

2005–2006

annual report

of Her Majesty's Chief Inspector
of Court Administration

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Our Ministers 2005–2006

dca Department for
Constitutional Affairs
Justice, rights and democracy



Lord Falconer of Thoroton
Secretary of State for
Constitutional Affairs
and Lord Chancellor



**The Rt Hon
Harriet Harman QC MP**
Minister of State for
Constitutional Affairs

department for
education and skills
creating opportunity, releasing potential, achieving excellence



Parmjit Dhanda MP
Parliamentary Under
Secretary of State
for Children, Young
People and Families

Our remit for 2005–2006

From 1 April 2005, under the provisions of the Courts Act (2003), HMICA is required to:

- Inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts (the Crown Court, county courts and magistrates' courts) and the services provided for those courts
- Inspect and report to the Lord Chancellor on the performance of the Children and Family Court Advisory and Support Service (CAFCASS) functions¹
- Discharge any other particular functions, which may be specified in connection with the courts listed, of CAFCASS or related functions of any other person

Our vision:

To become a beacon of good inspection practice, working with others to improve the experience of all people who use, or work within, the Courts and CAFCASS and so increase public confidence in the justice system.

We value:

- equality and diversity
- our independence of judgement
- our staff, the staff of partner agencies and the staff and customers of organisations we inspect

- working in partnership with others
- excellence.

We aim to:

- improve the services delivered to court users, children and families
- be fair, objective and independent
- be open about our processes and the criteria we use to form judgements
- achieve value for money in all that we do.

We will do this by:

- working closely with others to achieve our goals
- encouraging the Courts and CAFCASS to assess their own performance continually and ensuring that we take those assessments into account when we inspect
- using impartial and robust evidence that can be checked
- reflecting Government policy and good inspection practice
- focusing our resources according to need and priorities
- contributing to the improvement of the service being inspected by promoting good practice and encouraging the elimination of poor practice

¹ In January 2004 responsibility for CAFCASS formally moved from DCA to DfES, and, in relation to this part of its remit in England, HMICA reports to the Secretary of State for Education and Skills. On 1 April 2005, the provisions of the Children Act 2004 commenced. These include the devolution of CAFCASS Cymru to the National Assembly for Wales. In relation to this part of its remit, HMICA reports to the Assembly.

- focusing on the delivery of services and reflecting the experience of customers in our published reports
- reporting widely and publicly in clear, accessible language and a range of print and electronic formats
- seeking feedback and continually learning from our experience to become more efficient and effective.



Courthouse mural. Photo taken during Dorset Inspection (Victims and Witnesses) 2005

“ This new remit has offered us the opportunity to work closely with our colleagues in Her Majesty’s Courts Service (HMCS) to achieve real improvements for the end users of court services. ”

Foreword



**To the Right Honourable the Lord Falconer,
Secretary of State for Constitutional Affairs
and Lord Chancellor.**

I am proud to present the first Annual Report of Her Majesty's Inspectorate of Court Administration (HMICA). I have been Chief Inspector since June 2005, having inherited a thriving and respected organisation that had recently migrated from the Magistrates' Courts Service Inspectorate (MCSI) to HMICA. Our remit was extended by the Courts Act 2003 to include the Crown Court and county courts, in addition to the magistrates' courts and CAFCASS functions, and our programme of work for 2005–2006 reflected this change.

This new remit has offered us the opportunity to work closely with our colleagues in Her Majesty's Courts Service (HMCS) to achieve real improvements for the end users of court services. My report sets out what, in particular, has been achieved this year with regard to the services provided by HMCS to victims and witnesses and to defendants. The report also describes our continuing work with the Children and Family Court Advisory and Support Service (CAFCASS) whose work is crucial to safeguarding and promoting the welfare of children involved in family court proceedings.

During 2005–2006 we have also undertaken a significant programme of joint inspection work with other inspectorates, particularly our criminal justice colleagues. This has been an important precursor to the Government's intentions to reduce the number of public sector inspectorates.

In this respect we have contributed to the policy for inspection reform, which has culminated in separate legislation being introduced to Parliament early in 2006 for a single inspectorate for Justice, Community Safety and Custody and a single children's inspectorate (the proposed Office for Standards in Education, Children's Services and Skills) respectively. We look forward to building on the good relationships established with our colleagues in the other inspectorates as we work together towards the creation of the new organisations.

Finally, in presenting my report, I would like to pay tribute to all of the staff of my Inspectorate who have worked extremely hard to make our first year as HMICA so successful. My predecessor, Dr Stella Dixon, established the foundations for the new organisation and its first year's programme of work. This has given us an excellent basis from which to take the organisation forward and I am glad to be able to put on record my thanks to her. It has been my privilege and pleasure since my appointment to lead a group of people who are highly motivated, committed and hard working. The achievements described in this report arise from their efforts and they have my sincere thanks.

I am confident that HMICA will offer more of the same to Ministers, the organisations we inspect and all of our stakeholders during 2006–2007.

A handwritten signature in black ink that reads "Eddie Bloomfield". The signature is written in a cursive style with a long horizontal stroke at the end.

Eddie Bloomfield
Chief Inspector

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“ To the credit of all HMCS staff, there has been no decrease in the level of service provided to court users and our inspections have found signs of continuing improvements. ”

Introduction

1

Overview of Her Majesty's Courts Service

Her Majesty's Courts Service (HMCS) was established in April 2005 to be responsible for the administration of the Crown Court, county and magistrates' courts in England and Wales. It was formed through the amalgamation of 42 magistrates' courts committees (MCCs) – independent regional bodies that managed the magistrates' courts in England and Wales, and the Court Service – a national body that had managed the Crown Court and county courts. The new organisation faced – and continues to face – huge challenges in bringing together 43 separate organisations, developing consistent policies and procedures and delivering high quality services to diverse court users. To the credit of all HMCS staff, there has been no decrease in the level of service provided to court users and our inspections have found signs of continuing improvements.

Whilst HMCS is a national organisation, delivery of services for court users is largely the responsibility of 42 Area Directors. The 42 areas, which form seven regions, are co-terminus with the boundaries of the other criminal justice agencies and are commonly known as criminal justice areas. Crown Court circuits are not totally congruent with the criminal justice areas.

Whilst almost all criminal cases begin their life, and 95% are finalised, in a magistrates' court, the more serious cases are dealt with at the Crown Court. Civil and family cases are heard in magistrates' and county courts.

During 2003–2004, Local Criminal Justice Boards (LCJBs) were established to co-ordinate cross-boundary working. LCJBs were given responsibility for a series of multi-agency objectives and the appropriate Area Director represents HMCS on each board. Increasingly, the work of LCJBs and cross-boundary working has been the subject of inspection by the criminal justice inspectorates working together on area joint inspections. A report on the joint inspection programme can be found on page 29.

HMICA was formed in April 2005 from the Magistrates' Courts Service Inspectorate (MCSI). It has a remit to inspect the administration of the Crown, county and magistrates' courts, as well as CAF/CASS. The Courts Act (2003) specifies that Inspectors are not empowered to 'inspect persons making judicial decisions or exercising any judicial discretion'. We have worked closely with the judiciary to try to ensure that our work respects the proper independence of the judiciary while, at the same time, carrying out HMICA's statutory remit. As part of this, for each individual inspection the Senior Presiding Judge has appointed a liaison judge from outside the Area being inspected. The support of the liaison judges, who have been available to advise



Arran Poyser
Director, Inspection of CAFCASS

in order that inspection findings or comments in draft reports do not stray into judicial areas, has been appreciated.

Following extensive consultation, we decided that the inspection programme for 2005–2006 would focus on the quality of service provided to court users. The first series of inspections concentrated on the service provided to victims and witnesses in criminal courts. The framework for these inspections was shared with HMCS and was developed under three main headings – resources, treatment and leadership. Inspections were carried out in Dorset, Greater Manchester, Humberside, Norfolk, Northamptonshire, Suffolk, Staffordshire and Thames Valley. In each case, Inspectors visited the area being inspected for two weeks. At the end of this period, the Area and Regional Directors were provided with detailed feedback on the inspection findings and a Public Information Booklet was written. These are short reports containing information which is designed to be of use to court users. The series of inspections was concluded with an Overview Report that drew together the findings and was aimed at HMCS as a whole, not just the inspected areas.

