

Public Accounts Committee

Oral evidence: Efficiency in the criminal justice system, HC 881

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Witnesses: **Richard Heaton CB**, Permanent Secretary, Ministry of Justice, **Natalie Ceeney CBE**, Chief Executive, HM Courts and Tribunals Service, and **Alison Saunders**, Director of Public Prosecutions, gave evidence.

Chair: Good morning, everybody, and welcome to the Public Accounts Committee on Thursday 17 March—St Patrick’s day. Today we are looking at efficiency in the criminal justice system, on the back of the National Audit Office Report on this issue. We have heard both from Richard Heaton, who is one of our witnesses today, and from Tony Meggs of the Infrastructure and Projects Authority that courts reform is a major project and a major worry—or something that keeps you awake at night—so today we will look for assurance about how you are tackling it and look at how the different bits of the system work together, using the evidence that the NAO uncovered in its work.

I will introduce our witnesses today. The first is Natalie Ceeney, the chief executive of the Courts and Tribunals Service. Welcome, Ms Ceeney. This is the first time I have seen you here; I’m not sure whether you have been to the Committee before. We welcome Richard Heaton, the permanent secretary at the Ministry of Justice, the aforesaid man who lies awake at night worrying about this, as the accounting officer for the major project, and we also give a warm welcome to Alison Saunders from the Crown Prosecution Service, the Director of Public Prosecutions. I have not seen you at the Committee before, but I think you may be in front us again, with the amount of change going on in the MOJ. I will add that the Ministry of Justice, of all the Departments we look at, has the most things going on, so it is a very big area for us to look at over the next four years. Obviously, the Secretary of State has a lot of plans as well, so there is a double reason to look at these issues.

Before we move on to our main session, Stephen Phillips wants to say something and then I will have a couple of questions about the Budget yesterday.

Stephen Phillips: I am going to be leading on quite a lot of the questioning today, but I’m afraid I also have a question to the Public Accounts Commission at 10.15 am in the House, so I want to apologise to all three of you for the fact that I will be leaving at that stage. No disrespect is intended, and I’m sorry if, when I come back, we duplicate things; you will no doubt tell me if that is

the case. I should also declare for the record that I am a Crown court recorder, from time to time employed by Mr Heaton—for three weeks a year during my holidays—to try criminal cases.

Q1 Chair: Thank you, Stephen. I want to touch on a couple of points raised by the Chancellor yesterday in the House. We would like a bit more information about them. Richard Heaton, may I start with you? The Chancellor announced in his statement that he is transferring new powers over the criminal justice system to Manchester, but there are no further details in the Budget document. Can you shed any light on what is happening and what it will mean for Manchester and the system as a whole?

Richard Heaton: There is quite a lot of detail to be worked out. The Government's approach to localism has been pragmatic as to the nature and shape of the deals in each particular case. Manchester approached us and asked for a package of measures. We discussed them, and there is a criminal justice component to it. As I said, details are to follow, but it will include, for example, working with the Courts Service on different provision of court buildings. Pop-up buildings, for example, might be part of it. It will include working with NOMS—that's the Prison Service—on education in prisons, possibly taking responsibility for some elements of prison spend on female offenders and possibly some intervention on young offenders. There is a range of things. I think some text was published, but there is clearly more detail to follow. There was also a statement on Lincolnshire to similar effect, but again there is quite a lot of detail to be worked out.

Q2 Chair: Just to be clear, some criminal justice responsibilities will be devolved to Lincolnshire with the new mayor, or before the new mayor comes in in Lincolnshire.

Richard Heaton: There will be involvement with Lincolnshire in some way.

Chair: I'll let our Lincolnshire MP come in.

Q3 Stephen Phillips: What do you mean by "involvement"?

Richard Heaton: I have the statement here. There will be "Proposals for an appropriate relationship between the functions of a Mayor and future role of the Police and Crime Commissioner, including in relation to fire services," and so on. "Greater Lincolnshire's aim is to create a whole system approach to criminal justice, which includes out of court disposals, restorative justice, community and custodial rehabilitation...The government is giving...autonomy to prison governors, one key aspect of this is education provision in prisons. Greater Lincolnshire will work with the government, the Community Rehabilitation Company"—that's the privatised probation service—"and local prison governors to link adult education and skills training provision in the community"—

Chair: Can you slow down a bit? I am finding it hard to absorb all this and I think other people watching may be, too.

Richard Heaton: Sorry. I can let the Committee—

Chair: If we can have a copy—it probably is in the Budget papers, but we haven't got that far yet.

Richard Heaton: This is a public text, yes. I don't want to read it all out—

Q4 Chair: Fine. Can you just give us the reference for where that is in the documents, so that we can all access it? You can tell us in a minute.

Richard Heaton: The heading is Greater Lincolnshire. The link is on gov.uk. If you search for Greater Lincolnshire devolution agreement—

Stephen Phillips: It is part of the devolution deal papers, as I understand it.

Q5 Chair: So to be clear, it is just Manchester and Lincolnshire.

Richard Heaton: Those were the only two, I think, announced yesterday, yes.

Q6 Chair: Can you be clear about whether the MOJ has plans to do more of this beyond Lincolnshire and Manchester?

Richard Heaton: The general approach is that we are open to discussions with any region that has ideas to pitch to us. We are agnostic on the nature and shape of devolution agreements.

Chair: Well, we are going to come back to some of this. Stephen, do did you want to come in on that?

Q7 Stephen Phillips: I just wondered how this is going to work. You do not know at the moment, Mr Heaton, but one concern in my mind is that you will have an elected mayor, a police and crime commissioner for Lincolnshire, and a police and crime commissioner for the other part of the devolved authority, which will form Greater Lincolnshire. There is also a chief constable for Lincolnshire, a chief constable for Humberside, a prison in Lincoln and an immigration detention centre at Morton Hall in my constituency. Are you as concerned as I am that a potential downside of this devolution deal in the area of criminal justice is that we are ending up with a lot of chiefs, and that it is entirely possible that a lot of things might fall between the stools?

Richard Heaton: That would be a risk to watch. What we will talk about later is that it is vital that some aspects of criminal justice are done on a national basis. Some of the problems that come out in the NAO Report are on regional variations because it is a legacy of lots of local systems and approaches. National systems are absolutely key. However, the devolution approach of the Government is to allow local voices, local intelligence and local join-up.

The criminal justice system is not just an end-to-end system for processing people through the system; it is also about local patterns of offending, local crime prevention, rehabilitation and troubled families. That will benefit from a local voice. I take Mr Phillips' point about the risk. Clearly we do not want to create something that exacerbates and returns to regional confusion.

Q8 Stephen Phillips: We don't want everything to be completely piecemeal because we will end up with different standards of criminal justice in roughly the same geographical locations. That is the potential.

Richard Heaton: It would be a design approach to avoid that, I have to say.

Q9 Chair: So basically, at the moment you have relatively blank sheets of paper on this and you are working with local—

Richard Heaton: Yes, these devolution deals have not been done before so it is new. It might not look the same—in fact, it certainly will not look the same—area by area. The devolution deals will be different. Some will involve a particular tier of authorities. Some will involve the mayor, some will involve the PCC, and some will involve a combination. Really, the detail is to come.

Q10 Chair: Okay, so who will be accountable ultimately? I mean, I'm for devolution, but who will be accountable for the court service, for instance, in Lincolnshire or Manchester?

Natalie Ceeney: Me.

Richard Heaton: Natalie and I will remain accountable. The national accountability and national systems remain but, for example, the type of rehabilitation provision beyond the prison walls would be a matter where we would have local input. The type of facilities that Natalie will be able to use in Lincolnshire might be generated by local authorities. It is that sort of approach. National accountability remains and national systems, which we will talk about later, remain.

Q11 Chair: Okay. I am going to bring in Kevin Foster in a moment, on Manchester in particular. The other reference to the Ministry of Justice in the Budget was in paragraph 1.287, which says, “by the middle of this Parliament the Ministry of Justice will have a major programme to create substantial centres of expertise outside the capital.” That is in bold. There is then: “This will reduce costs”—the Committee would go for that—“access highly skilled labour markets in the regions and contribute to the Northern Powerhouse.” Can you give us a bit more detail about what the plans are there?

Richard Heaton: My SR settlement, as you know, requires me to cut 50% of my admin spend in MOJ core—that is not the delivery arms—and that is challenging. One way in which we will do that will be to achieve efficiency through contracts through the use of contracted services, interims and so on. Another way will be to reduce staffing and become more efficient. The other way will be to employ people outside central London, which is a very expensive place to employ people. We will obviously remain in Westminster, close to this place but, for example, we have set up a commercial team in Leeds. It's great: we can recruit better, because it is an easier employment market for us, and accommodation costs are cheaper. That is what the Chancellor was referring to.

Q12 Chair: Could you just be clear about what might remain at the Ministry of Justice in Whitehall? How much will be left in Whitehall?

Richard Heaton: Our design approach is that, in the long term, only jobs that need to be done in central London will remain here. We are talking about several hundred but not several thousand.

Q13 Stephen Phillips: How much of that socking great building that you occupy will be vacant?

Richard Heaton: Nothing will be vacant. It is a useful building and we would expect other people in Government to come and join us as part of the Whitehall estate.

Q14 Chair: So other Departments will come into your physical building.

Richard Heaton: Yes. We will occupy far fewer floors than we do now.

Q15 David Mowat: On the Greater Manchester devolution, just for clarity, people currently working in Whitehall will be working in Greater Manchester after that devolution.

Richard Heaton: Certainly outside London. We haven't signed any leases on any buildings.

Q16 David Mowat: I was thinking of the specific example of Greater Manchester that was used in the Budget yesterday that will result in the headcount moving.

Richard Heaton: I am not sure it will. I am not sure we can make the link between the two things. Will the devolution deal require people to transfer from central Government? I don't think so, but Natalie—

Q17 David Mowat: Okay. We will come back to this, perhaps, but it seems surprising that we are devolving functions for decisions to be made closer to the geography in which they are implemented, but no people transfer.

Natalie Ceeney: Specifically on the courts, the devolution arrangements with Manchester are about where our local court buildings are. Responsibility for running the court buildings will remain mine. What we are saying is that we will work far more closely with Manchester. We already work closely with local communities, and we will work very closely with Manchester to look at what the optimum provision of the court buildings is, but the responsibility for the staffing and running of them is mine. There are staff already based in Manchester. Because the Courts Service is a national organisation, we are already distributed across the UK. We have got a large number of staff already in Manchester.

Q18 David Mowat: It begs the question as to the saliency of what the devolution really means in terms of people doing functions and making decisions locally if none of the people currently making those decisions are moved or end up being in that geography. It raises a question as to whether or not we are really serious about it.

Natalie Ceeney: That is exactly the tension that has already been brought out in this Committee of how much you want to run a national criminal justice system and how much not. These are very large debates. As Richard has said, we are responding to local proposals. On the Manchester proposal and what was announced yesterday, our view is that we need to run a national criminal justice system, but we need to do this in a way that is responsive to local needs.

Q19 Chair: What about savings? If Manchester does a better job of running the courts—Mr Foster will come in on the current records on Manchester—would the money be recycled within Manchester or would that be something off your budget?

Natalie Ceeney: It is very similar to Richard's point about the spending review settlement. I have got a really ambitious spending review settlement, so—

Q20 Chair: Just remind us what it is.

Natalie Ceeney: My current budget is £1.7 billion across all aspects of the Courts Service. As the National Audit Office Report said, the amount that is attributable to criminal justice is somewhere around £600 million. Over the course of this Parliament, my staffing budget reduces by about 35%¹, and overall my budget will reduce by around 25%. We are already on a programme to make very significant efficiencies, so actually making better use of our estate is already part of our plans. It is one of the reasons—I am sure we will come on to it—we have got very ambitious reform proposals, because what we want to do is make the system far better and not just cut costs.

Q21 Chair: The reality is—this is one of our worries as a Committee—that devolution could be masking fewer resources for areas such as Manchester or Lincolnshire, because you will have to make these cuts. How can the devolved areas be sure they are getting their fair share?

Natalie Ceeney: That is a good question across the whole courts system. If I can draw slightly on the NAO Report, it is fair to say that over the course of the last Parliament we have cut budgets and as a result reduced resources. I do not think we can do that any more, so our plan for making the savings over this Parliament is not about reducing resources, but about doing it differently. By the end of this Parliament we want to have a better criminal justice system that gives better outcomes and runs better courts, and we want to do that by really investing in digital infrastructure and in bringing our service up to the 21st century, not by just cutting. I hope that that is not just true of devolved areas, but everywhere in the country.

Chair: It is still quite a stiff target, but we will come on to the main body of the Report in a moment.

Q22 David Mowat: I want to fully understand what you have just said about the devolution to Manchester, albeit just of the courts function. What you are saying is that certain business functions are being moved from Whitehall to Manchester—that must be the implication; that is what devolution means—but there is a nil headcount implication for that in Whitehall.

¹ Figure clarified by witness in writing 24/03/16

Natalie Ceeney: For the courts, there are no business functions being transferred to Manchester. For other parts of the devolution arrangement—I must admit I can only speak for the courts element—there may well be. For the courts, what we are talking about is stronger local engagement in where court buildings are sited.

David Mowat: Stronger local engagement is a great thing to have, but it does not sound like devolution.

Q23 Chair: My final question is for Natalie Ceeney—and, I suppose, Richard Heaton; and maybe even Alison Saunders. Do you need to be based in London? When you talk about devolving out, how senior does it go?

Natalie Ceeney: For the Courts Service we are already not. I have got 17,000 staff and the vast, vast majority are not in London—even of my classic headquarters functions. So most of my finance people are not in London, most of my HR people are not in London. I would be happy to be based anywhere, except I spend probably four days a week in Whitehall, so it would be hard not to be here, but we have already got a policy within the Courts Service of recruiting wherever the talent is. An awful lot of our IT people are not in London. We are already not a London organisation.

Q24 Chair: What about you, Mr Heaton, at the Ministry of Justice?

