

SEC release by the Leader, Kerim Fuad QC

HMCTS reforms

I am happy to report that last week I had a constructive meeting with Ms Susan Acland-Hood and Fiona Rutherford.

I sensed a real desire by them to listen to, and actively address, the many varied current problems that afflict, and at times choke, the criminal justice system, which I set out and provided in a document to them. Below I list some of the issues which we positively discussed.

Many of these problems also obviously very much affect the Family Courts.

We must take this opportunity to sort this out now as the system is clearly failing us all.

We seemed to be in agreement that:

1. In future, the Bar will be fully consulted beforehand to try to improve the system.
2. We should have an ID card system in place for every barrister (and HCA) to allow them to pass into a Crown Court quickly WITHOUT their bags being searched. The idea is that the advocate's name will be linked to the case showing on that court list that day. Technology should allow this to happen. This will remove delay, at times misery and intrusion, and help to smooth us into our day.
3. There should be proper canteens in court centres. The saving of time and improved harmony (not least to our health) are obvious.
4. There have to be proper lines of communication with the list office regarding the listing of all cases. This is failing badly at present.
5. There should be many fewer non-trial cases listed. Listing such cases should be the exception not the norm. Most hearings can be dealt with from home or chambers via email, telephone or a secure TV link. This will save us having to travel long distances at often great expense. *They must of course be remunerated in the same way.* Cases simply should not be listed unless there is

a real and proper reason to do so. Currently there are courts which are listing far too many cases at the very same time which is a complete waste of time and money. If they are to be called "SMART hearings" then let them live up to their name.

6. Access to prisons must be made easier and advocates ("legals") always processed first, before "socials." I would like all prison governors to be asked to achieve this ASAP.
Laptops should be allowed in with advocates without fuss. If a person on remand is transferred to another prison, the solicitor and barrister on the record should be notified by email immediately to stop wasted journeys to prisons.
7. There has to be better use of court space to free up many more conference rooms for those on bail and more rooms made available in the cells.
8. Courts should allow easy access by advocates to prison TV links so advocates can have short conferences mid-trial on other cases to keep other clients happy. (This will in turn help prevent tedious and costly applications to transfer solicitors).
9. Case ownership and courts actively trying to accommodate advocates' dates to avoid properly, to encourage work to be done on a case.
10. Proper and timely disclosure by the police/CPS.
11. CPS to upload material in the correct sections of the Digital Case System. Discs to be accessed on DCS rather than us being handed a DVD that is usually not Apple Mac compatible (frustrating when the majority of us use Apple Macs).
12. The scheme must be national so that "rogue" local practices do not emerge.
13. *If advocates have ideas for improving the current system please email Ms Acland-Hood with them.*

Split Shift Pilot Scheme

I must take this opportunity to commend and thank HHJ Hillen, the Resident Judge at Blackfriars, for the huge amount of time, care and thought he has given to this topic on behalf of all.

We await the announcement of the independent evaluator due very soon. I am loath to say very much more until they are in place.

I have impressed to Ms Acland-Hood the fact that any pilot split shift with Crown Court morning AND afternoon sessions would not work for all the reasons I have previously articulated.

Furthermore, I made plain that the Crown Court TRIAL component should be removed altogether from the pilot scheme for reasons I have already set out.

I understand that the pilot still suggests the scheme only operating in 2 of the courtrooms with the other courts in that court centre operating normally.

I reiterated that until we have in place an effective and practical means of clerks, barristers and solicitors communicating with listing offices, and have all courts with suitable, functional, clean accommodation and canteens, any extra foot-fall of court users would be unsustainable.

I explained that in fact and in practice the most effective crown court sitting day is a 10.15am start, rising at 4.15pm to allow advocates to have the conferences at court/prison TV link cons, liaise with co-counsel/make calls and emails on all the other hearings and cases for which they have responsibilities.

This will ensure the cogs are oiled on all cases making all the cases more productive.

Further meetings

I am meeting the Lord Chief and LJ Leveson with fellow Circuit Leaders tomorrow and LJ Macur, the Senior Presiding Judge, on Wednesday.

14/1/18

Kerim Fuad QC
Leader SEC