



HM Courts &
Tribunals Service

Extended Sitting Days in Nottingham

January 2016

Introduction

- 1 The Extended Sitting Day (ESD) pilot at Nottingham County Court commenced on 7th October 2015 concluding on 17th December 2015. The additional sessions, determined by judicial interest to sit, varied each week but mainly consisted of two or three judges sitting two or three evenings per week. Judges were offered the choice of a 'half day' sitting of an evening session between 5 and 7.30 pm or a 'full day' starting at 2pm and working through to 7:30 pm with a break late afternoon. The vast majority of judicial resource was provided by Deputy District Judges (DDJs) with full time District Judges (DJs) sitting two of the 56 sessions.
- 2 PSU recruited additional volunteers to be on hand throughout the additional sessions to ensure customers had access to the same level of service offered during the current core-sitting day
- 3 At the request of the HMCTS Estates Board existing listing practices were applied to the additional sessions

Quantitative evaluation

- 4 Of the total 56 sessions 15 DDJs sat between 5 and 7.30pm and 39 DDJs sat between 2 and 7.30 pm. Two District Judges sat the remaining two sessions.
- 5 Case types listed were predominantly unrepresented cases, mainly small claims (although other civil work was listed) that were listed on an "opt out" basis. There was limited take up from represented cases, which were listed on an "opt in" basis.
- 6 The tables below indicate the numbers and types of cases that were included in the pilot.

Table 1: Quantities of cases heard

	Total number of cases heard	Number of unrepresented cases	Number of represented cases
October	34	26	8
November	22	19	3
December	29	21	8

Table 2: Hearing types heard

	Telephone hearings	Applications	Small claims	Cost applications	Fund Appointments
October	1	17	15	0	1
November	1	7	9	1	4
December	0	4	18	7	0

- 7 During the pilot, 154 hours of work was listed into the additional sessions which reduced to 98 hours in the actual list. Lower utilisation during the pilot can be

attributed to traditionally high settlement trends in small claims work coupled with "cautious" block listing practices adopted during the pilot.

- 8 During the ESD only a small number of cases were adjourned due to a lack of readiness, comparable to regular hearing times. Actual reasons for adjournments included a request for further documentation and a request for an interpreter. Table 3 shows the outcomes of cases listed during the pilot against the baseline figure (day time, pre extended sitting day). Concluded cases include some cases where parties did not attend but where an order was made in the parties' absence and parties did not request another hearing. There were five non-attendance cases at baseline, four non-attendance cases during the ESD pilot in October, no cases in November and three in December.

Table 3: Adjourned and concluded cases at baseline and during the ESD pilot

	Adjourned cases		Concluded cases	
	Number	%	Number	%
Baseline (normal core sitting day)	2	3%	48	97%
ESD 7 th -29 th Oct	0	0%	34	100%
ESD 3 rd -26 th Nov	2	10%	20	90%
ESD 1 st -17 th Dec	2	7%	27	93%

- 9 The pilot measured small claims performance using the relevant Key Performance Indicator (KPI) as small claims cases provided a significant proportion of the workload listed to the extended sessions. Table 4 shows performance during the ESD pilot, a small increase in performance during October and November. December's performance fell below target, as five of the 34 cases listed in December were over a year old.

Table 4: Nottingham KPI Performance for small claims cases – percentage of small claims heard within 30 weeks

Date	Target KPI	Actual achieved
Baseline (July-Sept 15)	70%	71.1%
October	70%	72.0%
November	70%	77.8%
December	70%	64.7%

- 10 Average utilisation of the additional sessions was 52% between 17:15 and 19:15. Had cases used their planned hearing length utilisation would have been higher

at 75% which suggests more controlled risk in listing practices (such as application of the Listing Opportunity Tool) could be taken. Planned utilisation of the hearing rooms increased month by month, indicating that a longer lead in time was useful to ensure sufficient cases remained listed.

Table 5: Planned Utilisation based on estimated hearing length

Month	Utilisation based on estimated hearing length
October	60%
November	78%
December	88%

- 11 Results suggest more effective utilisation of hearing rooms during the core-sitting day. Given the high settlement rates of small claims cases and the fact that a low risk listing strategy was adopted for the evening sessions, this is not surprising.

Resources and costs

- 12 The pilot incurred minimal additional cost limited to security guards costs and the costs of running the power and heating for an additional two hours on the nights hearings took place. Judicial resource was provided through existing allocation. No staff costs were incurred as those who took part in the pilot volunteered to work flexible hours and started work later in the day. Additional security costs based on £12.79 per hour plus VAT were:

Table 6: Security costs for ESD

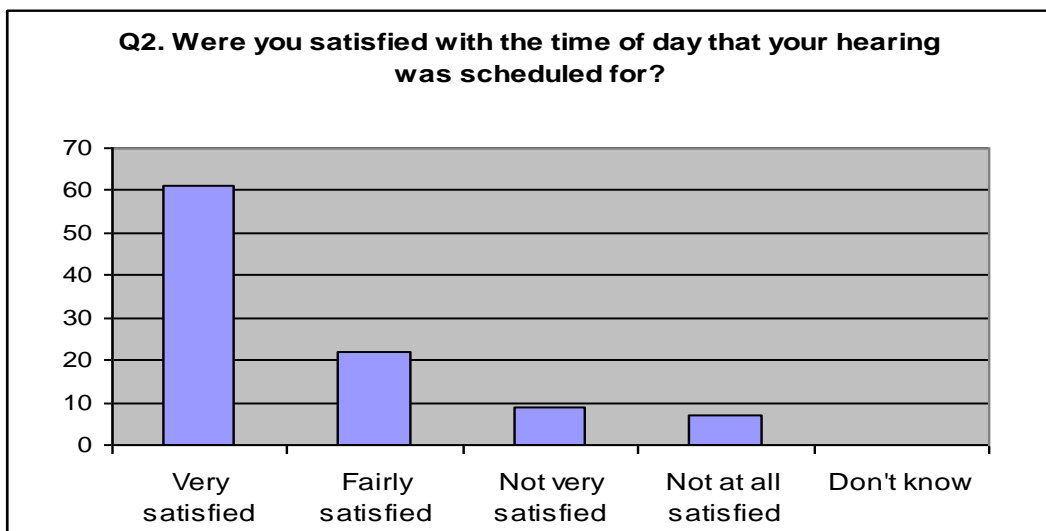
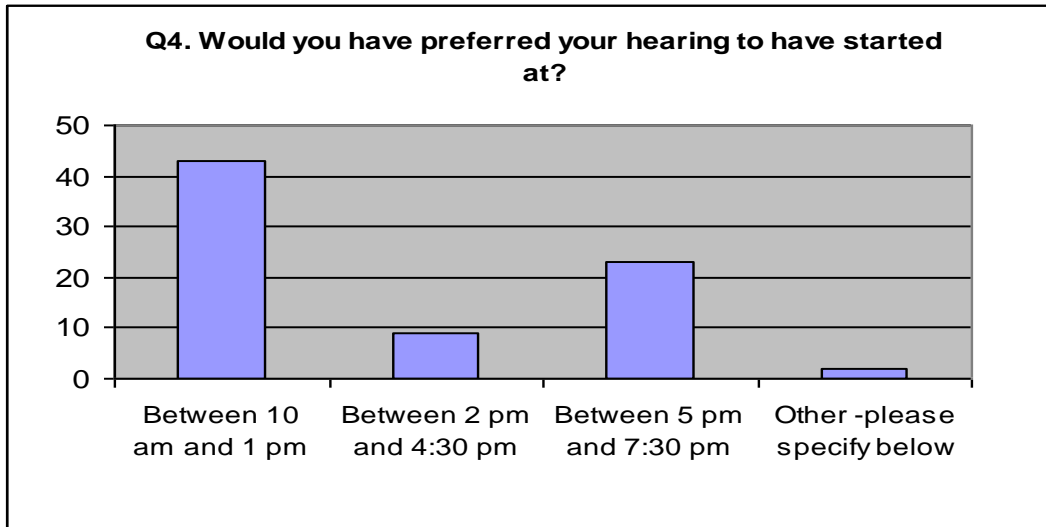
Month	Security costs
October	£465
November	£810
December	£695
Total	£1970

- 13 It is important to note the minimal costs for this pilot are significantly less than other pilots that have explored alternative sitting patterns, which has demonstrated an ability to deliver flexible services **within current resource**.

Qualitative feedback

- 14 Customer, judiciary and staff satisfaction and feedback was measured through questionnaires developed with the Analytical Services Directorate Social Research Team. During the pilot, customers from both the regular and pilot sessions were surveyed and customer (litigant) response for the ESD was generally favourable. A total of 100 responses were received from customers. Feedback reported in Tables 7 and 8 indicates that there was customer demand for an ESD.

Tables 7 and 8: Customer feedback from 100 responses during the ESD pilot



Stakeholder Feedback

Judicial

15 The DDJs were supportive of the pilot, though many said that the litigant in person work means a DDJ misses out on a well-presented argument and more intellectually stimulating cases involving legal representation.

- *“It worked well for me and evening sittings are very convenient as I am much more available”*
- *“The positives are other commitments (social or otherwise) can be met during the day. The downside is tiredness and taking away a judge’s evening!”*

Staff

- *“It has given us some flexibility to list some things in target. Box work has been reduced and it frees up daytime lists by taking out lengthy costs hearings”*

- *“I have had time to clean my house and complete my Christmas shopping all before 10:30! The evenings are quite quiet so are good for pieces of work that require concentration”*

Customer

- *“It means little of my day has been interrupted”*
- *“I haven't had to plan time off work or arrange childcare”*
- *“Downside was traffic but more importantly it didn't disrupt my day”*

Points to note

- 16 The pilot had strong judicial support, which was key to its success. The pilot has shown that evening sittings in the county court can be organised and conducted successfully and that opportunities for further exploration exist to use hearing rooms over a longer period of time.
- 17 It was difficult to effectively block list cases whilst listing to only two DDJs and avoid over-running of work beyond 7:30 pm resulting in a lack of effective litigant in person cases. Although the lists when prepared would have provided a full session for the evening DDJs the result was the lists often concluded quickly leaving the DDJs to complete box work. Eight sessions (5pm – 7:30pm) were cancelled due to insufficient face-to-face work and so box work was completed instead.
- 18 Without engaging the legal profession and Local Authority the market for the later sessions is limited.
- 19 The local Law Society encouraged co-operation with the pilot and the Local Authority expressed an interest in attending evening sittings, however there was minimal uptake
- 20 The additional sessions have identified an opportunity to review small claims listing practices relied on during the pilot.
- 21 The pilot has highlighted an opportunity to concentrate litigant in person hearings into back to back to back evening lists which could be organised to align with work throughput volumes.