The second series of inspections followed the same pattern and focused on the quality of service provided for defendants in criminal courts. During 2005–2006 inspections were carried out in Cheshire, Cumbria, Kent, West Midlands, South West London, West Yorkshire and Wiltshire.

Overview of CAFCASS

The Children and Family Court Advisory and Support Service (CAFCASS) was established in 2001 as an executive Non-Departmental Public Body covering England and Wales. CAFCASS' principal function is to safeguard and promote the welfare of children involved in family court proceedings. In addition, court rules set out in greater detail the powers and duties of CAFCASS staff when appointed in cases. It is accountable to the Minister for Children, Young People and Families in the Department for Education and Skills (DfES).

Under provisions in the Children Act 2004, from April 2005 the service in Wales was devolved to the National Assembly. The Act allows for HMICA to continue to inspect family proceedings functions in Wales at the request of the Assembly and under the terms of a concordat between the Assembly and DCA Ministers (March 2005).

CAFCASS delivers its services through local teams of practitioners, support staff and service managers, organised within ten regions (Eastern, East Midlands, Greater London, North East, North West, South East, South, South West, West Midlands, Yorkshire & Humberside). The work of CAFCASS has an immediate and high impact on both children and their families. This is because applications in family proceedings, where it advises the courts, typically come at a critical juncture in the life of children, including



CAFCASS Inspection Team

some of the most far-reaching decisions that can be taken about children's lives. In addition, many of the children that CAFCASS deals with are vulnerable, due to a history of abuse and neglect, witnessing domestic violence, family breakdown and other factors such as their youth.

CAFCASS is also a key player in many family law-related developments. The need to improve public confidence in the family justice system is high on the Government's agenda and this has been reflected in important policy initiatives such as *Parental Separation: Children's Needs and Parents' Responsibilities – Next Steps* (January 2005) and *The Private Law Programme* (January 2005). In addition, CAFCASS will be affected by the Children and Adoption Bill that includes significant powers to strengthen both enforcement of contact arrangements and family assistance orders.

Post Inspection Reviews – HMCS and CAFCASS

HMICA has continued with the policy of its predecessor MCSI to monitor the implementation of inspection recommendations through post-inspection reviews (PIRs). These form an integral part of the inspection process and help to promote continuous improvement within HMCS. The Lead Inspector for each inspection is normally responsible for the PIR.

At the end of an inspection, the Area Director is asked to develop an action plan setting out how the area will respond to each of the inspection recommendations. The plan includes details of the timescales, milestones and persons responsible for delivery of the actions. The draft action plan is discussed and agreed with the Lead Inspector, who then monitors progress against the plan. Areas have a maximum of 18 months from the time of the feedback to the Area Director to implement the plan and, following a formal assessment of progress, a management letter will be written to the Lord Chancellor. Monitoring of progress made in implementing the action plans agreed, after the first few inspections, is underway – although none has yet been completed.

During the year, HMICA undertook a review of how it structured its recommendations to CAFCASS and the way it assessed implementation. It concluded that CAFCASS would achieve a higher percentage of fully implemented scores if, in future, HMICA made more single rather than multiple recommendations. CAFCASS agreed with this revised approach, which came into effect later in the year and will be reflected in future annual reports.

HMICA completed PIRs during the year on our inspections of CAFCASS North West, South West and Eastern regions, as well as on inspections of Delay and Recruitment. The reviews were conducted about 15–18 months after the relevant inspection. They summarise the extent

to which CAFCASS has implemented 23 Inspectorate recommendations. Of these, seven (30%) had been fully implemented and 16 (70%) partially implemented with further work being undertaken. This represents a significant improvement by CAFCASS on the comparable figures reported by HMICA for 2004–2005 where, of 22 recommendations, four (18%) had been implemented fully and 17 (77%) partially implemented. (Further analysis at Annex 2)

Post inspection reviews that are underway and will be reported on during 2006–2007 include:

- Safeguarding children in family proceedings (CAFCASS and HMCS)
- First Line Management in CAFCASS
- Domestic violence, safety and family proceedings (CAFCASS and HMCS)

HMICA's contribution towards Public Service Agreement objectives

HMICA's work programme during 2005–2006 continued to support the delivery of four out of the five DCA Public Service Agreement (PSA) objectives. The only one not within our remit is PSA 3: Asylum. It also contributed to the Department for Education and Skills' (DfES') PSA 5 on the educational attainment and stability of looked-after children.

The objectives and targets along with HMICA's contribution towards them are set out opposite.



Members of CAFCASS Inspection Team

PSA Objective or Target	HMICA Contribution
<p>PSA 1: Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007 – 2008. Target contributing to the Criminal Justice System PSA.</p>	<p>HMICA’s contribution to joint work undertaken by the Criminal Justice Chief Inspectors Group (CJCIG), especially the inspection of local criminal justice areas, contributed to the achievement of this PSA. HMICA’s membership of, and commitment to, the CJCIG and our support of the work to develop the unified single justice inspectorate demonstrates its commitment in the area of PSA 1.</p> <p>Inspections of the criminal courts have identified where improvements in administrative working arrangements and practices can be improved and this will contribute to more timely court proceedings.</p>
<p>PSA 2: Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the criminal justice system without compromising fairness. Target contributing to the criminal justice system PSA.</p>	<p>HMICA played a full part in completing six area joint inspections and each of these included public confidence as one of the inspection objectives.</p> <p>The inspection programme of criminal courts focused on the quality of service provided for both victims and witnesses and for defendants. This included assessments of the ways in which the courts provide for the diverse needs of court users. Inspection findings were published in short public information booklets. These were made available to court users, helping to increase the court user’s knowledge of the facilities and treatment available at court. This helped to increase confidence in the criminal justice system.</p>
<p>PSA 4: By 2009 – 2010, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.</p> <p>(In line with the DfES PSA 5 on the educational attainment and stability of looked-after children.)</p>	<p>HMICA in its inspections of CAFCASS has continued to note its contributions to the Public Law Protocol, which aims to reduce the average duration of care cases.</p> <p>HMICA has continued to be fully involved with the management of the Joint Area Review and Annual performance assessment of local authority services. This includes the inspection-related activities of CAFCASS and Family Proceedings courts focusing on improving children’s well-being in line with <i>Every Child Matters</i>.</p>

Continued overleaf

PSA Objective or Target	HMICA Contribution
<p>PSA 5: To achieve earlier and more proportionate resolution of legal problems and disputes by:</p> <ul style="list-style-type: none"> ■ Increasing advice and assistance to help people resolve their disputes earlier and more effectively. ■ Increasing the opportunities for people involved in court cases to settle their disputes out of court; and ■ Reducing delays in resolving those disputes that need to be decided by the courts. 	<p>HMICA has encouraged CAFCASS' close working with HMCS to implement the Public Law Protocol which seeks to drive down the average duration of public law proceedings:</p> <ul style="list-style-type: none"> ■ HMICA surveys of CAFCASS users show many are satisfied with the assistance they receive, but a significant proportion are not. ■ HMICA reports have also highlighted some of the dangers of early settlement of disputes where there are allegations of domestic violence, but poor risk assessment procedures. ■ Current inspection of private law practice in CAFCASS (to be reported on during 2006–2007) indicates the many opportunities for reducing delay in disputed cases.

Our Organisation

2

People and Development

This year saw the retirement of Dr Stella Dixon as Chief Inspector after nearly six years of service as a Director and Chief Inspector for MCSI and HMICA. Her replacement, with effect from 1 June 2005, was Eddie Bloomfield, a career civil servant with a background that encompasses operations, policy, and inspection work. He has spent most of his career to date with the former Lord Chancellor's Department (LCD) and its successor, the Department for Constitutional Affairs (DCA), but also spent four years with HM Treasury and a year in the Republic of Cyprus (establishing a public sector inspection programme).

In his role, the Chief Inspector is supported by three Directors, 35 members of staff (inspectorial and administrative) and eight standby Inspectors who are employed on flexible fixed-term contracts. The staff are at three separate locations in London, Bristol and Leeds and there are 11 home-based workers. Internal communication is paramount to keeping staff involved and informed. In addition to email, we do this through regular Inspectorate meetings and the use of video-conferencing equipment. The Chief Inspector and the Directors also regularly support Inspectors in the field, which provides further opportunities for effective communication to flourish.

