

*Report of an Inspection*

*of the*

*Sussex*

*Magistrates' Courts Committee*

*carried out during*

*December 2003*

# MCSI Inspection of Court Services

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

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

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

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# Chief Inspector's Foreword

Our inspection of the Sussex Magistrates' Courts Committee (MCC) 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 service offered to people who use the courts, including the way people are treated, the information given to them and what is provided for them in the courthouses).

Sussex MCC has developed a sound strategy and communicates this effectively through its Strategic Plan. The Committee recognises that it now needs to focus on the delivery of its strategic and business objectives, ensuring progress is made in relation to these. The MCC is also planning strategically for the move towards a unified courts administration (UCA), to which it has adopted a commendably positive approach. Human resources (HR) are managed effectively and HR issues are given an appropriately high priority within the MCC's strategy. A new Performance and Development Review Scheme was being introduced during the inspection which, although delayed, should enhance the management and development of staff.

The administration of cases is generally poor, with the exception of youth justice. The MCC is aware of its problems in this area and is trying to work with criminal justice partners to improve performance. The collection of fines has been given a high priority by the MCC, and the hard work that has been done has resulted in improved performance in this Government priority area.

I make four recommendations, and am pleased with the positive response of the Committee and the action plan it has drawn up, which adequately addresses the issues raised. In the context of the move towards the UCA, my recommendations focus on areas in which the MCC can make improvements in the shorter term. One recommendation concerns enhancing the effectiveness and resilience of corporate management. A second is concerned with improving scheduling, and the management of business on the day. Two further recommendations address safety and security across the MCC, and in one cell area in particular.

This report is not intended as an assessment of all the activities undertaken by the MCC. The Committee exercises a number of important responsibilities which have not been examined during this particular inspection, and it should not be assumed that statements contained in the report apply to MCC functions beyond the five upon which we have focused.

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

A handwritten signature in black ink that reads "Stella Dixon". The signature is written in a cursive, flowing style.

Dr Stella Dixon  
**HM Chief Inspector, MCSI**

March 2004



## 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. The Sussex Magistrates Courts Service came into existence in April 2001 and was formed from the former MCCs of East Sussex and West Sussex.
- 2 The MCSI *Guidelines for Inspection and Liaison* indicate that newly-amalgamated MCCs will be inspected between 18 and 30 months after the amalgamation date. In undertaking this inspection, Inspectors have borne in mind the benefits that are anticipated from amalgamation (contained in MCSI's *Resource File for Amalgamating MCCs*), which include:
  - ◆ 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 contracting of goods and services
  - ◆ improved strategic liaison.
- 3 Sussex MCC area has a population of almost 1.5 million people, 96% of which is white. Brighton and Hove, which is a unitary authority, is the largest conurbation with a population of around 250,000 people, including large numbers of students from the two universities and a high transient population. Brighton and Hove also has a large homosexual, lesbian, bisexual and transgender population. The remaining areas of Sussex, in which the majority of the population live along the South coast or the M23 corridor, are covered by the East and West Sussex County Councils. The age profile of the population of Sussex varies widely. East Sussex has the highest percentage of people over 75 years of age in the country, whereas 35% of the residents of Brighton and Hove are between the ages of 20-39, which is significantly higher than the national average.
- 4 Unemployment is generally lower than the national average at around three per cent although there are some pockets of higher unemployment in East Sussex. Transport links in Sussex are generally poor, with the exception of the M23 corridor. Gatwick airport is located in the north of Sussex near Crawley, which has expanded from a small village to the second largest centre of population in Sussex in just 30 years. Gatwick airport and, to a lesser extent, Newhaven ferry port generate large numbers of Customs and Excise prosecutions.
- 5 Sussex enjoys a relatively low, and falling, crime rate compared to the England and Wales average. During 2002/03, 130,887 crimes were recorded in Sussex, which equates to 88 crimes per 1,000 population. There are, however, high levels of hate crime directed against the homosexual, lesbian, bisexual and transgender population in Brighton and Hove. Drug related deaths are also high in Brighton and Hove, with the second highest rate in the UK.
- 6 Sussex Magistrates' Courts Committee consists of 12 members and has six sub-committees: Joint Negotiation, Budget, Audit, Training, Family and Youth. In addition, a series of specialised portfolios are held by committee members. The MCC holds annual open meetings each September and has a budget of almost £9 million.

- 7 The MCC employs 275 full-time equivalent staff. There are nine courthouses in Sussex, seven of which have an administrative office. A small secretariat, including the JCE, Director of Legal Services, Head of Management Services and Human Resources Manager are based at Lewes courthouse. More detail of the organisational structure is shown in Figure 1.





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

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

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

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

### Overall Assessment

The MCC has shown effective leadership during a challenging time. Government and local priorities have shaped the MCC's strategy which is well set out in its latest Strategic Plan. Implementation is through a series of Business Plans which vary in quality and the monitoring of delivery is patchy. Appropriate individuals cannot be held accountable for the delivery of large parts of the Business Plan and a culture of performance management is yet to be established throughout the MCC. Good progress has been made in establishing a suitable organisational structure, although some arrangements lack resilience. Although an inclusive Senior Management Team is in place, there is not yet an effective corporate management group. Loss of key senior staff may present a high risk to the business and adequate contingency plans are not yet in place. An effective process for undertaking MAP checks provides opportunities for identifying and spreading good practice. The MCC has shown a clear commitment to diversity, although key aspects of the Race Equality Scheme are yet to be delivered. The MCC has identified courthouse security as an important issue but has not yet satisfactorily implemented or evaluated its security provisions.

### Leadership and communication

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| <p>1.1 Sussex MCC has shown determined and effective leadership during a challenging time following the amalgamation of the former East and West Sussex MCCs. Good progress has been made with the integration of two distinctly different organisations into a single structure capable of delivering an effective and efficient magistrates' court service to the people of Sussex.</p> | <p>1.2 The MCC's first Strategic Plan, covering the period 2001–2004, concentrated mainly on the structural changes required to establish a platform that could facilitate effective service delivery. The objectives of that plan have largely been achieved and focus has now shifted to the new Strategic Plan covering the period 2004–2007. The MCC will only be responsible for the</p> |
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delivery of a magistrates court service for the first year of the new three-year Strategic Plan and, to reflect this, the balance of the plan is weighted towards the first year of the strategy.

- 1.3 The focus of the new Strategic Plan has moved from establishing the delivery platform, given priority post-amalgamation, to improving service provision. A great deal of emphasis is placed on the role of Sussex MCC within a wider criminal justice system and the importance of a multi-agency approach to improving performance. The JCE and other MCC staff play an active role in the Sussex Local Criminal Justice Board (LCJB) and the priorities of the LCJB are at the heart of the MCC's strategy.
- 1.4 The increasing emphasis on service delivery is also illustrated by a commitment to achieving Charter Mark accreditation during 2004. Inspectors welcome the focus on service delivery and performance improvement that is evident within the MCC's strategy. However, a number of challenges remain, particularly in relation to the administration of cases, which are discussed later in this report.
- 1.5 The Committee works hard to communicate effectively with staff, magistrates and other stakeholders. A number of mechanisms for communication have been established, including written communication, face-to-face meetings and roadshows. Not everyone within the former East and West Sussex MCCs welcomed the amalgamation, and low morale has been recognised as a problem amongst staff and magistrates. The sensitive approach adopted by the MCC following amalgamation has helped establish an increasingly cohesive organisation, in which morale is generally improving.

## *Organisational structure*

- 1.6 The MCC has made good progress with the development of an organisational structure that reflects the priorities of the Committee. The Strategic Plan 2001–2004 set out a clear rationale for the structural changes planned and these changes have, in the main, been delivered. The first 30 months of Sussex MCC's existence have seen a number of significant developments, including:
  - ◆ amalgamating ten benches to four
  - ◆ introducing a single commission area
  - ◆ closing Arundel courthouse.
- 1.7 Changes have also been made to staff structures and numbers, resulting in an effective array of management groups, team meetings and MCC-wide focus groups. More detailed consideration of staff structures and numbers can be found in paragraphs 2.6-2.10.
- 1.8 Following amalgamation, the Senior Management Team (SMT) was established as the principal senior management group. Part of the rationale behind the establishment of the SMT was to create an inclusive senior management group that was representative of the former East and West Sussex MCCs. As a consequence, the SMT is a large group, including managers from each division, as well as senior managers from the secretariat.
- 1.9 Interviews with SMT members, and examination of the meeting minutes, revealed that the SMT functions mainly as a forum for discussing performance and reviewing progress against strategic and business plans. SMT meetings also provide an opportunity for the Justices' Chief Executive (JCE) to brief senior and middle managers about topical issues. Whilst these functions are of great value, there was little evidence of extensive decision making or in-depth discussion of corporate issues. It is not practical for a group the size of the

SMT to meet frequently enough to satisfy the organisational need for a corporate, decision-making group that owns and drives the delivery of MCC objectives.

- 1.10 Corporate management and the delivery of MCC objectives is, in effect, undertaken by a central secretariat consisting of the JCE, the Director of Legal Services, the Head of Management Services and the Human Resources (HR) Manager. These managers meet each other regularly, although rarely as a group of four. Meeting arrangements are informal and no minutes of meetings are recorded. The absence of a properly constituted meeting of the most senior managers reduces the effectiveness of corporate management. A close-knit corporate management team, with shared ownership and understanding of MCC objectives, would also be more resilient to the loss of key staff (see paragraph 1.34) as it would be easier for colleagues to take over from each other.

**Recommendation 1: that the MCC ensure the establishment of an effective and resilient management group that corporately:**

- ◆ **drives the delivery of MCC objectives**
- ◆ **is accountable for its decision making**
- ◆ **ensures that individuals are identified and held to account for the delivery of Business Plan outcomes.**

**Strategic and business planning**

- 1.11 The MCC sets out its priorities in three-year strategic plans, which are well thought through and clearly written. The objectives set out are delivered through a Corporate Business Plan (CBP), which itself is supported by a series of local business plans. These plans are well linked together and, in the case of the CBP, well written. The quality of local business plans is more patchy.

- 1.12 Significant progress has been made with the development of the planning cycle in Sussex. This now fully engages the Committee in the development of the Strategic Plan and provides opportunities for input from inside and outside the organisation. Each year, the JCE conducts a roadshow at which the CBP is presented to staff. Prior to the roadshow, a useful summary of the CBP is circulated and input on specific aspects of the plan is invited. Plans are also made available to staff using the IT network and awareness of MCC plans is good. Despite these efforts, the extent to which opportunities are taken by staff to input into the planning cycle is limited.

- 1.13 Progress against the Strategic Plan is monitored regularly by the MCC. The CBP is not monitored explicitly by the Committee, although progress of specific items is assessed under thematic headings. Each outcome within the CBP identifies lead officers responsible for delivery. Whilst it is essential that responsibility for the delivery of an outcome can be clearly identified, Inspectors consider that, for a number of outcomes within the CBP, responsibility is set at too junior a level or is spread across too many individuals for effective accountability.

- 1.14 Some monitoring of progress against the CBP is undertaken at SMT meetings, and line management meetings are also used. This monitoring is focused largely on the performance measures that the plan is aiming to improve. Monitoring and reporting of progress against the specific actions that have been identified within the plan is less effective. The introduction of the staff Performance and Development Review Scheme will provide a mechanism that will allow more effective management of individual accountability for delivering MCC objectives. Accountability for delivering the CBP should also be improved by changes outlined in Recommendation 1.

1.15 Security within the MCC's courthouses has been identified as a key strategic issue and the Committee has demonstrated a commitment to improving provision through the investment that it has already made in this area. Central to the security strategy is the security usher. This is a combination of the roles of an usher and a security guard, which the MCC believes is an innovative and cost-effective solution to the need for a security presence across an estate largely made up of small, relatively quiet courthouses (see paragraph 3.19 on the role of security ushers). However, it is not possible for the MCC or Inspectors to reach a conclusion on the effectiveness of security ushers due to inconsistent security procedures and the variable role adopted by security ushers at different courthouses.

1.16 Security ushers were first deployed at Brighton courthouse in the mid-1990s and are seen as a great success at that courthouse. Elsewhere, however, interviews with staff revealed dissatisfaction over the introduction of the security usher role. There is confusion over the remit of the security usher, particularly over whether they should intervene during an incident. Whilst security ushers have now been introduced at all courthouses in Sussex, some staff have remained solely as ushers. At those courthouses which have both security ushers and ushers, it was not clear what practical differences exist between the two roles. The lack of clarity around the security usher role is due, at least in part, to the absence of a clear written definition of the role.

1.17 Whilst a range of security equipment has been provided at each courthouse (see paragraph 5.12), in a number of cases security ushers have not received adequate training in the use of the equipment and so it is not in use.

