

Report of an Inspection

of the

West Mercia

Magistrates' Courts Service

carried out during

November 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 Magistrates' Courts Committee (MCC) areas and to support Committees by endorsing good practice and making recommendations about possible improvements. These recommendations are, in the main, addressed to MCCs but may also, where appropriate, be directed to other bodies which impact upon the performance of the magistrates' courts service.

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

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

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Chief Inspector's Foreword

This inspection is the latest in a series which specifically evaluates the amalgamation of Magistrates' Courts Committees.

The creation of a new organisation always represents a significant challenge. The merger of the Shropshire MCC with the Hereford and Worcester MCC coincided with implementation in West Mercia of the pathfinder project for the use of the Private Finance Initiative (PFI) to build and refurbish magistrates' courthouses. This marks West Mercia MCC out from the other amalgamated areas. The scale of the task facing the new MCC should not be underestimated. The large building project had to be managed at a time when compulsory relocation meant the loss of significant numbers of experienced staff at all levels.

After a delay in setting and implementing plans, the MCC has made very good progress in establishing a sound organisational structure, and it has, by and large, maintained adequate performance in its core business. It is to the credit of staff and MCC members that we did not identify any significant failings. The organisation is now poised to reap the benefits of the groundwork undertaken since April 2001.

This inspection examined five key functions:

- ◆ Strategic Management (with elements of Corporate Governance)
- ◆ Management of Financial Resources
- ◆ Management of Human Resources
- ◆ Administration of Cases
- ◆ Care of Court Users (Facilities, Treatment and Information).

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

We make a total of ten recommendations, some of which are concerned with the way the Committee itself functions. Our recommendations will strengthen the MCC's undoubted efforts to address the areas for improvement.

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



Kit Chivers
HM Chief Inspector, MCSI

April 2003

Context

The amalgamation of the Hereford and Worcester and Shropshire MCCs

- 1 In October 1997, the Lord Chancellor determined that the number of MCC areas should be reduced to correspond with the 42 police forces and, in time, with the other criminal justice agencies in England and Wales. Following a consultation period, Hereford and Worcester MCC and Shropshire MCC voluntarily amalgamated on 1 April 2001, and aligned the MCC with the boundaries of the local police force and Crown Prosecution Service (CPS).
- 2 In accordance with section 32 of the Justices of the Peace Act 1997, the two MCCs had to satisfy the Lord Chancellor that the amalgamation would be “*likely to contribute to an overall increase in the efficiency of the administration of the magistrates’ courts*” in the area. In April 1999, the two Committees issued a consultation paper setting out their aims and the outcomes of the amalgamation. These aims were in line with the following objectives, set out in MCSI’s *Resource File for Amalgamating MCCs*:
 - ◆ more efficient deployment of staff
 - ◆ better case management from first listing to completion, resulting in a reduction in delay
 - ◆ more effective processes for the enforcement of fines
 - ◆ optimum use of office and court buildings
 - ◆ value-for-money contracting goods and services
 - ◆ improved strategic liaison with other agencies in the criminal justice system (CJS).

- 3 The Lord Chancellor gave his approval to the amalgamation and a Shadow Committee was established on 1 October 1999. On 1 April 2001, the two areas officially amalgamated to form the West Mercia Magistrates’ Courts Service (WMMCS).

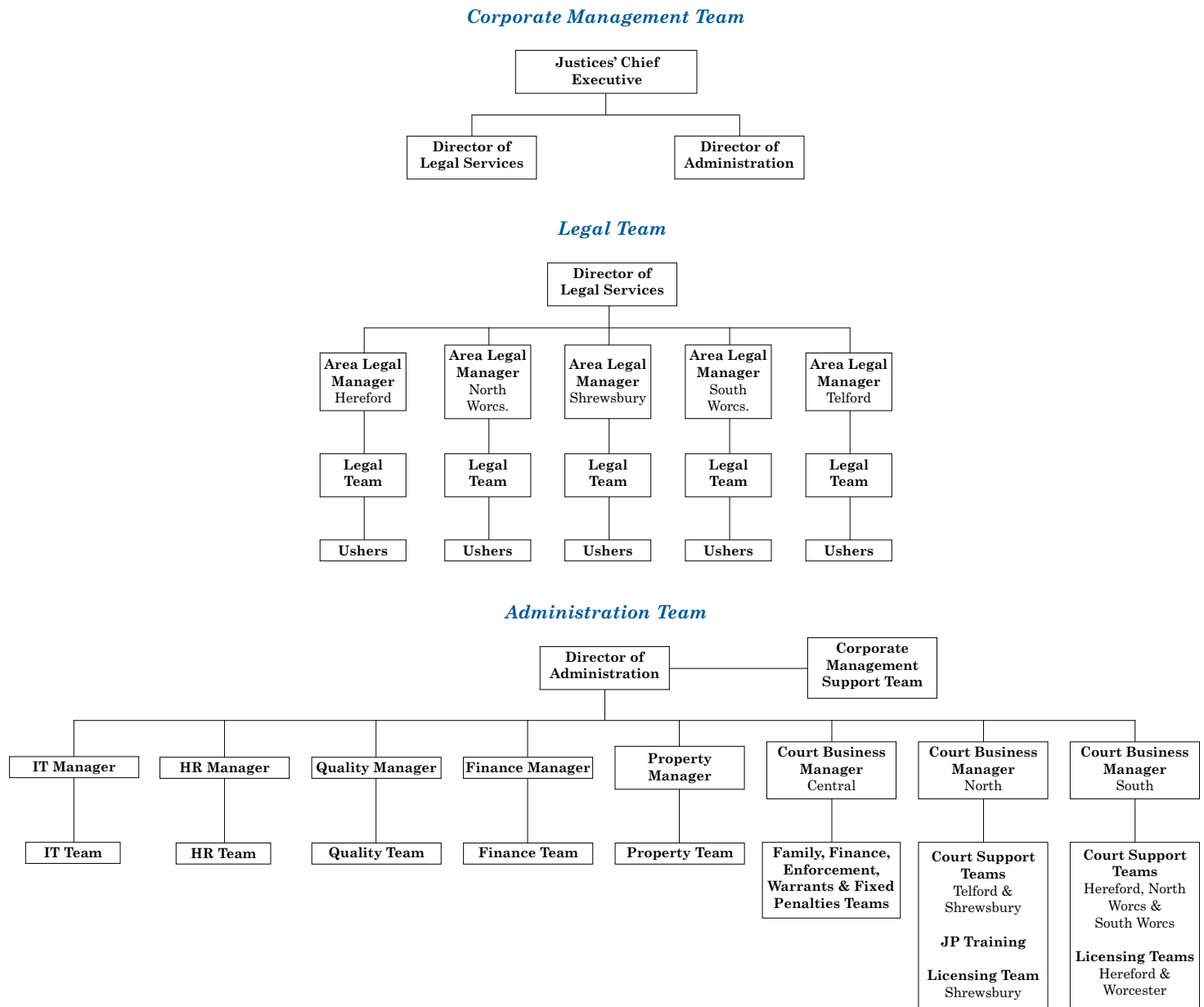
The West Mercia Magistrates’ Courts Service

- 4 WMMCS covers the counties of Herefordshire, Worcestershire and Shropshire. At 740,579 hectares, the MCS has one of the largest commission areas in England and Wales. The region, although predominantly rural, contains large elements of environmental diversity. It stretches from the rugged, remote Clun Forest in north-west Shropshire to the fertile flatlands of the Vale of Evesham in south-east Worcestershire. Between these lie commuter towns such as Redditch and Kidderminster, agricultural hubs such as Hereford and Oswestry, and tourist attractions such as Ironbridge and the Malvern Hills.
- 5 Agriculture is one of the largest industries in the region. The land in the west of the counties – the Welsh Marches – only affords cattle and sheep hill-farming, whereas the Vale of Evesham has a large market gardening sector. The towns of Kidderminster, Bromsgrove, Redditch, Droitwich and the new town of Telford are satellites of the West Midlands conurbation. In comparison with the current England & Wales rate of 5.9%¹, unemployment in the region currently stands at 4.7%¹ in Herefordshire, 3.3%¹ in Shropshire and 4.5%¹ in Worcestershire.

¹International Labour Organisation Unemployment Rate August 2002.

- 6 Transport links are variable. The M5, M42, M50 and M54 generate a great deal of through-traffic. The A49 runs down the spine of Shropshire and Hereford and links the major towns, and the A449 links Worcestershire to the West Midlands conurbation. Rail links are reasonable, with the Cardiff to Crewe railway line linking several towns in Herefordshire and Shropshire, and other lines linking the area to Birmingham. Bus services are variable, being relatively good in the urban areas but poorer in the rural areas.
- 7 The majority of the 1,140,551 people resident in the area live in and around Telford, Shrewsbury, Worcester and Redditch. Home Office statistics show that, between April 2001 and March 2002, there were 102,149 offences in the West Mercia Police Force area – a 30% increase on the previous year. This corresponds to 89 offences per 1,000 population in comparison with the England & Wales figure of 104. These figures translated into a weighted caseload in the MCC's 12 courts of 241,240 in 2001/02. This represents a 8.88% decrease on the 2000/01 weighted caseload of 261,082.
- 8 WMMCS is unique in the fact that, at the time of amalgamation, it was in the middle of a major courthouse building programme. Financed through the PFI, the programme provided new courthouses at Kidderminster and Hereford (opened in 2001), Worcester (opened in 2002) and the refurbishment of the Redditch courthouse, which is due to be reopened in April 2003. The MCC was the pathfinder for the use of PFI in the magistrates' courts service, which meant that processes and relationships were being developed as part of the project. The management of the project, and the associated relocation of office systems and staff, were significant additional pressures on the MCC, alongside the demands of creating a new organisation. As a result of the PFI scheme and the MCC's building strategy, at the time of the inspection, the MCC was consulting on the closure of the courthouses at Droitwich, Evesham and Whitchurch.
- 9 The MCC consists of 12 voting members, although currently there is one vacancy. The corporate management team (CMT) comprises the Justices' Chief Executive (JCE), the Director of Legal Services and the Director of Administration (DoA).
- 10 In 2001/02, the MCC's budget stood at £7,867,526, 80% of which was provided by the Lord Chancellor's Department (LCD), with the remaining 20% provided by Worcestershire County Council, Herefordshire Council, Shropshire County Council and Telford & Wrekin Council. Worcestershire County Council acts as the lead paying and pensions authority.
- 11 Details of the processes by which the inspection team gathered its evidence for this report are set out in Annex A. A summary of the key facts relating to the area can be found at Annex B. Annex C contains general information about West Mercia MCS's performance as measured by the National Performance Indicators (NPIs) for 2001/02. It also includes the MCC's own Core Performance Measures (CPMs), based on MCSI's *Thematic Review of Information for Management* (TRIM).

Figure 1: West Mercia MCS organisational structure



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

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

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

- ◆ *show leadership in determining and communicating strategic direction*
- ◆ *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

In setting a strategic direction, the Committee took careful account of the views of internal stakeholders. However, this delayed final decisions and progress, as did a failure to reach consensus on an appropriate senior management structure. The organisational restructuring has only recently been completed, and was undertaken without the benefit of a clear human resources strategy. The structure adopted appears sound and the MCC has plans to evaluate its effectiveness. Internal communication is good, but there is currently an insufficiently strategic emphasis on external communication. Current strategic and operational plans are adequate but not fully developed, and the adopted practice of continuously updating the Strategic Plan could lead potentially to a lack of overall direction. The structures put in place to set and monitor the attainment of some standards are beginning to become effective, and offer potential for the future. However, these are not comprehensive (for example, they do not cover the Courts Charter) and suffer from a lack of consistent quality assurance of data. The Committee adheres to appropriate principles of conduct, but, sometimes, has not ensured that its policies and activities unambiguously demonstrate this.

Show leadership in determining and communicating strategic direction

- | | |
|---|--|
| <p>1.1 In recognising the sensitivities created by the amalgamation, the MCC made great efforts to involve internal stakeholders in setting its strategic direction. This was at a cost of delay in making progress. Delay also occurred when the Committee could not reach an agreement about the composition of the CMT. The MCC has demonstrated leadership in setting and</p> | <p>implementing a sometimes-unpopular accommodation strategy.</p> |
| <p>1.2</p> | <p>Internal communication appears well structured, and staff were generally satisfied with the efforts taken to inform them of the strategic direction. The MCC has taken a decision to amend and update the Strategic Plan throughout the year.</p> |

There was confusion amongst some staff about what had changed in each new version of the plan, and Inspectors consider that this practice reduces the effectiveness of communication of the strategic direction.

1.3 There were indications that insufficient thought had been given to strategic external communication. The MCC adopted a generally useful paper on internal and external communication methods in August 2002, but the paper did not clarify the strategic aims, values or objectives of communication. The lack of focus on the purpose of communication in furthering the MCC's strategy is reflected by:

- ◆ liaison arrangements with paying authorities that were planned to be ad hoc, with no sense of needing to keep open a strategic dialogue to facilitate agreement on courthouse or other issues
- ◆ the failure to link the MCC's Mission Statement "*to inspire public confidence in the CJS*" with the need to communicate with the general public, including the use of the press and other media
- ◆ the unstructured external consultation process over strategic plans, which was reflected in the fact that 52% of respondents to the MCSI questionnaire survey were dissatisfied with their ability to influence the MCC's long-term plans.

1.4 It is essential that the MCC builds on some recent work to draft a communications policy, to make the purpose of communication explicit and to encourage accountability for the dissemination of key messages.

Recommendation 1: that the Committee adopt a clear communication strategy and ensure that all significant corporate communications further its aims and objectives, and promote strategic partnerships.

