

For Consideration	
Public/Non Public*	Public
Report to:	Police and Crime Panel
Date of Meeting:	8 September 2021
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Agenda Item:	5

COVID-19: COURTS AND CRIMINAL JUSTICE RECOVERY PLAN UPDATE 2020/21

1. PURPOSE OF THE REPORT

- 1.1 This paper provides an update to the Covid-19 Courts and Criminal Justice Recovery Plan paper first reported to the Panel on 23 November 2020. It includes information up to the end of December 2020 to help inform further discussions.
- 1.2 The paper also includes a number of points of clarification following engagement with HM Courts & Tribunal Service (HMCTS) Head of Crime for the Midlands region.

2. NOTTINGHAMSHIRE MAGISTRATES COURTS

- 2.1 Mansfield Magistrates Court became an 'open site' on 8th June 2020, prior to this it was a staffed court venue hearing civil and family cases remotely using CVP (Court Video Platform) and BTMeetMe. Face to face hearings resumed 8th June 2020 in civil and family and 12th August in crime. Single Justice Procedure (SJP) courts and case management hearings held in Mansfield were also undertaken remotely. Mansfield Magistrates Court increased its capacity to list more criminal work from April 2021. This included re-introducing weekly listing of GAP (Guilty – anticipated plea) and NGAP (not Guilty – anticipated plea) courts, a further prison to court video link court as well as a trials court. This has meant a further 4 courts added to the Crime Listing Plan making a total of 7 crime (magistrates courts) in addition to the Crown Court and civil and family work listed in Mansfield. Mansfield will be part of the trial blitz which is taking place in Nottinghamshire between 1st to 12th November. This will see an additional 3 trial courts listed, alongside 3 other courts converted to trials for this period. Capacity will be increased from the usual 12 hours to 15 hours during the blitz.
- 2.2 Nottinghamshire was the first Local Justice Area in the East Midlands to recover and return to pre Covid Transforming Summary Justice (TSJ) timescales for both GAP and NGAP and continues to remain listing within expected timescales for all work, especially including Domestic Abuse and Youth. As return to timeliness has recovered, the need for the additional courts allocated for GAP and NGAP work has reduced. These courts have been converted to deal with other work such as

additional trial courts, statutory declarations or Non CPS work which has helped reduce / eliminate delays in listing these cases.

- 2.3 In line with the National 5point recovery plan for crime Nottinghamshire will be running a trial blitz between 1st and 12th November. As well as the extra trial courts at Mansfield detailed above, there will be a further 6 trial courts sitting in this period, with 15 hours of work compared to 12. This has meant an additional 270 hours of trial time has been created, which will reduce trial delays.
- 2.4 Common Platform – Nottinghamshire rolls out with Common Platform for both Magistrates and Crown Court on 31st October. Which will see the first cases on the platform on Monday 1st November. Training is being undertaken by Legal advisers throughout August and September in readiness.
- 2.5 Cases destined for the Crown Court continue to be fast tracked through the Magistrates court as they were pre-lockdown.
- 2.6 Single Justice Procedure (SJP) Sessions have continued to take place on a weekly basis. Additional SJP sessions have been undertaken on Saturdays.
- 2.7 We continue to list 3 Police led Prosecution courts (2 at Nottingham and 1 at Mansfield) which as stated previously is more than we sat pre Covid. All backlogs have been cleared and police can list new business work from 16th August 2021 with capacity to list adjourned cases from early September.

3. NOTTINGHAMSHIRE CROWN COURT

- 3.1 Nottinghamshire currently has 5 Crown Court rooms available to hear jury trials (moving from 3 in July), with a further 4 available to hear short appointments. In addition we also have 2 trial courts able to hear bail trials at our Nightingale site (The Mercure hotel, Sherwood) and an additional court which we have modified from a Magistrates courtroom in Mansfield Courthouse. This is able to accommodate bail trials also.
- 3.2 The Nottinghamshire court rooms have been primarily used to accommodate Nottinghamshire work during the pandemic, however there are occasions that trials from other counties are heard on site as has always been the case pre-pandemic. This can be due to a myriad of reasons, including the need for a larger courtroom to accommodate multiple defendants. Overall however, majority of work is from the Nottinghamshire area.
- 3.3 In order to facilitate jury trials in Nottinghamshire, additional space was allocated for jury deliberation, such as the Judges dining area. This continues as we are still maintaining distancing to keep our jurors and other parties in court safe.
- 3.4 To increase the ability to efficiently hear multi hander trials HMCTS have installed strengthened polycarbonate screens in the dock of several court rooms. In Nottingham 3 docks have been furnished with strengthened dock screens. This will

increase the courts disposal rate since multi hander trials will be heard using one court room as opposed to needing to occupy several them.

