JUDICIARY OF
ENGLAND AND WALES

The BETTER CASE MANAGEMENT (BCM) Handbook

8 January 2018

The BCM Handbook

CONTENTS

Foreword

This is a guide developed by judges for all those who sit and work in the Crown Court. It is a reminder of the principles of Better Case Management which remain as relevant today as they were when introduced in January 2016. In the midst of change, we should not lose sight of what we were trying to achieve by introducing BCM; business goes on as usual and we need to maintain our focus on ensuring that justice is open, fair and timely. We can achieve that by using national procedures and encouraging robust, consistent case management across all courts.

For that reason, it is time to reiterate the principles and think about what we have learned in the last two years and to share what we have learned with each other.

I am grateful for the time given to this by the small group of judges who form the Judicial Performance Group.

Lady Justice Macur
Senior Presiding Judge of England and Wales

8th January 2018

GUIDANCE OF THE SENIOR PRESIDING JUDGE

1. Better Case Management – Overarching Principles

Better Case Management (BCM) links key initiatives, which together should improve the way cases are processed through the system, for the benefit of all concerned within the criminal justice system (CJS).

BCM forms part of the implementation of Sir Brian Leveson's report 'Review of Efficiency in Criminal Proceedings'; indeed, it is based on the overarching principles or themes of the Review:

- Getting it Right First Time
- Case Ownership
- Duty of Direct Engagement
- Consistent judicial case management

BCM requires a change in culture and working practices.

Why the Change?

BCM with the Plea and Trial Preparation Hearing (PTPH) and related procedures provide a single national process to be used in all Crown Courts. It builds on the Transforming Summary Justice initiative in the Magistrates' Courts and upon the Early Guilty Plea scheme.

The vast majority of cases do not go to trial but result in guilty pleas. Where there is to be a guilty plea it should be entered sooner rather than later. First, and most important, this is in the interests of victims of crime and witnesses. But it also assists the court in the objective of only listing effective cases, and it will help reduce the unnecessary burden that is otherwise imposed on the police, the prosecution and the defence when cases are prepared for trial that result in a guilty plea.

For cases that go to trial it has been decided as a matter of principle that there must be a uniform, national scheme. It is accepted that in the past individual courts developed systems that have, for them, worked well. However, the use of a single national process using forms with standard directions will greatly assist both prosecution and defence in developing systems to respond to them. This is why local forms and protocols can no longer continue to be used. This common approach does not, of course, preclude the exercise of judicial discretion in individual cases.

The use of a single national process with largely standard directions is essential to the future development of systems for the court, prosecution and defence that work one with another. This single national approach is embodied in the Criminal Procedure Rules and Criminal Practice Directions.

The key principles of BCM are:

- A single national process
- Getting it right first time
- Identifiable person responsible for the case
- Serving material on a proportionate basis
- Duty of direct engagement and participation from every participant
- The earlier resolution of pleas and the identification of the issues in the case
- Reduced number of hearings

- Effective hearings
- Consistent and robust judicial case management
- Compliance with the Criminal Procedure Rules; Criminal Practice Direction and Court Orders
- Digital working.

2. A Guide to Better Case Management

Duty of direct engagement and case ownership

Proactive communication and engagement between all parties is the key to the success of BCM. The CrimPR 3.3 requires parties to engage with each other about the issues in the case from the earliest opportunity and throughout the proceedings. At the beginning of the case each party must nominate someone responsible for progressing that case and tell other parties and the court who that is and how to contact that person. It is imperative that both the prosecution and defence nominate a named decision maker who will communicate – whether by telephone, e-mail, video link, or face-to-face – from the start to the conclusion of the case. That person must be someone who is able to make decisions in the case and someone who can easily be contacted. The provision of contact information is vital to allow proper communication between participants. Individual names are required and parties must ensure effective cover for sickness or absence but larger organisations will provide generic email addresses that are well monitored in preference to individual emails which may not be.

The parties are required to establish whether the defendant is likely to plead guilty or not guilty; what is agreed and what is likely to be disputed; what information, or other material, is required by one party or another and why; and what is to be done, by whom and when. The parties are required to report on that communication to the court at the first hearing and then thereafter as directed by the court. Thus when a case is to be sent to the Crown Court, the Magistrates should expect the parties to provide information on any relevant communications between them in accordance with the duty of engagement.

Well-constructed and timely initial details of the prosecution case (IDPC) affords defence representatives the best chance of providing comprehensive advice to the accused, thereby avoiding unnecessary adjournments and transitory not guilty pleas which later result in cracked trials. Early direct engagement, if possible before the first hearing, offers the defence an excellent opportunity to set out for the CPS any suggested deficiencies with the IDPC and any concerns regarding the quality, sufficiency and reliability of the MG5 case summary.

3. The Plea and Trial Preparation Hearing (PTPH)

3.1 Ensuring PTPHs are effective

One of the important aims of BCM is to ensure that the PTPH is effective, either through a guilty plea with sentence being passed on the day or by the judge making appropriate orders to progress the case in a way that minimises the need for further hearings and ensures an effective trial in the case of a not guilty plea. The PTPH will be effective if all parties have complied with the Criminal Procedure Rules and the Criminal Practice Direction, as well as the BCM principles of case ownership and responsibility, and direct engagement. The prosecution and defence advocates must attend fully prepared to ensure the PTPH is effective and the parties' section of the PTPH form must be completed in a detailed and accurate manner before the hearing.

The judge should actively and robustly manage each and every case, identifying guilty pleas (where that is the true position) or establishing the extant trial issues. The judge will need to be familiar with the case in order to explore the issues. In the course of the hearing judges should ensure that communications between the parties are effective.

Effective management will be achieved when:

- In the case of not guilty pleas, the judge makes full enquiries about the case and sets appropriate, realistic and bespoke directions; explores the issues so that uncontested evidence can be summarised and agreed; considers witness requirements to avoid the unnecessary attendance of witnesses and to reduce the length of the trial. This should have the consequential benefit of freeing up earlier trial dates to everyone's benefit
- In the case of a guilty plea, the judge sentences the defendant without unnecessary adjournments by making use, where required, of a PSR previously ordered or by way of a stand down or oral report provided on the day.

The PTPH form provides a framework for the hearing.

3.2 Conduct of PTPHs

Wherever possible, PTPHs should be conducted by CJs and the workload spread across all judges in the court. This has benefits in that BCM/DCS generate electronic applications which can be referred subsequently to the judge who conducted the PTPH, sharing the workload.

The use of Recorders to conduct PTPHs should be confined to circumstances where it is unavoidable. In every case, the RJ's approval should be obtained first. Recorders should only be used for this purpose where they are experienced criminal practitioners, known to the court and experienced in using the DCS. It is preferable to restrict PTPHs allocated to Recorders to those which are unlikely to need a higher level of ongoing case management.

3.3 Timing of the PTPH

The PTPH will generally take place 28 days after sending unless, in individual cases, the Resident Judge orders otherwise.

The Case Management Practice Direction provides that the PTPH "must be held within 28 days of sending". This has been amended to provide that PTPHs may be listed on a day exceeding 28 days, so long as the day is not more than 35 days from sending. Such arrangements must be consistent across the circuit and may only occur if it is necessary in order to:

- Take into account Saturdays, bank holidays and court closure days. In those circumstances cases should be adjourned beyond 28 days as opposed to being listed earlier than 28 days. This will give the prosecution maximum opportunity to ensure the case is properly prepared and the PTPH effective
- Accommodate smaller courts by allowing them to group their newly sent cases into hearings on only one or two days per week
- Accommodate the listing patterns of larger court centres where the volume of sent cases are better handled if they can list a similar number of cases per day across the week
- Enable the trial advocate to attend the PTPH or resolve legal aid issues.

There is no provision within the Rules for PTPHs to be adjourned beyond 35 days from sending. Circuits should have a consistent practice for dealing with such requests. The PTPH should not, for example, be

adjourned for legal aid reasons or for service of medical or other evidence. Such requests should be refused and the case listed for PTPH so that proper directions and a trial timetable can be set to at least Stage 2 with, where necessary, a FCMH date. The defendant does not have to be arraigned at the PTPH if, for example, fitness to plead is the issue. The PTPH should go ahead with arraignment later. PTPHs should not be 'listed and adjourned'.

In all but the most complex cases and in those where the mental health of the defendant may be an issue, the information available prior to the PTPH should be sufficient to enable the court to case manage effectively without the need for a FCMH before trial.

3.4 Listing

Judges are to be afforded sufficient court time to conduct effective PTPHs. These need to be more focused and interrogative than the old Preliminary Hearings. Experience has shown that, on average, an effective PTPH takes at least 20 minutes; some necessarily take longer if the judge proceeds to sentence or there are difficult or complex trial issues to resolve.

Where excessive numbers of PTPHs are listed in one courtroom (say, 20), this does not give either the judge or the parties sufficient time under BCM to identify and discuss the issues, and to undertake active case progression. This practice should cease. It is recommended that no more than 12 PTPHs are listed in a court in any one day. Consideration should be given by Listing Officers to listing fewer cases where GPs have been indicated and are likely to result in sentences being passed on the day.

Courts should therefore take steps to regulate the number of PTPHs sent for hearing on any one day by setting an appropriate limit. The court should be prepared to offer another day when there is an overspill and/or move cases administratively within the 28-35 day limit if necessary to make lists manageable.

To help manage the volume of PTPHs within maximum limits it is open to courts to invite Magistrates to use the court's on-line diary (where available) to slot in PTPHs as appropriate. Courts may also choose to list custody (PVL) cases on one day and bail cases on another. Alternatively they may opt to cap the number of PTPHs sent per day according to whether they are NGAP or GAP hearings.

