

Report of an Inspection

of the

Warwickshire

Magistrates' Courts Committee

carried out during

June 2002

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 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.

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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 Warwickshire Magistrates' Courts' Committee (MCC) area focused on three topics:

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

A major feature of the context of this inspection has been the MCC's plan to promote joint working with the other criminal justice agencies, through the creation of Criminal Justice Centres. The co-location of Criminal Justice System agencies offers the prospect of a more efficient service to court users and will help to increase public confidence in the criminal justice system. This report highlights the need for the MCC to ensure that it has sufficient organisational capacity to implement its plans successfully, and to have firm interim plans which prevent a hiatus in tackling short term issues from arising.

MCSI is committed to assisting the magistrates' courts service to realise the full potential of its workforce and to offer an inclusive service to court users. In Warwickshire we found a mixed picture in implementing this diversity agenda. There was a need to give the issues a higher policy profile, but nevertheless there were some good operational actions being taken, one of which we highlight in a Good Practice annex to this report.

We make a total of eight recommendations, several of which are concerned with the way the Committee itself functions. Our recommendations are designed to assist the MCC to deliver improvements, building on the achievements of the MCC's highly committed staff and members.

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 three 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 Michael Davies who, as the Liaison Officer, gathered together the briefing material and helped to arrange on-site activities.



Kit Chivers
HM Chief Inspector, MCSI

October 2002

Context

- 1 The county of Warwickshire covers some 200,000 hectares to the east and south of the West Midlands conurbation, and shares common boundaries with the other criminal justice agencies. The railways and coalfields that once dominated the north of the county have long since declined and it is now characterised by light manufacturing industry in the northern towns and a thriving tourist industry in the south, most notably in Stratford-upon-Avon and Warwick. Although the county is sparsely populated and predominantly rural, it has relatively good transport links. It is bisected by the West Coast mainline railway and M6 motorway, which link the county with London and the north of England. It also has many east-west links to Birmingham, Nottingham and other towns in the Midlands, with six motorways passing through the county. Unemployment in October 2001 stood at a relatively low 1.7%. People from minority ethnic communities make up some 3.5% of the resident population, most having English as a first language.
- 2 Warwickshire is the smallest MCC in terms of weighted caseload - 81,409 in 2001/02 – which equals 0.68% of the total for England and Wales, down from 90,747 in 2000/01. Warwickshire police recorded 72.7 offences per 1,000 of the population in 2000/01, against an average for England and Wales of 98.1.
- 3 Warwickshire MCC continues to go through a substantial period of change. Prior to 2002, Warwickshire was divided into five petty sessions areas, namely: Atherstone and Coleshill, Nuneaton, Rugby, Mid Warwickshire and South Warwickshire. Following consultation, the MCC amalgamated the petty sessions areas to form a single Warwickshire petty sessions area which came into existence on 1 January 2002. The MCC has also centralised the management of court accounts and licensing functions at Leamington Spa, and court enforcement and family proceedings at Nuneaton. The long-term strategy of the Committee is the closure of four of the current five courthouses – Atherstone, Nuneaton, Leamington Spa and Stratford-upon-Avon – and to replace them with new ‘Criminal Justice Centres’ (CJCs) in Nuneaton, the Leamington Spa/Warwick area, together with a third CJC centred on a refurbished courthouse and police station in Rugby. The creation of these CJCs, which are constituted by the co-location of the Police, the Crown Prosecution Service (CPS) and the MCC, will – in the MCC’s own words – *“make Warwickshire the pathfinder for physically joined-up justice”*. The provision of the two court centres – currently scheduled for completion in 2004, although this is subject to some uncertainty – forms the centrepiece of the Committee’s 2002 – 2005 draft Strategic Plan.
- 4 Currently the MCC has 11 members, with the Lord Lieutenant and Liaison Judge attending ex-officio, and has one sub-committee – the JCE Remuneration Committee. There is a small secretariat office in Leamington Spa, located near to the courthouse. The budget was £2,443,000 in 2000/01 and the MCC enjoys close links to the paying authority, Warwickshire County Council, which until seven years ago provided secretariat support.

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

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

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

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

Overall Assessment

The MCC has shown leadership by taking forward a number of bold initiatives which, if successful, will increase its efficiency and improve the service offered. Strategic and Business Plans are not well developed and there is room for further refinement of planning processes and in the articulation of values and priorities. The success of communication is mixed, and neither internal nor external communication is focused on meeting the MCC's strategic needs. Although most key issues are properly identified, the lack of any high level focus on Diversity is a serious omission. The MCC has paid great attention to creating appropriate structures for its organisation, but their effectiveness is not yet proven and there are significant gaps in capacity. The MCC sets and monitors performance standards but there is little evidence that performance is actively managed at any level of the organisation. Although the MCC generally demonstrates active commitment to high standards of conduct, the Committee has only recently made its Register of Members' Interests open to public inspection.

Show leadership in determining and communicating strategic direction

1.1 The MCC has shown leadership in taking some significant, and sometimes unpopular, strategic decisions. Inspectors commend the Committee's ability to consider and then adopt bold steps to meet the challenges which face the organisation. There has been a single clerkship for some years now and the Committee took the significant step of moving, on 1 January 2002, to a single bench to

improve efficiency and effectiveness. The proposal to move to a single bench did not meet with the complete approval of magistrates; but the Committee was clear about the business case which supported the plan and, after considering comments, decided that it was right for the organisation. The Committee also took the important decision to move to the multi-skilling of administrative staff in

order to improve services to court users. Most significantly of all, the Committee agreed to become fully involved in a joint strategy for the development of Criminal Justice Centres (CJCs). The value in co-locating accommodation with other Criminal Justice System (CJS) agencies is not merely that agencies will be better able to communicate with each other and share some running costs, but that the CJC plans involve the redesign of business processes to realise major efficiency improvements.

1.2 MCC Standing Orders promote leadership by making clear that all properly reached decisions are binding on all members, and practical commitment to this approach was made at the MCC meeting which considered the bench amalgamation. At this meeting, the MCC Chairman raised the issue of collective responsibility, as some members had signed consultation responses from 'their' bench. Two members consequently deleted their names from the response before the discussion commenced.

1.3 A lack of clarity in strategic documents and the lack of a communication strategy have reduced effective communication of the strategic direction. Inspectors found variations in the effectiveness of communication. Compared with the average of the last 13 inspections, fewer agencies received key MCC documents and fewer knew how to obtain them. Senior interviewees from the other CJS agencies said this was not a problem because personal relationships provided a conduit for information. While some respondents to the MCSI questionnaire were satisfied with the information provided, and the ability to respond to or influence the MCC's plans, the majority of respondents expressed dissatisfaction. As outlined at paragraph 1.13, Inspectors judge that the format of the MCC's Strategic Plan does not aid understanding of the linkage

between overall values and objectives, being orientated towards a list of actions which the MCC knows it has to take.

1.4 There are also some indications that internal communication is not considered in a strategic sense. For example:

- ◆ several interviewees were unclear what the Listing and Scheduling Group had considered and recommended, and wished to have more information about outcomes
- ◆ whilst the Human Resources strategy refers to the continuation of the practice of informing and consulting staff on strategic planning, staff below senior management team (SMT) level invariably stated to Inspectors that they were not involved in strategic planning, receiving plans after they had been agreed.

1.5 The MCC does not have a communications strategy or policy, although some useful preparatory work has been undertaken on such a strategy.

Recommendation 1: that the MCC develop a comprehensive communications policy for internal and external stakeholders that:

- ◆ **identifies information needs in a structured way**
- ◆ **establishes how to address these needs**
- ◆ **co-ordinates consistent communication throughout the area.**

Organisational structure

1.6 The MCC has put considerable thought into what structure is most appropriate to meet its strategic needs, and has taken firm action to introduce it. However, the resulting structure blurs some accountabilities, and the capacity to strategically manage key organisational

functions and meet major planned challenges is still lacking. The organisation has no method of evaluating how far the structure meets its needs.

1.7 The current organisational structure has been established over the last two years and is based on:

- ◆ some specialisation of work between the two offices
- ◆ multi-skilling of administrative staff within each office to maximise flexibility and enable key tasks to be covered continuously
- ◆ a new legal structure, which serves a single bench and contains area based legal managers and specialist legal managers (i.e. a Family Manager and a Youth Manager), but with legal staff personnel issues being dealt with by the Office Manager
- ◆ a small secretariat (because of limitations of funds for specialist posts) which receives advice from Warwickshire County Council (WCC) on personnel matters and financial management.

1.8 Inspectors are concerned that the implementation and evaluation of this approach has been insufficiently planned, leading to: unforeseen problems, such as high staff turnover; gaps in accountability in areas such as human resource and health & safety management; and the absence of any mechanism to determine the effectiveness of the structure. In its self-assessment, the Committee identified the lack of central specialist posts as a disadvantage. Whilst a good service is received from WCC on personnel and financial advice, Inspectors share the MCC's analysis. Inspectors judge that the strategic management of human resource needs is insufficient and that, in order to tackle the major issues facing the MCC, such as the move to CJs and the

implications of the recent White Paper, a greater capacity in this area is required. In addition, some senior managers are devoting large amounts of time to planning for the CJs whilst covering other duties. Inspectors consider that this approach is not sustainable for an extended period. Despite the fact that the CJC project will provide specialist advice, the MCC needs to identify staff who have the time and skills to co-ordinate work on the implications of the centres, provide a reference point internally and externally and ensure that communication is effective.

1.9 The legal structure, which services a single bench, comprises 17 lawyers, and although some management functions are covered through the administrative structure, there are three levels of management. There are potentially problematic pay and grading anomalies in the management structure, a blurring of some line management responsibilities and some delays in the completion of legal projects. Inspectors consider that there is a need to look again to ensure that scarce organisational resources are being used as effectively as possible in this area.