Richard Heaton: I would love to work out of London. I have worked in DWP, which is a very distributed organisation—the MOJ feels far too London for me. Like Natalie, I spend a lot of time with Ministers and they are usually within the divisional area, so I am sort of stuck down here for the moment, but I like to get out of London and I would expect my senior people to be outside London.

Q25 Chair: Ministers are the last people to respond to modern technology and video conferencing, but anyway that is another debate. What about you, Alison Saunders? As DPP, do you think you need to be in London? How much of the Crown Prosecution Service is based in London?

Alison Saunders: Probably the majority of the CPS is out of London, because we are in the areas where we prosecute, so by definition we have got to be there. We have reduced our headquarters in London by over 50%, so many tasks are dealt with outside. Likewise, some of the administrative tasks and casework tasks that we do in London are not dealt with in London because where digital development means they can be, we have been able to do them outside. For example, we have a team in the north-east that does some of the administrative work for CPS London.

I probably spend quite a large majority of my time outside London travelling the country—if I had rail miles, I would be clocking up quite a lot, because I do go out and see the areas quite a lot. But equally, like Natalie and Richard, I have to be where my Minister is.

Chair: As a London MP, I am quite happy to have some people still in London, but it is worth asking those questions.

Richard Heaton: May I say one thing to Mr Mowat's point? I did not mean to give a categorical answer that no headcount would be transferred, but we are talking to Tony Lloyd and the command authority in Manchester about how—

Chair: Tony Lloyd is the mayor of Greater Manchester

Richard Heaton: I beg your pardon. About how we are going to do this. On offender management, I am not ruling out that there will be headcount transfer, but I did not mean to be so categorical.

David Mowat: Thank you for that. You agree with me that it would be a little bit odd for the Chancellor to announce with great aplomb a devolution of business functions—which is more than engagement—and then at the end of that there was a nil headcount implication in London. That is my point, and I will leave it at that.

Chair: We will bring in Kevin Foster, who is one of the leading Members on today's hearing, and then other Members will come in as and when.

Q26 Kevin Foster: Thank you, Chair. If you have not already, it would probably be helpful for you to turn to page 29, figure 10 of the NAO Report. You will note that that rates the performance at Crown court on the basis of trial effectiveness and, on the far right, the worst is Greater Manchester. Given what we were just talking about and the quote about this getting better outcomes and better courts, when can the victims of crime going for a trial in Greater Manchester expect to receive the same quality of service as those heading off to north Wales?

Natalie Ceeney: That is a very good question. Let me say something about the statistics first, because the problem is, when you say who is better and who is worse, it depends on what you are counting. We do have some particular challenges in Manchester—some of the challenges are actually around case mix. We have some particularly challenging cases to try in Manchester. If I contrast that with Wales—which, by the way, is an extremely well run region—the seriousness of cases in Wales is lower and the volume of crime is lower, so we are not quite comparing like with like.

Q27 Kevin Foster: Okay. Let us perhaps contrast it with the west midlands, which is in the second quartile, which is somewhat higher than the rate in Greater Manchester. I presume that cases heading to Birmingham Crown court are similarly serious to cases heading to Manchester Crown court. When would we expect Greater Manchester at least to get to the standards we see in the west midlands?

Natalie Ceeney: I am going to say again that it depends on what standards you see as success. Can I give you an example of why I say that? There is no single definition of success in criminal justice, rightly. We have got an inherently adversarial system, as you know. Let us take a serious case where we have got a defendant pleading not guilty. It is in the defence's interest to get an acquittal, and it is in the prosecution's interest to get a prosecution. It is of course in the court's interest to make sure the case is heard fairly and rightly, and the victims want justice. It is not always easy to reconcile all those things.

The reason I say that for these statistics is this: let's take a scenario where the judge decides the case is going to run longer, in the interests of evidence. The witness and victim might say, "Great." Actually, we might bust these statistics, but common sense would say that is really good. Or let's take a scenario where a judge is really worried that lots of cases are cracking at the last minute—

Q28 Kevin Foster: Without going too much down the path of there obviously being issues in the criminal justice system, given that they are adversarial, the issue of prosecution and defence would apply in both areas. The fundamental role between the parties surely does not change between the West Midlands and Greater Manchester.

Natalie Ceeney: Some of the cultural issues really do. To step back, there is an awful lot of regional variation that we understand and there is a lot that we don't, in the sense that we can do better. What are we doing to make things better? We are doing an awful lot to explore these sorts of areas. Our teams—between myself and Alison—spend a lot of time looking at this and trying to find good practice. What we are increasingly doing is looking at areas—in fact, at the last Criminal Justice Board we looked at domestic violence—where there are great practices and bad practices to see if we can compile best practice to pull forward.

Q29 Kevin Foster: You are spending a lot of time looking at those elements. Which particular elements have you identified in terms of that variation?

Natalie Ceeney: We have 460 courts in the country. I can't, off the top of my head, I'm afraid, compare two particular regions with the exact details—

Q30 Kevin Foster: No, I wasn't asking you to compare two particular regions. You just said you spent a lot of time looking at the elements, so which elements have you identified so far? I am happy for any others to come in as well.

Natalie Ceeney: A really good example would be the early guilty plea. For those of you who are not QCs, one of the big inefficiencies in criminal trials is when, for example, Alison's team produce an awful lot of evidence—prosecution evidence—and the defendant waits and waits until, frankly, they turn up at trial to see the victim or witness and then at the last minute plead guilty. There is a proportion with which that is always going to happen, but too high a proportion wastes a lot of money, because we set time aside for the trial. The victim or witness has come ready and then the trial doesn't happen.

So getting early guilty pleas is a really key issue. The rate of early guilty pleas varies hugely. Some of that is cultural. There are some bits of the country where actually, that is the defence community, but there are some initiatives we have running at the moment—

Q31 Chair: Just to be clear, when you say the defence community, you mean the lawyers.

Natalie Ceeney: Yes. We are doing some work to try and get early pleas where the evidence is clear. There is a particular initiative, which Alison can say more about, called Better Case Management, being led by the judiciary to try and pool best practice from across the whole system and distil that to get earlier guilty pleas, which will make the whole system more efficient.

Chair: May I bring Alison Saunders in on that point?

Alison Saunders: I was going to talk about Better Case Management, because you are right that the regional variations are highlighted. There are case mix issues and cultural issues, but equally there are things that we know we can do better to iron out some of the regional variations. Better Case Management is absolutely one of those. It is the first time we have had an agreement across all parties—and it is judicially led, so particularly by the judiciary—that we will have a common system in the Crown court. What that has done is pooled all the best practice from those areas that are performing well. We are adopting the same system across the country, and it is very much about front-loading. We in the police are doing more about making sure that we have the right evidence for the case, so that with those that we can identify should be guilty pleas, we can get evidence in. With those that are not guilty, we are getting more in, including some of the disclosure issues, which you will be familiar with.

Q32 Kevin Foster: I would expect that to be reflected in potentially more cracked trials—for example, someone showing up on the day and accepting that the evidence is overwhelming.

Alison Saunders: It is not, because Liverpool, which is one of the courts where I have been up to see Better Case Management—it is one of the early adopter sites—is showing quite phenomenal results. Their guilty plea rate has been going extremely high. They have a case mix that is quite complex and serious, but the recorder and the CPS there have been working together so that they can identify the cases. There has been dialogue before the first date of hearing, which is really important—to talk to defence, prosecution and the courts—which can identify issues. So cases are not going out of court in Liverpool for adjournments for extra material; they are either being dealt with through a guilty plea or are set down for trial. If we can replicate that across the country, there will be much more savings, because it is much more effective and efficient. It is much better for victims and witnesses, and for society as well, because you see much more proximate sentencing for offences.

Q33 Kevin Foster: To play devil's advocate slightly, are we also ensuring that it is not just cases being put forward for prosecution that are more likely to succeed, and that we are still putting enough cases forward? I don't mean this rudely, but a prosecutor with 100% success record is probably only taking cases that are absolutely cast-iron, rather than those that should also be put before the courts.

Alison Saunders: That is absolutely not the case. We do not have targets for conviction rates for exactly that reason. We are still seeing charging rates at the same level, if not going up, particularly in cases such as domestic abuse and sexual offences. Our charging rates are going up in those cases, and those are the notoriously difficult ones to prosecute.

Q34 Kevin Foster: When allocating court days to the region, is proper account being taken of the likely case mixes going forward?

Natalie Ceeney: Yes. We have got quite a rigorous process where the judiciary and court staff look at the case mix, at backlogs and what is likely to come in. We are also increasingly looking at the system as a whole. At a national as well as a regional level we have got an increasingly strong understanding of what is coming through the police, the CPS and into court, and what the pipeline is looking for, and we do our best to allocate with that in mind. We do, where necessary, adjust within

year, although inevitably when you have got physical resources and judges already allocated that is harder. Absolutely, we do try to adjust by case mix.

Q35 Kevin Foster: With regard to the comments on rates of effective trials in a comparable area and what normally happens in complex cases, from my time doing serious fraud work, we always found that our most complex fraud trials ended up in London at the Crown courts here—for clarity of the record, I do not practise any more—yet they have a better rate of effective trials than Greater Manchester. Are we arguing that London’s Crown courts are getting simpler trials than Greater Manchester, judging by these figures?

Natalie Ceeney: No. Again, it depends what figures you measure. You are absolutely right about the highest number of fraud trials. In fact, Southwark has the highest percentage rate of complex fraud trials in the country for exactly that reason. I think you will find across any profession that the more you do of something, the more expertise there is. So we do have specialisms across the country, with centres that deal with particular cases. Our challenge is to pick those areas of expertise and spread them across the country.

Alison Saunders: Fraud is absolutely one of those areas where we have been working really hard to ensure that cases are kept condensed and are effective. In Southwark we have been trialling digital iPads for juries. So they have their jury bundles on iPads. In the cases that we have done we think that that has taken about a week off the trial length, so that really helps. It is much more effective because we are ready to go.

Q36 Kevin Foster: I can remember trials when I was sat behind defence counsel with a rotunda of paperwork. How do you then take the information from something like that and spread it to other cases? And how do you analyse whether it would be suitable in other trials?

Alison Saunders: That is why we have joint programmes around digital working, so that we can look at what works and pilot it and ensure that it goes out. The common platform, which is a big digital programme, is jointly SRO’d by the CPS and HMCTS. Natalie chairs it with my chief exec.

Sir Amyas Morse: I was listening to the interesting testimony. I want to ensure that I understand what your collective view is, because it is a bit difficult to follow. On the one hand, what we hear from Ms Ceeney is the implication that we have got the regional variations but there are good reasons for them and we do not pay too much attention to them. On the other hand, we hear that there are actually lots of ways in which local courts can perform more efficiently, and they should be doing so. So when you see these regional variations they are a sign—not a simple message—that something may need to be addressed, at least. Can I make sure of what I am hearing?

Natalie Ceeney: Both those two are true. There are good reasons why courts seeing different cases makes for different cultures performing differently. At the same time, we want best practice to be national.

Richard Heaton: May I just come in on that? It is clear that these figures and variations raise a question about performance, as the Comptroller has said. Brian Leveson noted in his report, which has become our bible over the past two years on how to be more efficient in the criminal justice system, that the quality of statistics and evidence available to the system was not good enough. That

is a journey we are still on, to be honest. I would like to be able to say that we could do 100% regression analysis on these figures, and we can for some determinants but probably not for others. Improving our data is important.

Q37 Caroline Flint: You've each talked about best practice, and clearly there is best practice out there. Can you expand a bit on how you identify it? Let's say that you have your top 10 ideas for better efficiency in the service. How do you make sure they happen? I'm interested in the process for that. One of the issues raised by the NAO is that there are a lot of processes and guidance out there about how do things in a better, more victim-centred way that can save money through better collaboration, but they are not actually being implemented on the ground. Can you tell me a bit about how you drive best practice, beyond putting it in a guidance note?

Natalie Ceeney: Some of it is about what we do with today's system, but the biggest lever we've got to improve efficiency is how we make the system different. Let me say why. We are running the court system at the moment—in fact, the criminal justice system, if I can extend that to the way the police send evidence into the CPS and the court system—in a system that has essentially been unmodernised for about 40 years. The vast majority of my staff literally input data and carry bits of paper around. We manually transfer data; it's a really creaky system. That is important, because if we are really going to transform the system and improve efficiency, we have to make some pretty big step changes, not just take what's working best and make it a bit better.

One of the reasons why technology is going to be so important to us is that we can codify best practice in a national system and essentially force people to play to a national way of doing things. I'll give you a very practical issue. One of the biggest ways we know to improve efficiency is to limit what happens in the courtroom to just the trial and complex sentencing. At the moment, an awful lot of hearings can happen before a trial, because we haven't got good digital systems and it is easier for everyone to get in a physical hearing room to hear an issue. Until we invest in digital technology, we can't do that. When we do invest in digital technology—we are making really good progress on this—we can force everybody to input data, which will take whole swathes out of the system. We are looking not just at what best practice is now, but at what an ideal system for the 21st century should be. We're doing the two in parallel.

Q38 Caroline Flint: I understand your point, but isn't there a danger that that's a utopia? While you're waiting for that wonderful IT system—which, unlike every other Government Department, you're going to get right—there are everyday, practical things that could be done, which are perhaps actually happening in the service but for some reason or another are not being shared. One example in the Report is the ability in some areas for police officers to get appointments to get warrants sorted, rather than hanging around the courts all day.

Chair: That was in Birmingham.

Caroline Flint: You don't need an IT system for that. It's a very practical, straightforward way of making the best use of police and court time.

Natalie Ceeney: You're absolutely right. We have quite a long list of exactly—

Q39 Caroline Flint: So why isn't that happening everywhere?

Natalie Ceeney: It is. Let me give you a specific example. The Birmingham warrants trial, which you mentioned, is a trial that's running now. We're evaluating best practice. If that works, and it looks like it is working, we will roll it out nationally.

Q40 Caroline Flint: So everywhere will have to do it, then?

Natalie Ceeney: If we determine that it's working really well, everywhere will have to do it.