Only a few courts have a dedicated PTPH court. Most courts do not have a dedicated PTPH court and will share the list across courts with other short work to follow to fill the court day. This practice should not be at the expense of conducting PTPHs effectively.

3.5 What the Prosecution will serve prior to the PTPH

An effective PTPH depends on:

- The preferring (uploading) no less than seven days prior to the PTPH of a draft indictment
- Service prior to the hearing of the principal parts of the prosecution case then available. Details of what is expected are set out in CrimPD 3A.12 and 3A.20. A breakdown of this appears in the PTPH form so that compliance can be monitored. The summary required will, in police cases, usually be the MG5. The timing for the prosecution material to be served is:
    - If the defendant is on bail – by the sending hearing in the Magistrates' Court
    - If the defendant is in custody – no less than seven days before the PTPH.

Where important evidence cannot be uploaded to the Digital Case System (DCS) – for instance video or audio material - the parties must make special efforts to ensure that it is served and considered prior to the PTPH. Many courts now insist that all relevant CCTV material is present at court (held in the CPS office) so it

can be viewed by the court if necessary. In many areas police Body Worn Video (BWV) can now be accessed via links uploaded to the DCS.

There may be good reasons why the prosecution has not served all the materials listed prior to the PTPH but the court will usually expect to proceed with the hearing rather than adjourn it.

3.6 Guilty pleas: prior to sending

The new Definitive Guideline on "Reduction in Sentence for a Guilty Plea" applies to all adult offenders where the first hearing was held on or after 1st June 2017. It is essential that the Magistrates' Court makes an accurate record of whether the defendant pleaded guilty, indicated a guilty plea, or declined to indicate a plea (in relation to each offence charged) at the first hearing in the Magistrates' Court. That information must be included in the documentation (the BCM form) sent to the Crown Court. The basis of any plea (which does not bind the sentencing judge), if not agreed at the Magistrates' Court hearing, should be sent as soon as possible to the Crown Court for consideration in advance of the sentence hearing.

If a guilty plea is entered or indicated prior to the case being sent to the Crown Court, the magistrates will consider whether a PSR is necessary (CrimPD 3A.8) and will request the preparation of a PSR only if satisfied that (CrimPD 3A.9):

- there is a realistic alternative to a custodial sentence or
- the defendant may satisfy the criteria for classification as a dangerous offender or
- there is some other appropriate reason for doing so

In taking the above into account, magistrates are expected to be mindful of the Crown Court sentencing guidelines such as those for Ss 2, 3 and 4 of the Sexual Offences Act which state that "where there is a sufficient prospect of rehabilitation, a community order with a sex offender treatment programme…can be a proper alternative to a short or moderate length custodial sentence". When in doubt as to whether the case requires a PSR, the justices should decline to order the report and direct the defence practitioner to make an application to the Crown Court, setting out the reason why the defence consider one to be necessary. The application will be considered administratively by the Crown Court judge who will direct the preparation of a PSR if he/she thinks it appropriate to do so. There is a balance to be struck between ensuring PSRs are not ordered unnecessarily and ensuring that sentencing is not delayed due to the lack of a PSR. It is good practice for courts to take note of cases where a PSR was not considered appropriate by magistrates but was subsequently considered appropriate by the Crown Court judge and vice versa so that these may be used to help courts achieve the correct balance.

To ensure sentence can take place at the PTPH, magistrates should also remind the parties of the following:

- Where appropriate, the need for a Victim Personal Statement, or updated Victim Personal statement
- Where appropriate, the need for the parties to consider pre-sentence Restorative Justice.

3.7 Change of Plea between Sending and PTPH

Where a defendant indicates an intention to plead guilty to his representative after being sent for trial but before the PTPH, the defence representative will notify the Crown Court and the prosecution forthwith. The court will ensure there is sufficient time at the PTPH for sentence and a judge should request the preparation of a pre-sentence report only in the circumstances described in 3.6 above (Crim PD 3A.17).

If, after sending, the defendant decides to plead guilty, the defence should not wait for the PTPH but instead inform the court and, if so advised, apply for the preparation of a pre-sentence report and, if appropriate, a Drugs or Drink assessment report or suitability for participation in a SO programme. In each case reasons

why a report is justified are required. A judge will consider the request administratively and may adjourn the case for a Plea and Sentence hearing on a date by which any report(s) will be available.

3.8 Guilty Plea at PTPH

In accordance with CrimPR 25.16(7)(9a), if a guilty plea is entered the court must pass sentence at the earliest opportunity. It follows therefore that if a guilty plea is entered at PTPH, the judge should seek to sentence the defendant without unnecessary adjournments by making use of oral reports from Probation Officers or stand down pre-sentence reports, if appropriate.

Section 156(4) of the CJA gives judges discretion to dispose of the requirement for a PSR if it is the opinion of the court that "it is unnecessary to obtain a pre-sentence report". The judge's discretion is circumscribed where the defendant is aged under 18 unless there exists a previous pre-sentence report and the court has regard to the information therein. Sentencing should not be delayed so that a PSR can be obtained in cases where a PSR is not required or where an oral PSR would suffice.

Whenever possible, therefore, sentence should take place on the day. In some cases this may require either putting the case back to later in the day or transferring the case to another judge whose list has finished or whose trial has cracked to give time for consideration of the basis of plea or to consult interested parties or put together any mitigation.

3.9 Not Guilty Pleas

If a not guilty plea is entered at the PTPH, case management should then take place in preparation for trial in accordance with CrimPR 3.2. Experience has shown that time spent identifying the real issues in the case is worthwhile. Parties are expected to identify the issues in very broad terms at the magistrates' sending hearings and rather more information is to be expected by the time the PTPH form is completed. The judge, who must be familiar with the case, should make full enquiries to identify the real issues so that appropriate, realistic and, if necessary, bespoke directions can be made, uncontested evidence can be summarised and agreed, and realistic witness requirements recorded to avoid the unnecessary attendance of witnesses and to reduce the length of trial. This should have the consequential benefit of freeing up earlier trial dates to everyone's benefit. At an effective PTPH the defendant will be arraigned unless there is good reason not to.

A Further Case Management Hearing (FCMH) will only be directed in identified complex cases or if a judge decides that the interests of justice require a further hearing. **Otherwise, the next appearance in court should be for trial.**

In the event of a not guilty plea the court will:

- set the trial date
- identify, so far as can be determined at that stage, the issues for trial
- consider with the parties the witness requirements that can be determined at that stage
- provide a timetable for the necessary pre-trial preparation and give appropriate directions for an effective trial
- make provision for any FCMH that is required to take place at the time when it can be of maximum effectiveness

Engagement between the parties and with the court should ensure that these elements can be achieved.

Where it is not possible to arraign the defendant, for example, because an abuse of process or a fitness to plead issue or a possible dismissal application is anticipated, the best way forward is to give full PTPH directions towards a trial but to make provision for a FCMH at around the time of Stage 2 to resolve these issues. A similar approach may also be appropriate to resolve issues of joinder or severance. **It is not appropriate simply to postpone giving PTPH directions pending the outcome of such matters.**

3.10 The PTPH form

The PTPH form[1] is a tool for making and recording clear and consistent orders and is the primary record of orders made so that there is no room for error or dispute. The form is intended to:

- gather necessary information from the parties
- monitor the extent to which the prosecution provides information prior to the PTPH
- obtain a clear, early indication of the prosecution witnesses likely to be required for trial
- allow the court to make, record and distribute clear orders timetabling the preparation of the case for trial. This is particularly important as it will address the need for those who have to act upon the orders to know exactly what the judge ordered
- allow the court to provide for any further hearings at a time when they are going to be necessary and most useful.

The form includes standard directions. These have been approved by the Lord Chief Justice and will apply unless the court expressly orders otherwise. Judges are encouraged to make standard orders within a single national process. However, in individual cases judges may revise the standard directions or make other bespoke orders where necessary as long as they are made within the PTPH structure. The response of the CPS, Investigators and Defence has been extremely positive and it is clear that time spent in court ensuing clear and accurately recorded orders is of immense value in securing accurate and timely compliance.

The form retains a fair amount of explanatory wording. It is read and used by a range of people from experienced judges and advocates to clerical staff who may have limited knowledge of rules and procedures.

3.11 Completion of the PTPH form

The online PTPH form must be used for all CPS prosecutions. For DCS cases, clicking on the green menu will bring up the online PTPH form. The online form has the same information as the "paper" form but is formatted differently to assist with online completion.

The prosecutor will populate the prosecution information 7 days before the hearing. For the CPS this currently involves completing the PTPH form in the CPS computer and uploading it into the PTPH section on DCS at which point the green PTPH button will become functional. This transfer of information will insert the names of the prosecution witnesses into the witness list in the parties' section and the judge's section. In a multi-defendant case the form will be tailored to the number of defendants.

Each defence representative should complete their information by two days before the hearing although changes can be made up to and during the hearing. Once information is entered the party should click on the SAVE button.

The completion of the Orders section of the PTPH form is the judge's responsibility. The "date facility" must be used to record a stage completion date. Otherwise, the date will not be saved. It is not acceptable to leave this to court staff (or the parties). This may mean that there are stages during a PTPH or other management hearing when the court is silent whilst the judge works on the form. That is inevitable and perfectly consistent with the dignity of the court. Time spent ensuring a clear set of case management orders at PTPH should allow the case to proceed to trial without the need for additional hearings.

[1] "Word" versions of all crime forms are available on the Ministry of Justice forms page https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015.

