



Courts and Tribunals Judiciary

Greater Manchester Crown Courts

Revised Guidance – CVP and BCM

Guidance regarding Court attendance by CVP was last issued during the Covid crisis and now requires updating. Similarly, it has become clear that the revised Better Case Management scheme, in operation since mid-January, should be accompanied by an indication of local policy.

Attendance by CVP has enabled much work to be done that otherwise could not have been, and it is recognized that “remote” attendance is now a permanent feature of Crown Court proceedings. That said, attendance by CVP can be sub-optimal and where attendance by CVP is permitted it is to be emphasized that attendance in person will always be preferred. Advocates should attend in person if they can, even for the type of hearing for which prior permission to attend by CVP is not required.

The revised BCM handbook, with which all practitioners will now be familiar, somewhat changed the BCM landscape. The intention was and remains to focus on making the PTPH hearing in any case sent for trial as effective as possible, whilst recognizing that the efficient conduct of cases requires, in most instances, further pre-trial hearings.

This revised guidance will come into effect on Monday 5 June 2023 in each of the Greater Manchester Crown Courts.

CVP attendance by advocates.

1. For the following hearing types, advocates can choose whether to attend in person or to attend by CVP. *No prior application for permission to attend remotely is required and should not be made.* This general permission is subject to a direction made by the Court in any particular case that attendance must be in person (that is a direction overriding the general permission):

i) Bail applications.

- ii) Cases listed for mention or for directions or for FCMH's or PTR's, ***where the defendant's presence has been excused.***
 - iii) CTL applications.
 - iv) Agreed POCA hearings.
 - v) Ground Rules Hearings.
 - vi) Applications to vacate fixtures.
 - vii) Pre-trial hearings to determine admissibility or disclosure or other legal issues ***where the defendant's presence has been excused.***
- Items iii), vi) and vii) are likely to involve case specific considerations and so attendance by CVP, which will **usually** be acceptable, should be discussed at the time such hearings are fixed.

2. These hearings will not necessarily be given a time marking and if the advocate chooses to attend remotely the advocate must be available at all times. Advocates cannot expect that the clerk of the court will make contact in advance to alert them that a case is about to be called on.

3. If an advocate chooses to attend remotely by CVP, a widely shared comment stating that fact and giving the advocate's contact details must be added to DCS before 9:00am on the day of the hearing. Also, when connecting to CVP, the advocate must indicate in addition to the advocate's name, the party being represented and the name of the case.

4. If any instructions are likely to be required (e.g., when resetting dates) then advocates must obtain such instructions and communicate with all other parties prior to the hearing.

5. All those appearing remotely should be appropriately dressed for attendance at court.

6. Apart from the hearing types listed above, all advocates – Prosecution and Defence – will normally be required to attend **in person** at all other hearings. This requirement to attend in person applies whether a Defendant in custody is attending the hearing by PVL or is produced from custody. **Only in an exceptional case and with the permission of the Court may an advocate attend other hearings remotely.**

7. Permission to attend remotely will not be required if a judge has at a previous hearing specifically granted permission for CVP attendance at a particular future hearing. **Such permission will be endorsed on the DCS, and if not so endorsed then there is no such permission.** Any application for

remote attendance at hearings other than those identified in paragraph 1 above must be made in accordance with the requirements set out below and must provide sufficient information (sufficient does not mean simply saying “Counsel part heard elsewhere” – details of recent contact with client/instructing solicitors and arrangements for speaking to the client before any hearing, will be the type of information necessary) to enable the court to consider the “interests of justice” test. Requests citing mere “convenience” will not be considered. Advocates must not presume that a request will be granted, and the parties must prepare for the hearing on the basis that attendance by the advocate in person is required unless and until permission to attend by CVP is given.

8. Any application for permission to attend remotely must be made no later than 1pm on the working day before the date of the hearing. This is a strict time limit.

Applications must be sent by email only to:

Crown Square; dailylisting.manchester.crowncourt@justice.gov.uk

Minshull Street; Listing.manchestermishullstreet.crowncourt@justice.gov.uk

Bolton; Listing.bolton.crowncourt@justice.gov.uk

If the applicant knows that the case is reserved to or listed before a particular judge, the name of that judge must be stated in the email request.

