



House of Commons  
Public Accounts Committee

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# The administration of the Crown Court

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Thirty-fifth Report of Session  
2008–09

*Report, together with formal minutes, oral and  
written evidence*

*Ordered by the House of Commons  
to be printed 17 June 2009*

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# Contents

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<b>Report</b>	<i>Page</i>
<b>Summary</b>	<b>3</b>
<b>Conclusions and recommendations</b>	<b>5</b>
<b>1 Improving the performance of the Crown Court</b>	<b>7</b>
<b>2 Getting the right resources for the Crown Court</b>	<b>11</b>
<b>3 Modernising Crown Court technology</b>	<b>14</b>
<b>Formal Minutes</b>	<b>16</b>
<b>Witnesses</b>	<b>17</b>
<b>List of written evidence</b>	<b>17</b>
<b>List of Reports from the Committee of Public Accounts 2008–09</b>	<b>18</b>



## Summary

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In 2007, the Crown Court received from magistrates' courts 87,000 cases for trial, 40,000 cases for sentencing and 13,000 appeals by defendants. HM Courts Service, an executive agency of the Ministry of Justice, administers the Crown Court, providing its estate, staff and IT. In 2007–08, the Service spent around £380 million to operate the Crown Court, including paying for the judges who hear all Crown Court cases. Under the direction of judges, the Service's staff allocate dates when cases are to be heard in court (known as listing) and manage the progress of cases to trial. In 2008, a new Board was established to provide leadership and broad direction for the Service. The Board includes three judicial members.

HM Courts Service is likely to achieve its overall target for timely commencement of Crown Court cases in 2008–09, which will be the first time since it was established in April 2005. The Service will not, however, meet its target for commencing cases committed for trial which arise when a defendant opts to have a case heard in the Crown Court, or magistrates decide that this should happen. Performance varies widely across the Service's 24 areas. In 2007–08, the six best performing areas on average commenced 87% of cases committed for Crown Court trial within 16 weeks; the six poorest performing areas began 56% of cases. The Service is facing a tight budgetary position and Crown Court workload is forecast to increase until 2011. If it is to reduce further the time taken to commence cases and provide a good service in all areas, it must make better use of the Crown Court's estate, staff and IT.

Crown Court locations in London and parts of the South East face capacity constraints which increase waiting times and have led to HM Courts Service transferring cases between courts. This can inconvenience victims, witnesses and other parties. The Service is spending £120 million to increase the number of Crown Court rooms by 30 (6%) by 2012. Despite improvements over the last six years, fewer than half of trials proceed on the day scheduled and the Service needs to do more to improve performance.

The Crown Court would benefit from using more modern and efficient information technology. For instance, the case management system CREST is reliable but is over 20 years old and has limited functionality which leads to inefficient working practices.

On the basis of a Report by the Comptroller and Auditor General,<sup>1</sup> we examined HM Courts Service and the Ministry of Justice on improving the performance of the Crown Court, getting the right resources for the Crown Court and modernising Crown Court technology.

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1 C&AG's Report, *Administration of the Crown Court*, HC (2008–09) 290



## Conclusions and recommendations

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1. **HM Courts Service's overall performance in commencing Crown Court cases improved significantly during 2008–09, but the Service did not expect to achieve its target for starting cases which have been committed for trial.** To reduce delays in starting cases committed for trial, HM Courts Service should:
  - categorise cases, identifying those which require limited preparation and court time, and those which are more complex, such as fraud cases, and are thus likely to take longer, and
  - work with its partners, including the Crown Prosecution Service, to examine the main causes of delay for each category of case, and use this analysis to develop business processes that address the different barriers cases face in progressing promptly.
2. **There are wide variations across England and Wales in the time taken to commence Crown Court trial cases.** HM Courts Service is seeking to address these variations by targeting resources at locations facing the greatest demands in terms of the number and complexity of cases. The Service should consider introducing local targets for those locations with longer waiting times.
3. **HM Courts Service does not have targets for increasing the proportion of planned Crown Court trials which are effective, and despite recent improvement, fewer than half of all trials proceed on the date scheduled.** Case progression officers should identify key reasons for trials not being effective. Where necessary, they should identify whether particular lawyers are regularly involved in trials which do not proceed when scheduled and work with them to improve performance.
4. **Many of the factors that influence the time taken to commence cases, and their length, are outside the Service's control.** Some of them, such as the availability of legal aid and the powers of magistrates courts, are policy issues and therefore beyond our remit. It is nonetheless crucial that those dealing with such policy issues are aware of the impact their decisions are likely to have on the practical administration of crown courts.
5. **Judges are responsible for the administration of justice, and their decisions on listing and trial proceedings can significantly impact on the efficiency of the courts.** The establishment of a new governing Board for the Service provides its executive team with regular opportunities to discuss performance issues with the Board's three judicial members, one of whom is the Senior Presiding Judge, responsible to the Lord Chief Justice<sup>2</sup> for the judicial management of the Crown Court. To inform these discussions the Service should provide the judiciary with an assessment of the performance of individual court locations, taking account of their workload and resources.

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2 The Lord Chief Justice is head of the judiciary in England and Wales

6. **HM Courts Service has introduced a model for determining the number and type of staff required at each court, but this cannot guarantee a good match on each court day between the work to be undertaken and the staff available.** The Service should, therefore, provide appropriate training and support so that its ushers, clerks and administrative staff can work flexibly and undertake a range of Crown Court tasks.
7. **By moving cases between Crown Court locations in parts of London and the South East to improve waiting times, HM Courts Service has placed burdens on victims, witnesses and other parties attending court.** When planning and reviewing its estate, HM Courts Service should give high priority to providing good local access to justice.
8. **Reducing the number of courts where magistrates hear criminal cases risks dividing magistrates from their localities.** We welcome the Service's assurance that there are no plans to close any more magistrates' courts. The Service should only consider centralisation of the magistrates' courts if it has undertaken a full assessment of the impact on the local community.
9. **HM Courts Service cut staff absence levels during 2008–09, but at around 10.1 days a year, the level remains high, exceeding the civil service average by 6%.** The Service should strengthen incentives for staff and managers to reduce absence levels by incorporating its targeted level of absence of 7.5 days per year into the models it uses for determining the staff required at each court.
10. **The 20 year old case management system CREST has been reliable but its limited functionality increases the risk of error and reduces efficiency.** During 2009 to 2011, when CREST is being put onto modern supported software and hardware, the Service should work with its IT partners to establish realistic plans for improving the system's functionality.
11. **Three years after the Government's target to implement by 2006 new procedures to enable automatic updating of the Police National Computer with court results, the police still have to input data manually.** Later this year the new automatic procedures are due to go live, but some cases will still be too complex to use them. HM Courts Service should, as a matter of urgency, work with its partners to increase the range of cases that can be automatically updated on the Police National Computer, thereby reducing the risk that police investigations are hindered by poor information on court results.
12. **From April 2009, network constraints limiting the number of courts able to use prison video links should have been removed and HM Courts Service should decide whether to seek the funding necessary to increase provision.** In preparing its business case, HM Courts Service should work with HM Prison Service to identify potential levels of use and confirm that the consequent reduction in prisoner movements would deliver savings.

# 1 Improving the performance of the Crown Court

1. The Crown Court, which sits in almost 100 locations in England and Wales, receives four categories of criminal cases all from the magistrates' courts (**Figure 1**). In 2007, it received a total of 136,000 cases, including 83,000 trial cases which are its principal activities. Between 2005 and 2007 the number of trial cases received by the Crown Court increased by 4.5% and further increases are predicted until 2011.<sup>3</sup>

**Figure 1: The categories of cases handled by the Crown Court and the number of cases received in 2007**

CATEGORY	DESCRIPTION	NUMBER OF CASES RECEIVED IN 2007
Sent for trial	These cases cover the more serious offences which can only be tried in the Crown Court such as murder and rape.	33,000
Committed for trial	These cases arise when a defendant opts for jury trial, or when magistrates decide that an offence is sufficiently serious that the defendant should be tried in the Crown Court.	50,000
Cases for sentencing	A defendant convicted in a magistrates' court can be committed to the Crown Court for sentencing because of the seriousness of the offence(s).	40,000
Appeal cases	A defendant convicted in a magistrates' court can appeal against the conviction and/or sentence.	13,000

Source: C&AG's Report, Figure 1

2. The Crown Court is administered by HM Courts Service, which is an executive agency of the Ministry of Justice, and also has responsibility for magistrates' courts and county courts.<sup>4</sup> The Service is responsible for providing the staff, the estate and other support necessary to enable judges to exercise their judicial functions and responsibilities independently. Judges' responsibilities include listing cases to be heard in the Crown Court and managing the progress of cases to trial by working with the defence and the prosecution. Most of the day-to-day listing and case progression work is undertaken by the Service's staff under the direction of the judiciary.<sup>5</sup>

3. HM Courts Service's performance indicators for the Crown Court focus on the percentage of cases that commence within specified times of their receipt from the magistrates' courts.<sup>6</sup> Since 2006–07, the Service's overall performance in commencing cases has been improving (**Figure 2**). For 2008–09, the Service expected to achieve, for the first time since its establishment in 2005, its overall target to commence 78% of all Crown Court cases within specified times. The Service, however, did not expect to achieve its target for

3 C&AG's Report, paras 1, 1.2, Figure 1

4 County courts hear civil rather than criminal cases

5 Q 55; C&AG's Report, paras 1, 3, 1.3

6 C&AG's Report, para 1.11

commencing cases committed for Crown Court trial, with performance likely to be around 4% below the 78% target.<sup>7</sup>

**Figure 2: HM Courts Service's performance against its key indicators for commencing Crown Court cases, since its establishment in April 2005**

TARGET		PERFORMANCE (%)			
		2005-06	2006-07	2007-08	APRIL 2008-FEB 2009 (1)
Sent for trial (2)	78% in 26 weeks	76.3	73.5	76.7	78.6
Committed for trial (2)	78% in 16 weeks	70.5	67.0	70.3	74.0
Cases for sentencing	78% in 14 weeks	89.4	90.0	91.0	91.9
Appeal cases	78% in 10 weeks	88.0	87.0	87.1	87.3
All cases	78% within relevant specified time	77.8	75.4	77.6	79.7

Note:

1) Performance data for March 2009, the final month of 2008-09, were not available when HM Courts Service provided its note to the Committee.

2) For trials, the date the case commences is the first date of the trial for not-guilty-plea cases, or the date of the plea hearing in guilty-plea cases.