The orders in the PTPH form are grouped according to the 4 PTPH stages. It is not necessary for the judge to put in a date for each of the staged orders individually. Inserting a single date for Stage 1, for example, applies to all the Stage 1 orders unless otherwise provided. It assists the parties if orders that can definitely be ruled out at PTPH are marked as such. This is because the CPS will track all directions in this section unless otherwise indicated.

Once the Orders section, including the stage dates, are completed, the judge must, at the end of the hearing:

- Click on SAVE to save the entries made to the PTPH form (the SAVE button can be clicked at anytime to save entries as you go) AND
- Click on PDF – update case sections – OK. This has the effect of splitting the form so that the parties' information goes to the PTPH section of the DCS and the judge's orders will be viewable in the Judges' Orders section on DCS. This should only be done once at the end of the hearing as each time it is done a repeated version of the form will appear in the two sections.

At that stage, the form – with its orders - will be fixed as that represents the orders made by the court at that hearing.

NOTE: if a party wants a PDF version of the form they may click on PDF and then select "download pdf" and "OK". Parties MUST not select "update case sections" and OK as that is the process by which the judge alone creates a split order into the judge's orders section after conclusion of the PTPH.

3.12 The four stages

The setting of a multiplicity of dates is recognised as the enemy of compliance and therefore the draft orders set out in the PTPH form have been grouped into four stages. It is important to recognise that the making of such orders at PTPH deliberately overrides time limits that would otherwise have applied from the CrimPR.

In most cases the court will be able to set just four dates for the parties to complete their pre-trial preparation but where necessary individual dates can be set.

The four stages are:

- **Stage 1** – for the service of the bulk of prosecution materials. This date will ordinarily be 50 days (custody cases) or 70 days (bail cases) after sending. This is in line with the timetable for the service of the prosecution case provided in the Crime and Disorder Act (Service of Prosecution Evidence) Regulations 2005. The court does not have power to abridge this time (without consent) but does have power to extend it
- **Stage 2** – for the service of the defence response including the Defence Statement and Standard Witness Table. This date will ordinarily be 28 days after Stage 1 reflecting the time provided for the service of a Defence Statement
- **Stage 3** – for the prosecution response to the Defence Statement and other defence items. This date will ordinarily be 14 or 28 days after Stage 2 depending on the anticipated date of trial
- **Stage 4** - for the defence to provide final materials or make applications that will commonly arise out of prosecution disclosure.

3.12.1 Importance of setting and monitoring Stage dates

It is important to set the Stage 1 date so that parties know what must be served and when in order to avoid the case being delayed. It is particularly helpful if the judge marks N/A on the form against those elements which are not needed (or inserts an alternative date where one is being set for a particular element). This

helps the court and parties to focus on what is actually needed and aids compliance. It is expected that the parties will monitor this stage themselves without the need for the court to intervene.

Setting and monitoring the Stage 2 date is critical. This is the stage where there is more likelihood of slippage leading to trial delays or an opportunity for an EGP. Lack of a Defence Statement may mean a possible guilty plea or it can indicate issues which need to be addressed. At this stage, any requests for disclosure should be made and the witness requirements should be firmed up and provided on the Standard Witness Table. This is key to reducing the number of ineffective trials arising, for example, from witness unavailability.

It is important to set both Stage 3 and 4 dates, particularly for class 1 and other complex cases to clarify when the Crown should respond on further disclosure and have a date by which the defence must register any complaint. The stage dates should provide the timetable for resolving disclosure issues and contingent orders and ensure that any disclosure or other issues are resolved prior to the trial date.

Certificates of Readiness also play an important part in ensuring issues are identified and resolved prior to the trial date. See section 3.14 below.

3.13 Witness Requirements and Standard Witness Tables

Crim PD 3A.20 sets out that at the PTPH the prosecutor must provide details of the availability of likely prosecution witnesses so that a trial date can immediately be arranged if the defendant pleads not guilty.

Experience has shown that time spent sorting out the real witness requirements at PTPH is well worth while. It avoids a host of witnesses being warned when their evidence is not really in dispute and means that the witness warning teams can concentrate on those whose attendance is really necessary. It will not normally be acceptable for the defence to say “all witnesses at this stage”. In most cases, it is possible for the defence to provide details of witness requirements at the PTPH. At this stage, parties should focus on witness requirements by providing details on the PTPH form.

The online form prompts and facilitates the examination of witness requirements with tables in the parties’ section and in the judge’s section.

The table in the parties’ section will be pre-populated with the names of prosecution witnesses. Each defendant will have to indicate those witnesses who are required to attend for cross examination (in which case an indication of the relevant disputed issue should be provided with time estimates where possible).

The court will complete a parallel table in the second section. This will already have been pre-populated with the same list of witnesses as in the parties’ section and the court can then confirm which witnesses are to be warned for trial. On the same table the court can conveniently make specific orders for individual witnesses where these can be made without further formality. There will be considerable savings of resources for all parties if non-contentious orders, such as some special measures orders, are made at the PTPH without further formality. The court should also consider whether it would be appropriate for certain witnesses such as police officers or experts to give evidence over a live link (if available) rather than in person. Thus a court might make a special measures order by inserting SMEAS and providing details of the type – eg ABE and screens. Other orders that might be made are for the use of satellite links, UK remote links or for witness summonses.

3.13.1 Standard Witness Tables

Since Prosecutors are required to serve their full case by Stage 1, it follows that defence final witness requirements cannot be provided at PTPH. Therefore, a defendant's final witness requirements (with considered estimates of the time required) must be given at a later stage using the Standard Witness Table[2]. Unless otherwise ordered this must be served by the defence on the prosecution at **Stage 2** - the same time that the Defence Statement is due (whether or not a Defence Statement is also actually served).

Completed Standard Witness Tables should be uploaded to the DCS (PTPH Section) and email notification given to the other parties. It is NOT acceptable to notify witness requirements by email or by a list attached to the Defence Statement or by any other alternate means.

Courts should ensure SWTs are used to ensure accurate witness warning and to confirm trial time estimates. A key reason for ineffective trials is the non-attendance of prosecution witnesses; getting a standardised way of notifying the prosecution of updated witness requirements is useful. It is the Standard Witness Table that finally determines the witnesses to be called at trial.

3.14 Certificates of Readiness

Unless otherwise ordered, (for example, in short fast track cases) the prosecution and each defendant must file a Certificate of Readiness (using the standard form)[3] no less than 28 days before the day set for trial (or the beginning of the warned list or 7 days prior to any PTR which has been listed, if earlier). (Judges may consider requiring Certificates 14 days before trial for shorter, straightforward cases but 28 days should be the default position.) Indeed, it is good practice to insist on the filing of a certificate before hearing a PTR so that issues are reduced to writing. The Certificate shows whether the parties are ready or not. The Certificate is of considerable importance in a structure which aims to minimise the number of court hearings and reduce the number of ineffective and vacated trials. It follows that parties will be expected to give it careful thought. Filing the Certificate by the correct date will inform the court whether the parties are ready or not, and if not, what matters need to be addressed. The sending of emails or letters is NOT an acceptable substitute for filing the Certificate.

Certificates should be completed by each party and uploaded to the DCS (PTPH Section) with email notification given to the Court and opposing party. A failure to serve a Certificate of Readiness should result in the court listing the matter for mention with solicitors to attend (rather than Counsel).

3.15 Police Attendance at PTPH and other pre-trial hearings

Police resources are best focused on ensuring that there is a proportionate file provided to the prosecution and by responding to all enquiries before the PTPH. If further information is required for case management or in order to complete the PTPH form, the police will be expected to provide this by email or telephone ahead of the hearing, so that realistic directions can be made. Therefore, the court **must not** require the officer in the case, as a matter of routine, to attend PTPH. However, the police must ensure the prosecution are able to contact a police representative from court, for example by telephone, who will be able to provide answers to questions arising at the PTPH (such as witness availability).

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[2] "Word" versions of all crime forms are available on the Ministry of Justice forms page https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015.

[3] "Word" versions of crime forms are available on the Ministry of Justice forms page https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015

The current practice should continue by which the police and prosecution agree that the officer in the case should attend the PTPH only in exceptional circumstances, for example, when the case is complex or sensitive, in order to assist with issues that may arise such as Special Measures and Disclosure. Officers in the case should not routinely attend bail applications or case management hearings such as Pre-Trial Reviews unless the prosecution and police determine this to be necessary. None of this affects the requirement of police officers to attend court to give evidence.

3.16 Further Case Management Hearings (FCMHs)

The expectation is that in most cases there should be no further hearings after PTPH and before trial. FCMHs/PTRs should not therefore be listed routinely. Many courts are ready and able to proceed directly to trial even in complex cases without the need for a FCMH. Effective case progression by the court CPO is essential for enabling this.

CrimPR 3.13(1)(c) provides that the court may conduct a further pre-trial case management hearing (and if necessary more than one) only where the court anticipates a guilty plea or it is necessary to conduct such a hearing in order to give directions for an effective trial or such a hearing is required to set ground rules for the conduct of the questioning of a witness or defendant.

CrimPD 3A.21 sets out that at the PTPH the court may order a FCMH but usually will do so only in one of the following cases:

- Class 1 cases[4]
- Class 2 cases which carry a maximum penalty of 10 years or more
- Cases involving death by driving (whether dangerous or careless), or death in the workplace
- Cases involving a vulnerable witness
- Cases in which the defendant is a child or otherwise under a disability, or requires special assistance
- Cases in which there is a corporate defendant or an unrepresented defendant
- Cases in which the expected length of the trial is such that a FCMH is desirable and any case in which the trial is likely to last longer than four weeks
- Cases in which expert evidence is to be introduced
- Cases in which there are likely to be linked criminal and care directions in accordance with the 2013 Protocol.

