

# annual report

of Her Majesty's Chief Inspector  
of Court Administration

## 2009-2010



contributing to a better justice system through excellence in inspection

# annual report

of Her Majesty's Chief Inspector  
of Court Administration

**2009-2010**

Presented to Parliament pursuant to the Courts Act 2003

as amended by the Police and Justice Act 2006

Ordered by the House of Commons to be printed on 14 July 2010

© Crown Copyright 2010

The text in this document (excluding the Royal Arms and other departmental or agency logos) may be reproduced free of charge in any format or medium providing it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified. Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

ISBN: 978-0-10-296702-9

Printed in the UK by The Stationery Office Limited on behalf of the Controller of Her Majesty's Stationery Office

ID PO02372661 07/10

Printed on paper containing 75% recycled fibre content minimum.



# Foreword

## **To the Right Honourable Kenneth Clarke QC MP, Lord Chancellor and Secretary of State for Justice**

It gives me great pleasure to present my first annual report as Acting Chief Inspector of Her Majesty's Inspectorate of Court Administration (HMICA). This report provides details of the work we did during 2009-10 and how we delivered our statutory remit within the Government's ten principles of public service inspection.

HMICA is an independent, statutory inspectorate created by the Courts Act 2003 as amended by the Police and Justice Act 2006. Our duty is 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. These courts are administered by Her Majesty's Courts Service (HMCS). In addition, we work closely with colleagues from the other justice inspectorates to improve the services provided to those who may come into contact with any part of the justice system. HMICA also has the power to inspect other organisations by invitation.

I commend this report to you with mixed emotions: pride at what HMICA has achieved but sadness that HMICA is to be abolished as part of efforts to reduce public spending.

The report itself will amply demonstrate the value of HMICA's work this year, and the hard work and professionalism of our staff. One issue that we have rightly focused on is the quality of the basic administration of court cases. During the course of the year, a number of inspections and post inspection reviews looked at important issues such as how promptly and accurately the outcomes of court hearings are notified to those who need them. I make no apology for our continued focus on such issues, and welcome HMCS' renewed efforts to improve its service in this core activity. I hope that our recommendations across a range of issues will prove a useful reference point in the ongoing challenge of maintaining a good service under current budgetary constraints.

It is right in this Foreword to pay tribute to my predecessor, Eddie Bloomfield, who was the Chief Inspector for the whole period that this report covers. Eddie came to HMICA just after our creation in 2005.

He came with a fine track record of service in the justice system and wider public sector. Eddie used his leadership and management skills to create an excellent organisation which focused on improving public services and providing accountability to Ministers and the general public. I wish Eddie well in his new position as Head of the Court Funds Office and Public Trustee, and would like to place on record my personal thanks for his advice, guidance and constant emphasis on meeting the highest standards of public service.

The decision of the intention to abolish HMICA was announced in December 2009. It came as a surprise but must be placed in the context of the need to radically reduce Government spending. As Acting Chief Inspector, I am convinced of the particular benefits of independent inspection in terms of public accountability and the ability to identify what works for court users and what needs to be improved. However, I also respect the right of Ministers to decide what scrutiny arrangements are appropriate in the circumstances. My role now is to help Ministers to identify and manage any risks from the loss of comprehensive independent scrutiny of the court system. My staff and I are working collaboratively with officials and other stakeholders to manage the abolition of HMICA, to ensure that staff are transferred to other productive roles and to identify whether any parts of our current remit should be discharged in other ways. That work continues into 2010-11 and I am honoured to have been appointed to lead the organisation through this challenging period.

I would like to thank HMICA's staff for their support and professionalism throughout the year. I would also like to thank our partner agencies and wider stakeholders for their help in our endeavours to create a better justice system for all.



**David Abbott**  
Acting HM Chief Inspector of  
Court Administration





## Our Ministers 2010-2011

**Kenneth Clarke QC MP**

Lord Chancellor and  
Secretary of State for Justice



**Jonathan Djanogly MP**

Parliamentary Under  
Secretary of State



## Our Ministers 2009-2010

**Jack Straw MP**

Lord Chancellor and  
Secretary of State for Justice



**Bridget Prentice MP**

Parliamentary Under  
Secretary of State





# Contents

<b>1</b>	<b>Introduction</b>	<b>10</b>
<b>2</b>	<b>HMICA - inspecting to improve outcomes for service users</b>	<b>14</b>
	<b>Inspections of Her Majesty's Courts Service</b>	
	Criminal Case Administration and Resulting in Her Majesty's Courts Service	17
	Cleveland, Durham and Northumbria HMCS Area	19
	<b>Inspections by invitation</b>	
	A Joint Inspection of the Military Court Service	20
	<b>Joint Inspections</b>	
	A joint inspection on work prior to sentence with offenders with mental disorders	21
	Joint thematic review of asset recovery: restraint and confiscation casework	22
	Youth Offending Service Courts Work and Reports Thematic: <i>incorporating treatment and services provided to young defendants by HMCS</i>	24
	Joint thematic inspection of Information Exchange and Data Security between criminal justice agencies	25
	<b>Post Inspection Reviews of:</b>	
	Inspection of the administration of HMCS Family Court Services: Surrey and Sussex Area	27
	Inspection of Derbyshire and Nottinghamshire HMCS Area - Focusing on the administration and resulting of cases	28

Leeds Magistrates' Court - A Report On The Resulting And Warrant Withdrawal Procedures Used At Leeds Magistrates' Court	29
A follow-up review of the administrative systems supporting bereaved families provided by the Coroners Service for Northern Ireland	31
A Complicated Business - <i>A joint inspection of electronically monitored curfew requirements, orders and licences</i>	32
The Family Courts - The experience of service users	33

---

<b>3</b> Sharing our experience and knowledge for the benefit of improving the service provided to users of public services	34
---	----

---

<b>4</b> Our organisation	46
---------------------------	----

---

<b>5</b> About Her Majesty's Courts Service and the Military Court Service	52
--	----

---

<b>6</b> Looking ahead	56
------------------------	----

---

# 1

## Introduction

This Annual Report provides details of the work of HMICA, during 2009-10, to improve outcomes for users of the justice system and provide assurance to Ministers and the public.

## Our vision

HMICA's vision is to contribute to a better justice system through excellence in inspection.

## Our remit

HMICA is an independent, statutory inspectorate created by the Courts Act 2003 as amended by the Police and Justice Act 2006. Our duty is 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
- discharge any other particular functions which may be specified in connection with the courts listed or related functions of any other person.

HMICA is not empowered to inspect persons making judicial decisions or exercising judicial discretion.

## Joint Inspection

Our duty to joint inspection, under the Police and Justice Act 2006, is to:

- cooperate with other inspection bodies, when appropriate to do so, for the efficient and effective discharge of our functions
- prepare a joint inspection programme and framework in conjunction with other Chief Inspectors.

HMICA is committed to maintaining and improving performance across the whole of the justice system and we have continued to work closely with our colleagues in the criminal justice inspectorates:

- Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI)
- Her Majesty's Inspectorate of Constabulary (HMIC)
- Her Majesty's Inspectorate of Prisons (HMI Prisons)
- Her Majesty's Inspectorate of Probation (HMI Probation).

Our work in this area is commissioned by the Criminal Justice Chief Inspectors' Group (CJCIG).

## **Criminal Justice Chief Inspectors' Group (CJCIG)**

After the decision, in October 2006, not to merge the five justice inspectorates, the Chief Inspectors made a commitment to Ministers to enhance the ways we work together and to deliver, where possible, shared services. The Criminal Justice Chief Inspectors' Group (CJCIG) is a forum that brings together the heads of the five justice inspectorates to address cross-boundary issues affecting the organisations we inspect and to manage our commitment to Ministers. These commitments were made a statutory requirement in the Police and Justice Act 2006. Eddie Bloomfield chaired the CJCIG throughout 2009 and until his departure from HMICA in April 2010. The group manages the development and implementation of a joint inspection programme, ensuring that it addresses key issues in the criminal justice system. HMICA staff supported a successful programme consultation conference in January 2010. The conference gathered comments and ideas from a wide range of stakeholders and helped to confirm the inspection priorities for the next two years.

