

Court Double Shift Sitings: Evaluation Report

London Criminal Justice Partnership

March 2011

Executive Summary

- The Project tested, over a 6 month period, whether it was viable to run two courtrooms in a Crown Court on a morning and afternoon "Shift" basis.
- The proof of concept has been established - a court can be run on a Shift Sitting basis.
- Shift Sittings generally viewed as working, but several issues identified that would need to be addressed for any future use of Shift Sittings to be as effective as possible.
- Morning Shift seen as particularly effective, but utilisation of the Afternoon Shift worse than the morning shift with the Afternoon Shift sometimes running out of work.
- Shift Sittings generally worked well with shorter matters, but are unlikely to be suitable for longer and more complex trials.
- Wide cross-section of users and agencies generally either neutral or positive about Shift Sittings, but advocates generally more negative in their views and perceive more difficulties with shifts than any other group.
- As Croydon Crown Court did not have a backlog of cases work was imported from Woolwich Crown Court for the pilot period.
- Given the small scale nature of the pilot, the performance data is not statistically significant, but Woolwich showed a 39% drop in outstanding cases over the pilot period.
- The cost of the six month pilot was £469k (broken down as £125k project costs and £274K additional sitting day costs).
- Most agencies identified additional costs with any future use of Shift Sittings, which did not arise during the pilot period due to staff goodwill and flexibility.
- Shift Sittings could work as an option used alongside courts sitting "normal" hours as an effective way of reducing backlogs, ideally any backlog should be at that Court Centre rather than importing work in.
- Shift Sittings would be suitable for larger Court Centres as the infrastructure (accommodation, cells, catering) must be able to cope with the short term increase in demand that will result from running Shift Sittings Courts.
- The pilot has also established that not only can the court commence earlier than it traditionally has but this appears to be an effective approach.
- Even if Shift Sittings are not taken forward, consideration could be given to piloting an extended court day, whereby the court commences at 9:00am or 9:30am.
- Consideration should be given to varying court listing practices, with trials starting earlier and with all non-trial and interlocutory matters after the conclusion of the trial day (for example, at 3:00pm or 3:30pm).

Contents

1. Background to Crown Court Shift Sitings

2. Evaluation methodology

2.1 *Data sources employed in this evaluation*

3. The Quantitative findings

3.1 *Key Findings*

3.2 *Performance data for Croydon Crown Court and for the Shift Courts*

3.3 *Impact of Shift Sitings on Court utilisation*

3.3.1 *Morning Shift*

3.3.2 *Afternoon Shift*

3.4 *Juror Utilisation*

3.5 *Potential impact of Shift Sitings on wider performance*

3.6 *Impact on outstanding case numbers*

3.7 *Breakdown of work in Shift Sitting Courts*

4. Costs

Table 1 – Actual pilot expenditure

Table 2 – Budget allocated for pilot

4.1 *Total Costs of each Agency involved in the Pilot*

4.2 *Feedback received from Agencies on further costs encountered that weren't budgeted for in the Allocation Bid*

4.3 *Feedback received from Agencies on other potential costs that may be incurred if the Double Shift Scheme was rolled out on a broader basis*

4.4 *Comparison of Project HMCS Cost per Recorder Sitting Day to the Cost Model supplied by HMCS Financial Management at HQ*

4.5 *Calculation of the Cost per Sitting day charged to the Project for each Agency*

4.6 *Legal Aid costs*

4.7 *Summary*

5. Experiential & Qualitative findings

5.1 *Summary*

5.2 *Jurors*

5.3 *Witnesses*

5.3.1 *Victim Support*

5.4 *Defendants*

5.5 *HMCS, including jury summoning*

5.6 *HM Prison Service*

- 5.7 *SERCO*
- 5.8 *CPS*
- 5.9 *Probation*
- 5.10 *Police*
- 5.11 *Judiciary*
 - 5.11.1 *Recorders*
 - 5.11.2 *Judges*
- 5.12 *Advocates*
 - 5.12.1 *Childcare/caring issues*
 - 5.12.2 *Canteen opening hours*
 - 5.12.3 *Potential loss of work*
- 5.13 *Potential Equality Impact*
 - 5.13.1 *Disability*

6. Practical application of the scheme

- 6.1 *Summary*
- 6.2 *Summary of the wider benefits identified in pilot*
- 6.3 *Issues for taking Shift Sittings forward*
- 6.4 *Type of work suited for Shift Courts*
- 6.5 *Court utilisation*
- 6.6 *Juror utilisation*
- 6.7 *Recorder availability & use of judges for Shift Courts*
 - 6.7.1 *Recorders*
 - 6.7.2 *Judges*
- 6.8 *Custody cases*
- 6.9 *Issues involving other agencies*
- 6.10 *Practical Court issues*
- 6.11 *Catering*
- 6.12 *Lunch breaks*
- 6.13 *Resources more generally*

7. Conclusion and recommendations

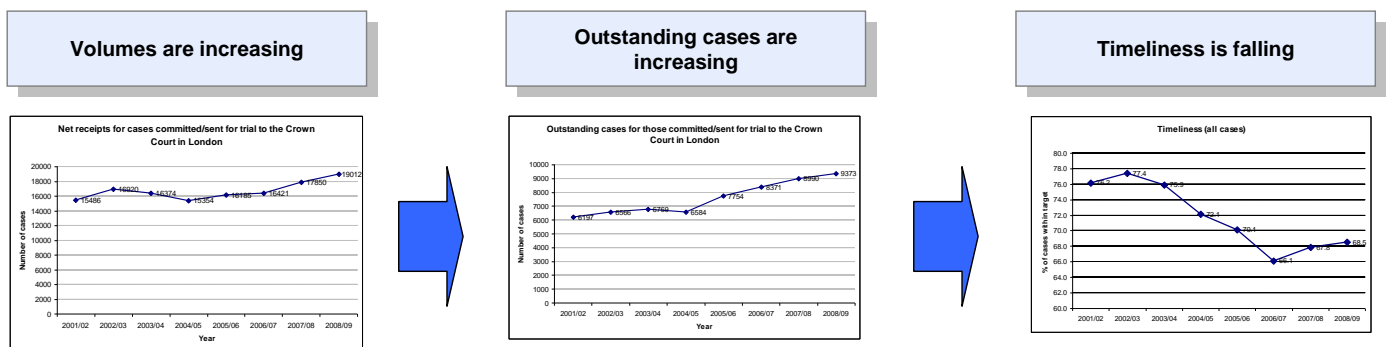
Annex A - data from surveys

1. Background to Crown Court Shift Sittings

1.1 Over the last ten years delays in the court have increased by nearly 40%. At the end of 2001/02 the average waiting times in London was recorded at 14.43 weeks and compared favourably with the national average of 14.68 weeks. By the end of 2009/10 the average waiting time in London had shown a significant increase to 21.5 weeks, whilst the national average had only increased to 15.7.

1.2 With the capital investment extension completed at Isleworth, London commenced 2010/11 in an improved position. The additional 5 courtrooms being available for a full year led to an increased number of sitting days allocated to London. These additional days together with an improvement in the disposal rate has meant that during the 2010/11 financial year London has been able to reduce its outstanding trials. Although waiting times have remained at 21 weeks, the number of trials outstanding has reduced from 9,928 at the end of March 2010 to 8,815 at the end of January 2011.

1.3 The delays in London's Crown Courts have a detrimental effect on the justice system, increasing the burden on victims and witnesses and reducing public confidence. One of the main causes of the increased delay has been the rising workload and the key challenge has been the lack of the Court Room capacity.



1.4 The Crown Court Shift Sittings project looks to address this and its overarching aim is to increase court capacity and reduce waiting times where there is no additional courtroom capacity and would reduce the need for large movements of work to other court centres. This was done by;

- testing the concept of running two courtrooms in a Crown Court on a morning and afternoon "shift basis" to see if such an approach is viable and which ensures that there are no negative impacts on criminal justice outcomes, and

- through the pilot establish what will need to be in place to develop a workable operational model for Shift Sittings in London that is suitable for the Judiciary, Her Majesty's Court Service, criminal justice partners and court user needs.

1.5 The project tested Shift Sittings in the Crown Court, with a morning and afternoon shift each operating for 4.5 hours, thereby doubling the use of the courtroom.

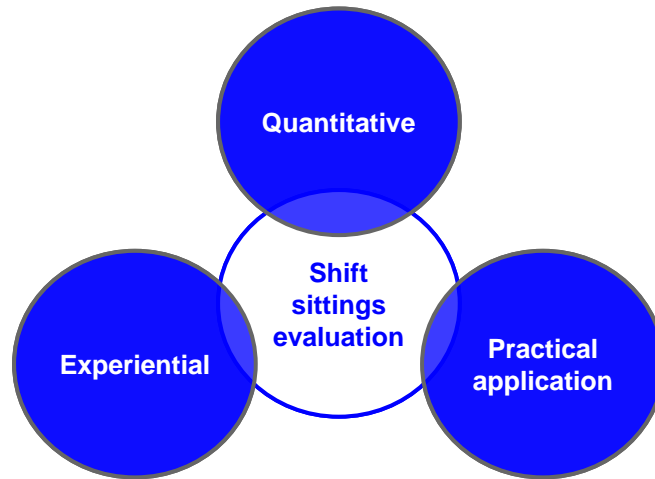
1.6 The pilot ran in two courtrooms at Croydon Crown Court for six months from June to 17th December 2010, with the first Shift Court going live on 23rd June and the second Shift Court on 7th July. This equates to four shifts a day (two in the morning and two in the afternoon) spread across two courtrooms.

1.7 The project was a **proof of concept** to identify whether sittings in a Crown Court can be run on a shift basis and to identify the key issues in taking any courts forward that operated on this basis. While the effectiveness and efficiency of Shift Sittings is, of course, highly relevant, the primary purpose of the project was to test whether the concept of Shift Sittings can be made to work in practice.

1.8 An **Early Findings Report** was completed in **October 2010** and was based on the first three months of the pilot. The **Early Findings Report** focused on the emerging data, the qualitative experience of those involved in Shift Sittings and the key themes and issues that were emerging. It concluded that the proof of concept had been established and that the shift system was largely working well in practice.

2. Evaluation methodology

The evaluation of this project has been structured around three key themes:



- The **quantitative** aspects of the evaluation focus on performance (court utilisation, juror utilisation, trial effectiveness, case outcomes, disposal rates), costs and benefits of the scheme – **sections 3 & 4.**
- The **experiential strand** makes up a large part of this report and looks to capture the user experience of Shift Sittings - **section 5.**
- The **practical application** of the scheme assesses how the pilot operates in practice (operating model), identifying the issues it faces, lessons for transferability and what changes would be required - policy, contracts, terms and conditions etc - to make it a wider and permanent arrangement – **section 6.**

2.1 Data sources employed in this evaluation.

The following information has been collected and forms the basis of this early findings report.

