

HOW TO USE THE ONLINE PTPH FORM



The ONLINE PTPH form will be available for use from 10 March 2016

<p>Introduction and Guidance December 2015</p>	<p>This guidance is supplemental to the PTPH Introduction and Guidance Notes updated in December 2015. That document outlines the elements of BCM and the principles behind the PTPH and can be found on the MoJ forms site here https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015</p> <p>Guidance on how to use the PTPH form within the DCS can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506930/crown-court-digital-case-system-user-guide-manage-pre-trial-preparation-form.pdf</p>
<p>What is changing</p>	<p>The new form will be much easier to use, particularly in multi-defendant cases, and the opportunity has been taken to draw on the experiences of the early adopters to re-order and improve the form. The key changes are:</p> <ul style="list-style-type: none"> • The online form does not need to be downloaded and uploaded. Parties and the court can complete information within the DCS – even simultaneously. • The form can be auto-populated with information from the CPS computers improving speed and accuracy. • Some more information is required from the parties – this reflects issues that arose with the early adopters. • The court's section has been re-ordered the better to reflect the sequence of events during a PTPH. Some of the standard orders have been revised and additional orders added following requests from the early adopters. These are explained in more detail below.
<p>What about non-DCS courts or non-DCS prosecutors?</p>	<p>Although non-DCS courts will not be able to use the online form the CPS will put into use the revised format in place of the original. Non-CPS prosecutors, such as local authorities, will need to use the revised PTPH form available from the Ministry of Justice website at https://www.justice.gov.uk/courts/procedure-rules/criminal/forms-2015 or links there and circulate it by email. The site provides forms for up to 10 defendants. The revised form is generally referred to as the ONLINE form to distinguish it from the original PTPH form.</p>
<p>What about defendants</p>	<p>Defendants in person will not have access to the DCS. It follows that the CPS and other prosecutors will serve papers (including a part complete PTPH form) on paper.</p> <p>The court will complete the online PTPH form with the orders and print a</p>

PTPH – HOW TO USE THE ONLINE FORM

in person? copy for defendants in person.

How to use the Online form Users of the DCS will be familiar with the green menu of buttons. When the online PTPH form is available you will find a green button labelled PTPH. Click on that to bring up an editable PTPH screen. This has the same information as the "paper" form but is formatted differently to assist with online completion.

The Prosecutor will populate the prosecution information 7 days before the hearing. For the CPS this will involve completing the PTPH form in the CPS computer and uploading it into the PTPH section on DCS at which point the green PTPH button will become functional. This transfer of information will insert the names of the prosecution witnesses into the witness list in the parties section and the judge's section. In a multi-defendant case the form will be tailored to the number of defendants. (Non-DCS prosecutors will circulate a form tailored to the number of defendants by email).

Each defence representative should complete their information by two days before the hearing although changes can be made up to and during the hearing.

The court will complete the orders section including the stage dates.

At the end of the hearing the form – with its orders will be fixed as that represents the orders made by the court at that hearing.

There is a button on the editable PTPH screen that enables the user to download it as a PDF document and keep it in their own system. The finalized PTPH form will be viewable in the PTPH section of DCS and the PTPH Part 2 of the form will be viewable in the Judges' Orders section of the Bundle.

Emphasis on issues The experience of the early adopters is that time spent identifying the real issues in the case was worthwhile. Parties are expected to identify the issues in very broad terms at the Magistrates' sending hearings and rather more information is to be expected by the time the PTPH form is completed. This can then inform the discussion about witness requirements.

Witness Requirements Experience so far is that time spent sorting out the real witness requirements at PTPH is well worth while. It avoids a host of witnesses being warned when their evidence is not really in dispute and means that the witness warning teams can concentrate on those whose attendance is really necessary.

The revised form prompts and facilitates this examination with tables in the parties section and in the court's section.

PTPH – HOW TO USE THE ONLINE FORM

Parties: The table in the parties section will be pre-populated with names of witnesses by the prosecutor. Each defendant will have to indicate those witnesses who are required to attend for cross examination (in which case an indication of the relevant disputed issue must be provided) and which witnesses are not disputed.