Source: Ev 13; C&AG's Report, Figures 6 and 21 to 24 and paragraph 1.11

4. The Crown Court operates within the complex landscape of the criminal justice system. Consequently, the time taken to commence cases depends not only on the performance of HM Courts Service, but also on factors which are outside the Service's direct control. These factors include the availability of witnesses, who are the responsibility of the prosecution or defence, the preparedness of the defence and the prosecution, the availability of judges and the effectiveness of listing and case management.<sup>8</sup>

5. HM Courts Service is organised into six regions and Wales, and has 24 areas which are responsible for the day-to-day management of the Crown Court locations within their boundaries.<sup>9</sup> Although the Service sets each of its 24 areas the same target levels for commencing cases, performance varies widely (**Figure 3**).<sup>10</sup> For cases sent for trial, for example, the top quartile of areas in 2007-08 on average commenced 91% of cases within 26 weeks, whilst the bottom quartile commenced 68%. For both sent and committed trial

7 Qq 2, 5, 67; Ev 13

8 Q 2

9 HM Courts Service has 25 areas in total but one area has no Crown Court responsibilities. The 24 areas responsible for managing Crown Court locations are also responsible for managing the magistrates' courts and county courts within their boundaries

10 Qq 6, 27; C&AG's Report, para 3, Appendix 4

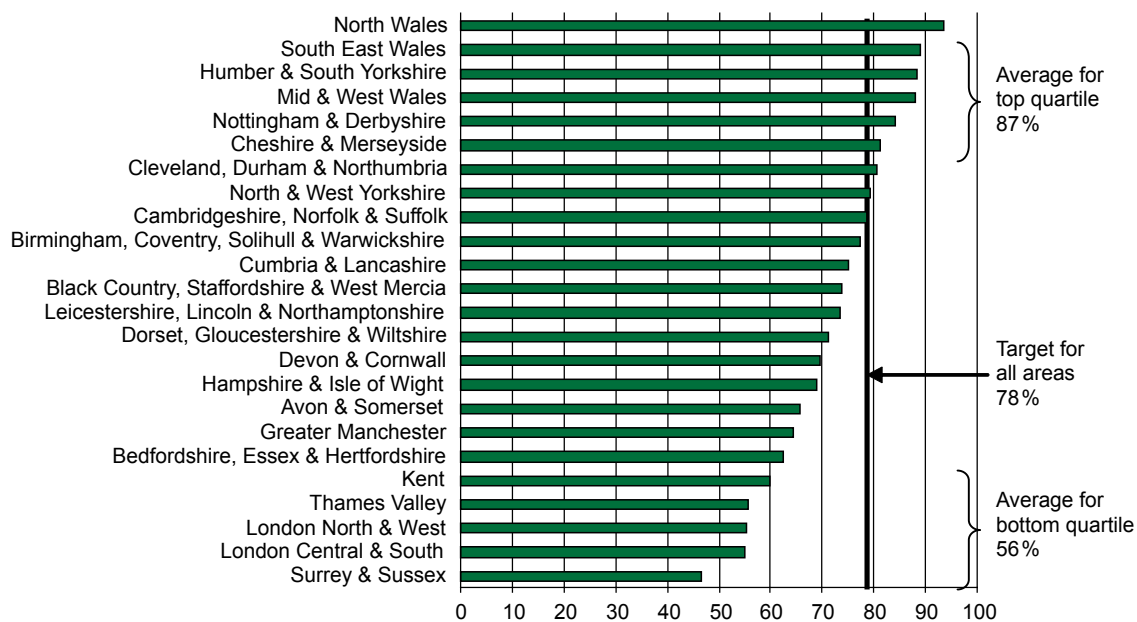
cases the best performing areas were mainly in Wales and the North of England, with the poorer performing areas in London and South East.

**Figure 3: Performance of HM Courts Service's 24 areas in commencing trial cases**

**Percentage of cases sent for trial commencing in 26 weeks**



**Percentage of cases committed for trial commencing in 16 weeks**



Source: C&AG's Report, Figures 25-26

6. Variations in performance are in part due to differences in workload. Crown Court locations in some areas hear more complex cases. These include Southwark (part of the London Central & South area) which handles long fraud cases, Woolwich (London Central & South) which handles terrorist trials and Lewes (Surrey & Sussex) which handles drug

importation cases.<sup>11</sup> Variations also reflect the capacity constraints faced by some Crown Court locations, primarily in London region and parts of South East region. The Service has sought to tackle some local capacity constraints by transferring workload between courts. Such transfers can reduce the length of time taken to commence cases but can also impose burdens such as increased travel time on victims, witnesses and the other parties attending court.<sup>12</sup>

7. HM Courts Service is seeking to reduce variations in performance across its 24 areas. For 2009–10, the Service has targeted additional resources to those regions which manage the areas expected to face greatest demands. In particular, it has given London region and South East region sufficient resources to operate their Crown Court rooms for an additional 1,285 days and 821 days respectively in 2009–10. Across the two regions the additional days are equivalent to nine court rooms operating full time.<sup>13</sup> These additional resources have been made available at a time when the Service's overall budget requires it to cut net resource expenditure by 10% over the two years to 2009–10.<sup>14</sup>

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11 Qq 6, 27

12 Qq 2, 16; C&AG's Report, paras 11, 2.7

13 Qq 7–8, 28, 71

14 C&AG's Report, para 1.6, Figure 4

## 2 Getting the right resources for the Crown Court

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8. HM Courts Service estimated that operating the Crown Court in 2007–08 cost £382 million (21 % of the Service’s total operating costs). The Service’s estimate included the cost of those functions, such as Information Technology and aspects of human resources, where it draws on corporate services provided by the Ministry of Justice. The largest operating costs were judicial salaries, fees and pension costs (£102 million), accommodation costs (£59 million) and the costs of employing Crown Court staff (£58 million).<sup>15</sup>

9. In addition to operating costs, HM Courts Service also incurs capital expenditure in improving the Crown Court estate. Over the period 2008–09 to 2010–11 it plans to spend around £120 million on projects which will increase the number of Crown Court rooms by 30 (6%) to around 530 by 2012.<sup>16</sup> Sixteen of the 30 new court rooms are due to be added in London and South East regions, nine of which are planned to be opened by the end of 2009. These two regions face the greatest capacity constraints, with their Crown Court rooms typically being used on 95% of the 242 working days in 2007–08, compared to around 85% in the Midlands region and the North East region.<sup>17</sup>

10. In contrast to the planned expansion of the Crown Court estate, some courts which were used to hear magistrates’ cases when HM Courts Service was established in 2005 no longer do so. The centralisation of courts increases the inconvenience of travel for victims and witnesses. Centralisation can also divide magistrates from the localities and can make it more difficult for people to gain access to legal aid.<sup>18</sup>

11. Crown Court staff undertake a wide range of duties. Within court rooms, clerks and ushers facilitate the progress of hearings and record the results. Office-based staff manage case files, list cases for hearings and manage case progression.<sup>19</sup> A benchmarking exercise undertaken by HM Courts Service’s South East region in 2007–08 found that Crown Court locations in its Surrey & Sussex area had around 60% more ushers than they required and locations in Kent had around 40% more. In contrast, Crown Court locations in Thames Valley had around 30% fewer ushers than they required. The Service told us that where there was an excess of ushers at a court location they probably worked on administrative tasks such as filing and answering telephone calls. The Service has sought to address variations in the workload of its Crown Court staff by putting a standard staffing model in place for 2009–10. The model uses the number and complexity of cases a court location is expected to receive to determine the number, type and grade of staff it should be allocated.<sup>20</sup>

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15 C&AG’s Report, paras 7, 1.10, Figure 5

16 C&AG’s Report, para 2.21

17 Qq 30–32; C&AG’s Report, paras 12, 2.8–2.9

18 Qq 18–23, 51

19 C&AG’s Report, para 3.1

20 Qq 44–47, 96

12. HM Courts Service has high levels of staff absence. In 2007–08, staff took on average 11.2 days of leave, which is 1.6 days (17%) above the civil service average and 3.7 days (49%) above the Service’s own target of 7.5 days. The Service told the Committee that staff absence levels had fallen since April 2008 and it anticipated by the end of 2008–09 they would be over 10% lower than the 2007–08 levels. If the Service achieved a 10% reduction its staff absence levels would be around 10.1 days. The Service recognises that it needs to achieve further cuts in absence levels. In 2008–09, it put in place a new policy on managing absence. The Service also improved the information it provided to its managers to help them manage absence. During 2009–10, the Service plans to set its regions and areas individual targets for absence levels.<sup>21</sup>

13. HM Courts Service’s regions were not able to use courts on all the days planned in 2007–08 as they had been unable to fill some judicial posts.<sup>22</sup> Unfilled vacancies had arisen when it had taken time to get replacements for judges who had resigned, been promoted or been taken ill.<sup>23</sup> There had been occasional difficulties with the timing of competitions for judicial posts run by the Judicial Appointments Commission, the non-departmental public body sponsored by the Ministry of Justice. The Ministry told us these difficulties had now been resolved and there was currently no shortages of judges. There would also be sufficient judges to resource the 30 additional Crown Court rooms due to come on stream by 2012. The Ministry also assured us that there had been no reduction in the quality of candidates seeking to become high court judges.<sup>24</sup>

14. Crown Court judges are accountable to the head of the judiciary in England and Wales, the Lord Chief Justice. The Lord Chief Justice uses the system of presiding judges to keep a close watch on the performance of the courts and spread good practice.<sup>25</sup> The way cases are listed for hearings affects the efficiency and performance of the Crown Court in commencing cases. Listing is a judicial responsibility and the resident judge at a court location will set the local framework for listing cases. The framework will reflect, for example, which judges at the court have the experience necessary to handle more serious cases. Crown Court staff list cases according to the framework set by the resident judge. Neither the framework nor conversations between the resident judge and Crown Court staff on their application of the framework, are made publicly available.<sup>26</sup>

15. In April 2008, the Lord Chief Justice and the Lord Chancellor<sup>27</sup> published an agreement setting out arrangements for the governance, financing and operation of HM Courts Service.<sup>28</sup> Under the agreement a new HM Courts Service Board was established in 2008. The Board provides leadership and broad direction for the Service, but the Service’s Chief Executive remains responsible for its day-to-day running.<sup>29</sup> The Board’s responsibilities

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21 Qq 45–46; C&AG’s Report, paras 18, 30

22 C&AG’s Report, para 2.8

23 Qq 64, 66, 97, 107

24 Qq 8–10, 14–15, 91–92; Ev 12

25 Qq 80–81, 83–86

26 Qq 2–3, 52–63

27 The government minister responsible to Parliament for the courts and justice

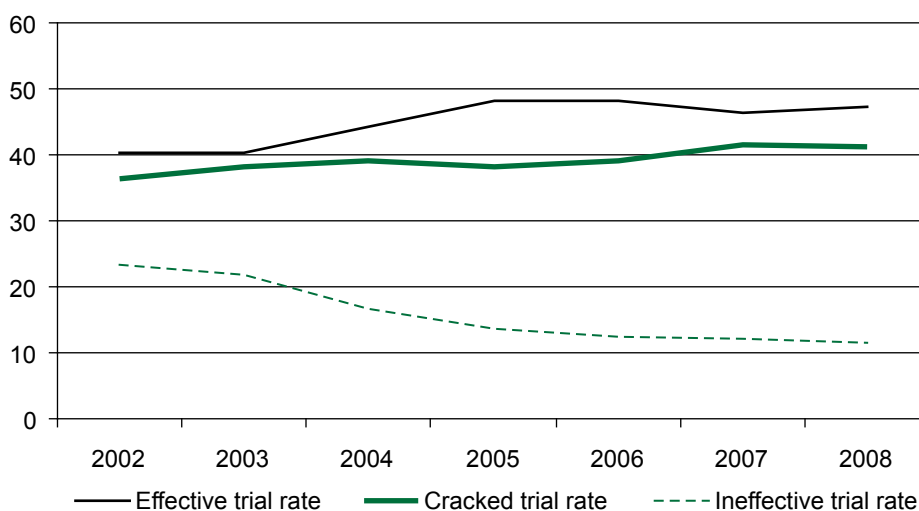
28 HM Courts Service Framework Document, April 2008, Cm 7350