The court may order a FCMH for example where:

- the court has been informed that a guilty plea is to be entered
- an application to dismiss or stay has been made
- arraignment has not taken place for any reason
- a Ground Rules hearing is required - CrimPR 3.9(7)
- it is necessary to give directions for an effective trial
- it is necessary to further the overriding objective.

When a FCMH is required the judge will consider with the parties the stage at which it will be most effective in order to resolve any outstanding issues in the case. It follows that there is no automatic timescale for such a hearing. However, in most cases where a FCMH is required it will be most effective if it is listed for a date after completion of Stages 2 or 4 depending on the issues that need to be addressed. It may well be appropriate to order a combined FCMH/PTR/Ground Rules Hearing.

[4] For classification of cases see Criminal Practice Direction XIII Listing B: Classification.

The defendant will not usually be required to attend a FCMH unless a good reason is provided otherwise or statute requires it. Unless there is good reason, a defendant in custody will not be produced nor will an interpreter be booked for a defendant on bail who wishes to attend.

All too often, judges find they need to hold a FCMH in order to give directions for an effective trial as a result of failures to engage throughout the pre-trial preparation period or failure to comply with directions (particularly failures to serve defence statements, standard witness tables or certificates of readiness or with regard to disclosure and witness availability) and, generally, where parties are otherwise not trial ready. This is disappointing and an inefficient use of court time. Effective case progression combined with robust judicial management plus reinforcement of the use of Certificates of Readiness (see 3.14 above) and critical examination of these is needed to reduce the number of hearings needed prior to trial.

3.17 Further judicial orders

Where an issue arises between the PTPH and trial and the parties have not succeeded in resolving matters between themselves so that further directions are required, the court will usually expect to give administrative directions without the need for an oral hearing.

A judicial order made after the PTPH arising from a FCMH or administratively (including variations to the PTPH orders) must be made as a separate stand-alone order. Such orders should be uploaded to Section X. Where an order is made in the absence of the parties (such as an administrative order) and uploaded to the DCS the parties will need to be notified, usually by email, that the order has been made. (See CrimPR 4.6 on service).

Whilst some judges would prefer to edit the dates on the PTPH orders rather than make stand-alone orders, this cannot be done at this stage and it is not workable or practicable for the CPS or Defence solicitors to pick up alterations from an edited PTPH form. Hence separate stand-alone orders are required.

3.18 Leaving information about hearings and administrative decisions on DCS post PTPH

There is a need for consistency when adding information about hearings and administrative decisions to a digital case on DCS so that other judges, court staff and the parties can see at a glance what has been decided.

Comments can be added and are displayed on the Review page. Comments can be ‘private’ ie only the judge making the comment can see it. Or they can be ‘tightly’ shared so that other judges/Recorders can read them but neither court staff nor parties can see them. Or they can be ‘widely’ shared so that anyone with access to the case can see them (although only the judge or the person making the comment can edit/delete the comment).

Memos can be added on the Update Case page. Memos can be viewed by other judges (including Recorders as fee paid judges) and court staff but are not visible to the parties.

Whilst there will occasionally be a need to restrict comments to a tightly shared group, most courts use the ‘widely shared comment’ function as the default, recognising that virtually all judges' notes benefit from being widely shared. A record of Orders made should however continue to be placed into Section X (judges’ orders/directions). Where orders are long and extensive, a Word document can be created by copying and pasting the orders from the judge’s notes and posting these in the “Judges Orders” section in the update

case. A widely shared comment can then be left on the Review page indicating that the full orders are in that section. A copy of the new national file structure can also be found at Annex 1.

Judges are not responsible for recording a sentence or consequential orders (and nothing should be done which suggests that judges have that responsibility or have undertaken it). Clerks record the sentence and issue the warrant and consequential orders. It follows that all judges must make themselves available to answer any queries from court staff about the recording of the sentence.

3.19 Video enabled; Telephone Conference; and Live Links

The principles of BCM, supported by the Criminal Procedure Rules, require the court, inter alia, to "make use of technology". CrimPR 3.2 has been amended to promote the use of live-links and telephones for case management hearings. These changes came into force on 3rd October 2016 and a detailed revised practice direction (3N) was issued on 31st January 2017.

Nothing prohibits the conduct of a pre-trial hearing by live link or telephone with participants in different locations. This depends on there being means by which those participating in the hearing can be seen and heard by the public (if live link) or heard by the public (if by telephone) in line with the principle of open justice. Courts are expected to support and promote such hearings (subject to the availability of appropriate technology).

In short, pre-trial hearings, including case management hearings, should be conducted by live link or by telephone wherever possible. Further, the court may receive applications, representations and information by letter, by telephone, by live link, by email or by any other means of electronic communication. (CrimPR 3.5(2)(d)). All of these are, of course, dependent on the technology being available.

The effect of the rule changes is that:

- There is a positive duty on the court to make use of live links if "appropriate" live links are available and to direct their use whether an application for such a direction is made or not, for
    - conducting pre-trial hearings, including pre-trial case management hearings, where certain conditions are met and for directing/allowing a defendant to attend such a hearing whether in custody or on bail. It is not anticipated that many defendants on bail would attend by link but the possibility is there.
    - for receiving evidence IF there is power to do so using the special measures or special provision in CrimPR 18.
- What does "appropriate" mean?
    - "Appropriate" is a very carefully chosen word which encompasses not just the technical functionality but the conditions of use. For example, for most hearings a court would not regard it as appropriate to link to an advocate on a crowded train. Generally a live link is preferable to a telephone. Guidance on what is appropriate is to be found in the Practice Direction which explains that it has the ordinary English meaning of "fitting" or "suitable".
- When can you use telephone facilities for the conduct of hearings, including pre-trial and case management hearings?
    - Telephone facilities can be used if they are more convenient than live link
    - The telephone facility has to be "appropriate" for the sort of hearing
    - It would ordinarily only be used for a represented defendant. An unrepresented defendant could only use this exceptionally if the court was satisfied that he or she could participate effectively. What is "appropriate" may be a real issue with defendants in person.

- Telephone links cannot be used to take a plea or for any person to give evidence. **R v Clark [2015] EWCA Crim 2192** confirms that a telephone link cannot be used to take evidence whether during a trial or sentencing hearing (such as from a psychiatrist).
- If the parties think a live link or telephone hearing is not suitable
  - There is an obligation on the parties under CrimPR 3.3 (2)(e) to alert the court if there is any reason a direction for live link or telephone hearing should not be made or should be varied or revoked.
- There are ancillary changes:
  - CrimPR3.5(2)(d) is amended to allow the court to receive applications, notices, representations and information (but not sworn evidence except where permitted by special measures) by letter, telephone, live-link, email or other means of electronic communication.

CrimPD 3N Annex I gives detailed guidance on using live link and telephone facilities including the facilities that are needed and how to conduct such hearings.

3.19.1 Identifying cases suitable for telephone conference hearings

Telephone hearings should be used whenever more convenient than oral hearings or live links and appropriate facilities are available. Judges (or members of listing teams) may identify hearings suitable for telephone hearings. Arrangements for such hearings will be made by the listing teams. HMCTS national guidance for staff to arrange hearings can be found at Annex 4.

If a case meets the following criteria the preferred method of hearing should be by telephone:

- The defendant is not required to attend (either in person or by PVL)
- The hearing is relatively short (< 15 minutes time estimate)
- The OIC is not required to attend
- There will be no legal argument
- There is nothing to be gained by parties attending court as opposed to a telephone conference.

For example, where a doctor is required to attend (say, to give an update on a defendant's health) consideration should always be given to having the hearing by telephone as it will cause the least interference to the doctor's normal duties. (Note: this does not apply to sentence hearings or trials when doctors are required to give evidence).

Some examples of FCMHs that could be heard via a telephone conference are:

- Case progression directions hearings (if the OIC is not required)
- Hearings to provide updates in cases which require proactive case management (i.e. ones with allocated trial judges)
- Applications to offer no evidence (if the defendant has been arraigned and is not required)
- Applications to stand fixtures out (parties must be asked to provide dates to avoid beforehand)
- Hearings where only 1 party is needed.

This list is by no means exhaustive.

3.20 Disclosure

Disclosure is a vital part of the preparation for trial. The Judicial Protocol on the Disclosure of Unused Material in Criminal Cases issued in December 2013 applies to all criminal courts in England and Wales. Judges will also have regard to the 2013 protocol and good practice model on the disclosure of information in cases of alleged child abuse and linked criminal and care directions hearings which applies to cases involving criminal investigations into alleged child abuse and/or Family Court proceedings concerning a child.

Resident Judges who have not already done so, are encouraged to organise locally signed up versions of the latter between all the relevant agencies, including designated family judges, CPS, police, and all relevant local authorities.

The test for disclosure under section 3 of the CPIA 1996 as amended applies in nearly every case ie material fulfils the test if – but only if – it might reasonably be considered capable of undermining the case for the prosecution or of assisting the case for the accused.

The BCM procedure aims to bring early focus on disclosure and sets dates to ensure that disclosure issues are addressed prior to the trial date. Under BCM, the defence are invited to make any requests for disclosure, specifying the material and setting out how the material relates to the issues in the case, at the Stage 2 date when providing a defence statement. The Crown should respond to disclosure requests by the set Stage 3 date. If disclosure remains unresolved, the defence must submit a written application to the court under S8 of the CPIA 1996 by the set Stage 4 date.