We have taken forward a number of new initiatives this year, such as more formalised project and programme management, which we know will help with better planning of our work and better consultation with stakeholders. We are embarking on an extensive programme of training and development, which will not only further equip our staff to conduct effective inspections and improve outcomes for court users, but also prepare and develop them individually for our move to the single inspectorates. Alongside, and as part of the development of staff, we aim to promote a culture of delegation and accountability throughout the organisation to ensure people's skills are used to best effect. Earlier this year we held a diversity-training event that was attended by all staff, the aim of which was to learn more about disability issues and to be able to apply them to the inspection process.

We also had a very successful year in recruiting a number of new Inspectors to help us with our wide-ranging inspection programme. This was followed by an extensive induction and mentoring scheme. We can say with some pride that many of our approaches to equality and diversity are now embedded within our normal working systems; for example, regular appraisal benchmarking and an open-minded approach to alternative working patterns across the Inspectorate. During the year a mixed-grade team carried out an internal assessment of

our own working practices. This has led to an improvement plan for 2006–2007 that we will implement. Finally, as in all good organisations, achieving a work/life balance for our staff is an issue we are mindful about and we aim to make further progress in this respect as an integral part of the improvement project in 2006–2007.

Secondment from CAFCASS

During the year, three experienced CAFCASS staff were seconded to HMICA on a part-time basis. This allowed them to work alongside Inspectors, providing additional expertise to the inspection team as well as an opportunity to widen their own experience. We look forward to the scheme becoming a regular feature of our work.

Resources and Finance

HMICA's allocated budget is managed in accordance with DCA finance regulations and monthly monitoring reports are considered at each senior management team (SMT) meeting. The budget for 2005–2006 was £2.55m of which £210,000 was returned to DCA Finance Division. The chart at Annex 1 shows how the budget was expended.

HMICA Sustainability Policy

In common with all government departments, HMICA has a responsibility to deliver the UK Sustainability Development Strategy: *Securing the Future*.

The HMICA Sustainability Policy, developed in consultation with all staff and with the agreement of the senior management team, seeks to contribute to all the priority areas identified in *Securing the Future*. In particular, it seeks to make a contribution to the effective protection of the environment and be prudent in the use of natural resources.

HMICA will take account of its sustainability responsibilities in the decisions made about how it conducts its business, the activities of its staff and the money it spends. We will seek to reduce our ecological footprint by minimising the impact our activities have on the environment and making positive choices to conserve natural resources.

A member of staff has been appointed as holder of the sustainability brief and they will report to SMT on progress against the agreed action plan and provide an ongoing evaluation and measurement of benefits. They are also responsible for quality assuring sustainability audits – ensuring that, when new programmes of work are being developed, sustainability is integrated into those programmes and that HMICA is informed of departmental wide initiatives.

HMICA is committed to sustainable development.



The HMICA team

“ The report is entitled *Valuing Victims and Witnesses* because – in a few words – that summarises the overall picture we gained: victims and witnesses are valued and well taken care of by staff in HMCS. ”

Inspections

3

Valuing Victims and Witnesses

The first series of inspections in 2005 – 2006 focused on the quality of service provided to victims and witnesses by eight HMCS Areas. Following these Area inspections, we published an overview report in March 2006 that reviews national issues in victim and witness care and summarises the evidence found across the Areas. The purpose of the Overview Report is to provide the whole of HMCS with the benefit of the findings and recommendations made in each Area inspection.

Despite the considerable change programme required to move from 43 organisations to a single unified one, we found the quality of service provided by HMCS for victims and witnesses is at minimum satisfactory and in some Areas visited, good. The report is entitled *Valuing Victims and Witnesses* because – in a few words – that summarises the overall picture we gained: victims and witnesses are valued and well taken care of by staff in HMCS.

We found the following positive outcomes:

- the services provided to victims and witnesses have not suffered (and indeed have improved) during the year of transition to a unified court service
- staff at the ‘front line’ – the ushers, security guards, receptionists, court clerks and legal advisers – treat those who come to court as witnesses and victims with courtesy, respect

and sensitivity. This excellent response by the majority of HMCS staff helps to mitigate the effects of sometimes limited facilities

- court staff generally work well with the Witness Service that, through its volunteer workers, makes an invaluable contribution to the care of victims and witnesses
- some courthouses – especially those newer and purpose built – provide excellent facilities for victims and witnesses
- vulnerable and intimidated witnesses are looked after satisfactorily
- HMCS has recognised the need for greater customer focus and is implementing measures to realise this objective
- in co-operation with other criminal justice agencies, HMCS has successfully reduced the number of ineffective trials and increased the number of trials that proceed on the scheduled date (although all accept more work needs to be done).

However, we did have concerns about the following:

- some courthouses are old and no longer fit for purpose, although HMCS works hard to limit negative outcomes for victims and witnesses. We accept that in times of tight budget limits it can be demoralising for HMCS to be told repeatedly that some of its estate is inadequate. However, the Inspectorate has a duty to publish its findings, even though it is not always within HMCS resources, in the short term, to rectify the problems.



Children's video-link room.
Photo taken during Suffolk Inspection
(Victims and Witnesses) 2005

- administering oaths and affirmations is not always done in accordance with good practice
- the training and accreditation of those who accompany children and young witnesses (particularly into video-link rooms) are not standardised and in some instances staff are given no specific training at all to enable them to deal with potentially sensitive situations
- although there are many important and worthwhile victim and witness projects underway (within HMCS and in collaboration with OCJR and other agencies), there is limited linkage between the clearly stated high-level strategic aims and these diverse victim and witness enhancement projects. This can result in a lack of co-ordination and accountability
- while attention is paid to reducing ineffective trials and reducing waiting times to trial, greater attention needs to be paid by HMCS to reducing waiting times on the day
- matters that are not victim and witness specific – such as diversity, security and court design – are not always addressed in a holistic manner, which can result in gaps in services for victims and witnesses
- Currently information provided to victims and witnesses is not always adequate (although useful developments are being piloted in this area such as a DVD for victims and witnesses).



Archway and security camera.
Photo taken during Norfolk
Inspection (Victims and
Witnesses) 2005



Members of HMICA's Inspection Support Team

Quality of Service for Defendants in the Criminal Courts

Following on from the Area inspections that looked at the quality of services provided to victims and witnesses, during the latter part of the year our focus shifted to the needs of defendants. A series of inspections were carried out in HMCS Areas across England and Wales, using an agreed inspection framework that built on the lessons learned from the victims and witnesses inspections. The inspections looked at all those aspects of court administration that impact on defendants and can be summarised as follows:

The provision of effective and efficient, high quality administrative services for all defendants – (represented and unrepresented), including children, young adults, vulnerable defendants and those in custody, which do not compromise fairness and build public confidence in the justice system.

HMICA Framework for Inspection of Quality of Service provided to Defendants. 2005

Inspecting matters related to defendants has inevitably taken us into the courtroom and close to the boundaries between court administration and those matters that are judicial. We have worked closely with members of the judiciary to ensure that our inspections have remained on the right side of this line and we are grateful for the support, co-operation and guidance

received from the judiciary throughout this work. So far seven Area inspections have been completed or are underway, with a further three planned for 2006–2007. Where an inspection has been completed we have concluded that services to defendants range from less than satisfactory to good, although in each case the overall assessment concealed a mixture of strengths and weaknesses.

Recommendations have been made in relation to the most significant weaknesses and so far have covered:

- Safety and security
- Provision of information
- Provision of services to defendants who do not speak English
- Management and maintenance of facilities
- Provision of refreshments
- Escorting prisoners through public areas.

Several examples of good practice have also been identified during our inspections including:

- Administrative systems to minimise waiting times on the day
- The management of interpreters
- Measures to meet the needs of Black and Minority Ethnic (BME) users
- Help provided by HMCS staff and their attitude towards defendants.



Court sign. Photo taken during West Midlands Inspection (Defendants) 2006

As in all our inspections, the examples of good practice, along with other key findings, have been passed on to HMCS Head Office to enable important messages to be shared nationally at the earliest opportunity.