29 C&AG’s Report, paras 2, 1.5

include performance management. Where the Board considers a matter raises issues relating to judicial performance management, it refers it to the Board's three judicial members for action.<sup>30</sup> One of the judicial representatives is the Senior Presiding Judge, who is responsible to the Lord Chief Justice for the judicial management of the Crown Court.<sup>31</sup>

16. The efficiency with which court rooms, judges and Crown Court staff are used is dependent upon the percentage of planned trials which are effective, and thus go ahead on the date scheduled. The Service has worked with the judiciary, the Crown Prosecution Service and its other partners in the criminal justice system to raise the effective trial rate from around 40% in 2002 and 2003 to over 47% in each year between 2005 and 2008 (Figure 4). This improvement has been achieved by the Service halving the number of trials which were ineffective. Cracked trials, of which there were 15,400 in 2007, remained high at around 40%. Some 80% of them arose when the defendant entered a late guilty plea or pleaded guilty to an alternative charge which was accepted by the prosecution. In 2,600 cases, the prosecution ended the case on the day of the trial.<sup>32</sup>

**Figure 4: The percentage of planned trials which were effective, ineffective and cracked, 2002–2008**



Source: C&AG's Report, Figure 9; Ministry of Justice: Court and Judicial Statistics 2007, Figure 9

**Notes:**

1. Effective trials proceed on the planned date.
2. Cracked trials are those where, on the scheduled day for the trial, the defendant offered an acceptable plea(s), or the prosecution offered no evidence. When a trial cracks there is no need for it to be rescheduled but the court time allocated has been wasted and witnesses inconvenienced.
3. Ineffective trials are those that did not go ahead on the planned date due to action or inaction by one or more of the prosecution, defence or the court, and needed to be rescheduled at a later date.

17. HM Courts Service is working with the judiciary to make better use of courts by tackling the causes of lost time during the court day which include counsel asking for more time. To inform this work, the Service undertook an exercise in February 2009 to identify the causes of lost time across Crown Court locations.<sup>33</sup>

30 HM Courts Service Framework Document, April 2008, Cm 7350, paras 5.4, 10.9

31 C&AG's Report, Figure 3

32 Qq 38–43; C&AG's Report, paras 2.11–2.12; Box 1 (page 19)

33 Qq 28, 69; C&AG's Report, para 2.14

### 3 Modernising Crown Court technology

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18. Court staff need efficient user-friendly information technology if they are to record and process cases efficiently, assist judges make best use of court rooms and report the progress and outcome of trials promptly to HM Courts Service's partners in the criminal justice system. During 2007 and 2008, the Ministry of Justice transferred all contracted out information technology services for HM Courts Service, and the other parts of the former Department for Constitutional Affairs, to two new suppliers.<sup>34</sup>

19. The Crown Court's case management system—CREST—is 20 years old. It is a reliable system with a high level of availability to Crown Court staff, but it has limited functionality. The system is not easy to use and it operates separately in each court location.<sup>35</sup> Cases need to be re-keyed into CREST when they are first received from the magistrates' courts, and then again if they are moved to a different Crown Court location. The administrative time spent re-keying data, and quality assuring the re-keyed data, increases the costs of administering Crown Court cases.<sup>36</sup>

20. HM Courts Service and the Ministry of Justice have decided to modernise CREST rather than replace it with a wholly new system. Before CREST's functionality can be improved the system needs to be 'replatformed' onto modern and supported hardware and software. The Ministry acknowledged that it had been slow to get CREST replatformed. In particular, the Ministry's appointment of new information technology suppliers had limited the scope for improving CREST between 2006 and 2008. The Ministry now plans that one of their new information technology suppliers will start replatforming CREST in 2009 and complete the work in 2011.<sup>37</sup>

21. Defendants remanded in custody can sometimes use a prison video link, rather than attending some non-trial hearings at 32 Crown Court locations. Using video links benefits HM Courts Service and its criminal justice partners by cutting the cost of transporting and escorting prisoners. Defendants may also prefer to use links as they do not need to spend time travelling to court or risk losing their existing prison place. The Service told us that network capacity, which had capped the number of court locations which could operate video links to 32, should be tripled from April 2009. This expansion in capacity will support additional links between the various organisations in the criminal justice system. As part of assessing the business case for buying additional video link equipment for the courts, HM Courts Service will work with HM Prison Service to examine the level of savings that could be made from reducing the movement of defendants.<sup>38</sup>

22. Sir Michael Bichard's 2004 enquiry into the Soham murders considered the quality of information held on criminals on the Police National Computer. To improve that information, the enquiry recommended that the 2006 target for the courts to take

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34 C&AG's Report, paras 4.1, 4.4

35 Qq 24, 112; C&AG's Report, paras 4.9, 4.16, Figure 18

36 Qq 48–49, 111–112; C&AG's Report, paras 4.15–4.16

37 Qq 24–26, 104–106, 112; C&AG's Report, paras 4.6, 4.12–4.13

38 Qq 109–110; C&AG's Report, paras 2.25–2.26

responsibility for inputting court results onto the Police National Computer should, if possible, be accelerated.<sup>39</sup> The 2006 target was not met and, as at March 2009, the police remain responsible for inputting court results onto their national computer.<sup>40</sup>

23. In September 2009, HM Courts Service plans to start deploying into the Crown Court procedures designed to automatically update the Police National Computer with court results.<sup>41</sup> The Service told us that it had taken around £23 million and five years to develop these procedures as the courts and the police had to first develop their IT systems, and then work with six different IT suppliers to connect their systems so that information could be transferred. HM Courts Service expects that around 50% of Crown Court cases will be too complex to use the new automatic procedures, for example, because the cases involve a large number of defendants. The results of some complex cases will continue to be input onto the Police National Computer manually. The Service told us that developing the automatic procedures so that they could be applied to complex cases would have further delayed implementation.<sup>42</sup>

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39 The Bichard Inquiry Report, HC (2004) 653, page 134

40 Qq 87–88; C&AG’s Report, para 4.7; Box 6

41 C&AG’s Report, para 4.7

42 Qq 87–89, 98–99, 102–103

# Formal Minutes

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**Wednesday 17 June 2009**

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon

Rt Hon Keith Hill

Mr Ian Davidson

Draft Report (*The administration of the Crown Court*), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 23 read and agreed to.

Conclusions and recommendations read and agreed to.

Summary read and agreed to.

*Resolved*, That the Report be the Thirty-fifth Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

[Adjourned till Wednesday 24 June at 3.30 pm]

## Witnesses

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**Monday 16 March 2009**

*Page*

**Mrs Christine Mayer CBE**, Chief Executive, Her Majesty's Courts Service, and **Mr Peter Handcock CBE**, Director General, Access to Justice, Ministry of Justice

Ev 1

## List of written evidence

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- |   |                              |       |
|---|------------------------------|-------|
| 1 | Ministry of Justice          | Ev 12 |
| 2 | Her Majesty's Courts Service | Ev 13 |

## List of Reports from the Committee of Public Accounts 2008–09

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First Report	Defence Information Infrastructure	HC 100
Second Report	The National Programme for IT in the NHS: Progress since 2006	HC 153
Third Report	Skills for Life: Progress in Improving Adult Literacy and Numeracy	HC 154
Fourth Report	Widening participation in higher education	HC 226
Fifth Report	Programmes to reduce household energy consumption	HC 228
Sixth Report	The procurement of goods and services by HM Prison Service	HC 71
Seventh Report	Excess Votes 2007–08	HC 248
Eighth Report	Ministry of Defence: Chinook Mk 3	HC 247
Ninth Report	Protecting the public: the work of the Parole Board	HC 251
Tenth Report	New Dimension—Enhancing the Fire and Rescue Services' capacity to respond to terrorist and other large-scale incidents	HC 249
Eleventh Report	The United Kingdom's Future Nuclear Deterrent Capability	HC 250
Twelfth Report	Selection of the new Comptroller and Auditor General	HC 256
Thirteenth Report	Department for Work and Pensions: Handling Customer Complaints	HC 312
Fourteenth Report	HM Revenue and Customs: Tax Credits and Income Tax	HC 311
Fifteenth Report	Independent Police Complaints Commission	HC 335
Sixteenth Report	Department for International Development: Operating in insecure environments	HC 334
Seventeenth Report	Central government's management of service contracts	HC 152
Eighteenth Report	Investing for Development: the Department for International Development's oversight of CDC Group plc	HC 94
Nineteenth Report	End of life care	HC 99
Twentieth Report	Ministry of Defence: Major Projects Report 2008	HC 165
Twenty-first Report	The Department for Transport: Letting Rail Franchises 2005–07	HC 191
Twenty-second Report	Financial Management in the NHS: Report on the NHS Summarised Accounts 2007–08	HC 225
Twenty-third Report	Mathematics performance in primary schools: getting the best results	HC 44
Twenty-fourth Report	Maintaining the Occupied Royal Palaces	HC 201
Twenty-fifth Report	The efficiency of radio production at the BBC	HC 285
Twenty-sixth Report	Management of tax debt	HC 216
Twenty-seventh Report	Building Schools for the Future: renewing the secondary school estate	HC 274
Twenty-eighth Report	Management of Asylum Applications	HC 325
Twenty-ninth Report	NHS Pay Modernisation in England: Agenda for Change	HC 310
Thirtieth Report	Ministry of Defence: Type 45 Destroyer	HC 372
Thirty-first Report	The Nationalisation of Northern Rock	HC 394
Thirty-second Report	Financial Management in the European Union	HC 698
Thirty-third Report	Planning for Homes: Speeding up planning applications for major housing developments in England	HC 236
Thirty-fourth Report	DEFRA: Natural England's Role in Improving Sites of Special Scientific Interest	HC 244
Thirty-fifth Report	The administration of the Crown Court	HC 357

# Oral evidence

## Taken before the Committee of Public Accounts on Monday 16 March 2009

Members present:

Mr Edward Leigh, in the Chair

Angela Browning  
Keith Hill  
Mr Austin Mitchell

Geraldine Smith  
Mr Don Touhig  
Mr Alan Williams

**Mr Tim Burr**, Comptroller and Auditor General, **Mr Martin Sinclair**, Assistant Auditor General and **Ms Aileen Murphie**, Director, National Audit Office, were in attendance.

