

annual report

of Her Majesty's Chief Inspector
of Court Administration

2008-2009



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1 look closely at or into.
2 examine officially.
[from Latin *inspicere*
'to look into' or
inspectare 'to view'.]
Inspection n.

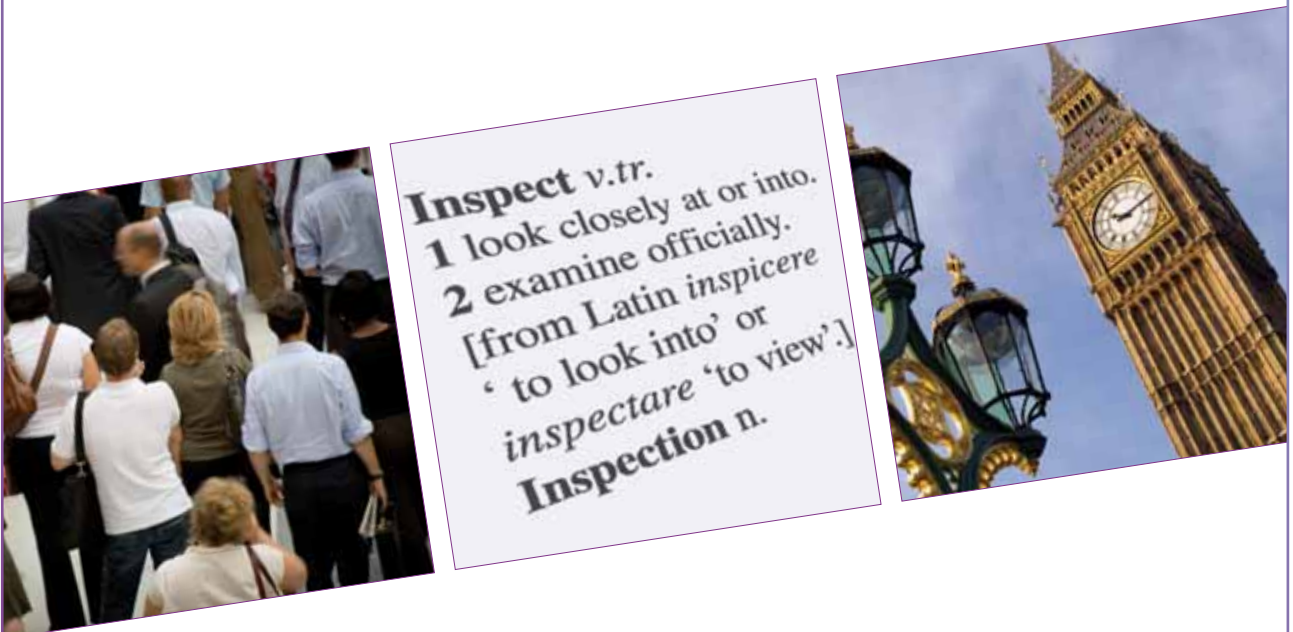


contributing to a better justice system through excellence in inspection

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Laid before Parliament by the Lord High Chancellor pursuant to
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Our Ministers 2008-2009

Jack Straw

Lord Chancellor and
Secretary of State for Justice



Bridget Prentice

Parliamentary Under
Secretary of State



Foreword

To the Right Honourable Jack Straw, Lord Chancellor and Secretary of State for Justice

It gives me great pleasure to present my fourth annual report as Chief Inspector of Her Majesty's Inspectorate of Court Administration (HMICA). This report provides details of the work we have done during 2008-09 and how we have delivered our statutory remit within the Government's ten principles of public service inspection. HMICA is an outcome-focused organisation and the following pages provide examples of how we have contributed towards improved outcomes for users of the justice system and provided assurance to Ministers and the public.

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.

I am pleased to acknowledge the constructive relationship we have developed with HMCS. We share a desire to continually improve the quality of the system that supports the business of the courts. HMICA's inspections this year have found many positive aspects to that system and are a key method of identifying and sharing good practice. However, we have also clearly identified where improvements were required. These included some significant risks to health, safety and security, the unsatisfactory provision of essential information and the treatment of witnesses. Further details of these issues can be found in this report.

More positively, our post inspection review process continues to demonstrate the value of our work. This process allows us to monitor actions and follow up progress of implementing inspection recommendations. I particularly welcome the launch by the Justice Minister, David Hanson, of a national inter-agency leaflet, website and podcast to prepare young defendants for their court appearance. This was one direct consequence of our inspection of the Youth Court in 2006.

This year has seen the implementation of our Change Programme. The changes we have made, to our organisation's structure and the way we deliver our business, will allow us to become an even more efficient and effective inspectorate. I am very proud of reaching this significant milestone in the development of the organisation and that all our staff have been key to delivering continuous improvement both within HMICA and in the work that we do.

This year has also seen the development and delivery of our Strategic Plan that outlines the direction of our organisation for the next three years. This plan not only ensures that our staff have certainty over what they are expected to deliver but also provides vision, purpose and clarity to our partners and stakeholders.

We have commenced the process of piloting our new methodology, which includes a revised framework for inspection, based on the European Foundation for Quality Management (EFQM) Excellence Model. We will carefully evaluate our methodology, in consultation with our partners and stakeholders, before fully rolling it out in the coming year.

Alongside a busy programme of inspections and post inspection reviews, we have worked with the Croatian Ministry of Justice and Criminal Justice Inspection Northern Ireland to share our knowledge and experience and provide advice. We have also worked on a number of scoping studies to inform possible inspection activity in the future.