- ✓ Court performance data (including utilisation information) has been collected at the court centre and courtroom level.
- ✓ Structured interviews conducted by the Project Manager with:
 - The Resident Judge, HMCS Court Manager, Operations Manager HMPS High Down, HMCS Jury Central Summoning Bureau Manager, Senior Probation Officer – Croydon, SERCO, Witness Service Co-ordinator and Deputy, Bromley Police, CPS Croydon LAU, Crown Court Managers and HMCS Judicial Secretariat.

- An evaluation workshop conducted with the Local Implementation Team at which all agencies and stakeholders were represented.
- ✓ Detailed survey forms completed by:
 - Witnesses, Jurors, Advocates and Defendants.
- ✓ Comments captured in the comments book and comments Log from:
 - The Judiciary, CPS, Advocates, Police, SERCO, HMPS and Jurors.
- ✓ Cost information supplied by Agencies.

The report has been produced by the London Criminal Justice Partnership who provided project management support and senior management oversight for the project. PA Consulting advised on the evaluation methodology employed and offered feedback on the first draft of this report.

3. The quantitative findings

This strand of the evaluation aims to focus on the potential impact that Shift Sittings has on performance, costs and benefits. **It is important to note that, as the Shift Sitting Courts were operational for just six months in two courtrooms, there is insufficient data available to make statistically significant assessments.**

- The information provided in this section provides insight into the direction of travel only.

It should also be borne in mind when comparing performance data between the Shift Sittings Courts and Croydon as a whole that there are some slight, but relevant differences between the Shift and the “normal” courts in terms of the types of work undertaken and how the courts are run. The Shift Sittings Courts did not take longer or more complex trials, and the Shift Sittings Courts relied more heavily on Recorders than “normal” courts.

Another factor in the design of the pilot that affected both court and juror utilisation rates was the decision to allow parties to opt for a Shift Court or a “normal” court and the decision to allow jurors to choose a morning or afternoon Shift Session. (See paragraphs 3.4 – 3.5 on juror and court utilisation for an analysis of the potential impact of this).

3.1 Key Findings

Bearing in mind the caveat that the data is not statistically significant, the data indicates that:

- Court utilisation was at least as good as for Croydon Court Centre generally
- Juror utilisation rates were significantly worse during the pilot period
- Trial performance generally did not deteriorate during the pilot period
- The Shift Courts appear to have had a significant impact on the level of outstanding cases at Woolwich Crown Court (from where work was imported during the pilot period)

3.2 Performance data for Croydon Crown Court and for the Shift Courts

Shift sittings data capture sheet

Measure	Data source	Aggregation	Baseline		Ongoing performance						
			July - Dec '09	Jan - June '10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10
Court sittings expected	Locally collected	Court room	n/a	n/a	12	76	84	88	84	88	52
Court sittings actual	Locally collected	Court room	n/a	n/a	11	66	72	70	72	85	46
Average length of court sitting days	HMCS London	Court centre	5.18	5.06	5.02	4.74	4.79	4.78	4.88	4.8	4.74
Net receipts	HMCS London	Court centre	133	147	197	179	164	191	155	182	129
Disposals	HMCS London	Court centre	128	139	150	164	169	171	157	159	118
Waiting time - bail	HMCS London	Court centre	23.04	21.4	19	23	20	23	18	17	25
Waiting time - custody	HMCS London	Court centre	11.6	12.74	8	13	14	12	12	10	13
Guilty plea rate	HMCS London	Court centre	59.8%	61.9%	69.2%	57.0%	67.1%	68.4%	59.7%	68.0%	57.8%
Disposal rate	HMCS London	Court centre	0.7	0.7	0.688	0.7	0.9	0.8	0.7	0.6	0.8
Number of trials listed per month (court centre)	HMCS London	Court centre	72	80	85	92	87	79	83	99	66
Number of trials listed per month (court room)	HMCS London	Court room	n/a	n/a	6	40	38	24	35	38	18
Trials - effective (court centre)	HMCS London	Court centre	56.6%	52.3%	51.8%	58.7%	51.7%	58.2%	55.4%	58.6%	51.5%
Trials - effective (court room)	Locally collected	Court room	n/a	n/a	66.67%	67.50%	73.68%	66.67%	62.86%	60.53%	61.11%
Trials - cracked (court centre)	HMCS London	Court centre	30.9%	32.2%	35.3%	31.5%	40.2%	30.4%	32.5%	25.3%	30.3%
Trials - cracked (court room)	Locally collected	Court room	n/a	n/a	33.33%	32.50%	18.42%	25.00%	22.86%	21.05%	16.67%
Trials - ineffective (court centre)	HMCS London	Court centre	12.5%	15.6%	12.9%	9.8%	8.0%	11.4%	12.0%	16.2%	18.2%
Trials - ineffective (court room)	Locally collected	Court room	n/a	n/a	0.00%	0.00%	7.90%	8.33%	14.28%	18.42%	22.22%
Utilisation - jurors (court centre)	HMCS London and locally	Court centre	74.8%	75.1%	73.3%	51.1%	47.1%	52.8%	51.2%	58.6%	63.0%
Utilisation - court (court centre)	HMCS London and locally	Court centre	March data	March data				3.73	3.59		
Utilisation - court am (court room)	Locally collected	Court room	n/a	n/a	4.17	4.5	3.92	4.37	4.36	4.25	4.11
Utilisation - court pm (court room)	Locally collected	Court room	n/a	n/a	2.58	3.75	3.62	3.55	2.95	3.73	4.03
Appeals to Court of Appeal	Collected at end of pilot	Court room			Total at end of pilot						

"Locally collected data" refers to data collection arrangements put in place solely for the purposes of the pilot

"HMCS London data" refers to data that is routinely collected regionally by HMCS

"HMCS London and locally collected data" refers to data which is a combination of both data sources for example, on court utilisation the baseline is taken from a recent regional snapshot but the performance at court and court centre level during the pilot was collected locally

3.3 *Impact of Shift Sittings on Court Utilisation*

Court utilisation measures all court time that is “lost”, except for any planned breaks. Such data is not routinely collected, but was collected for the two Shift Courts throughout the pilot and compared to two snapshots taken for the whole of the Court Centre (including the two Shift Courts) in September and October 2010. Overall the utilisation for the Shift Sitting Courts appears to be slightly better than for the whole of Croydon Crown Court, with an average for the Shift Sittings Courts of **3.85** hours per Shift compared to **3.66** per day for the whole of Croydon Crown Court.

The Shift Sittings Courts rely more heavily on Recorders than the “normal” courts which use Judges more. Recorders normally only sit for one week so continuity can be an issue (for example, a trial could not commence on a Friday afternoon if the Recorder will not be at the Court the next week unless it could be concluded during the Friday afternoon). In addition, Recorders are more limited in the type of cases they can take and there are issues with the availability of Recorders generally which impact more on the Shift Sittings Court. It is note worthy that these factors do not appear to have adversely affected shift sitting court utilisation.

There has also been significant variance in the performance of Shift Sittings in the morning and afternoon slots (see paragraphs 3.3.1 & 3.3.2 below).

3.3.1 *Morning Shift*

The clear view of all those involved is that the **Morning Shift** has been particularly effective and this appears to be backed up by the utilisation rate for the Morning Shift which averages **4.24** hours.

Comments included the view that the Morning Shift has generally started promptly and that this contrasts with experience of “normal” courts which are routinely 10 minutes or so late in starting.

The experience of the Morning Shift would also seem to indicate that not only can a court successfully commence earlier than the current “normal” starting time of 10:00am, but that it is generally seen as a more effective use of time to do so. This raises the question of whether, quite aside from the issue of Shift Sittings, of whether there might be scope to test a change to traditional court sitting hours (see **Section 7** below **Conclusions & Recommendations**).

3.3.2 Afternoon Shift

The Afternoon Shift worked well on occasions but suffered from a tendency to run out of business. This is reflected in the lower utilisation rate when compared to both the Morning Shift Sitting and the utilisation rate for the "normal" courts. Once this was identified during the pilot, it was addressed through pro-active listing practice to try to ensure that there were greater levels of back up work available and this is reflected in the improved utilisation figures for November and December.

The average utilisation rate for the Afternoon Shift during the pilot period was **3.46** hours.

3.4 Juror Utilisation

It is notable that juror utilisation rates dipped significantly for Croydon Court Centre over the pilot period from a baseline over the previous 12 months of around 75%, to an average of around 57% during the pilot period.

This echoes the experience of the staff involved in the pilot. The lessons for any future Shift Sittings are not dissimilar to those around the issue of court utilisation. See paragraph 6.6 for discussion about steps that might improve juror utilisation rates in any future use of Shift Courts.

3.5 Potential impact of Shift Sittings on Wider Performance

The data in the table at **3.2** contains data for the Shift Courts and for Croydon Court Centre across a number of performance indicators. These cover

- through-put of work –receipts, disposals, number of trials, out-standing cases, trial effectiveness, waiting times, cracked trials, ineffective trials and guilty plea rate.

Given the scale of the pilot, it is not possible to reach any firm conclusions on the impact of Shift Sittings on trial performance, but rather the data provides an indication of whether there might be a potential significant impact on performance in running courtrooms on a shift basis.

The data across a range of performance indicators show that the Shift Sittings Courts have performed comparably or better than Croydon Court Centre as a whole during the pilot period, or (where data is only available at Court Centre level) that performance has not been adversely affected at Court Centre level.

For example, the Effective Trial rate for Croydon Court Centre averaged 55.1% throughout the pilot period. This compares to an Effective Trial rate of 65.6% in the Shift Courts.

The Cracked Trial rate similarly is better at Shift Court level than for Croydon Court Centre as a whole (24.3% compared to 32.2%), although the Shift Courts did not take longer or more complex cases.

In terms of performance data that is available only at Court Centre level, there was an increase in trials listed, net receipts and disposals over the pilot period as one would expect and this was broadly commensurate with a 20% increase in court capacity that the Shift Sittings pilot provided.

It does seem to indicate that running a court room on a Shift Sitting basis does not have any obvious adverse impact in terms of trial performance, and, indeed, may have potential benefits.

3.6 Impact on Outstanding Case Numbers

Croydon imported a significant quantity of work from Woolwich to source the additional trial courts created by the double shifts, the net impact on outstanding cases needs to be looked at in the context of Croydon and Woolwich collectively.