**Mr Marius Gallaher**, Alternate Treasury Officer of Accounts, HM Treasury, was in attendance.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL HM COURTS SERVICE ADMINISTRATION OF THE CROWN COURT (HC 290)

*Witnesses:* **Mrs Christine Mayer CBE**, Chief Executive, Her Majesty's Courts Service and **Mr Peter Handcock CBE**, Director General, Access to Justice, Ministry of Justice, gave evidence.

**Q1 Chairman:** Good afternoon, welcome to the Committee of Public Accounts where today we are considering the Comptroller and Auditor General's Report on the *Administration of the Crown Court*. We welcome Chris Mayer who is Chief Executive of Her Majesty's Courts Service. I think this is your first PAC hearing.

**Mrs Mayer:** Yes, it is.

**Q2 Chairman:** And we welcome back Peter Handcock who is Director General, Access to Justice at the Ministry of Justice. Mrs Mayer, perhaps I could direct you to Figure 6 in the Comptroller and Auditor General's Report which is about your targets. You have two targets: cases sent for trial have to be dealt with within 26 weeks; cases committed for trial have to be dealt with within 16 weeks. You are only getting 77% performance in meeting your targets. Given that you have six months to get a trial to court, I would expect to have something much better than that. Why are you not meeting your targets?

**Mrs Mayer:** It is fairly reflected in the NAO Report in paragraph 4 where the throughput and performance of the Crown Courts is also affected by a complex landscape. By that I mean the preparedness of the parties and availability of witnesses, availability of the judiciary and there is also the issue of the responsibility of listing case management lying with the judiciary. All those elements in a complex landscape go towards the performance of the Crown Courts. However, having said that, I accept from the figures that are available that the NAO have identified some issues around capacity.

**Q3 Chairman:** I know a bit about this because I am a criminal barrister; I used to work in courts and I know all about it. I do not know how it has improved

in recent years; I am very out of date. However, all the delays, the remands, the time wasting are scandalous. Here you are running an organisation where you have to pay for Crown Court staff but the fact is that the judiciary decides what cases come on and when. Is it really a dysfunctional organisation?

**Mrs Mayer:** That is not the case.

**Q4 Chairman:** Can you really run it properly? When I was a young barrister, it was common knowledge that Crown Court judges wanted to play golf on Friday and all of the rest of it, so they just listed the cases that way. I am sure it is completely different nowadays.

**Mrs Mayer:** Absolutely. The position at the moment is that the performance of the courts is that 79.8% of cases are dealt with within target time.

**Q5 Chairman:** But it is not very good, is it? Let us be honest. If you have six months in any line of business to get a case to court, it is not very good. Frankly a lot of these cases which are committed for trial are not very difficult cases, are they? They are pretty brief, a lot of it is people who have previous convictions, who are charged with quite minor offences, they want to have a jury trial, it is easier to get off in front of a jury and it is not very complicated to get these cases on. You should be getting a much better hit rate than that.

**Mrs Mayer:** In terms of performance of the Crown Courts, it is at the moment better than it has ever been. Consequently, achieving 79.8% of cases through the courts within target time indicates an improving landscape. In addition to that we have 20 of 24 areas which are also improving performance. The actual preparedness of the cases, be it the prosecution or the defence, is not within the ability of the courts to influence except to the extent that we have been quite proactive and the Report has

## Crown Courts Administration

reflected that in the way that we have taken out waste in terms of the level of ineffective cases and the level of cases which have had mentions, which we no longer do; we have reduced that by about 22%.

**Q6 Chairman:** Why do we read in paragraph 1.13 on page 14 that in North Wales, for instance, 94% of cases committed for Crown Court trial start in the 16 weeks but in Surrey & Sussex only 47%? What is it about North Wales that they do things so well and about Surrey & Sussex that they are so much less efficient? Why do you allow such variations? You are supposed to be in charge of this.

**Mrs Mayer:** There is a fact that there is a variation in the type of work that is dealt with, for example in Lewes where they deal with drug importation cases. The type of work which is dealt with in certain courts can be very different. Surrey & Sussex have in fact already moved to 57% of cases dealt with within target time and that has been done because of the work which has been done locally with the other agencies to improve throughput. There has also been the appointment of two resident judges who are very proactive in managing cases. That has already had a positive impact on the performance in Surrey and Sussex.

**Q7 Chairman:** You are going to try to ensure that some of these variations are ironed out, are you?

**Mrs Mayer:** What we are doing, in terms of our allocation of resources for the new financial year is that we are targeting the areas where the resources are required more specifically so that we will be looking for improvements across the whole of the Courts Service but particularly we will be looking at targeting resources in those areas.

**Q8 Chairman:** You are going to have to pay for additional staff for 30 new Crown Courts, are you not? How are you going to pay for them within your tight financial position? This is mentioned in paragraph 2.23.

**Mrs Mayer:** The allocation of resources will be targeted where we need to sit the sitting days. We need to sit the sitting days in places where we have to deal with more workload. What that means is that we will be putting in place, and we have put in place for the next financial year, additional days to London and the South East where it is most required and we have also resourced that with the additional staffing that is required.

**Q9 Chairman:** We know that there are not enough judges. This is mentioned in paragraph 2.8. You are going to have to appoint some more. How are you going to get the judges you need?

**Mr Handcock:** We are confident that we can. We have occasionally had difficulties with the timing of competitions through the Judicial Appointments Commission, but we are not in that position now. We are entirely confident that the courtrooms we have coming on stream over the next period will be fully resourced. Those things are already planned for and I am entirely confident they will be delivered.

**Q10 Chairman:** Is the rumour in the Bar true that only one in four people you approach to become High Court judges actually accept?

**Mr Handcock:** I cannot tell you what the success rate is.

**Q11 Chairman:** Can you give me a note on it?

**Mr Handcock:** Yes; happy to.

**Q12 Chairman:** What do you think it is?

**Mr Handcock:** I would have to check the JAC statistics.

**Q13 Chairman:** You have no idea.

**Mr Handcock:** It is a competitive process so appointments are offered on the basis of vacancies.

**Q14 Chairman:** Do you think there is a problem? A lot of people who are approached do not want to do it because they have a huge cut in their salary and they have a monumental increase in their workload. There is a problem here, is there not? Our system depends absolutely crucially on getting the top legal minds in as High Court judges and only one in four of the people you approach are accepting. That is very worrying.

**Mr Handcock:** There is no evidence whatsoever from the level of applications and quality of applications being received by the JAC that there is any more disincentive now than there ever was for people to seek appointment to the bench, either the circuit bench or the High Court bench. There is certainly no evidence of any diminution in the quality of candidates.

**Q15 Chairman:** There is no evidence that it is getting any more difficult to get people to accept appointment as a High Court judge.

**Mr Handcock:** No; none at all.

**Q16 Chairman:** Anyway, you are going to let me have a note on that.<sup>2</sup> I should like to know what the answer to that is. Paragraph 2.17. You are transferring workloads between courts. That is going to have an impact on victims and witnesses, is it not? How are you going to ensure that their views are taken into account?

**Mrs Mayer:** I should like to say at the outset that we do not transfer work lightly. We appreciate the impact this has on victims and witnesses and we genuinely take great care in how we manage this workload. The Report fairly sets out the advantages and disadvantages of doing so, particularly in the examples which have been given. We do work with the parties, the prosecution and the defence. We ensure that we do not transfer cases which have vulnerable witnesses. We provide the parties with an opportunity to come back to us if they can identify any issues about difficulties caused to victims and witnesses by transferring this caseload. We work very closely with the other parties in order to make sure that we put in place a system whereby we list these cases very carefully; we make sure that they get

<sup>1</sup> Ev 12

<sup>2</sup> Ev 12

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**Crown Courts Administration**


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on on the day and we make sure that witnesses give evidence on the day. In particular, the listing officer at Huntingdon has been commended by the Crown Prosecution Service.

**Q17 Chairman:** Do you run the magistrates' courts as well?

**Mrs Mayer:** I do.

**Q18 Chairman:** If you represent a rural constituency like mine, our magistrates' courts are constantly closing: Gainsborough, Caister, Market Rasen. This is repeated all over the country. It is part of an increasing tendency towards centralising public services. This means that witnesses have to travel and that magistrates are no longer in touch with local communities. Does this not worry you? All in the cause of so-called efficiency but magistrates are supposed to represent local people and to be involved in the local community.

**Mrs Mayer:** We accept that there has to be access to justice in a way which means that people can travel to it.

**Q19 Chairman:** So why are you closing these small magistrates' courts?

**Mrs Mayer:** The fact is that we are not closing a lot of magistrates' courts. The fact is that at the moment ministers have made it quite clear that they have no plans to make any closures of courts.

**Q20 Chairman:** So many have been closed already there are no more to close. I have not made this up. I have had three magistrates' courts closing in my constituency in the last five years.

**Mrs Mayer:** At the moment I can say that ministers have no plans to close courts.

**Q21 Chairman:** None; no more closures in the country?

**Mrs Mayer:** There are no plans to close courts at the moment.

**Q22 Chairman:** No magistrates courts are going to close anywhere from now on?

**Mrs Mayer:** We do not have any plans.<sup>3</sup>

**Q23 Chairman:** Why were they all closed before then?

**Mrs Mayer:** HMCS came into being in 2005. Before that magistrates' courts were run by local magistrates' courts committees, so I am not in a position to say what decisions were taken.

**Q24 Chairman:** My last question is about the computer system. Your computer system, CREST, unbelievably is 20 years' old; it is pre-Windows. Five years after the Soham inquiry, the courts are still posting papers to the police so that they can

manually update their computer system. Why are your staff making do? This would happen nowhere else. Why are your staff making do with a computer system which is 20 years' old and pre-Windows? Normally in any organisation computers are updated every five years. What is going on here?

**Mr Handcock:** On the basis that the MoJ provides the IT service for HMCS I ought at least to make a start on this. Although CREST is 20 years' old it is an excellent system. It is possibly one of the most reliable IT systems across Government, it is available 99.75% of the time and it is a well-thought-of and reliable system. The fact that it is 20 years' old is not necessarily a good reason to set off on a major project to spend a huge amount of money developing new IT. It does need to be re-platformed so that it operates on more modern software and we have frankly been slow to get that done.

**Q25 Chairman:** We read in paragraph 4.6 "The appointment of new infrastructure and software suppliers limited the opportunity to update the Crown Court IT systems" for a whole two years. What were you playing at, if it is such a wonderful system, pre-Windows? It goes into this great lull for two years when you did nothing.

**Mr Handcock:** There was a confluence of events that made re-platforming the system relatively difficult. We had reached a point in our contracts with our previous IT suppliers where we needed to set off, because it takes quite a long time to do these things, to let new contracts. Knowing as we do that the transition between one set of contractors and another is always quite challenging, we decided that we would stabilise CREST so that we had no threat to the business during that transition and we would wait until we completed the transition to new IT suppliers before we started to make significant changes. There really was no sensible alternative to managing those risks other than to do it that way.