Inspection findings have also been fed back locally to Area and Regional managers. Members of the public have been kept informed through a series of public information booklets designed and produced to provide an accessible insight into the administration of the courts in an Area.

As with victims and witnesses, an overview report will be produced next year, setting the findings from Area inspections in a broader context and dealing with any issues that are more appropriately addressed at a national level.

CAFCASS Inspections

Inspection of CAFCASS in 2005–2006 has followed through private law proceedings; that is, mainly those ongoing disputes between parents about with whom their children should have contact or where they should reside. A large element of this inspection has been the direct observation, in many parts of the country and throughout the case, of interviews between CAFCASS practitioners and family members. Prior agreement to Inspectors observing – but in no way intervening – is always sought from family members. Inspectors have been pleased at the high level of agreement to observation,

given that this is often a stressful period for families. Our report will be published in the summer of 2006.

The Government's response to the second Chief Inspectors' report on arrangements to safeguard children, *Making Safeguarding Everyone's Business*, was published in March 2006. Recommendation nine was accepted. This states that HMCS and CAFCASS should promote increased participation of children in family court proceedings. Paragraph 63 of the Government's response stressed that the Government is committed to ensuring that children and young people are consulted about policies and services for them. They should have the opportunity to make their views known in decision-making concerning their future.

CAFCASS Wales

In response to the Assembly's request in 2005, HMICA undertook an inspection early in 2006 of the discharge by the Assembly and Welsh family proceedings officers of their functions. This was some nine months after devolution (see page 12). Our report will be published during the summer of 2006.

HMICA found that there was a considerable commitment by all concerned to effect a smooth transfer of the service to the Assembly and to ensure that service delivery would be maintained through the period of transition. Inspectors consider that, to everyone's credit, both objectives have largely been achieved.



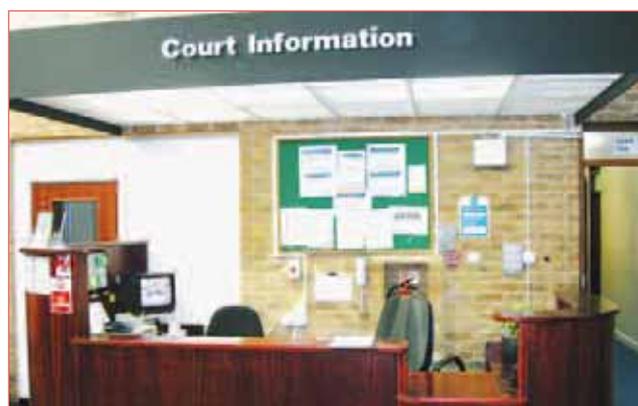
Courthouse waiting area. Photo taken during Staffordshire Inspection (Victims and Witnesses) 2005

However, the time and effort needed to bring about such a significant reorganisation has inevitably meant that other priorities, such as improving the quality and consistency of front-line practice, have been given less attention. Overall, the Assembly is now in a strong position to drive forward these aspects of service improvement.

Under provisions included in the Education and Inspections Bill, HMICA will cease to have any role in Wales from April 2007 onwards. The Assembly is considering successor arrangements for the inspection of its direct service provision for vulnerable children involved in family proceedings.

Race Equality

In late 2005 – 2006, HMICA undertook an inspection of Race Equality in CAFCASS. This examined how well CAFCASS complies with its duties under the Race Relations (Amendment) Act 2000 and the impact of compliance (or non-compliance) on its staff and the delivery of services to children and families. The inspection methodologies reflected the Act's requirement that public bodies such as CAFCASS should compare the service it provides to service users who identify themselves as Black and Minority Ethnic (BME) with the service it provides to those who define themselves as other than BME. The inspection also examined CAFCASS' compliance with the statutory code, which includes its duties as an employer and that it publishes a Race Equality Scheme. The report will be published during the summer of 2006.



Top: Court information desk. Photo taken during Thames Valley Inspection (Victims and Witnesses) 2005

Centre: Members of HMICA's Inspection Support Team

Bottom: Storage of holy books. Photo taken during Norfolk Inspection (Victims and Witnesses) 2005



Examples from Victims and Witnesses Inspections

- 1** In Humber, the Young Witness Service had developed a simple system to allow a child giving evidence by video-link to indicate their need for a break. The volunteer raised a yellow card if the child needed to use the toilet or a red card if the child was becoming distressed. The cards were visible to the judge, who could take appropriate action.
- 2** By no means are all facilities poor. One example of an excellent child witness waiting room in a Crown Court is at Grimsby Combined Court. It is suitably decorated and equipped, including a wooden model of the courtroom, with wooden dolls, which young children – with their parents and the Witness Service volunteer – could use to learn about the court process and the participants in the hearing.
- 3** In Norfolk, the former Magistrates' Courts Committee had produced a good file on oath-taking. Called *Diverse Culture & Religions – Getting it Right, Treating People with Respect*, it covered clearly the needs of those of different religions, and of none. More importantly this guide had been accompanied by effective customer-focused training, resulting in excellent practice by ushers in administering oaths and affirmations in the magistrates' courts. Soon after amalgamation the Area introduced the file into the Crown Court Centre. The Area is revising the contents of the file to take account of Crown Court requirements, including the form of oath made by young people in both the Crown Court and the youth court.
- 4** Some Areas were making efforts to reduce waiting times. For example in Norfolk, when two trials are arranged for the same magistrates' courtroom, the first is timed at 10am and the second for 12 noon. Witnesses in the second trial are not asked to arrive until 12 noon, thus reducing their waiting time – a simple solution with important benefits for witnesses, which is easily replicated elsewhere.

**Good
practice**

- 5 We were pleased to come across simple and cheap aids to enable witnesses to familiarise themselves with their surroundings. In Greater Manchester, witness waiting rooms in courthouses had photographs of the interior of the courtrooms (photographs were also posted outside some courtrooms). This meant that witnesses, who had been unable to attend a pre-court visit, could get an idea of the layout and have the workings of the system explained to them before entering the courtroom.
- 6 In Staffordshire the LCJB, in conjunction with HMCS, had produced an informative and clearly written booklet entitled 'Witness in court' that explained, step by step and in plain English (printed in a large typeface) the witness' 'journey' through the system. It was designed for both prosecution and defence witnesses. Although it needed to be updated to take account of the recently created Witness Care Unit, this useful, clear guide to the system impressed Inspectors.



Courthouse stained-glass window. Photo taken during Suffolk Inspection (Victims and Witnesses) 2005



Examples from Defendants Inspections

- 7** In the Wiltshire Area, defendants (or their representatives) are given a card to complete when arriving at court. Defendants answer a small number of questions about their case and return the card to HMCS staff when they are ready to proceed. This approach helps minimise waiting times for all defendants, including those in custody or who are unrepresented. HMCS staff are also able to tell defendants about likely waiting times when the card is returned.
- 8** In the West Midlands Area we found a number of innovative and sensible approaches to managing interpreters. These included a carefully maintained diary of interpreter bookings, which is checked each time the need for an interpreter is identified. This means that if an interpreter of the same language is already scheduled to be working at the court in the future, the court has the option to hear the new case on the same day, potentially saving money and reducing waiting times.
- 9** In some courts in two areas, West Midlands and South West London, ushers wore badges which identified the number of the court room in which they were working. This enabled defendants and other court users to easily identify the particular usher with whom they needed to make contact.
- 10** At Bromley magistrates' court, staff play the part of prisoners during evacuation drills. They are handcuffed together and taken out to the designated safe area. This allows realistic drills to take place, without jeopardising security.
- 11** In London and the South East, the custody contractor has translated the prisoner information leaflets into 30 languages. Each of the translations, along with the English version, is also available in spoken form on CD, which can be listened to in the custody facility or on the escort vehicle.

Joint Inspections

4

Area Joint Inspections

HMICA has increasingly co-operated with the other four criminal justice inspectorates (HMI Constabulary, HM Crown Prosecution Inspectorate, HMI Probation and HMI Prisons) to undertake a programme of joint inspection of criminal justice areas. During 2005 – 2006, six joint inspections were completed – in Merseyside, Gwent, Thames Valley, Greater Manchester, Northumbria and Avon & Somerset. HMICA led the Thames Valley and Northumbria inspections. The Victim Support Quality and Standards Department also contributed to many of the joint inspections.