1.18 Some security procedures were absent, unclear or not consistently employed. For example, there are no procedures for confiscating items from people attending court. As a consequence, items are being confiscated without adequate safeguards to ensure the item is later returned to the right person.

1.19 Inspectors are also concerned about inconsistencies in the procedures for ensuring that court users, particularly those with disabilities, can be evacuated from a courthouse (see paragraph 5.2).

**Recommendation 2: that the MCC, by 31 March 2004, improve the provision of its security arrangements by:**

- ◆ **evaluating, clarifying and codifying the role of the security usher**
- ◆ **providing training in exercising the security role, including the appropriate use of security equipment**
- ◆ **ensuring consistent and appropriate security practices, including confiscation procedures**
- ◆ **ensuring that evacuation procedures, including those for court users with disabilities, are understood and practised.**

### ***Performance management***

1.20 Government priorities are given a consistently high priority by the MCC. Improved performance in persistent young offender (PYO) case completion and fine enforcement is testament to the effectiveness of some performance management that has been put in place and the efforts that have been made in these areas. However, away from these particular government priorities, performance management has been less effective. One of the challenges facing the MCC is to build on the success experienced with PYOs and

fine enforcement, to improve performance in other key areas such as the management of business on the day and reducing the wait for a trial (see *Administration of Cases*).

- 1.21 The MCC has correctly identified the importance of the wider criminal justice system (CJS) in improving performance and this is reflected by the performance priorities within the Strategic Plan. Appropriate targets have been set in priority areas and actions have been identified that are intended to bring about performance improvement. Mechanisms exist through the system of Business Plans to ensure that priorities are met and performance improvements delivered although, as discussed earlier, these are not always formally monitored (see paragraph 1.14).
- 1.22 Working relations with partner agencies are continuing to develop through the Sussex Criminal Justice Board at a strategic level and through multi-agency Local Implementations Groups at divisional level. At a strategic level, performance is well understood and given a high priority. Amongst administrative teams, awareness of performance is also good (see paragraph 2.15). However, Inspectors found that performance was not always given the same priority by staff and magistrates in the courtroom, where an attitude that performance was not relevant was evident (see paragraph 3.8).
- 1.23 The MCC has been quick to adopt the new suite of Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs), which form the basis of the regular performance reports that are provided to the MCC and the SMT.
- 1.24 The Management Assurance Programme (MAP) has been developed into a useful tool for both supporting effective corporate

governance and bringing about improvements in working processes. MAP checks are undertaken by a central team, led by the Administration Policy Manager (APM), which is independent of the staff responsible for the processes under scrutiny. Where a need for improvement is identified, an action plan is developed by local managers, which is then approved by the APM. Progress against action plans is monitored during subsequent MAP checks. The results of MAP checks are reported by a 'traffic light' system to senior managers and the MCC Audit sub-committee.

- 1.25 Inspectors were impressed by the objectivity of the assurance programme and the rigour with which improvements are identified and their delivery managed. The use of a central team to undertake all the checks allows good practice to be identified and spread across the organisation.

### *Corporate governance*

- 1.26 Detailed regulations are in place covering the principal operations of the Committee and the organisation. The Committee operates with a mixture of sub-committees and portfolios and this appears complex. However, Inspectors were assured that there is no overlap between the remits of sub-committees and portfolios, and a clear rationale exists to determine when a sub-committee is required or when a portfolio is more appropriate. Good terms of reference exist for both sub-committees and portfolio holders, although the format of these is not consistent. Sub-committee members and portfolio holders work closely with MCC staff, but recognise the potential for members to become too involved in operational matters. Staff considered that sub-committees and portfolio holders, in general, resisted the temptation to become too operational and welcomed the input received.

1.27 The MCC has clearly stated its commitment to recognising diversity in its Strategic Plan 2004–2007. The plan includes a seven point statement of principles, the first of which is:

*“To ensure the accessibility and fairness of our services for all court users, embracing a commitment to customer care and diversity in every aspect of our operations.”*

The baseline assessment completed as part of MCSI’s thematic inspection; *A Review of Race Issues in the Magistrates’ Courts Service* concluded that the MCC had shown a clear commitment to promoting race equality. This commitment has subsequently been strengthened by the establishment of a diversity portfolio on the MCC. The JCE also chairs the LCJB Community Engagement sub-group. However, the practical implementation of the Race Equality Scheme, which was adopted in May 2002, has been mixed.

1.28 Although the legal team and long-serving members of staff have received diversity training, some staff await training, which will be provided in 2004. The MCC is yet to achieve its own target for employing staff from minority ethnic groups, although Inspectors recognise that the location of offices in areas of low ethnic minority representation in the workforce makes achievement of the Sussex-wide average representation of ethnic minorities more difficult. It is essential, however, that the MCC continues to work towards achieving all aspects of its Race Equality Scheme.

1.29 The MCC does not yet provide information leaflets to court users in languages other than English, although it plans to do so (see paragraph 5.25). The MCC is encouraged to ensure that these plans are delivered without delay, and that the leaflets and the posters advertising their availability are

available in languages that reflect the ethnic makeup of the population of Sussex.

### **Preparing for unification**

1.30 The MCC is committed to ensuring that the organisation, staff and magistrates are well placed to benefit from the forthcoming establishment of a Unified Courts Administration (UCA) and that the interests of the future unified organisation are protected. Unification has been recognised as a key strategic issue by the MCC, with preparations fully and effectively incorporated into the Strategic Plan for 2004–2007. The issues likely to affect the MCC, its staff and magistrates have been well thought through and are set out in a useful document called ‘Creating a Strategic Plan for a time of change’.

1.31 The positive approach to unification that has been adopted by the MCC is also evident throughout the organisation. A recent training day, which included input from the UCAP team, was used to inform administrative staff about UCA. Awareness amongst this group of staff is good and the training is well regarded. Similar opportunities have not yet been provided to legal staff.

1.32 Further practical preparations for unification are being considered, including joint working and communication with the local court service. At present, contact is generally limited to those staff who already have an ongoing working relationship with the court service. It is important that the MCC builds on the good work already done, by providing further opportunities for staff to gain practical knowledge and experience that will be beneficial in the new organisation. Where joint working with the court service already exists, working relations are good.

1.33 A useful risk assessment has been carried out by the JCE to assess the likelihood that key staff would be lost in the run up to UCA. The risk assessment was good in terms of analysis and scope and has been used appropriately by the MCC as the basis of action to reduce the likelihood of losing key staff. The MCC's actions were taken against the background of the Memorandum of Understanding with the Department for Constitutional Affairs (DCA), to which the MCC is committed.

1.34 Despite the steps taken to reduce the likelihood of losing staff in the run-up to unification, the MCC remains vulnerable to the loss of key staff, particularly at the most senior levels. The absence of an effective senior management group within the secretariat (see paragraph 1.10) means that the capacity to cover staff losses is reduced. The establishment of a properly constituted management group, as described in Recommendation 1, would improve resilience should key staff leave. However, Inspectors urge the MCC to consider what other steps are appropriate to ensure that service delivery is maintained, if senior staff are lost.

## 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

The MCC has a range of acceptable systems, policies and procedures, which cover its statutory obligations and support its workforce in delivering objectives cost-effectively. The current Strategic Plan has human resource issues integrated throughout and its priorities properly reflect the importance of preparing and supporting staff through the organisational changes ahead. The human resource objectives in the Business Plan, however, lack detail, measurable targets and deadlines. The recently revised Performance and Development Review Scheme provides a sound framework for the assessment of both performance and development needs, although its implementation has been delayed. The MCC has shown a commitment to fostering dialogue and involvement with staff through a variety of useful initiatives.

### Human Resources planning

2.1 Responsibility for Human Resources (HR) strategy development and advice to the Committee lies largely with the JCE. The implementation of strategic HR objectives, and the provision of day-to-day personnel advice and support to the operational managers, are the responsibility of the HR manager. Payroll services and specialist advice (e.g. on employment law) are also available to the MCC through a Service Level Agreement with East Sussex County Council.

2.2 Following the amalgamation of East and West Sussex MCCs in April 2001, the newly created Sussex MCC reviewed its management structure and proposed a new divisional arrangement that was implemented during 2002. Since then, small organisational adjustments, and the shift in HR priorities towards the issues associated with the transition to the UCA, indicate that the HR requirements of the MCC are regularly reviewed to ensure they continue to meet changing business and organisational needs.

2.3 In a section of the current Strategic Plan 2004–2007 exploring key relationships, the MCC recognises and clearly sets out its values and leadership role in relation to the staff, acknowledging the need to:

- ◆ enhance morale and motivation in the move to the UCA so soon after amalgamation
- ◆ provide consistent two-way, accurate and realistic communication about the changes
- ◆ provide leadership about strategy and performance expectations.

2.4 The key HR issues identified in the Strategic Plan 2004–2007, along with a brief outline of how they will be addressed, are clearly aligned with the MCC’s strategy for managing the transition to the UCA and provide an appropriate agenda for the short to medium term, covering the following:

- ◆ how to mitigate the effects of uncertainty on staff morale
- ◆ how to develop the right skills for the future
- ◆ how to improve retention rates
- ◆ how best to communicate with staff
- ◆ how to start harmonising cultures with the court service.

2.5 Human Resource implications – particularly training – were identified in the Divisional Business Plans 2002/03 and in the Corporate Business Plan for 2003/04. The HR Resources Plan 2002–2004 covers the key HR implications, although the lack of detail on actions and milestones limits its usefulness. The plan does not appear to have been shared with divisional managers, who may benefit from a having a clearer idea of the HR agenda and a more realistic view of what can be achieved by the small HR department.

### **Staff structure and numbers**

2.6 Following amalgamation in 2001, the MCC embarked on a programme of restructuring that aimed to:

- ◆ significantly reduce the pay bill
- ◆ facilitate the separation of the legal and administrative functions
- ◆ provide specialist functional management and overview through a central secretariat.

2.7 The Strategic Plan 2001–2004 estimated that these changes would realise staff budget savings of around £200,000 per year, largely through redundancies at senior management level. Using the agreed national scheme, and with full union support, a comprehensive job evaluation programme was undertaken during 2002. The staffing structure and work allocation have been kept under review and there have been some minor adjustments to meet operational demands, including some centralisation of family work within each of the divisions.

2.8 Staffing structures and numbers appear to enable work to be carried out cost-effectively. Most administrative and legal team leaders suggested that, under normal circumstances, they are generally able to cover the work that needs to be done. However, in one division, serious backlogs in court resulting were, in the view of Inspectors, allowed to drift for too long and led to adverse effects on service effectiveness, staff morale and retention. An analysis of the MCC budget since amalgamation shows that actual staffing costs have reduced by about four per cent per year. The MCC and JCE are confident that the staff structure gives value for money, although, in the absence of any benchmarking against the staffing costs and workload of other MCCs, the MCC cannot be sure of the position. Inspectors recognise that meaningful benchmarking is difficult due to the constraints of the Judicial Proceedings operating System (JPS).

- 2.9 Further centralisation would give scope for more efficiency, effectiveness and resilience in the delivery of some administrative functions. However, Inspectors accept that the constraints posed by the JPS computer system, the lack of suitable office space and the effects on staff morale make this option untenable at least for the remaining life of the MCC. Meanwhile, staff are becoming more used to working as divisional teams, and covering sickness and holiday absence across offices. The availability of the administration policy team to help tackle backlogs and priority projects in the divisions offers a cost-effective means of mitigating short-term operational problems. Although the generic job descriptions for administrative staff provide a basis for multi-skilling, this is not very far advanced and is unlikely to be progressed much further until the focus groups have agreed, and documented, consistent procedures and Libra has been implemented.
- 2.10 The mitigation of staff turnover in the run-up to the UCA is seen as a key strategic issue by the MCC, with communication and training seen as the way forward. The MCC has considered a detailed and helpful analysis of the risks of losing staff in key management posts and some potential actions have been taken to reduce the risks (see paragraphs 1.33-1.34).

### ***Identify, sustain and develop staff capabilities***

- 2.11 During the first 18 months or so of the MCC's existence, relatively little training was provided due to financial and other constraints. However, the MCC's Strategic Plan 2004–2007 now includes training as a key plank of its transition strategy, both as a means of retaining staff and maintaining morale and to help maximise their contribution to efficient and effective service delivery in the new organisation. The 2003/04 budget provided £100k for

investment in training to meet organisational priorities: for example, the introduction of the appraisal scheme, coping with pressure and first aid. Training is planned for 2004/05 to support the implementation of corporate priorities, including; supervisory and middle management skills, diversity awareness, customer service and security, as well as the individual needs that will be identified through the new staff Performance and Development Review Scheme (see paragraph 2.16).