Establish an effective organisational structure to deliver the MCC's strategy, including government priorities

1.5 The MCC was faced with internal stakeholder demands to make minimal changes to the organisational structures of the former MCCs, but also faced with imperatives, imposed by the PFI scheme, as to where staff could be located. Valuable time was lost in efforts to carry stakeholders with them and secure the agreement of all Committee members to the structure of the CMT, which could have been used to speed up implementation of the MCC's plans. Consequently, the organisational structure is only now in place, some 18 months after the amalgamation. Whilst it is not ideal that restructuring took place in the absence of a strategic human resources (HR) plan, the structure adopted has a clear rationale and does offer the prospect of being able to deliver the MCC's strategy. The staff structure adopted was based on the Access to Justice Act 1999 and the strategic steer on the role of the Justices' Clerk. Central support functions were established to offer specialist advice and the capacity to improve performance across the area. Collection and enforcement functions were centralised but not all at the same location (because the PFI buildings were designed before the amalgamation and did not have sufficient space).

1.6 The MCC has published an excellent set of terms of reference, contained in one document, for management and team meetings for the whole organisation. This establishes clear relationships between different functions and levels, setting a

clear purpose for each group, which consistently includes a focus on delivering the MCC's strategy. The MCC has plans to evaluate the staff structure in 2003, particularly following the completion of the mapping of business processes. Inspectors see the value in this approach but want the MCC to ensure that this allows the legal and corporate structure to be evaluated alongside court support. The evaluation will also need to consider the most appropriate organisation in the run-up to the creation of a new, unified criminal court administration.

1.7 Appropriately, the CMT is tasked collectively with strategic management. However, CMT meetings appear predominantly operational in character and there is scope for the CMT to become more proactively focused on strategic and the more significant operational issues, with more decisions being taken on significant operational issues at this level instead of by the Committee. The committee structure was based, initially, on a desire to keep as many decisions as possible for the whole Committee, in order to encourage shared ownership and understanding of the new organisation. Whilst this is understandable for a new organisation, Inspectors would have expected that the Committee would have wished to establish particular structures to monitor and supervise:

- ◆ what it perceived as its serious problem of underfunding. Despite identifying this as a significant problem, and in the knowledge that financial information and management expertise was limited, the MCC made no arrangements to quantify the scale of the problem, minimise the impact or maximise efforts to increase resources

- ◆ the PFI project. Initially, a project group was set up by Hereford and Worcester MCC, but fell into disuse because of the difficulties of persuading other bodies to maintain a dialogue with it. Inspectors accept that this made the task of supervising the project difficult, but this did not remove the need to maintain control of the MCC's internal arrangements for migration to the new offices, which could have impacted on some of the undoubted difficulties outlined in the PFI evaluation report.

1.8 In July 2002, the Committee decided to establish a new MCC Audit Committee (AC) – usefully confirming its key responsibility for accounting for public funds. The terms of reference include providing advice on controls for securing value-for-money, but most of the anticipated functions of the AC are centred on monitoring audit arrangements. Interviews with MCC members demonstrated differences in emphasis on the role of the AC, which need to be resolved.

Recommendation 2: that the Committee develop clear systems to assure itself continuously that:

- ◆ the committee and organisational structures meet current and anticipated strategic needs
- ◆ staffing structures and numbers are cost effective.

Identify key strategic issues and determine effective plans of action

1.9 The Shadow MCC took great pains to involve internal stakeholders in identifying and tackling the key strategic issues which it felt would assist the longer-term development of the MCC's plans. However, although there was a lengthy shadow period, the first Strategic Plan was not published until June 2001. This delayed progress on specific strategies and organisational development.

- 1.10 Current plans do have an overall sense of cohesion and do focus on the achievement of some government objectives, but do not sufficiently cover all key areas and are not fully developed. The current Strategic Plan has clear values and identifies a wide range of appropriate actions to achieve its aims and objectives. The plan would benefit from the addition of clearer accountabilities for actions, a statement of the MCC's approach to local justice and an environmental analysis. Importantly, the MCC already has plans to add aims, objectives and actions related to the proposed forthcoming restructuring of the criminal courts. The MCC has decided to develop strategies for particular functions such as human resources, finance, information technology (IT), accommodation and enforcement. Inspectors support this approach, but note that the development of such strategies often does not appear as actions in the Strategic Plan. This brings a danger that the contribution of each individual strategy to the overall strategy might be overlooked, and that undertaking significant, but unplanned, activities, such as developing strategies, might mean that planned activities are not achievable. The MCC has separate business plans in place for each part of the organisation, but these were not in place until over 12 months after the amalgamation. The plans identify a wide range of appropriate actions, but there is scope for them to be more cohesive. The MCC has plans to involve a wider range of staff in their future production.
- 1.11 The MCC has adopted the good practice of an internal self-assessment. Whilst this is a positive move, there might be significant overlaps between this and monitoring the implementation of the Strategic Plan. As stated in paragraph 1.2, the MCC has adopted the practice of continuously updating the Strategic Plan. Inspectors are concerned that this practice could lead

potentially to a lack of overall direction, due to continuous change, and might miss the opportunity provided by a periodic review together with a structured scan of the operating environment. Inspectors suggest that the adoption of an MCC-wide annual business plan, which is the basis for departmental plans and which is capable of being updated to show progress during the year, might meet the MCC's needs for flexibility, thus allowing the Strategic Plan to change in a more considered way.

- 1.12 Inspectors make the following recommendation in order to assist the MCC in further developing its planning processes:

Recommendation 3: that the Committee clarify and improve its planning processes by:

- ◆ **cascading strategic aims systematically through inter-related functional, business and team plans, including a periodic structured scan of the wider environment**
- ◆ **ensuring that any changes to plans are clearly communicated.**

- 1.13 Inspectors examined the MCC's approach to the key strategic issue of promoting diversity. The MCC has demonstrated its commitment to this through the adoption of an appropriate race equality scheme, the use of an external adviser, and through the leadership shown by the JCE in pursuing race equality issues on a local inter-agency basis. Despite this, there was a limited understanding on the part of some middle managers of their role in promoting diversity, and corporate documents and job descriptions require further development to reflect fully the practical commitment required.

Set and monitor standards of performance

- 1.14 The MCC has demonstrated its commitment to meeting performance standards by the:
- ◆ establishment of the quality team (QT)
 - ◆ adoption of the key strategic aim of being in the top quartile of MCCs by 2005
 - ◆ adoption of structured processes to enable all levels of the organisation to monitor performance.
- 1.15 The QT brings together a range of posts with the aim of assisting all parts of the organisation to achieve performance standards. The team collates data and produces helpful analyses for different parts of the organisation, including the Committee. Inspectors had initial reservations about how the QT relates to local management accountabilities but there was a very positive response to the QT's input from all levels of the organisation, and also from external agencies. The MCC has adopted structures to enable performance information to be shared at all levels of the organisation, and the quality team manager (QTM) has delivered presentations to staff and MCC members on the use and meaning of CPM and NPI data. Whilst the performance management support systems are still bedding in and, as yet, it is difficult to identify examples of their impact, the commitment and enthusiasm of the team augurs well. The MCC has adopted generally appropriate targets but needs to ensure that these are consistently appropriate – for example, the setting of a target for CPM 11 (revenue cost per weighted case) where the MCC has no control over either element, and also the comments made in paragraph 4.21 about CPM 3.

- 1.16 The Committee's ability to monitor performance effectively is undermined by the current lack of consistent quality assurance of data, exemplified by the problems with the Time Interval Survey outlined in paragraph 4.1. Process-mapping more functions and using IT solutions will assist, but there remains a need to ensure that that all data inputs and outputs are quality assured by those with sufficient understanding to recognise anomalies.
- 1.17 The MCC has adopted an appropriate Courts Charter but currently does not monitor and publish how far the standards set have been met. Management Programme Assurance (MAP) reporting is very thorough and there are innovative plans to use the dedicated MAP officer to undertake other quality checks, such as the time taken to answer the telephone, the accuracy and legibility of case files (where the legal team will set appropriate standards) and whether internal corporate communications are received by all staff.

Recommendation 4: that the Committee further develop its performance management by:

- ◆ **ensuring that officers quality assure all data to achieve accurate inputs and the validity of outputs**
- ◆ **ensuring that targets are appropriate**
- ◆ **systematically reporting against all standards.**

Demonstrate adherence to appropriate principles of conduct in public affairs

- 1.18 The MCC has taken some useful steps to promote openness in its affairs. The Constitution obliges the MCC to send minutes to Bench Chairs and display them for staff and magistrates, and places a specific onus on the Committee to state the reason why any minutes should

remain confidential. The Committee invites a representative from the lead authority to all meetings and a representative from the Association of Magisterial Officers (AMO) to all non-confidential meetings, and, in addition, all MCC meetings are open (apart from confidential items). Whilst the Committee appears to adhere to appropriate principles of conduct, it has not always ensured that all policies and activities unambiguously demonstrate this adherence. For example:

- ◆ the current Financial Regulations do not maximise structural safeguards against the misappropriation of funds, allowing the JCE to commit up to £25K without obtaining quotes and not requiring proof of receipt of any goods or services to be obtained (although the regulations were agreed by the paying authority, contained some safeguards and the JCE had not sought to use the power in practice)
- ◆ the Committee has ‘confidential’ and ‘highly confidential’ minutes and agendas, as well as publicly available minutes and agendas. There is no reference to this distinction in the Constitution. The purpose of the differentiation is to ensure that members of staff do not have access to personal information if it has been discussed at an MCC meeting. However, the failure to set out the practice in the Constitution, and define the purpose of highly confidential discussions, does not promote a clear sense of openness
- ◆ the Committee currently receives a confidential briefing from the JCE. Inspectors support a free flow of information to the Committee but, again, there is a need to ensure that all information provided to the Committee, that might impact on its decision-making, is open, unless there are clearly-defined reasons for it to remain confidential.

- ◆ Inspectors were aware that Committee members had properly declared interests at particular meetings. However, the Register of Interests did not appear to be a working document, with different levels of declaration and a general lack of awareness of the contents of the register by Committee members. Whilst individual declarations remain a matter for individual members, Inspectors suggest that there should be mutual awareness of declarations and a mechanism to moderate the level of declaration, in order to safeguard the Committee’s standing.

1.19 Whilst Inspectors emphasise that there is no suggestion of any impropriety having taken place, and whilst the MCC was quick to accept Inspectors’ concerns, it is important that all policies and practices clearly demonstrate adherence to appropriate principles in public life, for the protection of the Committee, its senior officers and the general public.

Recommendation 5: that the Committee review its policies and practices, to ensure that it can clearly and openly demonstrate its adherence to appropriate principles of conduct in public life.

1.20 In June 2002, the JCE produced an evaluation report on the PFI pathfinder project, which had a very wide circulation in the magistrates’ courts service and led to national press coverage. There was a lack of clarity over the commissioning of this report, the capacity in which the JCE had written it, its purpose and whether it was to be a brief internal report for the LCD, or a more substantial public document. The MCC did not formally receive or adopt this very significant report, although it was presented as a West Mercia MCC document.

Inspection Findings 2: Management of Financial Resources

This section assesses the extent to which the MCC deploys funds to provide value-for-money.

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

- ◆ *use funds effectively*
- ◆ *allocate funds in accordance with identified needs, plans and priorities*
- ◆ *inform decisions by timely reports on income and expenditure.*

Overall Assessment

Although, until recently, the control of expenditure was more reactive than proactive, financial management in West Mercia is improving and systems are being put in place to achieve value-for-money. Since the creation of the amalgamated area, the ongoing PFI project (with its requirement for staff relocation), and a subsequent staff restructuring exercise, has created volatility in the management of financial resources. Dealing with this was not assisted by the lack of detailed reporting. The considerable number of staff and organisational changes has meant that many staff are inexperienced in financial procedures, and there is a lack of guidance. The MCC was slow to put in place systems and personnel to provide adequate financial support but has recognised its weaknesses in this area. The creation of a financial management team is designed to ensure that the MCC can meet its obligations and aspirations. Further training of staff and tighter scrutiny by MCC members will be required if the Committee is to fulfil its responsibilities.

Effective use of funds

- 2.1 West Mercia MCC has begun recently to put systems into place to ensure sound financial management. Although the amalgamation consultation papers included the potential for more effective management of resources, none of the focus groups set up during the shadow period had the management of finance as a prime aim. Neither the MCC's current Mission Statement nor its Values include reference to financial matters. However, one of its strategic aims for financial resources is "to prepare a budget which meets the aims and objectives of the service in an efficient and effective manner". The MCC has set one target in the area of financial management:
- To ensure that the total revenue cost per weighted case is no more than £24.11.*
- 2.2 Since June 2002, following the appointment of a Finance Manager, the MCC has taken its financial reporting in-house. It is only since autumn 2002 that the Committee has received sufficiently detailed reports for members to be able to scrutinise financial expenditure effectively.
- 2.3 Current figures for cost per unit of weighted caseload (NPI 1) show a steady increase in cost, from £25.92 in 2000/01 to £31.96 in 2001/02, moving the MCC from twentieth out of 42 MCCs to thirtieth out of 42. The quarterly figures for CPM 11 (total revenue cost per weighted case) provided for the Committee show increasing costs in most quarters, from £20.75 in the first quarter of 2001/02 to £37.31 in the first quarter of 2002/03,

significantly above the current MCC target figure. A reduction in weighted caseload, coupled with PFI revenue costs coming on stream, has meant that the MCC is currently considering a revision of its target (see paragraph 2.1). The introduction of PFI costings has made evaluation of the higher costs difficult in the absence of any comparators.