Q41 Caroline Flint: That is what I was trying to pick out from this. Once you decide that something like that is good practice, do you have the authority to say, "No ifs, no buts, this is what you're going to do"?

Alison Saunders: We certainly do within our own organisation. That's why things like Better Case Management are genuinely transformational. It has been led by the judiciary and is based on best practice. We have agreed sets of metrics that we look at. We've got an internal compliance and assurance team that goes out with Natalie's staff to check that we are doing what we should be doing. We are looking across both the courts and the CPS. That then comes back into the centre and into a judicially led group, which is looking at compliance and what is working. Having a national system means that you can really highlight the places that aren't doing it or where there are some issues that we need to look at to get best practice. In addition, through the Criminal Justice Board, we are looking at best practice across things such as domestic abuse.

Q42 Caroline Flint: That really hasn't answered my question. That seems like a lot of talking. What I'm saying is that once you've established that something is a really good idea to save time, I want to know that you can send something out to the senior persons around the country and say, "No ifs, no buts, here's what you're going to do. This is the timeline that I want you to change it in. Make it happen. We want everywhere doing this by a certain time." I want to know that that direction is clear from the centre.

Alison Saunders: That is exactly what Better Case Management is. It is the first time that we have had a national system, which everyone is doing across every single Crown court in the country.

Q43 Stephen Phillips: I think Ms Flint is focused on the warrant trial in Birmingham, which basically released two police officers to police Birmingham, saving them from sitting at court waiting for warrants. The question is—it is for you, Ms Ceeney—if that is a success, and it looks like it is, can you mandate it across every court centre in the country?

Natalie Ceeney: Myself and the judges can and, if it is successful, we will.

Q44 Stephen Phillips: You have just put your finger on it there, haven't you? "Myself and judges can"—but you cannot mandate, because actually the judiciary has to be on board as well.

Natalie Ceeney: And the judiciary is on board with all the reform programmes that we are doing—that is the big step forward.

Q45 Stephen Phillips: Yes, but the answer to Ms Flint's question is that you cannot yourself mandate it.

Natalie Ceeney: If it is working, it will be mandated.

Q46 Stephen Phillips: By whom? The judiciary is independent—how will you make them do it if they do not want to do it?

Natalie Ceeney: Actually, I can give you loads more examples. The way that HMCTS is set up is that we work absolutely in partnership with the judiciary. I speak to members of the judiciary every day. They are championing these initiatives just as much. May I give you another example, to give you confidence?

Q47 Stephen Phillips: I am sure you are right, but I am only interested in an answer to the question that Ms Flint asked, and the answer is that it relies on the good will of the judiciary, on the judiciary thinking that it is a good idea and being on board as well in each court centre, isn't it?

Natalie Ceeney: No. It relies on the senior judiciary saying yes and then we together roll it out.

Richard Heaton: This touches on a constitutional point. It is true that no single human being can direct and instruct everyone from chief constables to Alison in her prosecutorial function or the judges—there is no such person, that is true. However, all the people who have skin in the game sit around a table at the Criminal Justice Board, including the Lord Chief Justice, the Home Secretary, the Attorney General and my Secretary of State, and they take best practice and, if collectively they mandate it, it does happen. But there is a constitutional point there—there is no single direction, of course.

Q48 Chair: Alison Saunders, you just talked about the new case management system, and the Report tells us at paragraph 3.12 that some very good work is being done in Swansea. Again, if that is working, how quickly will it be happening around the country? And what are the barriers? Then I will throw it back to Kevin Foster.

Alison Saunders: Better Case Management has been mandated across all the areas. We have done road shows with the senior judiciary, prosecutors and the Courts Service to make sure that everyone understands what they should be doing. The one thing that we are now doing is looking at the data to make sure that people are doing it. The beauty of the national system, as I said, is that we can very quickly spot who is not, and get in there to find out why not and to put it right.

Q49 Chair: When you say get in, find out and put it right, you are talking about persuading them? You can instruct your prosecutors, but—

Alison Saunders: I can make sure. We have standard operating practices, which prosecutors have to do. That is why we have recently appointed a senior member of my staff to be the compliance and assurance leader—

Q50 Chair: But as Richard Heaton just said, there is no one person who can dictate what happens through the system, so where are the barriers? If you can tell your prosecutors, what are the problems in the system that mean that this has not yet been rolled out across the piece?

Alison Saunders: Well, the NAO Report helpfully identifies all of the problems. It is about where you join up, and it is about making sure that we join up smoothly, so that there are no glitches in it. What the system allows us to do now is to identify where there are glitches and to go in there and to discuss them—it is about making sure that we talk—but again, it is through the Criminal Justice Board that we do that, and all the parties are represented there. In addition, there are local implementation teams in each area for both Better Case Management and TSJ, as well as a national one overseen by the judiciary. So there are lots of mechanisms for talking about it and ensuring that we agree—then we go out and do it.

Q51 Chair: Who is accountable if it goes wrong? If it is not working in an area, which one of you takes responsibility for that, or do you all do so? How do you make it work?

Natalie Ceeney: It depends what the issue is, but to be honest we try to solve things together.

Q52 Chair: But if something fails, if a trial goes down very badly because of something going wrong, do you take it in turns to take the rap, do you pass the buck? Seriously, who is responsible?

Alison Saunders: It depends on the answer to, “Why did the trial go wrong?” If the trial went wrong because evidence was not presented that should have been, or there was not the evidence, it is my responsibility—the buck stops with me. If it is because there was not enough court time, say—

Richard Heaton: Or the roof was leaking, it is me.

Alison Saunders: Exactly. So it depends on the reason.

Q53 Chair: We would just like to know who to nail. Finally, to pick up on Ms Flint’s point about the utopian future of the all-singing, all-dancing digital service—forgive us if we are a little cynical about Government IT projects, and Mr Heaton has told us that he is taking it very seriously—between now and nirvana how long is it going to take for some of the good examples that came out in this Report, which is just a snapshot from the NAO, to be universally rolled out for each of you?

Natalie Ceeney: The good news is that we are doing some of it now, so I can give you some confidence. The approach we are taking is not to do a big IT system. We are doing lots of small IT things that together, over the next four years, will improve things.

Q54 Chair: So in four years' time, things will be a lot better?

Natalie Ceeney: They are better now. For example, over the last few months we have rolled out wi-fi to all our criminal courts. We are putting widescreens and a technology called "ClickShare" in all our criminal courts, which means that any party can say, "I have some digital evidence, a video, that I want to show," and show it live². On the question of rolling things out, we are currently piloting the transfer of electronic information from the CPS to the Courts Service for magistrates, and we are giving magistrates iPads to work on—that will be rolled out across all magistrates across the country in the next six months. We are piloting "plea online," where anyone with a guilty plea can plead online. That is going to be rolled out across the country in the next 12 months.

Q55 Chair: When will all this be finished? When will all this be in place?

Natalie Ceeney: Four years, but we are not going to wait four years for it all to happen. We are going to do it incrementally.

Q56 Chair: Okay. Richard Heaton and Alison Saunders, do you want to come in on that?

Alison Saunders: I would echo what Natalie is saying. We are working very closely with Natalie's team, so we are joint SROs on the common platform project. As well as that, you have the prosecutor app, which we have been rolling out. That goes to some of the NAO recommendations on review, because prosecutors can't go on and deal with a case until they have reviewed it on the prosecutor app, so it helps with consistency and effectiveness. Likewise, the digital case system in the Crown court, which the judiciary are using, means that we can share papers with the defence, the prosecutors and the judiciary. I have seen examples in court where the defence wanted something and we were able to upload it within 30 seconds, which meant that the case could conclude there and then. For effectiveness, it really works. These are there now in courts.

Sir Amyas Morse: There are many strong parts in the reform programme, and we absolutely recognise that, which I hope is clear in our Report. The strong part is where you can design out features that were time-wasting or conflictual in terms of information. I am satisfied that that is part of the reform programme you are rolling out. You simply don't need to do things the way you did them before, and there is not much choice about it; it suddenly appears in a different way. That's a benefit that you can grab hold of pretty quickly. I don't really challenge that at all but, looking at the stuff on the relatively poor performance rates on things that you could be doing well now, I am concerned about how you are going to achieve cultural change so that it becomes normal for the bits you need to do efficiently. This isn't a substitute for people doing their jobs efficiently; it assists them. If there has been a world where an awful lot of things regularly go wrong so that it doesn't matter that much if you add a little to it by not doing your job terribly well—I imagine that it doesn't stick out very much—how is that going to change into something where people really care about getting it right day to day? I don't mean sitting around in a Criminal Justice Board—that is great, of course—but making it work through a quite large, complex, not terribly linear-structured system. A lot of that must come from culture change.

² Comments clarified by witness after session

Richard Heaton: I agree. There are two things. One is that strong leadership really helps—strong judicial leadership and strong leadership in Natalie’s organisation. Transparency really helps. The judges have now adopted a Crown court performance tool, which brings the sort of evidence that you put in your Report, but on a much more granular, daily basis, in front of them. Transparency can drive good behaviour, as we know. The other thing is that judges and court staff want good things to happen. For example, there was a pilot—I am not sure where it was—on how to do domestic abuse cases, because it was seen from the data that some domestic abuse cases were prosecuted more highly in some areas than in others, so a group of practitioners got together and worked out how to tackle domestic abuse, what advice to give whom within the system, what procedure, what staff needed to be trained. Now we know how to do domestic abuse cases, everyone wants to do it better. And now we know how to encapsulate good practice, that will be spread in the system; partly mandated, as you said earlier, but also partly culturally, by just spreading the example of good practice. People want to do a better job.

Sir Amyas Morse: Does everybody get their performance appraised? Will this all tie in right down through the management system?

Natalie Ceeney: Absolutely, yes.

Sir Amyas Morse: Right. So, if we are saying that in Greater Manchester the court system will be—people will have their targets set and it will involve getting things right first time, and they will be able to control that. Is that it?

Natalie Ceeney: Absolutely.

Sir Amyas Morse: You are confident of that?

Natalie Ceeney: Absolutely.

Chair: I just remind people watching, or indeed anyone in the room, that our hashtag today is #criminaljustice.

Q57 Kevin Foster: It’s interesting to hear some of the comments that have been made. Of course, looking at devolution, which we discussed at the start, that will allow different decision making and different priorities. Given that, what variation in performance do you think will be acceptable with criminal justice potentially being devolved, and also looking at the figures we see currently?

Natalie Ceeney: Specifically on the courts, though; we’re not talking about devolving decision making in criminal justice. We’re talking about far stronger involvement of local communities in the location of the courts.

Q58 Kevin Foster: Just where the building is?

Natalie Ceeney: In terms of these particular two settlements that have been announced, it’s buildings, opening hours and use of buildings; it’s not about the justice that happens inside the courts, which is a matter for the judiciary, who are constitutionally independent. And we have a national system of justice in England and Wales.

Q59 Kevin Foster: If it is merely about the location, the national responsibility is still retained. With the variation in performance we have seen, how much of a difference do you see as an acceptable difference? What would be the narrowing you'd expect to see, with a baseline?

Natalie Ceeney: It is a very good question. One of the priorities I've got, though, is a challenge that the NAO Report posed very well. How much do we want to try to make today's system better, and there is clearly some scope, versus just taking out inefficiency? One of the issues, and I am getting around your question, and one of the challenges is actually with the archaic systems we've got, and trying to get behind the "why" is very manually intensive. So we do have to look at case mix and culture.

Once we can come up with much more national systems, we can more far easily see at a glance who is complying and who is not, and why there are variants. That will be much easier to tackle. So, the honest answer at the moment is I don't know, because we can't yet account for all the variants, partly because getting into it is so manually intensive.

Richard Heaton: Can I have a go at answering that? I have a slightly different take. In a sense, we're trying this on Transforming Rehabilitation, which I believe the Committee is going to look at next month. I've absolutely no doubt that there will be different approaches to rehabilitation, depending on the particular approach and innovation adopted by community rehabilitation companies in their area, and that is not a bad thing. So I think my measure would be that I would expect some regions to pull ahead of others, but then I would expect rapidly to work out why the one that hasn't pulled ahead hasn't caught up. So I would expect innovation to drive some variation, but I would also expect there to be gradual improvement. I think that is how I would put it.

Q60 Kevin Foster: I was listening to that quite carefully, and I didn't get an impression of how a baseline would be set for performance, in terms of things that will remain national responsibilities, such as the effective trial dates and the process of justice. How do we go about putting in, basically, a baseline for performance? I take into account that there are variations and mixed caseloads, but as we touched on earlier, there are areas with apparently relatively similar needs and similar demands on their court buildings and court service that have such wildly different outcomes.

Natalie Ceeney: The answer is that we do. So, as you'd expect, within the Courts Service we have scorecards, goals and targets. All the metrics in the end are in the NAO Report, plus many more. We have really clear scorecards for every court in the country, exactly to the Comptroller and Auditor General's comments. We already measure the performance of our managers on that. We know which courts are underperforming and which are not. The challenge has been getting some of the reasons why, but we already have that conversation.

As for Richard's point about the Crown court reporting tool, I've been in meetings with the senior judges, where they are, for the first time now that we have got this tool, starting to have conversations about how they can up their performance to hit the national average. I'd also say that we have actually made significant improvements on just about every metric over the last 12 months, by doing exactly that. I want to use the reform programme not only to edge 1% better but to step change. A really good example that applies to some of the earlier points is that, rather than just making it easier for the police to come to court, why don't we put in video links so that it's the norm

for the police to be able to give evidence remotely? That will significantly improve trial effectiveness. We want to make step changes, not just constantly edge up the odd half a per cent. here and there.

Q61 Kevin Foster: Given some of the answers you gave earlier, how will you make those step changes if a certain area decides that it just doesn't want to?

Natalie Ceeney: Because we have a national judiciary who are absolutely signed up to this reform programme and, as you have seen in some of the examples I have given, when we have trialled something, proven it and it works, they are absolutely committed to rolling it out nationally. That is our plan and the Lord Chief Justice is completely signed up to it. In the spending review, we were given investment to be able to develop the technology and approaches to do it. We are committed to changing the way we do business in the Courts Service.