**Q26 Chairman:** So it will not happen again?

**Mr Handcock:** We will start the process of re-platforming CREST this year and complete it by 2011.

**Q27 Keith Hill:** Why are the six areas which are slowest at starting cases all in London and the South East?

**Mrs Mayer:** As I mentioned at the outset, there is an issue around capacity and courtroom availability in some of those areas. It is also fair to say that in some of those areas there are also issues about the type of work that is dealt with. For example, in Southwark they deal with long fraud cases; Woolwich will deal with terrorist trials; the Central Criminal Court will deal with lengthy complicated cases. So that will tend in fact to vary the speed at which cases can go through the courts.

**Q28 Keith Hill:** How are you going to improve their performance or do you simply accept that the nature of the work they do means that, for example, they are operating at half the rate of North Wales, for example?

<sup>3</sup> *Note by witness:* Devizes magistrates' court will close on 17 August 2009. This follows proposals made by the then Wiltshire MCC to move the work to a new modern justice centre at Salisbury. This decision was announced publicly on 9 June 2003 and in answer to a Parliamentary Question on 12 June 2003 (12 June 2003: Colum 1049W).

## Crown Courts Administration

**Mrs Mayer:** The centre of London, Surrey & Sussex and Thames Valley have all improved this year; so all of those figures, in terms of waiting times, have begun to improve. What we have done in addition to that is to allocate additional sitting days in London and to the South East specifically. We are also making sure that we work with the other agencies to improve the level of ineffective cases which come before the court and we have also done a lot of work in studying the causes of lost court time so that we can make sure we work with the judiciary to iron out further efficiencies and make sure we get better value for money from our court days.

**Q29 Keith Hill:** When do you expect to see a significant improvement in performance?

**Mrs Mayer:** There has already been a significant increase in performance within the last six months. Surrey & Sussex, for example, has gone from 46% to 57%; there have also been improvements in London and Thames Valley. We are allocating an additional 1,285 days to London, 821 days to the South East. All together that is the equivalent of between eight and nine courts. That will make sure that we do see some improvements in performance.

**Q30 Keith Hill:** Does London achieve its target of using its courtrooms on 95% of working days? The NAO Report in paragraph 2.8 says that London, I think, is unique in having a target in terms of the percentage of working days on which it has to use its courtrooms. Does it achieve that?

**Mrs Mayer:** London by and large does achieve a very high level of utilisation; it would be in the region of about that. This means that if it is operating near to capacity that is why we are increasing the number of courts in London, two in Croydon, two in Wimbledon, five in Isleworth, that will be on line this year. That will enable those courts to deal with those extra sitting days.

**Q31 Keith Hill:** How many days a year do Crown Courts work?

**Mrs Mayer:** Two hundred and forty-two.

**Q32 Keith Hill:** Two hundred and forty-two out of 365.

**Mrs Mayer:** Yes. Five days a week, apart from Saturday, Sunday and Bank Holidays.

**Q33 Keith Hill:** How many days a year does a Crown Court judge work?

**Mrs Mayer:** It depends on when they are appointed and their contract, but it would be around 220 days.

**Q34 Keith Hill:** Two hundred and twenty out of a potential 250.

**Mrs Mayer:** Less Bank Holidays.

**Q35 Keith Hill:** Less than we do and I bet they get paid more than we do. How much do they get paid?

**Mrs Mayer:** I am not sure actually.

**Q36 Keith Hill:** You are not sure. Really?

**Mrs Mayer:** No.

**Q37 Keith Hill:** Perhaps we could have a note on that.<sup>4</sup>

**Mr Handcock:** I am not sure. I suspect it is rather more than I do also, but I am happy to let you have a note of judicial salaries.

**Q38 Keith Hill:** May I just ask you about this business of effective trials? Despite improvements since 2002 less than half of all trials were effective in 2008. Do you find that an acceptable percentage?

**Mrs Mayer:** There are three elements to cases coming before the courts. One is those which are ineffective and that is running at 11.8% at the moment. The courts have led initiatives with the other parties to reduce that from about 23%, so we have had some considerable success there. In addition to that, once a case comes before the court it can be effective, in which case the case progresses and the jury is sworn in or it can be what we call a cracked trial, which means that the individual pleads guilty on the day. Those are the three elements. The effective cases and cracked trials mean that there is a disposal, the case is dealt with and of those 11.8% are ineffective.

**Q39 Keith Hill:** 11.8%, yet I am pretty certain that Box 1 on page 19 and Figure 9 indicate that in fact it is less than 50% which are ineffective so I do not quite follow that 11.8%.

**Mrs Mayer:** Those are the percentage of trials which are effective, where a jury is sworn in; in addition to that there are the cases which come before a court which are what we call cracked trials, which plead guilty on the day, and then the ineffectives are at 11.8%.

**Q40 Keith Hill:** Let us go back on those ineffective trials. The main causes are the absence or unfitness of the defendant. What is the reason for that?

**Mrs Mayer:** Of the 11% which are ineffective, about 4.5% of those are due to the prosecution, in other words that may be that the case is not ready to proceed; 5.2% are due to the defence which may be that the defence are not ready to proceed or the defendant may not have attended.

**Q41 Keith Hill:** How can we improve that?

**Mrs Mayer:** The number of ineffective cases is around 4,000 out of 36,000 trials so the percentage which is due to defendants not attending is becoming a much smaller proportion; in fact we are working on that quite a lot.

**Q42 Keith Hill:** What are you doing?

**Mrs Mayer:** We are working with the other parties to make sure that we get proper notification out to the parties and that we are working in particular with the prosecution to make sure that everybody

<sup>4</sup> Ev 12

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**Crown Courts Administration**


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who comes before the court is ready and prepared for trial on the day. This of course is most important because it irons out ineffective time within the court, but it also means that we look to the judiciary to case manage these cases.

**Q43 Keith Hill:** I would not want to make excuses for defendants but I could imagine that many of them lead fairly chaotic lives and all the rest of it. I find it less excusable that prosecutions and defences should not be ready on the day. What are we doing about that?

**Mrs Mayer:** That is something we have worked on with the other agencies and it is fair to say that percentage, 11%, has come down from 23%. On the judicial case management, we have put staff in place in all of our courts who are called case management officers; they are case progression officers, who will contact the parties to make sure they are able to proceed in timetable. There have been great strides forward here. In terms of the defendant not attending, it is a judicial decision whether or not cases do proceed on the day with or without the defendant there, so they do have the capacity to deal with the case in the absence of the defendant.

**Q44 Angela Browning:** Could we just look first at page 26? I apologise that I was late and I hope this is not something the Chairman has already covered. I am very interested in these ushers. According to Figure 13 on that page, if we look along the bottom chart we can see, for example that in Surrey & Sussex, as far as ushers were concerned, there was an estimate of how many would be needed but in my calculation the staffing was in excess of 40% more than the number of people needed. I just wanted to ask you what an usher does when they turn up for work and they are surplus to requirements. There must have been quite a lot of them in Surrey & Sussex.

**Mrs Mayer:** I do not actually know the answer to the question about what the ushers do in those particular courts; they probably work on other administrative tasks such as filing, extracting files, answering telephone calls. It may have been that there is an adjustment with the administrative level staff. In terms of the principle of staffing allocation, what I have done in the last few months is to put in place a methodology to allocate staff which is very specifically related to the amount of work which has to be done and the number of sitting days which have to be sat. We will probably see, over a period of time, that this will be much more specifically targeted against the jobs they have to do. We have done that for this next financial year and made sure that the courts have a very specific allocation of staff at the right grade to match the workload in those particular courts.

**Q45 Angela Browning:** If they were required to do administrative tasks, I would have thought that would have been factored into the estimated number of ushers you would need. Presumably one has to allow for absenteeism and that sort of thing. I want to come on to absenteeism. I just find it quite

extraordinary that there are all these spare ushers floating about in Surrey & Sussex, yet when we look at page 26 we see that the staff absenteeism figure is really not a particularly good one; it is higher than the average one would expect in the public sector and the Courts Service has a target of 7.5 days when in fact your actual is 11.2. I just want to put it to you that if there are lots of people floating around surplus to requirements, is not the tendency to take a "sickie" likely to be much more because they can see that their absence from the workplace is not actually going to make too much difference? Is there a correlation between the inability to assess exactly what the staffing level should be and the rather poor figures that the Courts Service has on staff absenteeism?

**Mrs Mayer:** In relation to the staff numbers, these are staff of a particular grade, so it is possible for them to work on other tasks as well. I just wanted to mention that.

**Q46 Angela Browning:** I can see that somebody might think that if they were surplus to requirements you had to find them something to do, but presumably the other work they are doing is the responsibility of somebody else ultimately, is it not?

**Mrs Mayer:** It is very likely, in terms of where the staff are allocated, that they have probably not, over a period of time, been specifically targeted at the right grade overall. In terms of the work I have done this year, we are allocating staff specifically to deal with the level of administrative work that needs to be done pre- and post-trial. We are allocating staff specifically for the numbers of days which need to be sat. In other words, the numbers of court clerks and ushers will be very, very specifically set through our allocation methodology which we have done this year. In answer to the question which relates to sick absence, I accept that in terms of the performance of HMCS, in terms of level of absence, considerable improvement needs to be made. The Report fairly reflects the fact that there was an 8% improvement at the time the Report was published. We have maintained that improvement. At the moment we are looking at 8.48 days so far this year; we anticipate that by the end of the year we will have improved our absence by over 10%. We now have in place a much more robust policy for managing attendance. We have more support from HR in terms of the information we have to manage this and we have achieved considerable improvement over this year but there is more work to be done in relation to the target of 7.5 days and our distance from that. What I will be doing this year as I go round my in-year reviews around the country, is that we will be setting targets for individual regions and areas so that we can make even further strides to make sure that as a step change we will make further improvements in terms of sick absence. I accept that it is quite clear that we have to make more improvement there.

**Q47 Angela Browning:** Before you saw the NAO Report in its draft form were you aware of these disparities between the staffing requirements and the

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**Crown Courts Administration**

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staffing levels, whether it is in excess of staff or, as we see in Thames Valley, a statistic which goes in the other direction?

**Mrs Mayer:** It is fair to say that I would have been aware that there would have been some disparity because of the allocation methodology needing to be put in place, which I have done over the last few months. What we have done over the last few years since we became HMCS is to amalgamate 43 different businesses and within that we have had different sets of terms and conditions. We have also put together different courts. Over the last six years we have had 50 amalgamations of Crown Courts and magistrates' courts. We have had a coming together of different jurisdictions which has probably had an impact on the levels of staffing and the appropriate grade. I am confident that we do now have a very clear path in relation to this.