## **Advisory Board**

As part of the enhanced joint working arrangements Ministers appointed a Joint Criminal Justice Inspection Advisory Board. This is a non-statutory body that provides an independent external challenge to the work of the five criminal justice Chief Inspectors. The Board advises meetings of the Chief Inspectors with the Ministers of the three departments<sup>1</sup> on whether the key objectives of joint inspection activity are being achieved. The members are Dr Silvia Casale, Professor Rod Morgan and Professor Stephen Shute. During the year we provided background information to the Board, on HMICA's work, extended an invitation to them to observe our work and provided more detailed information on court inspection at a one-day seminar.

---

<sup>1</sup> The three Government departments with responsibility for the criminal justice system are the Attorney General's Office, the Home Office and the Ministry of Justice.

# Inspections 2009-10

## Inspections of Her Majesty's Courts Service

Criminal Case Administration and Resulting in Her Majesty's Courts Service

Cleveland, Durham and Northumbria HMCS Area

### Inspections by invitation

A joint inspection of the Military Court Service

### Joint Inspections

A joint inspection on work prior to sentence with offenders with mental disorders

Joint thematic review of asset recovery: restraint and confiscation casework

Youth Offending Service Courts Work and Reports Thematic:  
*incorporating treatment and services provided to young defendants by HMCS*

Joint thematic inspection of Information Exchange and  
Data Security between criminal justice agencies

### Post Inspection Reviews of:

Inspection of the administration of HMCS Family Court Services: Surrey and Sussex Area

Inspection of Derbyshire and Nottinghamshire HMCS Area -  
Focusing on the administration and resulting of cases

Leeds Magistrates' Court - A Report on the Resulting and  
Warrant Withdrawal Procedures Used at Leeds Magistrates' Court

A follow-up review of the administrative systems supporting  
bereaved families provided by the Coroners Service for Northern Ireland

A Complicated Business - *A joint inspection of electronically  
monitored curfew requirements, orders and licences*

The Family Courts - The experience of service users

### Additional reports published in 2009-10, reported in previous annual reports

Inspection of Derbyshire and Nottinghamshire HMCS Area -  
Focusing on the administration and resulting of cases

Report of a joint thematic review of victim and witness experiences in the criminal justice system

Prolific and other Priority Offenders - A joint inspection of the PPO programme

The following sections of this report provide information on, and details of, the work we undertook during the year to fulfil our remit and deliver our vision. This work has enabled us to make a real difference in improving outcomes for those who use justice services. Further details of our work and copies of our inspection reports can be found at [www.hmica.gov.uk](http://www.hmica.gov.uk).

# 2

## HMICA - inspecting to improve outcomes for service users

HMICA inspects in accordance with *The Government's Policy on Inspection and Public Services* (2003) and its ten principles of inspection.

Following these principles ensures that we deliver independent assurance and improved outcomes for service users.

## Definition of inspection

*The Government's Policy on Inspection and Public Services (2003)* states that inspection is an external review that should:

- be independent of service providers
- provide assurance, to Ministers and the public, about the safe and proper delivery of those services
- contribute to improvement of those services
- report in public
- deliver value for money.

HMICA is committed to the ten principles of inspection set out in the same policy. These state that inspection should:

- pursue the purpose of improvement
- focus on outcomes
- take a user perspective
- be proportionate to risk
- encourage self-assessment by managers
- use impartial evidence
- disclose the criteria used for judgement
- be open about the processes involved
- have regard to value for money
- continually learn from experience.

This section provides details of how our work was delivered in accordance with these principles and how we contributed to improved outcomes for service users.



During 2009-10, HMICA delivered a diverse programme of inspections. We looked at a range of work across Her Majesty's Courts Service and inspected the Military Court Service for the first time. We worked with our colleagues from the other justice inspectorates to inspect and report on areas such as the recovery of assets resulting from criminal activity, the exchange of information between criminal justice agencies and the treatment and services provided to young defendants in the criminal justice system.

The planning of our work programme is based on our assessment of risk to the delivery of services to the public. Following on from our inspection findings of previous years, and in particular our report on the resulting and warrant withdrawal process at Leeds Magistrates' Court, much of our inspection activity has had a focus on the accurate and timely resulting and communication of court decisions. The importance of information about criminal behaviour was confirmed by *The Bichard Inquiry*<sup>2</sup> and is a multi-agency concern. We have found, through both HMCS and joint inspections, some poor performance in this area of work across the criminal justice system. This can have an impact on the public, victims, witnesses and defendants and we made recommendations to address the issues we found. We were pleased to see that, as a direct result of our findings and recommendations, HMCS set up a Resulting and Accuracy Working Group and has issued guidance, *Improving the accuracy, quality and timeliness of in-court record keeping*, to all its senior managers.

---

<sup>2</sup> *The Bichard Inquiry* - a public inquiry report on child protection procedures in Humberside Police and Cambridgeshire Constabulary, particularly the effectiveness of relevant intelligence-based record keeping, vetting practices since 1995 and information sharing with other agencies. The report makes recommendations on matters of local and national relevance ([www.police.homeoffice.gov.uk/publications/operational-policing/bichard-inquiry-report](http://www.police.homeoffice.gov.uk/publications/operational-policing/bichard-inquiry-report)).

## **HMICA inspection of *Criminal Case Administration and Resulting (CCAR) in Her Majesty's Courts Service***

One of HMCS' key functions is to record judicial decisions made in the criminal courts. The process by which judicial decisions are officially recorded is called "resulting". The court register (which contains the results of criminal hearings, both interim and final) is used by the police, prosecution and other agencies that need to know the outcomes of hearings in the Crown Court and magistrates' courts. In particular, the details are placed on the Police National Computer, used by the police as one of their main sources of information.

As mentioned earlier in this report, for some years HMICA has been concerned about both the timeliness and accuracy of the resulting process. This matter became a priority with the discovery in 2007 of numerous discrepancies in the court register at Leeds Magistrates' Court. Our later inspection of Derbyshire and Nottinghamshire HMCS Area, where there was poor performance at Chesterfield Magistrates' Court, indicated that the problem might be more widespread. As part of HMICA's remit to provide assurance to Ministers and foster improvement, it was decided to undertake a national thematic inspection looking at criminal case administration, with a particular focus on resulting in magistrates' courts.

This inspection found that, since late 2007, HMCS has made the resulting of criminal cases a higher strategic priority. However, there were still issues relating to timeliness and accuracy. These issues impact on the police, victims, witnesses and defendants and on key court processes, such as enforcement and pre-court preparation. While managers in HMCS monitored how quickly judicial decisions were recorded, there was no effective system to keep the organisation, at all levels, aware of the accuracy and integrity of its criminal court registers. The inaccuracy of a court record can impact on an individual's human rights. It can also hinder the police from carrying out their role effectively. We made an urgent recommendation that HMCS ensure criminal court adjudications are accurate and are communicated in a timely manner to those who need to know the outcome.

We also found that:

- senior HMCS managers were making significant progress in developing the organisation's vision, objectives, direction and values for CCAR. Many leaders were increasingly personally involved in ensuring the organisation's management systems were developed, implemented and continuously improved
- the HMCS Performance Committee<sup>3</sup> was receiving clear and concise reports providing workload management information for both the Crown Court and magistrates' courts.

<sup>3</sup> Created in response to recommendations in HMICA's 2007 report *Inspection of Performance Management within Her Majesty's Courts Service*.

However, in addition, we found that:

- the delivery of operational CCAR objectives and business priorities was hindered by limited understanding among staff and stakeholders about the new management structure, and mismatches between resourcing and workload
- there were weaknesses in communications in relation to CCAR in that:
  - they lacked coherence, consistency and timeliness
  - the organisation's key messages were not always communicated appropriately and effectively
  - HMCS did not evaluate whether these messages were understood and implemented
- CCAR key business processes were not always systematically designed, managed, implemented and evaluated. In addition, issues such as weaknesses in training and a limited sharing of good practice had an impact on the delivery of operational CCAR objectives
- although HMCS had been in existence as a unified courts service since April 2005:
  - not all criminal court staff saw HMCS as one organisation
  - there was still no end-to-end criminal administrative court business process. Whilst key administrative processes in the Crown Court were subject to systematic design, magistrates' courts' administrative processes were not subject to coherent, unified design and management
- the combination of financial constraints and the failure to fully utilise existing IT (along with aged legacy systems and limitations in functionality) hampered the delivery of organisational strategic and business priorities
- in relation to criminal case files, HMCS was not complying with the strict Ministry of Justice policy on the security of information.