Q62 Kevin Foster: We are talking about the devolution of court buildings and locations, as you have just touched on. If you go to figure 3 on page 14 of the Report, you will see a graph showing the backlog or outstanding cases at the Crown court. If we are talking about the location of courts being down to local decisions, how will we create the extra capacity in the Crown court system to deal with cases that have been transferred from underutilised courts? One court that has been closed recently, Barnstaple Crown court, hadn't had a case in years. How will we ensure that there is the capacity—in terms of buildings—to deal with cases that are going before the Crown courts?

Natalie Ceeney: Our problem isn't building capacity, it is judicial time. Our building utilisation rate across the country is low, which is one of the reasons why we have just made some tough decisions to close some courts. Around a third of our buildings are utilised for less than half their opening hours—between 10 am and 4 pm. We are confident that we have enough physical capacity in England and Wales. We are not sure that our court buildings are as fit for purpose as they should be. One of the problems is that we have an awful lot of court buildings with only two or three hearing rooms, which makes it quite difficult to juggle cases.

Q63 Kevin Foster: So how will devolving the decision about the location of court buildings help to improve the position?

Natalie Ceeney: As I covered earlier, we are not devolving the decision.

Kevin Foster: Right.

Natalie Ceeney: We are saying we want stronger local engagement in where that decision is made. That still has to be a decision that balances the workload and judicial time, and we have to work out how we can deliver an effective court service.

Q64 Kevin Foster: I was told that the idea was to devolve decisions about locations—where courts could be and what they would do—but actually it is just asking them what they think.

Natalie Ceeney: It is very strong local engagement—

Kevin Foster: Asking them what they think.

Natalie Ceeney: But ultimately, the accountability still has to sit with me.

Chair: We will probably come back to that.

Q65 Stephen Phillips: Can I come back to the question of baselines as more and more is devolved? Mr Heaton and Ms Ceeney, could you look at figure 10 on page 29 of the NAO's Report? I have tried to think of what comparators you might take in terms of the counties in England and Wales. Let's take Suffolk and Norfolk in the table. Suffolk is second in the first quartile and Norfolk is midway through the third quartile. You would expect them to be roughly comparable, yet Norfolk has higher rates of cracked trials for the relevant quarter than Suffolk. I appreciate that the table shows only one quarter, but it already appears that places you would expect to be similar actually have very different experiences. If you are going to devolve things more, it is entirely plausible that these discrepancies between roughly similar geographical places with roughly similar caseloads, and roughly similar access to policing resources, solicitors and counsel and everything else, are just going to get worse, aren't they?

Richard Heaton: As Natalie said, the improvements to the national infrastructure—including, for example, the national infrastructure that doesn't allow a defence practitioner to take a step until they file some evidence—will drive national standards. That is not being relinquished in the context of localism or devolution. When we talk about devolution, I am not derogating from putting in place much stronger national systems, such as digital systems and Better Case Management. Those are the tools we have at our disposal to reduce the regional variation.

Q66 Stephen Phillips: If we look at the table, though, the tools you already have seem to indicate that in fact there are wide regional variations, notwithstanding the existence of national standards for various things. How are you going to address that with more devolution?

Richard Heaton: We are not devolving our move towards better national infrastructure.

Q67 Stephen Phillips: I am afraid you may be misunderstanding the point I am putting. You already have a system where you impose national standards, such as the number of days for custody time limits and things of that nature, yet we see wide discrepancies between broadly comparable areas, such as Norfolk and Suffolk. You already have precisely the same sentencing guidelines in relation to guilty pleas, which apply in Norfolk and Suffolk and, indeed, the rest of the country, yet we see wide discrepancies between cracked trials and effective trials between those two counties. Why will that not get worse if you are going to devolve more in terms of delivering the system to local areas?

Richard Heaton: I was trying to say that we will make the national improvements we are making, and we will not devolve them. For example, Better Case Management is new, and its effect has not come through into the figures. On another graph, Transforming Summary Justice has not come through with its figures, nor has the common platform for everyone to use the same digital evidence base.

Q68 Stephen Phillips: If I look at this table in five years, am I going to see a much smaller discrepancy between roughly comparable areas?

Richard Heaton: I would expect so.

Q69 Stephen Phillips: I will hold you to that, Mr Heaton. Do you want to add anything, Ms Ceeney? Can you explain the difference between Norfolk and Suffolk?

Natalie Ceeney: I can certainly tell you a bit about Suffolk.

Stephen Phillips: Well, if you don't know about Norfolk, you can't explain the difference.

Natalie Ceeney: No, but let me say something about Suffolk because it is a very interesting case. On some metrics it will be at the bottom of our table and on others it will be at the top. The reason why I say that is that one of the reasons it is looking so good on the figures is that we have a declining crime rate. We have a very low rate of guilty plea, which means we do not have as many trials crack at the last minute. We also have some spare physical capacity. As a result, on these figures it looks pretty good. I say that partly because one of the factors that we have not talked about that is very different regionally is the state of the court buildings. A lot of them have a colourful history. Some are very useable and some are in poor use.

Q70 Stephen Phillips: I think we may return to that in due course. One mark of a civilised society is that the administration of criminal justice is the responsibility of the state and not the individual. A functioning criminal justice system is at the core of a functioning civil society. Without it, no civilised society can consider itself worthy of that name. Do all three of you agree with that?

Richard Heaton: Yes.

Q71 Stephen Phillips: Right. The difficulty with acknowledging what you have just acknowledged is that the criminal justice system we have in England and Wales is the responsibility of a number of different parts of Government. You have got the judiciary, who are independent. You have got Mr Heaton, who is providing central guidance and governance and funding Ms Ceeney's properties, but the prosecution of offences is your responsibility, Ms Saunders, for the most part. The first question I want to ask you is: what discussions do you have between all of you so that you can try to ensure that the thing you agree is important, which is a functioning criminal justice system, actually works?

Alison Saunders: You won't be surprised to hear that we have lots of discussions. The Criminal Justice Board is one of the more effective ways of identifying problems, looking into them in depth, agreeing resolution and moving it out. It is quite new. The new Criminal Justice Board has only been going for a few months, so it has been finding its feet, but we have already done a much more in-depth look into courts when we were talking about the domestic abuse paper. We looked at where it was doing well and not so well to try to find the differences between courts and to identify good practice. That is the sort of thing that the Criminal Justice Board wants to get more into.

In addition, Natalie and my chief executive run a number of joint projects. Richard and I talk not just between ourselves bilaterally, but trilaterally with the Home Office permanent secretary,

because it includes policing, too. There are a number of places where we can identify what we think should be the priorities for us all jointly together and ensure that they are being furthered.

Q72 Stephen Phillips: Right, so there are opportunities for you all to discuss the functioning of the criminal justice system. Mr Heaton and Ms Ceeney, do you want to add anything on the discussions that you see taking place between yourselves, and in particular the CPS, to ensure that it works efficiently?

Natalie Ceeney: I talk with Alison or her chief executive—sometimes it feels like most days. It is not just the national level; we have regions that mirror that exactly. In each of my seven regions, I have a senior civil servant who is the head of criminal justice in that area and who has a partnership with Alison's equivalent. So we work in a very close working relationship, having very practical discussions on a daily basis.

Q73 Stephen Phillips: How much is your budget reduced, or how much is the budget of the CPS—I know you haven't been there very long, Ms Saunders—since 2010?

Alison Saunders: By just over 20%.

Q74 Stephen Phillips: How many lawyers does the CPS employ now?

Alison Saunders: Now our total staffing is just under 6,000.

Q75 Stephen Phillips: Of whom how many are lawyers?

Alison Saunders: Slightly less than half are lawyers.

Q76 Stephen Phillips: How has that percentage shifted over the course of the last five or six years?

Alison Saunders: We have lost 30% of our staffing numbers, which has been—I cannot tell you exactly, out of that 30%, but I can write to you.

Q77 Stephen Phillips: If you could write to us, that would be helpful. What I want to know is the way in which the proportion of lawyers who are responsible for prosecutions, to support staff has changed over the course of the last five years.

Alison Saunders: I can give you those figures subsequently. What I can also tell you is we are recruiting lawyers as well, at the moment.

Q78 Stephen Phillips: Because when the CPS gets it wrong, the effect of that is to shunt costs on to the MOJ and the Courts and Tribunals Service, isn't it?

Alison Saunders: If we get things wrong, it doesn't help the system. It makes it more ineffective, yes.

Q79 Stephen Phillips: Let me give you an example. The last case that I tried, during the period when the House wasn't sitting—I think last month—was supposed to be a five-day case. The CPS was not ready to start. The main prosecution witness had not come to court because he had not been warned to by the police. Two other prosecution witnesses were absent. Counsel had been briefed late, and as a result of that we drifted into a second week. We had a sixth day when Mr Heaton had to pay me for another day of my time; the Courts and Tribunals Service had to pay for a courtroom to be available for another day. You may have complied with all your obligations—managed to cut your budget, prosecuted a case successfully—but the fact that you weren't ready, or the CPS wasn't ready, just shunts costs on to the Ministry of Justice, doesn't it?

Alison Saunders: And we are very conscious of that, and that is why we have been working very hard to improve that. There is quite a lot, there, to unpick, about who warns witnesses to come to trial, and whether that is effective or not, and why victims or witnesses do or do not attend court. Sometimes that is entirely outwith our control, and there is quite a lot of work going on with us and the police, around how we can make sure we are more effective, jointly, at warning witnesses; because, as you rightly say, witness care units are police units.

Q80 Stephen Phillips: Part of the problem is that because the workload of the lawyers within the CPS, as the numbers have fallen, has gone up, they are briefing counsel later, and sometimes counsel are not ready, and sometimes the things that should have been done have not been done. Do you see that as a problem with the reduction in your budget, which is shunting costs on to the Ministry of Justice?

Alison Saunders: I think it is far more complicated than that. At the same time, we know that the criminal Bar, for example, has been shrinking, so we often have difficulty in finding counsel, or counsel will have to return cases late. While the barrister who appears in front of you may only just have picked up that case, it may not always be our fault.

Q81 Stephen Phillips: I know, because I make orders, that they are just not complied with. You have a plea and case management hearing, as you will know, very early in the case. You make orders for the disclosure of the prosecution evidence. It is rare for those orders to be complied with, at least in London, on the timescale that the court sets. Now why is that, Ms Saunders?

Alison Saunders: We have been recording that, and we now have a system in order to make sure that we record when court orders are complied with, or if they are not.

Q82 Stephen Phillips: Why did you not have such a system before? If a court makes an order it is supposed to be complied with.

Alison Saunders: I entirely agree. That is why we have introduced the system. I am not saying we introduced it last week. We introduced it a year or so ago, and we can track where orders are going, and make sure; but in addition, Better Case Management and the way we have

completely refigured the way in which we do things will help exactly that, for the reasons that you have identified.

Q83 Stephen Phillips: When you write to us, can you write with the data that you can now obtain from the system? I want to know how frequently orders that affect the way in which trials are effective or not are not being complied with.

Alison Saunders: Absolutely; I can do that, but Better Case Management, again, will help it, because the PTPH—so the first hearing, which is now not just—

Q84 Chair: Can you just spell that out for us?

Alison Saunders: PTPH is the pre-trial hearing—I think I might have got that wrong; I can explain what it is. It is the first hearing date.

Stephen Phillips: It is coming to something when the witnesses in front of us don't even know what their own acronyms mean, but there we are.

Alison Saunders: It is not my acronym; it is a joint one. It is the first hearing where we appear in front of the Crown court. That is now the hearing where we do both the pre-trial hearing and any directions and make sure that we identify whether the case is going to trial or not. As I said before, in those areas where we have been piloting it with the courts, we are finding that we are actually taking out lots of cases. We take out the guilty pleas much earlier in the system. That allows my prosecutors to work on those cases that are going to trial and reduce some of the inefficiencies that you have rightly identified, where we need to make sure that we are better at it.

Q85 Stephen Phillips: Because of the split responsibilities, which I quite understand, we are never going to get 100% efficiency—things always go wrong—but do you accept that the level of inefficiency has resulted, at least in the past, in costs being shunted away from your budget and on to the MOJ's budget?

Alison Saunders: I think we all recognise that we are interdependent. If there are inefficiencies in the police, it shunts costs to me; if I do something, it shunts costs to the courts; if the courts do something, it might shunt costs back. So we recognise—

Q86 Stephen Phillips: You have put your finger on another point. We do not have a witness from the Home Office, but if—this is dealt with in the NAO Report—the police, for example, take a decision not to spend money to obtain forensic evidence that would make clear the guilt of an accused and therefore lead to an early guilty plea, so that the CPS does not have the evidence at its fingertips to disclose to the defence that would result in a guilty plea, we end up with a trial that should not be going ahead because the police have not done their work. What are you doing, as the Director of Public Prosecutions and the head of the CPS, to ensure that the police actually spend the money from their budgets to get cases into the best possible shape to secure either a guilty plea or a guilty verdict, for which you are responsible?

Alison Saunders: You will not be surprised if I say logs, because we recognise absolutely that we have got to work very closely together. In some of the more complex cases, where we tend to have forensics, we are working closely with the police pre-charge, and we have some pilots around the country about early investigative advice to make sure that we can talk to them about what evidence we need. On more general cases, at a national level, we are identifying national file standards, which set out exactly what the police should give us at that first time of charge. Our charging lawyers are also working very closely with the police in the cases that come to them. We do not automatically charge; we might send back an action plan to the police saying, “You need to do X, Y and Z before it comes to us.”

Q87 Stephen Phillips: Forgive me, Ms Saunders. It is a constant theme in this Committee, and I understand why: “The pilot’s running, we’re now doing this, it’ll result in something in due course.” It is always jam tomorrow. Why have the Committee not got some jam today?

Alison Saunders: It won’t be jam tomorrow—well, it will be a very short tomorrow, because we are agreeing at the Criminal Justice Board the national file standards and a performance metric, which is being piloted, so it should start to roll out this summer.