HMICA's delivery of such a diverse programme of work, alongside the implementation of our Change Programme, has only been possible because of the commitment, dedication and hard work of our staff. I am therefore pleased to have the opportunity to put on record my thanks to all members of HMICA once again this year. With their help and support I am confident that we will continue to contribute to a better justice system through excellence in inspection.



Eddie Bloomfield
HM Chief Inspector



Contents

1	Introduction	8
----------	---------------------	----------

2	HMICA - inspecting, in accordance with the Government's ten principles of public service inspection, to improve outcomes for service users	12
----------	---	-----------

	We pursue the purpose of improvement, focus on outcomes and take a user perspective	14
--	---	----

	Our work is proportionate to risk	28
--	-----------------------------------	----

	We encourage self-assessment by managers, use impartial evidence, disclose the criteria used for judgement and are open about the processes involved	32
--	--	----

	We have regard to value for money	36
--	-----------------------------------	----

	We continually learn from experience	38
--	--------------------------------------	----

3	Our organisation	44
----------	-------------------------	----

4	Her Majesty's Courts Service	48
----------	-------------------------------------	----

5	Looking ahead	50
----------	----------------------	----

1

Introduction

Our vision: to contribute to a better justice system through excellence in inspection.

Our vision is underpinned by a number of strategic aims¹ based on the Balanced Scorecard approach. We are confident that these will enable the inspectorate to achieve excellence in inspection and in doing so contribute to a better justice system.

Vision *n.*
1 the ability to think
about the future with
imagination or wisdom.
[from Latin *vision*].

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

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 Inspectorate of Constabulary (HMIC), Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI), Her Majesty's Inspectorate of Probation (HMI Probation) and Her Majesty's Inspectorate of Prisons (HMI Prisons). Our work in this area is commissioned by the Criminal Justice Chief Inspectors' Group (CJCIG), a group which brings together the heads of the five justice inspectorates to address cross-boundary issues affecting the organisations we inspect. 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 in conjunction with other Chief Inspectors.

¹ HMICA's Strategic Plan 2009-2012 is available at www.hmica.gov.uk

HMICA contributes directly towards the Government's Public Service Agreements (PSAs) and the Ministry of Justice's (MoJ's) Departmental Strategic Objectives (DSOs).

The Government's PSAs (2008-11) and the MoJ's DSOs

DSO 2	Delivering fair and simple routes to civil and family justice
DSO 3	Protecting the public and reducing reoffending
PSA 23	Making communities safer
PSA 24 & DSO 4	Deliver a more effective, transparent and responsive criminal justice system for victims and the public
Service Transformation Agreement	Establishing across the public sector a sustainable culture built upon an understanding of the needs and behaviours of citizens and businesses to create services that are: better for customers, better for staff and better for the taxpayer

We undertake a number of activities to fulfil our remit and deliver our vision, enabling us to contribute to improving outcomes for those who use justice services. The following section provides information on how we have done this.

Inspections 2008-09

HMCS Inspections

Inspection of aspects of court administration - Lincolnshire, Leicestershire & Rutland and Northamptonshire HMCS Area

Inspection of the administration of HMCS family court services - Surrey and Sussex Area

Inspection of Derbyshire and Nottinghamshire HMCS Area with focus on the administration and resulting of cases

Joint Inspections

Islands in the Stream - an inspection on work prior to sentence with offenders with mental health issues

Prolific and other Priority Offenders - a joint inspection of the PPO initiative

Victim and witness experiences in the criminal justice system

Scoping Studies

Criminal Case Management

Military Court Service

Post Inspection Reviews

HMICA thematic inspection of Youth Courts - implementation of the Youth Court Good Practice Guide 2001

Inspection of performance management within Her Majesty's Courts Service

Inspection of aspects of county court administration - Hampshire & Isle of Wight HMCS Area

A thematic review of quality of service provided by HMCS for jurors in the criminal courts

Inspection of internal communications within Her Majesty's Courts Service

2

HMICA - inspecting, in accordance with the Government's ten principles of public service inspection, to improve outcomes for service users

We have identified areas where there is a need to improve the service provided by inspected bodies and also made recommendations to address the issues. Our post inspection review process allows us to monitor actions and follow up progress in addressing our recommendations.

Improvement *n.*

1 the act or an instance of improving or being improved.

2 something that improves esp. an addition or alteration that adds value.

3 something that has been improved.

HMICA - Improving 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 the work of HMICA has been delivered in accordance with these principles and how we have contributed to improved outcomes for service users.

We

- pursue the purpose of improvement
- focus on outcomes and
- take a user perspective

Our inspection of the county courts in Lincolnshire, Leicestershire & Rutland and Northamptonshire HMCS Area was completed early in 2008-09. Inspectors visited during its first year of operation as an amalgamated Area and we were interested in the challenges faced, and the progress made by this large, diverse Area.

The focus of the inspection was on the following aspects:

- leadership
- proportionate and alternative dispute resolution
- administrative support systems and
- quality of service for court users.

We found that, although the Area's leadership was stretched by a range of factors during a challenging first year of operation, county court users in the Area were treated with courtesy by approachable and helpful front-line staff. We made a number of recommendations to help the Area, including that they should:

- deliver more effective strategic planning, communication, and implementation of national and regional strategic priorities for county courts
- improve performance management to monitor, analyse and improve performance and standards in all aspects of county court work and promote good practice
- improve aspects of customer service including equality and diversity, customer engagement and information, and health, safety and security.

