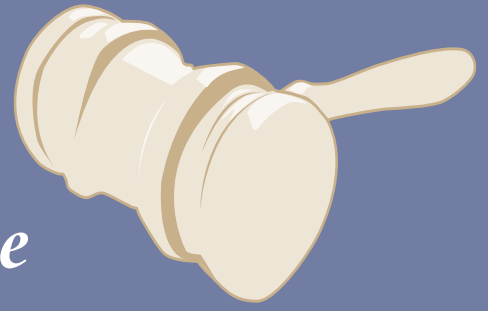


in depth:

# Delivering Simple, Speedy, Summary Justice



## From Possibility...

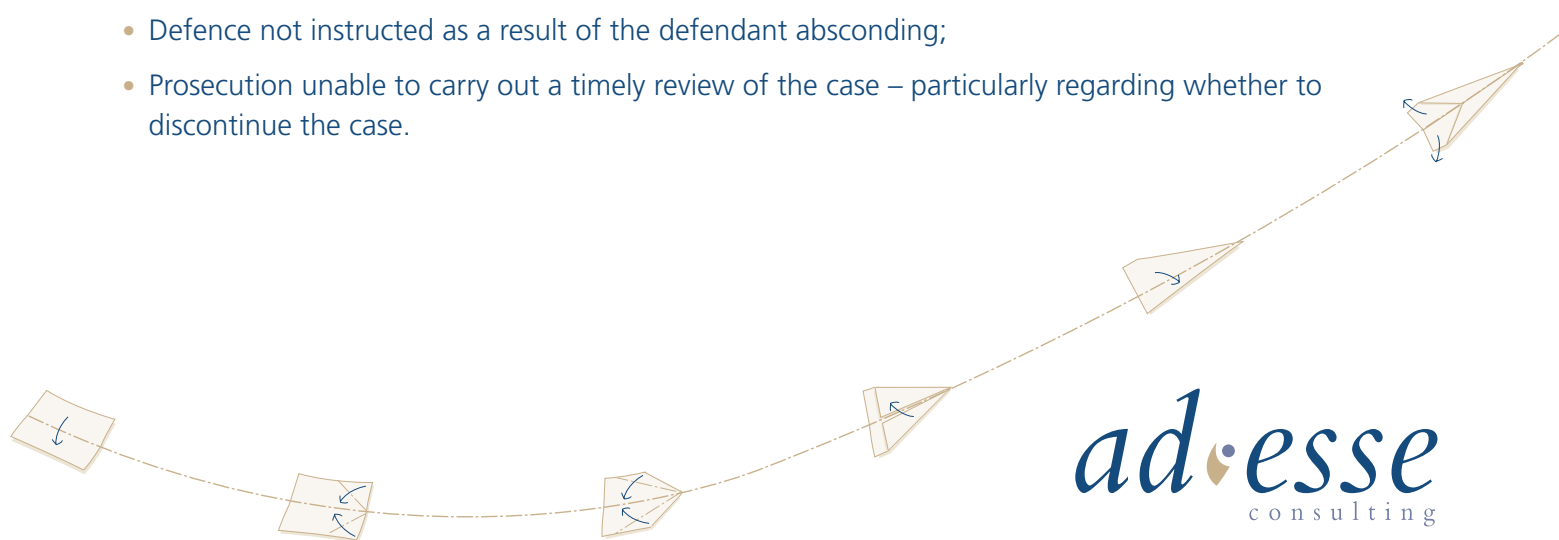
All Criminal Justice Boards are now examining how to make SSSJ happen in their areas. The vision is to deliver a Criminal Justice System that is:

- **Simple:** dealing with some specific cases transparently by way of warning, caution or some other effective remedy to prevent re-offending without the court process.
- **Speedy:** those cases that need the court process will be dealt with fairly but as quickly as possible.
- **Summary:** a much more proportionate approach still involving due process – for example dealing with appropriate cases the day after charge or during the same week (which would be a change in the way that cases are currently dealt with in the magistrates' court).

The vision for SSSJ is quite clear, making it happen across the whole system remains the key challenge. If you examine all of these reasons highlighted as causes of delay in "*Delivering Simple, Speedy, Summary Justice*", they are largely down to one thing, process failures.

### Main reasons for delay found by magistrates' courts and Crown Court reviews

- Disproportionate time and money spent on minor offences in the magistrates' courts;
- Late disclosure or service of evidence by the prosecution;
- Lack of defence representation at first hearing in the magistrates' courts;
- Unnecessary pre-trial hearings;
- Lack of robust case management in the magistrates' courts;
- Poor court file administration;
- Lack of information from the prosecution or the defence – e.g. on witness availability;
- Defence not instructed as a result of the defendant absconding;
- Prosecution unable to carry out a timely review of the case – particularly regarding whether to discontinue the case.



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## DELIVERING SIMPLE, SPEEDY, SUMMARY JUSTICE, JULY 2006.

