

Inspection of aspects of county court administration

Lincolnshire, Leicestershire and Rutland,
and Northamptonshire HMCS Area

August 2008

Inspection of aspects of the administration
of the county courts in the Lincolnshire,
Leicestershire and Rutland, and
Northamptonshire HMCS Area.

Inspection undertaken in February - March 2008



HM Inspectorate of Court Administration

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- inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts (the Crown Court, county courts and magistrates' courts) and the services provided for those courts
- discharge any other particular functions which may be specified in connection with the courts listed.

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- contribute to improvement of those services
- report in public
- deliver value for money.

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- focus on outcomes
- take a user perspective
- be proportionate to risk
- encourage self-assessment by managers
- use impartial evidence, wherever possible
- disclose the criteria used for judgement
- be open about the processes involved
- have regard to value for money, including that of the inspecting body
- continually learn from experience.

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Chief Inspector's Foreword

HM Inspectorate of Court Administration (HMICA) was created in April 2005 at the same time as HM Courts Service (HMCS). For the first eighteen months HMICA concentrated on inspecting aspects of the criminal (Crown and magistrates') courts. While it may not receive such a high media profile, a significant part of HMCS business is concerned with civil matters. So, in late 2006 we decided to initiate pilot Area inspections of the work undertaken by the county and family courts, with the intention of evaluating and further developing our inspection methodology and framework in this process.

This inspection of the work of the county courts in HMCS Lincolnshire, Leicestershire and Rutland, and Northamptonshire Area (LLRN) is the second such pilot inspection. We continue to evaluate and develop our methodology, in a spirit of continuous improvement, and are grateful to the Area and the courts involved for facilitating the trialing of a systems walk-through approach within this inspection. A conscious decision was again made to limit the scope of the inspection in terms of the civil court functions we would examine. This approach has helped us to lay good foundations for the future when we come to examine all aspects of an Area's work - criminal, family and civil - in the same inspection.

The elements of the county court that we decided to look at in this inspection were: Quality of Service for Courts Users; Civil Money Claims; Proportionate Dispute Resolution (PDR) - diverting away from the courts cases that could be more appropriately resolved in other ways, through advice and mediation; and Strategic Leadership in relation to these elements of the operation.

I am most grateful to the Area Director and his staff in Lincolnshire, Leicestershire and Rutland, and Northamptonshire, for the willing cooperation and support we had from them while undertaking this inspection. We fully recognise that, at the time of the inspection, the amalgamated Area of LLRN had been in existence for barely one year; a year during which the courts were striving to deliver good services to the public at a time of budget and resource constraints, and of continuing change within HMCS as a whole.

I am pleased to report that in LLRN we found an organisation in which county court users are treated with excellent and much appreciated courtesy. The county court facilities are generally good, and local managers and staff are committed to the timely completion of administrative tasks, and to enabling civil money claims to progress in a timely way. The Area's leadership was stretched in its first year by a range of factors, including business unification issues. The Area recognises the need to improve on weak planning processes in place for 2007–08, and to make performance management and improvement at Area level more effective. The Area has been taking steps towards a unified and more strategic senior management structure; we were concerned, however, that this does not yet provide sufficient strategic capacity for planning, analysis and action across the county courts business. The Small Claims Mediation Service is being developed with dedication and enthusiasm; however, both this and wider elements of PDR lack Area-led strategic direction. The Area recognises the need to develop a strategic approach to equality and diversity.

We have made a number of recommendations, which are intended to help the Area to address the issues we identified. I am pleased to say that the Area has accepted these recommendations and prepared an action plan to address them. Early action has already been taken on some points. I am confident that the full implementation of our recommendations will lead to better outcomes for service users of the Civil Courts within LLRN.

A handwritten signature in black ink that reads "Eddie Bloomfield". The signature is written in a cursive style with a long horizontal stroke at the end.

Eddie Bloomfield

HM Chief Inspector of Court Administration

August 2008

Section 1

Executive summary and recommendations

County court users in the LLRN Area are treated with excellent and much appreciated courtesy. Frontline staff are approachable, friendly and helpful. A fair range of written information, good at some courts, is provided for users. However, the provision of information is not strategically guided by Area consideration of users' needs. County court facilities offer generally good levels of comfort and privacy. Most courthouses have generally satisfactory arrangements to ensure the safety and security of all court users. However, there are some issues concerning health and safety that have been raised with the Area.

Local managers are committed to enabling civil money claims to progress in a timely way. Staff are highly committed to completing administrative tasks within five days. Restrictions on headcount and resources in 2007 adversely affected staffing, training and performance. The position improved in late 2007; however, some courts were uncertain this could be sustained. There has been no systematic benchmarking of administrative systems across the Area. The functionality of IT systems varies widely across the Area's county courts and is unsatisfactory in some areas of operation.

The small claims mediation service (SCMS) is being developed with dedication and enthusiasm. However, both the SCMS and wider elements of proportionate dispute resolution (PDR) lack Area-led strategic direction. Some courts locally facilitate the provision of valued advice on dispute resolution. But at Area and court level, links relevant to promoting appropriate advice and dispute resolution are not sufficiently developed. The Area cannot be sure that it is engaging effectively on PDR with diverse local communities.

The Area's leadership was stretched in its first year by a range of factors, in particular business unification issues. The Area recognises the urgent need to improve on the weak planning processes that were in place for 2007–08, by developing effective business and delivery planning to implement strategic priorities. The Area is taking steps towards a unified and more strategic senior management structure. However, this does not yet provide sufficient strategic capacity for planning, analysis and action across the Area's county court business. At Area level, there is very limited, systematic analysis or use of county court performance information, or benchmarking of variations in performance and practice, for business improvement and spreading good practice. Some courts use data more proactively than others.

A strategic, Area approach to customer service is at an early stage of development, and seen as a priority. Courts locally maintain valued communications with users. However, the Area has limited visibility for some stakeholders. The Area recognises that it lacks a cohesive approach to equality and diversity (E&D), though proposals are being developed. The Area has not systematically considered the needs of diverse communities for information or other facilities, such as prayer facilities. Training for E&D awareness needs refreshing.

Recommendations

We make five formal recommendations to HMCS in the LLRN Area:

Recommendation 1:

That HMCS in the LLRN Area take steps to:

- Develop effective, prioritised plans for the implementation of key strategies for the county courts
- Analyse the Area's strengths and areas for improvement in relation to strategic priorities, and variations in practice, to identify good practice and promote business improvement
- Develop an Area approach to, and effective processes for, performance management – including improved monitoring, analysis and reporting of performance
- Ensure that management and organisational structures and capacity are appropriate to support these developments.

Recommendation 2:

That HMCS in the LLRN Area:

Establish clear objectives and goals for equality and diversity, and develop and take forward a cohesive approach and structured plans to deliver these, including reviewing court users' diverse needs and refreshing diversity awareness training.

Recommendation 3:

That HMCS:

Develop, implement and monitor, as an integrated part of its long term business planning and delivery, a strategic and coordinated approach to proportionate dispute resolution to reduce the number of disputes being resolved in the county courts in LLRN.

Recommendation 4:

That HMCS in the LLRN Area:

Review the provision of information at county courthouses to ensure that this is appropriate, consistently of a high standard, takes account of equality and diversity, and includes information about customer service performance and feedback.

Recommendation 5:

Inspectors identified some issues about aspects of security, health and safety in the county courts which are the subject of a confidential recommendation.

Suggestions for improvement

In the text there are also suggestions for action, which the Area may wish to consider in order to improve further the service provided to users of the county courts in LLRN.

Section 2

Background and context

- 2.1 This inspection took place in February and March 2008. Although this was almost three years after the creation of HMCS in April 2005, those years saw continuing change within HMCS at all levels.
- 2.2 The change in April 2007 from nine Areas within the Midlands Region to four, including the amalgamation of the three former HMCS Areas of Lincolnshire, Leicestershire and Rutland, and Northamptonshire into one Area, presented a significant challenge for the Area Director and the Area's management team. At the time of the inspection, the amalgamated Area of LLRN had been in existence for barely one year, a year during which the courts were striving to continue to deliver good services to the public at a time of budget and resource constraints, and of continuing change within HMCS as a whole.
- 2.3 The challenges facing the Area include those of size and the distances involved in travelling around the Area. The administrative Area and judicial boundaries for the county court jurisdiction are not fully aligned.
- 2.4 The Area quickly recognised that its Area Management Board (AMB) structure based on those of the three counties was unwieldy for strategic purposes. At the time of the inspection, the Area was taking steps towards a unified and more strategic senior management structure. Four Band A court managers had recently been appointed to lead court business within the former county areas (two managers in Leicestershire, for the magistrates' courts and the Crown and county courts respectively, and one manager for all courts in each of Lincolnshire and Northamptonshire).
- 2.5 The members of the AMB now include the following:
- Area Director
 - Area Delivery Manager
 - Band A court managers
 - Justices' Clerks
 - Other members of the corporate team, including:
 - Area Estates Manager
 - Human Resources Business Partner
 - Others who may attend as required.

2.6 The Area's nine county courts across the three counties are as follows. Five of these courts (Leicester, Lincoln, Northampton, Boston and Melton Mowbray) were visited during this inspection.

Lincolnshire:

- Lincoln
- Boston
- Grantham
- Skegness

Leicestershire with Rutland:

- Leicester
- Melton Mowbray

Northamptonshire:

- Northampton
- Kettering
- Wellingborough.



Northampton Combined Court Centre

The County Courts

2.7 The civil work conducted by HMCS is generally understood to encompass the courts and offices dealing with the following:

- Money claims – claims that seek a court order for payment of a sum of money only, which can be a pre-specified amount (e.g. for an unpaid invoice) or an unspecified amount that the court is required to determine (e.g. damages for personal injury as a result of negligence). Money claims in the county courts were a particular focus of this inspection
- Claims relating to property or land (e.g. mortgage repossessions) or seeking other redress that is not purely financial (e.g. an injunction to make someone do – or not do – some deed, such as cut an overhanging tree branch)
- Family cases (including divorce, Children's Act cases, adoptions)
- Insolvency (involving both individuals and companies)
- 'Civil' cases in magistrates' courts (e.g. council tax cases)
- Probate cases (dealing with a deceased person's affairs and resolving any disputes arising from that process).

- 2.8 This inspection focused on certain features of the administration of the county courts in LLRN. It did not look at the criminal courts or the family courts. The aspects of the county courts covered by this inspection were:
- Leadership, management and planning
 - Proportionate and Alternative Dispute Resolution (diverting cases from the courts and reducing delays in the courts)
 - Civil Money Claims
 - Quality of Service for county court users.

Proportionate Dispute Resolution (including Alternative Dispute Resolution)

- 2.9 Proportionate Dispute Resolution (PDR) is a concept best defined by quoting from the Department for Constitutional Affairs' five-year strategy¹, which sets out its vision for:

“... people to have access to the information and the range of services they need to understand their rights and responsibilities, and avoid legal problems where possible and, where not, to resolve their disputes, effectively and proportionately.”

- 2.10 PDR includes:

- providing information and a range of services to court users so that they can understand their rights and responsibilities. This may include advising and assisting people to resolve their disputes earlier and more effectively
- increasing the opportunities for people involved in court cases to resolve their disputes out of court using a form of Alternative Dispute Resolution (ADR)
- reducing delays in resolving those disputes that need to be decided by the courts.

Civil money claims in the county courts

- 2.11 Nationally² 1,365,602 money claims were issued in 2007–08: 717,169 in the Civil Courts Bulk Centre (CCBC – a bulk user service based in Northampton³); 152,151 via Money Claim Online (MCOL – a web based service); 457,637 through local county courts or the High Court; and 38,645 by way of the claim production centre (CPC). Some 17,300 money claims were issued through the county courts in LLRN.⁴

1 *Delivering justice, rights and democracy – DCA Strategy 2004–2009* (Note: DCA is now part of the Ministry of Justice).

