<i>Unified Courts Administration (UCA)</i>	A single executive agency responsible for the administration of all courts below the House of Lords. It is expected that it will operate from April 2005 and be in shadow form during the previous year

<i>Vacated trial</i>	Prior to the trial date, a request to vacate the trial date is granted. A further listing for trial may or may not be required and the court time vacated may or may not be filled with other cases(s). See also <i>Ineffective</i> and <i>Cracked trials</i>
<i>Validation of court registers</i>	Computerised registers are regarded as the permanent record of court adjudications when ‘validated’ – a stage usually reached after a series of checks has been undertaken to ensure that the record entered is accurate
<i>Warrant enforcement</i>	From April 2001, the responsibility for enforcing post-sentence enforcement warrants (e.g. for unpaid fines) has been transferred from the police to MCCs. Some MCCs will handle warrant enforcement in-house using their own CEOs (see above); others are contracting part or all of the process out to private companies or, in some cases, back to the police. The police will still enforce pre-sentence warrants, e.g. for bail absconders
<i>Write-off of fines</i>	An administrative procedure to deal with fines etc. that, for some reason, have proved impossible to collect – usually because the defaulter cannot be traced
<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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شرح خلاصه ای از این گزارش به زبان فارسی به هنگام درخواست شما از آدرس زیر در دسترس می باشد.

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इस रिपोर्ट का संक्षिप्त हिन्दी अनुवाद प्रार्थना करने पर नीचे दिए गए पता से उपलब्ध कराया जा सकता है।

Un sommario di questa relazione è disponibile, su richiesta, in lingua italiana all'indirizzo indicato di seguito.

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Pode obter, sob pedido e através da morada seguinte, uma versão resumida deste relatório em português.

ਇਸ ਰਿਪੋਰਟ ਦਾ ਸੰਖਿਪਤ ਪੰਜਾਬੀ ਅਨੁਵਾਦ ਹੇਠ ਲਿਖੇ ਪਤੇ ਤੋਂ ਨਿਵੇਦਨ ਕਰਨ ਤੇ ਮਿਲ ਸਕਦਾ ਹੈ।

Краткую версию данного доклада на русском языке можно получить по приведенному ниже адресу.

Qoraalkaan oo ah warbixin la soo koobay kuna qoran Afsoomaali waxaad ka heli kartaa haddii aad la xiriirto ciwaanka hoos ku qoran.

En sammanfattad version av denna rapport finns, på begäran på nedanstående adress, tillgänglig på svenska.

Muhutajari wa ripoti hii unapatikana katika lugha ya kiswilihi, tafadhali peleka maombi katika anuani iliyopo hapana chini.

บทสรุปเป็นภาษาไทยของรายงานฉบับนี้สามารถติดต่อขอได้จากที่อยู่ข้างใต้

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Bu raporun Türkçe bir özetini aşağıdaki adresten isteyebilirsiniz.

درخواست کرنے پر اس رپورٹ کا خلاصہ درج ذیل ایڈریس سے اردو زبان میں دستیاب ہو سکتا ہے۔

Bài tóm tắt chữ Việt của bản báo cáo này đã sẵn có, nếu cần, xin theo địa chỉ dưới đây dò hỏi.

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