Comparing the level of outstanding cases across both courts at the beginning of the pilot period (1,444 total no of cases) and the end of the pilot period (1,252 total number of cases) there is a reduction in the collective number of outstanding cases of 192, which equates to a 13% reduction in outstanding caseload. There were no other factors in respect of Woolwich Crown Court that would account for this reduction during this period other than the impact of the Shift Sittings pilot.

Outstanding Cases

Court	Baseline Jul – Dec 09	Baseline Jan – Jun 10	June	July	August	Sept	October	November	December
Croydon CC	667	701	738	752	748	769	767	789	800
Woolwich CC	682	743	744	698	614	554	527	476	452

3.7 Breakdown of Work in Shift Sitting Courts

The table below sets out the work listed in the Shift Courts and compares this to the work undertaken across Croydon Crown Court as a whole.

It indicates that the Shift Courts are an effective way to discharge the full business of the court and that a wide range of court business is suitable for Shift Courts.

The high proportion of trials listed in the Shift Courts is encouraging but it should be noted that complex and lengthy trials were not listed for the Shift Courts.

Listings data capture sheet (test period)

Listed for	Data source	Aggregation	Ongoing performance from 23 June to 17 December 2010							Total
			Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	
Trial	MOJ	Court	33	92	87	79	83	99	59	532
	Locally collected	Shifts	6	40	38	24	35	38	18	199
Preliminary Hearing	MOJ	Court	16	28	20	25	26	25	19	159
	Locally collected	Shifts	15	6	5	4	0	13	7	50
PCMH	MOJ	Court	21	184	182	218	212	191	134	1142
	Locally collected	Shifts	9	59	85	28	18	99	69	367
Sentence	MOJ	Court	20	94	92	88	98	68	55	515
	Locally collected	Shifts	4	33	39	20	52	62	21	231
Appeal	MOJ	Court	7	18	23	23	37	26	10	144
	Locally collected	Shifts	0	3	10	0	26	6	0	45
Committal for Sentence	MOJ	Court	7	17	26	18	25	12	19	124
	Locally collected	Shifts	2	11	13	6	9	6	8	55
Mention	MOJ	Court	46	163	108	160	135	163	99	874
	Locally collected	Shifts	6	39	48	39	11	63	34	240
Breach	MOJ	Court	5	13	11	17	25	19	12	102
	Locally collected	Shifts	0	5	2	2	3	3	3	18
Bail application	MOJ	Court	6	32	46	27	24	20	15	170
	Locally collected	Shifts	2	7	16	2	0	3	6	36
Pre Trial Review	MOJ	Court	3	14	8	11	13	9	12	70
	Locally collected	Shifts	0	3	1	1	2	4	3	14

"Locally collected data" refers to data collection arrangements put in place solely for the purposes of the pilot

"MOJ" refers to data that is routinely collected

4. Costs

The detailed costs broken down by Agency over the life-span of the project, include the actual costs of the project for each agency as well as those in the budget allocated for the project. The actual costs of delivering the pilot were approximately £87,000 under the allocated budget.

The total actual costs are set-out in table 1 below and the budget for delivering the project – staff, management, estate etc are at table 2 overleaf. The key costs are staffing and Crown Court costs.

Table 1 – Actual Pilot Expenditure

	Pilot Actual	Budget Allocation	Budget Variance	% Variance	Further costs		Brief Description of further identified Costs
	Expend. charged to Project	awarded to Project			identified as real to the pilot but not budgeted for	Revised Budget Variance to include further costs	
	£	£	£		£	£	
HMCS	371,228	405,329	34,101	8.4	946.50	33,155	Sold annual leave by four personnel key to the project
HMPS	40,366	97,083	56,717	58.4	0.00	56,717	
SERCO	49,970	49,970	0	0.0	4,811.00	-4,811	Longer court hours than agreed were worked by court/escort staff
VICTIM SUPPORT	3,540	13,534	9,994	73.8	0.00	9,994	
PROBATION	2,400	6,084	3,684	60.6	0.00	3,684	
HMCS National Allocation	467,504	572,000	104,496	18	5,758	98,739	
CPS Allocation	1,761	134,400	132,639	99	0	132,639	No quantified further costs but high dependance on staff goodwill
Total Project Allocation	469,264	706,400	237,136	34	5,758	231,378	

Notes

HMCS expenditure includes payments to LCJP for consultancy costs and cost of Project Manager.

Original total project allocation was £734,400 but £28K was lost to the evaluation/consultancy budget

It is assumed that the CPS payment will carry VAT.

Table 2 – Budget Allocated for Pilot

TOTAL PROJECT BUDGET	SET-UP	Jun-10	Jul-10	Aug-10	FORECAST				GRAND TOTAL
					Sep-10	Oct-10	Nov-10	Dec-10	
	£	£	£	£	£	£	£	£	£
Expenditure Details									
Staff Costs	3,268.77	9,250.07	28,381.06	26,065.64	28,679.57	31,595.82	32,029.57	20,870.37	180,140.85
Management Costs see below	59.50	14.28	54.74	27.37	27.37	27.37	27.37	15,514.28	15,752.28
Volunteer Expenses (n/applic)	0.00	12.00	48.00	80.00	80.00	80.00	80.00	80.00	460.00
Cosultancy/Contractors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14,000.00	14,000.00
Sundries	1,444.00	1,115.00	1,148.00	1,148.00	1,148.00	1,148.00	1,148.00	574.00	8,873.00
Re-Fit	0.00	53,371.64	0.00	0.00	0.00	0.00	0.00	0.00	53,371.64
Crown Court Costs	0.00	5,572.00	39,000.00	33,431.00	47,060.00	45,489.00	47,061.00	27,659.00	245,272.00
Premises Costs	0.00	712.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	600.00	7,312.00
Total	4,772.27	70,046.99	69,831.80	61,952.01	78,194.94	79,540.19	81,545.94	79,297.65	525,181.77
Working Budget Figure (agreed allocation for project LESS CPS)									572,000.00
Working Budget Figure (agreed allocation for project INCLUDING CPS)									706,400.00

4.1 Total Costs of Each Agency Involved in the Pilot

A breakdown of the total project costs reported by each agency is provided in Table 1 (see previous page). Overall, there has been a 15% under-spend against the budget allocation awarded by the Change Programme.

Also included in Table 1 are additional actual costs incurred by some agencies. These are costs that were not met from the project allocation due to being outside the scope of the original budget setting or that have surpassed that particular agency's individual allocation.

4.2 Feedback Received from Agencies on Further Costs Encountered that Weren't Budgeted for in the Allocation Bid

Serco were the only agency to identify any actual additional costs over and above those contained in the project budget. These were due to courts running beyond the agreed timings; particularly the morning sessions that went beyond the agreed completion time of 13.30pm, plus having to deal with the occasional "multi-hander" involving more than one defendant.

A list of dates and courtrooms where over running occurred were supplied by the finance department at Serco.

4.3 Feedback received from Agencies on other potential costs that may be incurred if the Double Shift Scheme was rolled out on a broader basis

In considering the resource costs with any future use or roll out of Shift Sittings, it will be necessary to factor in costs which have not arisen during the pilot period but which would arise going forward and it is suggested that a further piece of analytical work be undertaken to quantify these. These reflect the fact that staff from HMCS, CPS, Probation Service and Victim Support have basically absorbed these additional resource costs over the pilot period by working flexibly and working longer hours. This is not untypical of projects where those involved are keen to ensure its success and it cannot be assumed that this would be replicated if the project became "business as usual".

Resource issues for Serco would depend on which courts and prisons were involved in any further roll out. In addition, some mechanism would be required to deal with the additional costs mentioned in paragraph 4.2 above. In summary, Serco see this as resolvable and are willing to find a mutually agreeable solution.

While no actual additional costs were identified by Victim Support, as no new staff member was appointed. Instead, staff overtime and the flexibility and goodwill of volunteers were employed. Victim Support, however, would incur setting-up costs at each location new to the pilot – these costs are minimal and are made up of stationery supplies and mobile phone usage – also volunteer expenses would rise with more locations. One major outlay that a broad roll out may well give rise to at Victim Support, is the need to appoint a project manager to oversee the expansion of work and ensure its success.

CPS have stated that while they have covered extended hours with volunteers, this could not be maintained if Shifts Sittings became "business as usual" and there would be a need for greater resources. The CPS have stated that for every two additional courts there would be a requirement for an additional Paralegal Assistant (PAs). On the basis of the shift system piloted at Croydon, two

courtrooms operating a double court Shift would require two PAs to cover the four Courts. The cost of a Paralegal Assistant is £30,381.

This position is echoed by other agencies such as HMCS who have covered the additional requirements for the Shift Courts through staff flexibility and goodwill. Similarly, additional staff would be required to cover additional courts created by Shift Sittings (the exact requirement would, of course, depend on the number of additional courts).

In addition to the additional resource costs, one further additional cost has also been identified in respect of juror summoning. The IT processes for Jury Central Summoning Bureau do not support the operation of the Shift Courts and the Juror Summoning Bureau have developed a manual workaround for the pilots. As well as creating some additional work for staff, this raises the issue of how the requirements of juror summoning would be met if there were an extension of Shift Courts. There would almost certainly need to be a (comparatively minor) amendment to the existing IT system with the costs associated with this.

4.4 Comparison of Project HMCS Cost per Recorder Sitting Day to the Cost Model Supplied by HMCS Financial Management at HQ

The cost per Recorder sitting figure obtained from the HQ evaluation was £1,781 and this is based on costs posted directly to crown court business entity codes across the business and includes all HMCS overheads.

The figure for the cost per recorder sitting day charged to the project is £1,804, this is derived from the total HMCS costs of the project (less evaluation and project manager payments to LCJB), divided by the number of sitting days charged to the project, (which was 185 days). The HMCS costs include a setting up capital cost of £53,400 for the provision of additional judicial chambers. This is a one off non-recurring cost. If this cost is removed from the figures then the actual cost is lower than the cost figure for a "normal" court supplied by HMCS.

The actual cost charged to the project comes in 1% higher than the evaluation supplied by HQ.

4.5 Calculation of the Cost per Sitting Day Charged to the Project for Each Agency

The table over page contains the costs per sitting day for each of the agencies as was charged to the project as well as the proportion of the total sitting day cost incurred by each agency.

The HMCS total expenditure figure applied is net of the evaluation and management payments made to LCJP and includes a set-up estates cost of £53.4K.