Q88 Chair: Just to pick up on Mr Phillips’s point, ultimately, there is no real penalty for each bit of the system if you shunt costs on to somebody else. What is the incentive? I would hope you all employ good professionals who want to get it right, but it is clearly not working, and you are not getting it right a lot of the time. What is the incentive for you to get it right, and how can it be strengthened?

Alison Saunders: The incentives are that we have all got to live within our budgets. We cannot just shunt costs around, because that does not help anybody. It doesn’t help—

Chair: Yes, but how is that an incentive for a CPS lawyer in the court on the day?

Q89 Stephen Phillips: You have just put your finger on something very important. You have got to live within your budget, so you do it, but the effect of your doing that may be to push up somebody else’s budget.

Alison Saunders: No, because ineffective trials really do not help me. The more cases go in and out of courts, the more my lawyers have to touch them and the more it distracts them from doing what they should be doing. It does not help. What helps all of us is when cases are dealt with right the first time and go through the system in that way. It does not just help us; it helps those we are here to serve—the victims and witnesses, and the public. That is why Brian Leveson’s report absolutely identified that this is a common theme across all the agencies: it is in our interests, financially or otherwise, to get it right first time.

Chair: We would hope so, but that hasn’t happened so far.

Sir Amyas Morse: I am put in mind of the discussion that we had in a hearing on foreign national offenders, which did not concern you at all, Ms Saunders. We heard that it was very

important for the police to identify foreign national offenders. If they did the right paperwork when they had them in custody, it was possible to identify them and to treat them—process them—properly. In fact, that did not happen a great deal of the time, basically because the police did not think it was worth the effort at all. For whatever reason, it just did not happen locally.

You are put in mind of the fact that police forces are very diffuse, locally run organisations so the problem is not so much having people. It is great to have people at the Criminal Justice Board such as the Home Secretary and so forth. That is very important and you have to start there, but getting the police to do things locally and, among the many other priorities they have, to prioritise getting these right at the start of the justice process for you will need a bit more practical, ground-up work than just having a series of meetings in Whitehall. May I just press a little bit on how that is to happen? I'm sorry, we have travelled this road before in the Committee and that is why I am referring to it. It is really difficult.

Alison Saunders: It is, and I do not seek to underestimate how difficult it is. There is a National Police Chiefs Council, which we engage with. They have nominated leads. So, for example, their lead on digital is now joint SRO with Natalie and the chief exec around the digital programme. The agreement is that he speaks on behalf of the police. Likewise, we engage locally with police and crime commissioners as well as chief constables. Police and crime commissioners have a role to play around ensuring that the policing standards locally and the priorities set are up to scratch as well. We do it locally and at a national level.

Q90 Stephen Phillips: Mr Heaton, I want to come to you on this question of incentivising all of you together to ensure value for money for the taxpayer across the piece—not just in your budget or Ms Saunders' budget, but value for money for the taxpayer across the piece. Now, what incentives do you see in place for you to all to act together to ensure that inefficiency is removed across the criminal justice system.

Richard Heaton: Sorry to return to the leadership point, but it really does start not just with the leaders of the organisations—there are several of them sitting around a table in Whitehall—but with them agreeing between themselves what measures they think are important so that everyone agrees unequivocally around the Criminal Justice Board that reoffending rates are something we care about or that police outcomes for recording crime—the charge rate—is something that we care about. Getting those collectively agreed is not bad. It has not happened before.

Q91 Stephen Phillips: Is this now being done in the Criminal Justice Board?

Richard Heaton: Absolutely. It is being done in the Criminal Justice Board, so that helps. I now chair a sub-group of the Criminal Justice Board—sorry, it is another Whitehall meeting—on sharing data. The reason that that is so important is that everyone on the system knows that if information flowed from the police officer's notebook through to the courts, the listing officer and the prison officers—if we shared all our information better—the system could be transformed. We do not share information at the moment, not through any legal obstacle but just because it is recorded in different ways and because there are cost barriers and so on. We are just agreeing a set of principles that information should be shared free of cost, that it should be made available and that someone should look after the tax receipt and security.

Q92 Chair: Mr Heaton, this was an initiative under the last Labour Government, which was aeons ago when Caroline Flint and I were much younger. The whole Magee review of data sharing was happening then so it is not rocket science. Why is it only just happening now?

Richard Heaton: It is not rocket science. I think that, possibly, what is new about this approach is that it is focusing not on legal barriers and data standards, but on principles such as free access to those who need the information, and quality.

Q93 Chair: I remember sitting on the Cabinet Committee that discussed and agreed that data sharing was a good thing across Government.

Richard Heaton: Yes, we are taking it beyond that. It is a good thing but there are systems and cultural barriers to it.

Q94 Chair: Can I just be clear: what is the difference between this Criminal Justice Board that you tell us will, in the future—of course, it is always in the future—make everything fantastic, and what has happened in the last seven or eight years?

Caroline Flint: Twenty years.

Chair: Well, probably longer, yes.

Richard Heaton: First, every project we have mentioned today is jointly owned. That is quite important. The criminal system is littered with lots of systems that have been innovated by one part of the system and not others. Secondly, as Natalie said earlier, it is not a big bang, everything-will-be-transformed-all-at-once model. There is jam today. Go to Southwark Crown court and you will see digital case files, a system that is co-created by the CPS and the Courts Service. So things are happening. You can plead to a traffic offence online. Very soon that will be rolled out nationally, and that is because all the players in the system got together. It is a legacy of the Office for Criminal Justice Reform, which crashed together all the agencies in an attempt to create a single supervisory board. That was probably wrong—it was probably too top-heavy and it was probably a bit naive to think you could direct all parts of the system—but it did generate this genuine partnership mentality where we all want to make it better.

Q95 Stephen Phillips: How often does the Criminal Justice Board—this new body—meet?

Natalie Ceeney: Every six weeks.

Q96 Stephen Phillips: Are there standing items on the agenda, including eradicating inefficiency by seeing how one change somewhere in someone's budgeted expenditure will impact on someone else's?

Natalie Ceeney: Pretty much, to be honest. At the first—

Q97 Stephen Phillips: What I want to know is that it is not a talking shop in Whitehall but that it is actually going to result in change which will ensure efficiency across a system for which a number of agencies are responsible.

Natalie Ceeney: To give a very practical example, we met last week and one of the issues we discussed was—Richard referred to this a bit earlier—some work done on where best practice is on domestic abuse cases and where it is not. We discussed it and agreed a set of national standards that we agreed we would all roll out.

We are actually quite practical. So the month before we discussed a particular element of the common platform programme, the IT work that Alison's team and I are jointly leading, and we discussed a particular issue—exactly the question that has been raised—how we get 43 police forces to play. We had a very lively debate and agreed we are going to agree some common data standards and the police service will make sure that the forces all work within those data standards.

Q98 Stephen Phillips: Mr Heaton says there is jam today, but I cannot help but notice in the NAO's Report that the number of ineffective cases in Crown court is actually ticking upwards. What is driving that?

Natalie Ceeney: Those are not the figures I have read. If I read the Report, actually what it tells me is that we are resolving a high percentage of magistrates courts at first hearing and our effectiveness has gone up—

Stephen Phillips: If you look at figure 3, on page 14—

Natalie Ceeney: Sorry, that is the rise in stock.

Stephen Phillips: Right. So this is the number of cases that have yet to be tried?

Natalie Ceeney: Yes, and actually over the last 12 months we have brought that figure down by 8%. So on virtually every metric that the NAO talks about—

Q99 Stephen Phillips: Sorry, these figures run to the end of the third quarter of 2015. You might have brought them down between Q4 2014 and Q2 2015, but they are ticking up again, aren't they?

Natalie Ceeney: They are not; our stock is reducing. This chart is actually a cumulative percentage change, which is a particular methodology that the NAO have used. What I can guarantee you is that the number of cases waiting for a trial has come down steadily month on month over the past 12 months. It is 8% lower than it was this time last year.

Stephen Phillips: Okay, I will take your word for that. I will let the NAO in.

Eleanor Murray: Just to clarify the data we agreed on the number of outstanding cases at Crown court, it is not much of an increase, but it is an increase between the second quarter of 2015 when it was 51,752 and the third quarter when it was 52,577. So it is an increase of about 800 cases.

Natalie Ceeney: Our data says it is coming down, but—

Chair: It is an agreed Report.

Q100 Stephen Phillips: It is an agreed Report, and I have to act on the basis of the Report, Ms Ceeney. Maybe you want to write to us to give us the most up-to-date figures, and that is fine.

Natalie Ceeney: I will happily do so.

Q101 Stephen Phillips: Let us look at another metric: the number of days between charge and trial. It was 99 days and it is now 134 days—explain.

Natalie Ceeney: Yes, I can. If you look at the volumes that came through the Crown courts over the last five years, we saw a significant dip in the volumes of trials around 2012-13. In the financial pressures that the Courts Service had, that allowed us to reduce the number of what we call sitting days—you will be familiar with them: basically the number of days when a judge sits in a court. The problem was, in 2013-14 the numbers went back up and we also saw quite a shift in case mix—

Q102 Stephen Phillips: Isn't it predictable that the number of cases that the Crown court or indeed the magistrates court are going to have to try may go up and down? Obviously, if you cut the resources and they go back up again, you are going to increase the length of time between charge and trial.

Natalie Ceeney: Indeed. What I was just about to say, though, was that two other big things happened. The first was—I do not think anyone predicted this—a significant rise in the case mix shift particularly towards historical sex abuse cases—

Stephen Phillips: Yes, the Savile effect.

Natalie Ceeney: Not only that, but I think the general publicity—you will know well—has led to a rise in those cases. As a result, not only did the case mix change, but so did trial length. We are now running 26% longer trials than we were five years ago.

Q103 Stephen Phillips: Is that because the trials need to be longer or because Ms Saunders's lawyers and the counsel they instruct are not doing their jobs?

Natalie Ceeney: It is because trials need to be longer. It is predominantly because of the case mix. Historical sex abuse cases take an awful lot longer to try because the evidence is not always clear. Putting all that together, the number of cases coming through the system rose. It is fair to say that it took the system longer to respond than it should have done. We are now, as of 12 months ago, back up to the highest levels we have ever been in terms of the number of judicial sitting days, but we lost a year in terms of putting the resource back in. As a result, we have a higher stock than we should. We are now working very hard to bring it down. Over the last 12 months, we have brought it down by 8%.

Q104 Stephen Phillips: The system took longer to respond than it should have done, Mr Heaton. Why?

Richard Heaton: We run an unreformed, complex system with lots of variables, and it needs to be much better. I apologise for that, but I make no excuse for it. That is the case.

Q105 Stephen Phillips: The point I am putting to you is this: from Ms Ceeney's answer, it took you longer to respond to the fact that the number of cases and indeed their length was going back up again in circumstances where you had cut the budgets for the number of days that courts would actually sit trying crime. Why did you not pick it up earlier?

Richard Heaton: I don't know the precise answer. It could have been that our forecasting was not as good as it should have been. It could have been a lack of capacity because we had failed to anticipate—I don't know.

Q106 Stephen Phillips: That is a slightly unsatisfactory answer. You are the accounting officer—the permanent secretary in the Department—so I expect you to be able to tell me why you did not pick up something earlier that Ms Ceeney says you should have picked up earlier.

Natalie Ceeney: I didn't actually say that the permanent secretary should have picked it up. I said the system didn't pick it up.

Stephen Phillips: Unfortunately, the permanent secretary is responsible for the system. That is why I am asking him the question.

Richard Heaton: I am so sorry; I am unsighted on that particular point.

Stephen Phillips: Maybe drop us a line on that one as well, if you can.

Richard Heaton: Certainly.

Q107 Stephen Phillips: Ms Ceeney, you said earlier in your evidence, "Our problem is judicial time". By that, you mean you have not got enough judges to sit enough days to deal with everything.

Natalie Ceeney: What I would say is that we are now sitting the maximum judicial time we have ever sat in the court system at 109,000 sitting days.

Stephen Phillips: You are reliant upon the good will of judges to do that.

Natalie Ceeney: Absolutely.

Q108 Stephen Phillips: I just printed out all the emails I got from the MOJ last week asking for judges. They are all in red. It is quite staggering. On 7 March, at 10.51: "Urgent outstanding crime vacancies." Two pages of them. This is just London and the south-east. Same day, 12.14: "We still have urgent outstanding four-day crime vacancies." Same day, 15.54, another batch of urgent outstanding crime vacancies. Same day, 16.05, the Easter vacancies, which run to pages. The

following day, 10.31: “Please see below, urgent outstanding crime vacancies.” The same day, 16.29, another bunch of urgent outstanding crime vacancies. On 9 March, the same. On 10 March, two emails. On 11 March, another two emails. There is a crisis in the number of judges that you have actually got available to sit to try cases. If it is not a crisis, why am I getting two or three emails a day in red asking me—I can’t do it because I am sitting here in the House—urgently to go and help you out by trying criminal cases?

Richard Heaton: I suspect neither of us knows the answer to that particular capacity issue in London. I have to be straight with you.

Q109 Stephen Phillips: Well, you should, Mr Heaton. I don’t know whether it is just London. I can only tell you what I get for London and the south-east, but these are two or three emails a day in red—you can see they are in red—telling me about urgent vacancies where you have not got judges to go and try cases.

Richard Heaton: I don’t know what is behind that.

Q110 Stephen Phillips: When did you last run a recorder competition in London and the south-east?

Richard Heaton: I’m not sure.

Q111 Stephen Phillips: Are you short of recorders in London and the south-east or in any other region?

Natalie Ceeney: There are some regions in the country where we have particular problems staffing courts. I know there is a very active group working alongside the judiciary to look at the whole issue of how we best sort judicial staffing.

Q112 Chair: Actually, although it is a lot of money to people out there, £600 a day for a recorder is not the expensive part of the system. If a court case does not go ahead, there are far more expenses down the line. We talked about cost shunting earlier; have you done an analysis of what the cost is of having vacant positions for judges?