We are looking forward to a continuing, constructive relationship with the Area as it takes forward its action plan to implement our recommendations and we recognise the continuing challenges it faces.

In the summer of 2008, we inspected the administration of family court services in HMCS Surrey and Sussex Area. Our inspection focused on the aspects that most significantly impact on the experience of family court users, in particular the quality and timeliness of information provided to them and the facilities available in courthouses.

We found that, while the Area's managers and staff were enthusiastic about family court work and made commendable efforts to provide a good service to court users, some aspects were unsatisfactory and of serious concern to us. For instance, we found:

- significant risks relating to health, safety and security (particularly in relation to custody areas)
- unsatisfactory administrative systems to ensure the provision of up-to-date, comprehensive, accurate and timely information, for instance court orders and court files, to court users and the judiciary.

In addition, we found that a number of key assessment, planning, communication and performance management processes were underdeveloped and yet to be co-ordinated across the Area.

We made recommendations to address each of these issues and were pleased to see that the Area reacted positively, taking immediate steps to improve the administration of its family court services.

2009 saw the launch of HMICA's new inspection methodology, with a pilot Area inspection in HMCS Derbyshire and Nottinghamshire. We used our new framework to assess how well the Area was performing in its administration of cases, and recording and dissemination of court decisions, across its three jurisdictions - criminal, civil and family. Ultimately, we were interested in the impact of this on the quality of services for court users.

We found the Area to be one that embraces a culture of improvement but does not have all the necessary systems in place to do this as proficiently as it could. We found excellent examples of innovative practice across the Area and a senior management team that works well together to circumvent significant staff shortages and maintain service delivery. However, we found serious and potentially dangerous gaps in the Area's governance systems and an unsatisfactory Area-wide performance management system and recommended that the Area address these.

We are confident that improvements in these crucial functions will bring substantial benefits to court users.

HMICA Operations Team



A joint inspection of how the criminal justice system, including the Crown Court and magistrates' courts, deals with offenders with mental health conditions was ongoing as this reporting year ended. The inspection was led by HMI Probation and involved Inspectors from HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate and ourselves.

This inspection focused on two main areas:

- the quality and effectiveness of information exchange between criminal justice agencies in dealing with mentally disordered offenders
- 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 identified a range of issues regarding the planning, provision and timeliness of relevant services concerning offenders with mental health problems. In particular, we found that delays were experienced by many courts in the provision of psychiatric reports, to inform sentencing and treatment options.

A joint inspection of the Prolific and other Priority Offender (PPO) initiative was also underway as this reporting year ended.

The PPO strategy was introduced in 2004 as a way of targeting the small number of offenders who are known to commit a disproportionate amount of crime. It placed responsibility on local Crime and Disorder Partnerships and Community Safety Partnerships to establish local schemes, primarily involving police and probation, to work with prolific and other priority offenders.

The implementation of the strategy was supported by the *National Premium Service Specification*, which was published in August 2005 and set out the minimum standards for working with PPOs. It established expectations that needed to be met by all the criminal justice agencies, including HMCS, covering the entire spectrum of the PPO's involvement with the criminal justice system.

Inspectors examined how well the *National Premium Service Specification* was being delivered and identified a number of deficiencies in its operation. They found that the specification required updating to take account of developments in the criminal justice system. The inspection also identified that PPO schemes were a cost-effective initiative targeting a group of offenders whose behaviour was very damaging to local communities.



Criminal Justice Joint Inspection logo

We joined colleagues from HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary to review Victim and Witness Experiences in the criminal justice system. Fieldwork was conducted in August and September 2008 across seven criminal justice areas: Cambridgeshire, London (Lambeth), Merseyside, North Wales, South Yorkshire, Staffordshire and the West Midlands.

During the inspection we examined police, CPS and Witness Care Unit files and made observations of the conduct of trials in magistrates' courts and the Crown Court. We also undertook interviews with victims and witnesses at court, after they had given their evidence, and interviews with relevant police, CPS and HMCS staff and key stakeholders including key national charities who support victims of crime.

The inspection found that the level of service provided to prosecution witnesses is significantly improving. The setting up of dedicated Witness Care Units staffed by the police and CPS have been central to this. The Units, together with the implementation of other initiatives to improve victim and witness care both within individual criminal justice agencies and jointly, have contributed to a significant shift in attitude. There is now a far greater awareness and appreciation of the need to consider and act on the needs of victims and witnesses by all agencies at each stage of the criminal justice process.

However, despite the focus given to victims and witnesses in recent years, the inspection found that there was still scope for improvement around:

- the victim personal statement scheme
- the understanding of special measures
- the extent of assessment of victim and witness needs at the charging stage
- Witness Care Unit organisation

- the thought given to the effect on witnesses when scheduling trials, particularly those involving vulnerable witnesses
- waiting times on the day at court
- witnesses feeling safe and free from intimidation at court
- local performance management and oversight by Local Criminal Justice Boards to ensure the improvement of development of local services provided to victims and witnesses and
- rationalising and consolidating the commitments in place for victim and witness care, at a national level.

Overall a great deal has been achieved, but there is still some way to go if victims and witnesses are really to feel they are placed at the heart of the system as the Government has pledged.