1.10 It was clear that members of the SMT have been working well together for some time and had greatly assisted the new JCE since her appointment. However, SMT minutes suggested a focus on operational issues, rather than the achievement of the Committee's strategic objectives or the systematic consideration of risks to plans. This was underlined by the fact that neither the SMT Terms of Reference or the JCE's job description referred to the central task of implementing Strategic Plans. Inspectors suggest that these could usefully be revised to focus attention on this key activity.

Recommendation 2: that the MCC ensure that its organisational structure meets the significant strategic challenges ahead by:

- ◆ **planning and managing human resources in order to deliver the Strategic Plan**
- ◆ **supporting the move to Criminal Justice Centres with adequately skilled, and appropriately graded, staff who have sufficient time to manage the process**
- ◆ **promoting the achievement of consistency across the county**
- ◆ **creating clear, efficient and effective lines of accountability.**

Key strategic issues and effective plans of action

- 1.11 The Committee has appropriately identified that the key strategic issues which face it arise from Government plans and from the plans of Warwickshire Criminal Justice Committee, and has co-operated well with other agencies in developing plans to meet these challenges – chiefly through the creation of the CJsCs.
- 1.12 The current Strategic Plan (2002/03 to 2004/05) identifies the following key issues:
- ◆ achieving a cross-agency approach to accommodation, performance, standards, planning and funding
 - ◆ achieving more efficient courtroom utilisation
 - ◆ improving the service to victims and witnesses
 - ◆ improving the timeliness with which cases are processed.
- 1.13 These are all valid aims, but Inspectors were not clear from the plan why these were prioritised above other aims. Inspectors found that the MCC’s planning process does not facilitate the systematic

identification of key issues; the involvement of all stakeholders; the clear articulation of priorities and linkage between strategic plans, annual operational plans and other plans. There is little evidence of action planning, evaluation or risk assessment. The following illustrate the shortcomings in the MCC’s planning processes:

- ◆ The Committee has failed to identify the strategic need to ensure that Diversity is valued and encouraged within the organisation. The issue of Diversity does not appear in any of the MCC’s corporate documents, nor has it been discussed at committee meetings. Inspectors did not encounter any evidence of the undervaluing of Diversity in practice, and there are some Diversity-related initiatives at the operational level, but this is attributable to the efforts of some individuals, rather than being evidence of any organisational commitment. The failure to register this as a significant issue demonstrates a gap in organisational capacity to identify strategic issues systematically.
- ◆ There is insufficient linkage between strategic, operational and specific plans such as IT, accommodation and human resources (HR). For example, the Strategic Plan states that the WMCS will ensure that “*staff and magistrates are trained together wherever this is appropriate*”. However, the Strategic Plan does not set out any implementation plan for this or other initiatives and there is no reference in the operational plan for 2002/03 to any associated action to implement this priority. There is a danger that, without clear linkages, plans will not be implemented.
- ◆ The specific plans for HR and IT are inadequate and there is no strategic enforcement plan. The HR plan sets

out some reasonable practical activities but does not cover reviewing the impact of restructuring, makes no reference to planning for the outcome of the Auld review of court organisation, no reference to planning for the CJs, no reference to obtaining value for money from the deployment of staff and is silent about how 'the absence of discrimination' will be ensured. Inspectors were provided with three different IT plans, which did not set out the MCC's approach to the difficulties caused by failures with the national Libra project. The most recent plan dates from October 1998 and is, therefore, out of date despite a commitment to updating it annually

- ◆ There is no culture of action planning projects or initiatives, leading to inadequate capacity to evaluate and track progress.
- ◆ The format of the Strategic Plan does not aid easy understanding of the values and priorities of the organisation.

1.14 Whilst much credit is due to the MCC for becoming involved with the CJC initiative, the reliance on CJs as the means of meeting key challenges is high risk and subject to delays and some uncertainties. Contingency planning is currently limited and, given that some parts of the initiative might take several years to come to fruition, it will be important to develop interim plans so that there is no hiatus in addressing customer care or efficiency issues.

1.15 Inspectors make the following recommendation with the aim of introducing greater effectiveness to the MCC's strategic planning.

Recommendation 3: that the MCC review its strategic planning and implementation processes to ensure that:

- ◆ its values and priorities are clearly articulated
- ◆ all key strategic issues are identified and addressed
- ◆ there are adequate linkages between different plans
- ◆ all stakeholders have the ability to contribute to the development of plans
- ◆ implementation is guided by project management techniques
- ◆ risks are systematically identified and tackled
- ◆ projects and initiatives are completed
- ◆ implementation is monitored and evaluated.

Setting and monitoring standards of performance

1.16 The Committee generally sets appropriate standards of performance and receives a good range of performance information. However, Inspectors judge that this does not lead to the active management of performance. MCC meeting minutes confirmed that discussions about performance information take place; but the recorded outcomes were not action focused and did not convey a sense of holding officers to account. SMT meeting minutes suggested that performance was not discussed for a substantial part of 2001. More recent discussions have focused on some Core Performance Measures (CPM), but the recorded outcomes lack firm actions with associated targets, timescales and responsibilities. In recognition of the need to develop

performance management, the MCC has set in motion useful plans to provide information to staff and magistrates about performance indicators. There was evidence that some staff (for example, those involved in fine enforcement) were eager to use management information to bring about improvements in performance. However, the lack of a systematic approach to performance management is reflected in the lack of reference to this in the recently drafted Terms of Reference for the senior legal team.

1.17 Performance reports to the Committee usefully include National Performance Indicators (NPI), CPMs and a basket of measures related to performance targets. The reports have some strengths:

- ◆ Benchmarking is facilitated by the inclusion of comparative data for the neighbouring West Midlands MCC area and nine other comparable counties, and the inclusion of national average data and ‘league’ rankings.
- ◆ Some explanations for previous performance are provided.
- ◆ Quarterly data is provided to show trends.
- ◆ A breakdown by office and/or courthouse is provided to allow comparison within the MCC.
- ◆ The performance report includes a final sheet that is placed on courthouse public noticeboards. The eight indicators selected for display focus on aspects of performance of particular interest to non-professional court users, such as waiting times. The MCC is commended for this initiative. However, it may be misleading to Committee members to describe this sheet as “*key indicators for the Committee.*” There are risks that highlighting selected indicators may divert attention from the fuller report.

1.18 The usefulness of the reports is limited by the following factors:

- ◆ Some of the data is too detailed (for example trial monitoring figures and fines collection secondary indicators) and much is presented in tabular form which makes it more difficult for MCC members to focus on key trends.
- ◆ Explanations of previous performance are not consistently provided and do not generally go on to draw lessons and make suggestions for SMART actions.
- ◆ There is no use of rolling measures to iron out short-term fluctuations.
- ◆ Not all targets are shown.

1.19 Inspectors welcome the contributions of the effective Court Charter and complaints system (see paragraphs 3.13 and 3.17) to the setting and monitoring of standards. However, there is a need for Committee members to ensure that they have information about standards across all of their responsibilities in order to ensure accountability (see, for example, the comments at paragraph 1.21 about audit reports and paragraph 3.10 about reports on the frequency of evacuation drills being undertaken).

Recommendation 4: that the MCC improve its performance management system by:

- ◆ **identifying the information it requires to assure itself that it can account for performance**
- ◆ **ensuring that performance information is collected and used to inform strategic and operational decisions across the full range of its responsibilities, and that it is presented appropriately for the needs of different users**

- ◆ **requiring regular and rigorous performance analyses and commentary, including the identification of best practice, with recommendations for improvement from its officers**
- ◆ **increasing the dissemination of up-to-date information to staff, magistrates and other court users**
- ◆ **engaging staff and magistrates more fully in managing and improving performance.**

Appropriate principles of conduct

1.20 The MCC has a generally positive approach to corporate governance, and demonstrates adherence to appropriate principles of conduct. The MCC has adopted acceptable Standing Orders, which also act as the Committee's Constitution. The MCC makes its minutes available to the public and the Standing Orders usefully confirm that any information that is not specifically declared confidential is open to the public, including supporting papers. Openness and accountability are enhanced by WCC acting as the MCC's treasurer and the Standing Orders formally allow the WCC Chief Executive the right to attend all MCC meetings. As part of the review of communication recommended in paragraph 1.5, the Committee could usefully consider whether this right could be extended to a staff representative. The MCC has adopted an appropriate Public Interest Disclosure Act procedure, has a Register of Gifts and Hospitality which is open to the public and has also recently introduced a remuneration sub-committee to review periodically the JCE's remuneration.

1.21 The MCC has a comprehensive set of Financial Regulations, which require slight revision to take account of organisational change. In addition, Inspectors noted that the regulations do not oblige audit reports to be provided or even summarised to Committee members, and some Committee members were unclear about the different types of audit undertaken and which of these reports were actually given to them. Finally, staff were generally unclear about the extent to which they can commit expenditure on behalf of the MCC. This was not a problem in practice, as most sought advice from the Finance Officer on all but the most modest expenditure. However, Inspectors consider it important that all staff have a formal note of the extent to which they may commit or authorise expenditure.

1.22 Whilst the Register of Members' Interests was fully completed by every Committee member, it was not accessible to members of the public. This conflicts with advice provided by the LCD that both the Register of Members' Interests and the Register of Gifts and Hospitality should be "*available for public inspection upon request at any reasonable time*".¹ Inspectors consider it essential that the Register of Members' Interests is open for public inspection and were pleased to note that revised guidance was issued to Committee members at the end of the inspection period, which acknowledged that the public could have access to the register. We nevertheless make the following recommendation to underline the importance of the issue and to ensure that the right of access is sufficiently publicised.

Recommendation 5: that the MCC take steps to ensure that public access to the Register of Members Interests is appropriately publicised and facilitated.

¹ Guidance on the Code of Conduct (Magistrates' Courts Committees and Selection Panels) Order 2000.