In acting as a critical friend in providing specific evidence in identifying areas of weakness, HMICA assisted HMCS to deliver a robust action plan for improvement.

## **HMICA inspection of Cleveland, Durham and Northumbria HMCS Area**

Our inspection of the criminal and family courts in Cleveland, Durham and Northumbria HMCS Area was completed early in 2010. We examined how well HMCS handled cases that pass through its courts in these two major business areas and how the Area makes effective use of partnership working to improve services for users. Particular attention was paid to the way in which judicial decisions at court hearings were recorded and passed on to other criminal justice agencies, which need accurate and timely information.

Overall, we found an organisation that was strongly led and, in the main, engaged effectively with internal and external stakeholders to deliver many high-quality services. The Area also demonstrated its effective management and development of staff and its high commitment to equality and diversity. One practice we highlighted as working particularly well was the Northumbria Private and Public Law Steering Groups which support the Northumbria Family Justice Council and provide forums for inter-agency discussion, performance analysis and joint problem solving.

We found, however, poor levels of performance in respect of the timeliness and accuracy of recording court decisions in the three largest magistrates' courts in the Area. We also recommended that the Area develop a proactive and systematic approach to ensure the effectiveness of key developments, initiatives and processes.

## **A Joint Inspection of the Military Court Service led by HMICA with HMI Probation and the Legal Services Commission**

Our inspection of the Military Court Service (MCS) was undertaken at the invitation of the Ministry of Defence, as a part of the Government's response to *The Deepcut Review*<sup>4</sup> which recommended that the Military Justice System be inspected. The MCS contracts probation services for Courts Martial and is responsible for the administration of legal aid to Service personnel. For this reason, HMICA worked with colleagues from Her Majesty's Inspectorate of Probation and the Legal Services Commission to complete a wide-ranging inspection of the end-to-end military court process.

The Armed Forces Act (2006) introduced a tri-Service Military Court Service, merging the Royal Navy, Army and RAF court services in order to deliver a coherent and modern system of law. The final implementation date for the Act was 31 October 2009, and our inspection therefore took place during the period of implementation. Measuring the MCS against our inspection framework, which is based on the European Foundation for Quality Management (EFQM) Excellence Model, we gathered evidence from a wide range of sources, including the judiciary, internal and external stakeholders and the MCS's self-assessment of its performance.

We were pleased to report that the MCS, a relatively new and developing organisation, was making significant progress both culturally and procedurally. It had:

- a visible and effective leadership
- a number of new court centres, offering excellent facilities for court users
- a clear commitment to treating all court users in a fair and courteous manner.

At the heart of the success of the processes and practices, we found dedicated, knowledgeable, customer-focused staff.

The MCS was well on its way to becoming a successful tri-Service organisation, but the inspection team identified a number of weaknesses. We made recommendations to the MCS to address these and improve outcomes for service users. These focused on the introduction of effective planning and performance management, governance and communication systems. We also made a number of recommendations specifically to enhance the quality of Pre-Sentence Reports<sup>5</sup> and legal aid services provided to Service personnel.

<sup>4</sup> *The Deepcut Review* - a review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut between 1995 and 2002 ([www.official-documents.gov.uk/document/hc0506/hc07/0795/0795.asp](http://www.official-documents.gov.uk/document/hc0506/hc07/0795/0795.asp)). *The Government's Response to the Deepcut Review* ([www.official-documents.gov.uk/document/cm68/6851/6851.asp](http://www.official-documents.gov.uk/document/cm68/6851/6851.asp)).

<sup>5</sup> Pre-Sentence Report - an impartial report requested by the court, which gives information about defendants and their offence(s).

## ***A Joint Inspection on work prior to sentence with offenders with mental disorders led by HMI Probation with HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HMICA***

This inspection was briefly mentioned in our Annual Report 2008-09 and was concluded during this reporting year. The inspection, led by HMI Probation and involving Inspectors from HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HMICA, assessed how the criminal justice system, including the Crown Court and magistrates' courts, deals with offenders with mental health disorders. The report was published in late 2009.

The inspection focused on the quality and effectiveness of information exchange between criminal justice agencies when dealing with mentally disordered offenders. This was with a view to ensuring appropriate treatment and support for such offenders both within and outside the criminal justice system and, where appropriate, facilitating their diversion from prosecution or custody, during the period from arrest/detention to sentence.

The inspection team found that, although concerns about an individual's mental health, once identified, were followed up in most cases, communication between the criminal justice agencies could be made more systematic and effective.

Inspectors found that:

- effective planning was impeded by the lack of a national agreed definition of offenders with mental health disorders, the shortage of data and the incompatibility of recording and data collection systems amongst the key criminal justice organisations
- despite recent activity at a national level, organisations were still working to 1990s guidance and strategic planning at a local level was underdeveloped
- concerns remained about the engagement of the health services, and the availability of treatment for the many offenders who had low-level mental health issues, or whose mental illness was associated with substance misuse.

The inspection found little scope for increasing the total numbers diverted from prosecution but suggested that the diversion of a number of cases at an earlier stage, before charges were made, would benefit the individuals concerned and save public money.

We also found that most of the areas we visited would benefit from a better quality and more timely psychiatric report service once cases were at the court stage.

Many of the issues raised in the report were also highlighted in Lord Bradley's independent review of people with mental health problems or learning disabilities in the criminal justice system<sup>6</sup>, which was published in April 2009.

<sup>6</sup> *The Bradley Report* - Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system ([www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_098694](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098694)).

## **Joint thematic review of asset recovery: restraint and confiscation casework led by HM Crown Prosecution Service Inspectorate with HM Inspectorate of Constabulary and HMICA**

This inspection delivered a casework analysis of the system of asset recovery within the Crown Prosecution Service, Her Majesty's Courts Service and the police. It was undertaken by HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HMICA and examined 80 cases as they passed through investigation, prosecution and enforcement of any orders made. The cases were examined against thirteen key hypotheses, which had been developed during a scoping study. These hypotheses were grouped into six topics:

- identifying the right cases
- linking the investigations (or 'mainstreaming')
- identifying and maintaining the assets
- conducting confiscation proceedings
- enforcing the confiscation order
- policy and strategic matters.

We found that the asset recovery system is at least partially effective, delivering large sums of cash from convicted defendants into the public purse, and to victims of crime as compensation. In most of the cases, an order was made that recovered some of the assets of the defendant, although there needed to be better quality assurance of the standard of the order and its recording and documentation. Credit should be given to the commitment and skill of the specialists in HMCS and other agencies who make the system work.

However, we considered that there is scope to increase the number and value of orders. One cause of weak performance is the large number of nominal orders<sup>7</sup>. These orders are a useful tool and can have a positive effect in providing the opportunity to seize assets should they be located in the future. However, they take resource to process, without confiscating assets or meeting targets in the short term.

Another concern was the impact on performance of delay and waste, which reduces the capability of the system generally and which stems partly from a lack of commitment by the parties to resolving the issues promptly. Parties were not being held to account for delays, which were considerable.

<sup>7</sup> Nominal orders - where there are no or few assets but where the criminal has benefited from the crime, the prosecution can apply for a confiscation order for a nominal sum. The prosecution can apply to vary the order at any time in the following six years. Therefore, a defendant may have an order made for a small sum, even £1, in a case where he or she has benefited by a much larger sum but has no assets, or they are not to be found, at the time the order was made.

Two issues of concern regarding practices in HMCS were identified: a failure to maintain proper registers of enforcement hearings in one Region, and the administrative withdrawal of warrants without judicial consideration. These were of particular concern since, as already mentioned in this report, HMICA has previously raised these issues with HMCS on several occasions.



HMICA Senior Management Team



***Youth Offending Service Courts Work and Reports Thematic: incorporating treatment and services provided to young defendants by HMCS. Joint thematic inspection, led by HMI Probation with HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HMICA***

Starting in January 2010 with a pilot inspection in Kent, this joint inspection was initiated principally in order to assess the standard of court work delivered by Youth Offending Service (YOS) staff and to make recommendations for where improvements could be made.