The PTPH stage dates are aimed at ensuring outstanding issues, including disclosure, are dealt with prior to trial; Stage 3 and 4 dates should be set therefore for all class 1 and other complex cases to avoid delays to trial dates.

3.21 Case Progression and Compliance

All participants have a duty to prepare and conduct the case in accordance with the overriding objective; to comply with the Criminal Procedure Rules, Practice Directions and directions of the court; and at once to inform the court and all parties of any significant failure to take any procedural step required by the Rules, any practice direction or any direction of the court. (CrimPR1.2).

To aid effective communication the prosecution and defence representative should notify the court and provide details of who shall be dealing with the case at the earliest opportunity. (CrimPD 3A.24; CrimPR 3.4(2)).

Parties are expected to comply with the timetables set. If, exceptionally, an element required by a particular stage is not available that is not to be regarded as a reason for not serving the remainder. If a party has been directed to serve, for example, a special measures application by a certain date but later decides not to pursue such an application it is not necessary to file any formal notice that the matter will not be pursued, but the court should be notified.

Generally, parties are expected to resolve issues of compliance by engagement and to manage matters between themselves. Parties are reminded that CrimPR 3.7 allows them to agree to vary a time limit fixed by a direction if the variation will not affect the date of any hearing that has been fixed or significantly affect the progress of the case BUT the court case progression officer must be informed promptly of the agreement and uploaded onto DCS.

If a party fails to comply with a case management direction, then that party may be required to attend the court to explain the failure. This should be used when other means to gain compliance have failed and/or a pattern of failure is identified. Unless otherwise directed neither a defendant nor the other parties will usually be expected to attend such a hearing. (CrimPD I 3A.23; 26,28).

Court staff should be nominated to conduct case progression as part of their role (CrimPD 3A.24). Since June 2016, HMCTS has provided a national framework for monitoring case progression. This focuses on checking:

- Stage 2 - for service of Defence Statement and Standard Witness Table – since if these are absent this usually indicates a problem with either prosecution or defence compliance
- Certificates of Readiness. These should provide clear information either that a case is ready for trial or identify exactly what problems remain to be resolved.

Effective case progression is essential for BCM. All courts should have robust systems in place to monitor case progression at Stage 2 and for Certificates of Readiness as a minimum.

Whereas, in the past, all courts had individual means of monitoring compliance the trend will be towards increasingly standardised procedures. Annex 2 sets out the Case Progression Framework agreed by HMCTS in June 2016. Annex 3 sets out the Case Progression Protocol used by the London courts which also focuses on Stage 2 and Certificates of Readiness and which is supported by an Excel case management spreadsheet.

3.22 Cases where BCM timescales and processes will be adapted:

Murder cases; Witnesses under 10; and s.28 YJCEA cases

The overarching principles of BCM – getting it right first time; case ownership; direct duty of engagement; and robust case management will apply to these cases. Adaptations apply as follows:

Murder cases - Adult defendants charged with murder (and any youths jointly charged with them) should continue to be sent to the Crown Court for a hearing within 48 hours of the sending under s.115(4) Coroners and Justice Act 2009. In these cases the following procedure should apply:

- The magistrates will set only the bail application hearing
- The bail application will be dealt with by a judge authorised to try murder cases within 48 hours of sending. Following determination of the bail application the judge will proceed to initially case manage – the degree with which this can be done will depend on the individual circumstances of the case
- The judge will then fix the PTPH (within 35 days of sending)
- In all murder cases if they are also document heavy cases then the Crown Court Disclosure in document-heavy cases protocol will apply. The prosecution will conduct a detailed review of the case and case management issues via completion of the Notification Form (in advance of the PTPH hearing). Thereafter the prosecution will provide and regularly update a Disclosure Management Document.
- As murder cases fall under 3A.21 of the CPD a direction for a Further Case Management Hearing (FCMH) may be made at the discretion of the judge.

Section 28 Youth Justice and Criminal Evidence Act 1999 hearings: The national roll out of s28 will make s28 Special Measures (pre-recorded cross examination) for those who are vulnerable witnesses within s16 of the YJCEA 1999 available to all Crown Courts in England and Wales. CrimPD 18E sets out how that will operate. Unlike under the Protocol for the original pilot of s28, the timescales for s28 now follow BCM timescales and qualifying cases will be sent for PTPH 28 days after sending. However, the timescale for service of the prosecution case will be the same in both bail and custody cases and will be 50 days from sending: The FCMH will take place at the conclusion of the s28 hearing, unless the court directs otherwise.

Witnesses under 10 years*:* In cases in which the prosecution seek a s28 Special Measure direction, the protocol involving witnesses under 10 will cease to apply and the timescales for sending (CPD 18E.12) and for case management (CPD 18E.13) will follow BCM timescales. The PTPH will be 28 days after sending and the service of the prosecution case will be 50 days from sending whether the case is a bail or a custody case.

Where s.28 is not available the timescales of the protocol continue to apply; the PTPH should take place 14 days after sending and the prosecution should expect to be ordered to comply with the stage 1 orders within 35 days of sending.

3.23 Cases which are exempt from BCM

Terrorism Cases

These cases are exempt from BCM. Instead the procedures for this category of case are set out in the CrimPD at CPD XIII Annex 4 (in force from April 2016 and replacing the "Management of Terrorism Cases – A protocol issued by the PQBD 22nd December 2006). In such cases the PTPH should ordinarily take place about 14 days after charge.

4. Unrepresented Defendants and non-CPS Prosecutors

4.1 Unrepresented Defendants

Unrepresented defendants will not have access to the DCS. It follows that the CPS and other prosecutors will serve papers (including a part complete PTPH form) on paper and it will be the responsibility of the CPS/other prosecuting authority to provide copies for all parties, including the court. After the hearing the court must provide to an unrepresented defendant a paper copy of the final completed PTPH form or other order.

The CPS may receive communications from unrepresented defendants by email but, since an unrepresented defendant will not have a CJSM account, will not be able to send sensitive material to an unrepresented defendant by email.

4.2 Non-CPS Prosecutors

Non-CPS prosecutors, such as local authorities, do not have access to the DCS and will continue to serve their case on paper. For non-DCS prosecutions "Word" versions of the form are available on the Ministry of Justice forms page. The site provides forms for up to 10 defendants. The form should be completed electronically and passed by email from prosecution to the defence and to the court so that the judge will receive a copy to complete electronically.

5. Prosecution and Defence Responsibilities

The key responsibilities of the prosecution under BCM are:

- Accurate charging decisions
- Case ownership and responsibility
- Early and continuous engagement with the defence
- Compliance with the Crim PR and PD

The key responsibilities of the defence under BCM are:

- Case ownership and responsibility
- Early and continuous engagement with the prosecution
- Compliance with the CrimPR and CrimPD.

By applying BCM principles such as early and continuous engagement together with consistent, robust case management by the judiciary BCM will result in more effective and efficient listing of cases because it will:

- Dispose of guilty plea cases at the first hearing in the Crown Court wherever possible
- Reduce the number of hearings in the Crown Court
- Reduce the length of trials by restricting witnesses to those necessary to address the issues in dispute
- Reduce the number of ineffective trials and vacated trials

This will benefit defence and prosecution practitioners because:

- Cases are disposed of quickly
- By front loading work there will be less waste of resources, for example fewer “mentions” before trial and fewer trials over-running

Between sending and PTPH, The following actions will now be expected of the defence:

- Continued discussions with the CPS
- Additional client instructions if required
- If a guilty plea is now anticipated the defence representative must advise the CPS and court by email, and, if required, the basis for the court ordering a PSR
- If a not guilty plea is anticipated the defence sections of the PTPH form must be completed. The Practice Direction states that they should be completed by two days before the PTPH.

In the event of Guilty Plea(s) the Crown Court will expect to sentence at the PTPH. The defence advocate must be prepared to mitigate, if necessary with the assistance of a short oral report prepared on the day, or one prepared beforehand as a result of the magistrates ordering it at allocation or subsequently by the judge. If the defence intend to ask for the preparation of a written or oral pre-sentence report they should engage with the Probation Service at court prior to the hearing.

In the event of Not Guilty plea(s), the judge will actively manage the case and will require the defence advocate to assist by:

- Confirming that the defendant has been fully advised and understands credit for plea
- Identifying the issues
- Agreeing non contentious evidence including, where relevant, SFR1 forensic summaries
- Identifying witness requirements
- Advising on the availability of defence witnesses, experts and advocates
- Identifying non-contentious directions – such as unopposed special measures that can be ordered at the PTPH without further formality

- Fixing the trial date
- Identifying whether there will be a need for a Further Case Management Hearing