- 2.12 There is currently no separate training plan for the MCC that sets out detailed objectives, activities, responsibilities and timescales that can be monitored. The proposed, significantly increased, investment in training makes it particularly important to address this shortcoming in the near future. Staff attending training courses complete evaluation forms which are summarised and posted on staff notice boards. However, these largely focus on participant satisfaction and whilst the HR Manager may ask Divisional Administration Managers (DAMs) for informal feedback on impact, there is no formal follow-up to gauge the effectiveness of the training in terms of its effect on individual and organisational performance. The MCC does not currently benchmark its HR development process against an external standard. During 2004, it has decided to pursue Charter Mark accreditation rather than Investors in People, since the Charter Mark's focus on customer service is felt to be more appropriate in the current situation.
- 2.13 A comprehensive induction process for staff is well regarded and conscientiously implemented across the divisions. The scheme is well documented, to ensure that both probationers and their line-managers know what is expected, and includes regular reviews of progress during the six

month probationary period. For legal advisers, the induction checklist and review forms are supplemented by written materials that support a programme of court observation, set out the key procedures in the Sussex courts and suggest further reading. The DAMs have recently produced materials that will support an induction course for new staff, but this is still to be approved and implemented. Some suggested that there is insufficient secretariat involvement in the induction process and that more could be done to ensure that new staff feel part of the wider organisation.

- 2.14 The National Legal Adviser Competence Scheme introduced over the past year appears to have been accepted by the legal team, and is viewed positively as a means of promoting good and consistent practice. Assessments are due to begin early in 2004 and will be linked to the Performance and Development Review Scheme (see paragraph 2.16). The legal advisers have two MCC-wide legal training days per year and these, plus the topics covered in the monthly divisional legal team meetings, are sufficient to meet the continuing professional development (CPD) requirements of the Law Society.

### ***Staff performance, review and development***

- 2.15 Targets have been set for key aspects of the work of the MCC and responsibilities agreed through the corporate and divisional Business Plans. As part of each local performance plan, the divisional administrative and legal managers undertake to ensure that all staff understand MCC priorities and their role in delivering them. Overall performance is monitored and fed back in the form of tables and graphs displayed on the designated performance notice boards in each office. Through the presentations by the JCE, and the information passed down by DAMs, staff generally have a good awareness of the existence of MCC targets and of their

contribution to the overall improvement of performance. The enforcement and administrative teams are keenly aware of their section targets: for example, for CPM 3 and the level of local performance being achieved. There is some evidence of team targets being reviewed and updated in the light of local circumstances. For example, in a division that fell seriously behind on register production, interim targets were set over a number of months to help bring performance back on track.

- 2.16 Over the past year, a new Sussex MCC Performance and Development Review Scheme (PDRS) has been developed and launched with helpful documentation and appraisee/appraiser training provided for all staff. Whilst, in principle, the appraisal systems of the former East and West Sussex MCCs have remained in place since amalgamation, in practice, implementation has largely lapsed. Many staff suggested they had not had an appraisal for one or two years and have, therefore, not had an opportunity to receive formal feedback on their performance or to develop a personal development plan. The new scheme is clearly focused on performance as well as development, and staff were generally positive about its potential benefits. However, there has been a further delay in the implementation of the scheme while Local Joint Negotiating Committee approval is sought for some minor changes to the wording. In the meantime, some line managers are using unamended forms, while others are waiting to use the final version and expect to begin in January 2004. Inspectors suggest that clear deadlines for the implementation of the scheme should be set.
- 2.17 There are no performance-related pay schemes in the MCC. The appraisal of the JCE is carried out annually by the MCC Chairman using a modified version of the PDRS form.

## Communication and involvement of staff

2.18 Sussex MCC has demonstrated a commitment to the creation of effective dialogue and involvement with staff through its published Strategic Plan and the creation of a variety of useful communication systems. Most staff interviewed were positive about corporate communication, finding it adequate, timely and appropriate – particularly in relation to the move towards the UCA. There was, however, concern among teams in some courts about the way in which the move to the security usher role was, and continues to be, handled (see paragraph 1.15). Also, some managers and team leaders feel that the Secretariat, although generally supportive and available to help with problems, is too distant and suggested they would appreciate senior managers spending more time in the divisions *“to give a more human touch and enable staff to put faces to names”*.

2.19 Whilst recognising that the use of e-mail has transformed communication, staff also acknowledged that information is made available through a variety of sources and that – whilst they might not always avail themselves of the opportunity – corporate messages were often presented in ways that invited comment and feedback. The MCC is planning to commission an independent staff survey during 2004, with the aim of drawing out key areas of concern which might be addressed through training and communication and/or minor changes in local terms and conditions.

2.20 A helpful Communications Strategy was launched in May 2003, covering all groups which have contact with the MCC (staff, magistrates, professional users and the public). The strategy sets out the responsibilities of key individuals and groups (for example JCE, MCC, AMO, Bench Chairmen and Staff) and the appropriate communication methods, which for staff include:

- ◆ a regular newsletter
- ◆ regular open/sounding board sessions with senior managers
- ◆ circulation of e-mails covering developments or changes
- ◆ desk-top access to MCC policies and terms and conditions
- ◆ staff issues notice boards in all offices.

2.21 Individuals and teams have some opportunity to contribute to organisational improvement. The draft Strategic Plan is circulated for staff comments before going out for further consultation, and staff are also given information and a chance to give feedback at the annual JCE road-shows, which are held in every courthouse to disseminate the Business Plan and key targets. The MCC-wide focus groups bring together staff from a range of functions at all levels of the organisation to review and develop consistent business processes in preparation of the introduction of Libra. DAMs attend regular meetings with the Head of Management Services and cascade information to their team leaders through monthly meetings. DAMs and team leaders are aware of their responsibility to disseminate and clarify corporate information to staff, to ensure that they understand local and MCC targets and their role in improving performance. However, regular section/team meetings seem more patchy, with some team leaders suggesting that they found it difficult to cover the office or take people away from their work. The high proportion of part-time staff in the MCC (around 25%) also makes it logistically more difficult to have regular team meetings. Monthly legal management meetings with the Director of Legal Services are held, through which information is cascaded to legal advisers, and divisional legal teams meet regularly. MCC meeting agenda and minutes are posted on staff notice boards.

2.22 There are effective mechanisms for formal negotiation and consultation with staff through a Local Joint Negotiating Committee (LJNC), underpinned by a recognition and facilities agreement with AMO (signed in 2000) and an LJNC constitution. Around 80% of MCC staff belong to AMO, but consideration is being given to extending LJNC representation to include Prospect – a union representing other staff in the magistrates’ courts. The LJNC recently agreed to the implementation of a ‘sounding board mechanism’ to ensure that all staff (including those who are not members of a union) have an opportunity to give comments on proposals and changes informally, before they are discussed and negotiated within the formal LJNC setting.

### Good employment practice

2.23 The MCC has made clear its commitment to addressing the needs of its staff in its 2004–2007 Strategic Plan, which states that:

*“The MCC remains committed to the values of loyalty and mutual respect, and will strive to be a good employer, offering fair treatment and equal opportunity for all its staff.”*

2.24 These aspirations are backed by explicit goals and plans to tackle the current HR challenges. In the period since amalgamation, a good deal of the HR agenda appears to have been steadily worked through in a logical and sensitive way, including the implementation of a new management structure and job evaluation scheme, and the harmonisation of pay and terms and conditions. Whilst there are some specific issues of concern to particular individuals and groups, at the time of the inspection, staff appeared largely content with the way in which the MCC, through its managers, fulfilled its obligations as an employer.

2.25 The personnel policies inherited from the former East and West Sussex MCCs have been harmonised through a process involving a staff workshop and consultation on drafts of the resulting document. Following Committee and LJNC approval, the MCC published a *Personnel Policy and Guide for Staff* covering key personnel policies and procedures that is available in hard copy in all offices and accessible over the IT network by all staff. The document was last updated in August 2003. Staff know where to access the Guide and find its straightforward style easy to follow. Managers and supervisors are confident that they know how to obtain the formal policies, what personnel issues they are equipped to deal with, and when and where to get additional advice and support.

2.26 The brief section on sick leave and persistent sick leave in the current Guide does not give adequately detailed guidance on managing absence, and a more comprehensive Attendance Policy and Absence Management Procedure has now been produced in draft. New policies – for example, a Confidential Reporting (Whistleblowing) Policy (CRP) – are generally circulated by e-mail with a covering note and are sometimes reported in the staff newsletter. Although staff were aware of the existence of the CRP, some staff interviewed did not appear to have sufficient understanding of its implications and there did not appear to have been any detailed explanation by managers. Inspectors suggest that mechanisms should be put in place that ensure policies are understood and complied with.

2.27 The MCC has set out its principles and responsibilities under anti-discrimination legislation in its Equal Opportunities Policy Statement and a statement on Persons With Disabilities (both included in the Guide) as well as in its Race Equality Statement. Some staff remember having had diversity training in their former MCC

and equal opportunities issues have been covered in the interviewing skills courses organised more recently for line-managers. Diversity awareness is being encouraged through the creation of a staff group of diversity champions, a diversity issues circular and notice boards in each office. The MCC has recently sought tenders for the delivery of a one-day training course in diversity awareness to all staff between February and August 2004.

2.28 The MCC is building on the culture of Health and Safety it inherited from the East and West Sussex MCCs and has put in place a number of mechanisms to address its statutory obligations. These include:

- ◆ a *Health and Safety Policy Statement* setting out the MCC's commitment to a proactive approach to meeting its Health and Safety obligations
- ◆ an MCC *Health and Safety Committee* (HSC), with management and union representation from each division, which has met quarterly since its formation in February 2003
- ◆ a programme of generic and specific risk assessments across all offices
- ◆ expert support for the development and implementation of Health and Safety strategies from a consultant employed for one day per week
- ◆ a current review and harmonisation of the existing East and West Sussex Health and Safety policies and manuals
- ◆ recruitment and training of first aiders
- ◆ provision of training on priority issues such as dealing with aggression.

Staff interviewed during the inspection were generally aware of the importance of Health and Safety and of their responsibilities – for example, to report hazards and incidents to local managers or union representatives on the HSC.

However, Inspectors were concerned to find some lack of clarity and confidence among the DAMs about the requirements of their role on the HSC, and operationally vis-à-vis those of the Court Keepers and the divisional AMO reps. It was also unclear whether members of the HSC had received (or perhaps recognised the need for) training for their role. Progress chasing was also mentioned as a difficulty – perhaps because the minutes of the HSC meetings contain few deadlines for actions to be completed. In order to capitalise on the clear commitment to Health and Safety at all levels in the organisation, it is suggested that a more detailed Health and Safety action plan is developed. This will help to ensure that all those responsible are aware of their roles, and what is to be achieved by when. The HSC will also be in a better position to assess the progress of the overall Health and Safety programme as well as monitoring the local actions to tackle individual problems and risks.

## 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

Cases are not completed within an appropriate time, with case completion times being consistently poor, other than in the youth justice system, where performance has improved and is now good. Despite the comprehensive structure for the collation, analysis and dissemination of information, many aspects of performance are not effectively managed. Although there has been a steady improvement in performance, until this last quarter, in the timeliness of the provision of information to other agencies, action following the identification of problems has sometimes been tardy, and performance remains poor, and is very poor in some courthouses. The harmonisation of listing policies and practices has not been accompanied by a strategic overview of scheduling and, as a result, the possible benefits of amalgamation may not have been fully exploited. Overall, court business is not effectively managed on the day, with slow progress and long waiting times for some witnesses and defendants. The magistrates' training programme is good but has not been sufficiently targeted at reducing delay. Magistrates are not deployed fully in accordance with the Lord Chancellor's directions. Within the constraints of an old operating system, effective use is made of IT.

### Case completion

- 3.1 Case completion rates in Sussex, with the notable exception of youth cases (see Figures 6 and 7), are consistently worse than the England and Wales (E&W) average, as measured by the Time Interval Survey (TIS) (see Figure 2), and are poor across all categories of offences. The MCC-wide completion times for summary motoring offences mask significant differences in performance between the divisions.
- 3.2 MCSI carried out its own survey of all the adult cases completed during the week ending 1 August 2003 (see Figure 2) and all the youth cases completed during the four weeks ending 1 August 2003 (see Figure 7). The results from this survey differ considerably from the TIS figures. In respect of indictable and either-way offences, they show markedly worse performance, although markedly better

performance in respect of summary motoring offences. It has not been possible to establish the definitive reason for the differences. However, they may be indicative of the significant number of long running cases in the system and the impact they have on case completion times.