The inspection assessed the knowledge and professionalism of YOS court officers and the timeliness and quality of Pre-Sentence Reports that are used to support the sentencing process. We also considered the way that young people were treated when they came to court, whether on bail or in custody, and how the different agencies worked together. Throughout the inspection, we were concerned with ensuring that the outcomes for children and young people were positive and appropriate, taking into account their welfare and individual needs.

The inspection methodology considered evidence from six different criminal justice areas, each of which carried out an initial self-assessment against the inspection criteria that were then tested through interviews and observations of practice. The first four areas (Essex, Kingston-upon-Hull, Stafford and Oxford) were visited during the 2009-10 business year. The inspection will be concluded with visits to two further areas (Neath/Port Talbot and Havering) during the early part of 2010-11. The team will also undertake a number of national interviews.

## ***Joint thematic inspection of Information Exchange and Data Security between criminal justice agencies led by HMICA with HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary, HMI Prisons and HMI Probation***

In early 2009, the Criminal Justice Chief Inspectors set out plans for a joint inspection of information exchange between criminal justice agencies (CJAs).

The purpose of the inspection was to assess the extent to which the timeliness, accuracy and completeness of information exchange between CJAs:

- ensured the protection of victims, witnesses and the wider public from the risk of harm
- enabled the effective management of risk of harm to defendants/offenders (from self and others).

As the mishandling of personal data undermines public confidence, this inspection also set out to assess how well CJAs work together to safeguard sensitive casework information and to ensure that its safe handling and use promote public confidence in the criminal justice system.

In order that the inspection was proportionate to risk, and having regard to value for money, the first phase of the inspection was a review of single and joint agency inspection reports from the past 12/24 months, respectively, to identify any information exchange issues raised. It was agreed that the inspection would focus on those points of information exchange:

- between one or more criminal justice agency
- in cases that involved high-risk adult defendants/offenders or high-risk offences
- from the point of charge, through the courts to final disposal, including the management of offenders in custody and/or in the community.

This preliminary work will result in a number of proposals being made to the Chief Inspectors indicating where further inspection activity should be focused during 2010-11 and beyond. The proposed activity will be aimed at minimising the risk of harm presented by potential failures in the timeliness, accuracy and completeness of information passed between criminal justice agencies.

# Post inspection reviews

HMICA's inspection methodology incorporates post inspection review. These reviews take place up to 18 months after the main inspection and involve an assessment of progress made, by the inspected body, in relation to our inspection recommendations.

This year we followed up on our inspections of HMCS, the Coroners Service for Northern Ireland and across the criminal justice system.

Our reviews show that the inspected bodies have responded positively to the recommendations made which is resulting in improvements for service users.

## **Post inspection review of HMICA's *Inspection of the administration of HMCS Family Court Services: Surrey and Sussex Area***

The post inspection review of family services provided by HMCS Surrey and Sussex Area was in its final stages as this report was produced. The original inspection took place in 2008 and focused on service delivery from the end-user's point of view.

It culminated in four recommendations to improve:

- health, safety and security
- planning for the implementation of HMCS' Breakthrough<sup>8</sup> commitments
- case management systems
- the courts' ability to fulfil the standards in the Family Charter, especially those relating to the timeliness and accuracy of orders.

Initially, the Area, endeavouring to meet a range of priorities including its merger with Kent, made slow progress in fulfilling its action plan to address our recommendations. However, it has since taken significant and positive steps to demonstrate a real and sustainable commitment to family services. The introduction of its Family Focus Group has helped to steer and monitor progress and drive initiatives, such as the new management compliance checklist, which is, among other things, helping to meet the standards set out in the Family Charter. Managers are working closely with the judiciary to improve case management systems in order to ensure the information on file is easily accessible and up to date. The Area has benefited from recent renovations to custody facilities and a newly co-ordinated and structured approach to health and safety.

At the time of our inspection, Surrey and Sussex HMCS Area was working quite disparately. We are pleased to report that, during our post inspection review, not only were these two counties working closely together, but the Area as a whole was benefiting from the sharing of ideas and joint working.

---

<sup>8</sup> Breakthrough - eight commitments aimed at improving the public's experience of the justice system and ensuring that they receive the same high standard of service in all courts across England and Wales.

## **Post inspection review of HMICA's *Inspection of Derbyshire and Nottinghamshire HMCS Area - Focusing on the administration and resulting of cases***

Our inspection of HMCS Derbyshire and Nottinghamshire Area, which concluded in early 2009, resulted in two recommendations, which highlighted the need to address gaps in the Area's governance and performance management systems.

The Area drew up a comprehensive action plan and has implemented a number of changes that have led to significant improvements in relation to governance matters in particular.

One highlight has been the establishment of a system of peer reviews conducted by members of the Area Risk and Governance Assurance Group. Teams have started to visit courts to review how well assurance processes are being operated, producing a detailed report at the end of each visit with recommendations for further action where necessary. The implementation of these recommendations is then fed into the standard assurance monitoring process. This has enabled the Area to start to identify gaps, inconsistencies and pockets of good practice that can be shared. The implementation of the national HMCS Assurance Programme has also provided opportunities for training staff and refreshing knowledge about governance procedures.

Plans for the development of new performance management systems were difficult for the Area to take forward in the context of HMCS' national restructuring programme. The Area has nevertheless made progress where it can, for example, in identifying how it might improve Area-wide communications systems.

## **Post inspection review of the joint inspection *Leeds Magistrates' Court - A Report On The Resulting And Warrant Withdrawal Procedures Used At Leeds Magistrates' Court*, led by HMICA with HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and the Ministry of Justice Internal Audit Division**

HMICA led this joint post inspection review team. We found that all of our seven recommendations have now been satisfied. The recommendations were all in relation to resulting and warrant withdrawals at Leeds Magistrates' Court and the systems and processes in place at:

- Leeds Magistrates' Court
- West Yorkshire Crown Prosecution Service
- West Yorkshire Local Criminal Justice Board (LCJB)
- West Yorkshire Police
- West Yorkshire Probation Service.

We found that HMCS had investigated on what authority artificial court registers had been produced and had given proper consideration to the appropriate action to be taken. All practical and realistic steps have been taken by HMCS in order to trace the missing results, with due diligence being shown throughout the process. We considered that in-court record keeping at Leeds Magistrates' Court is now accurate. Our file review identified:

- an accuracy rate of 98.2%
- timely resulting, in that it is completed within 24 hours of the date of hearing
- that results were legible.

We also found that:

- operating procedures are consistently applied at Leeds Magistrates' Court
- staff have been thoroughly trained to perform their role effectively
- HMCS has now ensured that registers are as up to date and accurate as they can be and have communicated the outcomes of this work to the police and the Criminal Records Bureau.

The team also considered that the processes at Leeds Crown Prosecution Service are now effective.

Good work has been completed by the criminal justice agencies to address the 561 outstanding warrants that had been inappropriately withdrawn without judicial consideration. This work resulted in the finding that 11 of these warrants should

be reinstated. At the time of our post inspection review, ten of those had been executed, the defendants have been brought back before the court and justice has been served. Penalties imposed include:

- disqualification from driving
- fine
- conditional discharge
- suspended sentence
- two defendants receiving prison sentences for being found guilty of serious sex offences. One of these defendants had initially been charged with indecent assault but, as part of the review, the case was reconsidered and the charge of indecent assault was withdrawn and replaced with the more serious charge of rape. The defendant was subsequently found guilty and received a custodial sentence of nine years. The other defendant referred to received 26 weeks imprisonment for indecent assault.

During our inspection, we made a recommendation to the LCJB in relation to the inter-agency management of warrants. Although we are satisfied that this recommendation has been met, we have offered further advice on how current arrangements could be improved.

## ***A follow-up review of the administrative systems supporting bereaved families provided by the Coroners Service for Northern Ireland***

Our inspection of the Coroners Service for Northern Ireland (CSNI) took place in early 2007, within a year of the CSNI being established. HMICA concluded that, whilst the CSNI had already made positive steps in creating a new service, there was room for improvement in a number of areas, including performance management, information provided to bereaved families, resourcing and support of staff, as well as more effective stakeholder engagement.

A follow-up review took place in May 2009. It was carried out under the delegated authority of the Chief Inspector of Criminal Justice in Northern Ireland.

We were very pleased to report that considerable progress had been made in meeting the seven recommendations made in the original inspection report.