**Q48 Angela Browning:** Mr Handcock told us earlier that although your computer system is 20 years' old it is one of the best of its kind and fit for purpose, although you have some upgrades to do on it. On the question of data coming from the magistrates' courts to the Crown Courts having to be manually inputted into that system, what do you do by way of quality control to make sure that process does not actually cause a problem for you in terms of the efficiency of the casework?

**Mrs Mayer:** Courts do have management control checks which they will undertake on a risk analysis basis. The level of checking will depend upon the skill and experience of individual staff. Cases which come in from the magistrates' court do arrive in paper form, that is correct, and we input it onto CREST and in the normal course of events there will be a percentage check of work.

**Q49 Angela Browning:** What is the result of those checks? Is there any indication that that process, of itself, causes any difficulty in terms of the efficiency of the transfer of the case to the Crown Court?

**Mrs Mayer:** I can genuinely say that I am not aware of a problem that is caused by that.

**Q50 Angela Browning:** May I just ask you something else? This is not actually covered by this Report but it reads into other parts of the Report. Where the Report talks about the need both for the defence and the prosecution to have their casework ready so that the efficient usage of the court is maximised, would you just comment on whether you believe there is a problem in terms of the Crown Prosecution Service bringing its casework forward in a timely way and the impact that might have on cases in the court?

**Mrs Mayer:** It is fair to say, having worked with the Crown Prosecution Service very closely as an organisation, certainly in the magistrates' courts work on what is known as CJSSS, which is simple, speedy, summary justice, we recognise that actually getting cases right first time in the magistrates' courts has actually made the whole process much more efficient. Again working with the Crown Prosecution Service in terms of preparation, we find working with them on the local criminal justice

boards has brought us very close together in working with other criminal justice agencies and we all accept that to get it right first time means that there is more efficiency within the system. I have to say that we are never going to eradicate ineffective cases entirely because of the nature and complexity of some of the cases we actually deal with.

**Q51 Angela Browning:** I was not thinking so much that. It may be a local matter we have a problem with in Devon and I have written to the head of the Crown Prosecution Service and I know she is alert to it. We have had cases dismissed from the courts after everybody has arrived in the court on the day purely because the CPS was unable to marshal its information for the case to proceed. That of course is appalling, not least from your point of view in terms of the court's time but also from the victim's point of view; if the case is dismissed purely because the procedures are not allowed to ensue, then that is a very serious matter in terms of the criminal justice system. Is that a widespread problem?

**Mrs Mayer:** I am not aware of any specific statistics in relation to that other than the ones which we have here. It is fair to say that court managers and area directors and I work very closely with the other agencies in order to try to eradicate these sorts of problems. The fact is that we have put case progression people into all of our Crown Courts to work with the other agencies to make sure that we do identify any issues at an early stage and bring them to the attention of the judge. The judge is the person who actually makes the decisions about whether or not the case is ready to proceed, so that tends to be more a judicial decision than mine.

**Angela Browning:** I just want to make one observation, if I may Chairman, picking up on what you were saying about the closure of magistrates' courts? I also represent a very large rural constituency in Devon but it would apply to the whole of the county. The problem of getting legal aid now and people prepared to do legal aid when they have to travel so far to a court is adding to the costs and many, many solicitors are giving up doing legal aid purely because of the distances they are having to travel if they take on legal aid work now.

**Q52 Mr Touhig:** Page 5, paragraph 3 of the C&AG's Report says that Service staff allocate dates and slots under the direction of the judiciary. Does that mean under the direction of the judges?

**Mrs Mayer:** Yes.

**Q53 Mr Touhig:** So they can choose.

**Mrs Mayer:** It does not actually work that way.

**Q54 Mr Touhig:** It is not like Judge John Deed who can sit over breakfast or dinner in accommodation provided for him by the taxpayer and decide who is going to take which case or not?

**Mrs Mayer:** No, I am afraid it does not quite work like that.

**Q55 Mr Touhig:** You were a listings officer in the past and you would know about that.

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**Crown Courts Administration**

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**Mrs Mayer:** Absolutely; yes. In terms of how we work with the judiciary, the court managers and listing officers work very, very closely with resident judges and consequently we do have a pool of cases and the listing officer will generally allocate cases. However, certain types of cases, certain serious cases, will require some judicial direction.

**Q56 Mr Touhig:** So judges can swap, can they? You are the listings officer, you have allocated these cases and if judge A does not want to do this, he talks to his mate judge B and they swap something over.

**Mrs Mayer:** That is not my experience.

**Q57 Mr Touhig:** It does not happen. Once a judge is allocated a case, he or she does not try to move it all. They have to accept whatever they have been given.

**Mrs Mayer:** That is my general experience. In terms of listing, judges work in the same way as HMCS. Together we want to have a quality justice system. That means we want cases to be put through the courts with effective and efficient listing. We all work together. The relationship between court managers and listing officers and resident judges is absolutely key; resident judges do take a keen interest in the performance of the court.

**Q58 Mr Touhig:** Why does the Report say then that the lists are made under the direction of the judiciary, if the judges just accept what you tell them they have to have?

**Mrs Mayer:** It is work which is done on behalf of the judiciary. The judiciary will set the framework for how cases are to be listed in their court but it will not be to the level of detail.

**Q59 Mr Touhig:** Can you explain that? Would a judge have a different procedure as to how he or she wants a case to be listed in their court?

**Mrs Mayer:** Generally not; no. A judge in a court will, for example, have judges under him who particularly have what we call "tickets" to deal with certain types of work because they have certain experience or certain length of experience. There will also be judges who are earmarked to deal with particular case management hearings. There will also be directions and discussions about effectively how many cases ought to go into a list. For instance, if we are dealing with case management hearings we might deal with a dozen or so cases and we will agree that beforehand.

**Q60 Mr Touhig:** So the judge really does accept the list you give him or her.

**Mrs Mayer:** Absolutely.

**Q61 Mr Touhig:** There are some discussions.

**Mrs Mayer:** In terms of the framework, there will be discussions to start with.

**Q62 Mr Touhig:** Are these discussions publicly available or do you have to FoI to find out what discussions go on between a judge's clerk and a listing officer?

**Mrs Mayer:** No, it is fair to say that discussions about listing with resident judges would be an ongoing conversation, first of all agreeing the framework, making sure we put cases into a list. We want to get them listed effectively, we want to get them listed efficiently, we want to maximise the court time so that we sit full days. In addition to that we will review with judges cases which have not gone through effectively. We will go with resident judges to look at any cases which have not been effective and look at the causes of that and look at whether or not any adjustments need to be made to the framework. Those are the sort of discussions. We are both looking for efficient and effective listing. Judges are obviously and quite rightly concerned with the quality of justice.

**Q63 Mr Touhig:** Is this information publicly available.

**Mrs Mayer:** It tends not to be because it tends to be part of ongoing discussion and throughput of work.

**Q64 Mr Touhig:** We see in Figure 6 on page 15 that just 70% of cases committed to the Crown Court by magistrates are dealt with in 16 weeks. The Chairman referred to this and you talked about the availability of the judiciary. What do you mean by "the availability of the judiciary"?

**Mrs Mayer:** There have been examples where a judge has either resigned or not been available and it has taken a period of time for a replacement to be achieved. Sometimes in that gap we book deputy judiciary but, in terms of having a fulltime member of the judiciary, sometimes there is a gap.

**Q65 Mr Touhig:** So part of this problem is caused by the judges themselves.

**Mrs Mayer:** Absolutely not; no.

**Q66 Mr Touhig:** You just said if they change things and people have to have alternatives and so forth, they may not want to do something or cannot do something.

**Mrs Mayer:** No; not at all. In terms of the judiciary, sometimes when they resign or they have left or there are changes, perhaps some of them have been promoted to the High Court Bench, there may be a gap in terms of an appointment which we will fill with deputy judiciary until we get a fulltime appointment.

**Q67 Mr Touhig:** Are you seeking to try to improve this figure? It is 70% in some areas and your target is 78%.

**Mrs Mayer:** Yes; 78%. In terms of our performance, we have already made improvements. Twenty out of the 24 areas have already improved this year. It is also important to say that in addition to looking at the speed of cases through to 78%, we also prioritise the throughput of cases where defendants are in custody. We are achieving that target in all of our areas.

## Crown Courts Administration

**Q68 Mr Touhig:** We see on page 47, Figure 25, that six of the worst performing areas, those which are slowest to start cases, are in London and the South East. The Chairman made some remark at the beginning about judges wanting to play golf on Fridays. Is it because they have better golf courses in the South East and of course the close proximity to Harrods which makes it difficult perhaps to find judges when you need them?

**Mrs Mayer:** It is fair to say—and I have worked in the courts personally—that is genuinely not my experience. Judges, as HMCS staff, want to see an efficient and effective service.

**Chairman:** Or is it because life in Wales is so boring there is nothing else to do? Or is that an unfair remark?

**Q69 Mr Touhig:** You are off the Christmas card list Chairman.

**Mrs Mayer:** In terms of the judiciary, that is not the case; it genuinely is not. What we have done is a study of “lost” time in the South East. We took a snapshot in February of lost time across the whole country. We are looking at anything which may affect downtime, for want of a better description, in a court and making sure that we focus on that with the judiciary. The judiciary are working very closely with us in order to make sure that we do eradicate any downtime.

**Q70 Mr Touhig:** So the problems you have which are evident in the Report are not really the responsibility of the judiciary. You seem quite defensive of what most of us see as a pampered and privileged elite.

**Mrs Mayer:** It is fair to say that in terms of my partnership with the judiciary and in terms of the framework document, I have a dual responsibility to the Lord Chief Justice and to the Lord Chancellor. It is correct for me to say that the judiciary are as concerned as I am whenever we have a performance difficulty. We work together with the presiding judges, with senior presiding judges, to make sure we do eradicate inefficiency and that we work with the other criminal justice agencies to reduce ineffective hearings to make sure we make best value for money. The judiciary are obviously concerned about the quality of justice, but they are also concerned about efficiency and effectiveness as well.

**Q71 Mr Touhig:** As the Report on that page flags up London and the South East, are you having a particular drive to try to overcome the problem of the long waiting in London and the South East?

**Mrs Mayer:** In terms of the allocation of resources for the next financial year, we are targeting additional resources in London and in the South East in terms of sitting days. In terms of the additional courts that we are going to be opening in the South East and London, we will be targeting the resources which are required to match those courtrooms. We appreciate that we want to see a more equal performance and we are confident that we will have the resources in the right place.

**Q72 Mr Touhig:** Are you responsible for judges’ accommodation, their food and their travel within your budget?

**Mrs Mayer:** Yes.

**Q73 Mr Touhig:** You are. So who decides on the level, on the amount of money that is spent on accommodation, food and travel for judges? Is this negotiated? Do they have a trade union which represents them? Perhaps they are represented by Unite.

**Mrs Mayer:** I am not sure.

**Mr Handcock:** No, they certainly do not have a trade union; judges have professional associations. In terms of the allowances that they receive for travel, for example, and subsistence if they are sitting at some location away from their base court, they receive a standard allowance.