3.3 MCSI also undertook an analysis of the adjournments made by the court in the case sample and compared the results with those from previous inspections (Annex E). The analysis showed lower than average standard procedural adjournments, but higher than average ineffective hearings. This was due mainly to the much higher proportion of ineffective hearings being attributed to the non-appearance of the defendant than elsewhere (46% compared with 28%). In terms of the length of the adjournments, almost 50% of cases adjourned for reports prior to sentence were adjourned for a period of more than three weeks. This is sometimes because the probation service is unable to complete reports within 21 days and sometimes because the court is unable to list cases within this period. This problem is, to some extent, being addressed by the joint initiative of the MCC and the probation service to promote the use of specific sentence reports (SSRs), which has led to a rise in their use to over one quarter of all probation reports ordered by the court.

**Figure 2: Sussex MCC case completion data (England and Wales figures in brackets)**

All cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within target	Number of defendants in survey
September 2002 TIS	56 (32)	47 (56) %	68 (75) %	502
March 2003 TIS	50 (33)	47 (56) %	69 (75) %	563
September 2003 TIS	41 (32)	53 (57) %	74 (75) %	520
MCSI survey	32	60%	79%	750
Indictable and either-way cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 56 days	Number of defendants in survey
September 2002 TIS	95 (54)	21 (30) %	62 (66) %	154
December 2002 TIS	50 (54)	32 (29) %	74 (66) %	117
March 2003 TIS	63 (57)	24 (29) %	64 (67) %	212
June 2003 TIS	53 (55)	26 (30) %	73 (66) %	124
September 2003 TIS	67 (55)	28 (30) %	66 (66) %	160
MCSI survey	78	27%	69%	124
Summary non-motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
September 2002 TIS	28 (20)	71 (72) %	79 (80) %	208
March 2003 TIS	24 (21)	75 (72) %	81 (81) %	134
September 2003 TIS	27 (22)	74 (72) %	79 (80) %	165
MCSI survey	25	68%	79%	326
Summary motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
September 2002 TIS	56 (29)	40 (60) %	59 (76) %	140
March 2003 TIS	54 (26)	53 (61) %	67 (77) %	217
September 2003 TIS	33 (26)	57 (62) %	77 (78) %	195
MCSI survey	20	65%	84%	300

3.4 Sussex was ranked 41 out of 42 MCCs for its effective trial rate for the period April 2002 to March 2003. The most recent figure, for the quarter ending September 2003, shows only a slight improvement, giving Sussex a ranking of 37. The cracked trial rate for the year April 2002 to March 2003 is slightly better than the E&W average, but the ineffective trial rate for the same period is considerably worse than the E&W average (see Figure 3). The non-attendance of the defendant, or of a prosecution witness, is by far the most

common reason for a trial being ineffective. In response to this the MCC has tried, as far as possible, to eliminate pre-trial reviews, except for the longer cases, and has been encouraging magistrates to proceed in the absence of the defendant, wherever this is compatible with the interests of justice. However, the effective, cracked and ineffective trial rates have remained broadly constant and the MCC has not undertaken any systematic evaluation of these initiatives.

**Figure 3: SSI 1 Effective, Cracked and Ineffective Trials (England and Wales averages in brackets)**

	<b>April 2002 - March 2003</b>	<b>January 2003 - March 2003</b>	<b>April 2003 - June 2003</b>	<b>July 2003 - September 2003</b>
Effective trials	24.5 (31.9) %	24.9 (31.9)%	31.1 (32.7)%	27.1 (32.8)
Cracked trials (result)	22.8 (23.6) %	22.1 (24.3) %	24.3 (23) %	25.1 (22.6) %
Cracked trials (non-result)	13.2 (13.9) %	14.7 (14.1) %	12.6 (14.9) %	14.6 (15) %
Cracked trials (total)	35.9 (37.5) %	36.8 (38.5) %	36.9 (37.9) %	39.7 (37.6) %
Ineffective trials	39.6 (30.6) %	38.3 (29.7) %	32 (29.4) %	33.2 (29.6) %

### *Management of performance*

3.5 The MCC sets appropriate, clear, MCC-wide performance goals. These goals are compatible with the targets contained in the Sussex LCJB Delivery Plan and are reflected at a local level in divisional business plans.

3.6 A comprehensive structure exists within the MCC for the collation, analysis and dissemination of performance information at all levels of the organisation. Performance reports are published every quarter, showing the performance of Sussex MCC against SSIs, BMRs and CPMs. These reports are clearly presented, and contain E&W benchmark data and some breakdown of performance to division and courthouse level. However, there is scope

for further breakdown of the data, and comparison with similar MCCs would be useful. Performance information is cascaded through the organisation via meetings of various different staff groups, as well as through the use of notice boards and newsletters.

3.7 Inspectors found evidence of determined performance management in respect of some activities (for example, the production of information as measured by CPM 3) although it is noteworthy that performance in this area remains poor (see paragraph 3.25).

3.8 However, with the exception of youth cases, court business – case completion, waiting times, case throughput, effective trials – is not systematically or effectively managed. In this area, Inspectors identified a gap between the strategic goals of the MCC and the courtroom, where performance information is considered by many to be “*nice to know*”, rather than “*need to know*”.

3.9 This failure to manage the performance of court business is compounded by the inhibiting belief, at all levels of the organisation, that the solution to reducing delay predominantly rests with the police and the Crown Prosecution Service.

### **Scheduling of court business**

3.10 The MCC has made noteworthy progress since amalgamation in terms of the harmonisation of listing policies and practices. MCC-wide policies, supported by local protocols, give guidance on the scheduling and management of cases. The MCC has also made creditable efforts to involve the other CJAs. A recent example of this is the Persistent Offender Protocol, which deals with the scheduling of cases involving persistent offenders.

3.11 However, the current listing policies and practices do not demonstrate a sufficient focus on the customer, as evidenced by the long defendant and witness waiting times, the long delays – in some cases of over 100 days – in fixing adult trials, the MCSI questionnaire responses, and Inspectors’ own courtroom observations.

3.12 Examples of current scheduling practices failing to show a customer focus include:

- ◆ block-listing is not applied in a systematic and comprehensive way
- ◆ remand courts are commonly listed to last the whole day, and contain a mix of sentencing and other types of case

- ◆ loading of courts is based on custom and practice, rather than on an MCC-wide analysis of appropriate quotas
- ◆ centralisation of work is limited
- ◆ locating trials in other divisions in order to secure earlier dates is rare.

3.13 On a piecemeal basis, practices such as block-listing, centralisation and cross-divisional listing have been considered. Some practices have been introduced to a limited extent: for example, Saturday and non-CPS courts have been successfully centralised within divisions, and youth trials are commonly listed between courthouses. Others have been tried and later withdrawn as ineffective: for example, block listing.

3.14 Whilst the constraints applied by an inflexible infrastructure are recognised, the MCC has not taken a sufficiently strategic approach to the distribution of work across the whole MCC area. As a result, the MCC has found itself unable to take full advantage of the possible increased flexibility and overall benefits afforded by amalgamation, to improve scheduling.

### **Management of court business on the day**

3.15 Case throughput in Sussex is poor, and deteriorating. The data for BMR 1 (weighted caseload per sitting hour) indicates that since the year 1999/2000, performance has been worse than the E&W average and that, for the quarter ending September 2003, had reached a new low of 8.39, compared with an E&W average for 2002/03 of 10.60. This means that Sussex is one of the bottom two MCCs for case throughput in the country and is taking almost 50% longer than other areas to complete a similar workload. Performance data is not broken down between the different courthouses and divisions and, other than some limited research which established that at Brighton there is a 60% not guilty plea rate, there has been no systematic analysis of the reasons for this poor performance.

3.16 Waiting times for defendants – and particularly witnesses – is another area of concern. The data for BMR 4 (percentage of defendants waiting one hour or less on the day) indicate that performance is below the E&W average. On several occasions during courtroom observations, Inspectors observed defendants, who were required to attend in the morning, not being dealt with until the afternoon. The data for BMR 3 (percentage of witnesses waiting one hour or less and average waiting time) indicate that recent performance is well below the E&W average and is getting worse. This is supported by the responses given to the MCSI questionnaire, in which 38% of respondents in Sussex were dissatisfied with waiting times on the day for witnesses, compared with a composite figure drawn from 24 previous inspections of 26%. Although there have been initiatives to improve witness care, these have not always received support from other CJS agencies, and there is a widely held attitude that the waiting times are a sad inevitability.

3.17 Courtroom observations revealed mixed performance in the management of cases on the day. An example of good performance is the way business flows in the early first hearings. Observations suggest that halts in proceedings are kept to a minimum, and the designated caseworker used to capacity, by scheduling road traffic cases with the criminal cases. Pre-court meetings between the legal adviser, prosecutor and probation officer seek to anticipate issues, such as the suitability of a case for an SSR or the requirement to obtain a DVLA print out. However, observations also suggest that, in some courthouses, proceedings do not flow well and delays in proceedings are commonplace. This is supported by the responses given to the MCSI questionnaire, where 34% of respondents were dissatisfied with the way the business of the court flowed on the day, compared with a composite figure, drawn from 24 previous inspections, of 30%.

**Figure 4: Defendant waiting times (BMR 4)**

Defendants waiting one hour or less	Sussex MCC average	England and Wales average
April 2002	49%	59%
October 2002	50%	60%
April 2003	57%	61%
October 2003	51%	n/k

**Figure 5: Witness waiting times (BMR 3)**

Witnesses waiting one hour or less	Sussex MCC average	England and Wales average
November 2001	50%	51%
June 2002	54%	50%
November 2002	42%	49%
June 2003	37%	50%

3.18 The role played by the legal adviser in managing court business is variable. Observations indicate that some legal advisers work in a proactive manner. For example, they use delegated powers during down time; facilitate the use of SSRs; and take time and care to explain proceedings to unrepresented defendants. On the other hand, some legal advisers adopt a more passive, and less effective, role in terms of managing cases: for example, listing a case for trial without questioning the time estimate provided by the parties, or adjourning a case for several weeks without establishing why so much time is required.

3.19 Likewise, the role of the security usher, and the positive impact that it can have on the management of court business, is not systematically exploited across the MCC. After checking arrivals, some security ushers spend most of the time in the courtroom. Others are responsible for managing the list and, therefore, continue to move between courtroom and waiting area, checking readiness. In this way they not only facilitate the smooth flow of business, but are also able to keep an eye on users and inform them of likely waiting times. However, the particular role adopted by the security usher appears to depend on the custom and practice of each courthouse and the particular preference of the legal adviser, rather than on any policy.

**Recommendation 3: that, with a focus on the needs of witnesses and defendants, the MCC improve the efficiency and effectiveness of its scheduling practice and the flow of business on the day by:**

- ◆ **identifying and implementing opportunities for further MCC-wide solutions**
- ◆ **investigating and addressing the slow flow of business on the day**
- ◆ **concentrating work into fewer scheduled courts, with a view to creating more trial courts**
- ◆ **providing joint training for magistrates, legal advisers and security ushers in the management of cases on the day, and reducing delay.**

### ***Reducing delay in the Youth Justice System***

3.20 The MCC has consistently performed well in respect of PYOs (see Figure 6). Between September 2002 and August 2003, it achieved the 71-day pledge every month except one. In order to reach and sustain this level of performance, the MCC has put in place structures and personnel at both strategic and local level. The Assistant Director of Legal Services (ADLS) has been given responsibility for delivering improvements, and Youth Case Progression Officers (YCPOs) have been appointed in each of the four divisions. Performance is managed robustly and comprehensively by means of the PA tracking system and a range of court and inter-agency groups.

3.21 In contrast to the general picture, a performance culture has developed at grass roots level among the legal advisers, listing staff and YCPOs, who demonstrate an awareness of the PYO pledge and a determination to achieve it. Before court, the legal adviser meets with the YCPO, the YOT representative and the CPS prosecutor. Having identified the PYOs, they work together to ensure that these cases are progressed as speedily as possible: for example, by listing trials across divisions. Where a PYO fails to attend court, the court gives the police immediate notification of warrants, either by fax or in person.

3.22 The data for SSI 2 (average days from first listing to completion – youth and PYO summary/non-summary cases) and the MCSI case file analysis of one month’s cases (see Figure 7) show case completion times considerably below 71 days and broadly in line with the England and Wales average. This indicates that the MCC is not only performing well in respect of PYOs, but also in respect of youth cases in general.

**Figure 6: Persistent young offender case completion rates (arrest to sentence)**

<b>PYO cases completed in the magistrates’ courts only</b>	Sussex MCC (days)	England and Wales (days)
Quarter 3 2002	51	60
Quarter 4 2002	60	61
Quarter 1 2003	61	63
Quarter 2 2003	49	56
Quarter 3 2003	49	59
MCSI survey July 2003	42	
<b>PYO cases completed in the magistrates’ courts and Crown Courts</b>		
Quarter 3 2002	63	68
Quarter 4 2002	61	70
Quarter 1 2003	70	71
Quarter 2 2003	55	64
Quarter 3 2003	57	66

**Figure 7: Youth case completion (first listing to sentence) (SSI 2)**

All Youth Court Cases	Sussex MCC	England & Wales
	<b>Average number of days from first listing to completion</b>	
September 2002		46
December 2002	41	46
March 2003	52	45
June 2003	38	45
September 2003	48	45
MCSI survey	36	

### *Use of IT*

**3.23** The IT operating system is 20 years old and does not have modern functionality. To some extent, this constrains the processes adopted by the MCC in the administration of cases. For example, it prevents the computerised exchange of information between the courts and other agencies. Although it is possible to add new functionality, this can only be undertaken by West Sussex County Council’s IT Services, through a process that is time consuming and costly. The timescale for dealing with a backlog of requested amendments already extends beyond the expected implementation date for Libra.