The report is right to say that success is only possible if all parties – the courts, police, prosecution and defence – work together. That's where a complexity and lack of clarity around processes causes problems. Processes fail because people on the ground don't know who needs to do what, when and how. When you have so many different people involved in different parts of the delivery model, that's hardly surprising.

### Well intentioned "improvement" tends to fail because:

- We try to deploy changes by issuing lengthy and complex policy guidance
- These get translated into overly detailed procedural manuals which quickly get out of date and few people ever read
- What works in one area is difficult to replicate in another
- We "*reinvent the wheel*" with a couple of local modifications and expect the same results
- We change one part of the process without understanding the consequences on another part of the process
- We look at processes in one organisation in isolation to those in others, rather than examining the end to end system

Cumbria CJB has been developing a "*process model*" for CJS delivery over the past year. They saw SSSJ as the ideal opportunity to take this down to a delivery level and test out its application on the ground.

## *To Actuality...*

### IMPLEMENTING SSSJ IN CUMBRIA

In June 2006 Cumbria CJS started to pilot SSSJ across its Courts in the West of the county. One of four pilot sites, they introduced a number of process changes which were tested for the next 6 months.

### Early process changes included:

#### PRE-COURT

- Witness availability will be obtained prior to first hearing and included on the first hearing file for court.
- Advance information (AI) will be prepared at charge stage and available before first hearing. This will result in a more informative AI package being available to the defence at an earlier stage.
- On DPP Guidance cases the police will be producing accurate expedited and evidential reports to the CPS duty prosecutor at the charging site thereby according the correct level of resource to the advice and file build processes.

#### AT FIRST HEARING

- '**Guidance to Courts on Conduct of First Hearings in the Magistrates' Courts'** has been issued to the test sites for them to consider and test as appropriate. On completion of the test, their comments and recommendations will be used to form a final version of the guidance, which will be issued nationally.
- First hearings to be conducted by District Judges or magistrates' in different test areas, who will clearly identify the issues in the case and make specific directions.

## FROM FIRST HEARING TO TRIAL

- Trials to be heard within 6 weeks and simple cases to be listed more immediately where possible.
- More robust case progression activities to be conducted out of the court room to ensure that trials are effective. The prosecution and defence are responsible for compliance with orders and directions made by the court.
- Courts to take a more robust approach when parties turn up for trial not ready to proceed.

### HEADLINE MESSAGES

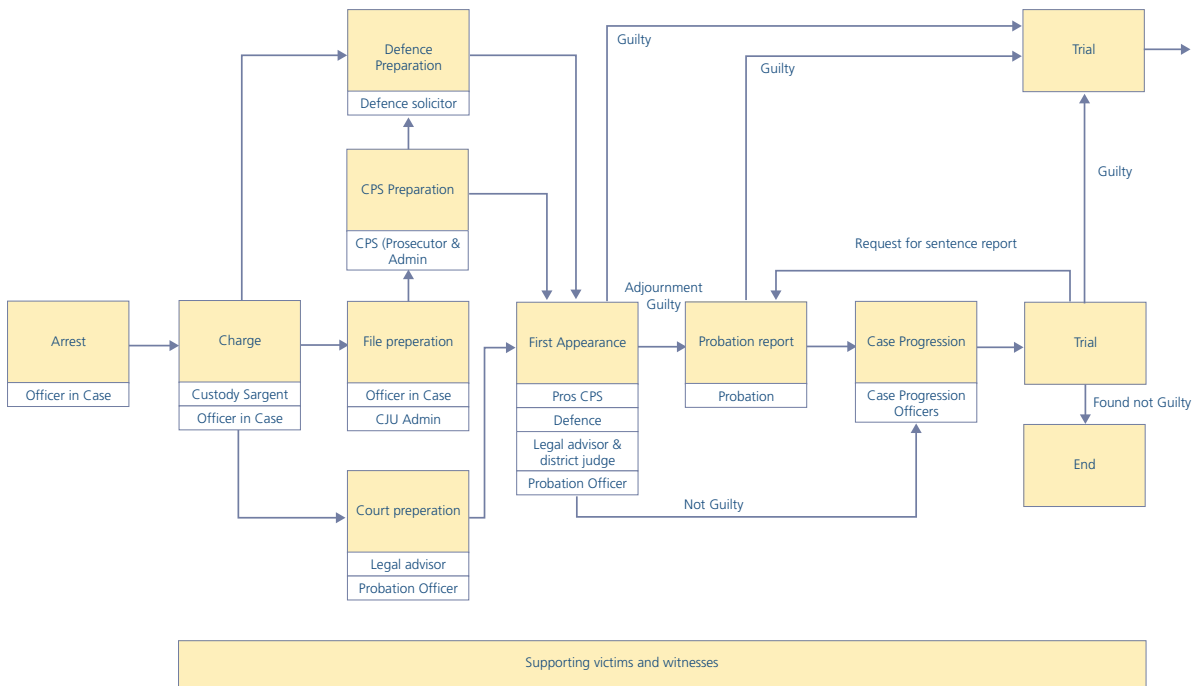
- earlier identification of guilty pleas – there has been a 30% increase in guilty pleas at first hearing;
- a reduction in interim hearings for contested cases – a 70% reduction in adjournments at first hearing for some form of interim hearing;
- the ambition is for the majority of all simple cases to take from a day to 6 weeks from charge to disposal.
  - Additionally, for contested cases, the test areas have delivered significant improvements in the time taken between first hearing to trial – the majority of trials now being listed in 6 -10 weeks;
- 60% of the 1,868 guilty pleas that were entered at first hearing were dealt with on the day;
- there has also been a decrease in outstanding workload. Between June and September, in Coventry there has been a reduction from 3100 to 2700 cases for the CPS; and in West Cumbria, there has been a reduction from 1150 to 600 cases.