	Pilot Actual Expend. charged to Project	Cost per Sitting as applied to the project	% cost of one sitting day
	£	£	%
HMCS	333,654	1,804	77.29
HMPS	40,366	218	9.35
SERCO	49,970	270	11.58
VICTIM SUPPORT	3,540	19	0.82
PROBATION	2,400	13	0.56
CPS Allocation	1,761	10	0.41
Total Project Allocation	431,691	2,333	100

4.6 Legal Aid Costs

The Legal Aid costs associated with Shift Sittings are neutral because of the fee structure, in that no greater expense is incurred than if the case were dealt with by a "normal" court. As Shift Sittings increase court capacity and therefore allow cases to be dealt with more swiftly than would otherwise be the case, this would lead to a significant acceleration of costs which could not be met from the existing Legal Aid budget.

4.7 Summary

From the financial information supplied, Shift Sittings as provided in the pilot do not appear to be cheaper in terms of cost to HMCS than a "normal" court in terms of resource costs. Most agencies identified additional resource demands from running courts on a Shift Sittings basis that were absorbed for the duration of a 6 month pilot, but could not be similarly absorbed if Shift Sittings were taken forward.

The potential cost benefit would appear to be in terms of increasing capacity without incurring significant capital expenditure in the provision of additional courtrooms.

5. Experiential & Qualitative findings

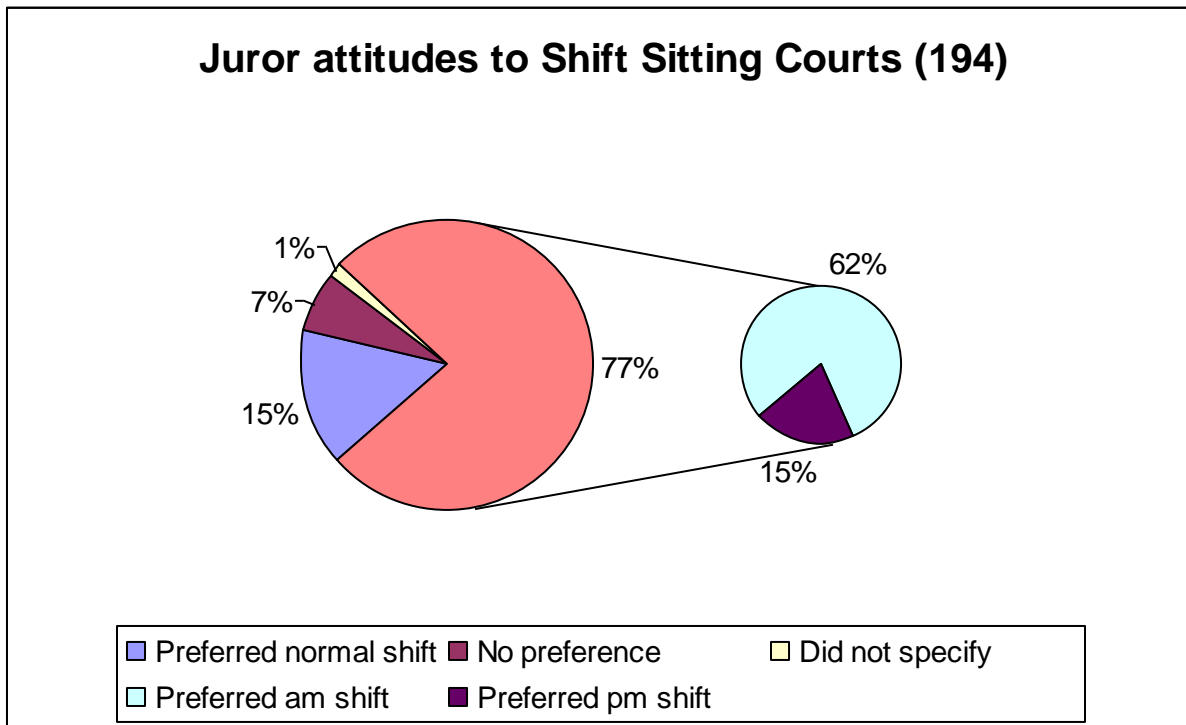
The interviews and surveys have aimed to identify feedback from staff and court users who have experienced the Shift Sittings in practice. Further detail is provided at Annex B.

5.1 Summary

Some of the key messages include:

- Shifts seen as working well, with fewer than anticipated problems materialising.
- Shifts seen as particularly effective for shorter matters, but not suitable for longer trials.
- Morning Shift seen as more effective than Afternoon Shift where there was an issue with the court running out of work.
- There are additional resources required to run Shift Sittings with agencies and staff currently absorbing these by adopting a flexible attitude and working longer hours during the pilot period.
- Jurors, witnesses and defendants generally are either neutral about Shifts or positive about the flexibility they offer.
- Staff from agencies on the whole positive about Shift Sittings but concerned about the increased demands on staff and whether Shifts are viable without some additional resource.
- Judges and Recorders generally positive about Shift Sittings.
- Advocates generally negative about Shift Sittings with approximately two thirds preferring “normal” court hours.

5.2 Jurors



Summary Analysis

A total of 194 surveys were completed by jurors where 85 indicated attendance of a Shift session.

A significant proportion of jurors expressed a preference for Shift Sittings with only 15% preferring a normal shift. Where negative comments were made these tended to be in relation to the inconvenience of undertaking jury service rather than being directly attributable to Shift Sittings.

Over 50% of the Shift attendees indicated that it had helped with their work/life balance and also made it easier on their day to day activity. Out of the 28 comments made by the jurors surveyed, there were two positive comments about the impact of Shift Sittings on child care.

Quotes

"I look after my grand-daughter and it's easier to find someone to look after her if I do mornings only"

"Being on AM/PM leaves you some time to do other things and plan ahead."

"The whole thing was inconvenient with my work situation"

"Being on AM/PM leaves you some time to do other things and plan ahead."

"Being self employed, any time as above is not good. I am suffer a loss of EARNINGS"

"easier travel off peak and cheaper"

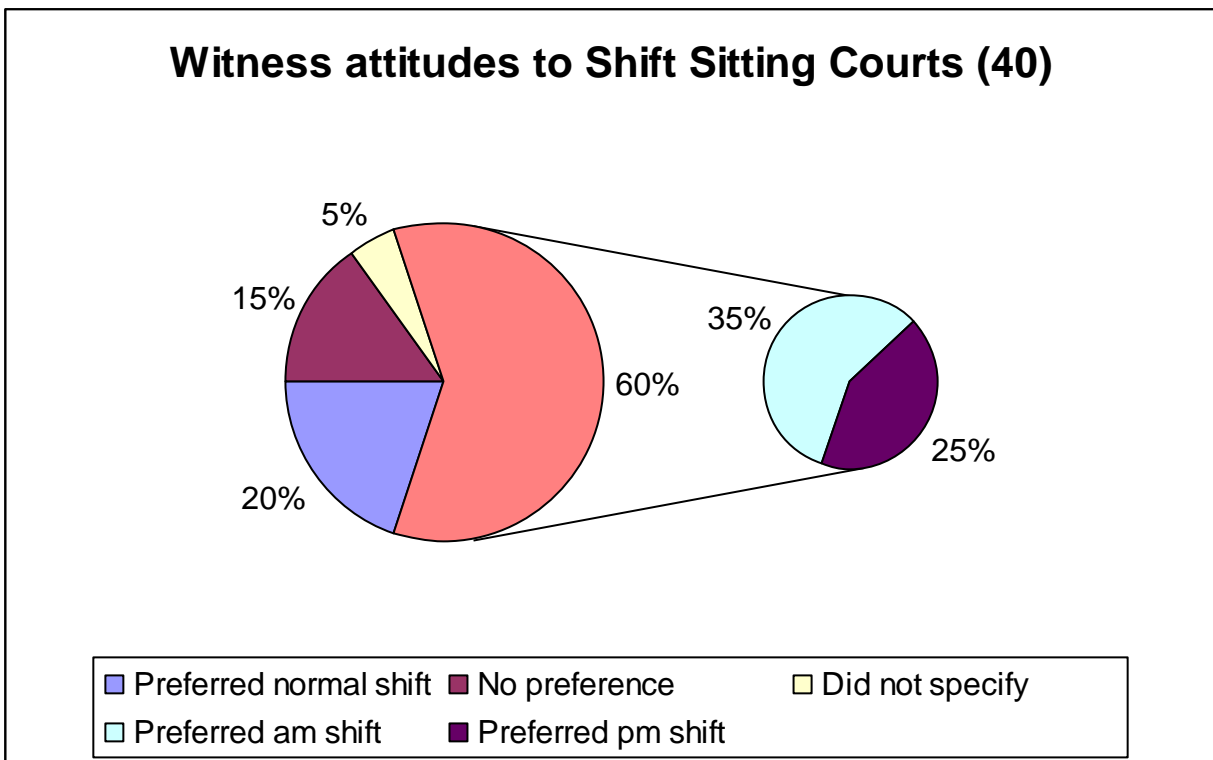
"it is very good to have half a day to do other things"

"having an afternoon off would help with child care"

"morning suits my lifestyle"

" I run my own business I can work in the morning or afternoon instead of wasting a WHOLE day"

5.3 Witnesses



Summary Analysis

Twenty two of the forty witnesses indicated that the Shift session was preferable to "normal" court hours.

Only six witnesses indicated that a Shift session would not benefit their work/life balance, and only one indicated where it would not benefit their day to day activity. The numbers that said that there were benefits were comparable to those who stated 'no difference'.

One witness commented that a Morning Shift assisted with child care.

Some of the other comments reflect the inconvenience for a witness attending court and are not specific to Shift Courts.

Quotes

"any previous commitments could be dealt with prior to attending court"

"I was able to go work and do half a day, less disruptive to my colleagues"

"The scheme has worked" (Witness Service).