2 Source: HMCS Performance Directorate. (Data correct on 11 June 2008).

3 Although located within the LLRN Area, the bulk centre is a national facility and was not part of this inspection.

4 Source: Civil Justice Statistics Branch, Economics and Statistics Division. (Data correct on 4 June 2008).

- 2.12 The vast majority of claims are undefended and proceed straight to a judgment without hearing. This is an administrative process. Less than ten per cent of claims are initially defended, and even fewer will result in a final court hearing (for example, they may be settled or withdrawn before the date set for the final hearing).
- 2.13 Claims that do proceed as defended cases are ‘allocated to track.’ The tracks are: small claims; fast track; and multi-track. The allocation is based upon monetary amounts and the complexity of the issues. As a general rule, the small claims track involves disputes of less than £5,000, the fast track covers a range from £5,001-15,000, and claims over £15,000 are allocated to multi-track. The allocation affects the type of judge who will hear the case and the amount of costs the parties may be able to recover. Once allocated to track, each case involves judicial case management responsibility, which the administration is required to support. In 2007–08 nationally, some 51,890 small claims cases went to final hearing, compared to 11,700 fast track and around 4,670 multi-track cases.
- 2.14 County courts process large numbers of claims in bulk, most of which do not reach the court room. The IT system that enables this bulk processing of cases is called CaseMan and the workload is managed by a separate system called the Business Management System (BMS).

Enforcement of civil money claim orders

When a party to a case, against whom the court makes a money order, fails to pay on time the matter may proceed to enforcement. The enforcement of court orders was not examined in this inspection. There is a range of enforcement processes available to judgment creditors, including:

- warrants of execution (the removal and sale of goods, carried out by bailiffs employed by HMCS)
- Third Party Debt Orders (which freeze assets such as bank accounts in order to recover a judgment debt)
- Charging Orders (where a charge is placed over an asset such as a property so that, when it is sold, the claimant can recover the amount owing to them)
- Attachment of Earnings (where monies are recovered directly from the debtor's employer by a deduction from wages).

Section 3

Findings

Leadership, management and planning

In relation to civil money claims and quality of service for county court users, we asked whether the Area provides effective leadership, strategic and business planning, to enable the proportionate resolution of disputes and increase confidence in the civil justice system.

Overview

The Area's leadership was stretched in its first year by a range of factors, in particular business unification issues. The Area recognises the urgent need to improve on weak planning processes in place for 2007–08, by developing effective business and delivery planning to implement strategic priorities including the Regional civil courts strategy. The Area is taking steps towards a unified and more strategic senior management structure. However, this does not yet provide sufficient strategic capacity for planning, analysis and action across the Area's county court business. Though the Area's 2007–08 Business Plan was supported by a Learning & Development plan, the Area lacks dedicated resource to coordinate and monitor training delivery, and seeks to secure this. Flexible staff deployment is used locally within county courts to support administrative performance. Resource sharing between courts is used to some extent at local level, and its wider potential is sensibly being considered. The Area recognises that sickness absence levels are high, and is taking steps to analyse these and review management practices.

At Area level, there is limited systematic analysis or use of county court performance information, or benchmarking of variations in performance and practice, for business improvement and spreading good practice. Performance management arrangements within courts reflect standard basic practice; some courts use data more proactively than others. Close attention by court staff to work-state data informs resource deployment and assists performance. Stakeholders welcome the local, periodic provision of performance information, on which some courts provide brief analysis and interpretation. Up to date national and local performance information is helpfully displayed for court users at all courts. However, there is no consistent Area-assured approach to data quality checks or to the corporate use and public reporting of information about customer service including feedback and complaints.

At Area level, a strategic approach to customer service is at an early stage of development, and seen as a priority. Courts locally maintain valued communications with a range of users. However, the Area has limited visibility for some staff and stakeholders. The Area recognises that it lacks a cohesive approach to equality and diversity (E&D), though proposals to follow the Region's strategic lead are being developed. The Area has not systematically considered the needs of diverse communities for information or other facilities such as prayer facilities. Training for E&D awareness needs refreshing.

The Area is moving towards more efficient and effective use of the estate, though achieving a satisfactory balance between estate rationalisation and customer service presents continuing challenges.

Leadership, planning and organisational structure of the county courts

- 3.1 The Area's leadership was stretched in the first year following amalgamation of the three former Areas. Managers often referred to a sense of fire-fighting during this period. Inspectors understand the reasons for this, which included business unification issues, notably the implementation of new pay and grading arrangements for all court staff, and other developments in the magistrates' courts. The challenges facing the Area include those of size, and the distances involved in travelling around the Area. Such challenges have affected the extent to which resource sharing beyond the local, county, or Group level has as yet been developed. The administrative Area and Judicial boundaries are not yet fully aligned.
- 3.2 The Area fully recognises that business planning and delivery planning processes in 2007 were weak and need urgently to be improved if the Area is to develop effective business and delivery plans to implement key national and regional strategic priorities. The Area's newness was reflected in its plans for 2007–08, when the Area's structures, plans, and capacity for effective leadership and management were at an early stage of development. The business plan and delivery plan for 2007–08 represented early steps on the Area's journey, and provided a limited and still developing basis for clear ownership and systematic monitoring of progress in the course of the year. Though the Area produced a template for plans at the court level, Area-level plans were not underpinned by court plans for 2007–08.
- 3.3 At the time of the inspection, the Area was in the very preliminary stages of developing a business plan for 2008–09. Neither the Area nor individual county courts had begun to review their strengths and areas for improvement on the key elements and priorities set out in the Midlands regional civil courts strategy. Our recommendation, set out below, is intended to encourage and support the Area to take steps to develop effective, prioritised plans for the implementation of key strategies for the county courts. We include among these:
- HMCS's national commitment to the development of better, simpler, cheaper court processes, and the adoption of LEAN¹ principles in its work
 - HMCS's Breakthrough promises, announced in 2007, which include important commitments for the county courts as regards: advice to court users, proportionate dispute resolution, and timely court process; the promotion of on-line routes to making claims in the county court; and quality of service for court users
 - The Midlands Regional Civil Courts Strategy, agreed in early 2008, which sets out what the Region's county courts should aim to deliver, across all main areas of operation.

¹ LEAN management techniques, developed by the Toyota company, are seen as a tool to help organisations to increase productivity and quality while decreasing costs, through encouraging employees to identify improved ways of working.

- 3.4 The Area has not previously planned holistically for the organisational implications of key developments such as the development of on-line business and the promotion of advice and dispute resolution, nor has it had the capacity or information to do this. Regional staff have undertaken some work on the allocation of resources relative to workload across the region, using BMS data to estimate resource needs for the county courts. This study found that, overall, but not for the county courts specifically, LLRN Area appeared tightly staffed compared with others in the Region. The Area sensibly sees workforce planning as requiring further attention.
- 3.5 The Area recognises that it has lacked the resource to achieve fully effective planning, and processes which are necessary to inform and underpin Area plans, notably to analyse the Area's strengths, areas for improvement and priorities for action in relation to national and regional strategic priorities; to identify, benchmark and review variations in practice; and to identify good and promising practice and promote business improvement. At the time of the inspection, it was still unclear whether the Area's resource and capacity for planning and business improvement, including implementation and performance management, were sufficient within the newly restructured Area Management Board (AMB) to meet the Area's challenges.
- 3.6 The Area is taking steps towards a unified and more strategic senior management structure. At the time of the inspection, four appointments of Band A court managers had recently been made to lead court business within the former county areas (two managers in Leicestershire, for the magistrates' courts and the Crown and county courts respectively, and one manager for all courts in each of Lincolnshire and Northamptonshire). The AMB minutes prior to the implementation of the new structure illustrated the previously unwieldy structure for strategic purposes.
- 3.7 However, the revised senior management structure does not yet provide effective strategic capacity for planning, analysis and action across the county court business, to take forward key national and regional priorities including the regional civil courts strategy. At the time of the inspection, the Area had begun to identify some thematic leads within the new AMB, for example, for Family court business and for learning and development, but had not yet identified an AMB lead for county court business across the LLRN Area.
- 3.8 The infrastructure below the streamlined AMB has not yet been considered. The Area has as yet no structure or process to engage the county courts in reviewing and planning the implementation of its priorities under the regional civil courts strategy, or in researching and modelling the reengineering of county court back office functions in the light of planned IT developments. The further development of the Area senior management structure needs to provide strategic capacity for planning, analysis and action across the Area's county court business, assuring (as some managers recognised) effective leadership, not simply good management, for the future development of this business.

- 3.9 At middle management level, while an infrastructure for business improvement exists within individual courts through team meetings and, at some courts, effective use of good ideas schemes, it is largely undeveloped beyond the local level. Some useful forums exist at regional level: county court diary managers meet annually and discuss potential good and promising practice in their work; accommodation liaison officers meet periodically with relevant managers. But at Area level there are as yet no good practice forums or communities of expertise, for example of section managers (groups which might operate, at least partially, on a virtual basis within the wide-spread LLRN Area.)
- 3.10 Within the county courts, flexible deployment of staff is used locally to good effect to support administrative performance. Resource sharing between courts is used to some extent at local level, and its wider potential is sensibly being considered. Inspectors heard encouraging local examples of how such mutual assistance is being promoted, for example at Lincoln.

Learning and development

- 3.11 In its pre-inspection self assessment, the Area saw as a strength the delivery of learning and development at some courts to maintain expertise. It is clear that training for court staff suffered as a result of the constraints on headcount and resources which affected staffing levels and expertise, training, and performance at times, especially at some courts, in 2007. Although there is local commitment to the delivery of training for staff, for the clear operational benefits which this brings, it was also clear to Inspectors that some aspects of the design and delivery of training need to be addressed. We consider this question in more detail in paragraphs 3.70 to 3.72.
- 3.12 The self assessment suggested, as areas for improvement, the need for more investment in the in-house role of Court Training Coordinator, and the need for further training for section managers to increase familiarity with the county courts' key performance targets, and in how to cascade such information to teams. We consider below the subject of familiarity with performance targets.
- 3.13 In training and development, the Area has benefited from the support of a Human Resources Business Partner, who reports to region but with a 'dotted line' to the Area Director. The Area's Business Plan for 2007–08 was underpinned by a HR Business Plan and a Learning & Development Plan. However, Inspectors agree with the Area's view that the consideration, coordination and delivery of training and development could benefit from the Area having 'owned' resource for this purpose. The Area has looked at this question, and proposes to follow the lead of a neighbouring Area and appoint an Area Training Coordinator to oversee the delivery of the agreed *Regional Learning & Development Strategy*.
- 3.14 In its self assessment, the Area recognises that sickness absence levels are too high. The Area is taking welcome steps to analyse the factors, and to review related management practices.

Communications

- 3.15 Internal communications at courts are generally good. Court-based external relationships and communications, for example through Court User groups, are valued by users. Inspectors welcomed evidence of court staff working with major court users, such as local authorities, to promote understanding and use of systems such as Possession Claims On-Line (PCOL). However, the Area has no unified communications strategy. Area communication of plans and priorities during its first year has been somewhat limited and low key, so that the Area has limited visibility for some staff and stakeholders.

Customer Service

- 3.16 The Area recognises that, for much of 2007, it marked time at a strategic level on customer service development and lacked the resource to take this forward. The appointment of staff for this purpose in early 2008 resulted in welcome fresh momentum in this area, and the development of plans and proposals, including a customer service accreditation project delivery plan (formerly Charter Mark.) We consider below the question of equality and diversity in this context.