Early results from the Pilots were positive and they decided to start and plan the roll out to the North of the county. Concerns were raised as to how the processes could be replicated as structures, roles and volumes were different in the North of the County. Cumbria decided to map the end to end SSSJ processes in some detail in the West, to capture the successful elements and help further implementation and roll out.

**A process model was created and then “walked through” to capture:**

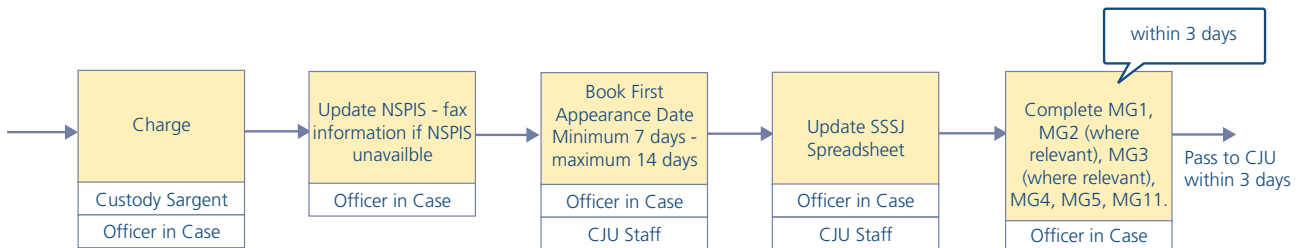
- Process steps
- Who did what
- Any time standards required
- Copies of any forms or checklists

## THE HIGH LEVEL END TO END MAP



Talking to each “role” within the process during the walk through enabled detailed drill down maps to be created, which identified who needed to do what, when and how. This is where most change fails. Not necessarily a lack of commitment, but a lack of understanding of what needs to be different in respect of day to day delivery.

## DRILL DOWN FROM CHARGE PROCESS STEP



This full model was then taken to a project team which had been set up in the North and three questions were posed:

- What parts of the process can be immediately implemented
- What parts of the process can be implemented, but other changes need to happen to enable this
- What parts of the process cannot be implemented (and why!)

As it happens, the majority of the process could be quickly implemented and only one or two minor changes (such as a system to ensure police availability was known and accurate) were required. The roll out is now well underway in the North of the County.

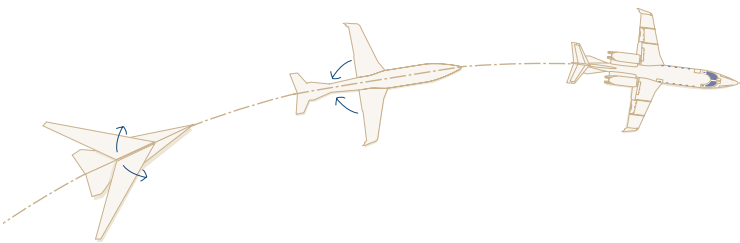
Paul Bradley, LCJB Business Manager highlighted 5 key benefits to this approach:

1. Approaching change management in this way helped focus the new group of stakeholders on the key parts of the process that delivered the required business improvement.

2. As project manager it allowed me to deliver the scheme to a new Basic Command Unit with only half the project board meetings used to deliver the pilot project. It was a more efficient use of my time and CJB support staff time
3. Being able to see a process mapped out in a logical sequence of actions, avoided the confusion that often arises when trying to translate good practice form one area to another. It became the “*definitive process*” to which the new team had to adjust working practices.
4. The performance data collected as part of the pilot project validated the new approach, and that helped win any arguments that “*it will not work here*”.
5. From a project management point of view, reviewing a process model in this way quickly identifies processes or practices which will cause problems for the people involved. In this way risks/issues are catalogued and then we can do some pre-emptive work to problem solve, rather than being hit by a project risk during implementation/go live.

**Mike Maiden, Chief Probation Officer and Chair of Cumbria’s Criminal Justice Board commented:**

*“As a Criminal Justice Board we are investing in how to understand and manage the Justice System as a whole. Our work on a specific process such as SSSJ has illustrated how powerful a tool an integrated process analysis can be. Our roll out of SSSJ has been so much easier as a result of understanding where change impacts on the whole system and has allowed us to transfer learning from one location to another within clearly understood standard processes”.*



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