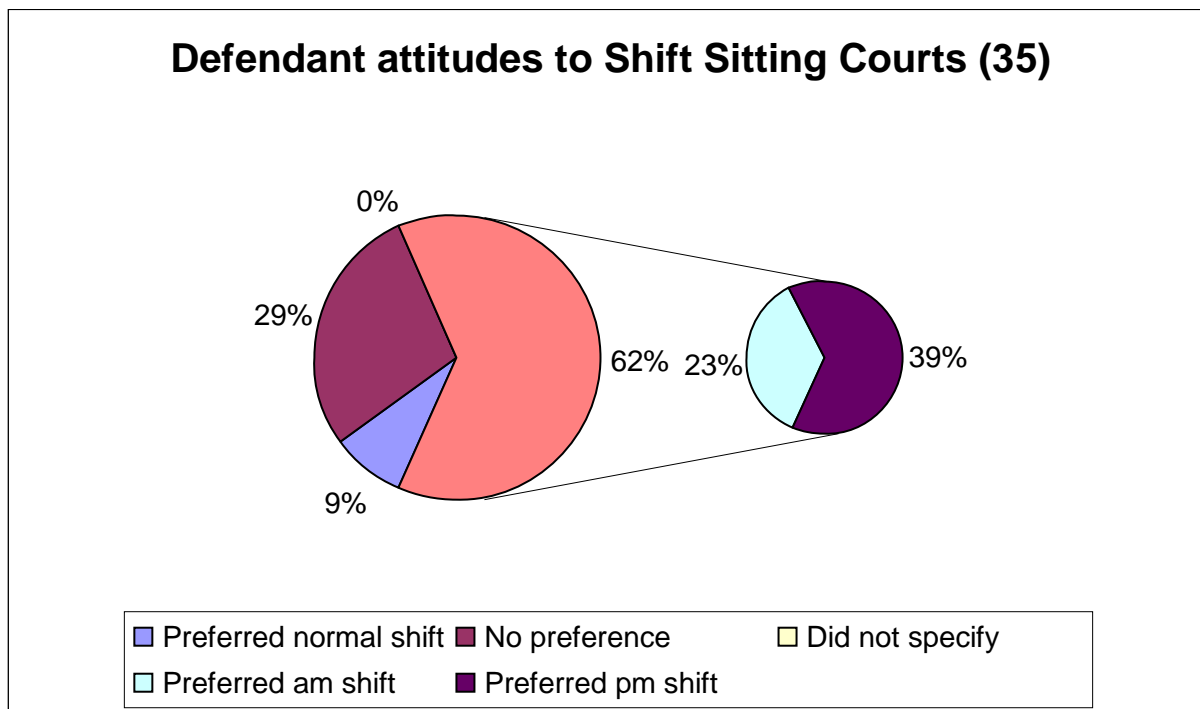
"It is very difficult to take time out of teaching especially with the overall school responsibilities"

"Provides time to attend to daily duties instead of spending the whole day away"

5.3.1 Victim Support

Victim Support viewed the pilot as having worked but have had to absorb additional work in order to cope with the demands of the Shift Sittings Courts. While this increase in work has been dealt with through staff working longer and more flexibly during the pilot period, there would be additional resource requirements were Shift Sittings to be taken forward (see paragraph 4.3).

5.4 Defendants



Summary Analysis

All thirty five defendants surveyed had attended a Shift Session. Of the eleven in custody, five indicated a preference for a Shift Session, four stated 'no difference' and two stated 'no'.

Of the twenty three on bail, the majority experienced 'no difference' (sixteen) in a Shift Session, four found it more favourable, and one didn't. The remaining two had not attended court before.

Quotes

"It makes a difference with the waiting times, before I have waited in court from morning to night and it tends to get very stressful"

"The early return to prison facilitates an early arrival on your houseblock to shower make phone calls and relax before evening meal and association"

5.5 HMCS, including Jury Summoning

Staff views are mixed in so far as it has been identified that the pilot has generated additional work both for court staff and in respect of jury summoning. This has been dealt with during the pilot period by staff being flexible and working longer. On the other hand the general view is that the pilot has been a success and it has been demonstrated that courts can be run on a Shift basis.

"Staff volunteers remain enthused – shifts suit them domestically"

"It is a wholly workable scheme that could be tailored appropriately and utilised to blitz problem areas. It is a shame that the Bar was so negative about it."

"The pilot system was a worthwhile experiment and I can see some benefits from it. The a.m. shift jurors were very positive about their jury service but this was not the case for the p.m. shift jurors. There should be consideration to extending the working day but I believe that the backlog of cases would be better absorbed by extending the court sitting times from 9a.m. to 5p.m., this is a normal working day and would not impact so enormously."

"I think the system worked well, if it is implementing correctly so that the shifts are covered across all staff, then I think it would work fine."

"insufficient funding for staff has meant the scheme has to a great extent succeeded on goodwill. This comes at a price as long hours worked obviously impact on home life and can be draining. I found the long days very tiring and although I could have taken more annual & flexi leave my workload would have accrued to an unmanageable level and I would not have been on hand to provide the support and cover necessary. Concern about workload invariably overflows in to home life and I found this to be more prevalent due to the demands Double Shifts placed upon me. The fact the scheme was in operation for 6 months meant that there was respite when it concluded. However were it to be rolled out this goodwill could not be sustained and adequate funding & staff required to make it happen."

5.6 HM Prison Service

HM Prison Service needed to adapt how it operated to ensure that prisoners were ready to be discharged to court for the earlier start in the Morning Shift and could be processed through reception for the later return from the Afternoon Shift. HMP Highdown adapted their processes to ensure that this could be accommodated and viewed the pilot as working well due to staff flexibility. However, if Shift Sittings were to be rolled out, the Prison Service consider that there would be more resource and staffing costs to be considered which have not currently arisen in this project.

"Working well and caused no problems or concerns for HMP Highdown"

5.7 SERCO

Viewed the scheme as generally working well, but again identified additional costs that would arise if Shift Sittings were taken forward.

5.8 CPS

CPS lawyers are generally positive and view Shift Sittings as most suitable for short trials, sentences, pleas appeals and committals. CPS lawyers also view that trials in Shift Courts are likely to be more effective and are certainly no less effective than trials in a "normal" court.

CPS staff, such as caseworkers, however, are much more mixed in their views, citing a longer working day with more time spent at the court which then adversely impacts upon their ability to undertake other work.

"Trials work well in shift sessions (short trials particularly well). In our view to date, it seems that trials are more likely to be effective if listed in a Shift Court, certainly we have seen no reduction in effectiveness"

"Attendance at Court has increased in terms of time and frequency. This impacts upon the progression of my allocated casework which is my core function undertaken in the main CPS office where I am based."

"Briefs not ready if PCMHs listed at 9am"

5.9 Probation

While probation viewed the scheme as having worked well, they also identified significant increases in the caseloads of staff. This is primarily due to importing work into Croydon for the pilot and is not a direct consequence of running a Shift Sitting system *per se*.

5.10 Police

Viewed the scheme as working well and having no direct impact upon them.

5.11 Judiciary

The feedback both from those surveyed and through the Local Implementation Team meetings has been generally positive with Shift Courts being seen as effective for shorter matters but with concern expressed about the lack of back

up work for the Afternoon Shift, and the fact that sitting in a Shift Court meant that the work was relatively low level.

5.11.1 Recorders

13 Recorders were surveyed. Six welcomed the flexibility Shift Sittings brings as they are essentially self-employed and can do other work in am/pm, but seven comments that there was a lack of back up work (this was addressed during the pilot period once it had been identified as an issue, see paragraphs 3.4.2).

Two commented on the undesirability of having to share chambers.

The other comment of note was that the work seemed to consist mainly of very short matters and low level crime.

5.11.2 Judges

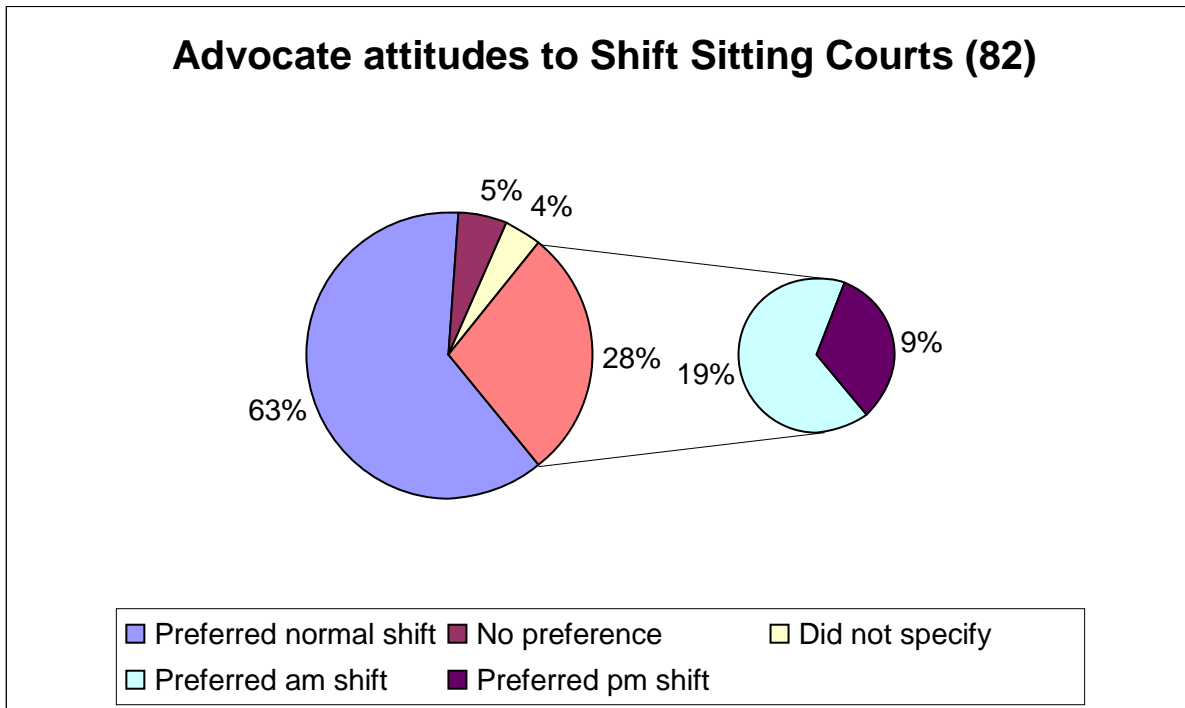
Shift Sittings are seen as a good way of dealing with shorter matters, short trials, PCMH, bail etc, but not viewed as suitable for longer trials (one week plus).

"Shorter trials (ideally 2 to 3 days) work well in the shifts as well as short matters (PCMHs, bails, mentions, appeals)".

"One week plus cases are not really suitable. Judge and Counsel tiredness becomes an issue in longer trials"

"The 20 minute break does not allow judiciary time to recharge batteries".

5.12 Advocates



While the views of those involved in Shift Sitting cases, from the Agencies to jurors to witnesses and the judiciary has been generally positive or neutral, the tenor of comments from advocates has been significantly more negative.

The balance of those who preferred a Shift Sitting to a normal day is almost the reverse of the feedback from every other group. Whereas the consensus is about two thirds prefer Shift Sittings, for advocates two thirds do not, with only 28% expressing a preference for a Shift Sitting.

