



## Better Case Management (BCM) Newsletter

Welcome to the eleventh newsletter in which we celebrate the first anniversary of BCM being implemented in our Early Adopter Crown Courts.

### Happy birthday BCM!

Over the last year I have been impressed and grateful to all practitioners, HMCTS staff, and the judiciary for your positive engagement with such a huge amount of change. Not only have you coped with a new process to manage cases better in the Crown Court, but also with the introduction of the Digital Case System (DCS). It amazes me that within such a short timescale paper has almost been eradicated from our Crown Courts. Even allowing for a touch of hyperbole, this is nothing short of a revolution!

Everyone is now – or should be! – familiar with the BCM processes, and in particular the Plea and Trial Preparation Hearing (PTPH) and its accompanying form. Throughout the last year there have been numerous examples where the system has worked well, with cases being brigaded into one court before a distinctly proactive judge, with advocates having engaged before the hearing and able to make positive progress.

Through everyone's hard work BCM has made a promising start with some notable successes, such as:

- The rationale behind BCM, namely to introduce a national approach to ensure cases progress through the Crown Court efficiently and effectively is sensible and therefore has the “buy in” of practitioners and judges;
- The National Implementation Team has provided sound governance arrangements to ensure issues can be addressed constructively;
- The Local Implementations Teams have been notably instrumental in the introduction of BCM, in raising awareness and in resolving issues locally in a collective manner;
- The data is showing some positive indications, such as a reduction in the number of hearings prior to disposal.

I have been impressed with the good practices that are developing, and which are helping to achieve the overarching aims of BCM, namely:

- Robust case management

- A reduced number of hearings
- The earlier resolution of pleas and identification of the issues in the case
- The maximum participation and engagement by every participant within the system
- Effective compliance with the **Criminal Procedure Rules (CrimPR); Practice and Court Directions.**

Courts, such as Reading Crown Court, have noted the following:

- An increase in defence and CPS engagement both before the Magistrates hearing and before the PTPH, This results in the court receiving earlier notification of a guilty plea than hitherto, enabling the case to be listed for plea and sentence at the same time.
- After the PTPH, engagement between parties has continued, and working digitally has helped as, for instance, the prosecution and the defence use emails to progress the case.
- There has been better compliance with judges' orders.
- We have witnessed a fall in workload as the court starts to dispose of more cases than it receives.

Other courts, such as Norwich Crown Court, have seen both practitioners and judges make huge efforts to get to grips with digital working. The close cooperation between the judicial lead for DCS (HHJ Bate) and practitioners has resulted in files being uploaded to the DCS in proper order.

“Proactive judicial intervention is the key; if we know the nuts and bolts of the case – and the parties know we do – they are far more likely to, and do enter into constructive engagement; result – a drop in cracked trials from 50% to 34%.”

**HHJ Clement Goldstone QC**  
**Resident Judge and Honorary Recorder of Liverpool**

However, I am not complacent. I recognise that whilst most are now familiar with BCM processes, we still have some way to go to change the culture within the Crown Courts so that the principles which underpin BCM become second nature. Therefore the NIT and LITs will continue to focus their efforts on:

- **Direct engagement-** it is imperative that both the prosecution and defence nominate a named decision maker who will communicate – whether by telephone, e-mail or (it still occasionally happens!) face-to-face – from the earliest opportunity through to the conclusion of the case. Magistrates and judges should be making enquires of the parties to ascertain the extent of such engagement in order to foster a climate of communication.
- **BCM Questionnaire-** although BCM is about procedures in the Crown Court its principles start in the magistrates' court and, in particular, with the completion of the BCM questionnaire. This provides the

crucial first impetus to the parties to consider the information essential to make the PTPH effective. It is not now a question of leaving it to trial counsel. Whilst it is the responsibility of the CPS and defence to complete the first part of the questionnaire, magistrates and District Judges should assist by identifying pleas, issues, outstanding material and anything necessary for the conduct of the hearing (such as interpreters).

- **Robust case management-** The aim of every PTPH should be to progress the case appropriately in a way that minimises the need for further hearings. From a judicial perspective this will be achieved by making full enquiries about the case in order to set appropriate, realistic and bespoke directions; or by ensuring that guilty pleas are entered, where appropriate, and sentence takes place without unnecessary adjournments by making use of oral reports from Probation officers.

Although the PTPH form provides a framework for the hearing, the completion of it should not be the primary focus and the temptation to set standard directions should be resisted

I also appreciate there is room for improvement. But we are listening to feedback and acting upon it such as:

- Refining the rules around the content of the Initial Disclosure of the Prosecution Case (IDPC);
- Reviewing the PTPH form taking into account suggestions from around 50 different practitioners/judges/organisations;
- Development of a solution to deal with multi-handers on the DCS.

It is clear that together BCM and DCS can be very effective to the benefit of all.

There has been a collegiate spirit and growing self-confidence. Initial fears and innate conservatism were soon overcome. I have to say that it has been a pleasure to observe how the quality of file presentation and our own degree of case management and oversight has improved through mutual support and encouragement, in and out of court. This has been one of the most interesting and enjoyable periods of my nine years on the Circuit Bench."

**HHJ Bate**

**Norwich Crown Court**

I will end as I started by thanking you all for your hard work and commitment to date and to wish BCM many happy returns!



## **Lord Justice Fulford**

Senior Presiding Judge for England and Wales

## **Further Information**

More information on BCM can be found at [Judiciary.gov.uk](http://Judiciary.gov.uk)