This year's joint inspections focused on three key objectives:

- improving confidence in the criminal justice system
- bringing offenders to justice
- reducing ineffective trials.

A standard methodology and framework were used in each inspection and considerable progress made in achieving improved consistency between inspections.

Inspectors looked at the experiences of all users of the criminal justice system and the way in which criminal justice agencies work with each other to promote high quality services to victims, witnesses, defendants and other users.

The inspections focused mainly up to the point of sentence, although some post-sentence issues, in particular those that impact on public confidence, were assessed. Judicial decisions and functions were not inspected.

As well as submitting documentation and performance data, each LCJB being inspected completed a self-assessment against the inspection framework criteria. A multi-disciplinary team of Inspectors visited the Area for two weeks and interviewed users of the criminal justice system and key agency staff, as well as observing in courts and completing a case file analysis. The findings of the inspection were communicated to the LCJB shortly after the on-site weeks were completed and a written report published.

The inspection findings have reinforced the importance of good working relationships between the criminal justice agencies at the local level. The most effective LCJBs are those in which the different agencies work together with commitment and openness, holding each other to account for delivery without seeking to apportion blame.

Some LCJBs have not found it easy to identify actions that will lead to improvements in public confidence. It was not uncommon for LCJB members to mention the negative impact that events outside their control – such as a serious crime – have on public confidence. There may be some truth in this, but Inspectors did find that the good news stories in the criminal justice



Royal Courts of Justice, Belfast

system are not always actively projected to try to improve public confidence. Many LCJBs have concentrated on improving performance before focusing directly on raising public confidence.

Whilst some LCJBs had made huge efforts to engage with local communities, particularly minority ethnic communities, others were only just beginning to forge links with community groups. Understanding the concerns of the community can help LCJBs to identify actions that may lead to improvements in public confidence in the criminal justice system.

Implementation of the Criminal Case Management Framework has led to considerable improvements in case management and reductions in the number of ineffective trials, although Inspectors found that there were still local variations within an overall acceptable level of performance. There was also a danger that undue concentration on reducing *ineffective* trials would not lead automatically to more *effective* trials. There had also been generally good efforts to improve the standards of service provided to victims and witnesses.

Within each of the Areas inspected, examples of good practice, often at a local level within the Area, were found. However, processes to identify and share good practice were not well developed and opportunities to improve performance were being missed.

Target Setting and Performance Management in the criminal justice system in Northern Ireland

This joint thematic review, led by Criminal Justice Inspection Northern Ireland – with the support of HMICA and other criminal justice inspectorates for England and Wales – looked, by invitation, at the targets set by the six main agencies of the criminal justice system in Northern Ireland and the processes by which they set them². It also looked at the relationship between agencies' targets and at the way in which the criminal justice system as a whole in Northern Ireland is managed. This review paralleled and linked closely with that of delays in criminal justice processes in Northern Ireland. It was published in January 2006.

Agencies recognise that there is more to do, both to create appropriate target structures and to integrate them into their performance management. Most agencies would benefit from checking that their targets are SMART (Specific, Measurable, Achievable, Realistic and Time-scaled) and some would benefit from setting fewer key targets, but making them more clearly related to their core business, with performance results that give assurance to customers and the public about the service being provided.

² The six main agencies of the criminal justice system in Northern Ireland are: Police Service of Northern Ireland; Public Prosecution Service of Northern Ireland; Northern Ireland Court Service; Northern Ireland Prison Service; Probation Board for Northern Ireland; and the Youth Justice Agency.



Belfast Combined Courts

A weak area for most agencies is the setting of targets, at the right level, that are challenging but attainable. This reflects agencies' limited past analysis of trends or benchmarks and little effective external challenge.

Agencies' staff generally understand the purpose and value of targets. The report underlined the importance of ensuring that targets are relevant and of communicating them effectively to staff. The review found a performance management culture that was more developed in the Northern Ireland Court Service than in the other agencies. There are established processes for involving Court Service staff in the setting of targets and for monitoring and assessing progress against them.

There is a general awareness that more could be done to make the plans and targets of the criminal justice system as a whole in Northern Ireland more coherent, and to give it a stronger direction. There is limited evidence of agencies getting together to jointly target key aspects of performance, and there is a widespread feeling that the Northern Ireland Criminal Justice Board could be more proactive in this area.

Inspection of Delay in the Processing of Criminal Cases in Northern Ireland

HMICA also worked with Criminal Justice Inspection Northern Ireland and other inspectorates to review delay in Northern Ireland. The joint thematic report on delays in the Northern Ireland criminal justice system came to the following (necessarily abbreviated) conclusions, some of which are also reflected in joint area inspections in England and Wales:

The problem of delay in the criminal justice system is worse in Northern Ireland than in England and Wales, and:

- the police need to improve the quality and timeliness of the files they submit to the prosecution
- the prosecution should help them by not always calling for a full file and by only asking for further information when it is really necessary
- more cases, especially youth cases, should be diverted away from the Public Prosecution Service (PPS) and the courts by use of police-informed warnings and cautions
- the PPS needs to improve its processes and the management of those processes
- cases that do reach the courts need to be managed actively



Banbridge Magistrates' Court
(Armagh and South Down Division,
Northern Ireland)

- defendants who are guilty need to be encouraged to plead guilty at the earliest opportunity
- there needs to be a proper analysis of the reasons for adjournments and a move towards consensus between the judiciary, the prosecution and the defence as to what are reasonable adjournments and what are not
- the operation of legal aid needs to be adjusted to provide every reasonable incentive for the brisk disposal of cases
- the Criminal Justice Board needs to ensure that all the agencies are working together, with a common strategy and shared targets.

The final requirement – of setting an overall strategy and targets – is closely tied to the joint inspection on target setting (see page 30).

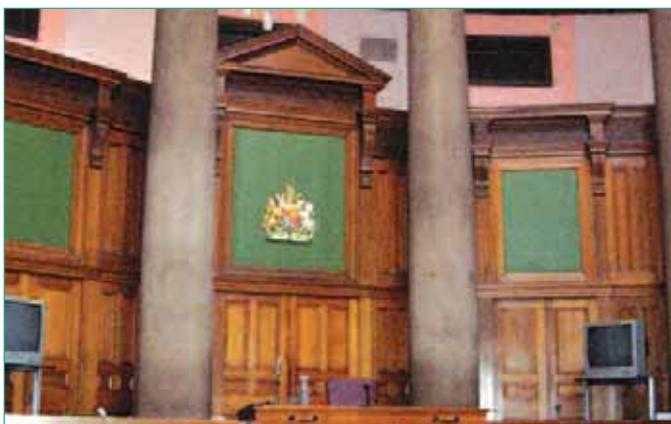
Prisoner Escort and Court Custody: an update

The annual report last year included an update on the thematic inspection of prisoner escort and court custody, conducted jointly by HMICA (then MCSI) and HMI Prisons. Since then the final report has been published and an action plan, developed by the agencies responsible for service delivery, has been agreed.

The inspection sought to determine whether the treatment and conditions experienced by prisoners, and other court users, in court custody and under escort are decent, respectful, safe and secure; whether they meet the diverse needs of those being held; and that the operation of court custody supports the efficient administration of justice.

Overall we found a very mixed picture. Amongst the headlines were that:

- staff employed by the custody contractors were generally caring, compassionate and respectful
- the attention given to meeting the diverse needs of prisoners was limited and variable
- safety and security was generally well managed
- the standard of custody facilities was improving and most were acceptable, although some extremely poor facilities still existed
- the implementation of the new escort contracts was poor
- performance under the new contracts had been very disappointing.



Courtroom. Photo taken during Cheshire Inspection (Defendants) 2005

We made a total of eight recommendations intended to address the areas of greatest concern. These included:

- four relating to the treatment of prisoners and conditions in court custody and under escort
- two relating to health and safety in court custody facilities and on escort vehicles
- one aimed at reducing delay
- one concerning the use of prison video-links.

Our recommendations were generally received positively and each agency expressed a commitment to addressing the issues raised. During the inspection we found that – in general – joint working was poor, so it was encouraging that the agencies were able to work together and develop a joint action plan in response to our recommendations. However, the true test of how effective this improved co-operation has been will come in 2006–2007 when we will revisit the recommendations made in 2005 and assess the progress made against the action plan.