Inspection Findings 2: Administration of Cases

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

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

- ◆ *ensure that cases are completed within an appropriate time*
- ◆ *manage performance effectively*
- ◆ *schedule court business appropriately*
- ◆ *manage court business effectively on the day*
- ◆ *reduce delay in the Youth Justice System*
- ◆ *ensure that 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

The MCC has achieved creditable performance in case completion times, assisted by a high proportion of effective trials and well-developed co-operation between CJAs. The MCC has not always sustained some very good persistent young offender (PYO) case completion times. The MCC continues to make real efforts to promote county-wide consistency in practice and performance, and to promote efficiency. However, the dispersed configuration and overcapacity of the courts present challenges to achieving efficiency, and reduce the incentive for staff and magistrates to improve case progression. Courtroom utilisation is low and variable; case throughput per sitting hour has deteriorated in the past two years; the loading of courts is variable and at times light, illustrating the inability of the current performance management system systematically to identify and tackle problems. The MCC is committed to meeting the needs of other agencies for timely information, but allowed previously good performance to slip in 2001. Good practice in some elements of case management on the day was seen in most courts. Preparations for the introduction of the single bench were thorough, although some problems remain with its implementation.

Case completion

2.1 The MCC has achieved creditable performance in case completion times (see Figure 2). In 2000/01, NPI 2 (average number of days between first listing and completion – see Annex C) showed that cases were completed on average within 28 days, significantly better than the national average and an improvement on the MCC's performance of 37 days in

1999/2000. As part of the inspection, Inspectors analysed the cases completed during one week in April 2002 (see Annex A for details of this exercise). The results from this and CPM 1 (average number of days between first listing and completion) figures provided by the MCC broadly confirm the good performance demonstrated in the NPI 2 figures.

The MCC's good performance is assisted by the following factors:

- ◆ A relatively high summary motoring caseload, with motoring cases comprising 71% of the MCSI Warwickshire file sample, compared with an average of 46% for the previous 21 inspections.
- ◆ A high proportion of effective trials (for example, 40% in the fourth quarter of 2001) although performance varied within the county, with rates of 46% in the north and 36% in the south. The MCC will want to make further use of the data for cracked and ineffective trials to identify the reasons for the variation.
- ◆ Better than national average performance in completing cases at the first hearing, and within national target times.
- ◆ Well-developed co-operation between CJS agencies, including the sound implementation of Narey arrangements to reduce delays in the criminal justice system.
- ◆ The listing of only some 3% of cases for trial (against a national average of 6%), reflecting in part the high proportion of summary motoring cases.

2.2 The Inspectorate's analysis of adjournments (Figure 3) showed 36% of hearings as ineffective compared with an average of 44% over 21 previous inspections. Of the cases adjourned for standard procedural reasons, 17% were adjourned for the service of concise witness statements, against 5% in the average of previous inspections, suggesting that there is greater scope for serving such statements with the summons. Of the ineffective hearings, 43% were requested by the defence (against 25% in the average of previous inspections) which may suggest an over-readiness to agree to such requests.

2.3 Although its case completion has been creditable, the MCC cannot afford to be complacent. March 2002 Time Interval Survey (TIS) case completion data showed an increase to 46 days from 28 in the September 2001 survey. Previous performance has also fluctuated and there are variations in performance between courthouses. For example, the percentage of cases dealt with at first appearance (51% for the MCC as a whole) varied between 71% at Atherstone courthouse and 44% at Stratford-upon-Avon. Whilst small sample sizes – and a sitting pattern which specialises the work of different courthouses – may partially explain the differences, Inspectors suggest that performance should be monitored carefully to identify areas for possible improvement.

2.4 The MCC identified case progression as an area for improvement and has adopted a targeted approach to this: appointing Legal Managers to have special responsibilities for youth and family cases; allocating the 'ownership' of cases by named members of staff, where cases meet certain risk criteria; and usefully considering with CJS partners the viability of a similar system to the youth case 'Tracker' for adult cases.

2.5 The use of Specific Sentence Reports (SSR) can help to reduce delay in case completion. During the fourth quarter of 2001, SSRs represented only 5.8% of reports requested by magistrates, compared to 12.4% for all MCCs. Magistrates were sometimes allowing 15 working days for the production of PYO Pre-Sentence Reports and not meeting the national standard of ten working days. Although the MCC has recently reminded magistrates of the importance of requesting the most appropriate type of report, it remains important that this message is reinforced.

Figure 2: Warwickshire MCC case completion data (national figures in brackets)

All cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within target	Number of defendants in survey
March 2001 TIS	23 (34)	60 (55) %	77 (75) %	347
September 2001 TIS	28 (33)	60 (57) %	76 (75) %	245
March 2002 TIS	46 (34)	48 (54) %	72 (75) %	163
MCSI survey	31	51%	76%	310
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
March 2001 TIS	44 (57)	26 (27) %	68 (65) %	57
June 2001 TIS	30 (55)	29 (28) %	82 (67) %	17
September 2001 TIS	74 (56)	17 (29) %	74 (66) %	47
December 2001 TIS	31 (52)	31 (28) %	88 (68) %	48
March 2002 TIS	84 (56)	31 (27) %	82 (67) %	49
MCSI survey	43	24%	73%	37
Summary non-motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
March 2001 TIS	12 (23)	69 (71) %	87 (80) %	98
September 2001 TIS	18 (19)	59 (75) %	74 (83) %	27
March 2002 TIS	35 (21)	43 (70) %	65 (80) %	23
MCSI survey	16	64%	79%	53
Summary motoring cases				
	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within 28 days	Number of defendants in survey
March 2001 TIS	23 (27)	66 (62) %	75 (77) %	192
September 2001 TIS	17 (28)	71 (61) %	77 (75) %	171
March 2002 TIS	28 (28)	59 (60) %	68 (76) %	91
MCSI survey	33	52%	76%	220

MCC figures based on LCD MCD Time Elapsed Reports (TERs) dated 26/07/02

National figures based on LCD MCD Time Elapsed Reports (TERs) dated 28/06/02

MCSI survey (four weeks youth and PYO data)				
Case Type	Average number of days from first listing to completion	Percentage of cases finalised at first appearance	Percentage of cases completed within target	Number of defendants in survey
Indictable/Either way	41	16%	68%	19
Summary non-motoring	22	20%	80%	15
Summary motoring	23	50%	63%	8
All cases	31	24%	71%	42

PYOs	Cases completed in magistrates' courts only	Cases completed in magistrates' courts only
LCD figures extracted from Phoenix (Police national computer)	Average number of days from arrest to sentence	Average number of days from arrest to sentence
January – March 2001	52 (80)	57 (89)
April – June 2001	81 ¹ (67)	83 (76)
July – September 2001	67 (64)	67 (71)
October – December 2001	33 (61)	38 (68)
January – March 2002	78 ¹ (61)	79 (67)
MCSI survey – number of defendants = 11	58	

¹ Based on 40 or fewer cases.

Figure 3: Warwickshire MCC adjournment analysis

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison		
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56				
Standard procedural adjournments										
To prepare for trial/pre-trial review	2	11	15	10	3	9	50	27%	5,100	40%
For reports prior to sentence	1	2	8	14	2	-	27	15%	2,736	21%
Miscellaneous (e.g. defendant was ill)	3	5	1	3	5	-	17	9%	1,027	8%
To serve concise witness statements	-	3	5	5	17	2	32	17%	596	5%
To prepare for committal	-	-	-	-	1	-	1	1%	1,084	8%
For defendant to be informed that s/he faces disqualification from driving	-	3	13	34	5	-	55	30%	1,094	9%
To tie in with other matters	1	1	1	-	-	-	3	2%	1,158	9%
For a full file after unexpected not guilty plea	-	1	-	-	-	-	1	1%	52	0%
Subtotals	7	26	43	66	33	11	186	100%	12,847	100%
Ineffective hearings										
Defendant did not attend	3	1	1	4	3	6	18	17%	2,895	28%
Subtotals	3	1	1	4	3	6	18	17%	2,895	28%
Defence – other reasons										
To take further instructions	10	12	7	4	8	-	41	39%	2,021	20%
Defendant had not applied for legal aid	-	-	-	-	-	-	-	0%	127	1%
Advance information had not been requested	-	-	-	-	-	-	-	0%	81	1%
Committal papers received but not considered	-	-	-	-	-	-	-	0%	31	0%
Advance information received but not considered	-	1	1	-	-	-	2	2%	93	1%
To review tape or video evidence	1	-	2	-	-	-	3	3%	228	2%
Subtotals	11	13	10	4	8	-	46	43%	2,581	25%

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56		
Court								
Details of previous driving convictions not available	1	1	3	1	1	-	7	439
Application for legal aid not processed	-	-	-	-	-	-	-	15
Insufficient court time	-	-	-	-	-	-	-	329
Subtotals	1	1	3	1	1	-	7	783
Prosecution								
To make further enquiries	2	3	5	4	2	1	17	834
Advance information not provided on time	-	-	-	-	-	-	-	149
Committal papers not provided on time	-	-	-	-	-	-	-	58
Summons not served	-	-	-	1	5	-	6	475
Concise witness statements not served	-	-	-	-	-	-	-	50
Prosecutor unable to produce file in court	-	-	-	2	-	-	2	321
To consider the appropriateness of the charges	-	2	-	1	-	-	3	481
Subtotals	2	5	5	8	7	1	28	2,368
Third party								
Witness did not attend	-	-	-	-	-	-	-	66
Subtotals	-	-	-	-	-	-	-	66
Probation service								
Pre-sentence report requested but not provided	-	-	-	-	-	-	-	63
Subtotals	-	-	-	-	-	-	-	63

Warwickshire 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		
Prison Service/Prisoner Escort								
Prisoner Escort and Custody Service failed to produce prisoner	-	-	-	-	-	-	-	9 0%
Subtotals	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0.0%	- 0%	9 0%
More than one party								
Defendant not made aware of hearing/ issued with defective summons	-	2	-	-	1	-	3 3%	134 1%
For prosecution and defence to liaise	-	-	1	-	-	-	1 1%	303 3%
Subtotals	- 0.0%	2 0.7%	1 0.3%	- 0.0%	1 0.3%	- 0.0%	4 4%	437 4%
Miscellaneous								
Other miscellaneous reasons	1	1	-	-	-	1	3 3%	534 5%
Unable to identify the reason for adjournment	-	-	-	-	-	-	- 0%	467 5%
Subtotals	1 0.3%	1 0.3%	- 0.0%	- 0.0%	- 0.0%	1 0.3%	3 3%	1,001 10%
Total	25 8.6%	49 16.8%	63 21.6%	83 28.4%	53 18.2%	19 6.5%	292 100%	23,050 100%

Sample case size:
 152 cases with one or more adjournments
 158 cases completed at first hearing
 310 cases in sample

*Source: Consolidated data from 21 MCSI inspections completed between September 2000 – March 2002.