Estates and IT

- 3.17 The Area is moving towards more efficient and effective use of the estate, though achieving a satisfactory balance between estate rationalisation and customer service presents continuing challenges. The Area's self assessment identifies as a strength that regular reviews of the estate are undertaken by court managers and the estates team to seek best use of the estate, taking account of customer needs. There has been recent, helpful enhancement of consultation room capacity at some courts, though some issues remain. As part of its future business and strategic planning, and within



Leicester County Court - Public counter

- the context of national and regional plans, the Area will need to address the national estate policy's 'hub and satellite' approach to the concentration of back office functions and the management of the estate, facilitated by planned IT improvements for the county courts.
- 3.18 The Area has no overall approach or action plan for IT across the Area. IT provision at courts is variable, and is unsatisfactory for some purposes. This question is considered further in paragraph 3.75. The Area piloted the CaseMan service upgrade project (SUPS) at Northampton county court, despite experiencing considerable workload pressures at that time.

Performance management

- 3.19 Although managers and staff at court offices demonstrate a keen sense of accountability for delivering daily and weekly administrative performance, the Area lacks a strategic, proactive approach to performance management and the benefits of effective performance management for Area-wide business improvement and resource management. The Area, in its pre-inspection self assessment, recognised the need for development in this area and identified as priority areas for improvement:
- By April 2008, to discuss at Area Management Board (AMB), approaches to service delivery and performance management across the new Area, following the restructuring of AMB; and
 - By March 2009, to have improved Area and court level monitoring and review.
- 3.20 Courts monitor trends in workload, e.g. bankruptcies, and have used this information for local planning and making changes to delivery. However, at Area level, there is limited systematic analysis or use of county court performance information, or benchmarking of variations in performance and practice, for the purposes of business improvement, and to identify and spread good and interesting practice. The Area does not currently use data to plan holistically for the organisational impact of key strategic developments including proportionate and alternative dispute resolution (PDR/ADR) and the growth of on-line business. On some aspects of its operations, the Area has lacked good quality information as a basis for planning. For example, information about aspects of equality and diversity is currently thin.
- 3.21 While there is some expertise in performance management in the AMB, the Area has lacked sufficient capacity and expertise for fully effective performance management at Area strategic level. As part of restructuring within HMCS a year ago, performance management capacity was removed to regional level and the Area has had no dedicated performance management resource. Performance reports are received and discussed by the monthly AMB meetings, but discussion is brief and is based on exception reporting, which does not always touch on significant issues within the civil courts' performance. The AMB does not consider performance information about aspects of customer service, including performance against court charter commitments, and the handling of complaints and feedback received by the Area's courts and the learning points for service improvement. However, individual court managers said they consider complaints and feedback with their staff, on a local basis.
- 3.22 Court managers consider that discussion of performance is more meaningful at the monthly Performance and Operational Group meeting, chaired by the Area Delivery Manager, and attended by court managers. The focus at this meeting, however, tends to be on short term performance issues for the civil courts and how to address these. The Performance and Operational Group has undoubtedly provided a useful forum for court managers to discuss workload pressures as measured by the county court Business Management System, and responses to such pressures. The group has, we understand, also usefully discussed courts' different approaches to the organisation and delivery of particular county court administrative functions, including the timetabling of cases.

- 3.23 The Area has, at present, no systematic approach to the identification and spread of good and promising practice. At Leicester county court, Inspectors were pleased to see a well-designed notice-board display aimed at promoting the use of the staff ideas scheme, and the sharing of good practice. We would encourage the development of more systematic approaches to the encouragement and consideration of staff views on existing processes and ideas for improvement. Such fora (which could when appropriate be virtual) have the potential to help the Area to match resources to work, and to scope, communicate and implement new organisational models and methods, reflecting the opportunities for re-configuration which are expected to arise from IT upgrades for the county courts. It was clear to Inspectors that senior staff saw a need to undertake more analysis and review of performance and working models in the context of national initiatives for better, simpler, cheaper and LEAN court operations.
- 3.24 Inspectors were pleased to learn that Area court managers are scheduled to attend HMCS leadership courses designed to enhance court managers' skills, early in 2008/09. We suggest that, after a suitable but short period, the Area review with AMB and court managers whether training and development relating to performance management and business improvement are effective in supporting the Area's business needs at strategic and local levels.
- 3.25 The performance information provided to stakeholders, including the judiciary and the Courts Board, often lacks analysis, commentary and action focus, as staff and stakeholders note. There is a risk that tables of figures without analysis or commentary are not particularly meaningful to recipients, and do not help to engage stakeholders effectively in reviewing and improving performance. Performance reports which show the 'traffic lights' status and recent progress of Areas and counties on key targets are helpfully produced by the regional performance team and are circulated to the AMB and Courts Board. Commentary and an update on action planned are provided to support the report. The brief commentary, however, highlights performance issues at the Regional, rather than at the Area level.
- 3.26 Some individual managers and staff have locally developed proactive approaches to the production, analysis, and use of performance reports and to the checking of data. Such approaches have real practical value to the managers concerned and are appreciated by stakeholders, including the judiciary, who receive such information. We commend such local initiative, for example at Northampton and Lincoln county courts. There was no evidence, however, of such initiatives being shared on a wider, Area basis or promoted as good practice.
- 3.27 Each county court in the Area produces regular, weekly statistics for performance on the administrative completion of tasks within the target five-day period, identifying 'outstanding hours' of administrative work, under the long-established national Business Management System (BMS). Each court has a structured and efficient approach to producing and submitting timely BMS data. Close attention is paid by county court managers and section heads to regular BMS data, which is effectively used to inform resource deployment between court administrative activities and to optimise performance on the five-day target.

- 3.28 Court managers hold regular work-state meetings with section heads and other staff and proactively use BMS information to manage their teams' workload. Managers widely considered that, by timely use of work-state data to help direct the use of overtime and other additional resources, court managers, with Area support, 'kept the show on the road' and managed the impact of resourcing pressures during 2007. The sharing of such performance data with a range of court users through periodic Court User Group meetings was considered to have helped stakeholders to understand the courts' problems. It was clear to Inspectors that county court managers and staff feel keenly accountable for delivering administrative performance. Awareness of performance on other targets, however, including case timeliness and dispute resolution, was more varied, even among managers.
- 3.29 As regards data quality, all courts indicated that they implement the requirements of the national Performance Data Quality Programme. All agree that the programme sets minimum requirements but allows for local variation and interpretation by court managers. There was no consistent, Area-wide approach or quality assurance process concerning local practice on data quality. As Inspectors are aware, inconsistency in data quality has been recognised nationally as an issue; concerns about the accuracy of data on case load, and about discrepancies between case data recorded on the CaseMan system and that identified when checked by staff and stakeholders, have been expressed in this Area and in others in Regional Directors' and Designated Civil Judges' (DCJ) annual reports. HMCS's intended enhanced requirements for data quality checking and certification will necessitate the Area in further checking to ensuring that court procedures are in line with requirements, and that any concerns about data quality or processes are identified and addressed.
- 3.30 At all the county courthouses visited, Inspectors were pleased to see national and local county court performance information on case timeliness, dispute resolution, and administrative work completed within five days, helpfully displayed, using a national template for this purpose. The public reporting of aspects of customer service was rare, including the handling of and responses to complaints and feedback received by the courts, though at Northampton court, Inspectors were pleased to see a public notice about the court's response to court users' suggestions. We comment further and make a recommendation on this point in paragraph 3.91.

Recommendation 1

That HMCS in the LLRN Area take steps to:

- Develop effective, prioritised plans for the implementation of key strategies for the county courts
- Analyse the Area's strengths and areas for improvement in relation to strategic priorities, and variations in practice, to identify good practice and promote business improvement
- Develop an Area approach to, and effective processes for, performance management – including improved monitoring, analysis and reporting of performance
- Ensure that management and organisational structures and capacity are appropriate to support these developments.

Equality and Diversity

- 3.31 The Area's positive general commitment to equality and diversity is evident in its plans, including the Area Business Plan and Delivery Plan for 2007–08. The Area recognises, however, that it lacks a cohesive approach to E&D. The Area's self assessment noted 'lack of clarity at court level on priorities and expectations,' and identified the 'development of a cohesive, Area approach to E&D' as a priority area for improvement.
- 3.32 Inspectors agree with this assessment, and welcome both the Area's recognition of the importance of this area, and the useful work, which was at an early stage of development at the time of the inspection, to develop proposals for a Diversity Steering Group and an initial action plan, for consideration by the AMB.
- 3.33 The Area sensibly sets its work on E&D within the context of the recognised need to develop a strategic, Area approach to customer service and community engagement. The impetus for this derives from the Area's role in community justice initiatives in Leicester, and from the Area's preparations for seeking Customer Service Excellence Standard status. In order to take forward these initiatives, the Area has commendably appointed staff to the Area Director's Office (ADO) for this purpose.
- 3.34 At a practical level, as we report in paragraphs 3.78 to 3.80, individual courts and court staff within LLRN demonstrate an ethos of helpful service to all court users and are proactive in providing assistance where required. Individual courts have shown local initiative in seeking to provide for the language needs of groups whose first language is not English. Such initiatives have depended in part on co-location of county courts with criminal courts, enabling use of the latter's facilities.
- 3.35 The Area recognises, however, that it does not yet fully understand the profile of the communities which its courts serve, and that it has not systematically considered the needs of diverse communities for information or other facilities (including prayer facilities, which the Area, in its self assessment, identified were not available at Area county courts.) Information available to Area managers relating to aspects of E&D, internal and external, is thin, and less helpful (as managers commented) than information which was available several years ago.
- 3.36 Inspectors, in our observations and discussions at courts, found that local practice relating to aspects of E&D varied, for example on oath taking, which did not always comply with HMCS national guidelines. A number of staff commented that their diversity awareness training had been provided several years previously, and that refresher training for diversity awareness would be beneficial.

- 3.37 It will be important for the AMB to provide visible leadership, direction and momentum for this work as a whole, and for the E&D dimensions of it. Midlands regional action plans in support of Race, Disability and Gender equality, relevant initiatives in a neighbouring HMCS Area, and a regional communications strategy, are available for the Area to draw on. The Midlands Regional Director is HMCS Diversity Champion, and the region has expertise and resources to support Areas' work. There is a risk, however, that the Area's work may lack momentum unless clear strategic and local objectives, goals and timescales are set, and that the Area may not have sufficient capacity at court level to deliver Area and local objectives.
- 3.38 In order to support and encourage the Area's work in this important area, we make the following recommendation.

Recommendation 2

That HMCS in the LLRN Area:

Establish clear objectives and goals for equality and diversity, and develop and take forward a cohesive approach and structured plans to deliver these, including reviewing court users' diverse needs and refreshing diversity awareness training.

- 3.39 As part of this recommendation, we encourage the Area to:
- develop an E&D plan (building on current early stage ideas) which includes clear objectives and goals for E&D, and Area and local plans and accountability for delivery
 - review court users' diverse needs for facilities (including for prayer facilities, as the Self Assessment identifies,) and information
 - ensure staff are aware of and understand HMCS current requirements on oath taking procedures and storage and handling of holy books, and publicise oath taking and affirmation procedures and options
 - make arrangements to refresh E&D awareness training where needed.

Diverting cases away from the county courts and reducing delay - Proportionate and Alternative Dispute Resolution

- 3.40 In relation to proportionate dispute resolution we looked to see whether the Area ensures that users have access to the information and range of services they need to understand their rights and responsibilities, and systems are in place to enable users to resolve disputes effectively and proportionately, including methods of alternative dispute resolution.

Overview

There is a lack of Area-led strategic focus and direction for proportionate dispute resolution (PDR) in the LLRN Area. The small claims mediation service (SCMS) is being developed with dedication and enthusiasm. However, both the SCMS and wider elements of PDR have yet to be given full attention by the newly-formed AMB. Performance in the proportionate and timely resolution of disputes appears variable across the Area, although data are not reliably accurate or particularly informative.