**Q74 Mr Touhig:** Are these figures available? Are they published?

**Mr Handcock:** They are indeed available.

**Q75 Mr Touhig:** And in terms of accommodation?

**Mr Handcock:** On the whole the overwhelming majority of cases will receive no accommodation at all. A very small number of High Court judges sitting out in the regions, away from their London base will have accommodation provided for them as a result of their responsibility.

**Q76 Mr Touhig:** Do they get subsistence or a sum for food or is that provided for them?

**Mr Handcock:** No, they will get a subsistence allowance, if they are travelling.

**Q77 Mr Touhig:** Like Members of Parliament have a green book, do you have a green book for the judiciary?

**Mr Handcock:** I am sorry; I do not know what the green book is.

**Q78 Mr Touhig:** It is like a bible which covers all the allowances available.

**Mr Handcock:** Absolutely. All the allowances are set out and the entitlements are set out very clearly.

**Q79 Mr Touhig:** Are these public? Can you let us have a copy?<sup>5</sup>

**Mr Handcock:** Perfectly happy to let you have that information.

**Q80 Chairman:** I would not describe these people necessarily as a pampered elite but they are still very well paid. High Court judges receive £160,000 a year plus; circuit judges get the best part of £100,000 a year. Presumably you have performance tables and you know who are the most efficient. Do you keep a record of how many are doing the most cases?

**Mr Handcock:** We do not manage the performance of the judiciary.

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**Crown Courts Administration**


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**Q81 Chairman:** Who does?

**Mr Handcock:** They are independent and they are accountable to the Lord Chief Justice and certainly not to me. May I just say that the performance of the overwhelming majority of judges who sit in the Crown Court is actually best measured by looking at the way that their court locally performs? I simply want to echo what Mrs Mayer has said about my experience which is 30 years' worth of working in the court system. Massively the overwhelming majority of circuit judges work very, very hard indeed and are not in any sense any part of a pampered elite. The throughput of cases per Crown Court courtroom, for example, has gone up from around 120ish to about 145. The reason for that is judicial determination to make sure that time is not wasted and that cases are cracked through where that is possible. It really is not the case that judges are on the golf course on a Friday afternoon or not working hard. I have to say I have occasionally seen judges pretty close to tears about the workload at the end of a very, very busy Crown Court week. It is a seriously difficult business to be in.

**Q82 Chairman:** I know that the High Court judges work incredibly hard; they have a massive amount of paperwork and I know that is why only one in four offered the job accept it. I accept that they work very hard.

**Mr Handcock:** They do.

**Q83 Chairman:** However, I would have thought that you would know or somebody would know. The Lord Chancellor presumably does keep a track on the best performance. Is this not a good way of knowing what is going on?

**Mr Handcock:** It is the responsibility of the Lord Chief Justice not of the Lord Chancellor.

**Q84 Chairman:** Does he do it?

**Mr Handcock:** The judiciary are accountable to the Lord Chief Justice.

**Q85 Chairman:** Yes, but does the Lord Chief Justice do this?

**Mr Handcock:** The Lord Chief Justice through the system of presiding judges keeps a very close watch on the performance of the courts generally and maintains close contact with the judiciary.

**Q86 Chairman:** So he would spread good practice. He would say "They are obviously doing things very well in North Wales; they are cracking on and this is what you should be doing". He is constantly applying pressure all across the scene on his people, is he?

**Mrs Mayer:** That absolutely is the case; that does indeed happen. The senior presiding judge takes the responsibility for spreading best practice very carefully and very actively does exactly as you have described.

**Q87 Mr Mitchell:** The report on Soham recommended that the police national computer should be more quickly updated with court verdicts

and decisions. That report was 2004 and I see that updating process will not be complete until September of this year and even then it is only going to cover 80% of verdicts.<sup>6</sup> Why is that? Why has it taken so long and why is the coverage not complete?

**Mrs Mayer:** The report in 2005 recommended that we have an IT solution. In order to make that happen we needed to have XHIBIT, which was delivered in 2006. We also needed to have the police update of NSPIS. We needed the consortium and niche police computers with case management enhancements.

**Q88 Mr Mitchell:** It is a simple matter, is it not?

**Mrs Mayer:** I am afraid it is not. Consequently, once all those have been delivered, actually drawing those systems together has been quite a complex process. We need to have the links in place so that the Crown Court can link to the police computers. What we are writing at the moment and what we are about to do at Easter is to roll out to XHIBIT and CREST the actual capacity to update the police computers. The reason for the delay has been the need to write and create this over six different systems and seven different suppliers. I am pleased to say that that solution goes in at Easter. What will happen after that is that we will be working on that in the Crown Courts to check that that works very well because we have to be absolutely certain that it works extremely well.

**Q89 Mr Mitchell:** What happens to the other 20% of cases?<sup>7</sup>

**Mrs Mayer:** The reason for that is that within the Crown Court the complexity of the sentencing and the complexity of the case means that there will be the need to update some of those manually. Because you may have an eight- or ten-handed case, eight different cases, sentences which cross over different cases in the Crown Court, the complexity of that and trying to write a system would possibly have made that an even longer timeframe. We will update the vast majority of the cases automatically. We will have a workaround system for the ones which do not fit those criteria and once we have that in place we will then look to see whether we can add to that. I accept that timeframe is really important but the complexity of achieving it has made it difficult. We are there; we will be releasing that at Easter. We will take a bit of time to check that it is absolutely spot on, but we are still on the timeframe for September.

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<sup>6</sup> *Note by witness:* Mr Mitchell refers to "80% of verdicts" being automated. This refers to the potential overall number of recordable cases that will automatically update the Police National Computer (PNC). In the Crown Court, because of the nature and complexity of the cases, this figure is likely to be lower, around 50%.

<sup>7</sup> *Note by witness:* Mr Mitchell refers to the "other 20% of cases". This refers to the minimum number of cases that will require some manual amendment when up to 80% of all recordable offences automatically update the PNC. In the Crown Court, because of the nature and complexity of the cases, the number of offences automatically updating the PNC is likely to be lower, around 50%.

## Crown Courts Administration

**Q90 Mr Mitchell:** We need more judges, do we not?

**Mr Handcock:** The problems—

**Q91 Mr Mitchell:** Do we need more judges?

**Mr Handcock:** No.

**Q92 Mr Mitchell:** Do you think we need more judges?

**Mrs Mayer:** No.

**Mr Mitchell:** In that case the question arises: how are we ever going to produce efficiency in a system where judges behave like monarchs or wayward princes? I have seen Judge John Deed and the way cases are adjourned so he can go off to see his mistress. I know what goes on in courts. We have barristers pirouetting—

**Chairman:** I am going to rule you out of order in a moment.

**Q93 Mr Mitchell:**—and manipulated by the clerks so they get the best cases and all these personal whims and traditional powers are built in. How are we going to make that system efficient in the way you are trying to do, particularly when the Government are producing more and more offences?

**Mr Handcock:** May I make a start on this?

**Q94 Mr Mitchell:** You have been defending judges up to now. It seems unlikely to me.

**Mr Handcock:** The first thing to be very clear about is that Judge John Deed is not an accurate representation of the life of an average judge. Where we have had a significant drive in the Crown Court to improve efficiency, efficiency is up very substantially, the disposal rate of cases is up, the level of ineffective trials is down and we are putting more and more cases through each courtroom so we are getting better value for money all the time. That would not happen, it just would not happen, it would not be possible, if judges were not equally putting effort into increasing efficiency.

**Q95 Mr Mitchell:** I have had a constituency case where the judge was clearly gaga, yet it was months before he was removed.

**Mr Handcock:** Without knowing the details of the particular case I cannot comment. Perhaps I might say that judges are like any other group of people in society and not all are completely perfect.

**Keith Hill:** You mean with the exception of Members of Parliament of course.

**Q96 Mr Mitchell:** Can you produce efficiency in a system like this?

**Mrs Mayer:** Absolutely. What we have done demonstrates that we have made considerable strides forward. We have reduced ineffective cases; we have reduced what we call mention hearings, which means we have taken out something like 22% of unnecessary hearings. We have increased the throughput of cases through a disposal rate. We have an allocation methodology now this year which will make sure that we allocate resources to where they are needed, particularly in London and the South East. We will also have a methodology for checking

the level of judiciary required in each area so that we make sure we have a complementing model that matches the allocation of resources. It is an improving picture: we have improved waiting times, they have never been better than they are now; 20 of the 24 areas are improving their performance. We intend, through targeting resources in a much better way to make further improvements.

**Q97 Chairman:** Why do you say you do not need more judges when paragraph 2.8 says “. . . regions had not been able to use courts on all of the days they had planned, and had resources for, as they had been unable to fill some judicial posts”.

**Mrs Mayer:** Those would have been vacancies when a judge has left or perhaps has had an unfortunate illness or something like that. When judges have had to leave the service, in some places it has taken some time to get a fulltime replacement.

**Q98 Mr Williams:** Sir Michael Bichard put forward proposals for updating the Police National Computer with the result of trials. Why on earth has it taken five years?

**Mrs Mayer:** The position has been that when those recommendations were made we needed to have the XHIBIT system in the Crown Courts, which we put in place in 2006. The police also needed to have updates to their computers and to their case management systems. Having put all those particular IT systems in place, we then had to draw the landscape whereby they were able to talk to each other, which meant that we had six different systems, seven different suppliers. We are now in a position where we can update those systems by results direct from the Crown Court and we are going to update that at Easter.

**Q99 Mr Williams:** Surely just collating the results should be a fairly straightforward process. Why is it so complicated?

**Mrs Mayer:** This is a very complex matter simply because of the information that courts have and the way that it inputs information in terms of defendants and the way that the police extract information in order to update the PNC. First of all those systems were not connected and, secondly, now that they are connected, we have to make sure that the information can be translated across different landscapes so that information is consistent and understood by each of the systems. That is the reason why it has been a complex procedure. I am happy to say that at Easter we will have that solution in the Crown Courts. We will be checking it over the next few months and we are still on the timeframe for delivery in September.

**Q100 Mr Williams:** That will be in the Crown Courts.

**Mrs Mayer:** Yes.

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**Crown Courts Administration**

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**Q101 Mr Williams:** What about anywhere else?

*Mrs Mayer:* In the magistrates' courts we have four sites which have adopted this. We have been checking how this has gone down in the magistrates' courts in terms of accuracy to make sure that information is translated into the police system.

**Q102 Mr Williams:** I thought the results of trials were fairly specific and clear.

*Mrs Mayer:* In terms of results and how the different systems will actually view the information, first of all the systems have to be connected and then the information needs to be translated across into a system to make sure that the police national computer will have all the information it needs. In terms of the complexity and achieving that across six different systems and seven suppliers, that has been a complex process. Our focus throughout all of this is to make sure, through the earlier sites, that we do have accuracy because that is the paramount issue here.