- 3.5 Where two metre social distancing cannot be achieved HMCTS is also installing tall screens in the well of the court. This will allow advocates to present cases in a safe, PHE manner.
- 3.6 HMCTS continues to work with Public Health England to ensure compliance with their guidelines. The safety of our Judiciary, court staff and court users is our top priority. HMCTS appreciates the impact on victims and witnesses but as with other agencies we have to ensure safety. Of all court attendees. Our rigorous approach has paid dividends as court have been able to continue to operate during the latest lockdown.
- 3.7 HMCTS has worked with partner agencies and has revised the National Remote Link protocol to provide easy access to safe remote link buildings for all those who require it.
- 3.8 Determination of trials listed and heard is at the discretion of the Resident Judge in conjunction with the Listing Officer who currently meet daily/weekly and review all CTL cases. High profile matters and cases where vulnerabilities are identified are being prioritised and reviewed for confirmed listings each week.

4. DOMESTIC ABUSE COURTS

- 4.1 Domestic abuse courts have continued to operate and have been listed and heard as a priority throughout the pandemic and it has been very much business as usual since September 2020 in terms of listing the cases in terms of expected timeliness
- 4.2 HMCTS would like to clarify that there are defendants who have bail withheld by the police that are charged with domestic abuse. These cases will appear in the daily remand court. However, all Magistrates and legal advisors are trained in Domestic abuse courts. Nottingham was a forerunner of the Specialist domestic abuse courts and have a well-trained, expert team.

5. KEY ISSUES, RISKS AND OPPORTUNITIES

- 5.1 A number of key issues and risks continue to impact upon the Courts Recovery Plan. These include:-
 - **Victim and witness impact:** CJ partners recognise the adverse impact that court delays and adjournments can have on victim and witness engagement with the CJS, with victim and witness attrition known to increase with each subsequent delay. To effectively manage demand, each main trial listed in the Crown Court will also have 2-3 trials listed as 'backers/standby' which may go ahead should

the main trial not proceed. The impact of limitations to face-to-face services on CJ experience among all court users is not yet fully understood.

- **Increasing demand on the Crown Court:** The number of 'outstanding matters' in Nottingham Crown Court has started to increase since October. This is due to lengthy, complex multi- hander trials being listed across 3 court rooms. Nottingham Cron Court have been commended for the hard work in planning and disposing of these high priority cases.
- **Lockdown restrictions introduced January 2021:** The Crown Court have remained operational and jury trials have continued to take place albeit that some have been negatively impacted by COVID outbreaks resulting in cases 'stop/starting' and therefore extending time required to conclude a case. Footfall has been closely managed in the Magistrates Courts and has resulted in the reduction of hearings. The impact of this necessary practice has yet to be determined but the safety of our staff, judiciary and court users is our priority.
- **Alternative venues / Nightingale courts:** HMCTS has provided updates at the East Midlands Criminal Justice Board when alternative venues are being considered in counties. There is currently one alternative venue being used as an additional Crown Court in Nottingham. This provides two courtrooms and jury facilities.
- **Management of multi-hander cases** which require all jointly charged defendants and their representatives to be brought together at a single hearing, but frequently across several court rooms is understandably impacting on disposal rates. The installation of bespoke, strengthened polycarbonate screens in the docks together with screens in the well of the court in 3 court rooms in Nottingham Crown Court will assist in reducing the impact of hearing multi hander trials.
- **Availability of Legal Advice:** Further trainee legal adviser appointments are expected in the coming months. Those appointed last summer have remained with us and making excellent progress which allowed the increase in capacity to list courts
- **Police Lead Prosecutions:** There are no backlogs and early dates are available for the Police to list new business
- **File quality:** CPS and police continue to highlight opportunities to further improve police file quality in order to release more capacity among CPS lawyers.

5.2 Key risks relating to the Courts Recovery plan are being monitored via the CJSSC (Criminal Justice System Strategic Command) risk register. Nottinghamshire Police continue working to maximise the use of out of court disposals where possible in

order to relive pressures on the CJS (Criminal Justice System) The Police are also working closely with the CPS to ensure that wherever possible, cases are close to trial ready at the point of charge. HMCTS conduct weekly meetings with CPs and fortnightly meetings with the police.

- 5.3 At a regional level, a Joint agency court recovery group has been established alongside weekly HMCTS meetings and ongoing engagement with senior managers at regional level. Weekly CPS meetings are being conducted each Thursday where any concerns are discussed and resolved.

6. Background Papers (relevant for Police and Crime Panel Only)
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Addendum to Covid-19 Courts and Criminal Justice Recovery Plan paper initially reported to the Police and Crime Panel on 23 November 2020

For any enquiries about this report please contact:

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