9. The directory of CVP links for the Greater Manchester Crown Court appears at Section A of all cases on DCS (the directory is in the process of revision, but the CVP links will not alter). Practitioners should use this directory to identify the correct CVP link, in conjunction with the court daily lists, and court staff will no longer routinely setup a CVP link.

Revised BCM guidance

10. Diligent compliance by all parties and agencies with BCM principles as set out in the BCM Revival Handbook is vital to post-Covid recovery and adherence with BCM principles will be monitored and enforced by the judiciary. Judges will expect rigor in compliance with BCM.

11. The sending hearing in the Magistrates’ Court is an important hearing and the BCM form must be

completed in full and with care. The importance of early indications of guilty pleas cannot be over-emphasized. Where NG pleas are indicated the BCM form must give an indication of likely issues and set out material required to be provided prior to the PTPH hearing. Where guilty pleas are indicated, defence representatives must consider whether a PSR will be required and must alert the Probation Service as appropriate.

12. The PTPH will continue to be listed 35 days after sending, but in that period the parties must engage and prepare fully for the PTPH. Engagement should be recorded in brief summary by appropriate notes on the DCS. If circumstances are such that some short delay in the hearing of the PTPH would be likely to result in early resolution, then the parties must discuss alternative dates for the PTPH with the relevant listing office – this must be done at least 7 days before the existing PTPH date.

13. The judiciary will, where possible, review cases sent for trial in advance of the PTPH. The “paper” review will generally take place between 1 and 2 weeks before the PTPH and any note or direction made by a judge and recorded on DCS must be considered and complied with as if it were a direction made in Court.

14. If a guilty plea has been indicated on the BCM form, the PTPH will be listed with sufficient time for the case to proceed to sentence.

15. At the PTPH, if on arraignment not guilty pleas are entered (or if a not guilty plea is indicated where arraignment is not appropriate), a trial date will be fixed, and directions will be given. Those directions will generally include fixing **both** a further case management hearing (FCMH) **and** a pre-trial review (PTR). Because fixing a FCMH **and** a PTR will be the default direction, advocates at PTPH should be prepared if necessary to address why there should not be both such hearings in any individual case.

16. As regards “stage” dates, it is incumbent on the parties at PTPH to consider with care their ability to comply with standard directions. Whilst not encouraging deviation from standard stage dates as set out in BCM, the Court will generally be content with stage dates that are realistic rather than aspirational – the timescale to trial must always be kept in mind.

17. A FCMH will generally be set shortly after the stage 2 date (service of Defence Statement). The FCMH will be treated as an early pre-trial review and further directions for trial will be given. Credit for a guilty plea entered at the FCMH will be a matter for judges to consider in light of the particular circumstances of the individual case, but credit is likely to remain close to the 25% mark.

18. Applications to extend Stages 1 and 2 will not be dealt with administratively, and such requests should not be sent to the Court. Outstanding issues will be dealt with at the FCMH. FCMH’s will not be adjourned

administratively if directions have not been complied with. For directions not complied with post-FCMH (or where no FCMH has been fixed) which may put the trial date at risk and cannot be dealt with at a subsequent PTR, parties must notify the court via email. The correspondence should include detail of the reasons the trial may be at risk, actions taken to resolve any issues, and an agreed hearing date and estimate for the hearing of any application. A judge will decide whether the issue requires a hearing or can be dealt with administratively.

19. At PTPH, the PTR will be fixed to take place between 3 and 5 weeks before the trial date. Unless specifically excused, defendants will be expected to attend the PTR as will trial advocates. Litigators must complete trial readiness certificates no less than 7 days before the PTR (as required by BCM).

20. Trial advocates, whether attending the PTR or not, must upload the revised PTR form (appended to this guidance) no later than 9am on the hearing date for the PTR and, if not attending the PTR, must discuss any outstanding issues with the advocate attending in their stead. The updated PTR form (which is not intended to replace Certificates of Trial Readiness, but to supplement such certificates) must be used in all PTR's listed in the Greater Manchester Crown Courts on and after Monday 2 June 2023.

HH Judge Nicholas Dean K.C.

HH Judge Maurice Greene

HH Judge Martin Walsh

19 May 2023