This begs the question of why advocates are markedly less in favour of Shift Sittings than any other group?

While there are some comments which indicate that the Shift Court did not work particularly well in that advocate's experience, it is fair to say that the negative comments focus more around the inconvenience and negative impact Shift Sittings are seen as having for Advocates.

The negative comments of advocates have been around issues such as the potential impact on those advocates with caring responsibilities, the fact the canteen does not open in time for the Morning Shift and that the late finish of the Afternoon Shift can cause the loss of work for the next day as by the time the Afternoon Shift has finished it is too late to pick up work for the next day.

The above comments do not, however, indicate that Shift Sittings are not working effectively, but rather that, in some respects, running a Crown Court on a Shift Sittings basis can present a range of potential difficulties or inconveniences for advocates.

5.12.1 Childcare/Caring Issues

These are considered in more detail at Section 5.13 on the Potential equality Impact of the pilot as it is important to contextualise the experience of the Advocates with others involved in Shift Sittings.

While childcare was the most frequently identified issue (other than the general inconvenience of the scheme), fourteen out of eight-two advocates mentioned the impact of Shift Sittings on childcare arrangements. Of these comments eleven were negative and three were positive.

5.12.2 Canteen Opening Hours

Opening hours of canteen has been raised frequently by advocates as an issue as the canteen does not open in time for those attending the morning session. While recognising that this is an inconvenience, the fact is that this is not a fundamental issue.

5.12.3 Potential Loss of Work

Advocates identified an issue particular to Afternoon Shifts and the potential for them to lose work for the following day should a case unexpectedly go short late in the day, given that the normal practice in chambers is for clerks to have allocated any work for the following day by 17.00 hours. This scenario could occur in trial cases where, after 17.00, a jury returns their verdict or there is a ruling of 'no case to answer'. Data gathered during the test shows that there were a total of 11 instances of jury verdicts after 17.00 and three instances of 'no case' rulings after 17.00 hours. This was out of a total of two hundred and eight Afternoon Shifts, meaning that the issue arose in just 7% of Afternoon Shifts.

This would indicate that this was a genuine, if infrequent, problem. To some extent, this reflects the fact that this was not identified as a potential issue in the pilot development phase and as such there were no discussions with the bar on how to mitigate this. It is suggested that there must be some scope, through discussions with the bar and the clerks, to identify practical measures that would minimise this risk in any future use of Shift Sittings.

Selected comments include:

"makes life at the bar an utter misery and often unworkable... finishing so late causes extreme family problems and is utterly barbaric... instead of finishing at 6.30 our day finishes at 9pm!"

"it has made my business and personal life more difficult"

"Child care is more difficult to arrange"

"hugely inconvenient. I am due to have a child quite soon and when that happens this would be impossible for me"

"I do not dislike this scheme just to be difficult. My problem is it increases my working today as I am then sent to normal court sitting hours in the afternoon. If I lived any further away than Kingston I would not be able to realistically do a morning shift"

"morning or afternoon listings are completely inconvenient especially for those with childcare responsibilities. Normal 10-4.30 court days ought to resume"

"Have to leave home earlier than normal and do not get back any earlier".

"morning job better as afternoon slots run on too late for clerks to redistribute work and family suffer"

"Good idea. More time for prep/conferences PCMHs ok in other cases, therefore good for continuity and case management"

"it's a job. Not about 'life balance'. We should stop all this claptrap and get on!"

"this system works well for short trials etc. but does not work for longer trials or PCMH in my view"

"For the two cases I have conducted in the morning shift it has worked well apart from travel difficulties for me and my client. There were also difficulties for jurors being ready to start at 9am prompt. If it were 9.30 start these problems would have been reduced significantly"

"I only need morning childcare, which helps financially and means I actually get to see my children! However, this only happens with the afternoon session"

"I am usually at court at 9am in any event"

"Have been able to take children to school"

5.13 Potential Equality Impact

Caring Issues

In the project set up phase the potential of Shift Sittings to have an adverse impact on those with caring responsibilities was raised. This was primarily raised in respect of advocates. The evaluation therefore seeks to specifically assess the impact of the pilot on those with caring responsibilities.

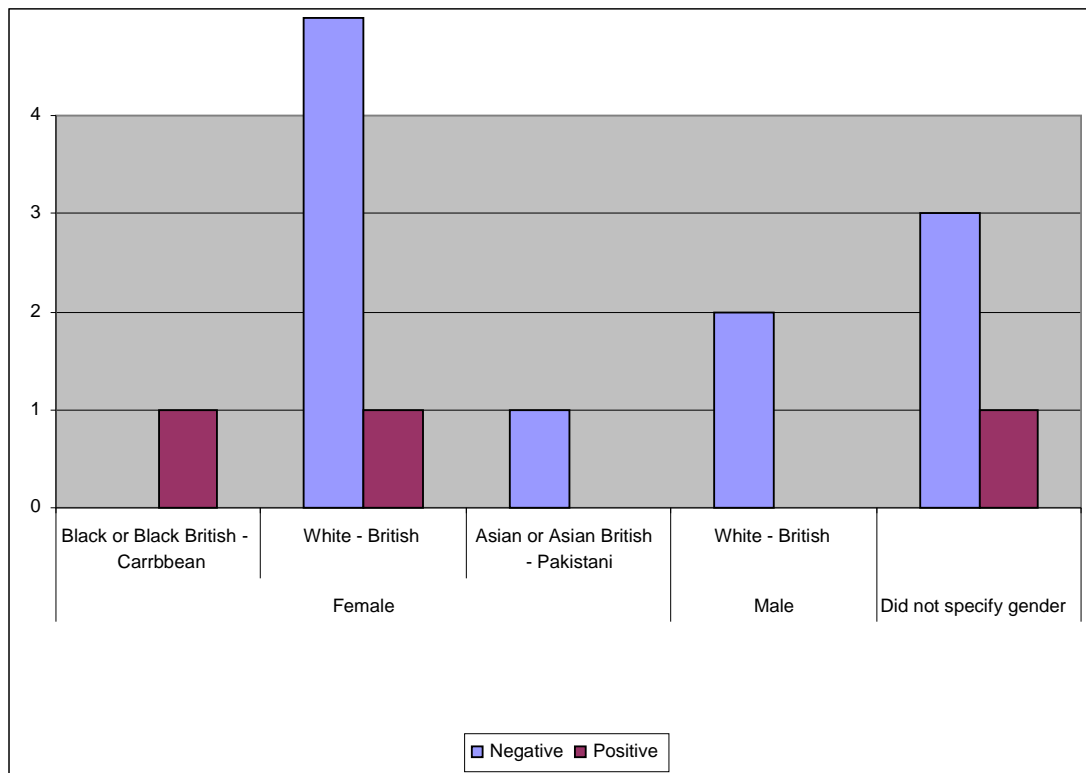
The principal group to identify an adverse impact on those with caring responsibilities have been advocates. Even among this group, the views were mixed. Of the twelve advocates that raised the issue of child care a quarter (3) of comments were positive.

A breakdown by gender and ethnicity of those advocates who commented on caring issues is set out below.

A more general breakdown of the gender and ethnicity of the jurors and witnesses who were surveyed is at Annex A.

Advocate Responses: Impact on Child Care Responsibilities				
Gender	Ethnic Background	Negative	Positive	Grand Total
Female	Black or Black British - Caribbean	0	1	1
	White - British	5	1	6
	Asian or Asian British - Pakistani	1	0	1
Female Total		6	2	8
Male	White - British	2	0	2
Male Total		2	0	2
Did not specify gender		3	1	4
Grand Total		11	3	14

Advocate responses - Impact on Child Care Responsibilities



The only other group to identify an adverse impact on those with caring responsibilities were court staff with two adverse comments.

The adverse impact that advocates and HMCS staff identified, however, needs to be balanced against the views expressed by jurors, and witnesses. Each group have generally been positive about the flexibility Shift Sittings offer, specifically for those with caring responsibilities.

In summary, the emerging evidence on the potential impact of Shift Sittings for those with caring responsibilities is mixed with just 5% of those surveyed commenting on caring issues, despite specific questions on their work/life balance in the questionnaire. In total, eleven negative comments were received, against six positive. This also needs to be set against the total number of three hundred and thirty-six advocates, jurors, witnesses and staff surveyed and one hundred and forty-five comments received. This means that 12% of those who commented mentioned an impact on caring responsibilities as a result of Shift Sittings.

In considering this issue going forward the potential negative impact on certain groups needs to be weighed against the potential positive impact on other groups. One argument might be that as the courts are a public service, the impact on the public should be given greater weight than the impact on those who work within the service.

In practical terms, it should also be possible, with forward planning, to identify Shift cases sufficiently in advance and allocate the cases to counsel who are able to work a Shift Sitting without any adverse impact on any caring responsibilities.

5.13.1 Disability

Seven of the questionnaires received were from disabled respondents. Four were jurors, two witnesses and one advocate, all of whom had attended a Shift session.

Three indicated a preference for a Shift Session Court time (two jurors & advocate) with a couple of comments on the positive impact they had experienced.

"It help(s) me with my animals and also with my illness. To have a sleep in the afternoons"

"earlier start for short hearings enables counsel to get back to Chambers to undertake work"

The four who opted for a normal Shift Court time, stated 'no' or 'no difference' on their preference and there were no negative comments stated.

6. Practical application of the scheme

6.1 Summary

The pilot has proved that courts can run on a shift basis. The overall perception from those involved in Shift Sittings is that it worked quite well, with several stakeholders expressing the view that the arrangements worked better than anticipated. The Local Implementation team were also of the view that the phased implementation of the pilot, whereby the "go live" dates for the two courtrooms was staggered, was not necessary.

This would indicate both a strong project set up, with issues and problems proactively identified and resolved and also a strong commitment from the agencies and stakeholders involved to make the pilot work, with staff from agencies generally demonstrating a flexibility and a desire to make a success of the pilot. In particular, this also reflects the strong judicial commitment to the project at Croydon.

6.2 Summary of the Wider Benefits Identified in Pilot:

- Shift Courts are getting through the work effectively (Judiciary).
- More flexibility for witnesses and increased witness satisfaction (police).
- More flexibility for jurors (jurors and HMCS).
- Less waiting time for witnesses (Witness Service).
- Works well with short matters, including short trials (CPS and judiciary).
- Able to get custody cases from Morning Shifts to prison earlier in the day. Minimal problems for prisoner delivery during the afternoon (SERCO).
- Possible reduction in travel and subsistence for volunteers, witnesses, interpreters and jurors (Witness Service, HMCS and police).