There is limited effective management at Area level to improve PDR performance holistically through the monitoring and analysis of the performance data available. Some courts locally facilitate the provision of advice on dispute resolution which users value. But at Area and court level, links relevant to promoting appropriate advice to users and dispute resolution are not sufficiently developed.

Liaison between the Area and voluntary and commercial mediators and voluntary providers of advice (and their funders) is weak and uncoordinated. The outreach to ethnic minority groups is limited and the Area cannot assure itself that, for PDR purposes, it is engaging effectively with its diverse local communities.

The promotion of a PDR culture

- 3.41 There is no doubt about the Area's commitment in principle to the aims of PDR. In the documents provided by HMCS to Inspectors during the inspection there is a considerable emphasis on the importance of PDR. For example, the Midlands Region Civil Business Strategy for the period August 2007 to March 2009 summarises in a useful and positive manner the actions needed to improve service to county court users and deliver performance targets. On PDR it states that,

'HMCS will aim robustly to promote ADR and mediation services at first point of customer contact. Even once the process has commenced, HMCS will make efforts to divert live cases into appropriate ADR channels. In particular, the region will maintain focus upon the key Breakthrough pledge to provide a simpler and quicker County Court service for small claims by ensuring that all but the most complex cases are dealt with via mediation.'

3.42 The Area Delivery Plan for 2007–2008 stated that it would contribute to the Government's Public Service Agreement (PSA 5) targets by, amongst other things, delivering 'on key small claims and fast/multi-track targets whilst increasing the number of cases that are resolved without the need for a full hearing, by providing continued access to impartial advice and assistance to litigants'. Ownership of this task was given to court managers and the SCMS. The target set for this objective in the Delivery Plan was to:

- reduce the proportion of disputed claims in the [county] courts that are resolved by hearing to 36.9%.

In the Delivery Plan the Area also indicated its commitment to the national Breakthrough promises including:

- provide a simpler and quicker service in the county courts through introducing a presumption that all but the most complex small claims are dealt with by mediation.

3.43 In its self assessment prepared for this inspection, the Area considered that it has a number of key strengths in relation to PDR, namely:

- good in-house mediation scheme, which is fully utilised by majority of the Area. Overall mediation is going well and satisfaction rates from customers are high
- good uptake of mediation scheme and good success rate in Northamptonshire and Leicestershire
- good customer satisfaction results.

The Area identified its main area for improvement as a need to 'publish [SCMS] mediation statistics to interested users' so that wider knowledge of 'the successful performance of the in-house mediation scheme ... may encourage a higher uptake'.

3.44 These strengths and areas for improvement relate to the in-house SCMS, not to the wider aspects of PDR. The in-house mediation scheme, initiated and sponsored nationally by HMCS, has a key part in realising the government's PSA objective, and Inspectors found that staff in LLRN are developing and operating the SCMS with dedication and enthusiasm. But the SCMS is only one element of PDR and Inspectors consider that, while committed in principle to the wider aspects, the Area has yet to take concerted action to implement a more holistic and strategic approach to help potential litigants avoid court action. In part, as recognised in paragraph 3.1, this is because of the relative newness of the Area, its geographical spread and the fact that the new AMB has only recently been appointed.

3.45 The Area has taken some action in relation to the wider PDR objectives. For example:

- HMCS-funded National Mediation Helpline (NMH) leaflets about fast and multi-track mediation are sent out in defended cases at the allocation stage;
- The Designated Civil Judge for Leicestershire and Northamptonshire agreed that HMCS staff could promote fast and multi-track mediation.

But these positive actions lack Area-led coordination and there is no Area action or implementation plan setting out the practical steps it needs to take to achieve the objectives set out in PSA5 and the Area Delivery Plan. In addition to the SCMS, there needs to be a coordinated approach to providing all litigants (potential and actual) with better advice about the alternatives to a county court hearing for fast and multi-track cases. Data supplied by the HMCS national Proportionate Dispute Resolution Team show that, in 2007, less than one half of one percent of all fast and multi-track cases allocated to track in LLRN resulted in mediation under the auspices of the NMH². This is no criticism of the LLRN Area in particular as the performance of HMCS as a whole is similarly poor. But this statistic does indicate the amount of work yet to be done in LLRN, and nationally, to divert more serious cases away from the courts, where appropriate.

3.46 Apart from some discussion of the SCMS, including Area support for the recent formation of the merged East Midlands SCMS, and the provision of accommodation and temporary administrative support for the service, the AMB does not pay sufficient attention to the wider aspects of PDR at its regular meetings. For example:

- At the time of the inspection, there was no senior manager on the AMB with responsibility for taking an overview of PDR, who can champion PDR across the Area and act as the responsible officer for any PDR action plan that is prepared;
- The Area needs to consider how the sound 'Action Areas' to further PDR, set out in the Regional civil business strategy, should be taken forward at Area level;
- The SCMS has usefully suggested that each court identifies a mediation liaison officer³ to provide a point of contact and advice about mediation in each court for the benefit of both users and court staff. So far, the Area has not ensured that all court managers support this initiative and properly resource it with trained staff as part of a PDR action plan.

2 See table in Annex C.

3 This is not a full time, but an additional, role.

- 3.47 The commendable aim of PDR is pro-actively to manage future county court business to ensure, as far as possible, that better use is made of HMCS resources. However, Inspectors found little Area consideration of projected business flows. Both national and local economic and social trends will impact on the business of the county courts. In planning for the future development of county court business, the Area would be assisted by greater insight into the potential growth or decline of different categories of business, and the potential impact and benefit of PDR and ADR. The region may be able to support the Area in the projection and analysis of future trends.
- 3.48 HMCS cannot deliver its PDR objectives in isolation. It needs to work with the judiciary (who can influence whether litigants opt for mediation), advisers (professional and voluntary), mediators (in-house, commercial and community) and their funders. Inspectors found that the Area was not sufficiently pro-active in communicating with some important stakeholders. At regional level, there are useful fora, with judicial representation, looking at aspects of the regional business strategy. The SMCS is positive about judicial support for its work. However, just as there is limited discussion within the AMB about the wider aspects of PDR, so there is insufficient dialogue at a senior Area management level with the judiciary about HMCS PDR aims and plans.
- 3.49 Contact with bodies (mostly voluntary), which provide advice to county court users, is limited to good working relations at court house level. Inspectors visited a number of courts where local voluntary bodies work well with court staff to provide advice to court users that is valued by users and the judiciary. However the Area does not have an overview of which voluntary bodies provide this valuable service to court users and it does not, for example, liaise with key funders – such as the Community Legal Service - to discuss the value and coverage of advice provided and where additional support may be needed.
- 3.50 Across the Area, community and commercial mediators provide a service to potential court users, diverting disputes from the courts. However the Area has limited knowledge about the services these two groups provide, and how they might be able to assist HMCS to achieve its PDR objectives. Further, there is limited engagement with the diverse communities within the Area to ascertain what their needs are and whether mediation and better sources of advice might assist them in dispute resolution. Inspectors suggest that a PDR champion would be well placed to improve liaison with these important stakeholder groups.
- 3.51 Among some court staff Inspectors found uncertainty about mediation. Many courts display helpful posters about providers of advice, the SCMS and NMH⁴. Courts automatically send out appropriate leaflets about mediation at the allocation stage. However, as the in-house SCMS is only available to people who have commenced a court action, some staff felt that they could not suggest users consider mediation until an action had been started. The suggested presence of mediation liaison officers at each court may help in clarifying this matter.

4 That deals with mediation of fast and multi-track cases.

East Midlands Small Claims Mediation Service (SCMS)

- 3.52 The SCMS in LLRN commenced full operation in April 2007 with one mediator. In January 2008 the Area mediation services in LLRN and Nottinghamshire & Derbyshire merged to form the East Midlands SCMS. There are now two mediators serving both HMCS areas from improved offices at Loughborough magistrates' court. In setting up the service the mediators visited all the county courts, spoke with the judiciary and also met court users such as the local law society who might be interested in using mediation. SCMS staff carry out mediations mainly over the telephone, but also face to face and by email – the method adopted reflecting the needs of the parties. The Area's helpful provision of temporary administrative support for the SCMS facilitated an increase in the latter months of 2007 in the number of mediations undertaken. The SCMS sees such support as important to the provision of an effective and efficient mediation service and, at the time of the inspection, made a business case for permanent administrative support.
- 3.53 Inspectors found that many staff saw the SCMS as an add-on, rather than a mainstream service provided by the county courts in LLRN. This may in part reflect the relatively recent establishment of the service, at a time of continued organisational restructuring within HMCS. As part of a re-focussing on PDR, we encourage the AMB to ensure that the SCMS is fully embedded within the county court service across the Area.
- 3.54 Although these are relatively early days (the service has been operating for only a year), Inspectors were impressed by the progress made by the SCMS. After a modest start, the SCMS is diverting growing numbers of cases away from the courts and delivering a valuable service to court users, particularly in Leicestershire and Northamptonshire. At the time of the inspection there had been a slower take up in Lincolnshire, a fact recognised by the SCMS and the Area in its self assessment. Data supplied by the SCMS for the period April 2007 to March 2008 show that nearly 300 small claims were referred to mediation with 69% resulting in a successful mediated outcome⁵. However, this good overall performance rate masks a declining success rate during the first months of 2008. The AMB, with SCMS, needs to investigate this deterioration and analyse and address its causes.

⁵ These figures include (1) some cases referred from outside the East Midlands and (2) from February 2008 cases from Derbyshire and Nottinghamshire.

	Number of mediations	Number of settlements	Percentage of successful settlements
April 07	11	10	91%
May 07	13	11	85%
June 07	15	10	67%
July 07	14	10	71%
August 07	18	13	72%
September 07	21	15	71%
October 07	15	11	73%
November 07	23	16	70%
December 07	20	16	80%
January 08	47	35	74%
February 08	52	33	63%
March 08	44	23	52%
2007– 08	293	203	69.3%

Mediations by East Midlands SCMS during 2007– 08 (source SCMS)

3.55 An SCMS survey (albeit of a limited number of people using the SCMS) indicates promising levels of user satisfaction. Almost 90% of those completing the survey said they would use the service again⁶.

⁶ The survey was completed online by parties using the SCMS. Most people who completed the survey (93%) were parties to a successful settlement, which may influence their levels of satisfaction.

Performance management of PDR

- 3.56 As mentioned at paragraph 3.19 to 3.30, a robust performance management system has yet to be fully developed in the newly merged Area and the accuracy of HMCS county court data is not always assured. The collection of data about PDR, its analysis and any follow up action, are not systematically coordinated at Area level.
- 3.57 Management of performance of PDR by the AMB is made more challenging by the extension of the SCMS to cover two HMCS Areas. The SCMS produces a monthly highlight report – in the form recommended by HMCS national guidance – but it is not clear how keenly this is studied by the AMB. SCMS staff established shortly before the inspection that data about settlement of small claims cases on the CaseMan IT system were inaccurate and understated settlements in the relevant periods by 40–50%, information about the outcomes of cases having been recorded incorrectly. Inspectors were pleased that steps were being taken to train staff to improve accurate data entry on the system. We encourage the AMB to take a closer interest in the future management of performance and the outcomes of PDR, and in the accuracy and analysis of relevant performance data.
- 3.58 Performance management in this area is not helped by the measures for which data are collected. While the SCMS produces data about successful outcomes of small claims mediations, the AMB does not monitor the number of cases referred to fast and multi-track mediation (see paragraph 3.45 above) and whether the outcomes are successful. The only measure⁷ nationally available, and regularly reported to the Regional and Area management boards, is the proportion of disputed claims that are resolved by a hearing. LLRN (and each individual county within the Area) has set a target to reduce the percentage of cases allocated to track that reach a hearing. The target for LLRN as a whole for 2007–08 was 36.9%. This Area target is more challenging than the national target of 38.5% for 2007–08.
- 3.59 At the time of the inspection the overall trend was improving and performance was better than in the previous year. However there are problems with this measure. It is a blunt tool and does not measure the impact of PDR, mediation or the effect of pre-issue advice on outcomes. It merely shows the number of cases that do or do not proceed to a full hearing for whatever reason – for example private settlement between the parties, withdrawal of the claim, etc. According to this measure, the best performing court was Northampton County Court, having reduced the proportion of cases coming to trial to below 26% in each of the three months from January to March 2008. This is considerably better than the Area target of 36.9%, yet it was not clear whether managers had considered why Northampton performed much better than any other court and whether lessons could be learned, nor whether the data were accurate. The national PDR policy also includes the faster completion of county court cases. Performance in this field is considered in the next section of the report.
- 3.60 Inspectors consider that the Area needs to take action, within the context of national and regional policy, to ensure that greater focus is given to PDR in a planned and coordinated manner.