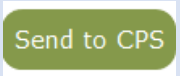
Annex 1				
Section	Title	Content	Who uploads	Notes
A	**Magistrates' Sending Sheet**	CCDET and CCDES; Memoranda of Convictions; BCM sending questionnaire	HMCTS	
B	**Indictment**	Original Indictment; Proposed Amended Indictments; Further Preferred Indictments; Jury Abstract Indictments; Schedule of summary offences; TICs.	CPS/HMCTS	There is no need to produce a hard copy.
C	**Basis of Plea**	All versions of bases of plea and prosecution responses	Defence/CPS	
D	**Defence Statement**	Defence Case Statement	Defence	Defence Exhibits
E	**Charges**	MG4	HMCTS	
F	**Case Summary**	MG5	HMCTS	
G	**Key Witness Statements**	IDPC and service for PTPH; Victim Personal Statement	CPS/HMCTS	
H	**Key Exhibits**	IDPC and service for PTPH	CPS/HMCTS	
I	**Witness Statements**	Full service of prosecution case; Victim Personal Statement	CPS	
J	**Exhibits**	Full service of prosecution case	CPS	
K	**Transcripts ABE Interviews**	Including edited transcripts, clearly labelled	CPS	
L	**Streamlined Forensic Reports**	SFR 1 reports	CPS	SFR 2 Statements: if with IDPC then Section G, otherwise Section I
M	**Expert Reports**	Reports for trial including intermediary reports	CPS/Defence	(Reports for sentencing to be uploaded to Section T)
N	**Pre Cons**	Previous Conviction details	CPS/HMCTS	
O	**Trial Documents**	Standard Witness Tables; Certificates of Readiness; Case summary and drafts; Opening speech; Schedules; s10 admissions; Ground Rules Hearing Forms; draft questions for x or xx where ordered; Ineffective Trial Forms; Written	CPS/Defence/HMCTS	Not MG5-to go in Section F Jury Notes that have been disclosed to the parties are to go in Section PJ2

		directions; Routes to verdict; Written assistance on the evidence.		
P	**Jury Material (currently out of scope)**		CPS/HMCTS/Judge	Paper Bundles are not to be scanned and uploaded -confidentially destroy once used by jury.
Q	**Applications**	Special measures; Hearsay; Bad character; Extensions to time; Skeleton arguments; All other applications except bail applications (which go in Section V).	CPS/Defence/HMCTS	All decisions to go in Section X. Bail applications go in Section V
R	**Witness Information**	MG10; Witness Summons	CPS/HMCTS	***Private section visible to CPS, HMCTS and Judiciary only.***
S	**PTPH Form**	PTPH form only	CPS/Defence/HMCTS /Judge	
T	**Sentence**	Any document prepared for the sentencing hearing to be considered by the Judge at sentence including applications for ancillary orders on sentence.	CPS/Defence/HMCTS /NOMS	Examples: pre-sentence report; psychiatric reports in relation to sentence; references; Court of Appeal case law. (POCA confiscation material is not to be uploaded)
U	**Representation**	Applications to transfer or extend; LAA orders	HMCTS	If these applications contain sensitive material the party should request the item to be loaded to PJ – HMCTS Private
V	**Bail and Custody**	Bail conditions and remand orders; CTL including all applications relating to bail and custody; security; surety; ancillary orders (tagging); Bench Warrants; Prison record of refusal to attend	HMCTS/Defence/CPS	Applications to be uploaded by the applicant
W	**Court Final Orders**	Post Sentence Orders	HMCTS	Scan and/or upload copies of all orders
X	**Judges'**	Case management orders – made	HMCTS/Judge	

	Orders/Directions	in open court or administratively; Ground rules orders or records of adjustments for a vulnerable participant made after PTPH; Written rulings; Orders restraining publicity; Any official transcript of a judicial ruling.		
Y	**Transcripts (Court Rulings)**	Any arising from court ruling; sentence remarks.	HMCTS	
PJ	**HMCTS Private**	Any material that should not be seen by other parties.	HMCTS	***Private section visible to HMCTS and Judiciary only.*** Examples: Correspondence with parties; Trial Record Sheets, Judicial correspondence, Resulting Checklist Annex C
PJ1	**Court Logs**	Daily Xhibit log (courts that print daily) or complete Xhibit log once case is complete	HMCTS	***Private section visible to HMCTS and Judiciary only.***
PJ2	**Disclosed Jury Notes**	Jury notes the content of which has been disclosed by the judge to the parties AND notes of a purely administrative nature (such as requests for breaks) that do not contain sensitive personal information. DO NOT upload any note unless authorised by the trial judge.	HMCTS	***Private section visible to HMCTS and Judiciary only.*** Jury notes the contents of which have not been disclosed to the parties and notes of an administrative nature containing sensitive personal information must be kept securely other than on the DCS.
PJ3	**NG Appeals**	Form NG, grounds of appeal, list of authorities, unreported cases, supporting documents, correspondence served when appeal lodged.	HMCTS	***Private section visible to HMCTS and Judiciary only.***
PP	**Private Section - Prosecution & CPS Admin**	CPS Specific Documents	CPS	***Private section visible to CPS only.*** Not to be used (CPS policy)

PD	**Private Section - Defence**	Defence Specific Documents	Defence	***Private section visible to Defence only.***
PN	**Private Section - NOMS**	Probation Specific Documents	Probation	***Private section visible to NOMS only.***

Uploading alone does not achieve service. Under CrimPR 4.6 any uploading must be accompanied by notifying the party to be served of the upload (including by email). The DCS does provide a means by which the CPS can be notified as set out below. If notice is given by email or the use of the "Send to CPS" button of a self explanatory document then no additional covering letter is required.

Sections within DCS that a document can be sent to CPS from	
A, B, C, D, E, K, M, O, Q, R, S, T, V, W, X	You must wait for the green tick to be displayed after the send to CPS button has been used. CPS will only treat your uploaded document as  'good service' if this is done.

The following material must not be uploaded to the DCS:

a) **Unused material/disclosure;**
b) **Proceeds of Crime/Confiscation documentation;**
c) **Indecent or pornographic material.**

Annex 2 HMCTS protocol for case progression monitoring

Background

1. This guidance aims to set out a framework for HMCTS in terms of case progression in the Crown Court. It does not impose a standard approach which must be used at every court centre, rather it provides a framework for regions to adopt an approach that matches need to resources in order to ensure cases progress to an effective outcome. A "one size fits all" approach to case progression is not recommended, rather a "sliding scale" approach to case progression dependent on local requirements.
2. The guidance sets out the trigger points and underlying processes which support case progression and which regions will need to consider when identifying the appropriate approach for them. This does not prevent regions/courts carrying out additional case progression activity if that is felt to be appropriate.
3. The focus of this guidance is on cases where the expectation is that there will be a not guilty plea and, therefore, will progress from receipt at the Crown Court, through the Plea and trial Preparation Hearing (PTPH) to trial. There will always be cases which are exceptional and require different treatment and, of course, there could be a change of plea to guilty at any stage.
4. It is recognised that regions have already carried out a great deal of work around case progression processes in order to provide effective support to the judiciary. In addition the guidance builds on, amongst other things, the outcomes from a workshop attended by HMCTS staff from all regions.
5. The need for case progression input varies according to a number of factors including workload and resources at a local level; the level of robust judicial involvement in case management; and the ability of other parts of the CJS to meet the requirements of case progression. Other factors which might impact on effective case progression include, for example, the availability of PCVL slots, or inaccurate information about witness availability

General points

6. It is expected that the prosecution and the defence will comply with what is required of them under the Better Case Management Initiative (BCM), including complying with the directions and timetable set at PTPH and informing the court of any significant failures, irrespective of who may be responsible.
7. Limiting case progression to one person per court may not be appropriate for all courts. Case progression tasks may require different levels of experience and knowledge to perform them – this may or may not mean limiting case progression to staff at certain Bands. However such a limitation will have to take into account the availability of staff at different Bands across the wide ranging estate. This is an issue for local management.
8. Variance across regions and between individual courts in the need for case progression support appears to be more likely between the PTPH and trial rather than leading up to the PTPH.

Case Progression up to and including the PTPH

9. A number of trigger points were identified leading up to and including the PTPH. While the focus of this framework is on the Crown Court process, there are stages within the Magistrates' Court that are integral to the Crown Court process and, therefore, are included here.

<u>Trigger Points</u>

10. The Trigger Points identified in order of the case progressing were:
    - Magistrates set hearing date & give directions
    - Likely plea or trial – Crown Court will check the form sent from the Magistrates' Court
    - Lodging of the PTPH form

- Defence response to the PTPH form
- MG10 form provided regarding witness availability
- Production of the court list including checking the court file
- PTPH hearing held

11. Underpinning the trigger points are the process steps which court staff might undertake. The variation in compliance (or anticipated compliance) by other CJS partners will affect whether HMCTS involvement is necessary at a local level in each of the steps. In addition it should be remembered that not all cases will go on to the Digital Case System (DCS). **The following assumes they are DCS compatible cases.**

Process steps

12. The case progression process steps which are likely to involve court staff in all regions identified in order are:
    - Completion of the magistrates' court form – done at the magistrates' court
    - Fixing hearing date at the Crown Court – done at the magistrates' court
    - Check system at the Crown Court regarding cases received
    - Create file in DCS following creation in CREST
    - Invite Defence if it is a DCS case
    - List case for hearing in CREST
    - Review magistrates sending form and papers
    - (as required) Refer case for release to the Resident or Presiding Judge who will identify who should deal with the case
    - Check file and PTPH form are ready for the PTPH
    - Input Indictment onto CREST
    - Publish List
    - Prepare for PTPH Hearing
    - Invite/Uninvite to DCS as appropriate (there may have been a change in defence representation/late notification of defence representative)
    - PTPH conducted by the judge including giving directions and setting the trial date.

Case progression following the PTPH up to the trial

13. In essence there are four set trigger points between the PTPH and the trial which flow from the directions given at the PTPH.

Trigger Points

- Stage 1 - Disclosure – prosecution serving papers
- Stage 2 - Defence Case Statement Served
- Stage 3 - Further Disclosure - prosecution must comply with any orders
- Stage 4 – Leading up to the Trial Ready point – defence must comply with any orders

14. In a very limited number of cases there may be a need for a Further Case Management Hearing (FCMH), and courts will need to put in place processes for dealing with these hearings. Assuming there is no FCMH, case progression activity is similar at each of the stages identified above. Case progression is essentially a matter of monitoring compliance with directions given at the PTPH and taking appropriate action around non-compliance. Courts will wish to put in place a system to monitor compliance with directions.
15. However it should not be assumed that there will be a need for HMCTS case progression activity to take place at each of the stages. In many cases, directions will be complied with and the checking process may not add any value and could result in a waste of resources. There will inevitably be variance between HMCTS areas and from court to court in how effective the prosecution and

defence are in complying with directions and local knowledge will inform courts in assessing the level at which they might monitor compliance.