Natalie Ceeney: We do look at our cost base very closely, including the balance between permanent judges and recorders. The way it works—Mr Phillips, you will know this—is that we have a number of sitting days per year, and we allocate them by region. At the moment we are sitting them.

Q113 Chair: Sorry, can you unpick the jargon? When you say you are sitting them, what do you mean?

Natalie Ceeney: What I mean is that we are filling them. We are running at the level of court cases and judicial sitting days that we should be.

Q114 Caroline Flint: Is that enough?

Natalie Ceeney: It's what we're funded to run.

Q115 Caroline Flint: I understand that, but it enough?

Natalie Ceeney: It depends who you ask. That's a serious point. We'd all love a system in which cases come in and are resolved very quickly, but the reality is that that would cause pressure on the prison population and elsewhere in the system.

Q116 Stephen Phillips: So if we had a better, more efficient system, the cost would be shunted on to the Home Office—or, in fact, the MOJ—which would have to fund a better prison system?

Richard Heaton: It's a function of what we call the backlog, which is a mixture of old cases and cases that, in the ordinary course of events, are waiting to be heard. An efficient system would not lead to an increase in the prison population or prison costs. If, however, we tackle the backlog all at once—if we were funded to do that—it clearly would. We have to balance the competing cost pressures.

Q117 Stephen Phillips: I go back to the proposition that I put to all three of you at the beginning: a civilised society is dependent on a functioning criminal justice system. From the description the Committee is getting, it might form the view that at the moment we have a barely functioning criminal justice system.

Richard Heaton: The number of Crown court sitting days is clearly a variable. We put Crown court sitting days up to reduce a backlog, where that backlog is intolerable. That is clearly something within our gift, and we will do that. We have to balance the cost pressures of trying to do it otherwise. That is all I was saying.

In response to your general point, we have a criminal justice system that is more efficient than it was because, as the NAO said, it has taken 26% of costs out. It is clearly more efficient, and gets better value for the taxpayer. Are we proud of every part of the system? No, it could be much, much better. That's why we are putting so much energy, time and investment into courts reform. I told the Chair that it is one of the reform programmes that keeps me awake. That is because it's so ambitious. We are determined to make this a system that a civilised society can be really proud of.

Q118 Chair: Mr Heaton, in your enthusiasm you just conflated cuts to costs and efficiency. They are not necessarily the same thing.

Richard Heaton: No. Broadly speaking, we're delivering the same service for 26% less.

Q119 Chair: I'm going to bring in the Comptroller and Auditor General, but it's worth noting from the Report how many people who have been witnesses and victims said they would do it again. Only 55% said that they would, and only 43% of those who appeared as victims believe the system is effective. We've got to remember in all this that we're talking about justice for victims.

Richard Heaton: Victims and witnesses.

Chair: There's a danger that we're getting into a bureaucratic discussion. I see Alison Saunders nodding. I'm glad you're nodding, because clearly we all need to be reminded of what this is all set up to do.

Richard Heaton: We are providing a vital public service for victims and the public.

Chair: Absolutely.

Sir Amyas Morse: Forgive me for piggybacking on what Mr Phillips was asking you, but as I listened I was quite concerned about something. It sounds to me as if the system is under considerable capacity stress. You have given a "on the one hand, on the other hand" answer, but can you be a bit more frank? Do you know that the system is somewhat under-resourced at the moment, as far as judicial capacity is concerned? Will you say that you know that or not, please? It is a vital part of the functioning of the system, and somebody needs to monitor whether it's under pressure. I'm not trying to find fault; I just want a straight answer on it, rather than a carefully balanced one.

Natalie Ceeney: In some parts of the country, we are under pressure, in terms of the number of members of the judiciary we have and the cases we need to hear.

Q120 Stephen Phillips: I am very grateful to the Comptroller and Auditor General for that question. It may or may not be a conclusion that the Committee reaches. If it is, Mr Heaton, you are the accounting officer. If the system is under capacity stress, what are you going to do to alleviate it?

Richard Heaton: I would go back to the reforms that we have in place. We use judicial capacity, but we do not use it efficiently. We have judges appearing in court at cost to hear things that should not require preliminary hearings. We have far too much wasted time. I'm sure we waste far too much of your time. If you have an average sitting day, you probably see things that aren't effective and should be effective. It's a better use of judicial time.

Q121 Stephen Phillips: And that is always going to happen. It really comes back to Ms Saunders—a lot of time that judges spend sitting out of court is because the CPS is not ready with something, for example a bad character application. Do you feel that there is capacity stress created by the pressures on your budget, Ms Saunders?

Alison Saunders: Our latest budget assessment has enabled us, with the initiatives around digitalisation, Better Case Management and Transforming Summary Justice, absolutely to do that. I am not saying that if we just carried on as we are that we would have enough. For example, going back to Better Case Management and the digital case system, that is enabling something that has

not happened before, which is a conversation between the judiciary, the defence and the prosecution beforehand.

That means that by the time we get to that first hearing in the Crown court, things are resolved. So you don't have to do what we have traditionally done—and you will recognise this—and start the dialogue and discussions when we get to that first stage of hearing. It is about moving it forward, so we don't have wasted judicial time.

Richard Heaton: Mr Phillips, you said it will always be the case that there will be ineffective listings. The ambition of our reform is that preliminary hearings won't happen. There is no reason for someone to be produced in court at expense to the prison system, the public and the taxpayer, just for some paper shuffling to go on.

Q122 Stephen Phillips: I could not agree more, but that is one tiny piece of the jigsaw, Mr Heaton. However good it is and however good a job you do with these reforms, it is never going to be perfect. The reason for that is that you are trying cases in front of a jury. There are certain things the jury can hear and certain things they cannot. Things take time to prepare, there are surprises along the way, witnesses miss their train and so on and so forth. The problem, at least, is the perception—not just mine but that of the majority of the teeny-weeny fish in the judiciary like me who spend three weeks a year doing this, and the court staff who are rushed off their feet and are brilliantly trying to cover several courts because there are now so few of them—is that the system is at breaking point, and you cannot achieve any more efficiency by simply cutting costs.

Richard Heaton: I agree.

Natalie Ceeney: I totally agree.

Richard Heaton: And if we were here saying that we were going to take costs out of the system, it would be absurd. We are not doing that and we can't do that.

Q123 Stephen Phillips: The difficulty with that is that you can already see a backlog that has built up, and from the numbers in the NAO Report, you can see stresses that are building up, irrespective of the capacity stress in the system, that require to be addressed. Unless you somehow manage to address those through efficiency, which I doubt very much you can do with all of them, you are going to end up having to spend more money, aren't you?

Richard Heaton: We are investing £700 million, because this system is creaking and is full of green-on-black technology and lots of papers and wasted time. So yes, we are investing to make it a different system, not just to cut costs.

Stephen Phillips: Thank you very much for your frankness, all of you. Those are the areas I wanted to cover, with one exception, which is a local issue that I wanted to raise with Mr Heaton.

Q124 Chair: Mr Heaton, you told us this worries you a lot. What worries you most about the reform programme? What is the biggest risk? What should we be keeping you to account on?

Richard Heaton: I told you that that was keeping me awake, because it is a large and ambitious programme on an ambitious timeframe. For example, we are trying to change every job in Natalie's organisation. We are taking staff from doing paper processing attached to a court to doing, for example, telephony. We are building many small but difficult and tricky digital systems, requiring state-of-the-art, user-centred design.

We are embarking on a courts estate rationalisation, which will require absolutely tip-top advice and consultancy on how to sell court buildings and get the best possible return so that we can invest it. All those things need to come together. It is a difficult and complicated project. It is not undoable, but it is a difficult project.

Q125 Chair: Have you looked at how the legal aid reforms have impacted on the costs to the system, in terms of litigants in person and the lack of legal advice available to people prior to coming to court?

Natalie Ceeney: We have. I am conscious that the PAC has had a number of investigations into that. One of the key things we are trying to do through the reform programme is improve the experience of litigants in person. What we have fundamentally done is kept the system the same but taken away some legal aid. What we have got to do is make the system far more friendly for litigants in person. That is going to be a key part of the work we are doing.

Q126 Chair: We are not here to discuss the policy, but do you think that the policy thrust of litigants in person is an acceptable approach?

Natalie Ceeney: It's not my job to question that policy approach. My job is to try to make sure that—

Q127 Chair: You seem to accept that there will be more litigants in person.

Natalie Ceeney: I'm not accepting there will be more, but the reality of the court system today is that we have a lot, so we must make sure that the systems can—

Q128 Chair: Have they increased?

Natalie Ceeney: I'm afraid I don't have the statistics in front of me.

Chair: If you could find the statistic and write to us, it would be helpful.

Natalie Ceeney: Yes. I am keen to make sure that those using the system can do so very well. You will be aware that one of the problems is that our forms are in archaic English. They are not all online, and they are not easy or intuitive to use. We ask people to put in data that is not easy. The key reform programme will be very user-centred, looking at how people can use our system better.

Q129 Chair: How long will all that take?

Natalie Ceeney: This is an inherent part of the way we are doing this, so as we develop new technology it will be done with this in mind. I will give you something that is in pilot now. For people on low incomes, being able to get back their fees for the use of the court system—a fee remission process—and help with fees is critical. We were asking people to fill in long, complicated forms and to resubmit details of benefits, despite the fact that we are the Government so we should know. Three quarters of them were being sent back because people had filled them in incorrectly.

We have now designed with our users a really simple, straightforward form that means my and other bits of Government understand if someone is on benefits. It is a much easier form to use. It has gone down really well and we will be rolling it out across the country in six months. We will be making sure the experience for people using our service is far, far better.

Q130 Chair: That is one element of it, but Mr Heaton, the Report tells us on page 19, paragraph 1.17, that the “Legal Aid Agency...spent £93.3 million during 2014-15 on defence counsels to represent defendants whose cases never went to trial, excluding guilty pleas.” Isn’t there a worry that with all the problems in the system, legal aid has now been pared down so much, which is an issue of concern in our constituencies, that the financial impact for taxpayers is that everything that goes wrong like this costs the taxpayer and gets no real result?

Richard Heaton: Yes. That is what you might call a wasted cost, and I would prefer to divert it to effective cases where the skills of a defence advocate are required. We didn’t mean to give the impression we are designing out criminal defence advocacy. We are absolutely not. We recognise the part that publicly funded criminal defence advocates have to play in courts. We are not designing that out. It is a really important part of justice.

Q131 Chair: There are additional costs as well, aren’t there? Legal aid expert witnesses have varying hourly rates up to £200. They can be paid even if their case doesn’t come up, and that applies not just to legal aid but across the board. The Leveson review said there was a perverse incentive for firms to hold on to cases for longer because of the way the legal aid structure works. Is that something you’re monitoring as a result of Leveson’s review?

Richard Heaton: We are, and I can write to you with details. We are certainly aware of it. We are tracking each of the Leveson recommendations, including that one.

Q132 Chair: I might come back to that in a moment, but I just want to touch briefly on premises. The hon. Member for Gloucester, Richard Graham MP, has raised with me a particular issue in Gloucester. I don’t know, Natalie Ceeney, whether you are able to comment on this, and if not you may want to write to us. It is one example among others that colleagues have raised. The county has three magistrates courts. Two are not greatly fit for purpose and the intention is to close them and relocate business to a third, which is barely fit for the expanded purpose. That does not even include the county or Crown courts. Free land is available and there is a good site, but what seems to be happening is that the Courts Service is trying to relocate into an old building that has very little capacity for expansion. Using this as a proxy, how are you looking at the overall costs of your estate? You have a lot of buildings and there is obviously a lot of discussion about court closures, but surely modern buildings must be part of the solution for all this new technology that you are talking about.

Natalie Ceeney: I entirely agree with you. To give an analysis of the current state of the estate, we have around 460 individual court buildings—if you bear in mind that there are about 180 fully functioning all-service accident and emergency departments in England and Wales, I have more court buildings than that. Some are in a very poor state of repair and some are very small, so it is not a court estate you would build now. We do not have enough good buildings.

One of the negotiations with the Treasury for the spending review, which we are pleased to have secured, is that if we sell any court building we can reinvest the sale proceeds in modernisation. The court estate we want to end up with at the end of this process will be smaller, but it will also be better. The aim is to concentrate our effort and our money on a smaller number of bigger court buildings. I absolutely agree that we can build some new buildings and certainly modernise old ones—we need a better, more modern court estate. It was not built for the way we are working now.

Q133 Chair: Are you alert to the Gloucester issue?

Natalie Ceeney: I will have to write to the Committee on that.

Chair: Okay. I will pass on to you Richard Graham's very useful note on this.

Natalie Ceeney: That would be very helpful, thank you.

Q134 Chair: We talked earlier about local engagement with partners, which has sometimes been dressed up as devolution—we may comment on that in our report—but he points out that the proposal for modern premises, selling some of the real estate to part-fund it, has the support of the chairman of the Gloucestershire bench, both Crown and county court judges, Gloucester City Council and at least two other of the county's MPs. So that is at least three MPs, and it seems like there is quite a lot of good local engagement there and quite a sensible solution. I will pass that on rather than divert the Committee any longer on that.

I will come on to victims. Natalie Ceeney, you talked earlier about your seven regions. We are talking about devolution and working with 43 police forces, and there will be more elected mayors. Do any of your regions match up with any of these other boundaries? How is it going to work if you have got a region that does not quite cover greater Lincolnshire—whatever it is going to be called—and/or Greater Manchester?

Natalie Ceeney: It is a very good question. My and Alison's regions match up fairly well. In some regions it works very well and in some it doesn't, bluntly.

Q135 Chair: Who decided the boundaries of your regions? What is the rationale?

Natalie Ceeney: It is a very good question. I personally inherited the regions, but, as you look at them, they make sense. They are also based around the judicial sitting regions. So one area we have to absolutely be coterminous on is the judicial locality along with the physical locality.

Q136 Chair: So they are circuits, really.

Natalie Ceeney: They are circuits.

Q137 Chair: Okay. They are circuits, but are you going to have devolved partnership working, or whatever we want to call it, to areas that do not match your areas? You could have two mayors covering one of your regions.