⁷ Measure PSA5 – H2 ‘disputed claims’.

Recommendation 3:

That HMCS develop, implement and monitor, as an integrated part of its long term business planning and delivery, a strategic and coordinated approach to proportionate dispute resolution to reduce the number of disputes being resolved in the county courts in LLRN.

In the context of this recommendation, Inspectors encourage the Area to consider the following actions, to:

- identify a member of the AMB to champion PDR within the Area
- ensure that, with the full involvement of the Small Claims Mediation Team, there is a PDR action plan to meet relevant national objectives, with Area and local court objectives, appropriate targets, milestones, and local court responsible officers
- strengthen the monitoring and management of performance in PDR, with regular reports to the AMB
- address PDR in a more holistic way, beyond embedding the small claims mediation service, to encompass:
 - a review to improve the provision of advice and information to users (especially potential county court users, including those from diverse ethnic groups) about how to avoid or minimise court hearings
 - better liaison with external and voluntary providers (and their funders) of support and advice (including local community mediators) to county court users
 - better engagement with ethnic minority groups which may benefit from access to mediation and sources of appropriate advice
 - better liaison with the national HMCS Proportionate Dispute Resolution Team, judiciary, professional court users, commercial mediators and the National Mediation Helpline in relation to diverting more fast and multi-track cases away from court.

Civil Money Claims

- 3.61 In relation to civil money claims we looked to see whether the Area ensures that administrative systems support the delivery of efficient and effective services to the users of the civil money claims process.

Overview

There is commitment to ensure that administrative support enables civil money claims to progress in a timely and efficient manner with the impetus coming primarily from local management. Staff at all levels are highly committed to achieving the completion of administrative tasks within five days. Administrative systems enable civil money claims to be correctly identified and processed along the appropriate track. Restrictions on headcount and resources in 2007 had an adverse effect on staffing, training and performance. With Area support, the position improved in late 2007 with additional fee income funding overtime and temporary staff to help local offices address a build up of arrears. However, local courts were uncertain about their ability to sustain improved performance.

Neither the Area nor individual courts has yet considered Area priorities in response to key strategic objectives for business improvement in the Regional Civil Business Strategy. There has been no systematic benchmarking of administrative systems across the Area to identify how variations in practice contribute to performance and efficiency or to identify and share good and interesting practice. The functionality of IT systems varies widely across the Area's county courts and, in some areas, requires time-consuming administrative support.

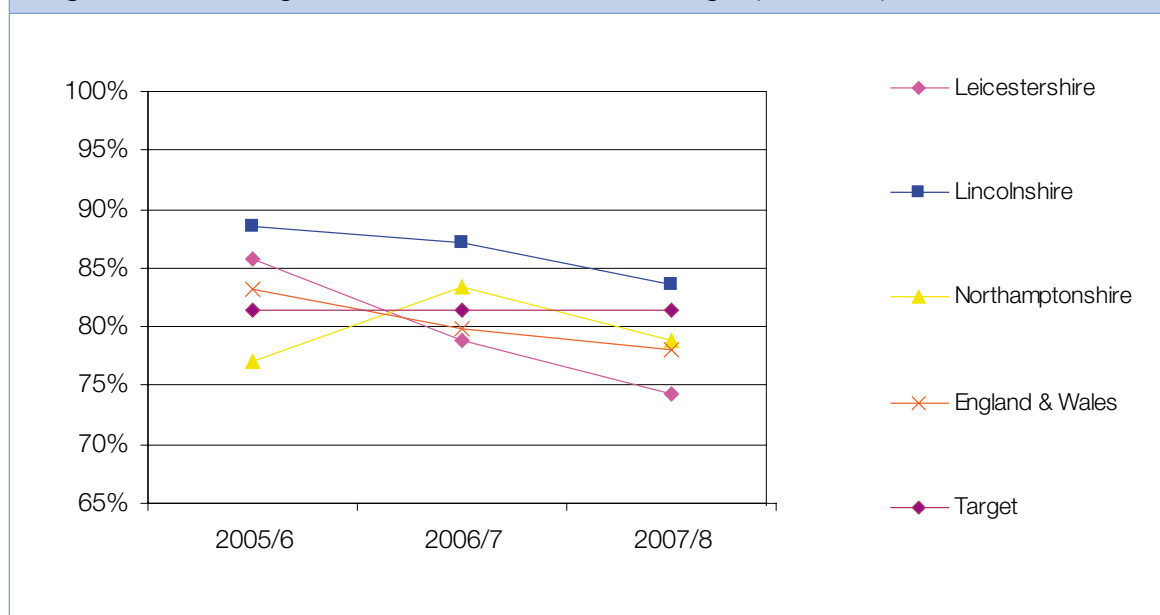
Performance against PSA targets in 2007–08 was mixed, showing a general decline since 2006–07, though with variations across the Area. The percentage of small claims heard within 15 weeks, and administrative process dealt with in five days, continued an essentially downward trend since 2005–06, though with some variations.

For 2007–08, Lincolnshire achieved the target for completion of small claims within 15 weeks; Leicestershire (which handles the biggest share of small claims and has the least satisfactory performance) and Northamptonshire did not meet this target. Leicestershire and Northamptonshire met the target for completion of fast track cases within 30 weeks. No county met the target for completion of multi-track cases within 50 weeks (where small case numbers and complexity affect performance.) Only Lincolnshire achieved the target percentage of administrative process dealt with in five days. Leicestershire and Northamptonshire recovered positively from several difficult months in 2007 to be around target performance towards the year end.

Performance and progress of money claims

3.62 There is undoubted commitment to ensure that administrative support enables civil money claims to progress in a timely and efficient manner with the impetus coming primarily from local management. The bulk of money claims in the civil courts is allocated to the small claims track. In 2007–08, Area performance shows significant variations in performance between courts for the PSA target of hearing 81.5% of small claims within 15 weeks. Leicestershire (which handles the biggest share of the Area’s small claims cases) heard 74.2% of cases within 15 weeks in 2007–08, significantly less than the national target of 81.5% of cases and less than the average for England and Wales (78.0%). Lincolnshire achieved 83.6%, better than the national target and the England and Wales average. Northamptonshire’s performance at 78.8% was better than the England and Wales average but below the national target of 81.5%.

Figure 1: Percentage of small claims heard within target (15 weeks)⁸



3.63 Whilst performance in Lincolnshire has been and remains good on the timely completion of small claims and administrative process, Area performance on both targets in 2007–08 continued an essentially downward trend since 2005–06, with some local variation. The Area Delivery Plan for 2007–08 included a commitment to ‘Deliver on key small claims and fast/multi-track targets...’ However, Inspectors found limited Area-level performance management infrastructure or systematic analysis of long-term trends in performance or the reasons for variations between county areas.

⁸ Source: HMCS Performance Directorate. Data correct on 11 June 2008. National Target 81.5%.

3.64 All counties within the Area experienced variation in performance during 2007–08, with headcount restrictions on staffing significantly affecting administrative performance. Month by month performance on the target for administrative process dealt with in five days illustrates the difficulties area offices faced during the year.

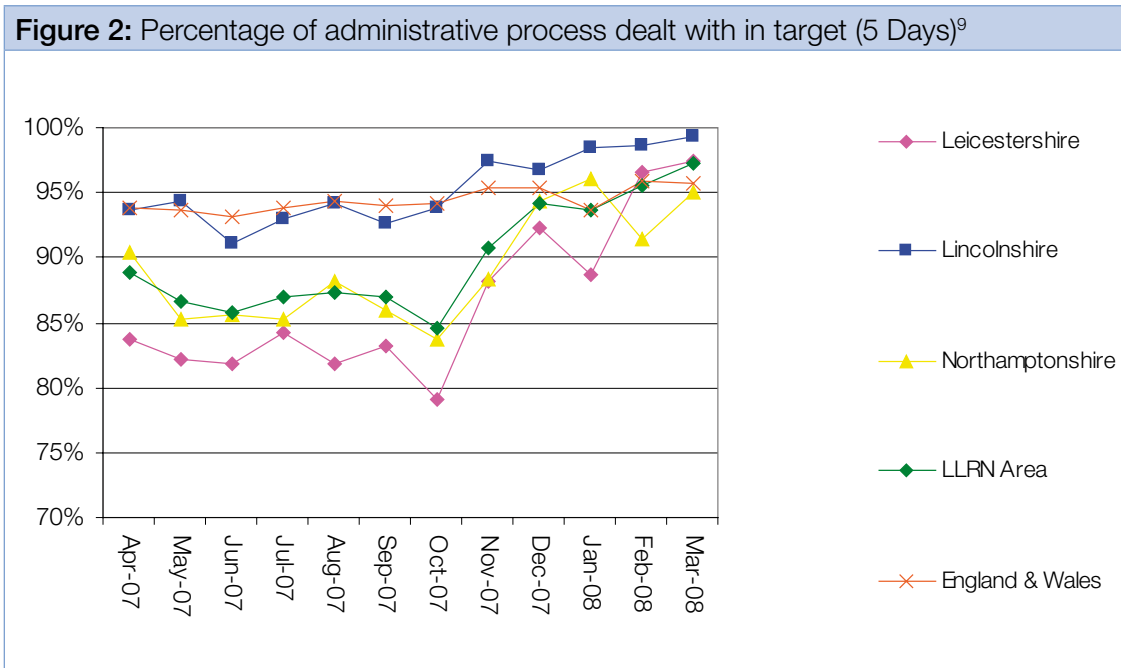
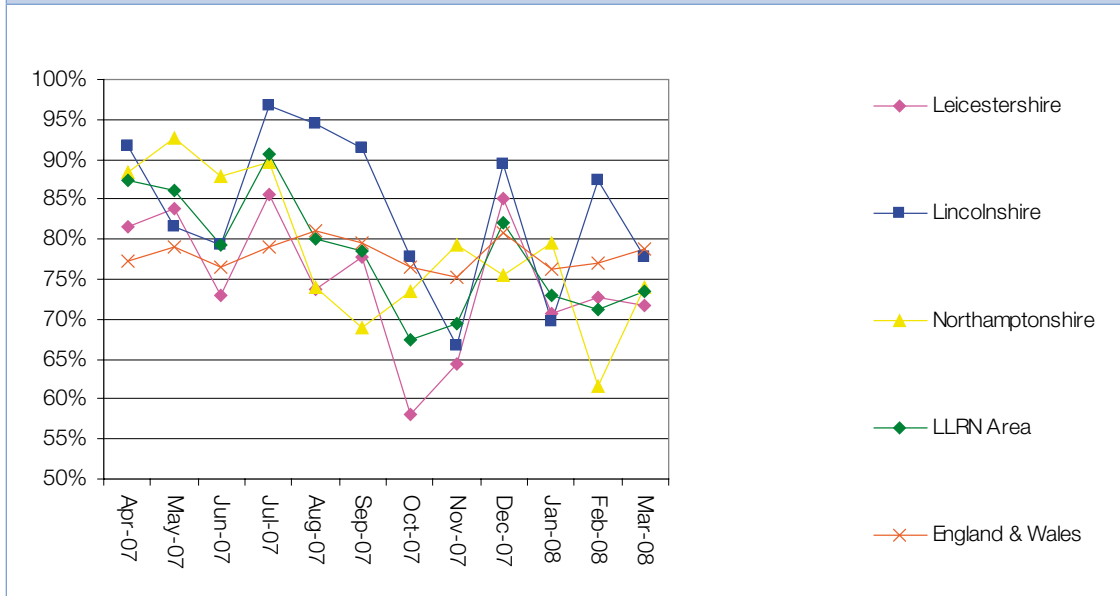


Figure 3 illustrates the monthly variation in performance for small claims hearings within target.

