

Joint statement to Kevin Sadler, Acting Chief Executive Officer, HMCTS

We the undersigned require an immediate suspension of the Common Platform (the “CP”) due to escalating concerns about the adverse impact of the delivery of justice and the increasing negative impact on the health, safety and wellbeing of those using the CP.

We note the concerns raised by the Senior Presiding Judge about the poor operation of the CP in practise and welcome the resulting decision to suspend any further roll out this year. However, we believe that the fundamental flaws afflicting the operation of the CP are so serious that HMCTS must now cease using the CP altogether until such time as these issues are properly resolved.

The CP was intended to act as a shared interface between all Criminal Justice Process users where ‘start to finish’ details of a case could be entered, recorded and accessed by each agency. However, feedback from members of our respective organisations clearly indicate that the system consistently fails to operate as intended.

The notion that court takers in the Magistrates’ Court are able to digitally record the outcomes of cases in real time unassisted by administrative staff whilst simultaneously managing the court and, in the case of Legal Advisers, fulfilling their functions under the Practice Direction and Criminal Procedure Rules, is fundamentally flawed. HMCTS’ own evidence has demonstrated that recording case outcomes by way of data entry in real time has a negative impact on both the timeliness of proceedings and the ability to fulfil the role of a Legal Adviser. Furthermore, the concept that a system that purports to reflect the principles of Transforming Summary Justice can simply be transferred across to the Crown Court is one rooted in a deep misunderstanding of how work is conducted in the Crown Court.

The flaws in the CP impact on stakeholder groups across the sector. Our respective members have legal and ethical duties in relation to those whom we represent. Those duties are repeatedly frustrated in consequence of the problems encountered in the use of the CP. It is notable, for example, that orders and warrants do not always reach criminal justice partners or have reached them recording a different outcome from the decision made by the court.

The Ministry of Justice’s own forecast could see a backlog of cases in the Crown Court of 72,000 cases by 2024. We are of the view that the design flaws in the CP are likely to exacerbate rather than to reduce that backlog. At present, many of us are using alternative means to engage with the Court, where possible. Those who have sought to use the CP have found it cumbersome, slow and unreliable. Delays are already being experienced by individuals and organisations who prosecute and defend with workarounds having frequently to be deployed to address a system failing.

The CBA played a key role in developing the Digital Case System (the “DCS”) and continues to encourage the development of a more streamlined system to manage cases from start to finish. However, the CBA shares the serious reservations

expressed about the technical proficiency of the software used by the CP given repeated failures in its operation. The CBA also believes that the concept of real time recording is flawed in principle because it places too heavy a burden on 'in court' staff, and it acts as a brake on proceedings, slowing down processes rather than speeding them up.

The POA fully support the suspension of the common platform as delays result in a potential extension of prisoner remand time, that in turn can manifest itself in prison safety and stability issues, these issues must then be dealt with by our hard-working members.

The signatories to this letter therefore call on HMCTS to act immediately to rectify the current situation by suspending the CP. A failure to do so may result in political, legal and potential industrial responses from some of the signatory organisations to this statement.

Signed by Mark Serwotka, General Secretary, Public and Commercial Services Union (PCS)

Signed by Jo Sidhu QC, Chair, The Criminal Bar Association (CBA)

Signed by Daniel Bonich, Chair of The Criminal Law Solicitors' Association (CLSA)

Signed by Hesham Puri, President, The London Criminal Courts Solicitors' Association (LCCSA)

Signed by Alan Williams, Vice Chair, The Solicitors' Association of Higher Courts Advocates (SAHCA) (Criminal Advocates Section)

Signed by Siobhan Foreman, Vice Chair, National Association of Probation Officers (NAPO) and Family Courts

Signed by Andy Baxter, Assistant General Secretary, Prison, Correctional and Secure Psychiatric Workers (POA)