Separately to this inspection, we are very encouraged to learn that the HMCS Victim and Witness Unit are revisiting the report and post inspection review of our inspections which looked at the services provided for victims and witnesses. It will be looking at the suggestions made and areas for improvement highlighted in the report that did not amount to recommendations.

Post Inspection Review

HMICA's inspection methodology includes post inspection review. This process allows us to monitor actions and follow up progress of implementing inspection recommendations. Post inspection reviews take place during the 18 months following an inspection.

Our inspection of Youth Courts was carried out during September and October 2006 and we made five recommendations to Her Majesty's Courts Service:

- that HMCS ensures appropriate pre-court information, which sufficiently prepares young defendants and their parents/carers for an appearance at court, is available and effectively disseminated
- that HMCS works with other agencies to ensure that appropriate facilitation and adjustments are made to the court process for young people with learning difficulties by:
 - facilitating early identification in the court process of such young people and
 - making sure that court staff have the knowledge and understanding to respond appropriately
- that, for young people remanded or sentenced to local authority secure accommodation, HMCS clarify the responsibility for the young person whilst waiting for escort from the court, and ensure that its responsibilities are consistently met
- that HMCS ensures that all Youth Courts have effectively implemented the Mubarek Inquiry² recommendation about specific information being provided with the custody warrant to the Prisoner Escort Custody Service (PECS)
- that HMCS ensures all Youth Courts comply fully with the Safe and Secure policy.

After our inspection, a comprehensive action plan was developed by HMCS and considerable work has been carried out to implement our recommendations. We agreed to extend the post inspection review period to the end of May 2009 to allow HMCS to effectively bring

² The Mubarek Inquiry Report is available at www.zahidmubarekinquiry.org.uk

about changes that depended upon negotiation and liaison with other agencies involved in the process.

We are pleased with the approach HMCS has taken to the recommendations made in this inspection. Outcomes for the users of the Youth Court will be significantly improved as a result.

HMCS has successfully worked with other criminal justice agencies to develop a national leaflet that aims to prepare a young defendant for an effective court appearance. It uses simple and clear language and restricts the information to some key messages in order not to overload the young person with too much information.

In November 2008 the leaflet was launched, by Justice Minister David Hanson, at the Youth Justice Convention in Harrogate. HMCS had a stand at the convention promoting the leaflet and received much positive feedback from many stakeholders such as the police, magistrates, the Justices' Clerks Society, Youth Offending Teams (YOTS) and Ministers.

The leaflet has been distributed to the police, YOTs and courts (in Welsh where appropriate). It is intended that the leaflet be issued, to all young defendants aged ten to 17 years inclusive, by the police at the point of charge or summons. With such early guidance given to the young defendant, it is hoped that this will reduce adjournments and delays in the conclusion of the case.

The leaflet is currently being translated into several other languages namely Arabic, Bengali, Chinese (traditional and simplified), Gujarati, Polish, Punjabi and Somali. These will be placed on a designated website. A podcast of the leaflet has also been developed for those who have difficulty with reading, which will also be placed on the designated website.

The third report on arrangements to safeguard children was published in July 2008. The report, jointly published by the Chief Inspectors of OFSTED, The Healthcare Commission, The Commission for Social Care Inspection, HMIC, HMCPSI, HMI Prisons, HMI Probation and ourselves, drew on findings from the inspection of Youth Courts, particularly those in relation to the essential separation of youths from adults and the safety and security of vulnerable youths.

During the first half of 2007, HMICA undertook a thematic inspection of the effectiveness of performance management within HMCS. Our recommendations underlined the need for effective structures, systems, skills and governance for performance management, and of effective collaborative working and communications between strategic and operational areas. HMCS produced an action plan to address these recommendations.

We are pleased to note the positive developments achieved, to date, by HMCS in taking forward its action plan. Significant and valuable progress has been made on all four of our recommendations. The inspection has contributed, as a driving force for change, to HMCS efforts and initiatives in these areas.

We found that many positive and promising developments have been taken forward and are under way.

Significant progress by HMCS includes:

- developments relating to HMCS Board structure and governance for performance management
- developments under the Partnership Agreement with the judiciary and
- HMCS's energetic work in developing and progressively rolling out a unified data system, including more insightful and timely headline reports on performance from national to court level.

Our inspection of HMCS Hampshire & Isle of Wight Area in 2007, resulted in two recommendations - one about diverting disputes from the county courts through the use of mediation, the other about safety and security. With the appointment of an in-house small claims mediator, focusing just on the Area, the diversion of claims from the courts has been given higher priority. The Area has overhauled its health and safety regime and has taken a number of important steps to ensure greater safety for staff, including court bailiffs, and members of the public who use the courts. In the cells at Winchester Combined Court Centre, HMICA required certain long-planned improvements to be carried out. These have now been completed, improving security and reducing risks to prisoners and those who work in the cell areas of this major courthouse.

HM Inspectors



During 2006 we undertook a thematic inspection of the quality of service provided to jurors. We found that HMCS provided a satisfactory service, but this tended to be because of the efforts of local court staff, rather than being driven by central HMCS aims and objectives. There was a wide variation in the quality of facilities, ranging from good to inadequate and the information provided to jurors was inconsistent. HMCS could not be sure that the selection process for jurors was random, efficient or cost effective and HMCS did not rigorously enforce the public obligation to undertake jury service. We also found that the quality assurance of jurors' financial claims was inadequate and reimbursement was not always prompt.