CAFCASS – Joint Area Reviews

CAFCASS has successfully contributed data about its local workloads to the programme of Joint Area Reviews (JARs) that started in September 2005. These are conducted under powers set out in the Children Act 2004 (section 20). The reviews are undertaken on a joint

inspectorate basis. They aim to evaluate the extent to which, taken together, the children's services being reviewed improve the well-being of children and relevant young persons. In particular, they aim to evaluate how those services *work together* to improve their well-being. HMICA continues to be centrally involved in the overall management of the JAR programme, co-led by Ofsted and the Commission for Social Care Inspection (CSCI) but not yet in managing specific JARs. Later in 2006–2007, HMICA will test out the extent to which it is possible, within the overall aim of JARs, to usefully evaluate local services provided by CAFCASS. This information will be fed into the JAR programme.

Domestic violence, safety and family proceedings

HMICA's thematic review *Domestic violence, safety and family proceedings* was published in October 2005 and had an immediate impact on parliamentary debates concerning the Children and Adoption Bill.

The review evaluates evidence about how well HMCS family court administration and CAFCASS deal with cases involving domestic violence in family proceedings. In particular, it reports on:

- the experiences of users of CAFCASS and HMCS family court administration, including their attendance at CAFCASS offices and court buildings



Courthouse entrance.
Photo taken during Cumbria
Inspection (Defendants) 2006

- the use of information by CAFCASS and court administration to identify any necessary safeguarding measures for children, or other CAFCASS or court administrative actions
- the adequacy of policies, practices, procedures and other developmental issues.

Domestic violence continues to blight the lives of many thousands of adults as well as having traumatic consequences for the well-being of children, given the well-established links between domestic violence and harm to children.

Women experience the presumption of contact in domestic violence cases as dangerous to themselves and to their children. This was a key finding of the review from the service users' perspective. Because CAFCASS does not yet have in place a systematic risk assessment process, its focus on agreement-seeking is judged by women as not paying proportionate attention to safety issues in domestic violence cases. There is a strong concern that CAFCASS does not give enough attention to user views, and that it does not help women to participate fully in decisions involving their children.

In direct observation of practice, Inspectors found unacceptably wide variations in quality and consistency. Furthermore, CAFCASS practitioners do not make best use of their time and, because of inefficient information systems, they often unnecessarily duplicate the work of other agencies, such as local authorities. The nature of

domestic abuse is not sufficiently understood by most practitioners. Routine ways of working do not assess risk and some are dangerous where, for example, there is a lack of attention to safety planning. CAFCASS is hindered in its advice-giving role to the courts by the wide variety of approaches to the use of 'finding of fact' hearings. HMICA supports the view that post-separation shared parenting for children is desirable but only if the residence and contact arrangements are safe for both children and adults.

Survivors of domestic violence do not receive sufficient appropriate help, including information, to enable them to engage fully in the legal process within the family courts. They view the courts as generally unsympathetic and lacking awareness of the fear and anxiety they can experience through being in the court building with their abuser. Some court buildings offer good arrangements to survivors, such as secure waiting areas, separate entrances and an allocated usher to accompany them. A common theme among those suffering domestic violence is that they were not told about facilities at the court before they arrived. Generally, information for those experiencing domestic violence is not helpful in preparing them for court.



The Royal Coat of Arms. Photo taken during Northamptonshire Inspection (Victims and Witnesses) 2005

From a user perspective, those experiencing domestic violence are at a disadvantage in accessing the family justice system. This is because the needs of this vulnerable group have not been recognised and given priority. There has been insufficient strategic thinking or relevant management information to develop policies, drive change and improve service standards.

There is insufficient training in the care of this vulnerable group of people and a further weakness is the absence of clear guidelines about information sharing, either within HMCS or between agencies.

HMICA made five recommendations to CAFCASS to help improve its service to children and families, with particular relevance to domestic violence:

- devising and disseminating information about family proceedings
- using risk assessment, safety planning and best practice guidance
- putting in place national standards and competencies, and focusing on safeguarding rather than presuming that contact will develop the multi-agency protocols for information exchange and inter-agency liaison
- providing training in risk assessment and work with children.

A further six recommendations were made to HMCS to help improve its care of court users, again with particular relevance to domestic violence:

- making information about court facilities available to vulnerable parties before they attend court
- developing and implementing policies that address the availability and use of facilities by vulnerable or intimidated parties
- ensuring an appropriate balance is maintained between safety and service delivery through the use of robust risk assessment procedures
- identifying, collecting and using relevant management information
- developing links with national and local community groups that work with survivors of domestic violence
- providing training for court staff.

HMICA followed up this report by hosting a seminar in January 2006 for HMCS and CAFCASS. This provided the opportunity for the two organisations to collaborate in addressing the report findings. It also looked at the wider context of policy and legal provision in tackling domestic violence in both the criminal and civil courts.



Examples from CAFCASS Joint Inspections

- 1 Identified by practitioners included: undertaking initial screening in all cases; helping survivors to disclose the abuse more fully; giving survivors the information they need; understanding the complexities and behaviours involved in domestic violence; using an assessment tool and learning from other best practice models and inter-agency work.
- 2 Front-line court staff, in particular, commendably use their experience, skills and initiative wherever possible to assist those who experience domestic violence.



Tameside Magistrates' and County Courts. Photo taken during Greater Manchester Inspection (Victims and Witnesses) 2005

Contact and Advice

5

Communication Protocols with Her Majesty's Courts Service (HMCS)

Work began prior to the establishment of HMICA and HMCS to identify ways in which each organisation could assist the other in carrying out their respective roles. The agreed arrangements were set out in a Protocol with HMCS that identified how the two organisations interact at specific points – such as during the inspection process. It also commits both organisations to providing information on a regular basis, both in written form but also through personal contact. These contacts – with a functional or regional basis – have begun to forge links between a range of staff. This has enabled HMICA to be aware of the development of the change management programme in HMCS – which is key to ensuring that the Inspectorate's ways of working reflect the evolving structures and approaches within HMCS. Arrangements for sharing inspection findings and other links with the judiciary are also set out in the Protocol. After consultation within HMCS, the Protocol was signed by Eddie Bloomfield and Sir Ron De Witt in June 2005.

As part of the Protocol, findings from each local inspection are shared with the Performance Directorate. The intention is that learning from each inspection can be shared across the wider organisation and so enable lessons to be

learned and good practice shared. The effectiveness of these, and other, arrangements will be considered when the Protocol is reviewed in the summer of 2006.

Department for Constitutional Affairs (DCA)

A similar Protocol was agreed with the DCA to cover arrangements for contact between key individuals regarding both inspection and corporate responsibilities, such as development of business plans. The working of this Protocol will be reviewed after it has been in place for twelve months.

Functional Contact

As part of the HMCS Protocol, links between staff from HMICA and HMCS with functional responsibility in different areas was established. The links cover civil, family and criminal business; customer service; diversity; enforcement; estates; finance; human resources; IT; performance management; strategy, planning & corporate governance; and sustainability. These wide-ranging contacts have been essential to keep track of how the new HMCS has established its changed relationship with DCA and also begun the process of melding the former 43 organisations into a single entity. For two new organisations setting up at the same time, we



Courtroom. Photo taking during Wiltshire Inspection (Defendants) 2005

have found that establishing responsibilities and information exchange at the functional level has helped mutual understanding of roles and provided a valuable network of contacts.

Following each meeting, an agreed note is circulated within the Inspectorate to ensure that all staff are kept up to date with developments in the different areas. This is particularly important during HMCS' period of transition as structures and arrangements evolve. Staff with functional responsibility have also assisted by providing comments on HMCS developments. Both HMCS and HMICA have an aim of ensuring improving services to those who use the courts. In future years, it is hoped that these contacts will enable good practice to be identified and shared informally as well as through the more formal inspection mechanisms.

CAFCASS contact

Outside the programme of inspection of CAFCASS, HMICA maintains regular contact with senior staff in the organisation, including a twice-yearly meeting of the respective management teams. Where appropriate, HMICA comments on CAFCASS consultation papers.