Performance management

- 2.6 As indicated at paragraph 1.18, the analysis of performance trends can be patchy. The MCC recognises that staff and magistrates have been insufficiently involved in monitoring and improving performance, and has started to develop this.
- 2.7 Some magistrates expressed concern about a decrease in the availability to them of performance and management information following the implementation of the single bench in January 2002, despite the careful preparations that were acknowledged to have been made for this move. The MCC has taken some steps to rectify this problem.
- 2.8 In 2001, the MCC commissioned a useful review of listing and scheduling by an external consultant. The review made a number of recommendations, some of which were relevant to improving performance management. These included the development of case ownership and progression. The review suggested that key aspects of case progression (for example, the length of trials and adjournments, and the use of reports) had not been systematically monitored, so that those responsible for staff deployment and for listing did not have full data for planning or evaluation purposes.
- 2.9 Inspectors suggest that the MCC should monitor some of the key parameters of case progression – such as length of trials, adjournment periods, and the use of reports – and improve the use made of the data collected. This would help to inform the MCC of trends and variations in performance, support efficient resource use, and sustain and improve performance. A recommendation under *Strategic Management* seeks to assist the Committee in its efforts to improve performance management (see Recommendation 4 at paragraph 1.19).

Listing and scheduling

- 2.10 During the past 18 months, the MCC has taken significant initiatives to promote greater consistency in practice on a county-wide basis, including the creation of a single bench from January 2002 and a revised court sittings pattern and diary system from April 2002. The MCC was commended by other agencies for the quality of consultation and preparation for these initiatives.
- 2.11 In 2001, the MCC commissioned a thorough and wide-ranging external review of listing and scheduling. This valuable exercise resulted in a detailed report which made a large number of recommendations. A Listing and Scheduling Group (LSG), consisting of staff drawn from different functions and including the listing officers from both offices, was created to take forward the recommendations. This group is now the central focus of efforts to improve the effectiveness of scheduling and has made progress on several projects, notably the revised sittings pattern. Inspectors saw useful developments on the listing framework, and the harmonisation of in-court paperwork (which will result in revised templates available to staff in electronic form.) However, progress on some consistency initiatives, including the review of listing policy and development of a single listing framework, was less clear and there was evidence that the progress made by the LSG was not being effectively communicated to other members of staff.
- 2.12 Pending the development of the CJsCs, the revised court sittings pattern aims to make more efficient use of resources, within the constraints of the dispersed court estate. Importantly, the LSG keeps the revised schedule under review: for example, recently discussing with the CPS the most appropriate scheduling of Criminal Directions Hearing (CDH) courts – similar to EAH courts elsewhere.

- 2.13 The LSG and the county-wide Middle Managers' Group have been a catalyst for sharing good practice and seeking greater consistency. This has led to a greater use of block listing, and to the diary system initially used in the north being implemented across the county. The LSG has also developed a useful diary system to facilitate the block listing of non-police cases. Listing can be light, especially in the north, contributing to downtime (a concern of some magistrates) and, indirectly, to slow throughput of cases. Despite relatively light loading, defendant and witness waiting times have been variable and throughput per sitting hour has been declining (see paragraphs 3.16 and 2.18).
- 2.14 Judicious overlisting can facilitate improved time management and use of resources, reduce downtime and increase throughput. The LSG is usefully considering 'front loading' the day's lists (i.e. listing more business at the start of the day with the aim that a proportion of listed cases would be ready to commence at 10.00). In the planned new listing policy, the MCC will want to develop clear guidance on overlisting.
- 2.15 Warwickshire MCC's dispersed court estate presents challenges to the efficient scheduling and listing of business. Despite some rationalisation of courtroom capacity (for example, the de-commissioning of Court 3 at Leamington) the MCC acknowledges that courtroom utilisation figures of 50.6% for 2001 overall and 49.4% for October to December 2001, compared with a national average of 61.6% and 60.5% respectively, are poor. Occupied court hours as a percentage of planned hours (CPM 6) and actual hours as a percentage of capacity (CPM 12) are variable between courthouses. In the fourth quarter of 2001, the MCC estimated CPM 6 overall as 88% but, within this, Atherstone was 55% and Stratford was

59%. For CPM 12, the overall MCC figure was 49%, with Atherstone recording a value of only 17% for one quarter.

- 2.16 The MCC has undertaken a series of important initiatives intended to improve the consistency and efficiency of listing and the use of resources. However, the dispersed court configuration and overcapacity present challenges to achieving efficiency, and reduce the incentive for staff and magistrates to improve case progression. Inspectors suggest that it is important that the MCC maximise its efforts to improve the effectiveness of listing and does not allow a hiatus of progress to occur before the completion of the CJs.

The management of business on the day

- 2.17 Inspectors noted magistrates and staff using their knowledge and skills effectively, and working well with other agencies, to move cases forward. Magistrates in some courts worked with few retirements, reading and dealing with reports in court and using sanctions for unnecessary delay, where appropriate. Legal advisers worked proactively with magistrates, ushers and other agencies to move business forward. Legal advisers were observed making use of delegated powers, repeating in court the advice given to magistrates, and providing case histories in appropriate depth.
- 2.18 There were variations between courts, however, with some courts starting late, finishing early and magistrates retiring more readily. Throughput as measured by CPM 7 (weighted cases per sitting hour) is variable between courthouses and has deteriorated overall, declining from 10.8 (19th out of 42 MCCs, with the national average being 10.3) for 2000, to 10.6 (boosted by licensing renewals) in 2001 (19/42, the national average having increased to 10.7). One reason for some of the variation may be the way in which

cases are allocated to courthouses. The relatively low throughput is particularly surprising given the high proportion of summary motoring cases, which are often straightforward and may be dealt with without the defendant having to attend the hearing. Recent figures for CPM 7 show that performance was still declining during the first quarter of 2002 and, in its self-assessment, the MCC recognised that improvements are necessary. The MCC initially set a CPM 7 target of 11 for 2002, although this was amended in the operating plan to 10.6. During the first quarter of 2002, CPM 7 only reached 9.06 and both targets look optimistic when compared to this. The MCC is due to receive a report in July 2002 on the reasons for the variations in performance. It is important that this report is used rigorously to analyse the contributory factors and to identify actions to improve performance. The related issue of waiting times on the day for witnesses and defendants is discussed at paragraph 3.16.

2.19 The MCC is aware of the need for sustained provision of guidance and training on case management and progression, and Inspectors support the MCC's plans to develop legal adviser competencies, make staff appraisal arrangements more systematic, and introduce peer review/observation to help to identify and spread good practice.

2.20 'Downtime' (periods of time when a court is not engaged in productive business) is not monitored by the MCC, but was a matter of concern to some magistrates and staff. Downtime may result from several factors, but delays in the delivery of prisoners have been significant in Warwickshire, having knock-on consequences for cases involving defendants in custody and other court business. The MCC should consider the monitoring of downtime, in order to identify and tackle the main causes or (as in some other MCC areas) to reassure magistrates that the majority of their time is spent productively.

2.21 Inspectors judge that the MCC would benefit from giving structured consideration to systematic improvement of performance on the day.

Recommendation 6: that the MCC take action to improve the management of cases on the day by:

- ◆ ensuring that rigorous targets are set for defendants' and witnesses' waiting times on the day
- ◆ setting rigorous targets to improve weighted caseload per sitting hour
- ◆ considering the implications of these areas for its future strategy and plans.

Reducing delay in the Youth Justice System

2.22 Timeliness in cases involving persistent young offenders has been variable, although some figures are based on small samples. The MCC has performed very well in some quarters, being first out of 42 areas in the fourth quarter of 2001, with a performance of 33 days, and has met the Government pledge on the timeliness of PYO cases of an average of 71 days in three out of the last five quarters. Data provided by the police Phoenix IT system (PNC) showed a sharp decline in performance, from 33 days in the fourth quarter of 2001 to 78 days in the first quarter of 2002, but again this was based on a small sample size. In the MCSI survey (based on a sample of 11 defendants) the average completion time for PYO cases was 58 days, and 82% of PYO cases was completed within 71 days. Inspectors consider that the MCC needs to strive for greater consistency in performance. Average completion times for all youth cases – an average of 40.5 days for 2001 – were better than or around the national 40 days target.

2.23 The performance report prepared for the MCC includes core performance data on PYO case completion which differs quite markedly from the PNC data for Warwickshire, and presents a picture of better performance. These internal figures relate solely to cases completed in Warwickshire magistrates' courts, whereas PNC data includes cases commenced in Warwickshire but completed elsewhere. Committee members are not provided with the PNC figures because it is felt that they should only be held to account for things which the MCC can influence. Inspectors accept that the internal PYO data is valid management information but are not aware of any in depth analysis to identify why the figures differ by so much, leaving open the possibility that, for example, the internal data does not include all PYOs.

2.24 Inter-agency arrangements for handling PYO cases are a key strength. There is a good range of supporting structures and plans in place to sustain good performance. A Legal Manager for youth cases monitors progression, represents the MCC on the YOT Steering Group, and liaises with other agencies and with court colleagues. Inspectors observed youth cases being well conducted, with good consideration of the range of measures available to the courts (including the then recently-introduced community curfew orders) being prompted by the clerk.