Our recommendations addressed the need for HMCS to ensure the enforcement of the obligation to undertake jury service, ensure that the diverse needs of jurors were met, improve safety and security, reimburse juror expenses appropriately and address jurors' needs more strategically.

The post inspection review carried out this year concluded that HMCS had made good progress in the implementation of our five recommendations. A substantial number of the agreed remedial actions have been completed and it is clear that any outstanding work will be carried out to ensure the recommendations are met as fully as possible. The improvements are embodied in a new strategy 'Improving the Juror Experience' that recognises the importance of jurors in the criminal justice system. It also sets out a series of initiatives to improve the service to jurors, and the development of a Juror Charter, which sets out the minimum standards that should be expected at each stage of jury service.

A thematic inspection of internal communications within HMCS was carried out in November 2006. We found that although internal communications in HMCS were being increasingly evaluated to ensure that both messages and means of communication were effective, none of the wide variety of communication methods used were fully effective in delivering messages to all members of staff in a consistent and timely way. Although there were examples of good practice, staff with diverse needs - such as those on reduced hours or long-term sick leave - were not always well-catered for. We also found that HMCS could not assure itself that there were reliable procedures in place in all parts of the business to ensure that messages were targeted appropriately, or that messages were understood by recipients. Some, but not all, parts of HMCS communicated effectively with each other and while there were processes in place designed to ensure that multi-directional communication was possible, these had yet to become established and awareness of them was low. In addition, feedback from staff was not always used effectively to inform the business, and staff were often not told about how their feedback had been used.

The post inspection review found that HMCS had made good progress against the implementation of our four recommendations. The work done so far has included a 'communications toolkit', intranet redesign and team briefing implementation.

Post inspection follow up work was one aspect of the HMICA inspection process that was evaluated as a key strength during our Strategic Review. In order to ensure that it adds value and continuously fosters improvement, when HMICA makes any recommendation it works with the inspected body to monitor the action plan implementing the remedial work. This post inspection review process will continue to play an important part of future inspections.

- our work is proportionate to risk

Our report on the resulting and warrant withdrawal procedures used at Leeds Magistrates' Court, published in February 2008, identified serious weaknesses in the systems in place there. One example of how, following our recommendations for improvement, the criminal justice agencies have started to rectify these weaknesses was the reinstatement of a previously incorrectly withdrawn warrant. This action culminated in the arrest and subsequent conviction and imprisonment of an individual for a serious sexual offence. The monitoring of our recommendations for improvement have continued throughout this reporting year through our post inspection review process.

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 the 2009-10 programme of inspection, directing our resources to those areas of greater risk within HMCS and the wider justice system. HMICA is committed to the principles and application of risk management as an integral part of its work and as a central element of our Corporate Governance arrangements.



Lord Chancellor and Secretary of State for Justice, Jack Straw and HMICA Chief Inspector, Eddie Bloomfield

The inspection of Chesterfield Magistrates' Court was generated by concerns raised internally by HMCS and were communicated to HMICA as part of the Derbyshire and Nottinghamshire Area inspection. The issues related to the administration and resulting of cases and the accuracy of court registers, which will be of considerable concern to court users.

Inspectors found that administrative processes at the court did not ensure that cases were resulted in a timely or accurate manner and that there were insufficiently robust systems in place to make sure that this would happen. Staff were not sufficiently trained and updates of key information regarding the IT operating system (Libra) had not been provided to staff. Procedures to check that external IT systems had been accessed appropriately were also not followed, although it must be noted that there was no suggestion that any inappropriate access had taken place. We also found that there was no checking of legal advisers' work to ensure that they recorded magistrates' decisions clearly and accurately.

As with the main inspection of Derbyshire and Nottinghamshire HMCS Area, even during the inspection, the Area was trying to improve its systems, adopting processes, which had been identified as helpful to accuracy and efficiency by other HMCS Areas during other inspections.

The commitment of all of the staff to improving standards, once areas of concern had been identified, is to be commended.

A number of our inspections have raised continuing concerns about data inputting and validation processes, and the accuracy of court resulting, at a number of courts. We shall continue to monitor developments and to undertake work in this important area.

HMICA will continue to conduct inspections that are geographical in scope (looking, for example, at HMCS Areas) or thematic (looking at particular functions or processes on an organisation-wide basis). The focus of particular inspections will be risk-based and informed by issues of concern identified by Ministers, HMICA or the inspected body, or indeed areas of good practice that may require validation and dissemination.

HMICA Staff



We

- encourage self-assessment by managers
- use impartial evidence
- disclose the criteria used for judgement and
- are open about the processes involved

Arising out of the Strategic Review of HMICA operations, conducted in 2007-08, it was agreed to revise the HMICA methodology with the purpose of making it more focused, open and transparent and better able to provide assurance to the public, Ministers and inspected bodies. The methodology was designed to be generic so that it could be applied not just to HMCS but also other court services, such as the Military Court Service and the Court Service of Northern Ireland. For much of the year 2008-09 HMICA, in consultation with HMCS, developed a revised methodology to the stage where we were able to run two pilot inspections.

The methodology is centred on the new draft inspection framework. This framework is based on the European Foundation for Quality Management (EFQM) Excellence Model, adapted to the needs of court administration, drawing on the experience of the former Magistrates' Courts Service Inspectorate framework and those of other inspectorates.