Natalie Ceeney: We do now. So if I take Kent, for example, we work with an awful lot of police forces in the South East³, which does give our regional head of crime some challenges. That is the nature of the criminal justice landscape. And, in a way, rather than spending a lot of time worrying about it, we have just spent a lot of time trying to work out how to make those relationships work.

Q138 Chair: Okay. We may want to comment on that.

Earlier I mentioned victims, and you said something about an improvement on just about every metric over the last 12 months. Have you factored victims' experience into your metrics? How do you measure how it is going for victims?

Natalie Ceeney: It is a very good question. My observation, coming new into this role just over a year ago, is that I do not think we have given anywhere near the focus we should have done to victims and witnesses. That is not to deny a huge amount of effort of court staff, but we have got an awful lot of court staff working very hard to do a lot of local things as opposed to doing as much as we could nationally.

Over the last 12 months there has been an awful lot of work between my team and Alison's team to look at best practice and pool that across the system. But what we are also doing as part of our reform programme is putting victims, witnesses and people who use our court system more generally right at the heart of the way we are going to redesign the court experience.

At the moment we do not systematically measure, as much as we should, victims' and witnesses' experience of the court system. I have got a piece of work running now to look at how we systematically do that, because as our court reform programme goes forward I want to track the experience of victims and witnesses getting better as we go through the system—

Q139 Chair: Does the Victims' Commissioner sit on the Criminal Justice Board?

Natalie Ceeney: The Victims' Commissioner came to the last Criminal Justice Board—

Chair: Came to?

Natalie Ceeney: Yes.

³ Clarification made by witness in writing 24/03/16

Q140 Chair: She doesn't sit on it, then. To be clear, is the Victims' Commissioner a member—

Natalie Ceeney: No, she is not a member. We had a dedicated session on victims at the last Criminal Justice Board, but it is a pretty key—

Q141 Chair: So she only comes to the dedicated sessions on victims.

Natalie Ceeney: Yes, but this is an absolutely core focus.

Alison Saunders: Victims go through everything that we do. We did a victims survey 18 months ago, and the results were out last year. We surveyed over 7,000—just short of 8,000—victims and witnesses who had engaged with the criminal justice system. That was the first time we had done that since we used to do criminal justice system-wide victim and witness surveys. So that was the first time we had done that. That was our baseline, so we are intending to do it again. It gave us some really useful feedback about the sorts of things that victims and witnesses felt were not being dealt with properly within the system.

Q142 Chair: Such as?

Alison Saunders: A very good example, where we have now gone to national roll-out, is speaking to victims and witnesses at court. We talk to them about the process, make sure they have their statement, and make sure they understand what they are doing. I issued guidance on that. That has now rolled out to early adopters and will be rolled out across this year. The feedback we are getting, because we are surveying people coming out of the early adopters to see if it is working, is that their experience is much better.

The Victims' Commissioner came along and particularly talked about victim personal statements, because, again, that is a system-wide issue about making sure we get them right at the beginning, and they are then available for all the practitioners to use. We know we are not where we should be on that, so there are discussions about who does the victim personal statement at the beginning. Should it be the police, Victim Support, or somebody commissioned by the police and crime commissioners? This is one area where I think police and crime commissioners have a huge role, as well in commissioning services.

The work that we did on domestic abuse was really clear. We did some research in 2008 that showed that if you have independent domestic violence advocates, they help the victims hugely. They engage with the system, and they carry on throughout the system because they are helped through it. That is where police and crime commissioners can help in commissioning that.

Q143 Chair: On that model, would they be from the police or from—

Alison Saunders: No, they tend to be independently funded either by police and crime commissioners or by local authorities.

Chair: So like Victim Support.

Alison Saunders: They are specifically trained independent domestic violence advocates.

Q144 Caroline Flint: Given that delays and collapsed trials have a huge impact on the whole system—the waste of money and everything else, but also the impact on victims—I find it surprising to hear that the Victims’ Commissioner is not able to attend every meeting with the Criminal Justice Board. Given the two items that you mentioned, Ms Ceeney, in response to Mr Phillips’s questions about what sort of issues are discussed, I would think those matters would be just as important for somebody to be able to listen to and share thoughts on from the victim’s perspective. Would the Department look at having the Victims’ Commissioner attend as a full member at every meeting of the Criminal Justice Board, Mr Heaton?

Richard Heaton: I am told she attends not just on dedicated victims’ sessions, but on anything where there is a victims angle. I am happy to take that—

Caroline Flint: I would think everything has a victim’s angle, to be honest.

Chair: The criminal justice system is for the victims.

Q145 Caroline Flint: It would be helpful if you could take that away.

Ms Saunders, a fairly recent HM Crown Prosecution Service Inspectorate report looked at concerns about how victims are treated. This is one thing it highlighted: “Occasionally the victim is sent letters giving two different outcomes to the case, or inconsistent information,” because witness care units “do not always have access to, or are not copied into,” victim care liaison unit letters. Reading that sentence sets off the question in my mind, what the hell is going on here? Who is managing the experience of the process for victims? What is happening there?

Alison Saunders: The police units and CPS units are different. The HMCPSI report had a much smaller sample than our own victim and witness survey, but it confirmed many of the findings around that, so we have jointly commissioned with the police a complete system-wide review of what the police do, what we do, and where we duplicate—instances like that—because victims and witnesses just want one person to talk to them and tell them accurate information.

Q146 Caroline Flint: For members of the public who may be watching these proceedings, everything you have just said is total common sense. However, these discussions about victims are not new. I have been an MP for nearly 20 years now. In terms of my own casework and of what I have been able to do as both a Back Bencher and a Minister, there have been many reports on improving the way in which victims are supported. My friend Patricia Scotland—Baroness Scotland—did a huge amount of work around domestic violence courts and what have you. Why does it always sound as if we are starting at ground zero, as if there has been no discussion and no reports on this in the past, as if this is some new venture?

Alison Saunders: I don’t mean to sound as if we are starting at ground zero, and if I did, I apologise, because we are not.

Q147 Caroline Flint: The police and the CPS talking together to make sure that the information, early in proceedings, is accurate and, if they are doing part of the victim support service, that it is in synergy with what is happening from the CPS side of things—people would think that should just be something that professional people do.

Alison Saunders: Yes, and there are a lot of really good examples of where that is happening. We want to make sure that it's consistent across the country. Our victim and witness survey showed that, I think, 75% of witnesses and 65% of victims were satisfied and thought they had received a good service. That is not high enough, in my view. We need to make it much higher than that, so that it's the norm.

Q148 Chair: That was your survey. There are different figures in the Report.

Alison Saunders: That was our survey of victims and witnesses.

Q149 Chair: When was that?

Alison Saunders: The results were out last year. We straw-pollled 7,700 victims and witnesses across the country.

Q150 Chair: Can you say when last year, just so that we can get an idea of when these—

Alison Saunders: I can send you the details.

Chair: Eleanor Murray from the NAO, could you explain the source of the—

Eleanor Murray: The survey that we refer to in paragraph 1.20 on page 20 is the CPS victim and witness satisfaction survey of September 2015, which is the same one that says only 55% of people who have been a witness would be prepared to act as a witness again.

Chair: So we are in the same survey territory, just different figures. That's fine; we've got that.

Q151 Caroline Flint: I understand—I think Martin Goldman gave this quote—that there will soon be 350 paralegal staff and managers in Crown courts across England and Wales. They were taken out of the courts before, weren't they?

Alison Saunders: There was a move out. I'm not sure they—

Q152 Caroline Flint: So they're now going back in?

Alison Saunders: And we recognise that they need to be back in, so we're having court managers, we're having staff in court. It is partly because of the "speaking to victims and witnesses at court" project. It's around some of the concerns that were raised by advocates, who will be talking to them, to make sure there is a note—there is that protection there—but also to make sure

they can explain. For example, I was in Wessex last week. The court manager there has already contacted Victim Support or witness support, so when witnesses come for a pre-court visit, she is going to be there to explain what the CPS does and how we can help.

Q153 Caroline Flint: Does that indicate it was maybe a mistake to take that support out of the courts?

Alison Saunders: Yes. I think it's needed in courts and that's why I have put them back.

Q154 Caroline Flint: When there was a decision to take them out of the courts, was there any discussion with victims or victim support organisations about what the impacts of that might be before that decision was made?

Alison Saunders: I'm not entirely sure that there was a decision made. All I can talk about is the decision to put them back into court and to make sure that we are talking to victims and witnesses, because you're quite right: they are at the heart of the system. We can't do our jobs without making sure that we are looking after them. That is what most prosecutors are there for and do their jobs for.

Q155 Chair: There is perhaps a slight overlap here, but the question is for Mr Heaton really. With the legal aid reforms, there was a procurement for duty provider contracts, which has been quite problematic. Can you tell us what is happening now? I think there was an announcement by the Secretary of State on 28 January, which moved things on a bit, but can you tell us where things are as of now?

Richard Heaton: Broadly speaking, what was stopped was the exercise of awarding fewer, larger contracts to criminal legal aid providers. The reason for doing that reform—I'll tell you why we stopped it—was that it was genuinely felt that that was the way to achieve rationalisation of the market, that people would benefit from economies of scale and larger firms, essentially, but that sort of rationalisation is sort of happening anyway, and we thought that imposing it by contract, especially in the light of the fact that it was a very disputed and difficult area and, frankly, there was lots of litigation, was just too difficult and unnecessary, so we have reversed it. Instead, we are awarding new contracts, but not on the new basis—new contracts to anyone who meets an objective standard.

Q156 Chair: I know that this was before your time, but obviously as accounting officer you are still accountable for the decisions that were made then. There was a lot of controversy about it and a lot of warnings. I'm not talking just about the policy, but about the effectiveness, which is what our Committee is concerned about—where there were deserts of legal aid lawyers or very few, and then you were trying to consolidate into these big contracts. How much money has been spent on this whole tendering process?

Richard Heaton: On the tendering exercise, I might have the number in a moment.

Q157 Chair: If you do not have it now, could you write to us with it? There were a lot of predictions about this not working very well and not being very effective. You have now suspended it, so presumably that is taxpayers' money being spent on achieving nothing.

Richard Heaton: We have stopped the tendering exercise and suspended the fee cut. Frankly, the other reason for suspending the fee cut is that we want a good relationship with the criminal advocacy sector. We want to rebuild trust; we don't want to be in an adversarial position.

Q158 Chair: Weren't these things predictable? This money has been spent and achieved precisely what?

Richard Heaton: I'm not saying that the outcome would not have been successful. It might have been but getting there was just too much; in light of litigation and the contested nature of the proceedings that was just too difficult.

Q159 Chair: So political lobbying by the lawyers won, in other words.

Richard Heaton: It was felt unnecessary to go down that particular route.

Chair: I know you are not a politician, so we will leave it there.

Q160 David Mowat: On this point, I think you just said that you suspended the fee cut because you wanted a better relationship with the people whose fees you were cutting. Presumably you achieved that. If the Department of Health wanted a better relationship with the junior doctors they would suspend what they were doing there, but that is not management or government.

Richard Heaton: The two things were linked. The original design was that, if you have fewer contracts and therefore achieve economy of scale, you could justify a fee cut. We didn't do that imposition by contract so we removed the fee cut as a sort of twin step.

Q161 David Mowat: Was that a cave-in to a backlash by the people whose fees were being cut?

Richard Heaton: It was a recognition that we did not want to overload a sector that works extremely hard as part of the criminal justice system.

Q162 David Mowat: Okay, but you said previously that the actual thrust of policy and what you were implementing was to have fewer, bigger organisations. In the same way, for example, with retail where we have fewer corner shops and have Sainsbury's, Asda and all that. There is some reason for that and it is sensible. There is no particular reason why this segment of our society should remain static forever. What you then said was that it was happening anyway.

Richard Heaton: There was some evidence that that rationalisation was happening.

David Mowat: There was some evidence that it was happening anyway.

Richard Heaton: As you would expect in the retail sector.

Q163 David Mowat: That being the case and the reason for it, why did you reverse and cave in on the fee cut point?

Richard Heaton: There was evidence that it was happening. It hadn't happened; it wasn't complete. Sorry, do you want to re-put the question?

Q164 David Mowat: The evidence that you gave us was that you backed off the fee cut because you wanted a better relationship with the people whose fees were being cut, and no doubt you achieved that, because that is the way of the world, but it doesn't imply that we are managing something.

Richard Heaton: We recognised that it was ambitious to push through a new contract and cut fees in a context where we did not have the good will of the profession, and we were worried about the quality of defence advocacy that was going to be available to defendants in the system.

Q165 David Mowat: So the profession effectively blocked the reform in order to maintain their financial position?

Richard Heaton: We took a judgment that we did not need to make this fee cut. We have asked the profession to find ways of working with us to take costs out of the system. We are certainly going to impose on the profession, through the mechanism of contract, requirements that they engage with the digital systems that we are putting in place. There is an awful lot that we will get out of the new legal aid contracts.

Q166 David Mowat: They are working with you in other ways to save costs that do not involve them losing any of their fees.

Richard Heaton: They won't lose that. The headline fee cut has been suspended.

Q167 David Mowat: They are happy to work with your new computer system. That is a very reasonable thing for them to do, I suppose. You must be delighted that they have agreed to work with your new computer system. Is that a concession?

Richard Heaton: Sorry?

David Mowat: The fact that they have agreed to work with a new computer system.

Richard Heaton: They will be required to work online and submit evidence online and so on.

David Mowat: That doesn't seem that onerous.

Richard Heaton: As Natalie said earlier, culturally all parts of the system can, in pockets, be resistant to change. It is quite an important mechanism that, by contract, we can require that particular sector of the system to respond to a digital system. That is quite a big win.

David Mowat: I don't want to labour the point but it sounds like a victory for vested interests.

Q168 Chair: Or, to put a slightly counter view, one of the problems with legal aid reform was the increase in litigants in person. Have you done an analysis of the cost of that through the system, Mr Heaton?

Richard Heaton: Yes, we have, and we can give you details of that. The litigants in person phenomenon is bigger on the civil side and family side than the criminal side. I think I should say that.