6.3 Issues for Taking Shift Sittings Forward

While the pilot has been successfully delivered, there are a number of issues that would need to be addressed in order to make Shift Sittings viable going forward and ensure that any Shift Courts were operating as effectively as possible.

6.4 Type of Work Suited for Shift Courts

The consistent view of those involved with the pilot has been that Shift Sittings work well with shorter matters, including short trials but are not suitable for longer or more complex trials.

There are both practical and qualitative reasons for this. On a practical level, longer or more complex cases do not lend themselves to the quick turnaround

required in a Shift Sitting Court (for example, case papers need to be removed from the Courtroom after the Shift and before the next Shift commences). Nor is there any margin for a case to over-run the allotted Shift time as there would be in a "normal" court.

On a qualitative level, when the Shift Court did deal with a lengthier, more complex case, it was commented that it was much more tiring for all involved (judiciary, advocates, jurors) than dealing with the case through "normal" court hours.

6.5 Court Utilisation

While court utilisation was generally comparable to a "normal" court, there were specific issues with the under utilisation of the Afternoon Shift. It should be noted that judges were predominantly used for the Morning Shift and Recorders for the Afternoon Shift and that this was a contributory factor to the better utilisation rate for the Morning Shift (see paragraph 6.7.1).

There are several steps that have been identified that could improve court utilisation rates for Shift in future. Effective listing in the pilot was in part constrained by there only being two courtrooms for shift cases and this was exacerbated by the potential for low numbers of cases opting for shifts, as parties were given the option of a Morning or Afternoon Shift or a "normal" court.

Utilisation might therefore be improved further by:

- running any future Shift Courts in more courtrooms in the court centre (so there is a larger pool of work);
- removing the parties' discretion and working on the basis that a case is suitable for a shift unless there are good reasons to the contrary.

Improving court utilisation can also be supported more generally by reviewing local listing practice to ensure adequate levels of back up work in warned and daily lists. This is, in itself assisted by increasing scale of operation as this allows for a greater degree of flexibility when listing.

Another factor which impacted on court utilisation was the greater reliance on Recorders for Shift Sittings (see also paragraph 6.7.1). Firstly, there was a problem with Recorder availability for the Afternoon Shifts at the early stages of the pilot, but this was successfully addressed by the Presiding Judge for the South East Circuit writing out to Recorders to encourage them to make themselves available for Shift Sittings. Also as Recorders are booked in one week slots, this means that, for example, a trial cannot commence on the Friday (unless it could be concluded that day).

6.6 *Juror Utilisation*

Some of the issues that impact on court utilisation also adversely impacted on juror utilisation.

Issues of scale clearly affect utilisation rates. Having a small pool of jurors specifically summonsed for, not only for Shifts generally, but for AM or PM Shifts specifically, is always likely to lead to poorer utilisation rates than having a larger pool of jurors which are then deployed as required within a ten or twelve court room court centre.

Similarly, the option of jurors electing for a Morning or Afternoon Shift Sitting if removed when summonsing jurors would help improve utilisation rates.

Juror utilisation was improved during the pilot period when the start day for jurors was changed from Wednesday to Monday to match the Recorder sitting pattern (as the pilot commenced on a Wednesday, originally jurors for Shift Sittings started on a Wednesday).

6.7 *Recorder Availability & Use of Judges for Shift Courts*

6.7.1 *Recorders*

One of the most significant issues that arose early in the pilot was Recorder availability, particularly in respect of the Afternoon Shift, in the early months of the pilot period. While this issue is not specific to the Shift Sitting pilot, it undoubtedly is exacerbated by it with HMCS Judicial Secretariat stating that vacancies are more difficult to fill in Croydon (and any other outer London courts) than in central London and the fact that they are Shift Courts has further added to this. As indicated earlier, the Shift Sittings pilot relied far more heavily on Recorders than the "normal" courts, so Recorder availability had more of an impact far more on the Shift Courts. Once this was identified as an issue, action was successfully taken to address this (see paragraph 6.4 above).

6.7.2 *Judges*

Two judges sat full time on the Shift Sittings Courts through-out the lifespan of the pilot. The feedback has been that there are three draw-backs to this approach. Firstly, it is very tiring to sit on Shifts continuously. Secondly, to a degree, it isolates the Shift judges from their judicial colleagues in the Court Centre. Thirdly, the work tends to be less varied than in a "normal" court, consisting of shorter matters and less serious trials.

It was suggested that a better model would be for all the judges within a Court centre to cover Shift Sittings on a rota basis.

6.8 *Custody Cases*

In the pilot custody cases were restricted to those from HMP Highdown. The arrangement with HMP Highdown and SERCO worked well but obviously excluded juveniles, young offenders and women offenders from the Shift Sitting pilot.

There would potentially be logistical difficulties if any future use of Shift Sittings involved taking custody cases from more than one prison establishment, or indeed an establishment that was further away from the court than HMP Highdown is to Croydon. This would be particularly acute if Shift Sittings included juveniles or women offenders as this would usually mean a significantly longer journey than from the local adult male prison.

Indeed, the future risk in such cases would be two-fold. Firstly, that the prisoners would not arrive at court in good time for the start of the Morning Shift. Secondly, and perhaps the greater risk (and one seen in the Virtual Courts pilot), would be one of "lock-out" for prisoners arriving after the conclusion of the Afternoon Shifts. Essentially, the risk would be that by the time prisoners are returned to their establishment after the Afternoon Shift, it would be too late to admit them and they will be "locked out" and will need to be detained in police custody for the night.

There are two practical steps that can minimise these risks if Shift Sittings are to be taken forward. To restrict custody cases to those establishments within a certain proximity to the Court Centre (it is suggested that about 30-40 minutes average journey time might be a good starting point). Secondly, and crucially, to reach an agreement with the establishment and SERCO on what time prisoners will be delivered to court in the morning and what time the establishment will keep its reception open to process prisoners arriving after the Afternoon Shift.

It would not be practical to try to restrict Shift Sittings to bail cases, as such cases may well result in a custodial sentence if the defendant is found guilty.

6.9 *Issues Involving Other Agencies*

CPS advance file/brief delivery for the start of the Morning Shift has also been identified as an issue, particularly for PCMHs, that, while not significant in the Shift Court, would need to be improved if the scheme was extended elsewhere. This reflects the fact that CPS are not currently achieving their own business targets which require the brief to be ready 14 days in advance.

Probation need to ensure that arrangements are in place for the defence to access PSRs and have sufficient time to consult their clients for 9:00 am sentences.

6.10 *Practical Court Issues*

SERCO have identified problems with high numbers of custody cases on occasions which have led to problems with cell capacity, consultation facilities and transport requirements. Such problems can, of course, occur anyhow, but with the pilot the court building has to cope with what are in effect two additional courtrooms without any concomitant increase in the capacity to support the additional work this generates.

Another example of this arose with Recorders having to share chambers which can be an issue when listing appeals as Justices will also be present when the Judge deliberates.

Another potential disadvantage in running a Shift Sittings system that has been identified is that this does not give you the flexibility of "normal" court hours. In a shift there is little or no margin to extend the sitting time (see paragraph 6.5 above also). This, to a large extent, is the logical consequence of using an asset (i.e. the courtroom) more effectively, in that it reduces any spare capacity around the margins.

Where a case overruns this can have twice the impact as in a normal court as it impacts on the running on two courts (morning and afternoon shift) rather than just the one court. This supports the general view that longer cases may not be as suitable for Shift Sittings. In addition, CPS do not view PCMH as suitable for any hearing pre-10:00 due to the difficulty with briefs not being ready. Preparation for PCMH also can cut into the time available for conference with defence counsel.

6.11 *Catering*

The opening hours of the canteen has been raised frequently by advocates as an issue as the canteen does not open in time for those attending the morning session. One option would be to consider whether the canteen opening hours could be extended. Conversely, it could be decided that the cost involved would not justify this where the location of the Crown Court would easily enable advocates to purchase any refreshments they required en route to the court.

Similarly, the lack of catering facilities for jurors on Shift Sittings has been raised. This could be addressed by either the provision of vending machines or of tea and coffee making facilities.

6.12 *Lunch Breaks*

SERCO and Probation staff have all identified the lack of a reasonable break between shifts as an issue where they are covering both sessions and the Morning Shift over runs into the scheduled 30 minute break. This would indicate that staffing and resourcing issues would need to be addressed in any future operating model, for example, SERCO's policy of using the same Dock Officer for both Shifts.

6.13 *Resources More Generally*

Aside from the budgeted and actual spend for the project, staff from HMCS, Probation and CPS have frequently stated that the real resource impact of running Shift Courts has been masked during the pilot as staff goodwill and desire to make the pilot a success has led them to work longer hours and more flexibly. Consideration would need to be given as what the resource implications might be going forward where such flexibility and goodwill cannot be assumed. The comments from HMCS staff reflect the fact that they were the only agency not to offer staff working on Shift Sittings either overtime or a small allowance to ensure that appropriate staffing levels were maintained during the pilot period.

In addition, the Witness Service identified potential issues with resourcing and getting sufficient volunteers to cover Shift Sittings.

It may be, particularly when the above resource implications are factored in, that Shift Sittings are not seen as a cost effective way to increase capacity, as from the information available, it does not appear to be cheaper than running a "normal" court.

7. Conclusion & Recommendations

The proof of concept has been established. The emerging picture is that it is possible to run Shift Sittings in a court successfully, notwithstanding that advocates have identified potential areas of difficulties for them in attending Shift Sittings. The early indications are that the Shift Sittings model is better suited to dealing with short matters and is not particularly suitable for longer trials. During the pilot period a couple of lengthier or more complex trials were dealt with by the Shift Courts and the consensus was that the Shift Courts were not as well suited to such cases as a "normal" court.

7.1 The early evidence indicates that a Shift Sittings model could work as an option used alongside courts sitting "normal" hours and that Shift Sittings may be an effective way of reducing backlogs. The pilot provided an evidence base both of what needs to be in place to ensure a Shift Sitting Court can be run successfully but also the constraints, limitations and logistical problems involved in running a double shift.

7.2 The Shift Sittings pilot has also established that not only can the court commence earlier than it traditionally has but this appears to be an effective approach. Even if Shift Sittings are not taken forward, consideration could be given to piloting an extended court day, whereby the court commences at 9:00am or 9:30am. This would also provide an opportunity to restructure the court day to pilot trials starting at 9:00am (or 9:30am) with any interlocutory matters dealt with in the afternoon (say from 3:30am onwards) when the public (witnesses and jurors) are no longer required, rather than keeping them hanging around in the morning while interlocutory matters are dealt with.