Department for Education and Skills (DfES) contact

HMICA has ongoing contact with DfES officials, including those with CAFCASS Sponsorship Unit responsibilities, and meets about four times a year with the DfES minister holding the CAFCASS brief. A Memorandum of Understanding (MoU) between DfES and the Inspectorate agreed in 2004 was updated in April 2005 to reflect MCSI's migration to HMICA and the devolution of CAFCASS in Wales to the Assembly. The MoU sets out a useful framework for co-operation between DfES and HMICA in respect of the inspection of CAFCASS. It clarifies and makes more transparent the respective roles of DfES and HMICA, although it is not a statutory or contractual document. As such, it does not constrain HMICA's freedom to operate within those areas for which it is responsible, nor does it limit the Secretary of State's powers.

Inspection Reform

6

Inspectorate for Justice, Community Safety and Custody

The Chancellor of the Exchequer announced a review of public service inspection arrangements in his budget statement on 16 March 2005. The Government subsequently published a consultation paper – *Inspection Reform: Establishing an Inspectorate for Justice and Community Safety* – relating to arrangements for a single inspection regime for the criminal justice system (CJS). The consultation was followed by publication of a policy statement in November 2005 confirming plans to create a single inspectorate. The Police and Justice Bill was introduced into Parliament by the Home Secretary in January 2006 and gives effect to these proposals. It provides for the creation of a Chief Inspector of Justice, Community Safety and Custody, replacing the current inspectorates of Constabulary, Court Administration, Crown Prosecution Service, Probation and Prisons. If passed, the Bill will be implemented during 2007 – 2008.

The focus of the new Chief Inspector will be on inspecting *functions* of the justice system, rather than individual organisations. The Bill creates a general duty to inspect and to report to the responsible ministers on the operation of:

- the courts system in England and Wales (defined as the system that supports the carrying on of the business of the Crown Court, of county courts and of magistrates' courts, and the services provided for those courts)

- the criminal justice system in England and Wales
- the immigration enforcement system.

There is also a specific duty to report to the responsible Ministers on the treatment of prisoners and conditions in prisons and other places where people are held in custody (including court cells).

HMICA was involved in the development of the Bill, which maintains the current approach of inspecting the administrative system supporting the courts and excludes the inspection of judicial decisions or discretion.

Key tasks for the new Chief Inspector will be to:

- achieve the right balance between inspecting single agencies and the interface between agencies
- maintain inspection of conditions in custodial institutions and non-criminal justice functions (such as the system that supports the county court) in addition to focusing on the efficiency and effectiveness of the criminal justice system.

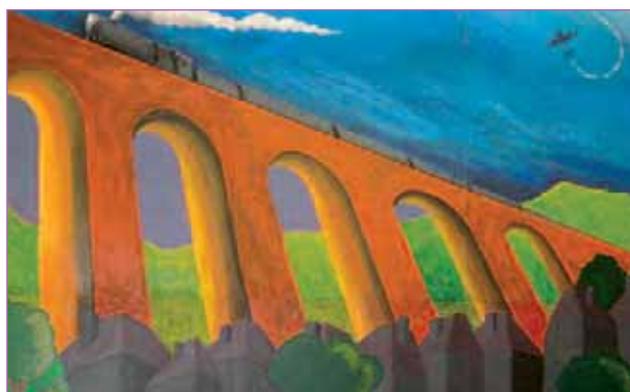
The new Chief Inspector will be appointed after the Act receives Royal Assent. In the meantime, HMICA will continue to work with colleagues from other inspectorates and officials from the Office for Criminal Justice Reform, DCA and other departments to ensure a smooth transition to the new organisation and to realise the undoubted benefits of the combined inspectorate.

The Office for Standards in Education, Children's Services and Skills

Following the consultation paper, *A Single Inspectorate for Children and Learners* (DfES July 2005), the Government announced in December 2005 that a new inspectorate would be established. 'Creating the new Ofsted' is the name that has been given to the programme for setting up the new children's inspectorate whose full title is: The Office for Standards in Education, Children's Services and Skills. The main aims of the new Ofsted are to simplify and streamline the process of inspection so that it relates more closely to the needs of users and contributes more directly to raising the quality of services.

Subject to the Education and Inspections Bill completing its parliamentary stages, the new organisation is due to begin operation in April 2007. It will take on a wide range of responsibilities from the existing inspectorates listed below, including HMICA's for CAFCASS. These cover:

- the registration and inspection of childcare (Ofsted)
- the registration and inspection of arrangements for the care and support of children and young people (Commission for Social Care Inspection – CSCI)



Top: Child-friendly waiting room. Photo taken during Staffordshire Inspection (Victims and Witnesses) 2005

Bottom: Courthouse mural. Photo taken during Kent Inspection (Defendants) 2006

- the inspection of all maintained and some independent schools (Ofsted)
- the inspection of all publicly-funded adult education and training and some privately-funded training provision (Adult Learning Inspectorate – ALI)
- Joint Area Reviews and Annual Performance Assessments of local children’s services provision (Ofsted, CSCI, ALI, HMICA) and other inspectorates and the Audit Commission
- the inspection of further education (Ofsted and ALI)
- the inspection of teacher training (Ofsted)
- the inspection of the Children and Family Court Advisory and Support Service – CAFCASS (HMICA).

An important part of the government’s proposals will be the establishment of a largely non-executive board for the new Ofsted. This will have responsibility for corporate governance, and for overseeing the strategy of the inspectorate. It is expected that the Board will be appointed in shadow form in the autumn of 2006. Until that statutory board is in place, the Secretary of State at DfES has established a Strategy Board to oversee the programme establishing the inspectorate and determine its overall direction. A Programme Board has also been set up with the task of carrying out the detailed organisation and implementation of the transition to the new Ofsted. It supports and reports to the Strategy Board. Like the Strategy Board, work at this operational level is very much an inter-inspectorate effort.



Top: Courthouse Information Desk. Photo taken during West Yorkshire Inspection (Defendants) 2005
Bottom: Notice board. Photo taken during Staffordshire Inspection (Victims and Witnesses) 2005

“ We were greatly heartened by more than 40 helpful written responses and informal discussions about the potential programme with senior staff and judiciary. ”

Programme for 2006–2007

7

Development of HMICA's HMCS Inspection Programme 2006–2007

Work began on the development of the HMICA 2006–2007 programme during the autumn, with all staff in the Inspectorate involved in a review of current activity and input to potential future inspection topics. This exercise provided us with a long list of potential areas for examination. We undertook an extensive consultation process with our key stakeholders within HMCS, the judiciary and Courts Boards. We were greatly heartened by more than 40 helpful written responses and informal discussions about the potential programme with senior staff and judiciary. From this first proposal, after further internal discussion and evaluation, we produced a final shorter list of topics, which were in turn discussed at senior level with stakeholders including Ministers. These discussions resulted in some agreements about timing of inspection on some topics (to assist HMCS' development programme) and to incorporate a further topic, which reflected the changing vision for the future of the court process as set out in HMCS' Business Strategy. The list of topics for HMCS inspection next year includes:

Criminal Courts

Quality of service provided for:

- Defendants: completion of field inspections and Overview
- Jurors.

Civil Courts

- Proportionate Dispute Resolution
- Civil Debt (fieldwork in early 2007–2008).

Services for Children

- Adoption (joint work with CAFCASS)
- Youth Court Provision.

Corporate

- Performance Management
- Feedback & Complaints
- Communications.

In addition, further joint inspection work will be undertaken within England and Wales as agreed with the Criminal Justice Chief Inspectors Group. HMICA will also work, by invitation, within Northern Ireland at the request of either the Northern Ireland Courts Service or the Chief Inspector of Criminal Justice in Northern Ireland. An inspection of the Northern Ireland Coroner's Service will form part of our programme.

HMICA's objectives for 2006–2007 are included at Annex 3.