- 2.4 The two previous Committees both relied on their local authorities to provide financial information. The amalgamated Committee followed this methodology initially, although no formal Service Level Agreement (SLA) was established with Worcestershire County Council. Reports to the MCC provided an overview of expenditure, and limited analysis of any variances. Budgets were set on historical costs only. Following the appointment of a DoA, work commenced to provide more information to the MCC on the financial implications of decisions and to establish more detailed reporting systems.
- 2.5 The JCE has delegated responsibility for the management of finance to the DoA, who is now assisted by the Finance Manager. There is recent, limited delegation of the management of local budgets to operational managers, mainly for basic supplies and services. Mechanisms are in place to ensure that temporary staff costs are monitored, but other systems to ensure economies of scale and consistency of practice have yet to be developed. Since the recent appointment of managers for finance and premises, work is beginning to establish what contracts are in place currently and to put in place SLAs, where appropriate, for the supply of central services (including financial services).
- 2.6 There is encouraging evidence of a more strategic approach to financial management developing; for example, through the proactive employment of

temporary staff on an 'invest to save' basis. Currently, three temporary staff have been employed for 12 months, to enable the consolidation of the MCC's 35,000 fines accounts. As a result of this work, the workload pressures on the newly-centralised finance function will reduce substantially. In addition, it will prepare the MCC's accounting system for a move to the Equis computer system in due course.

- 2.7 The first year after the amalgamation was a turbulent one for the MCC and its staff, as it tried to manage the effects of amalgamating (including staff restructuring) and progressing a substantial PFI project to replace or refurbish four courthouses, with the associated relocation of many staff. The staff restructure proposals included provision for both a Finance Manager and a Property Service Manager, to replace the single Resource Manager post. However, these posts were not created until several months after the rest of the staff were in post, delaying much-needed work on financial systems. No audits were undertaken of the Committee's financial systems during the first year of operation. Whilst the MCC has recently set up an Audit Committee, Inspectors found some uncertainties about its role and remit, and these need clarifying.

Allocation of funds

- 2.8 The MCC has not yet adopted a needs-based approach to budget-setting which is fully aligned with the strategic planning process. Budgets for the first two years were based on historical spend, first of the previous two Committees, and then of the amalgamated organisation. However, in the second year, as better reporting structures were put in place, substantial work was undertaken to profile accurately the staff budget, which represents more than 60% of costs. Further, there has been a recent half-year review of the budget which has identified the need for

virements, in order to reflect projected expenditure more properly. The budget-setting process for 2003/04 is using this more accurate information in order to determine the outline budget and, to a limited extent, financial management staff have involved local budget-holders in developing the 2003/04 budget. Inspectors welcome the intention to put in place more robust systems for the future, including zero-basing needs, as staff become more financially aware.

2.9 Continuing the use of historically-based estimates, coupled with the lack of financial management information, led the Committee to believe that it was apparently substantially underfunded when it compared its projected budget with the cash-limited budget. Action to reduce costs in both 2001/02 and 2002/03 included placing a moratorium on repairs and maintenance, and on training. In the first year, the moratorium was lifted so late in the year that the maintenance work could not be completed in time, and had to be carried over into 2002/03. With more information being supplied in-house from early in 2002/03, it has been possible to lift the moratorium on spending at an early stage.

2.10 A structured system is not yet in place to identify and prioritise capital bids. Most bids were identified reactively to meet immediate needs such as redundancy costs and Libra Office Automation. The requirement in 2001/02 for capital bids to be accompanied by the MCC's building strategy meant that no bids were submitted in that year, and a strategy was developed quickly which only covers the non-PFI courthouses. Ongoing 'snagging' difficulties in the new PFI buildings, and concerns about whether the new courthouses accurately meet specification, add to the difficulties of prioritising capital bids.

2.11 The lack of any mechanisms to develop and prioritise capital bids is being addressed through the commissioning of a conditions survey of the non-PFI buildings. The LCD requirement to submit a three-year bid in 2002/03 was particularly taxing for staff, who had to rely on previous experience and observation to be able to complete the task in the absence of the survey results. There is evidence now that some prioritisation takes place in the context of the MCC's strategic plans, including, for example, consideration of the lifetime of buildings subject to PFI and proposals to encourage other-agency use of the MCC's buildings.

2.12 The significant number of staffing changes, current newly-devolved responsibilities for aspects of local budgets and the introduction of new budget reports, mean that there is a need for local managers to be provided with training in budgetary control and processes. Inspectors found that those managers who had recently been given the task of monitoring their budget were not clear about procedures, including what level of expenditure they could commit. Senior officers have recognised the need to ensure that budget-holders are trained to undertake their new role, have been proactive in looking for good practice in other MCC areas and are actively seeking help to ensure that the new systems being developed represent a sound basis for the future.

2.13 Until recently, there have been few procedures in place which would ensure systematically that suppliers provide good value-for-money (for example, through accredited suppliers' lists or use of local authority consortia), or to ensure that individual orders are combined to give better leverage of prices. However, there is some evidence of attention being given to specific purchases – such as accreditation of suppliers of temporary staff, bulk

purchasing of calendars and diaries, and bulk ordering of stationery. There are some small contracts in place in non-PFI buildings (for example, for cleaning or security staff), which are in the process of being reviewed. The main SLA in place is with Shropshire County Council for maintenance of those buildings within Shropshire. Inspectors support finance staff plans to review all current arrangements, and to initiate a tendering process for the provision of financial advice during 2002/03. Inspectors consider that, with the devolution of more budget responsibility, there is an urgent need to provide local managers with a mechanism to ensure that value-for-money is achieved as routine. The intention, at present, is to wait until the Financial Regulations are revised before providing financial procedures' documentation. Inspectors consider that this work should be undertaken in parallel.

Recommendation 6: that the Committee improve its management of financial resources further by revising its Financial Regulations, and by putting in place adequate arrangements to:

- ◆ enable it to hold officers to account
- ◆ assure itself that value-for-money is being achieved throughout the organisation
- ◆ ensure effective management of devolved budgets
- ◆ provide financial procedures documents with appropriate training for budget-holders.

Decisions are informed by timely reports

2.14 Financial monitoring information is only now being provided both to managers and to the MCC in a detailed and timely way. Following the appointment of the DoA, financial reports to the Committee were established on a regular, rather than the

previous ad hoc, basis. During the first year after amalgamation, the reports provided by the local authority for the MCC only included an overview of expenditure, with a small amount of commentary. There was no detail of individual budgets, which could assist local staff responsible for ordering supplies to know how much resource they had used or was available to them. They did not identify costs associated with PFI or restructuring, despite these being two major causes of financial uncertainty. The inadequate information available to officers and the Committee meant that undue pressures on staff resources were not resolved through the appointment of temporary staff, due to fears of overspending. Reports to the Committee in December 2001 estimated that there would be a minimal underspend of around £10,000, and yet by the year-end, there was a significant underspend of £275,739, well in excess of the 2% carry-forward figure of £158,776. The unplanned underspend was able to be allocated to assist with the cost of actuarial strain on the pension fund, arising from restructuring.

2.15 Since April 2002, MCC finance staff have been reporting on financial performance. The introduction of cost codes has enabled information to be provided by function and location, as well as giving an overview position. From the week of the inspection, local budget-holders were also given detailed reports of their budgets, which include information about what has been spent compared with what was profiled. Inspectors suggest that, as these reports are developed, it would give budget-holders a clearer picture of the resources available to them if committed expenditure were also included. There is provision for the discussion of budgets at both CMT and Business Management Team (BMT) meetings in future, at a detailed level, and for the quarterly joint meetings to discuss

MCC-level reports. Finance staff are taking the opportunity to learn from other MCCs as they develop their systems, to ensure that good practice elsewhere is replicated. Further work is under way to give more information about premises expenditure and to develop information for local budget-holders.

in progress to develop better and more frequent financial reporting has the potential to provide a framework for the MCC to move from a reactive to a more proactive management of its funds. Claims of underfunding in the past have not been substantiated by good evidence. The MCC will be able to take a more informed view once it is certain that the information it receives is satisfactory.

- 2.16 As financial management develops, the MCC intends to make use of financial modelling tools, such as cost-benefit analysis, which have not yet been applied to options previously provided for the MCC. In some areas, however, the Committee showed an awareness of financial implications – for example, one of the drivers for the way that the staff restructure was determined was the potential impact of the different options’ ‘Crombie’ costs. However, the lack of detailed information previously supplied has meant that there has been no evaluation of the impact of the amalgamation. Indeed, it has proved difficult to extract costs relating to amalgamation from those associated with PFI relocation and the staff restructuring.
- 2.17 There will be an evaluation of the effectiveness of the staff restructure in 2003, but there must be some doubt as to whether a full evaluation of the financial implications will be possible, given the lack of stringent base data. Inspectors suggest it will be important for such an evaluation to look at comparisons of staff costs across other MCC areas, to give an assurance that the structure is delivering good value-for-money.
- 2.18 At the outset of each year, the Committee has considered itself to be underfunded and yet has carried forward the full 2% of its budget. This carry-forward was not as a result of a determination by the MCC, but as the result of the inadequacy of the management information provided. Inspectors consider that the current work

Inspection Findings 3: Management of Human Resources

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

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

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

Overall Assessment

The MCC is now making determined progress in developing the range of high quality systems, policies and procedures that will be needed to ensure a workforce capable of delivering its objectives cost-effectively. The MCC benefits from having very committed staff. Human resource issues and needs are clearly integrated into current strategic and business management – a process that should be strengthened further by the implementation of the Strategic Human Resource Plan, now being drafted. The current lack of data and benchmarks will need to be remedied urgently, if the planned review of the cost-effectiveness of the recent significant changes in staff structures and numbers is to be conducted rigorously. A range of sound systems are in place to review and develop staff capability, although it is recognised that the current Personal Development Plan (PDP) Scheme does not make sufficiently clear links between organisational targets, individual performance and development needs. The MCC has shown a commitment to fostering dialogue and staff involvement through an impressive framework of communication methods, and is putting systems in place that have the potential to demonstrate good employment practice. However, the planned development of a single set of West Mercia HR policies, and terms & conditions of employment, needs to be progressed. The MCC has demonstrated a clear commitment to meeting its Health and Safety obligations.

Human resource planning

3.1 The MCC has recognised the importance of good HR management through the creation of a properly resourced and qualified HR team. Strategic advice and support is provided by the DoA and, since the amalgamation, there has been the

clear leadership, direction and priority-setting needed to tackle the wide-ranging HR agenda. The MCC's Value Statements provide a suitable foundation for staff management; the aim and objectives for HR set out in the Strategic Plan are appropriate and cover the areas that need

to be addressed in the medium term. The continuous and systematic planning of HR is continuing with the recently-developed (October 2002) HR Team Business Plan – a comprehensive document that covers the HR implications of all the strategic objectives, and provides a sound basis for operational management. HR planning will be made more coherent through the implementation of the Strategic Human Resource Plan (now in early draft), which aims to address the longer-term HR challenges that face the MCC in the run-up to the proposed creation of an integrated courts service.

- 3.2 The MCC has adopted a multifaceted approach to assessing the effectiveness of the new structure and implications for future staffing requirements. These include review meetings with teams to identify and address any immediate difficulties, and detailed process-mapping of key aspects of court business to ensure that the most effective and efficient practices are agreed and implemented consistently. Once these new systems are in place, the MCC will be able to take a view on whether staffing levels need to be adjusted. In the meantime, the MCC is maintaining flexibility by using temporary staff to provide extra cover in some areas, and by reviewing the continuing need for any posts that become vacant.

Staff structure and numbers

- 3.3 The lack of reliable management information, coupled with the recent reorganisation – which is still bedding down – means that it is not possible to judge how far the current staff structure and numbers enable work to be carried out cost-effectively. Chartered Institute of Public Finance & Accountancy statistics for 2001/02 suggest that West Mercia staff costs are relatively high – the eighth most expensive of 30 MCCs. More recent MCC figures for CPM 9 (staff costs per weighted case) show considerable variation across the

court centres, and CPM 10 (weighted caseload per staff member) for the area dropped by almost 40% between December 2001 and June 2002. However, a recent report to the MCC suggests that the figures for CPM 10 may be influenced by excluding temporary staff, changes to cost centres and a drop in weighted caseload of over 13% since December 2000. It was also suggested that recent delays in resulting cases will have caused a temporary fall in the recorded weighted caseload. The Committee was provided with detailed reports on CPMs 9 and 10; however, in order to maximise the cost-effectiveness of its staffing structures and numbers, the MCC should put systems in place to provide regular and accurate management, financial and benchmarking information on staffing (see Recommendation 2).

- 3.4 At the time of the amalgamation, the MCC undertook a number of detailed reviews as the basis for the development of a new staffing structure. Although no formal job evaluation scheme was used, the proposed structure and gradings were reviewed in the light of other MCCs and the wider job market. The resulting staff structure provides clear lines of accountability, and a reasonable basis for the adequate supervision and distribution of work. The need to review the span of some deputy court support manager posts has been recognised where the merger of pre- and post-court sections has created large teams. On paper, there appears to be a high level of investment in corporate services, which account for approximately 11% of the staff. Inspectors accept the MCC view that, in the medium term, this can be justified by the considerable backlog and current volume of work on corporate issues needing to be progressed; however, this needs to be kept under review. The recruitment of a cadre of articulated trainee legal advisers is an innovative and cost-effective approach to the recruitment of legal staff.

3.5 The need to review staff structures and work organisation is recognised. Court business teams in some centres have clearly been under pressure over the summer months, when performance in some areas dropped to unacceptable levels (see paragraph 4.21). Staff and managers believe this was largely due to the need to train new staff following the high turnover – 28% – in the year after amalgamation. The MCC now has satisfactory plans in place to mitigate the effects of staff absence and turnover, although there is evidence that this was handled badly in the past, when poor financial management meant that available funds were not released to employ temporary staff (see paragraph 2.14). Performance has improved of late and Inspectors are satisfied that the situation is now being actively managed. Final decisions on staff numbers will not be taken until spring 2003, when the effects of the process-mapping, increased multi-skilling and recently recruited posts in HR and finance are clearer, and the overall effects of the staff restructuring are reviewed.