Overall, there had been significant improvements in the service provided to bereaved families since HMICA's inspection of 2007. The CSNI has made great strides in ensuring that:

- processes and procedures are standardised and consistently applied
- staff are fully trained and supported, both on the job and emotionally
- performance management systems are well developed and used effectively for monitoring and managing performance
- stakeholder needs are identified and responded to
- they learn from key partners in the Coronal process.

The key areas for further improvement are not the sole responsibility of the CSNI, which is dependent on the State Pathology Department (SPD) and the Police Service Northern Ireland for the majority of its overall performance. However, there is real determination and drive to work professionally and proactively with the key partner agencies to try and improve current performance. The CSNI management team, Coroners and the Presiding Judge are working hard to agree reasonable timescale targets with the SPD for postmortem reports. It is disappointing to note that, despite this issue being raised at Ministerial level a year ago, little has been achieved as a result.

The biggest success for the CSNI is that bereaved families now have the support and information they need to get through this difficult and emotional process. The CSNI staff are exemplary in their approach to service users and continue to be enthusiastic, conscientious and thorough, despite the nature of their work. Whilst the improved organisational structure, together with more robust business planning and performance management processes, supports the system well, it is the commitment and professionalism of the staff that make this service one that the Northern Ireland Courts and Tribunals Service can be proud of.



## **Post inspection review of *A Complicated Business* - A joint inspection of electronically monitored curfew requirements, orders and licences**

The inspection of electronically monitored curfew sentences and Home Detention Curfews, in 2008, by HMI Probation, HM Inspectorate of Constabulary and HMICA culminated in one recommendation to HMCS, that it should:

- improve communication of key information about each case to the relevant electronic monitoring company by:
  - providing a set of clear, easy-to-use national forms, supported by clear instructions for their use, and by training. Their application should be mandatory and monitored
  - ensuring that greater oversight is exercised over court administrative procedures, so that the orders issued by the court office accurately reflect the sentence passed by magistrates and judges.

During our recently completed post inspection review of electronic monitoring services, we found that HMCS was introducing systems to improve the assurance process for court results. We also found that it had taken positive steps to draft new paperwork to improve the quality and timeliness of information passed by court staff to the electronic monitoring companies. However, HMCS was investigating its obligations to pass relevant risk information to the electronic monitoring companies. Having highlighted this as an ongoing area of risk, we have closed the post inspection review.

## Post inspection review of HMICA's inspection *The Family Courts - The experience of service users*, at Sheffield family courts<sup>9</sup>

At the time of writing, the management letter finalising this post inspection review was being agreed. The inspection took place in 2008 and focused on the experience of service users. The inspection report recommended that Sheffield family courts:

- take action to make sure that staff are proactive in providing service users with information and guidance specific to their needs
- put in place actions to comply with the national HMCS objective to provide a knowledgeable, personalised and readily accessible service, keeping users informed about the progress of their case. Actions should also be taken to provide regular updates to service users on their day at court
- take action to make sure that they achieve the standards of service that are outlined in the Family Courts Charter
- take immediate action to make sure that:
  - all safety and security risks for family court users (including those in custody) are fully identified and managed to minimise risks
  - systems are in place to provide senior management with assurance that standards are always met, with particular reference to the care of victims of domestic abuse
  - systems provide swift action when alleged harm to children is highlighted.

We are pleased to report that Sheffield family courts took these recommendations very seriously and used them as an opportunity to improve services to users of the family court. They drew up an action plan and regularly monitored progress against it, providing HMICA with appropriate reports and evidence to demonstrate the progress made. As a result, Sheffield family courts have implemented all the recommendations where it is in their power to do so and we have closed the post inspection review.

<sup>9</sup> Sheffield family courts - these include Sheffield Family Hearing Centre and Sheffield Family Proceedings Court.

# 3

## **Sharing our experience and knowledge for the benefit of improving the service provided to users of public services**

During 2009-10, HMICA has undertaken a variety of projects to share good practice and assist organisations to deliver their own responsibilities and remits.

This has included working with the Croatian Ministry of Justice, the French inspectorate of the courts and prosecution, the office of the Chief Inspector of the UK Border Agency and Criminal Justice Inspection Northern Ireland, in addition to HMCS.

We are committed to continuing to share our experience and knowledge for the benefit of improving the service provided to users of public services.

### **Sharing HMICA's experience and expertise with justice sector officials from other countries**

We were delighted to share our experience of striving to improve outcomes for service users with officials from a number of countries this year. This included:

- continuing our work with colleagues from the Croatian Ministry of Justice to develop court inspection in that country. For the second time we were pleased to welcome a delegation of Inspectors visiting England to learn more about the court system and inspection. HMICA Inspectors and inspection support staff gave a presentation about our inspection policies, methodology and framework and took questions from the Croatian delegation
- hosting a delegation of officials from the Turkish justice system and explaining our methodology and inspection policies
- assisting with a visit by André Ride, Inspecteur général des services judiciaires. M. Ride is the Chief Inspector of the courts and prosecutors in France. The visit consisted of a brief study tour including presentations by the criminal justice inspectorates and visits to the Supreme Court, Central Criminal Court, Royal Courts of Justice and Camberwell Green Magistrates' Court
- contributing to a conference for inspectorates of the justice system of European Union states. The conference was hosted at the Ministry of Justice in Paris by the Inspection Générale des Services Judiciaires. We were invited to give a speech and take questions on how inspection of the courts can be used to support the quality of justice. The conference was attended by a wide range of judges, Inspectors and justice officials from Europe and other parts of the world.

## Coroner system

It has been recognised for a number of years that there was a need to reform the coroner system in England and Wales. As part of the reforms put forward by Ministers in 2007, it was proposed that the coroner system be subject to external, independent and objective examination by HMICA. This proposal was subsequently included in the provisions of the Coroners and Justice Bill, which became the Coroners and Justice Act 2009. HMICA worked with the Ministry of Justice Coroners Reform Team throughout the journey of the Bill, acting as a source of advice on inspection. We were also involved in discussions with the Audit Commission, a key stakeholder, as many local authorities provide administrative support for coroner services. We remain committed to working with the Ministry of Justice as it seeks to resolve how this responsibility to inspect will be taken forward in light of HMICA's abolition.

## Criminal Justice Inspection Northern Ireland

In addition to our follow-up review of the Coroners Service for Northern Ireland, we have continued our support for inspection of the justice system in Northern Ireland. We were represented at the Criminal Justice Inspection Northern Ireland Stakeholder Conference 2010 in Belfast. We were also pleased to offer advice to the Chief Inspector about his proposed inspection of juror issues. This advice was based on our own inspection of the quality of service provided to jurors in England and Wales and contributed to the scoping of the framework and methodology and the inspection terms of reference document.

The inspection examined the experience of those summonsed as jurors from the point of notification and summons through to their arrival at court, to the pre-trial, trial and post-trial stages. The Northern Ireland Courts and Tribunals Service had reformed the way it dealt with the management of jury service and had implemented many changes since 2007. The organisation had also introduced many initiatives based on its knowledge of the court system in England and Wales, following HMICA's report into the quality of service provided for jurors published in 2006.

## Youth justice

Our inspection of the Youth Courts took place in 2007. However, HMCS needed time to bring about the changes necessary to meet some of our recommendations. In the past year, we have been pleased to see a renegotiation of the Prisoner Escort and Custody Services contract to include the care of young people remanded or sentenced to local authority secure accommodation whilst on court premises awaiting escort. This significant change means that young people previously at risk of ‘falling between two stools’ are now appropriately monitored until the local authority escort arrives.

HMCS also launched *Young people with learning disabilities and learning difficulties in the criminal courts - A guide for HMCS staff*. This comprehensive guide should give court staff a better understanding of how learning difficulties might present themselves and what steps may be taken to provide support throughout the court process.

In addition, the information leaflet for young defendants, developed as a result of our inspection and launched in November 2008, has been made available in more languages and as a podcast, ensuring that it is accessible to many more young defendants.

## Optional Protocol to the UN Convention Against Torture (OPCAT)

The UK ratified the Optional Protocol to the UN Convention Against Torture (OPCAT) in December 2003. The Protocol required the Government to establish a national preventive mechanism (NPM) to carry out visits to places of detention to investigate the treatment of persons deprived of their liberty in the UK. OPCAT stipulates that the NPM can be composed of one or several bodies. In the UK, the domestic requirements of the Protocol will be fulfilled by the collective action of existing statutory inspection bodies, which are empowered to carry out unrestricted visits to places of detention.