Use of information technology

2.25 The MCC has Equis and Libra Office Automation and uses both to good effect to support the administration of cases in court, for example, to check outstanding fines, and for e-mail communication with the office. Staff are frustrated by the inability to transfer management data between the two systems. Greater use of IT applications is being considered by the LSG (for example, the introduction of an electronic court diary system) but

potentially useful developments are being considered without the assistance of a current IT strategy.

2.26 Some limited IT interfaces exist with other agencies. The police have used Equis terminals since 1994 to input straightforward motoring cases. The MCC is involved in an important national pilot project, nearing testing during the inspection, to interface the Equis and police NSPIS systems. There are no IT links with the Probation Service or CPS, but the YOT has welcomed the MCC's constructive suggestion that an Equis terminal at the YOT office would enable quick result retrieval.

The production of information

2.27 The MCC recognises the importance of providing prompt and accurate information to other agencies. The MCC was concerned about a deterioration during 2001 in its previously strong performance, with CPM 3 (the percentage of cases for which specified information is provided within prescribed timescales) decreasing from over 98% in 2000 to 86% in the fourth quarter of 2001 (Annex C.). Partner agencies considered that this had adversely affected their operations at the time. The MCC's self-assessment attributed the problems to staff turnover and a skills shortage, and set a strategic priority to restore performance to the previous high levels. A major effort, including the close monitoring of performance by staff, brought performance back within target in May 2002, with the result that only one respondent out of 24 to the MCSI questionnaire expressed dissatisfaction with the receipt of case information. The multi-skilling of administrative staff is expected to contribute to the maintenance of good performance on the production of information in the long term, but the significant decline in performance in 2001 is an example of the need to plan and monitor change and actively manage performance.

The deployment of trained magistrates

- 2.28 The MCC's introduction of a single bench in January 2002 represented a major development. Preparations for the change were thorough, and its implications for key operations continue to be worked through. The new sittings pattern implemented from April 2002 was well prepared by legal and administrative managers, and carefully considered with partner agencies. Magistrates, who generally welcomed and supported these developments, will become a more mobile county resource, assisting in the spread of consistent good practice, while retaining local knowledge and awareness.
- 2.29 Magistrates spoke enthusiastically about training provision using local and national materials and the MCC is committed to peer appraisal arrangements.
- 2.30 Magistrates' sittings average around 40 per annum. There is wide variation around the LCD's benchmark, with some particularly high sittings at Nuneaton and Atherstone. Some magistrates expressed concern about getting too few sittings to maintain their Chair skills and utilise training. Understandably, magistrates disliked cancelled sittings, whilst appreciating the need for efficient use of all court resources.
- 2.31 Liaison arrangements between the MCC and the Advisory Committee have worked well. The Committee's structures are being reviewed and streamlined in line with the single bench development. In calibrating the need for magistrates, and in recruitment planning, the MCC takes account of the court schedule, monitored individual sittings, caseload, the need for male/female balance, and youth/family interests. Inspectors suggest that the MCC consider the numbers of magistrates carefully in future years in the light of plans for a more efficient court estate and sittings pattern, and in regard to its aim to improve throughput.

Inspection Findings 3: Care of Court Users

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

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

Facilities:

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

Treatment:

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

Written information:

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

Overall Assessment – Facilities:

The MCC demonstrates a clear concern for the comfort and welfare of court users in its policy and planning documents and, subject to a number of current constraints in terms of its buildings estate, has endeavoured with some success to translate good intention into effective practice. Access for disabled court users and facilities for such users are generally good, and there have been significant improvements over the years as a result of the MCC's development and implementation of appropriate policies and practices. Notwithstanding current moves to establish three Criminal Justices Centres, there are a number of aspects of comfort, privacy and security that need some attention by the MCC to bring all its court facilities up to a general level of adequacy. Procedures for the holding and producing of prisoners at one courthouse pose risks that have not been appropriately addressed. Facilities for court users offer adequate comfort, taking into account the likely duration of any period of waiting. Décor, appearance and general facilities are generally adequate in the MCC's courthouses and courtrooms, but there are problems of smoky environments, crowded waiting areas and limitations in the provision of refreshments.

Accessibility of buildings

3.1 Inspectors were impressed with how seriously the MCC takes its responsibilities to disabled users. For example, Inspectors noted that a thorough, comprehensive and very rigorous audit of access and facilities was carried out in February 2001 by an independent consultant. The results of this audit were reported to the MCC in April 2001; actions were prioritised and, in the case of the most urgent and practicable, some actions taken. Questions over the future of courthouses in the county inhibited a full implementation of all the detailed recommendations in the report, though all courthouses conform to Inspector's expectations. Most of the recommendations that have not been implemented were in respect of very minor points. The only major remaining deficiency relates to the lift at Stratford (not one of the MCC's well-used courthouses) where the lift does not conform to current standards.

3.2 Notwithstanding this, Inspectors judged that the MCC has greatly improved access and facilities over recent years in its courthouses, all of which were built before legislation regarding disabled access and facilities applied to new buildings. As a result of the MCC's determination to improve matters, access for court users with disabilities – and facilities for such users – are at a generally good level in the five courthouses in the MCC. For example, all courthouses have toilets for disabled users and all courtrooms and enquiry areas have hearing loops for people with a hearing impairment. There is a full register of facilities in each courthouse and in leaflets sent out to defendants and witnesses. Staff are fully aware of what is available and how to offer help. However, Inspectors suggest that there is still sometimes an onus on disabled users to declare themselves as disabled and seek help, for example, to gain access to the

lifts and disabled toilets. Inspectors also noted that the witness support room is on the first floor at Nuneaton, where there is no lift. However, Inspectors were assured by staff at Nuneaton that, should a disabled witness need to gain access to the witness support room, this could easily be achieved via a portable mechanised stair walker.

Facilities offer adequate comfort

3.3 Inspectors found that the public waiting areas and courtrooms were generally in a good state of repair and were well maintained. Premises and facilities are kept clean and courthouses present as reasonably pleasant environments. However, there is an unacceptably smoky atmosphere in most court waiting areas. This results from a policy of allowing smoking in one part of public areas. Although the MCC has installed smoke extraction devices, these are unable to cope with the levels of smoking and the problem is exacerbated by inadequate monitoring and enforcement of the restrictions in that part of the waiting area designated as 'no smoking'. This results in a situation where, de facto, all the waiting areas become smoking areas, with the consequential smoke pollution and potential risk to public and individual health.

Recommendation 7: that the MCC should, in the interests of public health and safety and the comfort of all court-users, review its policy in respect of smoking, and the efficacy of the monitoring and enforcement of restrictions on smoking, in the public waiting areas of its courthouses.

3.4 Inspectors noted, and staff confirmed, that waiting areas become quite crowded on busy court days in four of the MCC's courthouses and that the number of seats is inadequate to accommodate all defendants, families and other court users on such occasions. The provision of refreshments for court users is also

inadequate, as the service provided by the WRVS in previous years has diminished to a point where a limited service in the mornings is provided at one courthouse and, in the others, only a cold drinks vending machine is available. Inspectors were told that on family court days, or during a long trial, court staff did try, if they had the time, to make hot drinks for those members of the public waiting, but this was not always possible given their other commitments. Inspectors are aware of the difficulties in providing refreshments – and acknowledge the close proximity of courthouses to public refreshment facilities – but the MCC is urged to keep the provision of adequate refreshments under review.

Facilities to conduct business with appropriate privacy

- 3.5 Inspectors judged that court users in two of the MCC's courthouses have reasonable access to sufficient interview rooms or other court areas in which they can conduct their business with appropriate degrees of privacy, though even here there can be problems on busy court days, particularly when fines surgeries are taking place. The situation is not as good in the other three courthouses, where there are some problems finding suitable rooms in which users can discuss matters privately, either with court staff or defence lawyers. In fairness to the MCC, Inspectors recognise that the recent provision of facilities for the witness support service in the county has reduced the number of available interview rooms in at least two of the courthouses.
- 3.6 Indeed, Inspectors commend the MCC for the proactive stance taken in respect of the witness care initiative across the county, in which, through its active co-operation with other CJS agencies and its willingness to provide facilities, it has successfully promoted a most beneficial service for witnesses. The excellent new

vulnerable witness suite at Nuneaton is a prime example of this successful venture. Inspectors noted, however, that there is currently no waiting area for vulnerable witnesses at Leamington.

- 3.7 Inspectors recognise that the separation of witnesses in some courthouses is not easy, given the physical layout and restrictions of the existing building stock, and consider that listing policies and practices are reasonably effective in minimising such problems. At Rugby, as the MCC itself noted in its self-assessment, there is a particular problem with the separation of youths and adults. The Committee will need to consider all options for tackling this problem. Inspectors also noted the difficulty at Nuneaton where, despite the Youth Court being on the second floor, with its own separate entrance and waiting area, youths tend to congregate in the adult public waiting area where they can smoke.
- 3.8 Inspectors noted that the provision of public telephones that can be used with a degree of privacy is poor, though they understand that previous facilities were subjected to frequent vandalism and accept that many court users now have access to mobile phones.

Safety and security of court buildings

- 3.9 Inspectors judged that, generally, court buildings offer adequate levels of safety and security for court users, staff and magistrates and that safety policies and procedures, including a very clear set of guidance notes on threats and how to deal with them, are clearly set out. In all courthouses there are CCTV facilities, and in four courthouses this is supplemented by a security guard who is on duty during court sitting hours. Only three courts now deal with custody cases and in all three there are secure docks with adequate levels of security. Handheld panic alarms are available in all courtrooms and

reception areas, providing communication with the local police in the event of an incident. Inspectors were interested to learn of a new pilot scheme at Leamington that includes the courthouse in the Retail Crime Response Alert System used by local shops and businesses.

3.10 Inspectors found that security risk assessments have been carried out comprehensively across the county in those premises leased by the MCC. The results of these assessments are reported regularly to the Committee. Inspectors also noted that fire and evacuation drills are regularly carried out by security staff and the results properly recorded at local level. Inspectors found, however, that there was an unacceptable vagueness about the exercising, on behalf of the Committee, of central accountability and ownership of the monitoring and recording of evacuation and fire drills, and there were no central records.

