

For Consideration	
Public/Non Public*	Public
Report to:	Nottinghamshire Police and Crime Panel
Date of Meeting:	04 February 2021
Report of:	Paddy Tipping Police and Crime Commissioner
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Agenda Item:	8

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 being held by the panel at its February meeting.
- 1.2 The paper also includes a number of points of clarification following engagement with HMCTS Head of Crime for the Midlands region. Representatives from the Courts' service will attend the Panel meeting and will be available to answer any queries Members may have.

2. RECOMMENDATIONS

- 2.1 It is recommended that members note the updated information contained in the report.

3. NOTTINGHAMSHIRE MAGISTRATES COURTS

- 3.1 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 and BTMeetMe. Footfall has been closely monitored as hearings across all jurisdictions have steadily increased. Face to face hearings resumed 8th June 2020 in civil and family and 12th August in crime. SJP courts and case management hearings held in Mansfield were also undertaken remotely.
- 3.2 HMCTS note that there was merit in corralling most of the criminal hearings in Nottingham since this increased flexibility and allowed the service to take a fluid approach to the disposing of the cases listed. This has been sustained to support recovery plans. There are presently 3 magistrates crime courts a week sitting at Mansfield with an additional 6 being added shortly.
- 3.3 Reflecting the national picture, Nottinghamshire saw a marked increase in outstanding workload in the Magistrates Court during quarter 1 2020/21. A Courts

Recovery Plan was initiated in August 2020 with work to clear the backlog of initial hearings in the Magistrates Court being prioritised by case type. The backlog of domestic abuse cases was cleared by October 2020 following the introduction of 23 additional court sittings. A backlog of youth cases was also cleared in early October 2020.

- 3.4 Overall disposals have exceeded receipts in the Nottinghamshire Magistrates Courts since August 2020, with the outstanding workload having fallen from 16.7% higher than pre-lockdown levels in September to 8.1% higher than pre-lockdown levels as at 29 November 2020^a. This improving picture has been bolstered by four additional trial courts being introduced on 14 October and three crime courts being run each week in Mansfield which are expected to help reduce delays in adjournments to a level that is in line with the pre-lockdown target (8 weeks).
- 3.5 Cases destined for the Crown Court are being fast tracked through the Magistrates court in similar timescales to pre-lockdown. The full backlog of GAP (guilty anticipated plea cases) and NGAP (not guilty anticipated plea cases) that accrued during lockdown was cleared by the end of 2020. Attention has now turned to reducing the delay between the date the police initiate proceedings and the first hearing at court. This delay currently stands at over four months but is being addressed as part of plans that added a further 10 courts to the listings plan. There are further additional plans to increase courts.

Nottinghamshire Magistrates Court Workload (position as at week ending)

Court	22 March 2020			13 September 2020			3 January 2021		
	Receipts (wk)	Disposals (wk)	Outstanding	Receipts (wk)	Disposals (wk)	Outstanding	Receipts (wk)	Disposals (wk)	Outstanding
Nottingham	1,031	432	7,472	256	393	8,717	n/a	n/a	8,381
Mansfield	90	80	1,103	n/a	n/a	1,168	n/a	n/a	798

- 3.6 Charge and Bail matters are given the next available court dates and postal requisitions are listed to any available slots not used by custody. The CJSU (police) and HMCTS work well together to ensure any high priority case has a timely listing. This does not need to include domestic abuse cases or youth case as these are listed in a timely manner and therefore need no additional special arrangement.

^a Provisional unvalidated statistics 29 November 2020 compared to position as at 23 March 2020: Data includes warrants without bail, motoring offences and prosecutions by local authorities. It should be noted that Nottinghamshire maintains a smaller increase in outstanding workload (+8.1%) than both the Midlands (+16%) and national average (+20%)

- 3.7 Single Justice Procedure (SJP) sessions have continued. The number of cases outstanding to be dealt with is now well below the pre-covid level of February 2020. There is plenty of capacity to clear SJP work due to the ability to do this work remotely and assistance from legal advisers from other local justice areas. Police led prosecutions (PLP) cases are listed some months ahead. We are currently listing 3 PLP courts on a weekly basis in Nottinghamshire which is more than was listed prior to first lockdown. We have considered sitting a PLP Court on Saturdays but unfortunately the Police have not yet been able to resource