The UK formally launched its NPM on 19 May 2009, although it was incomplete and allowed for further bodies to be added when appropriate. The NPM does not yet cover the detention of defendants or convicted prisoners at court. However, HMICA, and our predecessor HM Magistrates’

Courts Service Inspectorate, have a long history of inspecting court custody accommodation. Since 2005, HMICA has inspected well over 100 court cell areas and made a number of recommendations to improve the health, safety and security of those who are held in custody. During 2009, discussions commenced between HMICA and Ministry of Justice policy officials on whether HMICA should become part of the NPM. These discussions had not been concluded when the announcement was made of the intention to abolish HMICA. Discussions continue with officials about how this remit can be carried out following HMICA's abolition, and our staff will continue to offer support and expertise to any successor body.

The value of HMICA's work in promoting high standards in court custody areas was demonstrated by a visit to a particular courthouse prompted by a visit there by another inspection body for other purposes. That body had identified some issues of potential concern and an HMICA Inspector made a visit at short notice to examine the facilities. A management letter was written to HMCS that identified issues of cleanliness and health and safety, to which HMCS responded appropriately.

### **Inside Justice Week**

The annual Inside Justice Week gives the general public the chance to see behind the scenes of the criminal justice system in England and Wales. Up and down the country, events and activities were organised to show the inner workings of criminal justice and HMICA was pleased to be represented in Greater Manchester, at Tameside Magistrates' Courts' open day.

Our attendance provided us with an opportunity to increase public awareness of the value of independent inspection and how we provide accountability for the quality of services delivered by the courts in England and Wales. We were also able to engage with stakeholders of the inspectorate and HMCS, providing many organisations with a greater understanding of our functions and responsibilities.

## Lean<sup>10</sup>

In 2009, we introduced a knowledge management role to the inspectorate, designed to enable the timely capture and dissemination of essential business knowledge. This year embraced a substantive development of this role with a research paper introducing the inspectorate to the concept of Lean in HMCS. This built on some of the supplementary observations identified in our inspections of Criminal Case Administration and Resulting, and Cleveland, Durham and Northumbria HMCS Area.

The research paper was shared with HMCS officials to provide evidence to inform their ongoing evaluation of the impact of their Lean programme.

### **Visit by staff from the office of the Chief Inspector of the UK Border Agency**

In January 2010, we welcomed a visit by staff from the office of the Chief Inspector of the UK Border Agency. Being a new inspectorate and having recently begun a full inspection programme, they were interested in seeing how existing inspectorate support teams carried out their role. This was an opportunity to create a link with a new inspectorate and to share our inspection support best practices.

Members of staff from our Operations Team delivered a presentation that centred on the support role to an inspection and they received positive feedback following the visit. We were pleased to note that this feedback included the intention to implement some of the systems developed and used by HMICA.

---

<sup>10</sup> In the 1990s, James Womack and Daniel Jones wrote a book, *Lean Thinking*, describing the practice and management of Toyota. These practices were categorised as 'Lean' and the term has subsequently been used to describe the methods and practices they applied to their organisation. HMCS uses the Lean principles to focus on understanding what matters most to their customers and deliver customer value.



## Attendance at the National Area Witness Champion Conference

We attended HMCS' National Area Witness Champion Conference in March 2010 and were pleased to see the progress that has been made since we published the *Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System* in May 2009.

In particular, it was good to see that the allocation of dedicated Area Witness Champions has given HMCS a focal point in each Area for ensuring that improvements are made. The conference gave those attending (who included Witness Service volunteers and Witness Care Unit staff) an opportunity to share and promote good practice and raise issues. There was also evidence, from customer feedback, that the experiences of victims and witnesses have improved.

There is still work to be done, and this was acknowledged at the conference. It was pleasing to hear that this ongoing, multi-agency work includes process mapping the victim and witness experience and the production of a joint training package, and will build on our recommendations from the above report.

## Shared services

HMICA is committed to the Criminal Justice Chief Inspectors' shared services agenda, which aims to provide efficiencies across the justice inspectorates by closer working, sharing of good practice and, where possible, the sharing of resources to enhance joint working.

HMICA is represented on the Criminal Justice Chief Inspectors' Working Group on Shared Services and we have been instrumental in establishing sub-groups to deliver the objectives at an operational level. HMICA currently chairs two of the four sub-groups.

HMICA's commitment to continuous improvement extends to the delivery of our internal processes and procedures. This year has seen the implementation of improved ways of working recommended by our internal Change Programme.

### **Inspection methodology**

In 2008-09, HMICA reviewed and redesigned its inspection methodology. Our new methodology was designed to reduce the impact of inspection on the inspected bodies. Our inspections in Cleveland, Durham and Northumbria HMCS Area, the Military Court Service and our thematic review of Criminal Case Administration and Resulting all used our new approach and, after each one, a detailed evaluation was carried out and improvements were made where necessary.

Our methodology is now more robust, more focused on outcomes for service users, less intrusive for inspected bodies and reliant to a greater extent on self-assessment.

### **Inspection framework**

As part of the ongoing work on evaluating and improving our methodology, we reviewed our inspection framework. The framework document sets out our expectations of inspected bodies. In particular, we considered whether:

- it was sufficiently comprehensive and flexible to be capable of adaptation to the needs of the different types of inspection we undertook
- it met our needs as an inspectorate
- it could be understood as part of the self-assessment process by inspected bodies.

As a result of these reviews, amendments were made to the framework. Overall, the framework has been found by us and the inspected bodies to be a powerful tool for assessing organisations. Its modular design has facilitated its flexible use to meet particular inspection needs.

## Liaison arrangements

While inspection is a strong tool for assessing the extent to which an inspected body uses its resources efficiently and effectively to deliver high-quality services, inspection reports will always reflect a specific point in time. Therefore, as part of the development of our knowledge management structures, HMICA introduced liaison visits to HMCS Areas and Regions.

Liaison visits were designed to allow for more regular, continuous and timely contact between the inspectorate and the inspected body about matters of common interest. The visits were also intended to assist Inspectors in gaining a better understanding of the day-to-day interaction between the national, regional, area, and court levels of HMCS through meetings with senior management and staff, court visits and discussions with stakeholders. The information gathered by Inspectors contributed to HMICA's knowledge base and was used to inform our business-planning processes.

Following the announcement of HMICA's abolition in December 2009, liaison arrangements were suspended.

## Inspection Delivery and Improvement Group

Our Inspection Delivery and Improvement Group was developed to ensure the continuous improvement of our inspection methodology and framework and the smooth delivery of inspection work. The group met monthly during the year and proved to be a well-attended and successful forum.

In addition, we developed an IT sub-group with a specific remit to ensure the delivery of effective and efficient IT systems that support HMICA in contributing to a better justice system through excellence in inspection.

The focus of the group was to aid the continuous improvement of the working methods and knowledge of HMICA by:

- researching and reviewing the merits of new IT technology and thinking
- helping to resolve any IT problems that staff encountered in the course of their daily work
- identifying training needs to ensure HMICA staff have the necessary skills to make the best use of our IT systems.

This was achieved through a close working relationship with our IT business partner and regular contact with our IT service provider.

The group has seen the successful provision of a number of new IT initiatives that have delivered cost-effective improvements to our methods of working and ensured that our staff have the necessary IT resources and skills to be effective in their work. For example, we provided 3G cards to enable staff to connect to all HMICA networked IT resources whilst working away from the office. We also introduced encrypted memory sticks to facilitate a practical method of inter-agency working with the criminal justice inspectorates whilst maintaining the highest levels of information assurance.

### **Key Evidence Gathering System (KEGS)**

Early 2009 saw the implementation of our Key Evidence Gathering System (KEGS) as a tool to store inspection evidence, produce key documents and to inform our risk assessment process. The powerful new database was developed by the MoJ in-house IT system developers, who continue to provide support for the system.

It is hoped that others working within the justice system may derive benefits from the development of the KEGS database which may be adapted to other organisations' needs.