**3.24** However, within the constraints of this operating system, the MCC is making effective use of IT. The Libra Office Automation package, providing Microsoft Office® capability, was installed in March 2002. Staff use PCs at all court centres to produce court documents and other information, and some legal advisers operate the computers in the courtrooms to draw up orders and warrants. Inspectors were impressed at one court centre by the innovative use of group e-mail to fill gaps in the magistrates’ rota.

### *Production of information*

**3.25** The production of information (as measured by CPM 3) is poor (see Annex D). From a low base at the start of 2002, performance improved consistently, albeit slowly, until the quarter ending September 2003, when there was a large dip in performance. Although there is substantial room for improvement across the divisions in respect of all three measures, performance in register production, and in the Eastern and Western divisions, is of particular concern.

**3.26** The MCC places considerable importance on CPM 3. It sets demanding targets (currently 100%) and requires local managers to report every month on performance with the reasons, where applicable, for targets being missed. On the basis of this information the MCC compiles a report, which shows performance at each of the court centres for each of the three components of CPM 3. Local staff are fully aware of their performance and demonstrate a commitment to meeting the targets. They also show an understanding of why these targets are not being met and what needs to be done to achieve them.

- 3.27 However, weaknesses in the system remain. Performance is vulnerable to staff shortages, despite the commendable efforts of the MCC to deal with this problem through multi-skilling and the use of staff from the secretariat (the Administration Policy Unit) to provide on-site support and training. Furthermore, performance in the Eastern and Western divisions was allowed to drop to an unacceptably low level before the MCC took actions to address it.
- 3.28 Inspectors found evidence of inconsistencies in the way the various court centres calculate CPM 3. The description in the performance report of the component relating to register production as “*courts cleared within three working days*” raises further questions about how this measure is being applied. Evidence was also found of variations in process across the MCC. This suggests that good practice is not being systematically identified and followed.

### ***Deployment of trained magistrates***

- 3.29 Magistrates are not deployed fully in accordance with the Lord Chancellor’s directions in respect of courts sitting with fewer than three magistrates and magistrates undertaking fewer than 26 sittings per year.
- 3.30 Advisory Committee returns for 2001/02 indicate that, for courts sitting with fewer than three magistrates, the main area of concern is adult courts in the Eastern division, where 20% sat with only two magistrates. Interviews and courtroom observations suggest that this may be an increasing problem in the Central division, as well. At present, the MCC is not systematically monitoring this situation or taking any action to address it.
- 3.31 In respect of magistrates undertaking fewer than 26 sittings per year, the problem is most acute in the Central and Western divisions, where 19 and 20 magistrates respectively (excluding those who were newly appointed or who retired or resigned in the course of the year) failed to achieve 26 sittings. The explanations given by the magistrates concerned included work commitments and court cancellations. Listing staff indicated that sittings are monitored and magistrates put on notice when their sittings are low.
- 3.32 The underlying reasons for these difficulties are not apparent. The MCC should use its good liaison links with the local Advisory Committees to investigate what might be done to address them.
- 3.33 The MCC is providing a generally good programme of training for magistrates. Senior legal staff are responsible for drawing up and delivering a MCC-wide programme and are assisted in this by the Sussex MCC Training Sub-Committee. Local areas feed into this process via the local Bench Training and Development Committees and also hold their own training events, usually at the Bench meetings. Outside agencies are brought in to help with training, as necessary. The programme is made up of core courses, held on a yearly cycle, and additional courses to meet specific needs. These additional courses tend to reflect legal developments and Government objectives and do not always reflect corporate needs outside those areas. In particular, Inspectors consider there is insufficient emphasis within the training programme on reducing delay.

## 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*
- ◆ *manage performance effectively*
- ◆ *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.*

### Overall Assessment

Sussex MCC's payment rate performance is better than the England and Wales average, although doubts about the reliability of some information hampers effective performance management. Enforcement practices across the MCC have been harmonised through the introduction of a comprehensive enforcement strategy and the setting of appropriate targets. A useful training programme has been introduced for magistrates who sit on the fine enforcement panels. Regular reviews of warrant performance have attempted to find the best and most cost-effective solutions. Good information is provided to magistrates and court users. Payments to creditors are consistent and regular. There is a wide range of payment methods available, with work under way to extend this further.

### Collection and enforcement practices

- 4.1 The payment rate in Sussex for the period April 2002 to March 2003 was better than the E&W average – 59% compared to 54%. Following changes to the way the payment rate is calculated, performance in Sussex has risen to 113% for the period April to September 2003, compared with an average for E&W of 73%.
- 4.2 Enforcement performance is erratic within the divisions, with fluctuations in the payment rate. However, there are doubts about the reliability of the information taken from the JPS system, which makes it difficult to evaluate performance and identify the reasons for the fluctuations.
- 4.3 The MCC has identified the improvement of payment rates as one of its key objectives. Following amalgamation, the first MCC enforcement plan was launched in 2001. The latest enforcement plan covers the period 2002/03 and includes a number of areas where potential improvements have been identified. This is an MCC-wide plan and demonstrates the MCC's commitment and determination to ensure that those fined understand that payment is mandatory, and not optional.

4.4 The MCC has developed a Fine Enforcement Strategy for 2003-2005. Key elements of this include working with prosecuting authorities to ensure that all possible information held on defendants is included in the prosecution papers, and to reinforce administrative teams with additional staff. To ensure delivery of the targets set, the JCE heads a Project Board and reports quarterly to the MCC on progress made against the action plan. In its Strategic Plan for 2004–2007, the MCC endorsed its commitment to improve the payment of fines and committed 15% of the total MCC budget to enforcing payment of fines.

4.5 Sussex is split into two regions for the collection of payments. Each is managed by a Head of Enforcement, who leads a team of court enforcement officers (CEOs) and fine enforcement administration staff. The MCC is fortunate in having experienced enforcement staff who are skilled at using an array of techniques to encourage payment. As part of the enforcement strategy, CEOs undertake different enforcement actions: for example, all CEOs will go into an area and blitz it with a visible presence. CEOs will occasionally swap areas, putting a new face into the area to stop debtors avoiding contact. Inspectors were informed that a system of recording information on files has been introduced to help in the enforcement process. Information provided by defendants at court and via the telephone is put on file. The files are made available during court hearings, when the contents can be compared with the information defendants give in court. Inspectors commend this proactive management of fine enforcement. Two fine surgeries have been set up in different areas to help effect enforcement. Flyers have been sent out and notices publicising the surgeries have been placed in Citizens' Advice Bureaux and local council offices. CEOs take payments,

bail people to court and give advice on payment and enforcement at the surgeries.

4.6 A comprehensive Enforcement Policy has been developed which reflects DCA good practice guidelines. For example, it includes the time period for the retention of warrants. In Sussex, this is nine months, although Inspectors were informed that it is rare for any warrant to be retained for this period. Whilst enforcement managers should check the progress of warrants, there is no formal mechanism in place to ensure a check is carried out. A useful Court Enforcement Handbook, which will encourage CEOs to follow best practice and to work in a consistent way, has been introduced. CEOs told Inspectors that they use the handbook and find it a useful reference guide.

4.7 Courtroom observations and office visits provided evidence of good practice:

- ◆ Bench Chairs asking appropriate, practical and searching questions
- ◆ means forms were completed in all cases. Inspectors observed one Bench Chair refuse to deal with a case until the defendant had completed a means form in full, with all the questions completed to the bench's satisfaction
- ◆ defendants were asked if they were able to pay the fine, in full or in part, on the day
- ◆ paying-in books were handed to defendants in court with the court reference number and a paying-in leaflet
- ◆ legal advisers and Bench Chairs gave defendants simple, helpful and clear advice about available methods of payment and the importance of avoiding falling into arrears
- ◆ Persistent Defaulters Court (see paragraph 4.9)

- ◆ courts received clear and accurate details of outstanding fines and relevant payment histories.

4.8 Each of the four magistrates' benches has enforcement panels to encourage good practice and a corporate approach to fine enforcement. Bench meetings are held at least twice a year and performance and other enforcement issues are discussed. Inspectors were impressed with the commitment and enthusiasm to maximise collection demonstrated by the Panel Chairs. They were aware of the importance of getting the imposition right at the beginning of the process and would use reviews in appropriate cases.

4.9 In Brighton, the MCC has introduced a Persistent Defaulters Court specifically to target those who are regularly in arrears, or have not made any payments for some time. A very robust attitude is taken by the panel members. Observations showed defaulters taken to task for unpaid fines. Every avenue of payment was explored to secure payment, in full or in part, on the day, or to set realistic instalments to clear the debt within a specific time period.

4.10 In the 2003/04 Business Plan, enforcement training has been identified as key to improving performance. All newly appointed magistrates undergo enforcement training at the second stage of induction training. Additional training courses have taken place for magistrates who are members of the enforcement panels. Legal advisers have been involved in this training and take a proactive role in the training programme for enforcement panel members. Inspectors were impressed with the enthusiasm shown by the enforcement administration staff and their proactive approach when dealing with defendants. An independent training company, specialising in debt recovery training, will deliver training for enforcement staff in commercial debt

techniques during 2004/05. Inspectors support this approach and would encourage the MCC to involve all administrative and legal staff in order to enhance further the skills already developed.

### ***Set and monitor standards of performance***

4.11 A range of enforcement data, including SSIs and CPMs, are included in quarterly performance reports at both MCC and regional levels. However, individual court performance is not available. Some secondary indicators are collected but these are limited due to the inability of the JPS system to break down performance. For example, it cannot separate the write-off and cancelled figures, or calculate the numbers of each. The MCC is aware of the shortcomings of the JPS system and is making efforts to achieve better monitoring. A comprehensive breakdown of CEO performance on a month-by-month basis is obtained manually. This gives managers a number of useful indicators, including the number of warrants retained or successfully executed, and the amount of monies collected.

4.12 The Fine Enforcement Strategy includes a number of challenging targets to improve fine enforcement performance. This is discussed at all levels within the MCC, from Committee and SMT meetings down to local team meetings. Details of performance are available on staff notice boards and are also sent via the IT network to all staff. Administrative staff and CEOs interviewed by Inspectors demonstrated a comprehensive knowledge of the specific targets appropriate to their roles and were also aware of local and national targets.

### ***Information technology***

4.13 Within the limitations described in paragraph 4.11, the bespoke JPS IT system used by the MCC makes an adequate contribution to collection and enforcement.

The system has been developed over 20 years and satisfies the MCC's core business requirements. A standard payments-in and payments-out function is provided, with payments-out to creditors set in each individual case by court staff. Whilst the system provides some standardisation of functions and procedures, there are actually two separate operating systems based on the former East and West Sussex MCCs. The systems cannot be integrated and users can gain access to only one of them.

- 4.14 Inspectors observed information about outstanding fines and payment histories being provided to magistrates in court. Magistrates were complimentary about the information they received and the facility for legal advisers to use IT equipment in court to access information. However, Inspectors were advised that some legal advisers were not using all the available information. Inspectors suggest that the MCC consider ways of improving the understanding and integration between legal advisers and fines administrative teams through increased contact, joint working and training.

### **Payment methods**

- 4.15 A range of payment methods is available, including cash, cheque or credit card, at courthouse payment counters, over the phone, or at banks and post offices. There are payment counters at the courts in Brighton, Chichester, Eastbourne, Hastings, Lewes, Haywards Heath and Worthing. The MCC is considering the introduction of Pay Point across the MCC as an alternative method of collecting payments. This is a facility to pay fines by way of a swipe card that can be used at a wide range of shops and other retail outlets such as garages, enabling payment to the courts without the need to visit a payment

counter or a bank. The introduction of drop boxes in courthouses is also being considered.

- 4.16 A range of information leaflets, including a comprehensive payment leaflet which details the various payment methods available, has been developed for issue to defendants who have been fined. Inspectors saw payment books, with the case number endorsed on them, handed to defendants in court with clear instructions on how payment should be made, and the consequences of default. Some forms have been printed on red paper to help bring them to the attention of defaulters.
- 4.17 Monies are paid out to creditors in a consistent and structured way across the MCC. Maintenance payments are issued on a daily basis. Compensation payments are issued on the first Wednesday of each month in the Northern and Western divisions, and the first Tuesday of each month in the Central and Eastern divisions. Witness expenses can be paid manually on a daily basis, if the need arises. All payments out are by way of a cheque in the North and Western divisions and by way of cheque or BACS payment in the Central and Eastern divisions.