⁹ Source: HMCS Performance Directorate. Data correct on 11 June 2008. National Target 94%.

Figure 3: Percentage of small claims heard within target (15 Weeks)¹⁰



3.65 Inspectors note that the administrative systems that support the scheduling and hearing of cases experienced difficulty in finding judicial time to hear cases in Leicester in particular and to a lesser extent in Northampton. This was due to a combination of factors, including the lack of courtroom availability and competing priorities for judicial time. It is important that the Area’s performance management system reflects and addresses such matters.

3.66 Area performance on national targets for the hearing of fast and multi-track cases showed considerable variation in 2007–08. In respect of fast track cases, Leicestershire and Northamptonshire achieved performance better than the England and Wales average of 79.4% and the national target of 78% of cases heard within 30 weeks, with respective performances of 82.8% and 80.0%; however, Lincolnshire achieved 69.1% (Figure. 4). No county area achieved the national target of hearing 78% of multi-track cases within 50 weeks, nor the England and Wales average of 75.9% (Figure. 5): Leicestershire achieved 72.1%, Northamptonshire 71.4%, and Lincolnshire 47.1%.

¹⁰ Source: HMCS Performance Directorate. Data correct on 11 June 2008. National Target 78%.

Figure 4: Percentage of fast track cases heard within target (30 Weeks)¹¹

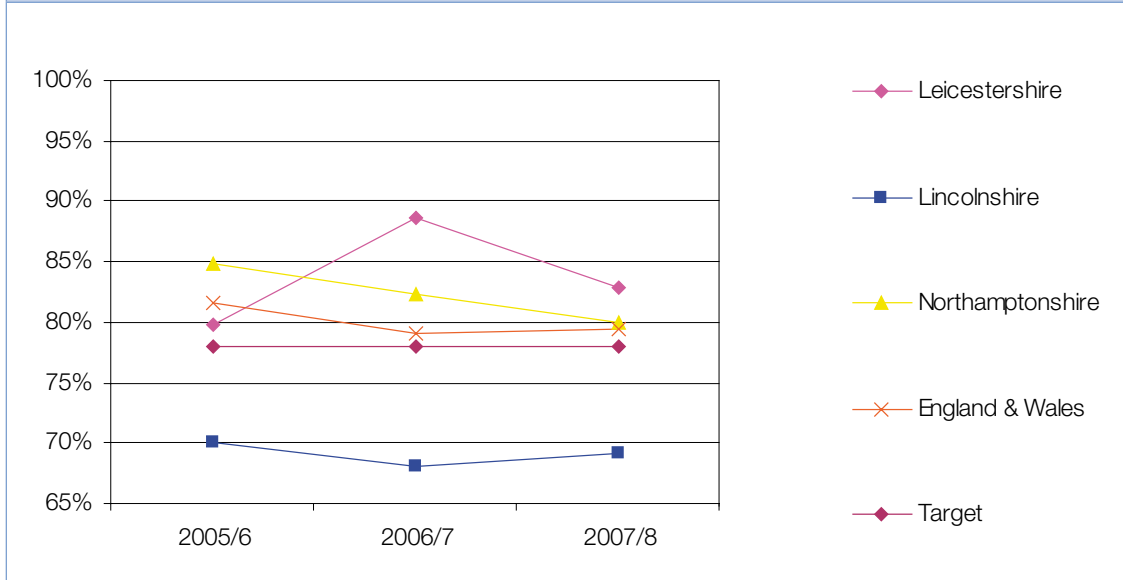
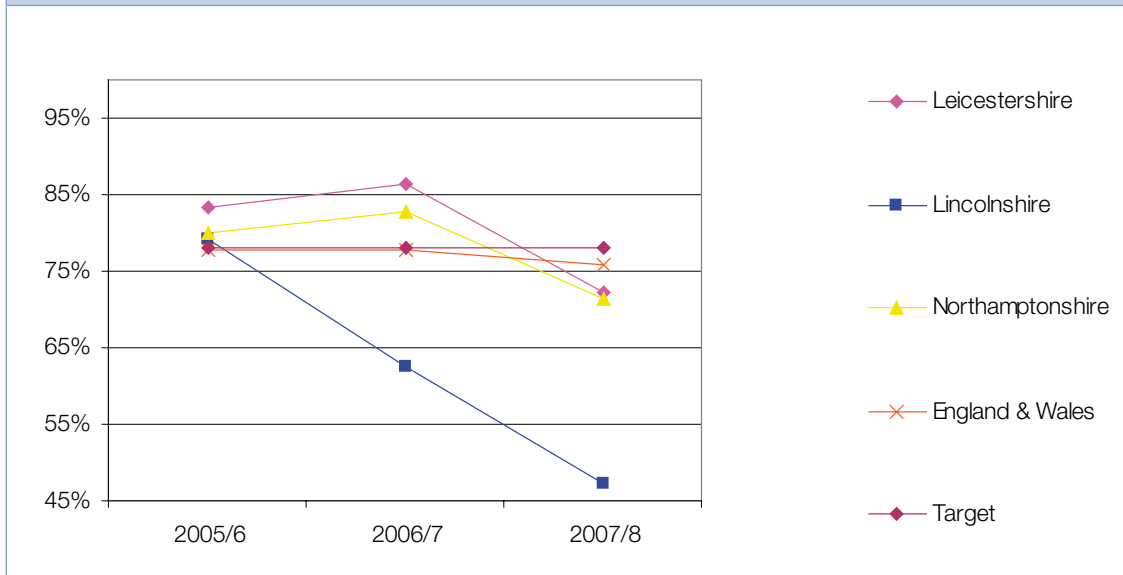


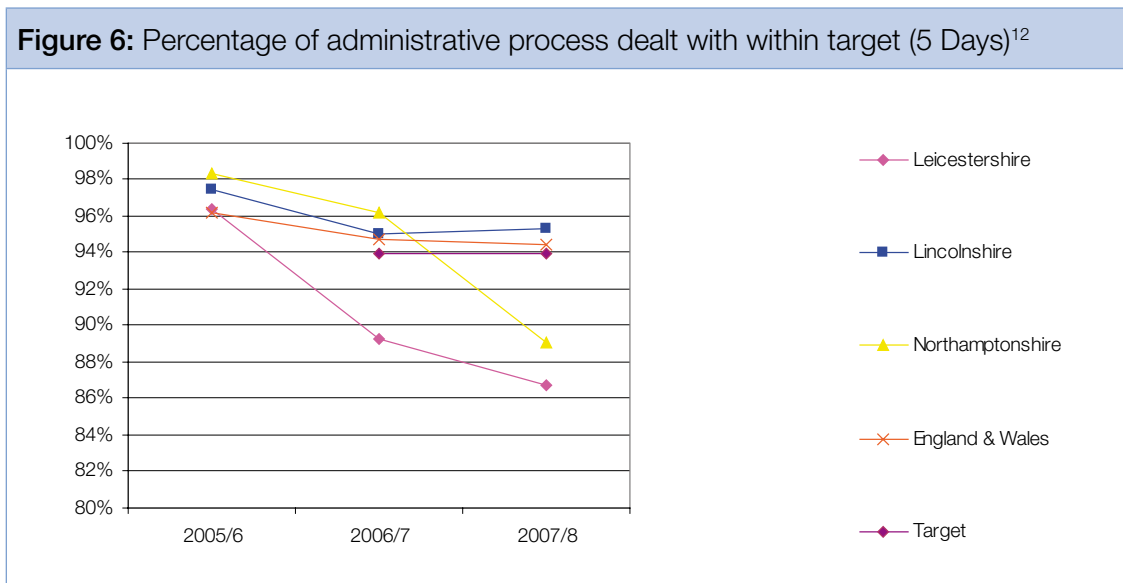
Figure 5: Percentage of multi-track cases heard within target (50 Weeks)¹¹



¹¹ Source: HMCS Performance Directorate. Data correct on 11 June 2008. National Target 78%.

3.67 Inspectors understand that performance can fluctuate due to the relatively small number and complexity of fast and multi-track cases dealt with at individual courts. The annual reports for 2006–07 by DCJs and the Regional Director set out and commented on performance against key targets in the completion of hearings. However, Inspectors note that the Area and judicial Group geographical boundaries are not aligned and that the Area has not yet undertaken a systematic overview of variations in performance. Inspectors were pleased to see some noteworthy practice in Leicestershire and Northamptonshire, where an analysis of data concerning fast and multi-track cases was undertaken and circulated to court and office managers and provided to the Designated Civil Judges. This identified the reasons for delays in particular cases, and examined discrepancies between national and local data. In Lincoln, key stakeholders were helpfully provided with a quarterly summary of performance data and brief commentary on key factors affecting performance.

3.68 Staff at all levels throughout the Area are clearly committed to achieving the target to complete administrative processes within five days. There was a strong sense amongst operational staff that performance on other targets would flow from good performance in this area. However, headcount constraints in 2007–08 adversely affected staffing levels, training and performance. Additional fee income was used, with Area support, to fund overtime and temporary staff and help deal with arrears of work which built up during the first half of 2007–08. However, there was concern among some staff as to whether improved performance could be sustained. Lincolnshire successfully maintained a high level of performance in 2007–08 and dealt with 95.3% of administrative process within five days, exceeding the national target of 94% and the average performance of 94.4% for England and Wales. Courts in Leicestershire and Northamptonshire made determined efforts and recovered positively from several difficult months in 2007 to be close to or above target performance towards the year end, but, with annual performance of 86.7% and 89.1% respectively, could not recover sufficiently to achieve the national performance target for the year as a whole (see figures 6 and 2).



¹² Source: HMCS Performance Directorate. Data correct on 11 June 2008. National Target 94%.

Initiation of claims online

3.69 As part of its commitment to the Breakthrough promises, the Area Delivery Plan for 2007–08 included a commitment to put in place, ‘...systems and incentives to ensure that the vast majority of civil business is initiated online.’ Inspectors noted and commend the efforts by individual county courts to encourage local authorities to initiate possession claims online using PCOL. However, there was as yet no Area-led strategic consideration or monitoring of the implications of the growth in use of on-line channels, MCOL and PCOL, for the development of the county court business. A need for more active Area consideration of these issues is suggested by the possible development of national targets to increase the initiation of claims on-line.

Learning & development

3.70 The Area’s self assessment recognised the need to develop experience in office procedures among staff at all levels to increase flexibility and resilience, and for enhanced training of first line managers to improve familiarity with and communication about the full range of national targets for county courts. The value of experienced multi-skilled staff in court office sections was clear to Inspectors. In the context of Recommendation 1 above, we encourage the Area to develop and resource a strategic training plan to promote administrative resilience which supports the timely and efficient progression of money claims.