### **Knowledge management**

Information is the lifeblood of any organisation and it is important for any inspectorate to gather and store information about inspected bodies and wider policy and practice changes. The process of adding value to factual information by turning it into usable knowledge and applying it to particular situations is known as knowledge management (KM). During 2009, HMICA adopted a structured approach to KM that involved every member of staff actively managing knowledge. This work was an integral part of the new methodology, which relied upon sophisticated risk assessment and minimising the amount of information requested from inspected bodies during inspections. Information was gathered from many sources, including other inspectorates, research reports and information provided during liaison meetings with HMCS officials. The information was stored, analysed and retrieved in a systematic manner to inform our decisions.

## Risk management

A key responsibility of HMICA is to alert inspected bodies and Ministers to areas of business that may result in poor performance or poor service to users that would be damaging to public confidence.

This is principally achieved through a programme of inspection that is proportionate to risk. To support this we have developed a risk assessment model, which has driven our 2009-10 programme of inspection, directing our resources to those areas of greatest risk within HMCS and the wider justice system. Our second annual risk assessment event took place in November 2009. This structured event brought Inspectors, managers and support staff together to analyse information from a wide range of sources including our knowledge management information and a widespread stakeholder consultation. From this the most significant risks to good outcomes for court users were identified and used to inform our remaining inspection programme.



# 4

## Our organisation

HMICA has continued to develop the structure of our organisation to provide an efficient and effective public service.

We saw many changes to the structure of our organisation during 2009-10. The changes we implemented have enabled us to deliver a more efficient and effective public service. These changes included:

- establishing an Operations Team, bringing together all of our support staff under one management structure
- closing our office in Bristol
- filling internal vacancies by offering loans to staff from other government departments whose jobs no longer existed.

As a result of these efficiencies, we have been able to make savings of over 6% in our budget for 2009-10.

HMICA's allocated budget is managed in accordance with MoJ financial regulations and monthly monitoring reports are considered at our Senior Management Team meetings. Our budget for 2009-10 was £2,015,000. The table below illustrates how the budget was spent.

### HMICA's budget outturn 2009-10

Item	Expenditure (£)
Paybill	1,542,000
Travel & subsistence	201,000
Other administrative costs	87,000
Training and development	55,000
<b>TOTAL SPEND</b>	<b>1,885,000</b>

At the time this report was written, HMICA employed 22 full-time members of staff and four part-time Inspectors, several staff having found alternative employment following the announcement of our abolition. The full-time staff include the Acting Chief Inspector, a Deputy Chief Inspector, an Assistant Chief Inspector, 12 Inspectors (two of whom were on secondment to other organisations) and 11 members of the Operations Team. HMICA staff continue to deliver a programme of work to fulfil our remit.

HMICA remains committed to the training and development of our staff and we will provide all possible support to guide them through the process of gaining alternative employment.



## HMICA's Senior Management Team 2009-10



### **Eddie Bloomfield (Chief Inspector)**

Eddie is a career civil servant who was appointed Chief Inspector in June 2005 after four years as Director of Operations at the Official Solicitor and Public Trustee Office. His experience covers a wide range of operational, policy and corporate roles in government. In addition, he was an Inspector with HM Treasury from 1987-91 including two years as Director of Staff Inspection Training for the Civil Service. In 1991-92 he assisted the Republic of Cyprus with the development and implementation of an inspection programme. In January 2008, Eddie was re-appointed Chief Inspector for a further three years.



### **David Abbott (Deputy Chief Inspector)**

David worked in the Citizens Advice Bureau service in a number of capacities over 15 years, culminating in being the District Manager of High Peak CAB in Derbyshire.

He joined HM Magistrates' Courts Service Inspectorate (HM MCSI) as HM Inspector in 1999, leading and taking part in many inspections of Magistrates' Courts Committees, national thematic and joint inspections.

David transferred to HMICA in April 2005. Following a period as HM Inspector/Change Manager he was appointed to the Senior Management Team in January 2007, serving as Assistant and Deputy Chief Inspector with particular responsibility for joint inspection. In April 2010 David was assigned the role of Acting Chief Inspector.



### **Andy Allan (Deputy Chief Inspector)**

Andy joined HM MCSI in 2000 as HM Inspector after 25 years as a Customs Officer, the latter part of which was focused on change management and business improvement. Within HM MCSI and later HMICA, Andy inspected both the courts and the Children and Family Court Advisory and Support Service (CAFCASS). Following a period project managing the transfer of the CAFCASS inspection function to Ofsted, he was appointed as Assistant Chief Inspector in January 2007 and Deputy Chief Inspector in March 2008.

**James Cross (Head of Operations)**

James joined HMICA in 2005 following postings within HM Inland Revenue, HM Customs & Excise, local government and the private sector. His experience covers strategic planning and leadership, organisational capability and performance improvement, project management and change management. Appointed as HM Inspector initially, James served as Change Manager and Assistant Chief Inspector before being appointed Head of Operations in January 2009.

**Karen Cracknell (Assistant Chief Inspector)**

Karen worked for Essex Police for a large part of her career both as a police officer and in the prosecutions department, followed by a two-year secondment to HM Inspectorate of Constabulary. In 1999 she made a career move into higher education as Director of a small UK-based Canadian university campus. During this time she developed her training and management consultancy skills, regularly delivering workshops and working directly with local businesses on operations and strategic management. She joined HMICA as HM Inspector in March 2005 and was appointed as Assistant Chief Inspector in 2009.



## HMICA's Senior Management Team 2010-11



**David Abbott (Acting HM Chief Inspector)**

David was appointed as Acting HM Chief Inspector in April 2010. See SMT 2009-10 entry.



**Andy Allan (Deputy Chief Inspector)**

See SMT 2009-10 entry.



**Liz Humphreys (Assistant Chief Inspector)**

Liz is a career civil servant and her experience over some 22 years covers a wide range of operational, policy and corporate roles. She was the Head of Office for the Judicial Appointments and Conduct Ombudsman before joining HMICA as HM Inspector in 2008, and has since been appointed as Assistant Chief Inspector.



# 5

## About Her Majesty's Courts Service and the Military Court Service

## About HMCS<sup>11</sup>

HMCS is an executive agency of the Ministry of Justice (MoJ). It works as part of a system aiming to deliver justice effectively and efficiently to the public. It is responsible for managing magistrates' courts, the Probate Service, the Crown Court and county courts in England and Wales and the Royal Courts of Justice, where the majority of High Court and Court of Appeal cases are heard.

### HMCS' Aim

'All citizens according to their differing needs are entitled to access to justice, whether as victims of crime, defendants accused of crimes, consumers in debt, children in need of care, or business people in commercial disputes. Our aim is to ensure that access is provided as quickly as possible and at the lowest cost consistent with open justice and that citizens have greater confidence in, and respect for, the system of justice.'

HMCS works closely with other key MoJ agencies, non-departmental public bodies and other major delivery organisations that provide access to justice services, including:

- Tribunals Service
- Office of the Public Guardian
- Legal Services Commission
- Judicial Appointments Commission.

Since its creation, HMCS has implemented a number of important initiatives, for example the Criminal Justice: Simple, Speedy, Summary (CJSSS) programme. It has also:

- contributed to the Community Justice programme
- developed problem-solving courts and approaches
- implemented the enforcement blueprint
- focused on improving services to victims, witnesses and jurors
- developed the small claims mediation service, public law outline and unified family service
- delivered the Lean programme and the Magistrates' Courts Operational Business Systems (MCOBS<sup>12</sup>).

For more information about the structure and work of HMCS, see:  
[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk).

<sup>11</sup>This text has been provided by HMCS Operations and Performance Directorate.

<sup>12</sup>The MCOBS project is focused on delivering improvements to the Libra Application IT system, which operates in all magistrates' courts.

## About the Military Court Service

The Military Court Service (MCS) is part of the Ministry of Defence and is the tri-Service organisation, which supports the Royal Navy, Army and Royal Air Force by facilitating Court Martial hearings. The Court Martial is the Services' criminal court. It may sit anywhere, within or outside the UK.

All Service personnel are subject to United Kingdom criminal law. The Service system of law ensures, as far as possible, that Service personnel are dealt with by a familiar system if they commit an offence whether serving overseas or in the UK. It also covers the disciplinary code applicable to, and standards of behaviour required of, all members of the armed services wherever they serve (for example, absence without leave or disobeying a lawful command).