Identify, sustain and develop staff capabilities

3.6 The MCC is continuing to improve its fundamentally-sound systems to identify, sustain and develop staff capability, and has agreed to work towards recognition as an ‘Investor in People’ by 2004. The recently-introduced induction programme is comprehensive, carefully structured and well presented. The programme covers the six-month induction period, and includes centrally organised induction courses and a framework for departmental induction, all clearly documented in a personalised induction file. The programme has been implemented for those staff who have joined the MCC since September 2002, and will be provided retrospectively for all staff who joined in the previous six months. Line managers have been given an introductory training session on its use

and are provided with back-up support from the HR team. The programme is highly regarded by those currently involved, and staff and managers have asked to have the files made available for more general use in their departments.

3.7 Until recently, training needs have been identified on an individual basis through the MCC’s PDP Scheme (see paragraph 3.11). Organisational training was suspended during the period of the staff restructuring, but the training records for 2001/02 show that, during this time, most individuals were still offered some kind of development opportunity. Many staff interviewed were appreciative of past training opportunities and were confident that they would be offered personal and job-related development in the future. Line managers also demonstrated a good understanding of their role in identifying and supporting staff in meeting their development needs.

3.8 Over recent months, a comprehensive MCC Training Plan has been developed and this is clearly linked to the MCC’s strategic objectives and current priorities. The plan sets out a broad range of training and development opportunities, including areas such as the implications of the Race Equality Scheme and race awareness, diversity and the Human Rights Act (HRA) 1998 and Health and Safety. The plan also includes proposals to set up an in-house management development programme (in collaboration with a local university) that would potentially offer training and qualifications for junior, middle and senior managers. Detailed costings and implementation plans were being developed for approval at the December 2002 Committee meeting, to be issued to staff in the form of a training and development programme in the New Year. Meanwhile, some training in high priority areas is already underway. The HR team is aware of the need to develop an

evaluation framework for training and development, that moves beyond the current assessment of trainee satisfaction to review the impact on individual and organisational performance.

- 3.9 Arrangements for legal training appear to be less well developed. Some legal advisers feel that the focus of training on corporate and court support issues has been to the detriment of training on professional legal issues. Consideration should be given to building legal training into the overall corporate training plan, so that the MCC can ensure that both sets of needs are properly addressed in future.

Staff performance review and development

- 3.10 The strategic, business and team planning & review systems, combined with line management, enable staff to understand the performance required to achieve MCC objectives. Business plans developed from the MCCs strategic objectives make reference to CPM targets, and set out team and individual responsibilities for achieving these and other objectives & targets. During interviews, staff at all levels of the organisation demonstrated an awareness of team targets, and reported receiving feedback on their achievements through team and line management meetings, and charts on notice boards.
- 3.11 Whilst the corporate planning system outlined above provides the foundations for a coherent performance management process, this does not follow through into the PDP Scheme. The current PDP Scheme provides a systematic framework for reviewing general aspects of individuals' performance against competences, and for identifying training needs through an annual meeting with a line manager. The scheme has clearly been useful, conscientiously applied (until this year), well understood and valued by the staff. However, the PDP Scheme does not

provide a formal appraisal mechanism that links corporate and team targets with individual performance and development needs, and the MCC needs to progress its plans to review and revise the scheme as a matter of priority. The Committee should also ensure that any new scheme provides a satisfactory mechanism for appraising the performance of the JCE and other members of the CMT, and that the arrangements for appraisal and pay reviews are set out in the job particulars (see Recommendation 7).

Communication and involvement of staff

- 3.12 Through its published values and extensive range of internal communication systems, the MCC demonstrates a strong commitment to the creation of effective dialogue and involvement with its staff. A draft communications policy has recently been developed that sets out the aims of communication and the responsibilities of staff and management; this is underpinned by the Communications Framework – a document which catalogues the range of audiences, communication methods and plans for development. There is a systematic approach to the dissemination of corporate information through a variety of means including:
- ◆ providing copies of the Strategic Plan and relevant business plan to all staff in a personal folder
 - ◆ distribution of *West Mercia News* – a regular newsletter circulated to staff by e-mail and displayed on staff and magistrates' notice boards
 - ◆ staff and MCC notice boards in all offices and court centres are carefully set out and regularly updated by the quality team and include, among other corporate information, the latest minutes of the MCC, CMT, BMT, Legal Forum, and Joint Consultation and Negotiating Committee (JCNC)

- ◆ a clearly-defined network of internal committees and meetings, with clear terms of reference covering all managerial levels of the organisation, as well as specific function or issue-related groups
- ◆ arrangements for cross-functional communication through the business management and court centre meetings, which include staff from legal, court support and relevant corporate functions.

3.13 The MCC worked hard to ensure that all staff were fully informed and involved in the development of options and decisions at the time of the amalgamation, and plans for restructuring. The recollection of staff members varied about the degree to which they were consulted and listened to, but many cited examples of active consultation through focus groups, presentations and team consideration of alternative structures. This commitment to staff involvement is continuing through a series of review meetings currently being held between senior managers and all teams, to provide an opportunity for staff to give their views on the effects of the restructuring.

3.14 Staff awareness of the Strategic Plan and involvement in the creation of the current business plans was quite limited in most teams (except in the corporate functions). Opportunities for all staff to identify with the goals of the MCC, and to have meaningful opportunities to contribute to organisational improvement, need further development in future planning cycles.

3.15 Those staff interviewed were, on the whole, satisfied that communication had improved since amalgamation. They felt that there were adequate systems in place to ensure they had access to information and opportunities to give feedback, and Inspectors were told of several examples where team ideas for dealing with

problems, or developing new systems, had been taken on board. However, not all staff felt well informed and there was some variation in the effectiveness of information cascades; for example, in some offices, team meetings were irregular “because we are too busy keeping up with the work”. There was also a suggestion that some line managers may not yet appreciate the value of regular team meetings, when they are in constant day-to-day contact with individual team members anyway. Some staff said they were beginning to feel overwhelmed by the amount of written information they were being asked to absorb, and the use of staffroom notice boards to disseminate corporate information – particularly feedback on performance targets – was seen by some as intrusive.

3.16 There are effective mechanisms for formal negotiation and consultation with staff through a JCNC. A *Recognition and Facilities Agreement*, drawn up with AMO in November 2000, sets out the scope of union recognition and includes a constitution for the JCNC. A Local Negotiating Group (LNG) has also been set up to work through the detailed management issues that need to be progressed through the restructuring process. The LNG does not appear to have any terms of reference; however, minutes indicate that tasks are formally delegated by the JCNC, and that agreements reached by the LNG are formally ratified by the JCNC.

Good employment practice

3.17 Only a few new HR policies have been developed for West Mercia and, depending on their location, staff are largely working under one of the two sets of terms & conditions and personnel policies inherited from the previous Committees. The range of policies available covers all the key statutory and non-statutory areas, and policies have been checked for HRA

compliance. Differences between the two sets have been identified and a harmonisation plan drawn up; the JCNC has now begun the task of developing a set of new terms & conditions and policies for the whole MCC area. Inspectors consider that this work is considerably overdue, but are satisfied that the potential risks of delay were considered and set against other pressing priorities. The MCC should ensure that the harmonisation is completed to agreed timescales, and that staff and managers are fully trained to use the new policies and procedures by the end of the year.

3.18 Staff interviewed were aware of the existence of key policies, and knew where to access them and get advice if needed. However, they did not appear to have any in-depth understanding of equal opportunities issues and implications, although some had attended equal opportunities and diversity training in the past. There is evidence of the MCC's restatement of its commitment to equal opportunities through its wide-ranging and clearly-drawn Race Equality Scheme; the creation of a Diversity Strategy Committee (which includes an external adviser) and a Diversity Group to oversee the implementation of the action plan. High priority is also being given to diversity-related issues in the Staff Training Plan (see paragraph 3.8).

3.19 Sickness absence is managed through the existing Sickness Absence Policies for Hereford, Worcester and Shropshire. The system for collecting and collating data allows absence to be tracked for individuals and by illness-type, so that stress-related absence can be monitored. Sickness absence rates for 2001/02 appear relatively high at 6.5%, equating to an average of 15 days compared to the public sector average of ten days per person per year. Inspectors also saw evidence of people working long hours at all levels of

the organisation, to meet deadlines and targets and to clear backlogs. Whilst there was no suggestion of any coercion – indeed, staff were highly committed to supporting the organisation through a difficult time – the development of a long-hours culture is not conducive to the health of staff or work-life balance. A concern about stress and overwork in the organisation is acknowledged, and actions have been taken or are in train to try to address these issues including: a work-life balance initiative during European Health and Safety Week; offering access to independent stress counselling and setting up a stress focus group to find out what staff want from the MCC. The Committee will need to ensure that this issue is tackled effectively over the coming months.

3.20 The MCC is vigorously and systematically tackling its responsibilities for Health and Safety (H&S). It has put in place a comprehensive set of mechanisms that, when fully operational, will address requirements under H&S legislation; there is also an H&S Plan for 2002/03 which sets out the changes needed to improve the system, along with timescales and responsibilities. Expert support for this area is available through the recently-appointed Property Service Manager, who is the MCC's designated H&S Officer (competent person), and through SLAs with Shropshire and Worcestershire County Councils. The West Mercia Health and Safety Policy sets out the terms of reference for the main H&S Committee and five court centre H&S groups, each including representatives of the staff, union, management, and MCC or magistrates. Each court centre has a designated H&S representative, with clear responsibilities also set out in the policy.

3.21 Since May 2002, the local H&S groups have met quarterly and undertake an inspection of the premises after each

meeting. Minutes are forwarded to the main MCC – which meets twice per year – along with an action plan to address any identified issues. Manual handling training is currently being undertaken. Risk assessments are undertaken:

- ◆ by some trained MCC staff
- ◆ by the PFI contractors (at Hereford, Worcester and Kidderminster courts)
- ◆ through SLAs with Shropshire and Worcestershire County Councils for non-PFI courts.

3.22 There are also plans in hand to train members of the H&S groups to undertake risk assessment in key areas such as workstations, stress, and safety and security.

3.23 Staff interviewed were aware of H&S procedures and could identify the local H&S representative. Understanding and awareness of H&S is being enhanced through a newsletter to be sent to all staff via the electronic library system. There are regular fire and evacuation drills, but Inspectors found that fire and bomb instructions were not clearly displayed on staff notice boards. Sufficient first aiders have now been recruited and are to be trained in the New Year.

Recommendation 7: that, by December 2003, the Committee should produce, agree, communicate and implement with appropriate training and support:

- ◆ **a staff review and development scheme that will enable the organisation to manage the performance of all staff and identify development needs effectively**
- ◆ **a single set of terms & conditions and HR policies for West Mercia.**

Inspection Findings 4: 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 unreliability of the data supplied by the MCC for Time Interval Surveys (TIS) makes it difficult to assess whether cases have been handled within an appropriate time. However, the MCSI case completion survey indicates that overall performance is currently around the national average. There are some unacceptable delays in waiting times between plea and trial; the numbers of cracked trials and cases adjourned through lack of court time are unacceptably high. Good efforts have been made to monitor performance and, with further development, these could form the basis of an effective performance management system. Despite efforts by ushers, court clerks and magistrates to manage business effectively on the day, the MCC does not meet government expectations on witness waiting times. The MCC has not used all available methods systematically to meet the targets, nor to ensure the efficient use of resources across the area. An effective protocol on persistent young offender (PYO) cases with other criminal justice agencies has assisted the achievement of better-than-average times from arrest to completion and the meeting of government targets. Recent efforts have been made to improve previous poor timeliness in the production of information to other agencies. A comprehensive training programme has been developed for all magistrates, but magistrates are not deployed fully in accordance with the Lord Chancellor's directions nor to meet the demands of the workload.

Ensure that cases are completed within an appropriate time

- 4.1 To assess case completion performance, Inspectors examined TIS data, the MCC's own analysis of CPM 1 (the time taken from first listing to complete a case), and an MCSI survey using data collected from a sample of 707 cases completed during the sample period (the week commencing 12 August 2002 for adult cases, and the same week and the preceding four weeks for youth cases) – see Figure 2 for details

Figure 2: West Mercia MCS 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
MCSI survey	33	53%	76%	707
Indictable and either-way cases				
MCSI survey	74	26%	59%	78
Summary non-motoring cases				
MCSI survey	30	72%	78%	211
Summary motoring cases				
MCSI survey	28	48%	78%	418

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	35	35%	84%	43
Summary non-motoring	32	25%	58%	52
Summary motoring	39	48%	70%	27
All cases	35	34%	70%	122

PYOs	Cases completed in the magistrates' courts only	Cases completed in magistrates' courts and Crown Courts
LCD figures extracted from Phoenix (police national computer)	Average number of days from arrest to sentence	Average number of days from arrest to sentence
January – March 2001	100 (80)	109 (89)
April – June 2001	73 (67)	75 (76)
July – September 2001	62 (64)	67 (71)
October – December 2001	63 (61)	67 (68)
January – March 2002	60 (62)	63 (68)
April – June 2002	55 (60)	62 (67)
MCSI survey – number of defendants = 29	44	

of this latter exercise. However, Inspectors observed inconsistencies between the sample size in the MCSI survey and the sample sizes in TIS data supplied by the MCC, for example:

- ◆ in March 2001, only 40 summary non-motoring cases were recorded as being heard in one week compared to 211 in the MCSI survey
- ◆ in September 2001, no data from one court centre was included in the TIS results, although, according to the MCSI survey, this is the largest court centre in terms of caseload. This had not been identified by the MCC
- ◆ for one court centre, the number of indictable or either-way cases recorded by the MCC in surveys since March 2001 varies between 50% and over 500% more than the number found in the MCSI survey, leading Inspectors to believe that some summary cases might be misrecorded as indictable or either-way cases.