3.71 It was clear to Inspectors that not only do experienced, multi-skilled staff contribute to flexibility in operational capacity, their understanding of the business holds potential to contribute to the improvement of business processes. Inspectors were pleased to see, at Leicester county court, a well-presented office notice-board aimed at encouraging staff to share good ideas and promising practice. Inspectors found examples where staff had worked together to find solutions to operational challenges and to deliver improvements, such as the development of ‘civil court clerking guidelines’ at Northampton. However, staff at Area level and individual courts were often unaware of process developments and initiatives at other courts. At Area level, though Area management undoubtedly aspires to promote an improvement culture, no systematic process has yet been developed to encourage staff to challenge ‘the way things are’. In the context of Recommendation 1 and of its work on national and regional business improvement strategies, we encourage the Area to develop ways to harness the potential of all staff to contribute to business improvement and to the sharing and adoption of good practice. We also encourage the Area to build on ongoing work at national and regional levels to model robust and appropriate staffing levels for the Area’s county courts.

3.72 The Area's 2007–08 plans and pre-inspection self assessment rightly placed emphasis on training needs. However, at operational level, Inspectors found instances where national initiatives were introduced without fully adequate or timely national training provision for frontline staff, resulting in uncertainty about advice to court users, for example in the case of new fee concession arrangements. Staff locally took initiatives to equip themselves with the knowledge and understanding necessary to deliver an acceptable level of customer service. For example, staff at Northampton developed a prompt sheet for counter staff to use when advising on fee concessions. However, the Area was not yet able to assure itself that new fee concession rules are consistently applied.

Quality standards

3.73 Inspectors found some variations in practice between court offices and sections in the checking of data and the quality assurance of work practices. Such variations, ranging from no checks, through 10% sampling, to 100% checks of instructions for payment, relate in part to the different checks required by HMCS risk control and other procedures. Section heads are familiar with the risk control requirements which apply to their area of work, but are not always aware of those which apply to other areas. Systems are not yet in place to enable the Area to assure itself of the integrity of performance data and the quality of work undertaken. In the context of Recommendation 1, we encourage the Area to develop systematic and appropriate approaches to the checking of data and work quality, and to ensure that these are consistently applied. Inspectors noted the following examples of initiatives by particular staff which may merit wider application.

In Leicester and Northampton, significant differences were identified between national and local performance data relating to the completion of fast and multi-track cases. A comprehensive analysis of cases was undertaken and circulated to court and office managers and the DCJ. This identified reasons why particular cases exceeded target time and highlighted variance between local and national data. This analysis helped staff identify a training need concerning data entry on the CaseMan system. Training was developed and provided to ensure that staff understand the requirements of CaseMan, the correct screens are completed on the system, and a more accurate picture of performance is produced.

SCMS staff identified that staff sometimes omit to update CaseMan when cases are settled without a hearing, so that such cases are under-recorded. A 'spot check' on CaseMan data in November/December 2007 found 40 – 50% of cases were incorrectly recorded. Staff have prepared draft guidance for court clerks on which CaseMan codes to use when cases are settled.

Partnership

3.74 Inspectors found varying degrees of engagement by court staff with the judiciary regarding local performance on national targets. The recently agreed HMCS Framework Document, reflecting partnership between the Lord Chancellor and the Lord Chief Justice, sets out the objective of 'continuous improvement of performance and efficiency across all aspects of the courts' work, having regard to the contribution the judiciary can appropriately make'. In this context, we encourage the Area to develop an increasingly effective dialogue with the judiciary about the Area's priorities, plans and performance.

IT

3.75 IT provision varies between the courts. Some is unsatisfactory and requires time-consuming administrative support to IT systems. The Area is aware that it lacks any overall plan to optimise the use of IT to support the business of the courts. Inspectors are aware that the Area participates in national programmes to roll out IT initiatives. We found concerns in LLRN, as in other areas, about some aspects of national IT developments, including the impact on administrative systems of PCOL arrangements, the inefficient interface between PCOL and e-diary systems, and some problematic early-stage impacts of the SUPS CaseMan upgrade. At local level, inadequate IT provision at some courts gives rise to inefficiencies in court administrative processes, for example at Boston county court. In the context of Recommendation 1, we encourage the Area to give careful consideration to, and plan for, the implementation and use of appropriate IT systems, and their wider implications for the organisation and operation of county court administration.

Civil Business Strategy

3.76 Neither the Area nor individual courts have yet considered the priorities for the county courts in response to key strategic objectives for business improvement within the Regional Civil Business Strategy which was signed off in early 2008. As the Area and staff are increasingly aware, the planned national roll out of the CaseMan upgrade provides an opportunity for improvement of the business processes, effectiveness and efficiency of the county courts. As part of Recommendation 1, we encourage the Area to ensure that priorities for the LLRN Area are identified and action taken to deliver key objectives of the regional Civil Business Strategy, including to:

- deliver real process improvements
- improve resource utilisation
- increase delivery capacity
- deliver HMCS performance targets.

Quality of Service for county court users

3.77 In relation to quality of service for county court users we looked at:

Treatment and information - to see if the staff provide a high quality of service, that takes account of the diverse needs of users.

Facilities – to see if the buildings are accessible and offer adequate comfort, relative to waiting times, and appropriate privacy for discussions between the relevant parties.

Safety and security – to see whether appropriate levels of security are in place to meet the needs of all county court users.

Overview

County court users are treated with excellent levels of courtesy and this is much appreciated by court users. Frontline staff, including ushers, court clerks and security officers are approachable, friendly and helpful. Staff are pro-active in ensuring that users are kept as up to date as possible regarding their hearing when at court. Practical support is offered where necessary, for instance, for disabled people. However, staff awareness of diversity issues surrounding oath taking is variable and procedures are not always prominently displayed. In some cases, managers have not had training in diversity and equality for several years, and are concerned that they need refresher training.

A fair range of written information is provided for users through notice-boards and various leaflets. Some courts have produced user friendly and good quality local guidance on various topics. However, there are variations between courts in the range and quality of information for users, dependant in part on co-location. Information is generally good and comprehensive at Lincoln. Public information about performance against targets reflects HMCS approved format. Information about courts' response to complaints and feedback is rare. The Area has not audited court users' information needs, or strategically guided the provision of information and spread good practice. With regard to language provision, the Area has not strategically considered diverse needs, for instance, for speakers of minority languages or blind people.

Facilities for county court users offer generally good levels of comfort relative to waiting periods. The Area recognises that there are no specific prayer facilities at courthouses, and the availability of rooms that can be used for this purpose is not advertised. Washing, toilet and nappy changing facilities are generally good across the Area.

County court users are generally able to enter court buildings and courtrooms, and to conduct their business with appropriate levels of privacy. The Area has invested in welcome, additional consultation facilities. Not all courthouses are fully suitable for use by disabled people but effectively managed approaches are generally available.

Most courthouses, including custody facilities visited, have generally satisfactory arrangements in place to ensure the safety and security of all court users. However, there are some issues concerning health and safety and security which have been raised with the Area. County court users in custody or placed in custody are provided with appropriate levels of safety and security.

Treatment and information

- 3.78 County court users in the LLRN Area are treated with excellent courtesy and respect by HMCS staff and are provided with appropriate help and assistance. Ushers, court clerks, receptionists, security staff and managers show high levels of commitment to ensuring that court users' experience in the county courts is as positive as it can be. For example, representative views from security officers include 'we try to meet everyone with a smile because this helps put them at their ease as they come into the building, often with a lot on their mind'.
- 3.79 Ushers provide excellent service to county court users when at court for a hearing, and are proactive in providing updates to people who are waiting. Ushers manage the flow of court cases efficiently and effectively. They show patience, sensitivity and understanding as they assist court users, including complainants, respondents and professional users. Communication about the progress of hearings is effective between ushers, court clerks and the judiciary, and the parties involved in proceedings are promptly informed of any delay. In co-located courthouses where there are both Crown and county courts operating at the same time, county court ushers work very closely and effectively with their Crown Court counterparts.
- 3.80 Observations at the courthouses visited suggest that court users find frontline staff approachable and helpful. Where there are obvious health or mobility problems, users are offered assistance without fuss. For instance, at Lincoln county court an elderly user with a walking stick was very promptly escorted and assisted by an usher who explained the facilities available.
- 3.81 Inspectors were, however, concerned about oath taking procedures. Very few courthouses display prominent notices and guidance about oath taking procedures. Inspectors observed cases in which those giving evidence appeared not to have been asked, prior to entering the courtroom, if they wished to take an oath or affirm, and where witnesses were asked to read the text of the oath. It also appears that some county courts share copies of the holy books with a co-located Crown Court. We suggest that the Area: review the oath taking procedures which are currently in use by courts with a view to adopting good practice; and ensure that the county courts have available their own set of the holy books.
- 3.82 Staff awareness of diversity issues surrounding oath taking is variable. There is patchy understanding of considerations about the access, storage and use of holy books. For instance, some ushers were unclear about how menstruation might affect a Muslim woman's choice about whether or not to touch a holy book. Awareness of such points might avoid unnecessary embarrassment.
- 3.83 HMCS Regional policy is that new staff undertake diversity training shortly after joining, and the great majority of staff said that they found this useful in promoting an awareness of obligations regarding equality and diversity. However, in some cases, managers have not had diversity and equality training for five years or more, and are aware of the need to refresh this.

3.84 Generally, groups of county court users (including individuals, solicitors and bulk users of the courts such as local authorities) interviewed during the inspection were satisfied or very satisfied with the service provided by the courts. Solicitors and major users of the courts tend to have good relationships with their local courts and are satisfied that, if problems do arise, these can be discussed and resolved effectively.

3.85 The county courts in LLRN provide a satisfactory range of information overall to meet the needs of court users. A considerable amount of information, appropriately prioritised, can be found on notice-boards at all courthouses. The Courts Charter sets out standards of service for court users and this is prominently and widely publicised so that users are clear about the standards of service they can expect. HMCS complaints procedures are prominently displayed.

3.86 Inspectors liked the good, plain English, and helpful 'Information Pack' handouts on a range of topics such as *Issuing a Witness Summons*. This approach reflects good local consideration of users' needs. All the courts visited provided standard HMCS leaflets such as *Your first time at court? What you can expect* and these are sent out to users in advance of their attendance at court, along with local maps showing the location of public car parks.

3.87 Some courthouses provide booklets about the Citizens Advice Bureau and other local advisory services, and booklets such as *Have you been bitten by a loan shark?, No credit?; Don't Get Evicted – Get Advice* and *The Family Mediation Helpline*. The availability of such broader information in the county courts is welcomed and encouraged by Inspectors.



Leicester County Court - Notice board

3.88 Inspectors commend Lincoln County Court for its approach to the provision of information. The *Customer Service Plan* is based on a national HMCS survey and provides a clear strategy for the county with aims and objectives, including a good emphasis on aspects such as ‘meeting the needs of victims, witnesses and jurors... and meeting the needs of an increasingly diverse society to ensure that no one is disadvantaged in accessing or using our services’. Court staff are aware of the need to update this document and have early plans to do so. Several notice-boards include robust, carousel style ‘customer information’ systems. These provide good quality, indexed information which is thoughtfully located in different areas, for instance, before users reach the security point at the main entrance, and near the main enquiry desk. An example of good practice in the cell area was the large-print information painted on to a wall of each cell: ‘Drug/Alcohol problems? – Ask to speak to Addaction’. Coupled with frequent attendance by this agency in the custody suite, such information provides useful encouragement for the up-take of support. Good welfare links at Lincoln include a psychiatric nurse who attends the cells frequently to provide support.

3.89 At Skegness court, however, the provision of information and advice about county court business was very limited following co-location with the magistrates’ court in 2007 and the relocation to Boston county court of county court office functions for both Skegness and Boston. Inspectors are pleased to note that the Area has recognised that improved access to information at Skegness is needed.