It is divided into six themes (which are themselves sub-divided into standards with illustrative indicators of expected performance and outcomes):

- Leadership, strategy and planning
- People
- Management of Resources (including estates and IT)
- Key Business Processes
- Partners and Stakeholder Services
- Performance and Impact.

During the pilot period the draft framework is being tested out and it will be subject to full formal consultation after the pilots have been evaluated.

Throughout the process we have striven to be collaborative, seeking the comments of HMCS on the inspection process and asking for suggestions where it can be improved, for example to reduce the burden on the courts and offices being inspected. A central element of our revised methodology is a much greater focus than before on self-assessment undertaken by the inspected body at the beginning of the inspection. The self-assessment asks for an outcome-focused review of the organisation's performance, supported by relevant evidence. To do this the inspected body self-assesses whether it meets the framework standards consistently, often, sometimes or rarely.

This exercise requires the inspected body to reflect on its systems and processes, and the quality of the outcomes of those processes and the services provided for all users including other agencies, professional and individual users as well as society as a whole. The self-assessment becomes a key evidential component in the inspection. It is commented on as part of the inspection feedback to managers and in the inspection report to Ministers.

HMICA Senior Management Team



The heart of all HMICA inspections is the hypotheses forming process, which was validated, during our earlier Strategic Review, as a key strength of HMICA inspections. Evidence is gathered from the self-assessment, briefing papers, performance data, observations of courts and the key business processes. This is augmented by interviews with front-line staff, and the inspection team then formulates hypotheses according to the framework themes. These hypotheses about the inspected body are tested out in two main ways:

- by cross-checking and triangulating the evidence and
- by sharing the hypotheses with senior managers, who have an opportunity to influence the emerging inspection judgements.

This two-stage process - of hypotheses leading to judgements - ensures that inspection findings are:

- robust
- based on rigorously tested evidence
- communicated to the inspected body as early as possible so that judgements come as no surprise.

We

- have regard to value for money

A key theme of Government finance over the past five years is the drive to improve the efficiency of public services. This started with the Gershon Efficiency Programme³ in 2004 that set targets for each department to reduce headcount, save money and relocate staff. This was followed by the Comprehensive Spending Review 2007 (CSR07) Value for Money programme, which requires the Ministry of Justice to save £1bn by 2010-11. HMICA is now well placed to be able to deliver 'more for less' in the short and long term. To meet this challenge, we have made changes to the way we have deployed our resources, recruited our staff and commissioned services. As a result, we have been able to generate savings of approximately 7% against this year's budget.

HMICA's allocated budget is managed in accordance with MoJ financial regulations and monthly monitoring reports are considered at Senior Management Team meetings. Our budget for 2008-09 was £2m. The table below illustrates how the budget was expended.

HMICA budget outturn 2008-09		
Item	Expenditure (£)	Percentage of total expenditure
Paybill	1,459,000	81
Other administrative costs	130,000	7
Travel and subsistence	173,000	10
Design, printing and reprographics	44,000	2
TOTAL SPEND	1,806,000	100

³ Sir Peter Gershon's Independent Review of Public Sector Efficiency is available at www.hm-treasury.gov.uk

We

- continually learn from experience

In early 2009 we successfully concluded our internal Change Programme, which implemented the recommendations from our own internal Strategic Review. HMICA senior management commissioned the Strategic Review following a number of significant developments that affected the inspectorate, including the Government's decision in October 2006 not to merge the five justice inspectorates and our establishment of a largely new Senior Management Team during 2006-07.

The conclusion of the Change Programme is a key milestone in the organisation's development and is something we are proud of. The Change Programme has not only ensured that HMICA as an organisation, its methodology and its working practices are at the forefront of inspection practice, it has also better enabled the organisation to achieve its aims and objectives within its existing financial allocation. The changes we have made during the year have allowed us to develop and build on our existing services, and re-engineer our processes and structures to deliver 'more for less'.

A key success of our Change Programme has been to ensure that our staff have clarity over what they are expected to deliver, and how they will be supported to do so. We have achieved this by producing the HMICA Strategic Plan 2009-12. The plan is the result of a huge amount of work to provide vision, purpose and clarity to our staff and partners. For the first time, it sets out in one place our story, objectives and priorities for the next three years, and the way in which we will deliver them.

A further significant achievement includes the restructuring of the organisation in two phases, which will result in all HMICA support services being located in our Leeds office. Phase one, the movement of posts from our Bristol office is currently taking place and phase two, the movement of posts from the London office, will commence in December 2009. As we make these changes, we will see the organisation move towards a more streamlined operating model that exploits the similarities between our various operational functions, to organise ourselves for maximum efficiency. This will result in significant increases in business capacity and efficiency and in cost savings to the public as a result in the reduction of HMICA estates requirements.

We have also introduced new posts to support Communications and Knowledge Management. Knowledge Management is our new approach to capturing the essential knowledge and information needed by the inspectorate. The aim is to enable all members of HMICA to access, share and create knowledge in order for the organisation to have a thorough, detailed and continued understanding of the organisations that it inspects:

To achieve the objectives outlined above, HMICA has identified the following areas for development:

- expanding IT infrastructure
- developing knowledge networks
- supporting infrastructure - the people needed
- specific approaches - knowledge sharing tools.

We have worked closely with the MoJ in-house systems team to produce a powerful new *Key Evidence Gathering System (KEGS)* that will store and sort evidence for ongoing inspections, as well as allowing us to use evidence gathered over a period of time to inform future inspection activity. At the time of writing KEGS is in its pre-launch state, having undergone successful User Acceptance Testing. We are very excited about its potential contribution to our new inspection methodology and improved Knowledge Management within HMICA.