**Q103 Mr Williams:** To be honest, I am still bewildered. It seems to me that it is the simplest set of records you could need to collate and they seem to be unachievable by you in any reasonable time. How much is this costing all together? What has it cost so far?

*Mrs Mayer:* The early allocation a number of years ago was £19.7 million. We have spent £17.2 million. In terms of the additional amount over the next year we intend to spend an additional £5.7 million which will take us to £23.1 million. Given the fact that this original budget was set a number of years ago and allowing for inflation, in terms of the outcome that is not too far away from where it would have been. The additional money needs to be spent on resource costs; a considerable proportion of that money will be resource costs. What we have learned from the earlier sites is that police forces and courts require some additional support during the roll-out in preparation for the roll-out and afterwards to make sure that we have very accurate information. It is to support the staff during the transition onto this new system. That will take account of a proportion of the additional cost that we want to put in place.

**Q104 Mr Williams:** I am very unpersuaded by what I have heard. Let us take something simpler: the transferring of records electronically as cases move from the magistrates' court to the Crown Court. When will you be able to do that?

*Mr Handcock:* To some extent this is significantly dependent on the process for re-platforming the CREST computer system. It needs to be able to receive information.

**Q105 Mr Williams:** You were saying how good CREST was.

*Mr Handcock:* It is good except in this respect. What I said was that it is a very stable system.

**Q106 Mr Williams:** It is good in stability but not good in results.

*Mr Handcock:* It is very, very reliable in supporting the Crown Court in its day-to-day business. Once it has been replatformed, then it will be able to do a wider range of things and it then offers the potential to transfer data electronically, but not yet.

**Q107 Mr Williams:** Let us switch to something the Chairman dealt with as well, the judicial posts being filled. Why have the Commission and you been unable to ensure that these posts are filled? What extra is needed? What is the deterrent? What is the blockage?

*Mr Handcock:* There is no deterrent; it is just an issue of timing. On the occasions when we are not able to provide a judge in a particular location that may have arisen because a judge has died, for example, a judge has recently taken a decision to retire or a part-time judge had expected to use is not available because he or she has some other unexpected priority. By and large the judicial appointment system operates to enable us to fill planned vacancies to a reasonable timetable, but it is inevitable that from time to time there will be a lack.

**Q108 Mr Williams:** A question has been suggested to us about recruiting staff for the 13 new courts, but I would assume in the context of the credit crunch you envisage that recruitment will be less of a problem sadly than it might have been some time before.

*Mr Handcock:* I do not frankly think that we anticipate that it will be difficult to recruit new staff.

**Q109 Mr Williams:** A simple piece of technology—prison video links. Why are they not used more often? What do they save in cost? We are told they cut the costs of transporting and escorting prisoners. What is the impediment to using them more often?

*Mrs Mayer:* The prison video links, in terms of the totality, are used on about 4,000 hearings a month. A proportion of that is within the Crown Court. The savings, as you quite rightly say, are about prisoner production, not having to bring prisoners to court but being able to deal with some preliminary hearings via a video link. The reason we have not been able to increase that to a certain extent has been because the numbers of links which go to the Prison Service has put a ceiling on the capacity. However, in April of this year a new contract will be signed which will at least triple the capacity. We will be in a position then to create a plan with the Prison Service to increase usage of prison video links because we appreciate the benefit of this.

**Q110 Mr Williams:** What was your estimate of the cost of that?

*Mrs Mayer:* The cost is going to be part of the discussion with the Prison Service because we will be looking at how many more hearings we think we can do, what the business case is, what the savings will be for the Prison Service and then looking at the investment. In terms of cost to us, it is about buying the equipment. I am not sure how much that is per courtroom but what we also do for some of the courtrooms is to install some rooms where the parties to a case can have a private discussion with

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**Crown Courts Administration**


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the defendant. If it requires that type of additional maintenance by creating those sorts of rooms, then the cost does increase. We need to discuss this through with the Prison Service. In some of the areas there is still some capacity to improve the use of video links with the prison. We have recently improved that in some areas by 16% because we appreciate the benefits to the Prison Service.

**Q111 Chairman:** You say that your computer system is very reliable but if a case is moved from one court to another, all the information has to be typed from scratch, does it not?

**Mr Handcock:** It does indeed.

**Q112 Chairman:** A quill pen is reliable but it does not mean it is the right way of doing things. I am staggered that you are so complacent about this. A 20-year old computer system, pre-Windows, when a

case is transferred everything has to be typed up again. This is not the right way of doing things in the modern world.

**Mr Handcock:** I apologise if I gave the impression that I am complacent about it. I am absolutely not. I was simply pointing out that because the system is 20 years' old it does not necessarily mean it is without value. It is an effective system which the Crown Court relies on and which, unlike some other more modern systems is available 99.75% of the day every day. It is deficient in that it cannot talk to the Libra system in the magistrates' courts and if we were starting from scratch, we would want it to have significantly more functionality. My point was that, rather than investing in a large-scale, very expensive, all-singing, all-dancing IT project, we are going to take something which works very well and make it better.

**Chairman:** Thank you. That concludes our hearing; thank you very much.

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**Supplementary memorandum from Director General, Access to Justice, Ministry of Justice**

*Questions 10–16 (Chairman): on the recruitment of High Court judges, in particular the numbers invited compared to those who subsequently took up judicial office*

Appointment to the High Court Bench is solely by way of application to the Judicial Appointments Commission (an independent NDPB) who conduct an open competition to recommend candidates to the Lord Chancellor who then recommends candidates for appointment to Her Majesty.

Figures for the 2008 competition:

There were 129 eligible applicants, of which 45 were short listed for interview. 22 were recommended for selection and accepted by the Lord Chancellor. All of these are guaranteed an offer of appointment.

To date: 10 appointments have been made. There have been no refusals.

*Questions 35–37 (Keith Hill): on how much are judges paid*

High Court Judges are paid £170,200 and Circuit Judges £126,400. (Some, designated as Senior Circuit Judges, or exercising specialised jurisdictions, are paid £136,500).

Judges are paid on a simple "spot-rate" system, with no incremental progression or performance related additions. This means that judges do not fall within pay ranges, as such.

*Questions 72-79 (Mr Touhig): on travel, subsistence and accommodation provided to judges*

General judicial travel, subsistence (T&S), and accommodation rates are as per the table below. All T&S rates are determined by the Lord Chancellor. The allowances (and the basis for payment) are approved by HMRC as complying with legislation and guidance. These rates are standard rates applicable across all judiciary.

<i>Travel</i>	<i>Rate Payable</i>
By rail	1st class fare
By car (rates per mile)	First 10,000 miles 40p Over 10,000 miles 25p
Motorcycle allowance	24p per mile
Pedal cycle allowance	20p per mile
Passenger supplement (not payable for motorcycle travel) for passengers whose fares would otherwise be paid from public funds	5p per mile
 <i>Subsistence</i>	 <i>Rate Payable</i>
Hotels and private clubs in London	Actual expenditure up to a ceiling of £120 for bed and breakfast costs plus 24 hour allowance of £21 and personal incidental expenditure allowance of £5

<i>Subsistence</i>	<i>Rate Payable</i>
Hotels and private clubs elsewhere	Actual expenditure up to a ceiling of £100 for bed and breakfast costs plus 24 hour allowance of £21 and personal incidental expenditure allowance of £5
Staying with friends/relatives in London	£32.45
Staying with friends/relatives elsewhere	£31
Own property in London (eg town flat)	Reimbursement of certain expenses necessarily incurred up to a limit of £32.45
Own property elsewhere (eg country cottage)	Reimbursement of certain expenses necessarily incurred up to a limit of £31
Rented accommodation in London	Actual expenditure up to a ceiling of £60 for rental costs plus 24 hour allowance of £21 and personal incidental expenditure allowance of £5
Rented accommodation elsewhere	Actual expenditure up to a ceiling of £50 for rental costs plus 24 hour allowance of £21 and personal incidental expenditure allowance of £5

Where Judges stay in lodgings no separate subsistence allowance is payable.

26 March 2009

#### Supplementary memorandum from the Chief Executive, Her Majesty's Courts Service

I write further to the evidence that Peter Handcock and I gave to the Committee on the hearing on 16 March 2009 on the Administration of the Crown Court.

There is one additional matter that I wish to provide by way of a footnote to the transcript for the purpose of giving further clarity, relating to questions Q18–23 raised by the Chairman.

Also, following a suggestion from the National Audit Office I am providing a note to update the Committee on the performance of the Crown Court. These figures, which I quoted whilst giving evidence, are based on our most recent performance (1 April 2008 to 31 March 2009) and therefore updates those contained within the Comptroller and Auditor General's Report on the Administration of the Crown Court. These updated figures are below. In providing this data I have indicated which questions the data relates to.

6 May 2009

#### UPDATED CROWN COURT PERFORMANCE FIGURES

##### TIMELINESS NATIONAL PERFORMANCE (Q2)

2008–09 performance is an improvement to 2007–08. All four elements have improved as well as combined performance against the target. The only element missing the target is committals for trial at 74.0%:

<i>Year</i>	<i>Comm for Trial—within 16 weeks</i>	<i>Sent for Trial—within 26 weeks</i>	<i>Comm for Sentence</i>	<i>Appeals</i>	<i>All</i>
2007–08	70.3%	76.7%	91.0%	87.1%	77.6%
2008–09	74.0%	78.6%	91.9%	87.3%	79.7%

##### REGIONAL PERFORMANCE (Q27 AND Q68)

Performance against both trial elements (ie those committed and sent for trial) improved in South East Region. Although the performance in Wales was not as strong at last year, they are still 5.4 and 13.4 percentage points ahead of target.

<i>Region</i>	<i>Committals for Trial</i>		<i>Sent for Trial</i>	
	<i>2007–08</i>	<i>2008–09</i>	<i>2007–08</i>	<i>2008–09</i>
South East	61.2%	68.6%	71.6%	73.8%
Wales	89.8%	83.4%	91.6%	91.4%

## AREA LEVEL PERFORMANCE (Q6)

Committal for trial performance 2007–08 and 2008–09—The worst performing Area in 2007–08, Surrey and Sussex, made significant improvement in 2008–09 with performance 11.2 percentage points higher than 2007–08. London Central and South improved by 4.7 points and North Wales by 1.4 points.

<i>Area</i>	<i>2007–08</i>	<i>2008–09</i>
London Central and South	55.1%	59.8%
North Wales	93.6%	95.0%
Surrey and Sussex	46.7%	57.9%

Sent for trial performance 2007–08 and 2008–09—The worst performing Area in 2007–08, Thames Valley, has made significant improvement in 2008–09 with performance 5.2 percentage points higher than 2007–08. London Central and South Area improved by 1.2 points, and North Wales by 2.2 points.

<i>Area</i>	<i>2007–08</i>	<i>2008–09</i>
London Central and South	67.7%	68.9%
North Wales	97.2%	99.4%
Thames Valley	65.7%	70.9%