3.11 Inspectors were informed that new security guard competencies are being

developed and that revised line management responsibilities for both ushers and security guards had recently been introduced. Inspectors hope that these new initiatives will be accompanied by a more rigorous and comprehensive induction and training programme, both for court ushers and security guards. This should clarify the parameters of the security guard role and powers available to them. Inspectors also hope that the current uncertainties and lack of clarity commented on by staff, in respect of who their line managers were, will be quickly resolved.

3.12 Inspectors were seriously concerned about the arrangements at one courthouse for holding and producing prisoners in custody (this is the subject of a confidential annex). In the judgement of the Inspectors, there are potential risks involved in this procedure that have not been properly assessed or minimised. We make a recommendation that this must be done by 30 September 2002.

Overall Assessment - Treatment:

Court users are treated with respect and courtesy and their need for help and advice, and the response to any complaints, are generally very well catered for. Particularly good practice by ushers and legal advisers was noted in courts and there is excellent provision, storage and use of Holy Books for oath taking. Waiting times on the day for defendants and witnesses are, however, in need of improvement in order to meet the MCC's own performance target.

Courteous treatment and appropriate help

3.13 Inspectors found that court users are invariably treated with courtesy and are offered appropriate assistance and guidance by court staff. The MCC has adopted an appropriate Quality of Service Charter, which is displayed in all courthouses with key performance indicators clearly identified. Inspectors also noted the high levels of satisfaction

recorded in surveys of users. Observations by Inspectors indicate that ushers particularly, and legal advisers, go out of their way to ensure that defendants and witnesses fully understand proceedings, and their part in those proceedings. Inspectors were impressed with the level of care and courtesy they observed being extended to court users, and the

non-professional users interviewed by Inspectors in all courts across the county supported this positive picture. Some excellent practice was noted in courts in providing explanations to defendants: for example, why magistrates were retiring, what they were considering and what advice legal advisers may have proffered to them. On occasions, however, Inspectors noted that there was a lack of clarity in granting permission to defendants to leave the courtroom.

- 3.14 Inspectors consider that the policies and practices involved in the storing, provision and use of alternative Holy Books represented good practice. These are described in detail in an annex of good practice at the end of this report (see Annex D).
- 3.15 Inspectors noted that the national guidelines on the selection and use of interpreters are adhered to and understood by the staff involved. As mentioned above, a witness support system, with a service level agreement with appropriate agencies, is now in existence and some very good facilities have been provided in the MCC's courthouses.

Waiting times on the day

- 3.16 Inspectors judged that some witnesses and defendants have lengthy waiting times before their cases are heard. This is particularly unfortunate given the clear message from the MCC's self-assessment that the best way, in the short term, to deal with the evident problems of inadequate levels of comfort is to reduce the amount of time court users have to wait. The NPI 5 performance data (percentage of defendants waiting one hour or less) has been worse than the national average and has not reached the MCC's own target of 70% since October 2000. At the time of inspection, it stood at 57% (28 out of 42 MCCs) – and was still

below target. Witness waiting times are also worse than national averages – 48% of witnesses waiting one hour or less in November 2001 (21/42) and a high proportion of witnesses (some 58%) attended court but did not give evidence (35/42). During the inspection, many reasons were advanced as to why the MCC was not meeting its target. Inspectors judge that some of these may be valid, such as the preference of the CPS to call prosecution witnesses to attend at the start of a trial. However, it appeared that the reasons were hypotheses, which required testing, and that there might be room for manoeuvre even within some constraints – such as the timetabling of professional witnesses, including police officers. Inspectors suggest that the MCC needs to ensure that a greater proportion of defendants and witnesses are dealt with within MCC targets for waiting times on the day, and make a recommendation at paragraph 2.21 to assist with this task.

Complaints handling

- 3.17 Inspectors judged that the MCC generally deals with complaints in a proper and effective manner. There is a well-advertised complaints procedure, with notices prominently displayed on all noticeboards. The MCC received only 15 written complaints in the 12-month period up to April 2002 and all complaints were responded to within the 14-day target. According to staff, oral complaints are treated just as seriously as written ones and all staff are aware of how to deal with them. Often a senior member of the office staff is enlisted to discuss a verbal complaint or the complainant is advised to put the complaint in writing. However, there does not appear to be a system for recording the number or type of verbal complaints, so the MCC does not have a sense of the scale of such complaints. The introduction of such monitoring would improve the complaints handling system. Several examples were noted of the MCC

changing or reviewing policies and practices as a result of individual and common complaints, made orally or in writing, for example, in relation to the treatment of those in breach of fines orders by bailiffs.

Overall Assessment – Written Information:

The MCC produces a good range of written information for court users and this is of generally good quality. The MCC keeps the information needs of court users under active review and takes a responsible attitude to changing needs. Noticeboards are well organised and internal signage is good, but road signage is generally inadequate.

Access to appropriate and clear written information

3.18 Inspectors judged that court users receive clear written information before attendance at court and noticeboards display comprehensive information about the work of the MCC and its courts. Leaflets relating to the location of courts, opening times, telephone numbers and brief details of court personnel and procedures are very clear and comprehensive and accompany charge/summons forms. Some courthouses have leaflet racks and all have adequate supplies of leaflets relating to matters such as, for example, legal aid; victim support and payment of fines. The MCC has actively reviewed the issues in respect of the occasional need for the translation of leaflets, and is currently in the process of reviewing all the information needs of court users in conjunction with its CJS partners.

Signs to, on and in courts

3.19 Generally, road signs for car drivers and signs for pedestrians from train or bus stations exist, but are minimal; in Stratford, they are non-existent. The MCC would benefit from reviewing the location of directional signage periodically, and particularly as a part of preparations for the CJsCs. Internal signage is usually very good and shows clearly the whereabouts of significant locations such as interview rooms, courtrooms and toilet facilities. All court staff wear function badges, and there are good plans showing court layout and the whereabouts and functions of the key players, although there are no function plates in the courtrooms.

Methodology

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

The inspection team inspected the files of all cases completed during the week commencing 18 March 2002, together with corresponding court registers. As part of the exercise, 310 crime files were analysed using methodology comparable with that of the LCD Time Interval Surveys. This analysis produced the case completion information included in Figure 2 within the body of this report. The team also analysed the history of each of the casefiles, looking at the length of each adjournment together with the recorded reason (if any) for the adjournment. The resulting data is set out in Figure 3.

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

Warwickshire MCC: key facts

Clerkship	Petty sessions areas	Magistrates (as at 01/04/02)	Court Administration Offices	Courthouses	Courtrooms	Staff Full Time Equivalent	Weighted caseload (2000/01)
Warwickshire	Warwickshire	205	Nuneaton	Nuneaton	3	33.16	81,409
				Atherstone	2		
			Leamington Spa	Leamington Spa	3	34.51	
				Rugby	3		
Stratford-upon-Avon	2						
Secretariat			Leamington Spa			6.15	

Expenditure 2000/01 (£000s) audited	
Staff	1,678
Premises	299
Supplies & services	269
Support services	43
Magistrates' expenses	90
Magistrates' training	21
Gross expenditure	2,400
Income	61
Net expenditure	2,339

Source: LCD Revenue Grant Claim Table 2000/01

Weighted caseload		
1998	1999/2000	2000/01
90,443	86,138	90,747
		81,409

Warwickshire MCC: performance data

National Performance Indicators 2001/02

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

National Performance Indicator	National Data (2001/2002)			Warwickshire MCC 2001/02 (Ranking)
	Best	Worst	Average	
NPI 1 Cost efficiency				
Cost per unit of weighted caseload	£20.97	£51.64	£30.72	£32.84 (34)
NPI 2 Timeliness				
Average number of days from first listing to completion for defendants in all criminal cases (March 2002 survey)	21 days ¹	64 days ¹	34 days ¹	46 days ¹ (38)
NPI 3 Courtroom Utilisation				
Total actual court sitting hours as a proportion of calculated availability	78.7%	37.5%	62.6%	52.1% (33)
NPI 4 Debt analysis				
Completion rate indicator Impositions collected, written off and cancelled as a proportion of all impositions	150%	57%	97%	78% (36)
Payment rate indicator Amount paid over amount to be collected measured in a rolling year (as a percentage)	89%	34%	59%	46% (38)
Write-off indicator Write-offs as a proportion of impositions	1%	37%	15%	7% (7)
Cancellation rate indicator Cancellation of impositions as a proportion of all impositions	0%	52%	23%	25% (31)
Balances ratio indicator The closing balance compared with the amount completed in the period	0	3.19	1.17	1.12 (28)
Arrears rate indicator Percentage of the closing arrears over closing balances (100% = All of the balances are in arrears).	20%	100%	56%	47% (10)

¹ NPI 2 figures relate to March 2002.

National Performance Indicator	National Data (2001/2002)			Warwickshire MCC 2001/02 (Ranking)
	Best	Worst	Average	
NPI 5 Quality of service				
Waiting times on the day survey Percentage of adult defendants waiting one hour or less on the day of their hearing. (October 2001 survey)	73% ²	43% ²	61% ²	57% ² (27)
User reaction survey Proportion of users who rated facilities or information as satisfactory or very satisfactory				
Facilities	82% ²	61% ²	71% ²	76% ² (9)
Information	94% ²	82% ²	90% ²	87% ² (34)
NPI 6 Joint performance management witness monitoring				
Proportion of witnesses waiting one hour or less (November 2001 survey)	72% ³	30% ³	51% ³	48% ³ (21)

NPI 7 Ethnicity of MCC staff			
Comparison of the ethnicity of magistrates' courts staff with the ethnicity of the local area population		Population %	Staff %
		White	96.56
	Black	0.55	0
	Asian	2.35	3.94
	Other	0.54	3.94

² NPI 5 figures relate to October 2001.

³ NPI 6 figures relate to November 2001.