The Court: The court will complete a parallel table in the second section. This will already have been pre-populated with the same list of witnesses as in the parties section and the court can then confirm which witnesses are to be warned for trial. On the same table the court can conveniently make specific orders for those witnesses where these can be made without further formality.

Thus a court might make a special measures order by inserting SMEAS and providing details of the type – eg ABE and Screens. Other orders that might be made are for the use of satellite links, UK remote links or for witness summonses.

It remains the case that defendants must still submit a **Standard Witness Table** at Stage 2. The defence cannot be expected to provide final witness requirements before they have had a chance to consider the case as served at Stage 1. It will be the Standard Witness Table that finally determines the witnesses to be called at trial.

Other changes

There are a range of other changes and additions. For example:

- There is provision for s.28 YJCEA 1999 hearings (pre-recorded cross-examination of vulnerable witnesses)
- The orders to identify issues with streamlined forensics and whether a full forensic report is needed have been improved.
- There are changes to the standard orders for vulnerable witnesses.
- Better provision is made for orders where fitness to plead is raised as an issue.
- More detailed orders are provided to address third party disclosure issues.
- There is provision for a judge, in an appropriate case, to direct the provision of, for example, an opening note, draft agreed facts or a jury bundle index.

Why is the form longer not shorter?

The form is longer than before. Each change has been proposed from the experience of the early adopters and the subject of debate and no addition has been made without careful scrutiny.

It is recognised that the court will necessarily take some time to complete the form but that will provide clear written orders to take the case towards trial.

Some courts are still concerned that it is necessary to put in a date for each of the staged orders individually. Even before we have dates inserted

PTPH – HOW TO USE THE ONLINE FORM

automatically users should keep in mind that inserting a single date for eg. Stage 1 applies to all the Stage 1 orders unless otherwise provided.

It assists the CPS if orders that are definitely able to be ruled out at PTPH are marked as such. This is because the CPS will be tracking all the directions in this section, unless otherwise indicated.

The response of the CPS, Investigators and Defence to the forms during the early adoption period has been extremely positive and it is clear that some time spent in court ensuing clear and clearly recorded orders is of immense value in securing accurate and timely compliance.

The form retains a fair amount of explanatory wording. The form is read and used by a range of people from experienced judges and advocates to clerical staff who may have limited knowledge of rules and procedures.

Why can't the PTPH orders be edited after the hearing ?

There will be occasions when either prosecution or defence make justified applications, for example to extend time. Often those will be dealt with by adjusting the stage dates to accommodate the need for extra time or by making individual orders. Many would like to do that by editing the dates on the PTPH orders rather than by stand alone order. At this stage that cannot be done. The reason is that it would not be workable or practicable for the CPS or Defence solicitors to pick up the alterations from an edited PTPH form.

Therefore any order made subsequent to the PTPH (including variations to the PTPH orders) must be made as a separate stand alone order.

Making further Orders

Any further orders must be prepared as a word document and entered into the "Orders" section

Where an order is made in the absence of the parties (such as an administrative order) and uploaded to the DCS the parties will need to be notified, usually by email, that the order has been made. (See CrimPR 4.6 on service).

The future

The working and content of the online PTPH form will be under review. One revision already being considered is that within the ORDERS section the stage dates (based on the date of sending and whether a defendant is in custody or on bail) will be auto-populated, although it will be capable of being changed by the judge as necessary. It is also hoped that there will be a green ORDERS button similar to that for PTPH which will make it easier for the judge/court to post written orders.

Expect a 6 monthly review. Piecemeal changes are not realistic because of

PTPH – HOW TO USE THE ONLINE FORM

the linkage between the DCS and other computer systems.

In the future the Common Platform project will provide more opportunity for linkage, for more electronic case management and monitoring, and for more sophisticated listing.

Improving the Form

Court users who would like to propose adjustments to the form or to suggest additional, or re-phrased, standard directions are encouraged to make suggestions to BCM.info@judiciary.gsi.gov.uk.

Signed: Lord Chief Justice

Senior Presiding Judge

President