16. As a minimum, it is strongly recommended that the court should check compliance at Stage 2 – defence case statement served. A "maximum model" and, it is recognised this might not be appropriate for any area/court, would be to check compliance at each stage. Between those two extremes there would of course be scope for monitoring at different levels. It should be noted that, whatever approach might be deemed appropriate initially, may fluctuate over time, as Better Case Management becomes embedded.

Case Progression Activity - compliance

17. The HMCTS case progression activity which may occur at one or more stages of the process was identified as being:

- Check compliance with directions
- Assess the impact of any non-compliance and:
  - Do nothing (unlikely)
  - Resolve the issues administratively if possible through liaising with the parties
  - Escalate the non-compliance issues to the judiciary to consider what further action should be taken. This may or may not require a court hearing to consider any issues of non-compliance and, if felt appropriate impose sanctions. However this should be a judicial rather than administrative decision.

18. In general terms the requirement to hold compliance courts will vary from court to court/area to area. There may never be a requirement to hold a compliance court at individual court centres, however it should remain an option at all courts.

Other Case Progression Activity

19. Aside from the activity outlined above, the following HMCTS case progression activity should take place in advance of the trial:
    - Checking the certificate of trial readiness has been served 28 days before the trial.
    - Check the content of the certificate and resolve any issues which may impact on the trial administratively if possible or refer to a judge to consider.
    - (If appropriate) hold a case progression meeting with the prosecution and defence to ascertain any issues which might affect the effectiveness of the trial. It is recognised that there are differing views on the necessity to hold such hearings in all or in a limited number of cases. Such hearings could be held by telephone.

Future Plans

20. The Case Progression process should be kept under review and consideration should be given to the need for further revisiting the approach as experience of BCM through to trial becomes embedded and further digitisation of court processes takes place. Opportunities offered by DCS and, in the longer term, the Common Platform Programme, in supporting effective case progression should be explored

    June 2016

Annex 3: London Regional SLA for Case Management and Trial Readiness

I**ntroduction**

PART 3 of the Criminal Procedure Rules (CrimPR) sets out the obligations of the court and each party to further the overriding objective in terms of case progression and trial readiness within the Crown Court.

The Criminal Practice Direction (CrimPD) provides detail of how the rules should be applied.

CrimPR 3.5 sets out the court's powers to give orders to ensure that matters are dealt with in accordance with the overriding objective

CrimPR 3.7 allows the parties to agree to vary a time limit fixed by a direction providing the variation will not affect the date of any hearing that has been fixed, or significantly affect the progress of the case in any other way, providing the court has not prohibited variation by agreement

CrimPR 3.7(1)(c) requires that the court's case progression officer is informed promptly of such a variation. A copy of any agreement reached must be emailed to court by secure email by the party proposing the variation once agreed.

CrimPD3A.23 states 'If a party fails to comply with a case management direction, that party may be required to attend the court to explain the failure'

CrimPD3A.24 As far as possible, case progression should be managed without a hearing in the courtroom, using electronic communication as per CrimPR 3.5(2)(d) (use of live links, telephone, etc).

CrimPD3A.26 Courts should maintain a record whenever a party to proceedings has failed to comply with a direction made by the court. The parties may have to attend a hearing to explain any lack of compliance.

CrimPD3A.37. These hearings may be conducted by live link facilities or via other electronic means as the court may direct.

CrimPD3A.28 It will be for the Resident Judges to decide locally how often compliance courts should be held, depending upon the scale and nature of the problem at each court centre.

Whilst most of the timescales and detailed processes are set out in the CrimPR and CrimPD, this protocol sets out best practice in London and details, amongst other things, the time scales within which various things should be done, the responsibilities of the parties when things are not done on time and what the court will do to ensure that cases are ready for trial and effective on the trial date.

Basic Key Principles

This Service Level Agreement is subject to a number of Basic Key Principles, namely:

1. **Service of material**

   Material is not deemed served when ingested to DCS unless the intended recipient is notified that the material concerned has been ingested/deposited onto DCS (as required under CrimPR 4.6(2)(b)(iii)). As a result, the following is required:

If Defence ingest material to DCS, notification should be sent to the CPS by clicking on the 'Send to CPS' button;

If CPS ingest material to DCS, then notification should be sent to the defence representatives by Secure email (SeM);

If the Defence or CPS ingest material that requires some action by the court, then an email should be sent by SeM to the court generic email address for the court concerned;

If the court ingest material, then notification should be sent to CPS by clicking on the 'send to CPS' button and emailing the defence representatives by SeM.

2. <u>Escalation process</u>

In the event that material requiring action or a response is sent to any party (CPS, Defence or Court), then subject to the provisions below, the following process will be adopted:

a) If no response is received by the response date specified or where no response date is specified within 48 hours, then the matter will be escalated to the appropriate escalation point.

b) For these purposes, the escalation point is the respective Case Progression Officer (CPO) for the Court or the CPS Paralegal Officer (PO) as detailed in the PTPH form. Contact should be made with the relevant CPO or PO by either phone or email as detailed on the PTPH Form

c) If no response is received within 48 hours of the first escalation a further escalation will be required. At this point, the escalation point should be the Court Operations Manager or the CPS Legal Manager responsible for the court concerned. Contact should be made by sending an email to the relevant generic email address and the email should be marked in the subject heading 'URGENT FAO (relevant details)'

Required Actions Before the PTPH in the Crown Court

In all but exceptional cases, the CPS will send a digital Initial Details of Prosecution Case (IDPC) bundle to the Magistrates' court in advance of the first hearing.

HMCTS will ensure that this bundle is saved in the Court Store for all cases (including Committals for Sentence and Appeal) so that the Crown Court can retrieve the material and register the case within 48 hours of allocation/sending/committal. In exceptional cases where after exhausting all internal processes to locate the material, the material still cannot be located, HMCTS will request confirmation from the CPS of the details of where the bundle was sent (date, time and email address sent to). If the material still cannot be located, a further copy can be requested from the CPS by SeM.

In exceptional cases, where a paper IDPC bundle was sent to the Magistrates' court, the CPS will send via SeM a digital IDPC bundle (for these purposes, an MG4, 5 and PNC) to the Crown Court within 72 hours of first appearance at the Magistrates' court.

In the vast majority of cases (see exceptions below), no later than 7 calendar days before the PTPH, the CPS will ingest into the Crown Court Digital Case System (DCS) an indictment and PTPH Form (completed with the prosecution information) plus such further material as is necessary to ensure that CrimPR8.3.(b) and

CrimPD3A.20 have been complied with (i.e. that the prosecution have provided "sufficient evidence to enable the court to case manage effectively without the need for a further case management hearing, unless the case falls within paragraph 3A.21").

Where a guilty plea is anticipated by the CPS and confirmed by the Defence representative, the CPS will not ingest a PTPH form but will ingest an indictment in to the 'Indictment' section in DCS.

Where the CPS is unable to finalise the case against a defendant it may decide not to prefer an indictment prior to PTPH. In such cases, the CPS will notify the court and defence representatives by SeM no later than 7 calendar days before the PTPH. In those circumstances, in accordance with Crimp 10.4, the prosecutor must serve a draft indictment not more than 28 days after serving under rule 9.15 (Service of prosecution evidence) copies of the documents containing the evidence on which the prosecution case relies.

The Prosecution and Defence representatives have a duty of Direct Engagement (CrimPR3.3) before the PTPH in order to identify and where possible resolve issues so as to ensure that the PTPH is effective either in resolving the case as a guilty plea or in giving all necessary directions to ensure an effective trial takes place on the trial date. It should be anticipated that the advocates will be asked details at the PTPH of the engagement that has taken place.

The defence representatives will complete the online PTPH form inserting, amongst other things, the real trial issues plus all other relevant information by midday the day before the PTPH.

Required Actions after the PTPH in the Crown Court

In general terms, case progression consists of four stages which need to be complied with. The time for service of the prosecution case is prescribed by regulation 2 Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005.

The ordinary timetable for these matters is as follows:

Stage 1 50 days for custody cases and 70 days for bail cases after sending. On the proviso that the PTPH is held 28 days after the sending, stage 1 will be completed 3 weeks plus 1 day after PTPH on custody cases or 6 weeks after PTPH in bail cases.

Stage 2 28 days after completion of stage 1

Stage 3 14 or 28 days after completion of stage 2

Stage 4 14 or 28 days after completion of stage 3

The timetable should not be varied without order of the court unless all concerned parties agree the variation and notify the court under CrimPR3.7

Stage 1 - Service of the Prosecution Case

When completing Stage 1, the CPS will ensure that it serves upon the defence a copy of the service letter and a copy of the Section 3 notice in relation to disclosure. As required under CrimPR 15.2, the CPS will ensure that the court is informed that a Section 3 notice has been served by sending a copy of the notice or an email by SeM.

If the CPS requires additional time to complete Stage 1, then subject to the provisos in CrimPR 3.7 agreement may be sought from the defence to extend the timescales set at the PTPH.

If agreement is reached, then the Court shall be informed as set out above by SeM.

If no agreement is reached the CPS requires an extension of time to complete Stage 1, they will send an application to the court for an extension.