4. NOTTINGHAMSHIRE CROWN COURT

- 4.1 In Nottinghamshire currently has 3 Crown Court rooms available to hear jury trials (soon to be 4), with 6 available to hear short appointments allowing the 3 larger courts to be able to focus on jury trials. Derby has 2 jury trial court rooms in operation, with the first court room commencing hearing jury trials 31st July having passed the assessment 14th July. Derby also has 2 short appointment courts in operation.
- 4.2 The Nottinghamshire court rooms have been primarily used to accommodate Nottinghamshire work during the pandemic, however in clarifying points raised at the November Police and Crime panel meeting, it should be noted that Nottingham Crown had heard one Derby trial and one Lincoln trial during this period. Both cases involved vulnerable witnesses, and neither could be heard at the home court. This agreement was made between the Resident Judiciary. There are occasions when Crown Courts are required to hear 'off region' trials, this is a national reciprocated relationship. An example of this is when Leicester Crown Court has heard a High Court Judge juvenile terrorist trial where the youth was accommodated in a local youth detention centre so for ease of travel the trial listed in Leicester. Nottingham has not heard any 'off region' trials since the COVID19 outbreak.
- 4.3 In order to facilitate jury trials in Nottinghamshire, additional space was allocated for jury deliberation, such as the Judges dining area and other smaller court rooms. Smaller court rooms which could not provide the necessary social distancing were used as observation courts which reduce occupation and increased safety in the main jury trial court rooms.
- 4.4 Portacabins have been installed on sites across the region to provide safe jury deliberation rooms where safe, COVID compliant jury trial court rooms are available. We have been unable to install portacabins in Nottingham or Derby due to overhead restrictions, walkways and noise levels.
- 4.5 To increase the ability to efficiently hear multi hander trials HMCTS is installing strengthened polycarbonate screens in the dock of several court rooms. These screens have been piloted in Newport Court and are now being introduced across the country. In Nottingham 3 docks will be furnished with strengthened dock

screens early February 2021; and in Derby the docks in two court room will installed by the end February. This will increase each courts disposal rate since multi hander trials will be heard using one court room as opposed to needing to occupy several them.

- 4.6 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.
- 4.7 Although Nottingham did achieve its Pre-Covid position in Sept 2020; the current Jury trial workload reached 1,097 as at December 2020, against a Pre-Covid figure of 902. The increase in caseload is because of the need to hear 2 large multi-hander trials which have occupied 3 jury trial court rooms and reduced the courts ability to hear cases with fewer defendants and shorter time estimates. The cases in questions were high priority (one requiring a High Court Judge) and were complex cases. Non-trial courts continue to operate dealing with PTPH's, PTR's, sentencing, Proceeds of Crime Act (POCA) and mention hearings. These are operating at normal timescales making use of the Cloud Video Platform (CVP) and Prison to Court Video Link (PCVL). Two are also holding 'in-person' hearings which require deep cleaning between each case and managing approx. 6 – 8 hearings per day (4 in each court room).
- 4.8 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.
- 4.9 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.
- 4.10 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.

By 29 November, sitting hours in the Midlands Crown Courts had reached a level 4.3% higher than that seen pre-lockdown (23 March 2020). While improving since October, sitting hours in the Nottingham Crown Court are yet to exceed pre-lockdown levels (-2.4%).

Nottinghamshire Crown Court Workload (position as at week ending)

Court	22 March 2020			13 August 2020			3 January 2021		
	Receipts (wk)	Disposals (wk)	Outstanding	Receipts (wk)	Disposals (wk)	Outstanding	Receipts (wk)	Disposals (wk)	Outstanding
Nottingham	48	56	1,183	10	40	1,145	n/a	n/a	1,395

5. DOMESTIC ABUSE COURTS

- 5.1 Domestic abuse courts have continued to operate and have been listed and heard as a priority throughout the pandemic. HMCTS request further details relating to cases referenced as part of the Police and Crime Panel meeting in November 2020. These include one domestic abuse case which had reportedly been adjourned 18 times and cases listed and heard before benches/courts that are not specialist DA courts.
- 5.2 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.
- 5.3 There have also been several occasions when DA cases have been erroneously listed by the police to appear in GAP and NGAP courts. These instances are brought to the attention of the police for them to address as they arise.

6. KEY ISSUES, RISKS AND OPPORTUNITIES

- 6.1 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. Average caseloads per Witness Care Officer in Nottinghamshire have increased from 200 pre-COVID to 285, with the area having the highest number of live cases in the region (3,429) across both the

magistrates and Crown Courts. Furthermore 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 considered in Nottinghamshire. Safety of staff, Judiciary and court users is a key requisite, together with the cost of enabling works, lease agreements proportionate to potential business delivery.
- **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:** Three trainee legal advisors have now been appointed and have taken up post in Nottinghamshire Magistrates' Court. Further appointments are expected in the coming months. Those appointed in the summer are part way through their training and are already taking courts which has allowed the increase in capacity to list courts
- **Police Lead Prosecutions:** There remain backlogs in this area and HMCTS have offered to hold Saturday Courts to assist in speedy recovery. HMCTS highlight, however, that this initiative has not been supported by partner agencies.

- **File quality:** CPS and police continue to highlight opportunities to further improve police file quality in order to release more capacity among CPS lawyers.

- 6.2 Key risks relating to the Courts Recovery plan are being monitored via the CJSSC 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. 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.
- 6.3 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.

7. Background Papers (relevant for Police and Crime Panel Only)

Addendum to Covid-19 Courts and Criminal Justice Recovery Plan paper initially reported to the Police and Crime Panel on 23 November 2020

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