3.90 Although positive practice in the provision of information was found in some courts, this is not yet strategically guided at Area level. The Area has not yet considered the needs, for example, of speakers of different languages, the blind or those with learning difficulties, and none of the Area’s county courts has carried out systematic research or audit of the diverse information needs of users in their localities. The catchment area of many of the Area’s county courts, including Leicester, Northampton and Boston, includes a wide and growing range of ethnic groups and spoken languages. Inspectors were therefore surprised to find that hardly any notices are displayed, or leaflets available in languages other than English. We suggest that the Area identify systematically the information needs of the diverse population.



Lincoln County Court - leaflet display

- 3.91 All courthouses display a poster on Area and national performance against key targets, using HMCS recommended format. However, the presentation of such information is not always user-friendly, and the provision of customer service-related performance information, for example relating to court charter commitments and complaints and feedback, is rare. Only Northampton court displayed responses to customer feedback and suggestions. As part of Recommendation 4, we encourage the Area to ensure that information on aspects of customer service performance, including complaints and feedback, is provided for court users.
- 3.92 HMCS complaints and feedback monitoring system is used by the courts, and many staff indicated that the substance and timely handling of complaints and any lessons from these are discussed at court managers' regular meetings. However, the AMB does not currently consider trends in complaints and feedback at Area level, and as part of Recommendation 1 we encourage them to do so.
- 3.93 The Area is at an early stage in the development of plans for customer service and community engagement and is taking welcome action on these in the context of positive preparatory work for Charter Mark accreditation. In the context of Recommendation 1, we encourage the Area to set standards for customer service which can be monitored by courts and AMB and reported to court users.

Recommendation 4

That HMCS in the LLRN Area:

Review the provision of information at county courthouses to ensure that this is appropriate, consistently of a high standard, takes account of equality and diversity, and includes information about customer service performance and feedback.

Facilities

- 3.94 All court users (including those with restricted mobility) are able to access all the county court buildings in the Area. Northampton County Court (co-located with the Crown Court) has a long, fit-for-purpose ramp leading from the ground floor entrance area to the first floor court waiting areas. Court users in wheelchairs are able to access some or all court rooms at each of the courts visited. Court users with hearing impairment have access to fixed or mobile hearing loops at all county courts in the Area. Staff showed good awareness of facilities and equipment available for disabled people.
- 3.95 Toilet and washing facilities are plentiful, including toilets for disabled people. All the courts visited had good facilities for nappy changing, generally located close to waiting areas.

3.96 Court buildings in the Area offer generally good levels of comfort to waiting court users. Parties to court hearings often prefer to wait in privacy. People may not want to sit and wait close to the other party to their case. They may also need to consult their professional advisers in confidence. The Area offers generally good levels of privacy to meet these requirements, though where a waiting area is shared by county court and magistrates' court users, as at Boston, the comfort and privacy of county court users can be adversely affected at busy times. Local managers monitor the facilities for privacy, mindful of very busy times in certain courts. At some courts, including one custody suite, the Area has created additional consultation rooms, ensuring that soundproofing is adequate. Inspectors found ushers and managers at all courthouses visited, whether large or small, very aware and understanding of court users' desire for privacy.



Leicester County Court - Interview rooms

3.97 The Area's self assessment recognised that there are no prayer facilities for county court users in the Area. Senior staff indicate that they would aim to provide for this in courthouse extensions and new builds. Locally, court staff expressed their willingness to make arrangements to provide prayer facilities, when needed, within existing accommodation. At one court where there had recently been a high profile case involving a member of the Muslim community, staff were pro-active in directing court users and members of the public to a local mosque. However, it is important that information should be available for all court users about court or local facilities for reflection or prayer. Notices about such facilities are not currently displayed in the courts visited.

3.98 Whilst waiting for a case to be heard, parties often want to purchase refreshments. All courts that we visited in the Area provide some form of refreshments. Some courts provide cafeteria facilities for a few hours a day. Hot and cold drinks machines and snack machines are available in all.

Custody facilities

3.99 Custody facilities at all the courts visited are satisfactory as regards space, fitness for purpose, comfort and cleanliness, access to toilets and washing facilities. Where the movement of disabled people to and from custody areas, for example to access a lift or disabled toilet, is difficult in some courthouses including Lincoln, Northampton and Boston, managed approaches are available and staff are familiar with these.

Safety and security

- 3.100 Most courthouses, including custody facilities visited, have generally satisfactory arrangements to ensure the safety and security of all court users. However, there are some issues concerning health and safety and security which have been raised with the Area.

Recommendation 5

Inspectors identified some issues about aspects of security, health and safety in the county courts which are the subject of a confidential recommendation.

Annex A

HMCS Action Plan

The Area has responded positively and constructively to our recommendations. The Area's response, overall improvement targets and key dates are summarised in this section.

HMICA Recommendation 1

That HMCS in the LLRN Area take steps to:

- Develop effective, prioritised plans for the implementation of key strategies for the county courts
- Analyse the Area's strengths and areas for improvement in relation to strategic priorities, and variations in practice, to identify good practice and promote business improvement
- Develop an Area approach to, and effective processes for, performance management – including improved monitoring, analysis and reporting of performance
- Ensure that management and organisational structures and capacity are appropriate to support these developments.

HMCS LLRN Area response

In the Area Business Plan for 2008–09 a key objective is to 'produce a three year delivery plan in line with the comprehensive spending review to ensure scarce resources are focused upon business need'. This will incorporate future planning for the delivery of civil business across the area and will take into consideration civil business national and regional policies and initiatives.

The structure for performance management within the region and the resulting capacity issues at Area level does not facilitate additional collection, monitoring or reporting of performance data. However, the area will work with the regional performance team to identify where support can be provided to the area to develop performance management and workload information that meets business need.

Administrative support is planned for senior Court Managers to enable them to devote more time to strategic and area level commitments.

The area is committed to developing and embedding a business improvement approach and a 'get it right first time' culture. Key objectives within the 2008–09 Business Plan include:

- Incorporate a 'simpler, better, cheaper' ethos through the on-going review of business processes; maximising opportunities created by new IT solutions and the Area estates strategy
- Develop a business delivery and improvement framework which incorporates business improvement / LEAN principles
- Provide the structure and support for staff to share knowledge, practice and experience across the Area.

LLRN have identified an alternative means of addressing the lack of capacity at Area level to drive consistent area-wide delivery and performance management through the creation of an area-wide civil business working group. This group will develop and take forward a civil business strategy and delivery plan and oversee performance management and business improvement for the county courts.

Overall improvement targets:

- Area civil business delivery group in place by 31/07/08 and first meeting held by 31/08/08.
- Area civil business strategy and delivery plan developed and agreed by 31/10/08.

By: October 2008

HMICA Recommendation 2

That HMCS in the LLRN Area:

Establish clear objectives and goals for equality and diversity, and develop and take forward a cohesive approach and structured plans to deliver these, including reviewing court users' diverse needs and refreshing diversity awareness training.

Overall area response:

- The area has already developed goals and objectives for equality and diversity and these are clearly stated in the Area Business Plan for 2008–09.
- An initial three month equality and diversity delivery plan has been developed and was agreed by the Area Management Board on 21/4/08. This will be reviewed and developed with more detail following the area-wide gap analysis against the recently developed Regional Equalities Plan.
- Equality and diversity training is currently being arranged for all LLRN staff. It is expected this training programme will roll over into 2009–10.
- Following the area-wide gap analysis, the Area will develop and deliver a single equalities scheme action plan with a timetabled implementation programme.

The systematic review of court information against court users' diverse needs forms a critical part of the Area's commitment to achieving Customer Service Excellence.

Overall improvement targets:

- Area Equalities Plan to be developed and consultation to have taken place by March 2009.
- Every member of staff to have received refresher equality and diversity training by June 2009.

By: June 2009

HMICA Recommendation 3:

That HMCS:

Develop, implement and monitor, as an integrated part of its long term business planning and delivery, a strategic and coordinated approach to proportionate dispute resolution to reduce the number of disputes being resolved in the county courts in LLRN.

Overall area response:

- As the East Midlands Small Claims Mediation Service serves two HMCS Areas, the following actions will need to include HMCS Nottinghamshire and Derbyshire.
- LLRN recognises the principle behind a more strategic approach to building relationships with voluntary bodies and funding bodies such as the Legal Service Commission and will seek to develop these relationships within the area. However LLRN also recognises that this needs to be driven at national and regional level and will escalate this issue to the regional civil delivery group.

Overall improvement targets:

- To increase the proportion of defended small claims that are completed otherwise than by a hearing (settlement) – target to be agreed nationally
- The proportion of defended fast and multi-track cases that are completed otherwise by a hearing – target to be agreed nationally.

By: September 2008

HMICA Recommendation 4:

That HMCS in the LLRN Area:

Review the provision of information at county courthouses to ensure that this is appropriate, consistently of a high standard, takes account of equality and diversity, and includes information about customer service performance and feedback.

Overall area response:

- The Area is committed to using the Customer Service Excellence Standard as a quality and continuous improvement tool. This provides the framework and direction for the area's strategy for delivering customer service during 2008–10. Work towards this automatically includes customer identification and segmentation and analysis of their needs; a review of the provision of information at the first point of contact, including a identifying the needs of court users; the monitoring and feedback of customer service performance and robust review of customer feedback and complaints. The actions included in this section form part of the Area's customer service delivery plan for 2008–10.

Overall improvement targets:

- To achieve Customer Service Excellence Standard accreditation by November 2009
- To increase to 45% the percentage of customers who were very satisfied with the overall service by March 2009.

By: November 2009

HMICA Recommendation 5:

Inspectors identified some issues about aspects of security, health and safety in the county courts which are the subject of a confidential recommendation and which the Area is addressing.

Annex B

Methodology

The inspection of aspects of the administration of the county courts in LLRN was the second pilot inspection of this type carried out by HMICA.

The Area was asked to provide, in advance of the inspection, briefing materials and a self-assessment of its performance in the areas to be inspected. Evidence was gathered from court users by telephone, letter and questionnaires. During the first week on site we carried out a survey of facilities (including the custody areas) court hearings were observed, and interviews were held with court users and relevant external stakeholders, such as advisory organisations like the Citizens Advice Bureau. As part of the process the judiciary in LLRN were asked for their comments on the services provided by the Court Administration. Five of the county courts in LLRN were visited. The inspection team then developed a series of hypotheses, which were tested, and further evidence was gathered, in interviews with staff at all levels during the second on-site period.

LLRN willingly cooperated with, and supported, the inspection. We particularly appreciate their contribution to the evaluation of aspects of the inspection methodology, which will help HMICA to improve our processes in future inspections.

Annex C

Performance data

Number of fast and multi-track mediations carried out under the auspices of the National Mediation Helpline (NMH)¹ in 2007, compared with the number of cases allocated to track during that period.

Note: data source HMCS - not verified for reliability and accuracy.

Court	Area	Fast	Multi	Total	Percentage of Total	Helpline Mediations
LLRN Area		1,506	766	2,272	0.48%	11
Leicester	Leicestershire	639	286	925	0.32%	3
Northampton	Northamptonshire	404	226	630	1.11%	7
Lincoln	Lincolnshire	284	179	463	0.22%	1
Grantham	Lincolnshire	56	13	69	0.00%	-
Newark	Nottinghamshire	41	7	48	0.00%	-
Skegness	Lincolnshire	25	20	45	0.00%	-
Kettering	Northamptonshire	25	16	41	0.00%	-
Melton Mowbray	Leicestershire	23	15	38	0.00%	-
Wellingborough	Northamptonshire	9	4	13	0.00%	-
England and Wales totals		51,050	27,570	777,990	0.07%	568

¹ The NMH is funded by HMCS as part of its efforts to meet the PSA 5 objective to reduce the number of cases resolved by way of a hearing.

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HMICA
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