### **Warrant enforcement arrangements**

- 4.18 The decision to keep the CEOs in-house was made at the time of amalgamation. East and West Sussex MCCs had made longstanding use of CEOs for financial warrant enforcement since the transfer of responsibility from the police in the early 90's. The MCC has regularly reviewed this arrangement, consulting with other MCCs to compare performance and trying other methods, such as private bailiff companies.

- 4.19 The MCC originally contracted a bailiff company to undertake the enforcement of Community Penalty Breach Warrants (CPBWs). Six months into the contract the MCC conducted a review, as performance was not to the expected standard. After consultation with the bailiff company, it was agreed by mutual consent to terminate the contract. Subsequently a contract has been entered into with the police for the execution of CPBWs.
- 4.20 During the period April to June 2003, only 23% of CPBWs were executed against an E&W average of 34%, placing Sussex 34<sup>th</sup> out of the 42 MCCs. The MCC acknowledges that performance is poor and, as part of the LCJB review of warrant execution, Sussex Police have prioritised the execution of CPBWs. The latest figures for June to September 2003 show an improvement of five per cent to 28%, against an E&W average of 38%, placing Sussex 29<sup>th</sup> out of the 42 MCCs. The forthcoming review of the contract with the police will provide the MCC with an ideal opportunity to agree challenging targets for the execution of CPBWs.
- 4.21 Two private bailiff companies enforce distress warrants on behalf of the MCC. The performance of the respective companies is compared and evaluated to ensure that service delivery is maintained and value for money is assured. The contracts entered into with the bailiff companies allow appropriate performance review and contract control, including strict guidelines on warrant retention and contract termination.

## 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 a courteous, helpful and appropriate service to all court users and the provision of sufficient, clear information about the court and its proceedings.*

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

### *Facilities:*

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

### *Treatment:*

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

### *Written information:*

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

## Overall Assessment – Facilities

A reasonable level of access for all court users is evident at most courts across Sussex. Facilities for comfort and privacy are good in public areas within most of the courthouses, although there are deficiencies in some of the cell areas. The benefits of the MCC's investment in security have not been fully realised due to inadequate training and poorly defined working practices. There are concerns about the suitability of the cells at Horsham

### *Accessibility of buildings*

- 5.1 The Committee is aware of its responsibility to ensure that all court users are able to enter and conduct their business within court buildings, and takes seriously its responsibilities to users with disabilities.

5.2 To its credit, the MCC has greatly improved access and facilities in its courthouses, the majority of which were built before legislation regarding disabled access applied to new buildings. Wheelchair access to most of the courthouses is achieved through the provision of ramps, and lowered enquiry counters have been built for wheelchair users. Hearing induction loops or infra red systems have been installed in many courtrooms and placed at payment and enquiry counters to assist court users with a hearing impairment. At Worthing, the MCC has provided dedicated facilities for a magistrate, who uses a wheelchair to gain access from the car park to the magistrates' waiting area and courtroom. In February and September 2003, an independent consultant undertook a Disability Access Audit of Sussex magistrates' courts. In response to the recommendations within the audit report, the MCC submitted capital bids to the DCA. Improvements have been concentrated at Brighton, Hastings, Worthing and Haywards Heath to ensure access at a minimum of one courthouse in each division. Inspectors are concerned that there is no evacuation procedure in place for court users with disabilities, especially in courts that are on more than one level. Security ushers had not been instructed how to deal with court users with disabilities in the event of an evacuation (see paragraph 1.19 and Recommendation 2).

5.3 A Disabled Persons Liaison Officer (DPLO) has been appointed to champion disabled court user issues. The DPLO is supported by dedicated staff at each courthouse, who can be contacted by court users to obtain details of the facilities available at specific courts. There is a full Disabled Facilities Register at each courthouse and leaflets detailing facilities are available to defendants and witnesses. The Sussex MCC website also gives details of the disabled facilities at each of the courthouses.

5.4 There are video link facilities at Brighton, Worthing, Haywards Heath and Hastings with dedicated rooms for vulnerable and

intimidated witnesses. Comprehensive protocols have been introduced with the Prison Service for cases when defendants appear by video remand, and with the Crown Prosecution Service and Witness Service for special measure cases.

### *Facilities offer adequate comfort*

5.5 Inspectors found that the comfort provided in public waiting areas and courtrooms was generally good. The public waiting areas were clean and well maintained and generally graffiti-free, providing a reasonably pleasant environment. A no-smoking policy has been introduced and Inspectors observed that this was being rigorously enforced, with no evidence of smoking taking place within courthouses.

5.6 The provision of refreshment facilities is variable across the MCC. In Hastings and Brighton there are canteen facilities where court users can obtain sandwiches and light snacks. However, in other courts vending machines are the only source of refreshment, providing a limited service, especially given the long waiting periods some court users experience. Inspectors suggest that the MCC review the provision of drinks and snacks with the vending machine contractors to try and ensure an appropriate selection. Inspectors were pleased to hear that the MCC has agreed a programme to introduce water dispensers into each public waiting area.

5.7 The custody suite at Worthing is very poor with unsatisfactory levels of comfort. Inspectors observed dried drinks and food residue and an amount of graffiti on some of the cell walls and an unpleasant odour in many of the cells. However, Inspectors are pleased to note that, since these observations, a new cleaning contract for the cells at Worthing has been signed. The cell area at Horsham is the subject of a confidential annex to this report.

**Recommendation 4: that the cells at Horsham Magistrates Court are closed forthwith.**

### **Facilities to conduct business with appropriate privacy**

- 5.8 Generally, court users have reasonable – and sometimes good – access to sufficient interview rooms in the public and cell areas. However, at Crawley there are only two witness interview rooms, which are not adequate, especially on busy days.
- 5.9 Inspectors recognise that, given the physical layout and restrictions of the buildings, the separation of witnesses in some courthouses is not easy and this was recognised by the MCC in its self-assessment. For example, at Hastings and Haywards Heath there is a particular problem, as – due to the physical layout of the building – there are no dedicated areas for defendants and witnesses and interview rooms are utilised on an ad hoc basis when needed. Security ushers understand the need to accommodate people in separate areas and give priority to witnesses.
- 5.10 Inspectors were impressed with the attitude of all court staff, who were helpful and caring when dealing with court users and, within the limited facilities available, tried to ensure appropriate segregation of court users. Generally, arrangements to segregate youth and adult courts are good. There are separate youth facilities in most of the courthouses, with entrances set aside from the main court entrance. However, youth cases requiring the use of the video link are heard in adult courts, making segregation more difficult and requiring particular effort from court staff to keep adult and youth court cases separate.
- 5.11 The MCC is to be commended for its provision of offices and witness rooms for the Witness Service, which is represented at all courts. Witness Service facilities in the main are good, although at some courthouses the witness waiting facilities are limited by the physical constraints of the buildings.

### **Safety and security of court buildings**

- 5.12 Security provision at Sussex magistrates' courts ranges from a staffed security arch with security wands to no security at the court entrance. The level of provision is based on the size of the court and the perceived risk of an incident occurring. CCTV is also in use at some courthouses. However, security provision is inhibited by a number of problems. At Haywards Heath security wands have been provided, but are not in use, as staff have not received suitable training. At some courts staff confiscate prohibited items without appropriate policies or training. The MCC is aware of the need to improve security at its courthouses and has committed funding to enhance provision. (See paragraph 1.15 and Recommendation 2).
- 5.13 The MCC has engaged an independent consultant to carry out a series of Health and Safety risk assessments which will augment the limited number which had been completed previously. At the time of inspection the outcomes of these assessments were awaited and were to be reviewed by the Health and Safety Committee.
- 5.14 Whilst fire and evacuation drills are carried out at each court, there is no consistency or clear policy detailing when, and how many times, these are to be completed. In some courts, regular evacuations are completed whilst, at others, they are only held once a year and before the courts sit. The evacuations do not include the custody suites, although custody staff interviewed indicated that they were aware of what to do in the event of an emergency.

## Overall Assessment – Treatment

**Operational staff provide helpful and courteous support to court users. Waiting times on the day are poor and are getting worse relative to the England and Wales average, with no structured approach to improvement. The MCC-wide complaints procedure is effective.**

### *Courteous treatment and appropriate help*

- 5.15 Court users are generally treated with courtesy and are offered appropriate assistance and guidance by court staff. The MCC has a Quality of Service Charter, which includes key performance indicators, and a leaflet explaining the Court Charter is also available to court users. Inspectors observed, however, that the Charter was not displayed in some courthouses and the leaflet was not available in the leaflet racks in others. Performance against Charter standards is monitored and the results, with actions taken, are displayed on public notice boards. Staff are familiar with the contents of the Charter and are aware of the standards set.
- 5.16 The high levels of satisfaction recorded in the MCSI professional users survey – 90% of respondents stated they were ‘satisfied’ or ‘highly satisfied’ that all court users are treated with courtesy, compared to an average of 82% for the last 17 inspections – confirms the good impression given to Inspectors.
- 5.17 Clear explanations of court procedures by magistrates, legal advisers and security ushers ensures that witnesses and defendants fully understand proceedings and their part in them. For example, Inspectors observed a member of the administration staff at Worthing Court sit down with a member of the public and clearly, and patiently, explain court procedure.
- 5.18 Different case-calling practices in courtrooms within the same courthouse – and throughout the MCC – mean that the amount of time security ushers spend in the waiting areas or the courtroom varies. Courtroom observations, however, indicated that those arriving and waiting at courthouses are given appropriate help and information both before and during the court proceedings.
- 5.19 The MCC has introduced useful guidance for security ushers and legal advisers on oath taking. However, there are variations in practice, with some security ushers asking witnesses to repeat the oath or affirmation and others asking them to read it from the card. An Inspector observed a witness in court who was not able to read the oath from the card. It is suggested that security ushers adopt the good practice of asking witnesses to repeat the oath. A good range of holy books is available and these are stored and handled in an appropriate manner. Court staff are aware of the different oath requirements.
- 5.20 There is confusion over the role of the security usher at some of the courthouses, with staff clearly unsure about the dual role they are expected to perform (see Recommendation 2).

### *Waiting times on the day*

- 5.21 Many defendants and witnesses wait for long periods and this is identified in the MCC’s self-assessment as an area of weakness. The proportion of witnesses waiting one hour or less (BMR 3) is

consistently worse than the E&W average, with the latest survey ranking Sussex 33<sup>rd</sup> out of 42 MCCs. The waiting time for defendants (BMR 3) has also been worse than the E&W average for some time. At the time of inspection it stood at 57% (25<sup>th</sup> out of 42 MCCs) – and still well below the local target of 70%. Further details on witness and defendant waiting times can be found in paragraph 3.16 and Recommendation 3.

### **Complaints handling**

5.22 An effective and comprehensive formal complaints procedure is in place. All complaints are recorded and a log maintained at the MCC offices. Inspectors examined the log and found that all recorded complaints were responded to

within the ten-day MCC timescale and, where necessary, action was taken to change procedures. Staff are aware of what to do if approached by a court user with an oral complaint. When it is not possible to resolve an oral complaint, the matter is referred to a senior member of staff, who will advise the complainant to put the complaint in writing. Notices about complaints are displayed at most courthouses, although Inspectors found that, at Hastings and Lewes, information on how to make a complaint was not displayed on the public notice boards. Similarly, the very comprehensive Complaints Leaflet was not in the leaflet racks at every court.

## **Overall Assessment – Written Information**

**Court users have access to a considerable amount of information, although it is only available in English and it is unclear what information court users receive pre-court. External signage is inadequate.**

### **Access to appropriate and clear written information**

5.23 Court information leaflets contain clear and comprehensive information covering the location of courthouses, telephone contacts, hours of business and the arrangements for people with disabilities. Information is sent to victims and witnesses by Sussex Police, prior to attending court, and the MCC is assured through the LCJB that this process is monitored. However, it is unclear what information court users receive before attendance at some of the courts in Sussex. At Worthing, Inspectors were informed that the police were not sending out the information leaflet with the summons, and monitoring had not been undertaken to see if court users had received the information. Inspectors' interviews with court users indicated that people had not received the information leaflets. At one court,

Inspectors were informed that a number of calls were taken from court users asking for directions to court, and a number of court users attended the local County Court instead of the magistrates' court. The MCC has recently participated in a redraft of letters to all court users, generated by the police system, to ensure they provide the right information.