HMICA/CAFCASS Inspection Programme 2006–2007

In addition to some of the service to children inspections mentioned above, inspections concerning CAFCASS include:

- Family Assistance Orders
- Care Proceedings
- Joint Area Reviews (in three local CAFCASS areas)



HMICA Senior Management Team – from left to right:
Arran Poyser (Director, Inspection of CAFCASS),
John Peacock (Business Manager), Eddie Bloomfield (Chief Inspector),
Colin Smith (Director, Leeds), Margaret Pinder (Director, Bristol)

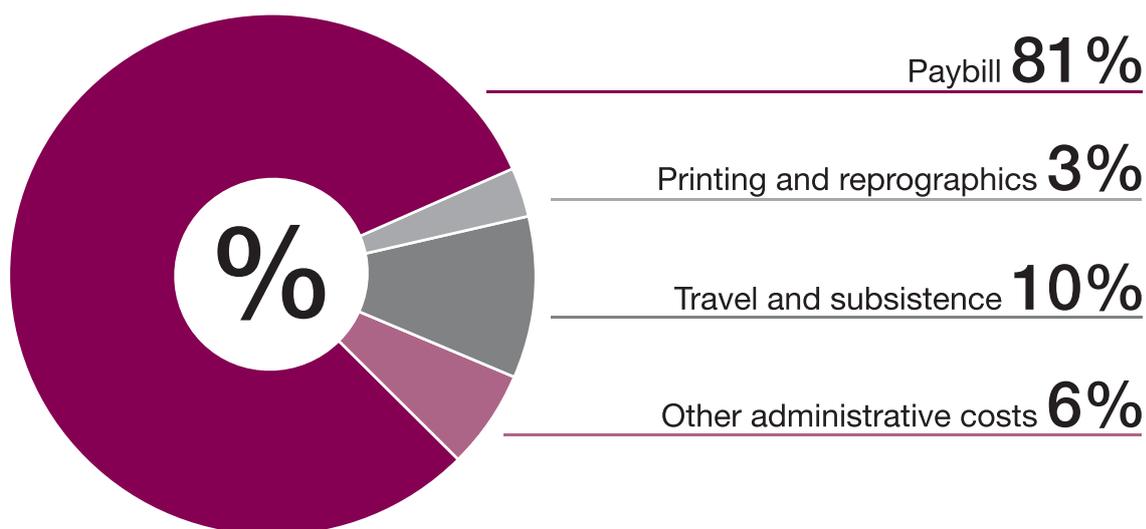
Annexes

8

Annex 1

HMICA Budget Outturn 2005–2006

The HMICA budget allocation for 2005–2006 was £2.55m. The chart below shows how the budget was deployed (expenditure outturn £2.2m).



Annex 2

Performance table (outcomes of recommendations) – CAF/CASS³

Analysis of outcomes of MCSI inspection recommendations to CAF/CASS.

Key function	Number of recommendations	Assessed as satisfactory at post inspection review (PIR)	Assessed as generally satisfactory at post inspection review (PIR) but more work required	Assessed as unsatisfactory at post inspection review (PIR)
Strategic Management/ Corporate Governance	2	1	1	0
Management of Human Resources	6	1	5	0
Management of Physical Resources	2	1	1	0
Care of Service Users	4	2	2	0
Welfare of Children	9	2	7	0
Total	23	7 (30%)	16 (70%)	0

³ Owing to HMCS being in its first year, no Post Inspection Reviews were completed in 2005–2006

Annex 3

HMICA objectives for 2006–2007

During 2006–2007, HMICA will focus on the following objectives:

1 Inspection of Court Administration

- To contribute to maintaining and improving performance across the Crown Court, county and magistrates' courts in England and Wales
- To contribute to maintaining and improving the quality of service provided to, and outcomes for, court users
- To contribute to policy development and provide reports and advice to ministers and senior officials
- To assist in spreading good practice.

2 Inspection of CAFCASS

- To contribute to the improved performance of CAFCASS and improved outcomes for children in England and Wales
- To contribute to policy development and provide reports and advice to Ministers and senior officials
- To assist in spreading good practice.

3 Joint Inspection

- To contribute to maintaining and improving performance across the criminal justice system in England and Wales
- To contribute to arrangements for the management of the integrated inspection framework for Joint Area Reviews (JARs) of children's services
- To contribute to maintaining and improving the quality of service provided to, and outcomes for, court and children's services users
- To assist in spreading good practice.

4 Transition to HM Inspectorate of Justice, Community Safety and Custody

To manage the merger of HMICA (HMCS) into the new inspectorate by:

- Contributing at strategic and operational levels to the development of the policies and practices of the new inspectorate
- Ensuring that all staff are kept informed of progress
- Ensuring staff are prepared and supported in the move
- Ensuring that there is a minimum of disruption to the inspection programme.

5 Transition to the new children's inspectorate

To manage the integration of HMICA (CAFCASS) into the new Office for Standards in Education, Children's Services and Skills.

- Contributing at strategic and operational levels to the development of the policies and practices of the new inspectorate
- Ensuring that all staff are kept informed of progress
- Ensuring staff are prepared and supported in the move
- Ensuring that there is a minimum of disruption to the inspection programme.

6 Corporate

- To utilise corporate resources effectively and efficiently so that objectives are met
- To contribute to the achievement of DCA financial plans by effective management of the delegated budget
- To support and develop all staff to ensure that their transition to the new inspectorates is achieved smoothly.

Annex 4

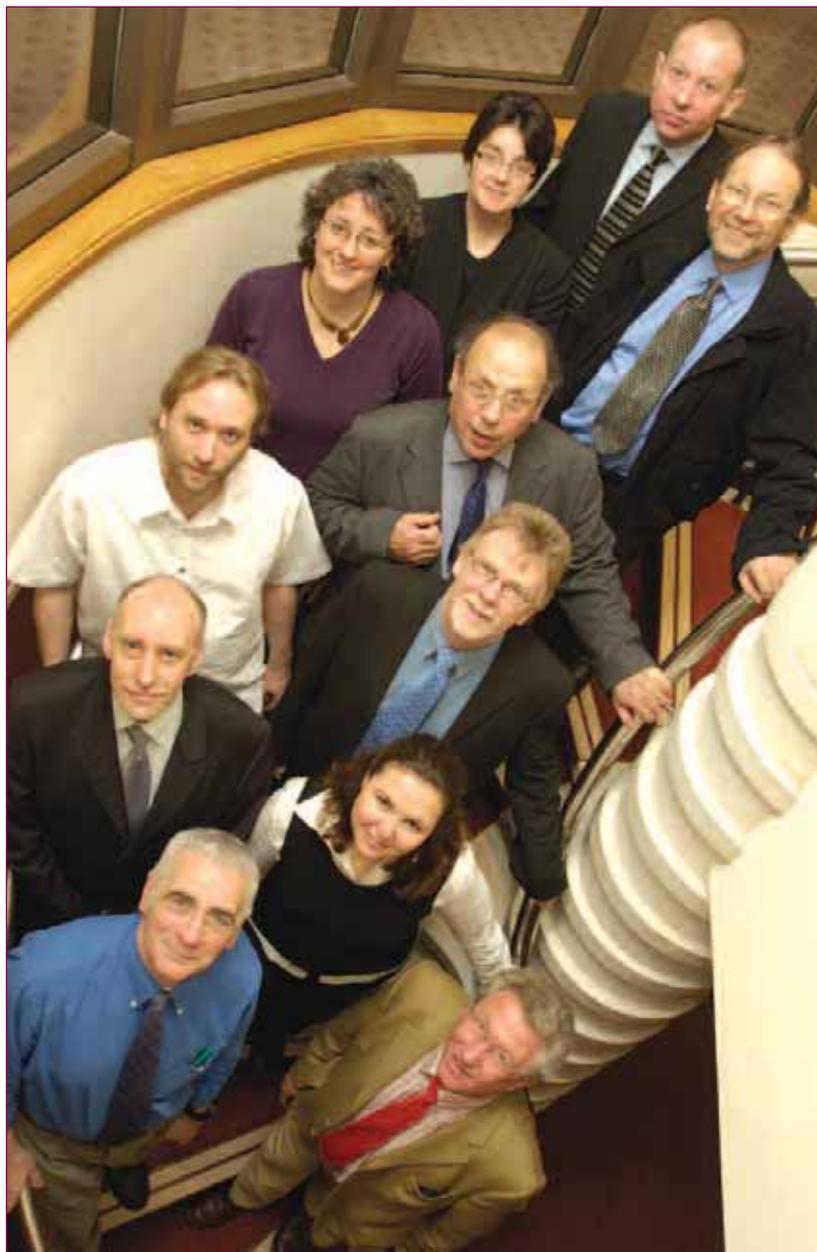
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