4.2 MCC staff responded promptly to Inspectors' concerns and reperformed the June TIS, confirming that there had been some miscategorising and some under-counting of summary cases. It was also accepted that a previous court centre nil return had not been identified by the MCC or the LCD. As a result of these findings, the MCC has decided to process-map the collection of TIS data to ensure consistency, and the MAP Officer's role has been extended to include the quality assurance of all TIS data. Inspectors welcome this appropriate response but can currently only make judgements on the basis of the MCSI survey, which indicates that the MCC currently performs at around the national average in case completion times.

4.3 The MCC has made some useful efforts to encourage timely case completion, including:

- ◆ training days for Bench Chairs, to increase confidence in dealing assertively and effectively with requests for adjournments. This training will be rolled out to other magistrates as a result of positive feedback from the Chairs
- ◆ making tape-playing facilities available, to enable defence solicitors to take instructions on the day when advance disclosure is late
- ◆ piloting more rigorous pre-trial reviews (PTRs) at Hereford, to improve case management
- ◆ systematically drawing the attention of defendants to discounts for early guilty pleas.

4.4 However, other indicators suggest that the MCC needs to make even more sustained and rigorous efforts to improve case completion times:

- ◆ in the MCSI adjournment analysis (Figure 3), 22% of cases were adjourned because of a lack of court time, compared to 3% from the consolidated data from 25 inspections completed between September 2000 and September 2002. The majority of these adjournments were for motoring matters. In some courts, motoring cases were substantially over-listed as part of mixed lists and, if the defendant did not appear, cases were often not heard on the day due to the pressure of other work. Such cases were then formally adjourned, rather than using the facility to hear such cases up to 28 days after the date of hearing on the summons. Inspectors suggest that this is an area that the MCC should look at in order to reduce case completion times, and the unnecessary extra administration required to re-list and process these cases following a formal adjournment. The recent creation of specialist road traffic courts will assist, but the MCC will need to keep this under review

- ◆ the adjournment analysis and observations in court indicate that adjournment periods from plea or PTR to trial were excessive in some areas. The next available one-day trial date was more than eight weeks ahead in some courts, and almost a fifth of all adjournments for trials or PTRs were longer than the Trials Issues Group (TIG) guidelines (that is, over 56 days)
- ◆ delays in listing pre-sentence report (PSR) cases was identified by the Committee as a weakness in its self-assessment, and this is exemplified by the adjournment analysis, which shows that over a third of adjournments for a PSR were for more than 21 days.

Figure 3: West Mercia MCS 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							47%	55%	
To prepare for trial/pre-trial review	9	22	19	25	45	33	153 43%	5,966	40%
For reports prior to sentence	6	7	30	19	10	–	72 20%	3,127	21%
Miscellaneous (e.g. defendant was ill)	6	9	8	9	4	1	37 10%	1,211	8%
To serve concise witness statements	1	4	9	11	7	–	32 9%	675	5%
To prepare for committal	–	2	1	3	1	1	8 2%	1,196	8%
For defendant to be informed that s/he faces disqualification from driving	3	5	17	9	1	–	35 10%	1,361	9%
To tie in with other matters	5	4	5	4	2	1	21 6%	1,246	8%
For a full file after unexpected not guilty plea	–	–	1	–	–	–	1 0%	55	0%
Subtotals	30 3.9%	53 6.9%	90 11.7%	80 10.4%	70 9.1%	36 4.7%	359 100%	14,837	100%
Ineffective hearings							53%	45%	
Defendant did not attend	8	9	10	11	13	19	70 17%	3,284	28%
Subtotals	8 1.0%	9 1.2%	10 1.3%	11 1.4%	13 1.7%	19 2.5%	70 17%	3,284	28%
Defence – other reasons									
To take further instructions	9	26	9	10	11	–	65 16%	2,513	21%
Defendant had not applied for legal aid	–	–	–	1	1	–	2 0%	134	1%
Advance information had not been requested	1	3	1	1	–	–	6 1%	90	1%
Committal papers received but not considered	–	–	–	–	–	–	– 0%	32	0%
Advance information received but not considered	–	–	–	–	–	–	– 0%	110	1%
To review tape or video evidence	–	–	2	1	–	–	3 1%	282	2%
Subtotals	10 1.3%	29 3.8%	12 1.6%	13 1.7%	12 1.6%	– 0.0%	76 18%	3,161	26%

Figure 3: West Mercia MCS adjournment analysis – continued

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison		
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56				
Court										
Details of previous driving convictions not available	3	6	6	11	4	–	30	7%	526	4%
Application for legal aid not processed	–	–	–	–	–	–	–	0%	15	0%
Insufficient court time	16	47	6	11	6	3	89	22%	357	3%
Subtotals	19	53	12	22	10	3	119	29%	898	8%
Prosecution										
To make further enquiries	9	10	11	5	9	–	44	11%	992	8%
Advance information not provided on time	–	1	–	–	–	–	1	0%	199	2%
Committal papers not provided on time	–	–	–	–	–	–	–	0%	67	1%
Summons not served	–	–	1	–	–	–	1	0%	523	4%
Concise witness statements not served	–	–	5	1	1	1	8	2%	63	1%
Prosecutor unable to produce file in court	6	6	4	–	–	1	17	4%	361	3%
To consider the appropriateness of the charges	5	2	6	1	1	–	15	4%	620	5%
Subtotals	20	19	27	7	11	2	86	21%	2,825	24%
Third party										
Witness did not attend	–	1	–	–	3	3	7	2%	72	1%
Subtotals	–	1	–	–	3	3	7	2%	72	1%
Probation service										
Pre-sentence report requested but not provided	2	4	1	–	1	–	8	2%	66	1%
Subtotals	2	4	1	–	1	–	8	2%	66	1%

Reason for adjournment	Length of adjournment (calendar days)						Total adjournments for reason specified	*MCSI comparison		
	Less than 8	8 to 14	15 to 21	22 to 28	29 to 56	More than 56				
Prison Service/Prisoner Escort										
Prisoner Escort and Custody Service failed to produce prisoner	–	–	–	–	–	–	–	0%	9	0%
Subtotals	–	–	–	–	–	–	–	0%	9	0%
More than one party										
Defendant not made aware of hearing/ issued with defective summons	1	–	2	7	1	1	12	3%	171	1%
For prosecution and defence to liaise	2	3	1	–	–	1	7	2%	327	3%
Subtotals	3	3	3	7	1	2	19	5%	498	4%
Miscellaneous										
Other miscellaneous reasons	3	2	2	3	2	1	13	3%	560	5%
Unable to identify the reason for adjournment	3	2	3	5	–	–	13	3%	567	5%
Subtotals	6	4	5	8	2	1	26	6%	1,127	9%
Total	98	175	160	148	123	66	770	100%	26,777	100%

Sample case size:

332 cases with one or more adjournments

375 cases completed at first hearing

707 cases in sample

*Consolidated data from 25 MCSI inspections completed between September 2000 and September 2002

Manage performance effectively

- 4.5 The MCC has established systems to monitor performance effectively and, with further development, these would form the basis of an effective performance management system. Performance reports are compiled regularly by the QT and considered by the Committee and managers. These well-presented reports usefully include comparisons with local and national targets, a commentary explaining the factors behind current performance, indications of how performance can be improved and any initiatives undertaken. However, there is a lack of clarity about accountability for operational delivery of objectives or targets, particularly where this crosses the legal and court support span.
- 4.6 The quality team makes good use of IT in performance monitoring – for example, creating systems to calculate CPM data – and the team has also been asked to create systems to assist the CPS with performance management.
- 4.7 Performance targets are set by the Committee and are appropriately demanding in most areas. The QTM has held meetings recently for all staff, to explain how the CPMs and the NPIs are calculated, and to raise awareness of how each member of staff contributes either directly or indirectly to MCC performance. Inspectors were encouraged to find a clear awareness among operational staff about performance in their own area. A performance notice board has been placed in each courthouse with a comprehensive breakdown of performance on key targets. Quarterly meetings are held with the CMT, BMT, Area Legal Managers, Court Support Team Managers and the heads of centralised function teams. At these, the QTM gives a presentation on performance, which highlights improvements and identifies any decline in performance.

However, it was not always clear that actions previously agreed are systematically followed through, or progress tracked and reported.

- 4.8 Inspectors' concerns about data validity and assurance are reported in paragraph 4.1.

Schedule court business appropriately

- 4.9 Inspectors identified wide variations in practices such as the use of block-listing and loading of courts, with only a recent strategic focus on scheduling and listing across the MCC area.
- 4.10 Actual court sitting hours as a proportion of planned sitting hours of court time are good, in September 2002 exceeding the MCC target of 80% by 9.36%. However, other data indicates that scheduling is not operating effectively across the area. For example, there are some significant delays in trial availability and, in June 2002, the caseload per sitting hour varied from 8.56 in North Shropshire to 12.30 in South Shropshire. In addition, 29% of professional respondents to the MCSI questionnaire felt that insufficient account was taken of their needs in the scheduling of courts. These included representatives of the CPS, the police, and the Prisoner Escort and Custody Services.
- 4.11 The MCC inherited a mismatch between the location of workload and resources, with more court starts in Shropshire than Herefordshire and Worcestershire, to cover a smaller weighted caseload. The MCC took the strategic decision to move to one commission area, in order to allow more flexibility in the allocation of cases between courthouses. The MCC has recently taken advantage of this by moving motorway-generated road traffic work from Kidderminster to Telford, but Inspectors consider that there might be more scope and need for other such transfers. For example, whilst the Redditch courthouse is being refurbished,

the work has been moved to Droitwich which is not able to absorb easily the large amount of additional custody cases. There was no evidence in this case that any consideration had been given to transferring work between courthouses more widely, as a temporary measure. The MCC has recently been responsive to a request from the CPS that court starts are reallocated from Shropshire to Herefordshire and Worcestershire. The MCC has also adopted a listing policy, which aims to “ensure the expeditious entry, processing and finalisation of cases”. These moves are welcome, although belated. The listing policy is comprehensive and contains clear and appropriate aims. The effectiveness of this is untested but, when it is reviewed, it would benefit from more specific guidance on, for example:

- ◆ the deployment of the District Judge
- ◆ how the single commission area can contribute to the aims
- ◆ the extent of overlisting
- ◆ the minimum and maximum number of cases appropriate to each type of court sitting
- ◆ when and how courts can be collapsed
- ◆ the listing of Designated Case Worker (DCW) and private prosecutor courts.

Manage court business effectively on the day

4.12 Magistrates, ushers and legal advisers work together to manage court business on the day. However, there is evidence that these efforts are not fully effective. Whilst the MCC has adopted a weighted caseload per sitting hour of 11 completed cases, the latest figures show that the MCC average was 9.83 cases, with South Worcester achieving only a worryingly-low 8.43 cases, compared with the national average of 10.95. The latest Joint Performance Monitoring Witness Waiting Survey results show that West Mercia’s overall

performance in this area has been poor; 39% of witnesses are waiting less than one hour against a national average of 50%, making West Mercia thirty-sixth out of 42 MCCs.

4.13 The role of ushers in calling cases is inconsistent across the MCC area. In some courts, good practice has been established; for example, in one court, the usher will indicate on the court list if a case is ready, by putting the letter ‘R’ in red against the name of the case. The legal adviser will then be in a position to call cases which are ready to proceed. In other courts, there was no apparent system for case-calling, with inconsistent practices in place. The MCC has recognised the lack of a consistent approach and Inspectors welcome the consequent development of a protocol for the calling of cases.

4.14 During courtroom observations, Inspectors noted that legal advisers gave good explanations of the court process to defendants and, for example, the consequences of the non-payment of fines. One Bench Chair brought witnesses into the court to explain why a case could not proceed, gave an excellent explanation to witnesses, thanked them for their attendance and apologised for any inconvenience the adjournment had caused. Bench Chairs gave good explanations of how the case would progress to defendants and the consequence of sentences imposed.

4.15 Inspectors were concerned to note occasions when the legal adviser joined the bench in the retiring room, but did not relay any advice (or the fact that no advice had been given) in open court. This is contrary to the relevant Practice Direction² and to West Mercia policy.

² Practice Direction on the Role of the Clerk in Court – amended 2000.

Reduce delay in the youth justice system

- 4.16 Successful efforts have been made to improve the case completion figures for PYOs. During the third quarter of 2001, the average time from arrest to sentence for PYOs in West Mercia was 63 days; by the second quarter of 2002, this had reduced to 55 days. The MCC is now achieving PYO case completion times that are better than both the national target and the national average. Staff were aware of the need to progress PYO cases and trial dates are expedited, and extra youth courts scheduled, at times of high demand.
- 4.17 A useful multi-agency PYO protocol was introduced in April 2001 to help speed up the progress of PYO cases. The document covers all aspects of the youth justice system, setting out the different areas of responsibility for each agency. Targets were set for each agency to ensure that the overall targets for PYO cases were met; for example, arrest to charge – no more than two days; charge files processed by a case worker at the Criminal Justice Support Unit within one day, and forwarded to the CPS either the same or following day.
- 4.18 The MCC's commitment to reducing delay in the youth justice system is demonstrated by the appointment of a Case Progression Officer, and the recent decision to adopt a more challenging internal target of 58 days for PYO cases. In each of the court centres, monthly tracker meetings are held and these include a representative of each of the criminal justice agencies. The Case Progression Officer is proactive: identifying cases which are causing concern through good use of the tracker system and notifying the other agencies before the meeting, allowing them time to investigate the cause of delay.