It might also offer the opportunity to sit a single Crown Court "shift" in the preferred am shift thereby releasing the courtroom for the PM possibly for other business such as civil or tribunal work.

7.3 Based on the experience and evidence of the Shift Sittings pilot the following recommendations are made.

- Shift Sittings used as short term option to deal with specific back-logs alongside "normal" court hours
- Suitable for larger court centres and ideally should be used to deal with backlog at that court centre rather than importing work in
- Shift Sittings should be used for shorter matters and exclude longer or more complex trials

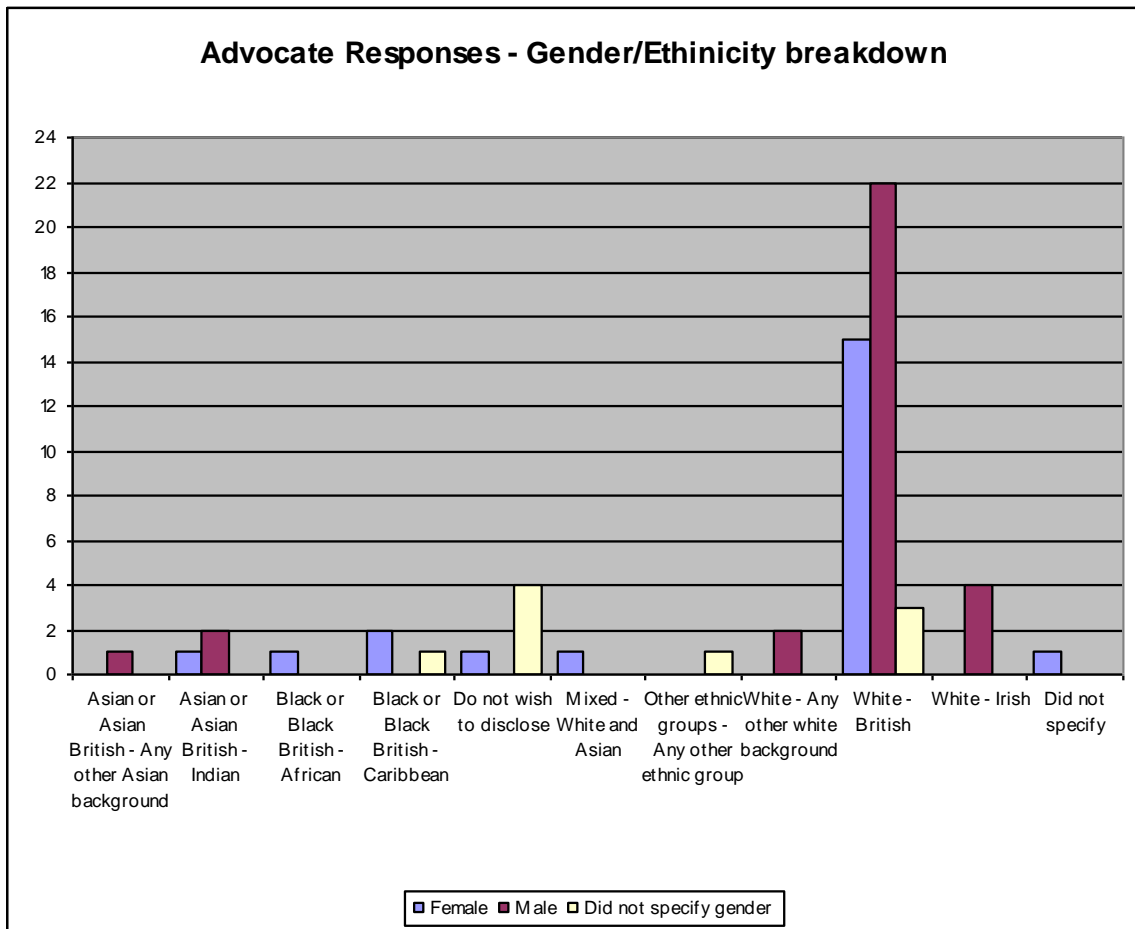
- There should be less reliance on Recorders with recorder sittings combined with judges sitting on rota basis
- The element of parties opting for a Shift Sitting is removed and whether a case is assigned to a Shift Sitting or a "normal" court is determined by business need, unless there is good reason why it is not suitable for a Shift Court.
- Local prison is relatively close to the Court Centre and appropriate arrangements agreed for the transfer of prisoners to and from court.
- Exclude women defendants, juveniles and young people unless custodial establishment relatively close to Court Centre and appropriate arrangements have been put in place for the transfer to and from the relevant custodial establishments.
- The Court Centre infrastructure (accommodation, cells, catering) must be able to cope with the short term increase in demand that will result from running Shift Sittings Courts.
- Consideration given to varying court listing practices, with trials starting earlier and with all non-trial and interlocutory matters after the conclusion of the trial day (for example, at 3:00pm or 3:30pm).

Annex A

Ethnicity/Gender breakdown of attendees of shift sittings by group

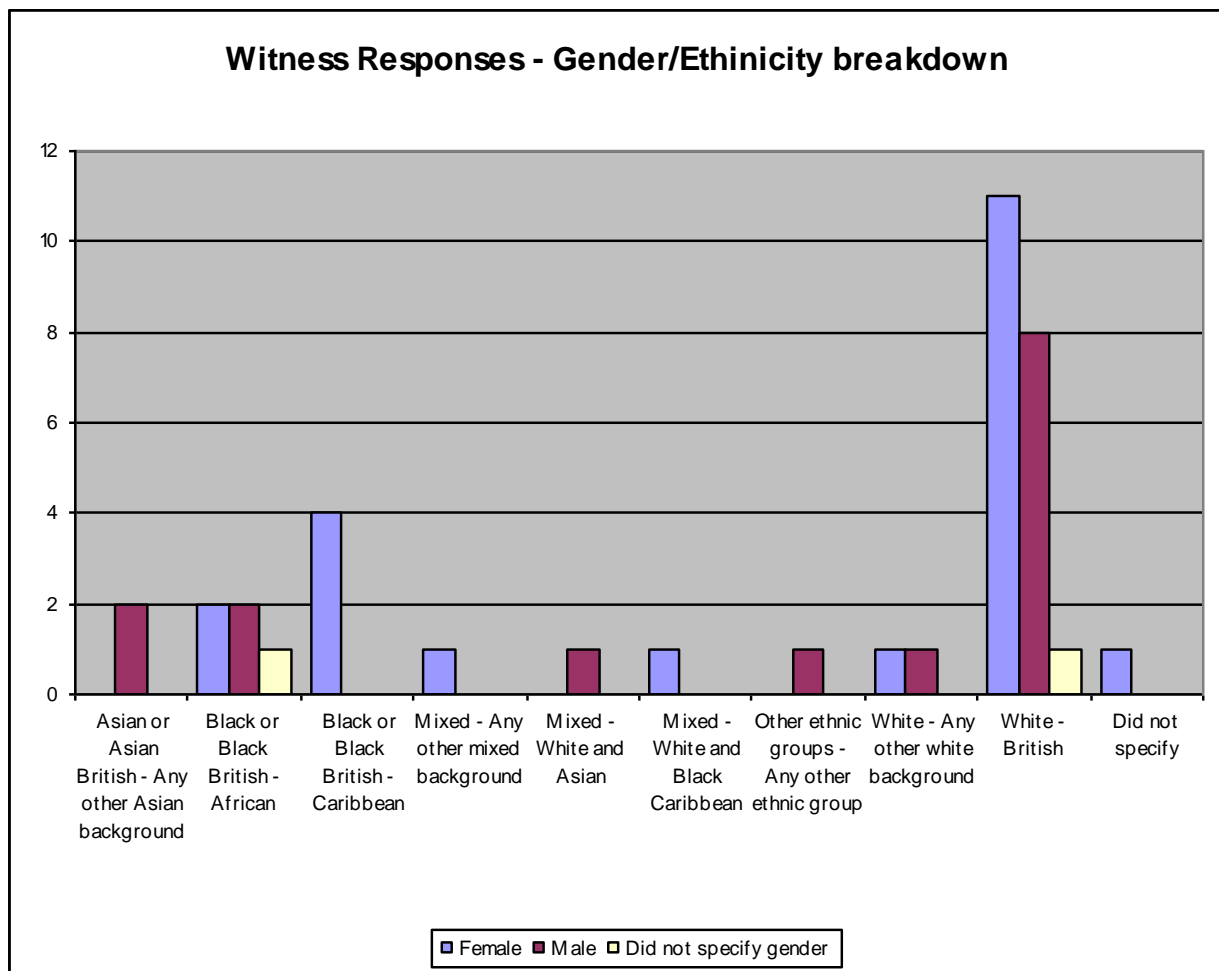
Advocates

Ethnic Background	Female	Male	Did not specify gender	Grand Total
Asian or Asian British - Any other Asian background	0	1	0	1
Asian or Asian British - Indian	1	2	0	3
Black or Black British - African	1	0	0	1
Black or Black British - Caribbean	2	0	1	3
Do not wish to disclose	1	0	4	5
Mixed - White and Asian	1	0	0	1
Other ethnic groups - Any other ethnic group	0	0	1	1
White - Any other white background	0	2	0	2
White - British	15	22	3	40
White - Irish	0	4	0	4
Did not specify	1	0	0	1
Grand Total	22	31	9	62



Witnesses

Ethnic Background	Female	Male	Did not specify gender	Grand Total
Asian or Asian British - Any other Asian background	0	2	0	2
Black or Black British - African	2	2	1	5
Black or Black British - Caribbean	4	0	0	4
Mixed - Any other mixed background	1	0	0	1
Mixed - White and Asian	0	1	0	1
Mixed - White and Black Caribbean	1	0	0	1
Other ethnic groups - Any other ethnic group	0	1	0	1
White - Any other white background	1	1	0	2
White - British	11	8	1	20
Did not specify	1	0	0	1
Grand Total	21	15	2	38



Jurors

Ethnic Background	Female	Male	Did not specify gender	Grand Total
Asian or Asian British - Indian	4	1	0	5
Asian or Asian British - Pakistani	0	1	0	1
Black or Black British - African	2	2	0	4
Black or Black British - Caribbean	4	0	0	4
Do not wish to disclose	0	0	1	1
Mixed - White and Black Caribbean	0	1	0	1
Other ethnic groups - Any other ethnic group	1	0	0	1
White - Any other white background	2	1	0	3
White - British	29	28	2	59
Did not specify	2	0	0	2
Grand Total	44	34	3	81