We are introducing liaison arrangements as an inspectorate activity. These arrangements will involve continuous and ongoing contact with all levels of HMCS, building better relationships between us. Inspection is a strong tool for assessing how well an inspected body is delivering a high quality service to its users, but will always reflect a specific period of time. Liaison contact, and particularly liaison visits, will allow for more regular, continuous and timely communication about matters of interest between the inspectorate and the inspected body. It will also lead to a better understanding of the structure of the inspected body and the dynamics of its internal governance, roles and responsibilities. The information gathered by our Inspectors will form part of the knowledge base of HMICA. This, in turn, will inform the inspectorate's processes for considering its programme of inspections.

As part of our activities regarding the inspection methodology, we have successfully developed a revised generic inspection framework. All HMICA inspections now use this framework, adapted as appropriate to the individual inspection.

The methodology and framework are supported by the development of an Inspection Delivery and Improvement Group, responsible for monitoring the evaluation and continuous improvement of both.

In addition to this work, HMICA shares its knowledge and experience with others to assist them in delivering their services. We aim to be a source of advice about good practice in inspection and court administration to any appropriate bodies.

We were pleased to be invited to provide a speaker at the HMCS Jury Management Conference held in October. We spoke to the audience of jury managers from across England & Wales about the findings of the 2006 inspection of the quality of service provided to jurors, the progress identified by the post inspection review and the challenge of maintaining quality of service under financial restrictions.

During this year we were invited to support the development of the justice system in Croatia. The approach was made by consultants, engaged by the British Foreign & Commonwealth Office, who had identified that we were a good source of expertise in this area. We were invited to provide advice to the Croatian Ministry of Justice on developing its current court inspection regime. In October we were pleased to host a visit by the President of the Croatian Supreme Court. Matters discussed included HMICA's remit and approach to working collaboratively with the judiciary.

HMICA subsequently provided copies of our developing inspection framework and other background material to the Croatian Inspectors.

Our support culminated in hosting a three-day study tour by a team of Croatian Ministry of Justice officials and Inspectors in March. During the tour several members of HMICA staff gave presentations about many aspects of our approach to inspection. These included our vision, remit and values, the work of HM Inspectors, operational support, reporting arrangements and joint inspection. We also accompanied the delegation on visits to two courthouses in London. Feedback from the tour was

very positive. Although the Croatian context is very different to England & Wales the delegation welcomed the wealth of information that had been provided to them. We are happy to provide further support as necessary and will watch developments in Croatia with interest.

We have also provided independent advice to Ministers and officials on operational court issues as they have arisen during the year. Such advice is based on inspection evidence and, in line with the ten principles of inspection, aims to improve outcomes for users of the court system.

We have continued our support for inspection of the justice system in Northern Ireland, on a non-statutory basis. We were represented at the Northern Ireland criminal justice inspectorate planning conference in Belfast and were pleased to offer advice to the Chief Inspector there about his proposed inspection of juror issues. This advice was based on our own inspection of quality of service for jurors. Towards the end of this business year we began planning a short post inspection review of the work of the coroners system in Northern Ireland.

During the year work has been ongoing to support the proposals for inspection contained in the Coroners & Justice Bill currently before Parliament. The Bill proposes a formal extension of our remit, giving HMICA powers to inspect the Coroners Service in England & Wales. We have also been invited to inspect the Military Court Service, initially on a non-statutory basis. We have conducted scoping work to inform our planning and to set the parameters within which the inspection will be conducted. The inspection is likely to take place at the start of 2010. Discussions have also taken place about whether HMICA could use its experience of the inspection of court administration to assist other parts of the MoJ. These discussions are at an early stage but underline our commitment to supporting improvements in services to users of all forms of court systems.

In the early part of 2008-09, HMICA carried out scoping work and planning for a joint inspection of Criminal Case Management in conjunction with colleagues from the criminal justice inspectorates. However, it was ultimately decided not to proceed with the inspection. Each inspectorate will continue to inspect the relevant responsibilities of the constituent agencies.

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 worked together and to deliver, where possible, shared services. This resulted in the implementation of the Shared Services Working Party. This group, which meets monthly and has a representative from each inspectorate, reports to the Criminal Justice Chief Inspectors' Group (CJCIG) on the delivery of these commitments. This year has seen the establishment of various sub-groups of the main working party to deliver improved ways of working and to share knowledge and services.

We are an independent inspectorate, sponsored by the MoJ who provide funding and some support services. We have been working with the Ministry to develop a framework document that sets out the governance arrangements between us. The purpose of the framework is to set out the nature of our relationship and how it will be managed. Discussions have taken place, in parallel with those between the MoJ and other justice inspectorates sponsored by the MoJ, to ensure a consistency of approach.

We continue to work closely with the judiciary. We have benefited from discussions, throughout the year, with the Senior Presiding Judge on strategic matters affecting the judiciary arising from inspections, and from the appointments of liaison judges for individual inspections.

Over the past year, we have been building on our relationships with HMCS, following the appointment of its new Chief Executive and the new HMCS Board. We meet with the Chief Executive on a regular basis and have held a preliminary meeting with the full Board.

These strategic relationships are critical to the effective discharge of our remit we are pleased to say that they are positive and constructive. We look forward to continuing and developing these relationships in the coming year.