Ensure that IT contributes to the effective administration of cases

- 4.19 The MCC has in place an adequate IT system and this is effective in supporting the administration of cases. The present Unisys mainframe system has proved reliable, with the minimum of down-time, although it reaches its decommission date (the date until which the system was planned to remain active) on 31 December 2002, and questions remain about support for the system until the rollout of the revised Libra core application. There are good electronic links to other agencies. Inspectors welcome the development of a draft IT business plan which includes targets and identified officers responsible for achieving them. The plan usefully focuses on the role of IT in helping to meet targets set by government, and on improvements in IT links and information to other agencies.
- 4.20 During the inspection, the MCC began to pilot in-court 'resulting' using laptops. This was reported to be beneficial to register production times, although wider benefits from the use of IT in court will only flow from the installation of printers, allowing the production of fine and other notices. Inspectors support the contribution of the pilot scheme to improving information production, but were not assured that plans for the evaluation of the initiative were fully developed.

Meet the needs of other agencies for prompt and accurate information

- 4.21 Although there have been significant delays in the processing of key information, great efforts are now being made to meet the needs of other agencies better. CPM 3 data (the percentage of information produced within the statutory timescale or national guidelines) shows that the national timescales and MCC target of 90% are not being met, and

performance is inconsistent across the court centres. For example, in Telford and Worcester, the production of registers achieves the MCC target, regularly achieving 100%. Register production performance in Kidderminster is less good, with a disappointing 6.25% in June 2002. The latest data, for September 2002, shows that this figure has now risen to 42.68%. Inspectors were told that poorer performance was due to staff shortages and the lack of experienced and fully-trained staff. Process-mapping of the production of information is taking place across the MCC to identify best practice and establish optimal staff levels. Staff were enthusiastic about the benefits of 'resulting' in court, and the recent improvement in register production is put down partly to this pilot (see paragraph 4.20). In Hereford, a system for improving the time taken to process applications for legal representation orders has been introduced recently. Having identified that the majority of legal aid applications are made in the 'Narey court', an officer has now been made available during the time 'Narey courts' are held, to process any applications as they are received from court, ensuring a quick turn-round.

- 4.22 Inspectors appreciate that, in setting a 90% target for each element of CPM 3, the Committee might have focused on what it believed was realistically achievable, but question the appropriateness of a 90% target for the processing of committals, which must be dealt with in four days as a statutory requirement. The MCC now needs to ensure that the recent improvements in information production are sustained through the dissemination of good practice and process-mapping.

Deploy trained magistrates in accordance with the Lord Chancellor's directions and to meet the demands of the workload

- 4.23 Advisory Committee returns showed no magistrates with an excessive number of sittings. There were, however, a number of benches in Shropshire where the average number of sittings was low, indicating that some magistrates had not undertaken the minimum sittings directed by the Lord Chancellor. The lack of data from some of the Advisory Committee returns makes it difficult to assess how many benches sat with only two magistrates, but Inspectors noted that 12% of courts at Ludlow and 22% of youth courts at Oswestry sat with two magistrates, and the practice needs to be carefully monitored. In-court observations during the fieldwork period revealed that, in almost every court, three magistrates were sitting with an appropriate gender mix.
- 4.24 Some low average sittings, and the incidence of benches sitting with two magistrates in the rural areas, highlight some potential consequences of retaining some relatively small benches. The choice to do so is costly to resource – for example, the servicing of at least 20 bench meetings each year. Small benches can limit the magistrates' experience of in-specialist areas, and there is the prospect that repeat offenders appear before the same magistrates. Inspectors found it particularly unsatisfactory that the Bridgnorth Bench continues to sit separately at Telford, and would encourage the MCC to implement its planned review of this practice as soon as possible and commence a dialogue with stakeholders over the most appropriate number and size of benches.

- 4.25 Inspectors received many positive comments about the quality of training and the support offered to magistrates. A full training programme has been developed and this ranges from induction to specialised areas such as licensing. Magistrates were very impressed with the quality of the tutors and new magistrates were full of praise for the support and help they had received during the induction process. Appraisal and mentoring are well developed and incorporated into sitting rotas.
- 4.26 An IT system for rotas has been developed and staff reported that this worked well, and generally few problems were reported with either the sufficiency or availability of magistrates. Those magistrates interviewed were content with the rota system, the majority arranging their own swaps when this was necessary.
- 4.27 In order to focus the MCC's efforts to make improvements in several aspects of the administration of cases, Inspectors make the following recommendation:

Recommendation 8: that the Committee develop an area-wide approach to the management of court business in order to:

- ◆ **reduce case completion times**
- ◆ **reduce witness waiting times and improve the management of cases on the day**
- ◆ **use resources more effectively**
- ◆ **ensure that the deployment of magistrates meets the Lord Chancellor's directions and the demands of the workload.**

Inspection Findings 5: Care of Court Users

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

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

Facilities

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

Treatment

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

Written information

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

Overall Assessment – Facilities

West Mercia MCC benefits from the farsighted approach of the two former MCCs to ensure the provision of facilities that allow all court users to conduct their business in adequate comfort and safety. The courthouses, which the MCC has agreed to retain in its building strategy, are well cared for and generally offer a good provision of facilities. Though the MCC continues to make improvements, there remain areas in respect of privacy, safety and security, which still need to be tackled effectively.

All court users are able to enter and conduct their business within court buildings

5.1 Except at Ludlow, access for court users with disabilities, and facilities for such users, are very good, especially at the modern purpose-built court buildings.

Good efforts have been made to improve the facilities in the older buildings, such as Oswestry, to ensure that access to and within the buildings is possible for

disabled users. The courthouse at Ludlow is a Grade 1 listed building and the Committee has concluded that the major structural work that would be required to allow full access for all users is not feasible, and appropriate arrangements are in place to transfer any cases involving a wheelchair user to other courthouses.

5.2 WMMCS court information leaflets identify the name and contact details of the Disabled Person's Officer, and a Register of Facilities for Disabled Court Users is available (but see the comments at paragraph 5.16 about other aspects of the leaflets). Useful Disabled Access Reports were conducted at the Shropshire courts in partnership with the Shropshire County Council and, at Worcester, accompanied by the PFI contractor's representative. There are disabled toilet facilities at all courts, except Ludlow, and the MCC has provided fixed, or portable, loop or infrared hearing systems in all of the courts.

Facilities for court users offer adequate comfort, taking into account the likely duration of any period of waiting

5.3 Inspectors found high levels of comfort provided in the court buildings, particularly in the modern, purpose-built courts. The public areas are cleaned regularly, the décor is bright and the premises are in a good state of repair. A non-smoking policy has been introduced across the MCC and is rigorously enforced. Court users have access to good canteen facilities at two of the courthouses, and to hot and cold drinks at other courthouses. With the exception of Market Drayton and Oswestry, the quality of cell provision is very good at those courthouses dealing with defendants in custody. Cell areas inspected were clean, well maintained and provided good facilities for the number of prisoners kept there.

5.4 The cell area at Market Drayton was found to be very basic (with two cells and only one toilet, which had to be shared by prisoners and prisoner escort staff) with no hand-washing facilities. Facilities for the prison escort staff were sparse, comprising a shelf, telephone and microwave. At Oswestry, there are two cells, neither with direct heating provision, making them unacceptably cold during much of the year. Inspectors were informed that a representative of a criminal justice agency had recently made a complaint to a member of staff about the lack of heating in the cells, but are not aware of any planned action as a result of this. Inspectors were also informed that the interview room had to be used as a holding room at times of high demand. Again, the facilities dedicated for the use of prison escort staff were sparse, comprising of a shelf on the wall and a telephone, which the escort staff mistakenly believed was for internal calls only. Inspectors also have concerns about aspects of security at these two courthouses and make a recommendation at paragraph 5.11 in order to bring about improvements to the holding of prisoners.

All court users have access to facilities to conduct their business with appropriate levels of privacy

5.5 At about half the courthouses, users enjoy excellent facilities in which to conduct their business with the appropriate levels of privacy. At Telford and Shrewsbury, a number of interview rooms are available and there is excellent segregation of parties, with a separate entrance and dedicated waiting area for youths and families. The separation of users presents more of a challenge in the rural courthouses, and staff have to be flexible and creative in order to accommodate users' needs. At the courts in Kidderminster, Hereford and Worcester, there are a number of interview and witness waiting rooms available near courtroom entrances. However, these are

small and claustrophobic, and are not comfortable for users who may have to wait a long time. At Hereford, space near the court entrance is being developed to create a dedicated witness waiting area, and this is an indication of the thought and importance the MCC places on witness care. Inspectors were impressed with the awareness of staff, and the sensitive way in which they worked with the witness service to provide for the needs of various court users.

- 5.6 In terms of access to privacy at the enquiry counters, the modern courthouses include private interview rooms near to the enquiry counters and, at the other courthouses, staff informed Inspectors that they would accommodate a request from a court user to speak privately, through the flexible use of other rooms within the building.
- 5.7 Within the Oswestry courthouse, a corridor off the public area contains the custody suite and the witness waiting room. The fire door to the witness waiting room contains clear glass and Inspectors were conscious that witnesses might feel nervous about being able to see, and be seen by, defendants in custody, as they are escorted to and from court. It was indicated that, due to fire regulations, it may not be possible to cover the glass, but Inspectors suggest that court staff need to liaise closely with witness support and prisoner escort staff, in order to minimise any potential for witness intimidation.

Court buildings offer adequate levels of safety and security for court users, staff and magistrates

- 5.8 Following periods during which drills were not held, emergency evacuation drills have recently been undertaken and properly recorded at most of the courthouses in the MCC. However, some long-established staff could not recall ever having taken part in a drill. Inspectors endorse the MCC's moves to develop structures to manage H & S better, but suggest that the Committee should consistently assure itself that evacuation drills and procedures are in place, and have been carried out.
- 5.9 Inspectors identified a lack of consistency and central focus in the approach to, and provision of, security throughout the MCC, and provide examples of this in a Confidential Annex.
- 5.10 Inspectors suggest that, in line with the MCSI security thematic³, the MCC would benefit from the establishment of clear, MCC-wide security standards, agreed with the other relevant bodies and based on a rigorous security risk assessment process.
- 5.11 Inspectors also make the following recommendation, to improve the facilities and operation of the custody areas at Oswestry and Market Drayton courthouses:

Recommendation 9: that the Committee take urgent action to ensure the safety, security and comfort of all users of the custody facilities at Oswestry and Market Drayton.

³ A review of the management of security in magistrates' courts – MCSI 2001

Overall Assessment – Treatment

Court users are treated with respect and courtesy and their need for help and advice is generally well catered for. However, the MCC recognises that the number of witnesses waiting less than one hour remains low, representing poor performance against government expectations. Remedial actions have not yet been effective in tackling this problem. Formal complaints are dealt with sensitively and courteously, but there is a need to record informal complaints systematically.

Court users are treated with courtesy and offered appropriate help

- 5.12 The staff and magistrates in West Mercia are committed to treating all court users with respect and courtesy, and endeavour to provide them with appropriate help and assistance. Inspectors' observations and the positive comments in the non-professional court user survey confirmed the good standard of care provided by ushers, legal staff and magistrates, even when defendants were challenging. There is, however, no written guidance on the treatment of court users and no systematic evaluation of their treatment. The recent appointment of senior ushers by the MCC is an encouraging development, and one that should help in sharing good practice and a coherent approach.
- 5.13 Inspectors commend the excellent relationship which exists between the witness service and court staff. Vulnerable witnesses are identified at PTRs, familiarisation visits are available and good efforts are made to care properly for vulnerable witnesses. A useful and appropriate interpreter's protocol has been implemented. This has been developed in accordance with TIG guidelines and includes the use of only registered and approved interpreters from the National Register of Public Service Interpreters or the Council for the Advancement of Communication with Deaf People.

Waiting times on the day are kept to a minimum

- 5.14 Waiting times for defendants are around the national average – for example, in April 2002, 59% of defendants waited for one hour or less, compared to an average of 59% for England & Wales. As stated in paragraph 4.12, the number of witnesses waiting one hour or less is low. In addition, LCD NPI 6 (witness care) data demonstrates that a higher-than-average proportion of witnesses attend court and are not called to give evidence. The MCC is aware of the poor waiting times and has been taking remedial actions, but, to date, these have not been effective. An internal witness survey was commissioned, but its value was reduced, as the figures supplied by the courts were inconsistent and, in some cases, lost. A pager protocol for witnesses has been introduced, but it is not clear that this offers the prospect of significantly reducing witness waiting times. The recently-introduced listing policy has a section on reducing waiting times which usefully includes: reviewing listing patterns and extending the use of block-listing, reviewing court start and finishing times, and refining the monitoring and collection of data. Inspectors accept that real improvements in witness care are dependant upon inter-agency co-operation, but make a recommendation in paragraph 4.27 in order to focus further the contribution that the MCC is able to make to minimising waiting times.

Complaints are followed up and practices changed where necessary

5.15 There is an effective system for recording and reviewing the few formal complaints received. All formal complaints are reported to the QTM who enters the complaint on a central log. The QTM refers the complaint to the appropriate manager for investigation, with a specified target date for a response. Inspectors examined the central complaints log, concluding that complaints were dealt with in a timely and appropriate manner.

Actions to rectify matters are evident, with the ability to identify any emerging patterns. Although staff told Inspectors that they took informal complaints seriously, not all staff were aware of what to do when an informal complaint had been made. Inspectors suggest that the Committee should assure itself that all staff know how to react if an informal complaint is made, and that an appropriate recording is made of the complaint to enable patterns to be identified.

Overall Assessment – Written Information

The information needs of court users have not been systematically considered since the amalgamation. Consequently, there are some limitations in the extent and means of current information provision. Internal signage is generally appropriate, but court users who are not familiar with the location of the courthouses are not assisted by some poor signage for road users and pedestrians.