Core Performance Measures

	Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001
CPM 1 – The average length of cases from first listing to completion	Persistent Young Offenders*	33.4 days	42.6 days	38.0 days	34.9 days
	Youth Offenders*	33.9 days	26.3 days	39.3 days	75.2 days
	All Youth Offenders*	33.7 days	39.4 days	39.0 days	49.8 days
	All Adults	28.4 days	30 days	28 days	31 days
CPM 2 – Percentage of defendants/complainants waiting one hour or less		Half-year ending December 1999	Half-year ending December 2000	Half-year ending June 2001	Half-year ending December 2001
	Atherstone/Coleshill	69%	92%	91%	92%
	Mid-Warwickshire	77%	73%	46%	56%
	Nuneaton	76%	51%	82%	57%
	Rugby	83%	81%	71%	43%
	South Warwickshire	78%	66%	79%	61%
	Warwickshire MCC	76%	63%	68%	56%
CPM 3 – Percentage of cases for which specified information is provided within the prescribed timescales		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001
	Registers	98.6%	90.3%	87.7%	86.3%
	Committals	93.4%	87.6%	84.4%	91.8%
	Representation Orders	87.8%	92.6%	96.5%	87.8%
	Overall CPM 3	93.3%	91.3%	92.5%	89.1%
CPM 4 – The amount of arrears as a proportion of outstanding balances		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001
	Warwickshire MCC	38%	44%	42%	40%
CPM 5 – Write-offs, due to the failure of enforcement, as a proportion of impositions		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001
	Warwickshire MCC	20%	15%	4%	3%

* Arrest to completion

		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001
CPM 6 – Occupied court sitting hours as a proportion of the number of planned hours of court time	Atherstone/Coleshill	64.5%	48.8%	74.6%	53.5%	55%
	Mid-Warwickshire	90.4%	87.9%	93.5%	90.5%	91.7%
	Nuneaton	83.9%	101.6%	116.9%	109.1%	106.1%
	Rugby	86.1%	96.5%	100.6%	91.4%	97.1%
	South Warwickshire	58.7%	57.8%	55.6%	55.5%	59.3%
	Warwickshire MCC	79.7%	84.1%	92.2%	86.1%	88%
		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001
CPM 7 – Weighted caseload per Sitting hour	Atherstone/Coleshill	10.35	15.44	7.77	8.06	14.89
	Mid-Warwickshire	10.91	14.27	11.43	10.88	11.24
	Nuneaton	8.04	9.57	9.01	8.02	7.37
	Rugby	9.10	16.46	8.56	8.05	6.72
	South Warwickshire	17.52	23.26	18.17	14.47	14.95
	Warwickshire MCC	10.35	12.82	10.40	9.50	9.61
		Half-year ending December 1999	Half-year ending June 2000	Half-year ending December 2000	Half-year ending June 2001	Half-year ending December 2001
CPM 8 – Percentage of user satisfaction	Atherstone/Coleshill	82.0%	78.4%	77.8%	83.7%	94.5%
	Mid-Warwickshire	81.5%	81.6%	78.1%	76.4%	75.1%
	Nuneaton	80.2%	80.2%	85.0%	78.5%	71.9%
	Rugby	85.2%	85.3%	87.0%	91.3%	87.0%
	South Warwickshire	89.8%	88.5%	83.5%	-	87.4%
	Warwickshire MCC	83.7%	82.8%	82.5%	82.4%	83.2%
		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001
CPM 9 – Staff cost per weighted case.	Cost	£1,572,793	£1,601,557	£1,603,037	£1,647,350	£1,688,471
	Caseload	85,776	90,747	89,702	88,621	88,003
	Per case	£18.34	£17.65	£17.87	£18.59	£19.19
		Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001
CPM 10 – Weighted caseload per member of staff.	Caseload	85,776	90,747	89,702	88,621	88,003
	Staff	67.01	69.79	68.71	70.2	71.19
	Per member of staff	1,280	1,300	1,306	1,262	1,247

Core Performance Measures – continued

	Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001	
CPM 11 – Total revenue cost per weighted case	Total revenue cost	£479,000	£742,000	£623,500	£582,712	
	Weighted caseload	20342	27336	21168	19774	
	Per weighted case	23.55	27.14	29.45	29.47	32.94
CPM 12 – Actual court hours as a proportion of capacity.	Quarter ending December 2000	Quarter ending March 2001	Quarter ending June 2001	Quarter ending September 2001	Quarter ending December 2001	
	Atherstone court one	24%	27%	30%	21%	23%
	Atherstone court two	26%	13%	25%	21%	17%
	Leamington Spa court one	84%	85%	89%	96%	99%
	Leamington Spa court two	68%	69%	67%	70%	69%
	Leamington Spa court three	9%	8%	1%	5%	2%
	Nuneaton court one	83%	99%	100%	98%	98%
	Nuneaton court two	70%	83%	67%	78%	65%
	Nuneaton court three	45%	60%	48%	54%	55%
	Rugby court one	59%	64%	48%	45%	48%
	Rugby court two	52%	62%	47%	54%	54%
	Rugby court three	10%	22%	31%	29%	35%
	Stratford-upon-Avon court one	34%	37%	37%	38%	37%
	Stratford-upon-Avon court two	39%	37%	29%	31%	38%
	Warwickshire MCC	46%	50%	48%	50%	49%

Warwickshire MCC: Good practice

A member of staff has produced an excellent laminated guide to the different Holy Books. The guide includes advice on correct practices in offering these, or the oath of affirmation, to defendants and witnesses. In addition, the same member of staff, in her own time, has produced special coverings for Holy Books, with colours co-ordinated to the guidance notes. Appropriate alternatives to the New Testament, together with this system of colour co-ordinated notes and covers, are available in all the MCC's courthouses.

Recommendations and Warwickshire MCC's action plan

1 MCSI recommendation:

That the MCC develop a comprehensive communications policy for internal and external stakeholders that:

- ◆ identifies information needs in a structured way
- ◆ establishes how to address these needs
- ◆ co-ordinates consistent communication throughout the area.

MCC response

- ◆ The Committee has already recognised the need for a communications policy. It will develop a comprehensive policy covering staff, magistrates, court users, external stakeholders, the local community and the media.
- ◆ The Committee will review the effectiveness of its communication policy as a part of its ongoing strategic planning process.

Improvement target: To have an effective communications policy in place.

By date: 30 November 2002

2 MCSI recommendation:

That the MCC ensure that its organisational structure meets the significant strategic challenges ahead by:

- ◆ planning and managing human resources in order to deliver the strategic plan
- ◆ supporting the move to Criminal Justice Centres with adequately skilled and appropriately graded staff who have sufficient time to manage the process
- ◆ promoting the achievement of consistency across the county
- ◆ creating clear, efficient and effective lines of accountability.

MCC response

- ◆ The Committee will evaluate and review its staffing structure as part of its strategic planning process commencing in November 2002.
- ◆ The Committee will review the staffing needs to deliver its strategy in supporting the move to Criminal Justice Centres, the redesign of business processes and legislation resultant from 'Justice for All'.
- ◆ The Committee will continue to develop work to achieve consistency across the County and take this into account in the review of an appropriate staffing structure.
- ◆ In reviewing the staffing structure the Committee will ensure clear, efficient and effective lines of communication.
- ◆ The Committee will implement changes identified in the review and incorporate evaluation mechanisms into the implementation plan.

Improvement target:

2.1 To have an organisational structure that meets the immediate requirements to support the work of the Criminal Justice Centres.

2.2 To have an organisational structure that meets all the strategic challenges ahead.

By dates: **2.1** by 31 March 2003; **2.2** by 31 March 2004

3 MCSI recommendation:

That the MCC review its strategic planning and implementation processes to ensure that:

- ◆ its values and priorities are clearly articulated
- ◆ all key strategic issues are identified and addressed
- ◆ there are adequate linkages between different plans
- ◆ all stakeholders have the ability to contribute to the development of plans
- ◆ implementation is guided by project management techniques
- ◆ risks are systematically identified and tackled
- ◆ projects and initiatives are completed
- ◆ implementation is monitored and evaluated.

MCC response

- ◆ In its next strategic planning cycle commencing in November 2002 the Committee will consult with other Criminal Justice Agencies and stakeholders and take their views into account.
- ◆ The Committee will ensure that its values and priorities are clearly expressed and that all strategic issues are identified and addressed.
- ◆ The Committee will ensure that a linked business plan is published setting out phased actions and targets for delivery of the Committee's strategy.
- ◆ The Committee will ensure that projects are implemented, monitored, completed and evaluated using project management techniques and risk analyses.

Improvement target: To introduce greater effectiveness to its strategic planning and implementation processes.

By date: March 2003

4 MCSI recommendation:

That the MCC improve its performance management system by:

- ◆ identifying the information it requires to assure itself that it can account for performance
- ◆ ensuring that performance information is collected and used to inform strategic and operational decisions across the full range of its responsibilities, and that it is presented appropriately for the needs of different users
- ◆ requiring regular and rigorous performance analyses and commentary, including the identification of best practice, with recommendations for improvement from its officers
- ◆ increasing the dissemination of up-to-date information to staff, magistrates and other court users
- ◆ engaging staff and magistrates more fully in managing and improving performance.

MCC response

The Committee will:

- ◆ review its performance plan, identifying the performance for which it is accountable, and use that information to inform its strategic decisions
- ◆ ensure that performance data is presented in a 'user friendly' form and is accompanied by managerial analyses and commentary with plans for improvements
- ◆ use the performance data to work with magistrates, staff and other agencies with a view to improving performance
- ◆ use performance data in order to identify and disseminate good practice both within the organisation and in comparative work with other MCC areas.

Improvement target: To improve the performance management system so that it better informs decision making, brings about improvements and identifies best practice.

By date: 31 January 2003

5 MCSI recommendation:

That the MCC take steps to ensure that public access to the Register of Members Interests is appropriately publicised and facilitated.

MCC response

The Committee is now aware of the need for public accessibility to the Register and will take steps to raise awareness of its existence through its communication policy and Annual Report.

Improvement target: To ensure public access to the Register of Members' Interests and advertise that it is available for inspection.