3

Our organisation

Our inclusive approach allows all staff the opportunity to contribute to strategic and operational objectives, generates innovative ideas, improves productivity and increases commitment to the organisation and its work.

Involve *v.tr.*
1 cause (a person or thing) to participate or share the experience.
2 include or affect in its operation.

People, development and structure

HMICA is an open and inclusive organisation, where all staff have the opportunity to contribute to strategic and operational objectives. The implementation of our Change Programme and the development of our strategies have involved all members of staff. Our inclusive approach provides staff with the empowerment to contribute opinion and to shape the present and future of the organisation. It also provides our management teams with information to inform decisions and generates innovative ideas, improves productivity and increases commitment to the organisation and its work.

This year has seen the beginning of major changes to our staffing structure, initially with the appointment of a Head of Operations and, as we ended the year, we had started the process of recruitment for our newly structured and co-located Operations Teams. The new structure involves the implementation of three Operations Teams - Corporate, Communications & Knowledge Management and Inspection & Logistics - all of which will be located in Leeds, after the delivery of our phased approach to co-location. We have created a team of Inspectors to specifically deliver joint inspection work and are currently in the process of strengthening our resource with the appointment of three new Inspectors.

Currently we have 26 full-time members of staff and three part-time Inspectors. The full-time staff include the Chief Inspector and his personal assistant, two Deputy Chief Inspectors, an acting Assistant Chief Inspector, the Head of Operations, ten Inspectors and ten members of the Operations Teams.

HMICA is committed to training and development. This year we began to develop a new modular approach to induction training, which will be rolled out in the coming year, and we currently have a number of staff undertaking professional qualifications.



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. Eddie is married with four children and lives in Colchester. His interests are mainly sports, particularly football, and he coaches a youth side. In January 2008, Eddie was re-appointed Chief Inspector for a further three years.



David Abbott (Deputy Chief Inspector)

Following 15 years working in the voluntary sector, David joined HM Magistrates' Courts Service Inspectorate (MCSI) as HM Inspector in 1999, transferring to HMICA in April 2005. Following a period as HM Inspector/Change Manager he was appointed as HM Assistant Chief Inspector in January 2007 and Deputy Chief Inspector in March 2008.



Andy Allan (Deputy Chief Inspector)

Andy joined MCSI in 2000 as HM Inspector after 25 years as a Customs Officer, the latter part of which was focussed on change management and business improvement. Within MCSI and later HMICA, Andy inspected both the courts and the Children and Family Court Advisory and Support Service (CAFCASS). Following a period as project manager for 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 (acting 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 is currently acting Assistant Chief Inspector.



4

Her Majesty's Courts Service

HMICA has a duty 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)

Court *n.* (in full court of law)
a body of persons presided over
by a judge, judges, or a magistrate,
and acting as a tribunal in civil and
criminal cases.

About Her Majesty's Courts Service⁴

HMCS's Aim: "All citizens according to their differing needs are entitled to timely access to justice, whether as victims of crime, defendants accused of crimes, consumers in debt, children at risk of harm, or business people involved in commercial disputes."

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.

A significant development during 2008-09 was the implementation of a new framework for the governance and leadership of HMCS that reflects the partnership between the Lord Chancellor and the Lord Chief Justice. This reinforced structurally the spirit and principle of partnership that already existed. Full details are set out in Her Majesty's Courts Service Framework Document effective from 1 April 2008.

HMCS is organised into six regions and Wales, and has 25 Areas, together with the Royal Courts of Justice group whose role includes the administration of the Court of Appeal, High Court and Probate Service. Each of the 25 Areas is headed by an Area Director who, working with the Regional Director, is responsible for delivery of court services in their Area. Under the Courts Act 2003, Courts Boards were established to work in partnership with HMCS to give advice and make constructive recommendations about the administrative services provided by HMCS.

HMCS has a key role in delivering three of MoJ's departmental strategic objectives:

- delivering fair and simple routes to civil and family justice
- protect the public and reduce reoffending
- ensure a more effective, transparent and responsive criminal justice system for victims and the public.

⁴ This text has been provided by HMCS Communications Directorate.

5

Looking ahead

In keeping with the Government's ten principles of public service inspection, thematic inspections will be informed by our other work, to draw together findings on a specific theme, so reducing the impact on the inspected body and making better use of our resources.

Programme *n.*

1 a planned series of events.

2 a set of related measures or activities with a long-term aim.

v.tr. **1** arrange according to plan or schedule.

Development of our programme of work for 2009-10

Our programme of work for 2009-10 will largely be driven by our risk assessment process. Inspections of HMCS will be either Area based or thematic in nature, depending on the nature or extent of the risk. Area inspections will generally look across some or all of the main work streams: criminal, civil and family, but with a specific focus such as case administration, again depending on the nature of the risk. Thematic inspections will allow us to examine a theme in depth at an organisational level, including the relevant policy and strategic issues and decisions.

In keeping with the Government's ten principles of inspection, some thematic inspections will use the findings of other inspections to draw together findings on a specific theme, so reducing the impact on the inspected body and making better use of our resources. Such an approach will reduce the level of field activity and allow matters reported at an Area level to be reviewed at a strategic and policy level.

Next year's programme will also include our first inspection of the Military Court Service at the request of the Ministry of Defence. Work has gone on throughout 2008-09 to prepare for the inspection, which will take place towards the end of the coming year.



Penny Rickards - Annual Report Editor

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