Court users receive, or have access to, appropriate and clear written information before and after court proceedings

5.16 The Committee provides information to court users through leaflets and on the notice boards within courthouses. However, the court information leaflets, which are sent out with summonses by the police, are variable throughout the MCC. The quality of the maps on some of the leaflets is poor; they are small, hard to read and not all are accurate. There is no information on oath-taking and the leaflets are only available in English; although, in a welcome move, the MCC has recently begun work on identifying in which other languages it might need to provide information. There is no mechanism to assure the MCC that leaflets are provided to all defendants and this has not been evaluated in any systematic way. The lack of systematic consideration of user needs was evidenced by the fact that some leaflets bear the name of the former MCCs.

5.17 Inspectors observed that, at some courthouses, information leaflets were not available in the racks provided. There were notice boards in all courthouses but not all of the boards were placed in a prominent position. There was a lack of consistency in the provision of diagrams showing details of the court layout and the provision of function plates in the courtrooms, to assist court users in identifying the different key players.

Signs to, on and within the courthouses

- 5.18 Signage, both external and internal, is of variable quality. At some courthouses, signage was very good, with clear directions both for road users and those on foot. At others, there were no signs and it was difficult to find the location of the courthouse. The MCC has recognised that the Kidderminster courthouse was constructed with an inadequate indication that it is a magistrates' court, and is taking steps to rectify this.
- 5.19 Internal signage is generally good, with Braille and good tactile signage at most of the courthouses.
- 5.20 Inspectors make the following recommendation, in order to encourage the MCC to improve systematically the provision of information to court users:

Recommendation 10: that the Committee systematically ensure that:

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

Methodology

The West Mercia inspection was conducted by a team of four Inspectors and an Inspection Assistant. The MCC was given approximately one month's 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 West Mercia magistrates' courts were identified and questionnaires, telephone and face-to-face interviews were used to gather information about their views and concerns.

The inspection team visited each of the MCC's five offices (Hereford, Worcester, Kidderminster, Telford and Shrewsbury) to inspect the files of all cases completed during the week commencing 12 August 2002, together with corresponding court registers. As part of the exercise, 707 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 West Mercia MCC has seen the report in draft form and any comments on factual inaccuracies have been taken into account in this final version.

West Mercia MCS: key facts

Principal Legal Adviser Areas	Petty sessions areas	Magistrates (to 31 December 2001)	Courthouses (admin offices in bold)	Courtrooms	Staff (full-time equivalent)	Weighted caseload (2001/02)
North Worcestershire	Severnminster	62	Kidderminster	3	55.6 ²	241,240
	Bromsgrove and Redditch	84	Bromsgrove and Redditch magistrates are sitting at Droitwich and Evesham Magistrates' Courts and at the Redditch Ecumenical Centre during the refurbishment of Redditch Magistrates' Court			
South Worcestershire	South Worcestershire	151	Droitwich	3	35	
			Evesham	2 ¹		
			Worcester	6		
Herefordshire	Herefordshire	112	Hereford	4	25.7	
North Shropshire	Drayton	23	Market Drayton	2*	22 ⁴	
			Whitchurch	Closed pending consultation		
	Oswestry	23	Oswestry	2*		
South Shropshire	Shrewsbury	63	Shrewsbury	4*	54.3 ³	
	Ludlow	19	Ludlow	2*		
	Bridgnorth	17	Telford	6*		
Telford	110					
Secretariat: Comberton Place, Kidderminster					27.3 ⁵	

¹ As at 1 January 2003, Evesham courthouse closed. *The number of courtrooms at the courthouses indicated was reduced by one.

² Includes 23.4 staff in the Fixed Penalty, Family and Accounts teams.

³ Includes 18.6 staff in the Enforcement and Warrants teams.

⁴ Includes 1.5 staff in Magistrates' Training part of Secretariat.

⁵ Including 3.8 IT staff based at Telford and 1.5 in Magistrates' Training based at Shrewsbury.

Expenditure 2001/02 (£000s) – Unaudited	
Staff	4,808
Premises	1,268
Supplies & services	1,369
Local authority charges	74
Magistrates' expenses	379
Magistrates' training	14
Gross expenditure	7,912
Income	44
Net expenditure	7,868

	Weighted caseload	
	2000/01	2001/02
1999/2000		
277,023	261,082	241,240

West Mercia MCS: 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 2001/02			West Mercia MCS ranking (of 42 MCCs) 2001/02
	Best	Worst	Average	
NPI 1 Cost efficiency				
Cost per unit of weighted caseload	£20.97	£51.64	£30.72	£31.96 (30)
NPI 2 Timeliness (March 2002 survey)				
Average number of days from first court listing to completion for defendants in all criminal cases	21 days ¹	64 days ¹	34 days ¹	26 days ¹ (8)
NPI 3 Courtroom utilisation				
Total actual court sitting hours as a proportion of calculated availability	78.7%	37.5%	62.6%	52.2% (32)
NPI 4 Debt analysis				
Completion rate indicator: Impositions collected, written off and cancelled as a proportion of all impositions	150%	57%	97%	68% (39)
Payment rate indicator: Amount paid into court as a percentage of new amounts owed	89%	34%	59%	48% (36)
Write-off indicator: Write-offs as a proportion of impositions	1%	37%	15%	14% (25)
Cancellation rate indicator: Cancellation of impositions as a proportion of all impositions	0%	52%	23%	6% (4)
Balances ratio indicator: The closing balance compared with the amount completed in the period	0.00	3.19	1.17	1.87 (39)
Arrears rate indicator: Percentage of the closing arrears over closing balances (100% = All of the balances are in arrears)	20%	100%	56%	63% (27)

National Performance Indicator	National data 2001/02			West Mercia MCS ranking (of 42 MCCs) 2001/02
	Best	Worst	Average	
NPI 5 Quality of service (April 2002 survey)				
Waiting times on the day survey: Percentage of adult defendants waiting one hour or less on the day of their hearing	77% ²	42% ²	59% ²	59% ² (19)
User reaction survey: Proportion of users who rated facilities or information as satisfactory or very satisfactory				
Facilities	85% ²	55% ²	72% ²	83% ² (3)
Information	96% ²	80% ²	90% ²	92% ² (11)
NPI 6 Joint performance management witness monitoring (June 2002 survey)				
Proportion of witnesses waiting one hour or less	71% ³	30% ³	50% ³	39% ³ (36)

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	98.52
	Black	0.35	0.00
	Asian	0.66	0.00
	Other	0.47	2.14

¹ NPI 2 figures relate to March 2002 survey but should be viewed with caution due to a lack of quality assurance.

² NPI 5 figures relate to April 2002.

³ NPI 6 figures relate to June 2002.

Core Performance Measures

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

		Quarter ending Sept 2001		Quarter ending Dec 2001 (Indictable and either-way cases only)	Quarter ending Mar 2002		Quarter ending June 2002 (Indictable and either-way cases only)	Quarter ending Sept 2002		MCC Target (Sept 2002)
		Ind/EW	Summary	Ind/EW	Summary	Ind/EW	Summary			
CPM 1 – Average length of cases from first listing to completion	Herefordshire	40 days	22.89 days	116 days	50 days	16.98 days	82 days	62 days	20 days	Indictable and either-way cases: 54 days
	North Shropshire	45 days	28.25 days	32 days	33 days	8.59 days	29 days	30 days	35.14 days	
	South Shropshire	22 days	5.69 days	46 days	32 days	11 days	48 days	65 days	8 days	
	North Worcestershire	N/A	N/A	69 days	129 days	44.5 days	76 days	45 days	32.6 days	Summary cases: 32 days
	South Worcestershire	79 days	20.67 days	63 days	45 days	8.27 days	26 days	80 days	20.48 days	
		Quarter ending Sept 2001	Quarter ending Dec 2001	Quarter ending Mar 2002	Quarter ending June 2002	Quarter ending Sept 2002	MCC Target (Sept 2002)			
CPM 2 – Percentage of defendants/complainants waiting one hour or less	Herefordshire	60.42%	82.28%	67.53%	52.08%	51.97%	62%			
	North Shropshire	62.24%	57.84%	75.12%	62.50%	56.86%				
	South Shropshire	67.06%	66.67%	51.70%	72.04%	59.04%				
	North Worcestershire	47.90%	51.64%	56.00%	62.50%	59.62%				
	South Worcestershire	50.62%	52.80%	N/A	46.94%	45.41%				
	West Mercia MCS	57.67%	59.28%	60.34%	61.61%	53.45%				

		Quarter ending Sept 2001	Quarter ending Dec 2001	Quarter ending Mar 2002	Quarter ending June 2002	Quarter ending Sept 2002	MCC Target (Sept 2002)
CPM 3 – Percentage of cases for which specified information is provided to other agencies within the prescribed timescale	Process committals within 4 days	60.43%	77.49%	74.28%	71.40%	71.76%	90%
	Process legal aid within 48 hours	75.21%	51.72%	64.63%	61.21%	77.20%	90%
	Verify register within 3 days	50.46%	61.96%	58.36%	38.91%	42.68%	90%
	Overall CPM 3 average	62.03%	63.73%	65.76%	57.17%	63.88%	90%
CPM 4 – Amount of arrears as a proportion of outstanding balances	Hereford and Worcestershire	46.87%	63.99%	–	–	–	55%
	Shrewsbury	50.13%	44.84%	–	–	–	
	Telford	41.99%	41.80%	–	–	–	
	West Mercia MCS	46.62%	60.92%	63.24%	60.62%	68.88%	
CPM 5 – Write-offs, due to the failure of enforcement as a percentage of impositions	Hereford and Worcestershire	11.07%	3.01%	–	–	–	21%
	Shrewsbury	7.48%	8.67%	–	–	–	
	Telford	2.91%	4.88%	–	–	–	
	West Mercia MCS	8.71%	3.33%	8.64%	6.96%	8.82%	
CPM 6 – Number of occupied court sittings hours as a proportion of planned hours of court time	Herefordshire	80.19%	84.69%	90.53%	101.50%	94.82%	80%
	North Shropshire	84.07%	85.61%	89.05%	79.02%	77.20%	
	South Shropshire	82.59%	77.13%	77.23%	70.30%	69.46%	
	North Worcestershire	84.27%	80.86%	87.20%	92.57%	95.86%	
	South Worcestershire	84.76%	88.47%	92.36%	103.84%	112.87%	
	West Mercia MCS	83.46%	83.18%	86.66%	88.78%	89.36%	
CPM 7 – Caseload per sitting hour	Herefordshire	14.24	13.66	12.19	10.67	10.85	11
	North Shropshire	8.32	7.62	8.14	8.56	8.47	
	South Shropshire	10.33	11.03	10.92	12.30	10.86	
	North Worcestershire	11.90	12.86	10.90	10.10	10.88	
	South Worcestershire	10.68	10.64	10.61	9.45	8.43	
	West Mercia MCS	11.05	11.06	10.55	10.17	9.83	
CPM 8 – Percentage of user satisfaction	Facilities	75.02%	77.99%	76.29%	78.35%	81.86%	75%
	Information	87.38%	87.34%	85.22%	84.82%	89.06%	92%
	Overall	80.70%	82.21%	80.23%	81.25%	85.07%	–

Core Performance Measures – continued

		Quarter ending Sept 2001	Quarter ending Dec 2001	Quarter ending Mar 2002	Quarter ending June 2002	Quarter ending Sept 2002	MCC Target (Sept 2002)
CPM 9 – Staff cost per weighted case	Herefordshire	–	–	£9.54	£15.81	£16.89	£25.80
	North Shropshire	–	–	£20.69	£18.26	£20.58	
	South Shropshire	–	–	£17.23	£19.26	£17.63	
	North Worcestershire	–	–	£14.72	£20.05	£14.42	
	South Worcestershire	–	–	£12.11	£11.64	£15.03	
	West Mercia MCS	£17.26	£17.04	£14.57	£16.96	£16.47	
CPM 10 – Weighted caseload per member of staff	Herefordshire	–	–	790.64	682.99	526.71	1474
	North Shropshire	–	–	627.65	576.83	437.63	
	South Shropshire	–	–	976.54	873.92	686.58	
	North Worcestershire	–	–	1298.73	1001.36	809.83	
	South Worcestershire	–	–	1129.99	983.65	738.54	
	West Mercia MCS	1346.02	1380.37	969.50	829.05	641.92	
CPM 11 – Total revenue cost per weighted case	West Mercia MCS	£29.24	£28.98	£33.72	£37.31	£39.40	£24.11
CPM 12 – Actual court hours as a proportion of capacity	Herefordshire	38.26%	39.96%	55.03%	69.41%	68.34%	63%
	North Shropshire	38.96%	41.47%	38.56%	36.53%	36.38%	
	South Shropshire	46.39%	43.92%	47.16%	43.32%	48.43%	
	North Worcestershire	53.83%	80.86%	74.01%	58.79%	54.20%	
	South Worcestershire	78.05%	87.49%	69.50%	78.71%	84.90%	
	West Mercia MCS	49.95%	55.11%	55.49%	54.81%	55.82%	

Recommendations and West Mercia MCS's action plan

1 MCSI recommendation:

That the Committee adopt a clear communication strategy and ensure that all significant corporate communications further its aims and objectives, and promote strategic partnerships.

MCC response

The Committee will:

- ◆ develop the draft communication policy further to a full strategy, liaising with other criminal justice agencies to ensure the promotion of strategic partnership
- ◆ actively participate in the local Criminal Justice Board in the promotion of inter-agency working and the development of joint strategies
- ◆ review the existing communications framework and policy to ensure that they meet with the objectives of the strategy, and further the aims and objectives of the Committee by examining, on an annual basis, the methods by which all strategic aims and objectives are pursued and delivered
- ◆ pursue the development of a biennial survey between local criminal justice partners, to enable evaluation of the effectiveness of communication structures.

