



Ministry
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Sir Brian Leveson
President of the Queen's Bench Division
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11 March 2015

Dear Brian,

GOVERNMENT RESPONSE TO REVIEW OF EFFICIENCY IN CRIMINAL PROCEEDINGS

I would like to thank you and all those who contributed to the Review of Efficiency in Criminal Proceedings for producing such a detailed and valuable report. As you reflect in the review, significant progress has been made towards improving efficiency but there is much still to be done. On behalf of the Government and the criminal justice system (CJS), I welcome your recommendations and accept them all in principle as they will lead to more efficient criminal courts and a better service for victims, witnesses and other court users.

I am keen to make rapid progress on those recommendations which can be delivered quickly, and have already taken these forward. Your report highlights the importance of cross-agency working to 'get things right first time', and the important principles of early engagement and case ownership. I agree that these are essential to make proceedings more efficient. The Police and the Crown Prosecution Service (CPS) are involved in discussions about how to make this a reality, building on Transforming Summary Justice which you rightly identify as a valuable foundation for many of the reforms necessary to transform the CJS. We will also be taking forward discussions with independent defence lawyers.

In line with your recommendations, the Legal Aid Agency (LAA) is working with the CPS and the judiciary on improved liaison, looking particularly at your important recommendation that the LAA be able to share details of defence representatives. I am progressing your recommendation concerning 'instructed advocates' – to ensure that the advocate who conducts the main hearing is the one that should receive the fee. I consider it fair that the advocate who undertakes the bulk of the work on a case should be the one who receives the fee, and I agree with you that this change should help to make case ownership work in practice. My officials have discussed this change with the professional representative bodies, and I intend to lay the necessary statutory instrument before Parliament dissolves.

I am taking forward the recommendations to ensure that cases are retained in the magistrates' courts whenever appropriate. Magistrates are best placed to deal

with the vast majority of cases that come before the criminal courts and I am keen that they feel empowered to ensure that cases are not sent to the Crown Court unless clearly necessary. I have now written, as you have suggested, to the Sentencing Council formally to request that they amend the Allocation Guideline in order to encourage the retention of cases.

In response to your recommendation to enable better use of court time, Her Majesty's Courts and Tribunals Service (HMCTS) are taking forward discussions with the judiciary and practitioners at a local level to test whether it would be possible to list cases together when solicitors' firms or set of barristers have a number of cases listed in the same court on a particular day. This brigading of cases would benefit both the defence and the CPS. To reduce wasted court time, officials in the National Offender Management Service (NOMS) and HMCTS are taking forward discussions with local judiciary to share best practice and adapting existing arrangements to maximise the use of Crown Court time by ensuring prisoners arrive in court on time.

Some of your recommendations require underlying structural and IT changes, building on the IT programmes such as the CJS Efficiency Programme and the CJS Common Platform Programme that this Government has invested in. The CJS Efficiency Programme is a national level programme set up to drive the transition to digital ways of working and in particular to deliver the 'digital courtroom'. The programme has now firmly moved into delivery phase; by January 2015 four of the five projects within the programme had begun rollout with the final Crown Court workstream due to begin testing in the summer. The programme is due to have completed all its activity by July 2016. The CJS Common Platform Programme will build on this to transform the way the CJS works by creating a single criminal case management system for the Crown Prosecution Service (CPS) and the courts, replacing outdated legacy systems. This will enable a huge step forward in the progression of criminal proceedings. It will act as a 'central hub' that will enable all users to share information and benefit from interacting with it. By doing so, they will adapt and use common standards, driving out inefficiency, delay and duplication, creating accessibility and transparency of information at the right time and place.

More efficient criminal proceedings will benefit victims and witnesses, all those working in the CJS, and will reduce the cost of the system. Implementing your recommendations will require all those working within the CJS to work together to ensure that improvements are made. I am keen to involve the defence community in these discussions, particularly to consider those recommendations which touch upon changes to the Legal Aid system. The judiciary will be crucial to this process and I know that you will be working across the judiciary to deliver the recommendations that are directed to the judiciary and Judicial College. I look forward to working with you, other members of the senior judiciary and leaders across the CJS to drive forward improvements and realise the recommendations in your report.



CHRIS GRAYLING