Minor disciplinary matters can be dealt with by commanding officers (who can impose immediate sanctions to deal with less serious offences), through the summary hearing process; however, the accused person may elect to be tried by Court Martial, or may appeal to the Summary Appeal Court (also administered by the MCS).

Military justice also applies, to a limited extent, to families of Service personnel and UK based civilian staff who accompany Service personnel overseas. Such civilians may be tried for minor offences by the Service Civilian Court (also administered by the MCS), or for more serious matters in the Court Martial.

The MCS maintains four main Military Court Centres at:

- Colchester (Essex)
- Bulford (Wiltshire)
- Catterick (Yorkshire)
- Sennelager (Germany).

There are further centres at Aldergrove (Northern Ireland), Portsmouth (Hampshire) and Episkopi (Cyprus).

The MCS arranges, funds and supports trials at these centres, and at other ad hoc venues in the UK and overseas. Its Headquarters is in Upavon, Wiltshire.

The MCS is also responsible for:

- the administration of legal aid to Service personnel, through the Armed Forces Criminal Legal Aid Authority
- the Court Martial Reports Service, which liaises between the Court Centres and National Probation Service in order to ensure the efficient and effective delivery of Pre-Sentence Reports to the courts.



# 6

## Looking ahead

The abolition of HMICA announced by the Government in December 2009 in its paper *Smarter Government* means that the level of inspection activity during the next financial year (2010-11) will be less than in previous years to accommodate the reduction in staff numbers during the year.

Following the announcement, in December 2009, of the intention to abolish HMICA, our senior management began work with departmental officials and the trade unions to support staff. Arrangements were quickly put in place to ensure that staff were able to access other job, training and development opportunities. This resulted in a number of staff obtaining other positions. We therefore entered the 2010-11 year with fewer managers, Inspectors and support staff.

HMICA's Senior Management Team has adopted a business plan for 2010-11 that focuses on:

- supporting our staff
- working collaboratively with officials to implement the decision to abolish HMICA
- delivering planned inspection activity to HMICA's high standards:
  - We had planned to deliver an inspection looking at the timeliness and efficiency of public law family cases (cases brought under s31 of the Children's Act 1989). This inspection would look at case management by the courts from a user perspective and the reasons for any unavoidable delays that were not in the interest of the child. At the time of writing, we had conducted a detailed scoping study. This study identified a number of important new initiatives and changes that were being introduced in this area of work. These changes make it unnecessary for any further inspection fieldwork to be undertaken, and instead the scoping study conclusions will be fed back to HMCS to support its improvement plans.
  - Inspectors will also be bringing to a conclusion all outstanding post inspection reviews (PIRs). Those PIRs that have been running for some time will be closed individually. Those relating to more recent inspections where HMCS has had little time to respond to recommendations will be closed in the summer and the Chief Inspector will issue a single management letter in respect of progress made and any remaining concerns.
  - We will explore whether we can conduct a PIR of the recommendations from the inspection of the Military Court Service, if our resources allow.

- meeting our ongoing corporate expectations
- managing knowledge, information and resources
- meeting our statutory requirements.

Work will continue on each of these objectives throughout the year. Our plans will need to be flexible to take account of the announcement of the date of our formal abolition, when this is made, and our changing resources. We will do all we can to contribute to efficiencies in public expenditure.

At the time of writing, it is not clear what the date for HMICA's abolition will be or whether it will be possible, or a statutory requirement, for any further annual reports to be produced. Further information about this will be placed on the HMICA website [www.hmica.gov.uk](http://www.hmica.gov.uk).



Penny Rickards - Annual Report Editor



# A summary of this report can be provided in Braille or large print.

A summary version of this report in your language can be made available, on request, from the address below.

Gellir trefnu i fersiwn cryno o'r adroddiad hwn fod ar gael yn Gymraeg, yn unol â'ch cais, drwy ein gwefan neu o'r cyfeiriad isod.

يمكن الحصول على ملخص لهذا التقرير باللغة العربية عند الطلب من العنوان أدناه.

Rezime izvještaja na bosanskom jeziku možete zatražiti na dolje upisanoj adresi.

如果您需要, 我们可以提供中文版的这份报告的总结, 请将您的要求寄到以下给出的地址。

Sažetak izvješća na hrvatskom jeziku možete, na zahtjev, dobiti na niže navedenoj adresi.

شرح خلاصه ای از این گزارش به زبان فارسی به هنگام درخواست شما از آدرس زیر در دسترس می باشد.

Une version abrégée de ce rapport peut vous être fournie en français si vous en faites la demande à l'adresse indiquée ci-dessous.

Auf Wunsch ist von nachstehender Adresse aus eine zusammengefasste Version dieses Berichts in deutscher Sprache verfügbar.

Μπορείτε να πάρετε μια σύντομη ελληνική έκδοση αυτής της έκθεσης, κατόπιν αίτησης, από την παρακάτω διεύθυνση.

इस रिपोर्ट का संक्षिप्त हिन्दी अनुवाद प्रार्थना करने पर नीचे दिए गए पता से उपलब्ध कराया जा सकता है।

Un sommario di questa relazione è disponibile, su richiesta, in lingua italiana all'indirizzo indicato di seguito.

本報告書の要約(日本語)をご希望の場合は下記住所までご請求下さい。

Pode obter, sob pedido e através da morada seguinte, uma versão resumida deste relatório em português.

ਇਸ ਰਿਪੋਰਟ ਦਾ ਸੰਖਿਪਤ ਪੰਜਾਬੀ ਅਨੁਵਾਦ ਹੇਠ ਲਿਖੇ ਪਤੇ ਤੋਂ ਨਿਵੇਦਨ ਕਰਨ ਤੇ ਮਿਲ ਸਕਦਾ ਹੈ।

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

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

En sammanfattad version av denna rapport finns, på begäran på nedanstående adress, tillgänglig på svenska.

Muhutajari wa ripoti hii unapatikana katika lugha ya kiswalihi, tafadhali peleka maombi katika anuani iliyopo hapa chini.

บทสรุปเป็นภาษาไทยของรายงานฉบับนี้สามารถติดต่อขอได้จากที่อยู่ข้างใต้

Podemos proporcionarle un resumen de este informe en español si lo solicita a la dirección abajo reseñada.

Bu raporun Türkçe bir özetini aşağıdaki adresten isteyebilirsiniz.

درخواست کرنے پر اس رپورٹ کا خلاصہ درج ذیل ایڈریس سے اردو زبان میں دستیاب ہو سکتا ہے۔

Bài tóm tắt chũ Việt của bản báo cáo này đã sẵn có, nếu cần, xin theo địa chỉ dưới đây dò hỏi.

Alaye kukuru lori iwe yi ni ede Yoruba wa ti e ba fe, lati oju ile ati adugbo ti a ko si isale iwe yi.

如果您需要, 我的可以提供中文版的這份報告的總結, 請將您的要求寄到以下給出的地址。

HM Inspectorate of Court Administration, 2nd Floor, Carlton Tower, 34 St. Pauls Street, Leeds, LS1 2QB  
Or via our website at [www.hmica.gov.uk](http://www.hmica.gov.uk)



All HMICA publications may be obtained from:

HMICA  
2nd Floor Carlton Tower  
34 St. Pauls Street  
Leeds  
LS1 2QB

General Enquiries: 0113 394 3900  
Fax: 0113 394 3911

Publications may also be viewed on,  
and ordered through our website

[www.hmica.gov.uk](http://www.hmica.gov.uk)



Published by TSO (The Stationery Office) and available from:

**Online**

[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO  
PO Box 29, Norwich NR3 1GN  
Telephone Orders/General enquiries 0870 600 5522  
Order through the Parliamentary Hotline Lo-Call 0845 7 023474  
Fax orders: 0870 600 5533  
E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)  
Textphone: 0870 240 3701

**The Parliamentary Bookshop**

12 Bridge Street, Parliament Square,  
London SW1A 2JX  
Telephone orders/General enquiries: 020 7219 3890  
Fax orders: 020 7219 3866  
Email: [bookshop@parliament.uk](mailto:bookshop@parliament.uk)  
Internet <http://www.bookshop.parliament.uk>

**TSO@Blackwell and other Accredited Agents**

**Customers can also order publications from**

TSO Ireland  
16 Arthur Street, Belfast BT1 4GD  
028 9023 8451 Fax 028 9023 5401

ISBN 978-0-10-296702-9



9 780102 967029