5.24 The MCC has developed a number of excellent leaflets: for example, about the Courts Charter, Victim Support, payment of fines, and information about disqualification. Courtroom observations showed that these forms are very helpfully given to defendants after court proceedings have been completed. The provision of leaflets in the leaflet racks in courthouses

is variable, with some courts missing leaflets and others only being available in photocopy form.

- 5.25 The provision of information in languages other than in English is under developed. The MCC has identified the absence of such information, and it is pleasing to note that they intend to introduce a system of providing leaflets in other languages. The intention is to advertise this facility in courthouses and on the MCC website. The provision of leaflets on audiotape for those with hearing impairments is also being considered.

### ***Signs to, on and in courts***

- 5.26 Signage to courthouses for pedestrians and motorists is poor, and in Hastings, Lewes and Crawley there are no signs at all. Signage within the courthouses is generally good, with locations such as interview rooms, toilet facilities and courtrooms usually clearly marked. However, there are no courtroom layout plans outside courts to assist court users and few function plates in the courtrooms. The MCC has a very good website with an array of useful and informative information for court users to access.

## Methodology

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

The inspection team visited each of the MCC's seven offices (Brighton, Lewes, Eastbourne, Hastings, Haywards Heath, Chichester, Worthing) to inspect the files of all adult cases completed during the week commencing 28 July 2003 and the files for all youth cases completed during the four weeks commencing 7 July, together with corresponding court registers. As part of the exercise, 750 crime files were analysed using methodology comparable with that of the DCA Time Interval Surveys. This analysis produced the case completion information included in Figures 2, 6 and 7 within the body of this report. The team also analysed the history of each of the case files, looking at the length of each adjournment together with the recorded reason (if any) for the adjournment. The resulting data is set out in Annex E.

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

The Sussex 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 Sussex MCC inspection:

Lori Buckley  
Catherine Elkington  
Helen Floyd  
Christine Lee  
Adrian Marshall  
Penny Rickards  
Jeremy Smith  
Sue Steel

## Sussex MCC: key facts

Clerkship	Petty sessions areas	Magistrates (as at 31 July 2003)	Courthouses (administration offices in bold)	Courtrooms (source DCA (LCD) courthouse survey 2002)	Staff (full-time equivalent as at June/July 2003)	Weighted caseload (July 2002/ June 2003)	
Sussex	Sussex (Central)	217	Edward Street, Brighton	10	72.14	261,065	
			Lewes	3	5.61		
	Sussex (Eastern)	170	Eastbourne	3	21.07		
			Hastings	4	32.99		
	Sussex (Northern)	177	Crawley	3	4.31		
			Haywards Heath	3	47.51		
	Sussex (Western)	168	Horsham	3	2.14		
			Chichester	3	34.65		
				Worthing	5		26.61
	Fixed Penalty Office						9.00
Secretariat (based at Lewes courthouse)					16.99		

<b>Expenditure 2002/03 (£000s) – Unaudited</b>	
Staff (including transport)	6,167
Premises	1,370
Supplies & services	911
Local authority charges	382
Magistrates' expenses	377
Magistrates' training	41
<b>Gross expenditure</b>	<b>9,248</b>
Income	447
<b>Net expenditure</b>	<b>8,801</b>

<b>Weighted caseload</b>		
<b>July 2000 - June 2001</b>	<b>July 2001 - June 2002</b>	<b>July 2002 - June 2003</b>
310,161	281,687	261,065

## Sussex MCC: performance data

### *Strategic Steer Indicators 2002/03*

(shaded = better or equal to national average)

Strategic Steer Indicator	National data			Sussex MCC (ranking of 42 MCCs)
	Best	Worst	Average	
<b>SSI 1 - Effective, ineffective and cracked trials</b>				
(previously NPI 8)	<b>April 2002 – March 2003</b>			
Effective trials as a proportion of total number of trials	49.0%	24.5%	31.9%	24.5% (41)
Ineffective trials as a proportion of total number of trials	13.2%	39.6%	30.6%	39.6% (42)
Cracked trials as a proportion of total number of trials	30.5%	46.6%	37.5%	35.9% (14)
<b>SSI 2 - Timeliness</b>				
(previously NPI 2)	<b>June 2003 survey</b>			
Average number of days from first listing to completion for defendants in indictable and either-way cases	31 days	104 days	55 days	53 days (19)
<b>March 2003 survey</b>				
Average number of days from first listing to completion for all defendants in all criminal cases	17 days	64 days	33 days	50 days (40)
<b>SSI 3 – Persistent Young Offenders</b>				
<b>April 2002 – March 2003</b>				
Average number of days from arrest to sentence for PYOs sentenced in <b>all courts</b>	45 days	91 days	69 days	64 days (16)
Average number of days from arrest to sentence for PYOs sentenced in <b>magistrates' courts only</b>	42 days	83 days	61 days	56 days (16)

## Sussex MCC: performance data – continued

Strategic Steer Indicator	National data			Sussex MCC (ranking of 42 MCCs)
	Best	Worst	Average	
<b>SSI 4 - Enforcement of Financial Penalties (payment rate including confiscation orders) (previously NPI 4)</b>				
<b>Rolling average July 2002 – June 2003</b>				
Completion rate indicator: Impositions collected, written off and cancelled as a proportion of all impositions	136%	42%	87%	103% (12)
Payment rate indicator including confiscation orders: Amount collected for every £100 imposed	79%	29%	54%	59% (28)
Write-off rate indicator: Write-offs as a proportion of impositions	2%	59%	16%	43% (40) <sup>1</sup>
Cancellation rate indicator: Cancellation of impositions as a proportion of all impositions	0%	56%	18%	0% (1) <sup>1</sup>
Balances ratio indicator: Length of time to clear all debts if no further impositions made (1=1 year)	0.40	4.31	1.45	0.92 (18)
Arrears ratio indicator: Proportion of balances owed which are collected in arrears (100%= nothing collected on time)	6%	87%	57%	51% (16)
<b>SSI 4 – Enforcement of Financial Penalties (payment rate excluding confiscation orders)Rolling average April 2002 – March 2003</b>				
Payment rate indicator excluding confiscation orders: Amount collected for every £100 imposed	89%	38%	61%	62% (29)
<b>SSI 5 – Community Penalty Breach Warrants (previously NPI 9)</b>				
<b>Rolling average July 2002 – June 2003</b>				
Proportion executed/withdrawn within target	64%	10%	31%	21% (32)

<sup>1</sup> The Sussex MCC JPS system cannot differentiate between cancellations and write-offs. As a consequence, comparison of performance in Sussex with other MCCs may be misleading.

## *Business Management Returns 2002/03*

(For BMRs 1 to 4, 6 and 7, shaded = better than or equal to the national average)

Business Management Return	National data			Sussex MCC (ranking of 42 MCCs)
	Best	Worst	Average	
<b>BMR 1 Cost efficiency</b> (previously NPI 1) figures are estimated				
<b>April 2002 – March 2003</b>				
Cost per unit of weighted caseload	£20.40	£47.52	£30.36	£31.53 (27)
<b>BMR 2 Courtroom utilisation</b> (previously NPI 3)				
<b>Rolling average July 2002 – June 2003</b>				
Total actual court sitting hours as a proportion of calculated availability	81.1	41.0%	67.4%	66.2% (23)
<b>BMR 3 – Witness waiting times and unnecessary attendance of witnesses</b> (previously NPI 6)				
<b>June 2003 survey</b>				
Proportion of witnesses waiting one hour or less	74%	25%	50%	37% (36)
Average witness waiting time	0h:49m	2h:23m	1h:23m	1h:48m (38)
Proportion of witnesses who attended and did not give evidence	20%	69%	51%	50% (19)
<b>BMR 4 – Defendant waiting times</b> (previously included in NPI 5)				
<b>April 2003 survey</b>				
Proportion of defendants who waited one hour or less	77%	44%	61%	57% (25)
<b>BMR 5 Ethnicity of MCC staff and Committee Members</b> (previously NPI 7)				
Comparison of the ethnicity of magistrates' courts staff and Committee members with the ethnicity of the Sussex population		<b>Population</b>	<b>Staff</b>	<b>Committee Members</b>
	White	97%	95%	100%
	Black	0%	0%	0%
	Asian	1%	1%	0%
	Other	2%	4%	0%
<b>BMR 6 – Vacated trials</b> (previously included in NPI 8)				
<b>April 2002 – March 2003</b>				
Vacated trials as a proportion of total trials	1%	27%	11%	13% (23)

**Sussex MCC: performance data – continued**

Business Management Return	National data			Sussex MCC (ranking of 42 MCCs)
	Best	Worst	Average	
<b>BMR 7 Quality of Service</b> (previously included in NPI 5)				
<b>April 2003 survey</b>				
User reaction survey: Proportion of users who rated facilities or information as satisfactory or very good				
Facilities	84%	47%	72%	72% (24)
Information	97%	74%	90%	90% (10)

## 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						
<b>CPM 1</b> – Average length of cases from first listing to completion	<b>MCC</b>	56 days	-	50 days	-	25 days
<b>CPM 2</b> – Percentage of defendants waiting one hour or less	<b>MCC</b>	-	50%	-	62%	70%
<b>CPM 3</b> – Percentage of cases for which information is provided within prescribed timescales	Central	62.0%	72.4%	77.0%	81.8%	85%
	Eastern	81.8%	81.1%	77.0%	76.8%	
	Northern	74.0%	89.7%	98.9%	94.9%	
	Western	75.3%	74.2%	69.2%	82.2%	
<b>MCC</b>	<b>73.8%</b>	<b>80.0%</b>	<b>80.0%</b>	<b>83.5%</b>		
<b>CPM 4</b> – Arrears as a proportion of outstanding balances	<b>MCC</b>	53%	52%	51%	51%	No target set
<b>CPM 5</b> – Write-offs as a proportion of impositions	<b>MCC</b>	40%	38%	41%	50%	No target set
<b>CPM 6</b> – Occupied court sitting hours as a proportion of the number of planned hours of court time	Central	71%	80%	97%	81%	85%
	Eastern	81%	84%	88%	89%	
	Northern	86%	67%	65%	64%	
	Western	73%	60%	66%	69%	
<b>MCC</b>	<b>77%</b>	<b>73%</b>	<b>79%</b>	<b>75%</b>		

Sussex MCC: performance data – continued

		July 2002 - September 2002	October 2002 - December 2002	January 2003 - March 2003	April 2003 - June 2003	MCC target
<b>CPM 7</b> – Weighted caseload per sitting hour	<b>MCC</b>	8.61	8.73	8.70	9.40	10.5
<b>CPM 8</b> – Percentage of user satisfaction ( <i>Surveys conducted in April and October</i> )	<b>Facilities Information</b>	- -	69% 92%	- -	64% 82%	80% 95%
<b>CPM 9</b> – Staff cost per weighted case	Central Eastern Northern Western <b>MCC</b>	£23.02 £19.52 £26.80 £20.02 <b>£22.11</b>	£24.73 £21.12 £26.85 £24.32 <b>£24.19</b>	£22.59 £17.55 £25.30 £16.82 <b>£20.32</b>	£23.39 £20.34 £26.99 £19.98 <b>£22.43</b>	No target set
<b>CPM 10</b> – Weighted caseload per member of staff	Central Eastern Northern Western <b>MCC</b>	882.34 1086.78 812.38 1113.96 <b>965.99</b>	804.50 1037.06 835.76 911.88 <b>888.83</b>	903.79 1224.79 898.45 1057.31 <b>1012.35</b>	828.24 1042.65 801.84 1043.21 <b>922.53</b>	No target set
<b>CPM 11</b> – Total revenue cost per weighted case	<b>MCC</b>	<b>£33.20</b>	<b>£38.67</b>	<b>£38.10</b>	<b>£31.38</b>	No target set
<b>CPM 12</b> – Actual court hours as a proportion of capacity	<b>MCC</b>	<b>66.51%</b>	<b>62.35%</b>	<b>72.37%</b>	<b>63.46%</b>	67%

## Detailed breakdown of CPM3 performance by division for Sussex MCC

Sussex MCC	July 2002 – September 2002	October 2002 – December 2002	January 2003 – March 2003	April 2003 – June 2003
<b>Overall performance</b>	<b>73.8%</b>	<b>80.0%</b>	<b>80.0%</b>	<b>83.5%</b>
Production of court registers within three working days of the court hearing	53.0%	68.3%	68.3%	64.4%
Despatch of committals papers to the Crown Court within four working days	68.1%	81.2%	85.3%	83.1%
<sup>2</sup> Despatch of a decision on properly completed right to representation applications within two days of receipt by the court	88.4%	86.9%	85.2%	92.3%
<b>Central division</b>				
<b>Overall performance</b>	<b>62.0%</b>	<b>72.4%</b>	<b>77.0%</b>	<b>81.8%</b>
Production of court registers within three working days of the court hearing	59.6%	73.7%	72.3%	74.5%
Despatch of committals papers to the Crown Court within four working days	57.0%	65.3%	69.8%	79.4%
<sup>2</sup> Despatch of a decision on properly completed right to representation applications within two days of receipt by the court	69.3%	74.6%	82.4%	84.8%
<b>Eastern division</b>				
<b>Overall performance</b>	<b>81.8%</b>	<b>81.1%</b>	<b>77.0%</b>	<b>76.8%</b>
Production of court registers within three working days of the court hearing	47.7%	45.3%	33.2%	28.1%
Despatch of committals papers to the Crown Court within four working days	88.8%	88.5%	94.4%	81.0%
<sup>2</sup> Despatch of a decision on properly completed right to representation applications within two days of receipt by the court	98.5%	93.4%	91.6%	95.9%

<sup>2</sup> There is evidence of inconsistencies in the measurement of this indicator.