This will be done by ingesting the application to Section Q 'Applications' and sending notification to the Court and the defence. Notification to the court will be by DCS (and an email notifying the court that we have ingested material) and notification to the defence by SeM.

The court will notify a Judge of the application within 1 working day of receipt who will consider it and if the request is granted the court will notify all parties of the amended dates.

This will then be ingested into Section X 'Judges' Orders Directions' and the parties will be notified of the order. The CPS will be notified of the order by HMCTS clicking on the 'send to CPS' button on DCS. The defence will be notified by HMCTS of the result of the application by SeM.

If the result of the application to extend is not dealt with in accordance with the above within three working days of sending/receipt, then all parties will assume that the application sought has been agreed.

Subject to the general non-compliance process set out below, if there has been no variation by agreement notified to the court (CrimPR3.7) or request for extension of time and the Crown then fails to comply with Stage 1, then the court must be informed of the failure (CrimPR1.2). The Court will then contact the CPS nominated contact for the case by phone or by SeM to the generic CPS mailbox and enquire what has happened and when the case will be served. The response of the CPS will be reported to a Judge who will decide what orders, if any, to make.

If no response is received by the CPS within 3 calendar days, this will be reported to a Judge who will decide on what orders should be made.

Stage 2 – Service of Defence Statement and other matters

Standard Witness Table

The defence must serve their witness requirements (using the Standard Witness Table) on the Crown 28 days after completion of Stage 1, unless a different date was ordered at the PTPH. This is to be done by uploading it in accordance with the Standard File Structure (current edition at Annex 1) – currently to Section O 'trial documents' and by pressing the 'send to CPS' button.

If the standard witness table is not served, then the prosecution will only warn those witnesses identified at the PTPH unless so ordered by the court under section 9(4)(b) Criminal Justice Act 1967.

Defence Statements

If a Defence Statement is to be served it must be served on the Prosecution 28 days after Stage 1, unless a different date was ordered at the PTPH. This is to be done by uploading it to Section D (Defence Statements) and by pressing the 'send to CPS' button.

Stages 3 & 4 and any other failure to comply with a direction given in the case

All parties are bound to notify the court in the event of their own or another party's failure to comply with a direction (CrimPR 1.2).

Where a party is aware of a failure that may affect the effectiveness of the trial date and cannot be resolved between the parties, will notify the court of such failure and action will be taken as set out in the non-compliance process set out below.

Any party who considers that the trial estimate is no longer accurate or that for some reason the trial date is at risk must notify the court by SeM drawing its attention to that fact

These emails should be sent to the court's generic mailbox with 'Case Progression' marked in the subject heading and the court will action and refer to a Judge as needed.

Trial Readiness
A Certificate of Readiness (COR) is required irrespective of whether parties are ready or not.

Parties shall file their respective COR either 28 days before the trial date unless a different date is specified by the court.

All parties must ingest this in accordance with the Standard File Structure (current edition at Annex 1) – currently into Section O 'Trial Documents' on DCS. If the Defence are ingesting their COR they should ensure that a copy is sent to the CPS by clicking on the 'send to CPS' button. The defence will be notified of service by the CPS by SeM.

If either party fails to file the certificate by the requested date, HMCTS will action as per the non-compliance section of this SLA

Email communication with the court and CPS
All communications sent by SeM should be named in the following way and the details referred to below included in the subject filed of the email:

Defendant's Name (first alphabetically in multi-handed cases) – Crown Court case (T) number and URN – BCM Case Progression Next Hearing date – For Info / For Action.

eg Aardvark, Arnold 01PY5002616 – BCM Case Progression- Next Hearing 1.7.16 – For Info / For Action)

Non-Compliance Process
In the event of non-compliance with any part of the Case Progression process the following action will be taken:

1. Any participant who becomes aware of a significant failure to take any procedural step required by the CrimPR or any direction of the court is obligated to inform the court and all parties of that failure (CrimPR1.2)

    a. Before so doing that participant is expected to have explored with the party responsible for the failure whether there is any scope to agree to vary a time limit fixed by a direction as per CrimPR 3.7 (mentioned above).

    b. If agreement is reached, the Court CPO should be informed immediately of the result of the discussions by SeM

c. If agreement is not reached the participant must inform the court and all parties of the failure (CrimPR1,2) and should inform the court of the steps that had been taken to try to resolve the failure.

2. Where the court becomes aware of any significant failure including a failure to comply with any direction or timetable set by the court which cannot be dealt with by an agreed variation as set out above, will action as follows:

    a. Contact the nominated individual(s) detailed in the PTPH for the party responsible for the non-compliance and obtain an explanation for the non-compliance if this has not been provided. This contact should be to the named individual using the phone number recorded on the PTPH form;

    b. In the event that no contact can be made by telephone, contact is made via secure email addressed to relevant individual(s) via the email address named on the PTPH form;

    c. If no response is obtained or no response is provided within the timescales set by the court in a and b above, the court will consider holding, where available, a telephone mention hearing with the relevant individual(s) detailed on the PTPH form or if those individuals are not available, then an alternative individual who is fully conversant with the case concerned;

    d. In the event that a telephone mention hearing is not available, the court will consider other electronic communication as per CrimPR 3.5(2)(d); and

    e. Once all other avenues have been exhausted, the court will consider listing the case for mention requesting the attendance of the relevant nominated individuals.

    This Service Level Agreement has been agreed by members of the Regional BCM Implementation Group and will be subject to review within that forum.

Annex 4: HMCTS Guidance for telephone conference hearings in the Crown Courts

Telephone hearings, whereby the parties attend by means of a telephone conference rather than in person, have been agreed for certain hearing types. This arrangement should benefit both the Court and Court users by providing increased flexibility and convenience. The following guidance applies to Crown courts only and will be kept under regular review.

Rles and Criminal Practice Directions

The procedures and guidance for telephone hearings can be found under Part 3 of the Criminal Procedure Rules and Criminal Practice Directions 3N and must be read and followed. This guidance supplements those Rules and Practice Directions.

Arrangements for the conference call

Once a hearing has been identified by a Judge or by the listings team, it is the responsibility of the listings team to make the necessary arrangements. Hearings will usually take place outside core court hours, for example 9am-10am, although flexibility will be needed and hearings can be arranged at other times, if agreed with the Judge. It is suggested that 15 minutes should be allowed for each hearing.

Listing and timing

Please follow these steps when arranging the hearing:

1) Check LOD on CREST to see if there is enough space for the hearing identifying a suitable time slot and, if necessary, identify a Judge who will conduct the hearing. CREST system in due course will no longer be available therefore local system will need to be implemented

2) Email the Judge who is to conduct the hearing to inform them of the date and time. A brief outline of the nature of the hearing should also be provided as an assurance to the Judge that the matter is suitable for a telephone hearing. All application to be uploaded on DCS (Digital Case System) so that judge is aware of the nature of the hearing.

If the Judge consents for the hearing to be heard by way of a telephone conference, then:

1) Contact the parties to inform them of the hearing date and time, and ask them to provide the name and contact e-mail address of the person who will be dialling into the hearing.
2) Provide a PIN (ensure that for a given day each hearing has a unique PIN and a separate time slot). Each court will be required to set up its own BT conferencing number and PINS.
3) Update NOTES and RFIX on CREST as would normally be done when arranging hearings but make clear the time and that the hearing will be via telephone conference in the diary note as well as the PIN. Update DCS with hearing date.
4) E-mail those attending with the time and date of the hearing and instructions on how to access the hearing. Please see the appendix for a template. Invitation letter should be uploaded on DCS.
5) It is helpful to have a single point of contact for telephone hearings at the court, for any queries that may arise.
6) The listings team will need to keep a log on telephone hearings conducted at their court
7) The number of telephone hearings held (both within and outside of the courtroom) must be entered on to OPT.

Conference service provider

BT Meetme is the MoJ's current telecommunications service provider used to facilitate a telephone conference hearing. Please visit the following link for further details; http://libra.lcd.gsi.gov.uk/hmcts/strategy-and-change/comms-cust/communications/external-stakeholder-comms.htm#04

Recording of hearings

1) The hearing should normally take place in court, so as to enable the public to have access and to enable the DARTS system to make a recording.
2) Where the hearing is conducted outside of the courtroom, such as in the Judge's Chambers, the hand held portable device should be used to record the hearing and transfer the recordings.

Fees

1) To enable the LAA to make fee payments for defence practitioners, court staff are required to log hearings on Xhibit and court logs. Telephone Hearings will be treated as standard appearances.

Complaints about service providers

The approved service provider is subject to a contract with the Department. Under the terms of that contract, the provider is obliged to have a robust complaints procedure in place.

- Complaints relating to the provision of telephone hearings in relation to technical problems during the conference, billing, price and access to calls must be directed to the service provider.
- If a court or court user wishes to make a complaint about the service provider or their conduct, they must, in the first instance, contact the relevant court manager and raise this complaint with them, in accordance with the procedure set out in the Complaints Leaflet EX343.

Appendix: Template telephone conference invitation

Header:

<CASE NUMBER> R-v- <DEFENDANT NAME> <URN> TELEPHONE HEARING

Body:

Dear Sir/Madam

The above case is listed on <date of hearing> at <time of hearing> for <purpose/type of hearing>, the hearing will take place by way of a telephone conference and parties should not physically attend court, but access it from a location that is convenient to them. To access the telephone conference you will need to phone **<BT Telephone number> a**nd enter the PIN **<PIN>** when prompted.

Please dial in a few minutes before the start time. If an application to break a fixture is to be made or likely to be made, parties should obtain dates to avoid beforehand. If the hearing is a pre-trial review, trial counsel should dial-in.

Regards