Chair: Nevertheless, we know from our surgeries that more and more people are coming to see us who have got nowhere to go for legal advice. They come to us, and we can't give legal advice as Members of Parliament.

Stephen Phillips: We could do in civil cases, but not criminal.

Q169 Chair: Yes. There are complex immigration cases, for example, that could cost the system quite a lot if there is not a bit of good legal advice at the earlier stage.

Richard Heaton: Restricting myself to criminal justice, as I said earlier, we recognise the importance of skilled, qualified criminal advocacy.

Chair: Okay. I am sure the professionals listening to that will be coming in with their—

Richard Heaton: I say that not as a sop to the profession, but because we think it genuinely helps the administration of justice.

Chair: I think we would agree with that.

Q170 Caroline Flint: The courts inspectorate was abolished in 2010. We have established that delays, the lack of good, functional working arrangements between different parts of the criminal justice system and the way victims are treated are long-standing issues. Do you think the abolition of the courts inspectorate has impacted on the system's ability to learn from those long-standing matters, which are still with us today in the same way they were with us 20 years ago or maybe even further back?

Richard Heaton: I didn't live with the courts inspectorate.

Q171 Caroline Flint: You have been in the job only six months, haven't you?

Richard Heaton: I have worked in various parts, but I did not live close to the courts inspectorate, so I don't think I can offer a view on the quality of what we got from there or what we are missing, to be honest. I don't know if any of my colleagues can contribute.

Natalie Ceeney: I didn't either. What I would say, though, is that coming in relatively new, I have been really encouraged by the absolute commitment of the staff in HMCTS and the judiciary to make this a better system. If the question is whether we need someone outside constantly saying, "Make it better," there is so much push from inside to make this better.

Q172 Caroline Flint: Yes, but it is not working at the moment. There are some things that the NAO Report clearly shows you are on to, and that you understand them and want to make improvements. But from today we know that there are a whole number of issues, let alone an IT system that is going to work across different sections and when that might happen and what is its timetable. Have we got enough sitting days? Have we got enough judges? Victims are getting different letters from different parts of the system. There is a lot that is not working.

Ms Hillier raised the point about costs and the amount of money that is being paid to defence lawyers for cases that do not even end up in court, and not because people have pleaded guilty. There is a lot that is not happening. If there was a body that was one step removed from those with vested interests, why would that not be better for public accountability?

Natalie Ceeney: You may be right. I suppose I was commenting more on the issue of whether we are absolutely committed within the system to making this better, and the answer is yes.

Q173 Caroline Flint: No, I was asking about the fact that the courts inspectorate was abolished five years ago.

Natalie Ceeney: Like Richard, I haven't lived with it, so I don't feel personally in a good position to comment on that.

Q174 Chair: The point of Ms Flint's questioning is, if I were to appear in court—I have appeared as a witness, though I sat around all day and did not need to be called, but I won't go into all that—and if I were a victim or anyone in the system, who is accountable if something goes wrong in that bit of the system? Where would I go? I don't think it is very clear to most people. We are here to serve justice more widely, but victims in particular. That is the whole point of the system. How does anyone know where to go to find out what is going on?

Natalie Ceeney: In a way, I hope what Alison and I have been saying throughout is that we are trying to make this joint between our organisations. We are conscious that this is a criminal justice system with lots of different areas.

Q175 Chair: I hear what you are saying. I heard all of that, and I do not doubt that you are both committed. There is still a mountain to climb on it, but you would probably acknowledge that as well. Mr Phillips is concerned about sitting days, with endless emails.

Stephen Phillips: Not just sitting days.

Chair: No, and about how the system is working. If I were a victim I might have concerns. Ms Flint might be the expert witness, and she might have concerns. Where would those people raise those concerns if they have a problem? Who do they talk to? The person who happens to wander across the court? The victim liaison officer? There are so many different titles and people out there. How do they then take responsibility for getting that sorted through the system?

Natalie Ceeney: People do raise those issues now. That is one of the reasons we have the programme—

Q176 Chair: But isn't it a bit haphazard, how they raise them and who they raise them with?

Richard Heaton: I would expect Mr Phillips's avenue to be different from a victim who finds the process bewildering and upsetting.

Stephen Phillips: Mine certainly is, because I have the very privileged position of sitting on the Public Accounts Committee.

Richard Heaton: Indeed, but I wouldn't expect the same bureaucrat, to take Mr Phillips's question, to answer a victim who is worried about the process that he or she is going through in Guildford or Godalming. The point is that every part of the system must be user-friendly and built around the user, which is why—I am sorry to go back to reform—the user must be at the heart of everything we design. Clearly, if you go to a Crown court, the victim is not the centre of the proceedings. It is the majesty of the courtroom, and that is very intimidating.

Natalie Ceeney: To be specific, we have done a lot over the last 12 months to try to improve services for victims and witnesses, including having specific staff in courts across the country whose job is to make sure there is a good service in that court for victims and witnesses, which is advertised in that courtroom. In every region, we have at least one facility where victims and witnesses can give evidence remotely to a court building, and that is well advertised now. We do a whole range of things—this goes exactly to your point—to make it easier for people to say, "Where do I go?"

Richard Heaton: Vulnerable witnesses giving evidence outside the courtroom, pre-recorded so that it can be played during a trial, is a new thing. It must be really frustrating to hear witnesses speaking on a year-zero basis, but genuinely new things are going on. In our working lifetime, the use of screens and video links has—

Q177 Chair: These are all very well, but a lot of it is about the hanging around in court. When I happened to be a witness, there was a victim there who was told their case would not be called that day after all and was asked to come back tomorrow. The poor old CPS lawyers were running around trying to see how they could rescue it, because the woman wasn't sure she could keep taking days off work because she didn't get money when she was in court. I thought that was unbelievable for the victim of a violent attack. The system wasn't designed around her.

There is obviously a tension between maximising the use of court buildings, by having people hanging around in case a trial collapses somewhere along the line, and the impact on

witnesses. Which is more important, the victims' experience or the use of courtrooms and maximisation of the estate?

Natalie Ceeney: It is a very good question. Listing decisions—*[Interruption.]* No, the decision about what case to move is a matter for the judiciary, not for my court staff, but they try to weigh up exactly those issues. You are right; there isn't a right answer. If we kept every court case to exactly the date we promised, I'd have empty courts and you would rightly have me here and ask me why I was wasting—

Q178 Chair: Isn't there an argument for slightly bigger court buildings instead of the little old ones?

Natalie Ceeney: Yes, and that is exactly what I am trying to do in the court reform programme. That is exactly our plan.

Chair: So that you can have a bit of capacity.

Natalie Ceeney: To give an example, which is not a criminal example but a good one of how we are going to do this, family justice has similar issues. In east London we had an awful lot of small hearing rooms with exactly those problems. Just over a year ago, we opened the east London family justice centre, with 12 hearing rooms. That has enabled us to avoid these sorts of issues, because we have enough hearing rooms that we can statistically balance the fact that some will cancel and some won't. Because we have district judges and magistrates all in one building, if a case gets more complex, rather than rescheduling it we can go and grab someone with more expertise. We have dramatically reduced the number of cases that get cancelled for witnesses, victims and family members—family cases are very traumatic for an awful lot of people. Equally, we have massively raised our court utilisation. It is one of the highest utilisation courts in the country.

Q179 Chair: Could you send us an example of the figures for before and after, or a criminal example?

Natalie Ceeney: We haven't yet done this for criminal, so it is probably easiest if I send the figures for what we have done in family justice in east London, which is the model we want to follow.

Q180 Chair: Would you not argue that family justice is a little bit easier, because people are probably more likely to turn up?

Natalie Ceeney: Not really.

Chair: Okay. Perhaps we won't get into that.

Q181 Kevin Foster: I want to touch briefly on something we discussed earlier, investment in court buildings. Do you have a long-term asset management plan to help prioritise investment?

Natalie Ceeney: We have started developing that; we are in the process of doing that.

Stephen Phillips: Jam tomorrow.

Natalie Ceeney: No. I have an active team working on this. For the estates we have announced the closure of, we have very active disposal plan. We have valued all those court buildings and we have determined which should be sold at which stage of the market to maximise value. We are, in a way exactly like Ms Hillier's example of Gloucester, looking at different bits of the country to see what is the best strategy for asset sales, to maximise value so that we can invest in better new buildings. I have a team being recruited now to do exactly that.

Q182 Kevin Foster: And you are just starting that process.

Natalie Ceeney: We started that process just before Christmas. We are actively moving ahead on the courts we have announced the closure of. We are looking at how we can build new buildings and improve our buildings to create a better court estate over the next four years with the money we secured in the spending round.

Q183 Kevin Foster: It is interesting to hear that you are just starting that, because earlier you mentioned the lack of resources to invest in the court estate. Yet I can give the example of my own constituency. Torquay magistrates court has had £600,000 spent on it in the last six years and is going to close later this year. Are you going to avoid things like that in future?

Natalie Ceeney: That is a very good question. One of the problems is that we do not want to pre-empt. Take that example. The decision to close Torquay was made in that consultation exercise. If I, a year ago, or my predecessor a year before, had said "We are not going to invest, because we are going to close it," we would have rightly got—

Q184 Kevin Foster: It seems bizarre to spend £100,000 on brand new windows for a building and then a few months later propose its closure.

Natalie Ceeney: That is because no decision had been made to close it.

Q185 Kevin Foster: But it would be sensible, surely, in managing funds, not to make heavy investments in buildings you might think of closing. Surely that is just common sense in management.

Natalie Ceeney: My understanding is that the investments that were made in pretty much all the buildings that were closed—

Kevin Foster: I do not want to get too focused on one example. I am sure there are others.

Natalie Ceeney: But it is a very fair challenge, so, to give you an example, we have been winding up all the criminal courts in the UK, and putting screens in. As soon as we had a preliminary list of court closures, I halted putting any more work into those courts until the announcement of the closure decisions had been made, for exactly that reason. That is one of the reasons why we want to try and arrive at a future estate very quickly—so that we can make exactly those prioritisation decisions you are talking about.

Q186 Stephen Phillips: Mr Heaton, this is the last one from me—a local one, I am afraid. Just bear with me. “Dear Mr Phillips, I have had advance notification that I will be required for jury service. Being retired, I have no problem with that. I am quite willing to play my part. What I am unable to get from the court is a reply to how I am going to get there. I live in Byards Leap”—a very nice village in my constituency—“and there are no buses until 9.30 to Sleaford. The only way to get to Lincoln would be to get a bus to Sleaford station, a train to Lincoln and a bus up to the court. The problem is how to get to Sleaford. The CallConnect bus is a first come, first served system, so that can’t be booked.” I will summarise: “I have asked if I can have a taxi. It seems that you can only ask the question on the day, and only in exceptional circumstances. This misses the point as to how to get there in the first place to ask the question. So please ask the MOJ how rural people, who have no timed public transport, are supposed to get to court for jury service.” What’s the answer?

Richard Heaton: I would hope the answer would be that we would be able to offer advice to people summoned to jury service. It is an important public service. That will include transport advice and advice on whether expenses are payable.

Q187 Stephen Phillips: Okay, so the answer is that she can get some advice; but you have heard the position. Advice doesn’t really seem to deal with it. I can’t travel on advice—I don’t think advice has wheels. So how is she supposed to get to court?

Richard Heaton: There would be advice on transport options. I cannot give her transport advice sitting here, but there would be advice on how she can get to court and on how the Courts Service might be able to help her.

Q188 Stephen Phillips: Is she supposed to fund it herself from her pension?

Natalie Ceeney: Very quickly, if you are able to send me that particular example, I will see what I can do to solve it.

Stephen Phillips: I think you will find it is with the ministerial correspondence team, in Mr Vara’s box.

Natalie Ceeney: In which case it will be in my inbox very soon anyway.

Stephen Phillips: Well, you have had it on the record now, in public. I would like an answer, because I find the position extraordinary and unsatisfactory.

Q189 Chair: I think we will be interested in that more widely, and perhaps Mr Phillips will keep us in touch with that.

Thank you for coming along. I think overall you have perhaps picked up from us that the criminal justice system, with the best will in the world, demonstrates a deficit in accountability to stakeholders and to Parliament. It is still difficult, out of this hearing, to know where to go with certain concerns. While you all—and I don’t doubt you mean it—profess that victims have a central role, the system as a whole is not really serving victims as well as it should.

There is huge change coming forward. We have got this four-year deadline, Natalie Ceeney, and we will make sure that we call you all back to hold you to account for the promises that you have made today about improvements. We wish you well, because it matters a great deal, but it has got to work. So, Mr Heaton, if you are sleepless at night, we are not worried about that, because we hope that you will be, in order to make sure that it is fully delivered—and probably Ms Saunders and Ms Ceeney as well. You look like you are quite well rested, but I hope that you are thrashing around worrying about this, because if you are not then we will be even more worried.

Richard Heaton: I do not want to take up any more time but, on the comment about court closures, as you pointed out, achieving court closures and achieving larger Crown court centres is a good thing for victims and witnesses, because it means fewer adjournments. So one of the reasons why this is a difficult programme to land is that court closures are sometimes difficult and controversial, because people don't want their local court to close. But I would like the Committee to appreciate, as you pointed out, that sometimes court closure is very good thing for witnesses and victims, because it leads to more effective trials. That is the sort of difficulty that the programme faces.

Chair: You have heard our questioning and you know how we work in terms of looking at value for money. We also look at the experience of efficiency and effectiveness, in particular the experience of victims and witnesses in this case, but of all involved. So we will reflect on today's session and produce our report at some point after the Easter recess.

Our transcript will be up on the website, and of course you will be sent a copy in the next couple of days. It goes up straight away uncorrected on the website, so if you think something is wrong, do correct it quickly. Thank you for coming along. No doubt we will be seeing you. There is a long list of things for you to send back to us—I don't think I will list them all now, but we will write to you in the next couple of days with a list of all the things that you promised to write to us on. I won't read them back into the record, but we have them on the record. Thank you very much indeed.