## Detailed breakdown of CPM3 performance by division for Sussex MCC – continued

Sussex MCC	July 2002 – September 2002	October 2002 – December 2002	January 2003 – March 2003	April 2003 – June 2003
<b>Northern division</b>				
<b>Overall performance</b>	<b>74.0%</b>	<b>89.7%</b>	<b>98.9%</b>	<b>94.9%</b>
Production of court registers within three working days of the court hearing	48.8%	88.5%	99.8%	89.6%
Despatch of committals papers to the Crown Court within four working days	81.1%	93.4%	99.4%	93.5%
<sup>2</sup> Despatch of a decision on properly completed right to representation applications within two days of receipt by the court	85.9%	89.4%	98.1%	98.6%
<b>Western division</b>				
<b>Overall performance</b>	<b>75.3%</b>	<b>74.2%</b>	<b>69.2%</b>	<b>82.2%</b>
Production of court registers within three working days of the court hearing	55.0%	62.8%	65.2%	63.9%
Despatch of committals papers to the Crown Court within four working days	46.9%	65.2%	74.4%	76.2%
<sup>2</sup> Despatch of a decision on properly completed right to representation applications within two days of receipt by the court	90.1%	82.2%	70.9%	91.8%

<sup>2</sup> There is evidence of inconsistencies in the measurement of this indicator.

## Sussex 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						
<b>Standard procedural adjournments</b>							<b>49%</b>	<b>56%</b>				
To prepare for trial/pre-trial review	12	19	23	12	37	38	141	41%	7,853	41%		
For reports prior to sentence	10	5	27	37	4	-	83	24%	3,772	20%		
Miscellaneous (e.g. defendant was ill)	4	15	8	3	3	1	34	10%	1,513	8%		
To serve concise witness statements	-	-	-	3	-	-	3	1%	732	4%		
To prepare for committal	10	10	6	5	13	-	44	13%	1,557	8%		
For defendant to be informed that s/he faces disqualification from driving	1	3	10	7	1	5	27	8%	1,945	10%		
For the case to be dealt with at the same time as other cases involving the defendant or to tie in with co-accused	2	3	2	1	4	2	14	4%	1,500	8%		
For a full file after unexpected not guilty plea	-	-	-	-	-	-	-	0%	85	0%		
<b>Subtotals</b>	<b>39</b>	<b>55</b>	<b>76</b>	<b>68</b>	<b>62</b>	<b>46</b>	<b>346</b>	<b>100%</b>	<b>18,957</b>	<b>100%</b>		
<b>Ineffective hearings</b>							<b>51%</b>	<b>44%</b>				
Defendant did not attend	25	30	35	21	23	32	166	46%	4,122	28%		
<b>Subtotals</b>	<b>25</b>	<b>30</b>	<b>35</b>	<b>21</b>	<b>23</b>	<b>32</b>	<b>166</b>	<b>46%</b>	<b>4,122</b>	<b>28%</b>		
<b>Defence – other reasons</b>												
To take further instructions	16	15	6	6	3	-	46	13%	3,094	21%		
Defendant had not applied for right to representation	-	-	-	-	-	-	-	0%	137	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	-	-	-	-	-	1	0%	118	1%		
To review tape or video evidence	1	2	-	-	-	-	3	1%	376	3%		
<b>Subtotals</b>	<b>18</b>	<b>2.5%</b>	<b>17</b>	<b>2.4%</b>	<b>6</b>	<b>0.8%</b>	<b>3</b>	<b>0.4%</b>	<b>50</b>	<b>14%</b>	<b>3,853</b>	<b>26%</b>

Sussex MCC: 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		
<b>Court</b>								
Details of previous driving convictions not available	2	-	4	-	1	-	7	628 4%
Application for right to representation not processed	-	-	-	-	-	-	-	15 0%
Insufficient court time	2	-	2	-	1	-	5	492 3%
<b>Subtotals</b>	<b>4 0.6%</b>	<b>- 0%</b>	<b>6 0.8%</b>	<b>- 0%</b>	<b>2 0.3%</b>	<b>- 0%</b>	<b>12 3%</b>	<b>1,135 8%</b>
<b>Prosecution</b>								
To make further enquiries	4	9	9	4	5	-	31	1,275 9%
Advance information not provided on time	3	2	-	-	1	-	6	273 2%
Committal papers not provided on time	1	-	-	-	-	-	1	89 1%
Summons not served	-	2	3	6	9	-	20	603 4%
Concise witness statements not served	-	-	-	-	-	-	-	82 1%
Prosecutor unable to produce file in court	2	3	1	1	-	-	7	442 3%
To consider the appropriateness of the charges	4	12	2	-	1	-	19	849 6%
<b>Subtotals</b>	<b>14 2.0%</b>	<b>28 3.9%</b>	<b>15 2.1%</b>	<b>11 1.5%</b>	<b>16 2.3%</b>	<b>- 0%</b>	<b>84 23%</b>	<b>3,613 24%</b>
<b>Third party</b>								
Witness did not attend	1	-	-	-	1	-	2	92 1%
<b>Subtotals</b>	<b>1 0.1%</b>	<b>- 0%</b>	<b>- 0%</b>	<b>- 0%</b>	<b>1 0.1%</b>	<b>- 0%</b>	<b>2 1%</b>	<b>92 1%</b>
<b>Probation service</b>								
Pre-sentence report requested but not provided	-	-	-	4	-	-	4	85 1%
<b>Subtotals</b>	<b>- 0%</b>	<b>- 0%</b>	<b>- 0%</b>	<b>4 0.6%</b>	<b>- 0%</b>	<b>- 0%</b>	<b>4 1%</b>	<b>85 1%</b>

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		
<b>Prison Service/Prisoner Escort</b>								
Prisoner Escort and Custody Service failed to produce prisoner	-	-	-	-	-	-	-	13 0%
<b>Subtotals</b>	- 0%	- 0%	- 0%	- 0%	- 0%	- 0%	- 0%	<b>13 0%</b>
<b>More than one party</b>								
Defendant not made aware of hearing/ issued with defective summons	-	-	1	-	-	1	2	216 1%
For prosecution and defence to liaise	-	11	5	5	1	-	22	375 3%
<b>Subtotals</b>	- 0%	<b>11 1.5%</b>	<b>6 0.8%</b>	<b>5 0.7%</b>	<b>1 0.1%</b>	<b>1 0.1%</b>	<b>24 7%</b>	<b>591 4%</b>
<b>Miscellaneous</b>								
Other miscellaneous reasons	3	1	-	1	1	-	6	684 5%
Unable to identify the reason for adjournment	-	3	2	3	7	1	16	675 5%
<b>Subtotals</b>	<b>3 0.4%</b>	<b>4 0.6%</b>	<b>2 0.3%</b>	<b>4 0.6%</b>	<b>8 1.1%</b>	<b>1 0.1%</b>	<b>22 6%</b>	<b>1,359 9%</b>
<b>Total</b>	<b>104 14.6%</b>	<b>145 20.4%</b>	<b>146 20.6%</b>	<b>119 16.8%</b>	<b>116 16.3%</b>	<b>80 11.3%</b>		

Sample case size:  
300 cases with one or more adjournments  
450 cases completed at first hearing

750 cases in sample

\*Source: Consolidated data from 31 MCSI inspections completed between September 2000 - July 2003

# Recommendations and Sussex MCC's action plan

## 1 MCSI recommendation:

That the MCC ensure the establishment of an effective and resilient management group that corporately:

- ◆ drives the delivery of MCC objectives
- ◆ is accountable for its decision making
- ◆ ensures that individuals are identified and held to account for the delivery of Business Plan outcomes.

### MCC response

The Committee will:

- ◆ create a Core Management Group (CMG) comprising the JCE, the Director of Legal Services, the Head of Management Services, the HR Manager and the Assistant Director of Legal Services, who will hold monthly minuted meetings
- ◆ allot Business Plan outcomes for 2004/05 to members of the CMG, and require them to account for progress at MCC meetings.

**Improvement target:** Improved accountability to MCC for business plan outcomes.

**By date:** 1 March 2004

## **2 MCSI recommendation:**

**That the MCC, by 31 March 2004, improve the provision of its security arrangements by:**

- ◆ **evaluating, clarifying and codifying the role of the security usher**
- ◆ **providing training in exercising the security role, including the appropriate use of security equipment**
- ◆ **ensuring consistent and appropriate security practices, including confiscation procedures**
- ◆ **ensuring evacuation procedures, including those for court users with disabilities, are understood and practised.**

### **MCC response**

The Committee will:

- ◆ prepare and issue a manual for security ushers giving detailed explanation of all areas of responsibility, including procedures for evacuation of buildings, confiscation and searching and use of security equipment
- ◆ set up, and start to deliver, a rolling programme of training to support all areas of the security usher role
- ◆ establish a management audit process to test the robustness of arrangements and identify areas of weakness.

**Improvement target:** Full compliance with security checks by April 2004.

**By date:** 31 March 2004

### 3 MCSI recommendation:

**That, with a focus on the needs of witnesses and defendants, the MCC improve the efficiency and effectiveness of its scheduling practice and the flow of business on the day by:**

- ◆ identifying and implementing opportunities for further MCC-wide solutions
- ◆ investigating and addressing the slow flow of business on the day
- ◆ concentrating work into fewer scheduled courts, with a view to creating more trial courts
- ◆ providing joint training for magistrates, legal advisers and security ushers in the management of cases on the day, and reducing delay.

#### **MCC response**

The Committee will:

- ◆ set up a listing review led by a consultant to investigate the principal causes of delay and to identify areas of good practice for implementation on an MCC-wide basis
- ◆ in consultation with the Witness Service, the police, CPS and defence solicitors, design a revised MCC-wide listing policy, focusing on the needs of victims and witnesses
- ◆ carry out training for staff and magistrates, focusing on improving case throughput.

**Improvement target:** To achieve TIS figures equal to or better than the national average.

**By date:** 31 March 2005

### 4 MCSI recommendation:

**That the cells at Horsham Magistrates Court are closed forthwith.**

#### **MCC response**

This matter is addressed within the Confidential Annex.

**Improvement target:** No use of the cells at Horsham.

**By date:** From 12 January 2004

# 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>Association of Magisterial Officers (AMO)</i>	A national trade union for persons employed at all levels 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>Business Management Returns (BMRs)</i>	See National Performance Indicators below
<i>Civilian enforcement officer (CEO)</i>	An officer, usually employed by a Magistrates' Courts Committee, to execute warrants (see warrant enforcement below)
<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 a 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 Ineffective and Vacated trials
<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 (prior to 12 June 2003, the Lord Chancellor's Department) is the government department which 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>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 and audit, and detail administrative procedures and 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>Libra</i>	The new national computer system for the magistrates' courts service of England & Wales
<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)</i>	National indicators, published since June 2000, used to measure progress in achieving Public Service Agreement (see below) targets. As from July 2003, the DCA augmented and re-named these indicators Strategic Steer Indicators (SSIs) and Business Management Returns (BMRs), to reflect more closely the department's strategic aims and business targets
<i>Nolan Principles</i>	The Nolan Report (1995) set out seven principles for the guidance of holders of public office: selflessness, integrity, objectivity, accountability, openness, honesty and leadership

<i>Persistent young offender (PYO)</i>	A young person aged 10 to 17 years who has been sentenced by any criminal court in the UK on three or more occasions for one or more recordable offences, and within three years of the last sentencing occasion is subsequently arrested or has information laid against him or her for a further recordable offence
<i>Petty sessions area</i>	England & 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 review (PTR)</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 DCA 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>Strategic Steer Indicators (SSIs)</i>	See National Performance Indicators above
<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>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 case(s). See also <i>Ineffective trial</i> and <i>Cracked trial</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 <i>post</i> -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 <i>pre</i> -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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Qoraalkaan oo ah warbixin la soo koobay kuna qoran Afsoomaali waxaad ka heli kartaa haddii aad la xiriirto ciwaanka hoos ku qoran.

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