By date: 30 September 2002

6 MCSI recommendation:

That the MCC take action to improve the management of cases on the day by:

- ◆ ensuring that rigorous targets are set for defendants' and witnesses' waiting times on the day
- ◆ setting rigorous targets to improve weighted caseload per sitting hour
- ◆ considering the implications of these areas for its future strategy and plans.

MCC response

The Committee will:

- ◆ in reviewing its performance management system, ensure that appropriate targets are set, monitored and actions taken to improve waiting times on the day and the weighted caseload per sitting hour
- ◆ consider the implications for its future plans.

Improvement target: To improve the management of cases on the day.

By date: 31 March 2003

7 MCSI recommendation:

That the MCC should, in the interests of public health and safety and the comfort of all court users, review its policy in respect of smoking, and the efficacy of the monitoring and enforcement of restrictions on smoking, in the public waiting areas of its courthouses.

MCC response

- ◆ The Committee had already initiated a consultation process reviewing its policy to allow smoking in parts of the public waiting areas of its courthouses.
- ◆ The Committee will review its policy in the light of the responses, and ensure that its new policy is consistently enforced.

Improvement target: To improve the public health, safety and comfort of staff and court users.

By date: 30 November 2002

Glossary

<i>Advisory Committees</i>	Advisory Committees are local, non-departmental public bodies which, amongst other things, are responsible for determining the number of magistrates to be appointed and recruiting suitable candidates
<i>Area Criminal Justice Strategy Committee</i>	These committees, one in each of the 42 areas, look at local strategic issues. Local criminal justice agencies are represented on the committee at chief officer level
<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>Clerkship</i>	An administrative unit comprising one or more petty sessions areas for the geographic area which is the responsibility of a single Justices' Clerk
<i>Commission area</i>	Every magistrate is appointed to a commission area, which is sub-divided into one or more petty sessions areas (see below). Summary offences must be dealt with in the commission area where they occurred. Commission areas do not necessarily coincide with MCC areas
<i>Core Performance Measure (CPM)</i>	In its <i>Thematic Review of Information for Management</i> – published in June 1997 and updated April 1999 – MCSI identified 12 Core Performance Measures which should allow MCCs to assess their performance in key areas of their responsibility
<i>Court clearance</i>	The administrative process of sending out documents produced as result of court adjudications
<i>Court register</i>	All courts are required to keep a register of adjudications
<i>Cracked trial</i>	On the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time. See also <i>Ineffective</i> and <i>Vacated trials</i>
<i>Criminal Justice System (CJS)</i>	The expression used to describe all the many agencies involved in the administration of justice who are parties to HM Government's strategies, aims and objectives for criminal justice in England & Wales
<i>Designated Case Workers (DCW)</i>	CPS prosecutors, without professional legal qualifications, who prosecute the more straightforward cases
<i>Disabled Court Users Performance Standards</i>	Since 1998 MCCs are required to meet certain minimum standards with regard to disabled court users

<i>District Judge (Magistrates' Court)</i>	Full time, professional judge who sits in a magistrates' court. The District Judge has the same powers as a bench of two lay magistrates, i.e. he or she may sit alone, except in the Family Court. Until 2000 they were known as Stipendiary Magistrates
<i>Diversity</i>	The variety of backgrounds, lifestyles, abilities, needs, values, beliefs and other aspects of personal identity that people bring to interactions with others
<i>Early administrative hearing (EAH)</i>	An arrangement in which issues, such as legal aid and advance information, can be dealt with at the earliest opportunity after a person has been charged and bailed to appear before a magistrates' court – the objective being to expedite progress of the case. These hearings can be conducted by a single magistrate or a court clerk using delegated powers
<i>Early first hearing (EFH)</i>	An arrangement for all straightforward cases, where a defendant has been charged and a guilty plea is expected, to be dealt with at the earliest opportunity. The CPS, in the expectation that a duty solicitor can deal with the case before the magistrates, prepares brief information on the offence. Designated case workers, rather than qualified lawyers, may prosecute at these hearings
<i>Either-way cases</i>	Cases that can be dealt with either in the magistrates' court or committed to the Crown Court
<i>Financial regulations</i>	A written code of procedures intended to provide a framework for proper financial control. Financial regulations usually set out rules on accounting & audit, and detail administrative procedures & budgeting systems
<i>Indictable cases</i>	Serious cases which have to be sent forthwith, at the Early Administrative Hearing, 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 and Vacated trials</i>
<i>Lead paying authority</i>	The local authority designated to coordinate the funding of the MCC, subject to cash-limited grant from the LCD (see below). The lead paying authority liaises with the other paying authorities (if any) within the MCC area. Local paying authorities fund 20% of the MCC's activities, the other 80% being funded by the LCD
<i>Libra</i>	The new national computer system for the magistrates' courts service of England & Wales
<i>Lord Chancellor's Department (LCD)</i>	The LCD is the government department which is responsible for magistrates' courts and funds 80% of the activity of MCCs

<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>Narey report</i>	Report <i>Reducing Delays in the Criminal Justice System</i> on speeding up justice, named after its author, Martin Narey, which prompted a number of reforms including EAHs and EFHs, often known as "Narey courts"
<i>National Performance Indicators (NPIs)</i>	National indicators, published by the LCD for the first time in June 2000, used to measure progress in achieving Public Service Agreement (see below) targets
<i>Nolan Principles</i>	The Nolan Report (1995) set out seven principles for the guidance of holders of public office: selflessness, integrity, objectivity, accountability, openness, honesty and leadership
<i>Persistent Young Offender (PYO)</i>	A young person aged 10 to 17 years who has been sentenced by any criminal court in the UK on three or more occasions for one or more recordable offences, and within three years of the last sentencing occasion is subsequently arrested or has information laid against him or her for a further recordable offence
<i>Petty sessions area</i>	England and Wales are divided into areas known as petty sessions areas (formerly petty sessional divisions). Magistrates are appointed to a specific petty sessions area and become members of the bench for that area
<i>Pre-sentence report (PSR)</i>	A report produced by the probation service or youth offending team at the request of the magistrates to assist them in determining the most appropriate sentence for offenders found guilty. The case is normally adjourned while the report is prepared
<i>Pre-trial reviews (PTRs)</i>	May be conducted in advance of a trial. The aim is to anticipate problems that might prevent the trial going ahead on the date fixed and to identify other issues that assist in planning for the trial
<i>Public Interest Disclosure Act 1998</i>	The Public Interest Disclosure Act 1998 provides protection for workers who properly make disclosures about wrongdoing – often referred to as 'whistle-blowing'

<i>Public Service Agreement (PSA) and Service Delivery Agreement (SDA)</i>	The LCD Public Service Agreement was published in the Government White Paper <i>Spending Review 2000 - Public Service Agreements 2001-2004</i> , in July 2000. The PSA contains the high-level departmental targets for the period and the SDA includes the lower-level targets and key commitments to improve and modernise the service
<i>Service Level Agreement (SLA)</i>	An agreement, usually written, between two parties setting out the terms on which one party (the service provider) will provide a service to the other (the customer)
<i>Specific sentence report (SSR)</i>	Where a probation officer or member of the youth offending team is in court and the defendant's situation and history is already known, or there has been a recent pre-sentence report prepared (PSR), the magistrates may request this abbreviated report to be produced on the day, instead of adjourning for a full PSR
<i>Summary cases</i>	Cases which must be tried in the magistrates' court
<i>Time Intervals Survey (TIS)</i>	A quarterly survey conducted by LCD which measures the timeliness of magistrates' courts criminal proceedings
<i>Trials Issues Group (TIG)</i>	The Trials Issues Group – originally the Pre-Trial Issues Working Group – is a national group which includes representatives of the LCD, the Home Office and all agencies in the criminal justice system. It was set up to look at ways of reducing delays in criminal court proceedings – and is currently overseeing implementation of the Crime and Disorder Act 1998. Each MCC area has a local TIG sub group
<i>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 and Cracked trials</i>
<i>Validation of court registers</i>	Computerised registers are regarded as the permanent record of court adjudications when 'validated' – a stage usually reached after a series of checks has been undertaken to ensure that the record entered is accurate
<i>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

Translated copies of the recommendations and action plan in this report can be made available, on request, in the following languages: Arabic, Bengali, Bosnian, Cantonese, French, Hindi, Mandarin, Punjabi, Urdu and Vietnamese. Please write to the address below.

يمكن الحصول على نسخة من التوصيات وخطة العمل في هذا التقرير باللغة العربية. الرجاء الكتابة للعنوان التالي:

এ রিপোর্টের রিকমেন্ডেশন ও একশন প্ল্যান-এর অনূদিত কপি সমূহ অনুক্রমে বাংলা ভাষায় পাওয়া যাবে। এর জ্ঞান দয়াকরে নীচের ঠিকানায় লিখুন।

Na zahtjev se mogu dobiti prevodi preporuka i plana akcije iz ovog izvještaja na bosanskom jeziku. Molimo, pišite na donju adresu!

假如你要求，我們可以用中文繁寫體版向你提供這份報告中的建議和行動計劃。請把索取要求寫信寄往下列地址。

Les traductions en français des recommandations et du plan d'action qui apparaissent dans ce rapport peuvent être fournies sur demande. Veuillez en faire la demande à l'adresse ci-dessous.

इस रिपोर्ट की सिफारिशों और कार्य-योजना के हिन्दी अनुवाद की प्रतियाँ अनुरोध करने पर मिल सकती हैं। कृपया नीचे दिये गए पते पर पत्र लिखें:

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اس رپورٹ میں دی گئی سفارشات اور عملی منصوبے (ایکشن پلان) کے کئے گئے اردو کے ترجموں کی نقلیں گزارش پر دستیاب کی جاسکتی ہیں۔ براہ کرم نیچے دئے گئے پتے پر تحریری گزارش کیجئے۔

Bản dịch bằng Việt Ngữ của những sự đề nghị và chương trình hành động của báo cáo này có thể xin gửi đến, nếu được yêu cầu. Xin viết thư về cho địa chỉ dưới đây.

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