Improvement target: A revised communications strategy in place by December 2003 and reviewed by the Committee on an annual basis, to ensure it is delivering the organisation's needs.

By date: December 2003

2 MCSI recommendation:

That the Committee develop clear systems to assure itself continuously that:

- ◆ the committee and organisational structures meet current and anticipated strategic needs
- ◆ staffing structures and numbers are cost effective.

MCC response

The Committee will:

- ◆ undertake the planned evaluation in 2003 of the new professional support staff structure, together with an evaluation of the legal staff structure. This is to follow the development of a range of measures and benchmarks against which the evaluation can be undertaken
- ◆ keep under regular review the organisation's staffing needs in the light of emerging information from government, in preparation for the new, unified criminal court administration. Utilising the range of measures and benchmarks under development, to ensure the organisation's developing staffing needs are met
- ◆ seek to develop, with government, a range of measures that could be utilised across all MCCs to analyse work-load and associated staffing levels effectively
- ◆ undertake a review of the work of its sub-committees to ensure they meet the Committee's strategic needs
- ◆ clarify the terms of reference for the Audit Committee.

Improvement target: That the MCC has an effective organisation structure which is capable of meeting its immediate and medium-term needs, and of being further developed to meet the anticipated longer-term needs, whilst continuing to provide value-for-money.

By date: December 2003

3 MCSI recommendation:

That the Committee clarify and improve its planning processes by:

- ◆ **cascading strategic aims systematically through inter-related functional, business and team plans, including a periodic structured scan of the wider environment**
- ◆ **ensuring that any changes to plans are clearly communicated.**

MCC response

The Committee will:

- ◆ systematically review its strategic planning processes to ensure the functional strategies, business and team plans are clearly aligned to the broader strategy
- ◆ undertake a structured wider environment scan as part of the new planning processes, and build this activity into the annual planning process
- ◆ build further on the training and dissemination for staff on business planning processes.

Improvement target: For the Strategic Plan, inter-related functional, business and team plans to clearly reflect all of its priorities, accountabilities and commitment to the local justice and wider community, and for any changes to the plans to be clearly communicated.

By date: October 2003

4 MCSI recommendation:

That the Committee further develop its performance management by:

- ◆ **ensuring that officers quality assure all data to achieve accurate inputs and the validity of outputs**
- ◆ **ensuring that targets are appropriate**
- ◆ **systematically reporting against all standards.**

MCC response

The Committee will:

- ◆ implement new monitoring and quality control systems for the TIS data, with immediate effect
- ◆ continue with the initiatives led by the QT on the quality assurance of data control, to ensure that all inputs and outputs can be accurately verified
- ◆ develop and implement a monitoring and evaluation process for the achievement of the Courts Charter standards
- ◆ review overall target-setting with a view to establishing differential targets to meet local and MCC needs
- ◆ review MCC-wide and individual court centre targets for CPM 3 and CPM 11.

Improvement target: To achieve the highest possible standards of data quality assurance and performance management within the MCC which are seen as a model of good practice throughout the sector.

By date: February 2004

5 MCSI recommendation:

That the Committee review its policies and practices, to ensure that it can clearly and openly demonstrate its adherence to appropriate principles of conduct in public life.

MCC response

The Committee will:

- ◆ revise the Standing Orders to provide definitions of what matters are to be treated as ‘confidential’ or ‘highly confidential’
- ◆ revise its guidance to members on the nature of interests to declare
- ◆ circulate copies of the Register of Interests annually, following the receipt of annual revisions
- ◆ revise the format of the JCE’s briefing to ensure briefing notes on the open agenda are available with the agenda and papers
- ◆ undertake a governance health-check to underpin the review of the Committee’s working practices, to ensure it can clearly demonstrate adherence to appropriate principles in public life.

Improvement target: Revised working arrangements in place which provide clear guidance to officers and members.

By date: September 2003

6 MCSI recommendation:

That the Committee improve its management of financial resources further by revising its Financial Regulations, and by putting in place adequate arrangements to:

- ◆ **enable it to hold officers to account**
- ◆ **assure itself that value-for-money is being achieved throughout the organisation**
- ◆ **ensure effective management of devolved budgets**
- ◆ **provide financial procedures documents with appropriate training for budget-holders.**

MCC response

The Committee will:

- ◆ complete the review of the Financial Regulations for the new financial year
- ◆ develop sound purchasing and procurement procedures and the use of 'approved suppliers' to ensure value-for-money. A report will be provided to the MCC on how value-for-money has been achieved at the end of each financial year
- ◆ develop a stringent capital needs identification system which includes local consultation with staff, benches and court user groups
- ◆ develop a West Mercia set of stringent financial procedures and monitoring processes to underpin the new financial regulations. This to be supported by the implementation of bi-monthly budget-holder review meetings to ensure the effective management of devolved budgets
- ◆ implement training for budget-holders on new regulations and financial procedures.

Improvement target: The implementation of a set of robust regulations and procedures which provide clear direction to officers and members, and which clearly demonstrate the commitment to ensuring financial probity. Further, to continue the development of the budgeting and financial reporting process to ensure that overall financial management is more robust.

By date: December 2003

7 MCSI recommendation:

That, by December 2003, the Committee should produce, agree, communicate and implement, with appropriate training and support:

- ◆ a staff review and development scheme that will enable the organisation to manage the performance of all staff and identify development needs effectively
- ◆ a single set of terms & conditions and HR policies for West Mercia.

MCC response

The Committee will:

- ◆ identify competencies for all posts
- ◆ complete the review of the staff development scheme to establish clearer methods of developing staff and their performance, and incorporate the competencies identified within the scheme to ensure the link with strategic and business planning processes and individual performance
- ◆ continue to meet the timetable agreed with the union on negotiations on the single set of terms & conditions and HR policies for West Mercia.

Improvement target: To have in place by December 2003, a set of HR policies and staff terms & conditions which meet with good practice and legislation. This is to include a staff review and development scheme which is linked to business objectives, and which provides for the effective management of staff performance.

By date: December 2003

8 MCSI recommendation:

That the Committee develop an area-wide approach to the management of court business in order to:

- ◆ **reduce case completion times**
- ◆ **reduce witness waiting times and improve the management of cases on the day**
- ◆ **use resources more effectively**
- ◆ **ensure the deployment of magistrates meets the Lord Chancellor's directions and the demands of the workload.**

MCC response

The Committee will:

- ◆ undertake the planned review of current performance and reasons for variations in these areas
- ◆ establish cross-function working parties to look at local practice, recommend improvements and share best practice
- ◆ implement the next phase of the training programme for magistrates and staff on case management, in order to assist the achievement of better performance.

Improvement target: Implementation of a revised approach to the management of court business which optimises the use of resources, and reduces the waiting times of witnesses and other users.

By date: September 2003

9 MCSI recommendation:

That the Committee take urgent action to ensure the safety, security and comfort of all users of the custody facilities at Oswestry and Market Drayton.

MCC response

The Committee will:

- ◆ undertake a full review of the custody facilities at Oswestry and Market Drayton with a view to addressing the issues of safety, security and comfort. This is to include obtaining further advice and guidance from the Home Office and LCD, as appropriate.

Improvement target: That the facilities at Oswestry and Market Drayton are improved to assure the MCC that they adequately provide for the safety, security and comfort of court users.

By date: December 2003

10 MCSI recommendation:

That the Committee systematically ensure that:

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

MCC response

The Committee will:

- ◆ undertake a full review of all court information leaflets and redesign them to ensure that they meet the needs of all court users effectively
- ◆ ensure that, subject to planning restrictions, clear and appropriate signage is affixed to all courthouses to assist identification
- ◆ continue to press the Highways Authority for the requisite road signage.

Improvement target: The design and implementation of multi-lingual information leaflets which provide clear maps and information on oath-taking, and to have all requisite signage in place by December 2003.

By date: December 2003

Glossary

<i>Advisory Committees</i>	Advisory Committees are local, non-departmental public bodies which, amongst other things, are responsible for determining the number of magistrates to be appointed and recruiting suitable candidates
<i>Area Criminal Justice Strategy Committee</i>	These committees, one in each of the 42 MCC areas, look at local strategic issues. Local criminal justice agencies are represented on the committee at chief officer level
<i>Association of Magisterial Officers (AMO)</i>	A national trade union for persons employed within the magistrates' courts service
<i>Block-listing</i>	A system for allocating cases to a time block during court sitting hours by reference to the stage the case has reached, or by some other clear criteria
<i>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 a result of court adjudications
<i>Court register</i>	All courts are required to keep a register of adjudications
<i>Cracked trial</i>	On the trial date, the defendant offers acceptable pleas or the prosecution offers no evidence. A cracked trial requires no further trial time. See also <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 User Performance Standard (DCUPS)</i>	The Lord Chancellor requires MCCs to meet specified standards of performance in relation to disabled court users. These include designating a Disabled Persons Officer, scrutinising staff training needs, providing an accessible register of facilities for disabled court users, and ensuring information sent to defendants and witnesses includes information about facilities for disabled people
<i>District Judge (Magistrates' Court)</i>	Full time, professional judge who sits in a magistrates' court. The District Judge has the same powers as a bench of two lay magistrates, i.e. he or she may sit alone, except in the Family Court. Until 2000, they were known as Stipendiary Magistrates
<i>Early administrative hearing (EAH)</i>	An arrangement in which issues, such as legal aid and advance information, can be dealt with at the earliest opportunity after a person has been charged and bailed to appear before a magistrates' court – the objective being to expedite progress of the case. These hearings can be conducted by a single magistrate or a court clerk using delegated powers
<i>Early first hearing (EFH)</i>	An arrangement for all straightforward cases, where a defendant has been charged and a guilty plea is expected, to be dealt with at the earliest opportunity. The CPS, in the expectation that a duty solicitor can deal with the case before the magistrates, prepares brief information on the offence. Designated case workers, rather than qualified lawyers, may prosecute at these hearings
<i>Either-way cases</i>	Cases that can be dealt with either in the magistrates' court or committed to the Crown Court
<i>Financial regulations</i>	A written code of procedures intended to provide a framework for proper financial control. Financial regulations usually set out rules on accounting and audit, and detail administrative procedures and budgeting systems
<i>Indictable cases</i>	Serious cases which have to be sent forthwith, at the EAH, to the Crown Court
<i>Ineffective trial</i>	On the trial date expected progress is not made due to an error or omission by one or more of the organisations or individuals involved in the case and a further listing for trial is required. See also <i>Cracked</i> and <i>Vacated trials</i>
<i>Lead paying authority</i>	The local authority designated to co-ordinate the funding of the MCC, subject to cash-limited grant from the LCD (see below). The lead paying authority liaises with the other paying authorities (if any) within the MCC area. Local paying authorities fund 20% of the MCC's activities, the other 80% being funded by the LCD
<i>Libra</i>	The new national computer system for the magistrates' courts service of England & Wales
<i>Lord Chancellor's Department (LCD)</i>	The LCD 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 Delay in the Criminal Justice System</i> on speeding up justice, named after its author, Martin Narey, which prompted a number of reforms including EAHs and EFHs, often known as "Narey courts"
<i>National Performance Indicators (NPIs)</i>	National indicators, published by the 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 & Wales are divided into areas known as petty sessions areas (formerly petty sessional divisions). Magistrates are appointed to a specific petty sessions area and become members of the bench for that area
<i>Pre-sentence report (PSR)</i>	A report produced by the probation service or youth offending team at the request of the magistrates to assist them in determining the most appropriate sentence for offenders found guilty. The case is normally adjourned while the report is prepared
<i>Pre-trial review (PTR)</i>	May be conducted in advance of a trial. The aim is to anticipate problems that might prevent the trial going ahead on the date fixed and to identify other issues that assist in planning for the trial
<i>Private Finance Initiative (PFI)</i>	A policy initiative promoted by government to increase private sector involvement in the funding, design and delivery of public services. Under the initiative, the private sector funds the capital outlay and recoups the costs through annual charges paid out of revenue budgets

<i>Public Interest Disclosure Act 1998</i>	The Public Interest Disclosure Act 1998 provides protection for workers who properly make disclosures about wrongdoing – often referred to as ‘whistle-blowing’
<i>Public Service Agreement (PSA) and Service Delivery Agreement (SDA)</i>	The LCD Public Service Agreement was published in the government White Paper <i>Spending Review 2000 – Public Service Agreements 2001-2004</i> , in July 2000. The PSA contains the high-level departmental targets for the period and the SDA includes the lower-level targets and key commitments to improve and modernise the service
<i>Service Level Agreement (SLA)</i>	An agreement, usually written, between two parties setting out the terms on which one party (the service provider) will provide a service to the other (the customer)
<i>Specific sentence report (SSR)</i>	Where a probation officer or member of the youth offending team is in court and the defendant’s situation and history is already known, or there has been a recent pre-sentence report (PSR) prepared, the magistrates may request this abbreviated report to be produced on the day, instead of adjourning for a full PSR
<i>Summary cases</i>	Cases which must be tried in the magistrates’ court
<i>Time Intervals Survey (TIS)</i>	A quarterly survey conducted by the LCD which measures the timeliness of magistrates’ courts criminal proceedings
<i>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 trial</i> and <i>Cracked trial</i>
<i>Validation of court registers</i>	Computerised registers are regarded as the permanent record of court adjudications when ‘validated’ – a stage usually reached after a series of checks has been undertaken to ensure that the record entered is accurate
<i>Youth Offending Team (YOT)</i>	A multi-agency team that deals with young offenders. A typical team comprises youth justice social workers, an education welfare officer, a health worker and police & probation officers

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

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

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