

Digital Transfer of Adult Warrants Service Level Agreement

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Introduction

This National Service Level Agreement (SLA) sets out the minimum requirement of His Majesty's Courts and Tribunals Service (HMCTS), Police, and His Majesty's Prison & Probation Service (HMPPS): that all documents will be sent digitally when dealing with any person in court who is either remanded in custody, serving a custodial sentence in a prison, or appearing on a prison court video link (PCVL) from a prison or from a police custody suite in a video-enabled remand hearing. Among other things, this specifically includes:

1. Any case where the defendant has been granted bail by the court, but nonetheless is detained pending a bail appeal hearing at the Crown Court because the CPS has appealed the decision to release on bail.
2. Any situation where the defendant's case is on a PCVL for a bail/remand hearing (whether they appear on the link or not) and is then released on bail by the court at that hearing, with or without conditions.
3. Wholly or partially non-custodial outcomes (including acquittal) when defendants are produced from Prison custody in person or via PCVL.
4. Any situation where, in advance of any listed hearing for a defendant remanded in custody, HMCTS receives a Notice of Discontinuance¹ from the Crown Prosecution Service that requires the Court to list the case and review the defendant's custodial status; and
5. Any situation where in the Crown Court, an individual is committed to prison for a civil contempt of Court².

The SLA covers cases managed by HMCTS Common Platform and legacy systems (Libra and XHIBIT). Where there are differences in process between the systems these have been clearly called out. The agreement has been written in a way that will aid with transition post legacy system decommissioning.

The agreed aims and objectives of this agreement are:

1. To ensure the timely and complete transmission of remand or imprisonment warrants between courts, police custody suites and prisons, and any supporting documentation.
2. To set out clear and consistent processes that each agency should follow, including contingencies when one or more IT systems fail; and
3. To facilitate a seamless transition from current variable digital and paper processes to consistent national processes that are digital by default, and on to processes that are wholly or partially automated.
4. To outline how adherence to this SLA will be monitored.

Alterations to this agreement

This service level agreement represents the respective obligations of each signatory agency on the date that it is signed. It is accepted by all signatories that there will be occasions when changes to this agreement are required.

The signatories agree that:

1. Where there are minor, administrative alterations to the agreement or its appendices that are required (such as the alteration of an email address or contact number) HMCTS Courts and Tribunals Development Directorate will make those alterations and recirculate the agreement to the signatory agencies and update the version control below and document footer.

¹ Existing staff guidance on discontinuance/offering no evidence must be followed particularly where the defendant is not produced.

² Warrants will need to be drawn, scanned and emailed directly to the appropriate custodial establishment and shared with PECS

2. Where there are substantive alterations that do or could involve, as examples:
 - Alterations to any of the obligations of any signatory agency; or
 - Alterations to any of the internal processes of any or all signatory agencies; or
 - Legislative changes affecting one or more agencies; or
 - Any change that does or could have an impact on any one or more of the other signatory agencies; or
 - In anticipation of significant digital advancements.
3. Such changes will be referred to the multi-agency Performance Improvement Working Group for consensus on the suggested change(s).

Disputes

It is expected that implementation and application of this SLA will significantly reduce incidents of operational failure, and where such incidents do occur these will be resolvable at a local level. However, where this is not possible, and requires escalation, it will be through this Steering Group via the relevant agency representative.

Contingency Plan

If there is an IT failure, the court, prison and PECS contractor will use the contingency plan set out in **Annex A**, reverting to paper transfer of documents.

Version Control

Version	Date	Details of changes
2.1	May 2023	<ul style="list-style-type: none"> Document reviewed and updated to take into consideration Common Platform roll out and recent process and policy changes. Contact details moved to a separate annex. Escalation routes established.
3	September 2023	<ul style="list-style-type: none"> Document updated to reflect changes to Annexes. Wording changed process for transferring bail orders to prisons.
4	October 2023	<ul style="list-style-type: none"> Common Platform Self Serve process removed.
5	November 2023	<ul style="list-style-type: none"> Remove the requirement to send bail orders as an urgent separate order similar to warrants as this is covered by court registers or other means.

HMCTS obligations

1. When a defendant appears in court (either in person, from a police custody suite or on PCVL), the court will share the warrant/warrants³ and any supplement to the warrant⁴ to:
 - a. By default, the site calendar prison for the committing court based on defendant age and gender; or
 - b. The prison where the defendant is detained because the defendant is appearing via Prison Court Video Link (PCVL) or information is known by the court confirming where the defendant is being detained;
 - c. The police custody suite if the defendant is located there.
 - d. PECS contractor's secure court email address⁶.

The warrants will be automatically made available (for cases managed within Common Platform), except for **point c** above which requires the warrant to be emailed to the police. For cases managed by the legacy systems (Libra/XHIBIT) warrants are to be sent via email.

Any email service of the warrant is to be within **one hour** of the conclusion of the hearing in the Magistrates' Court, and within **one hour** of the conclusion of the hearing for remand orders and within **one hour** from when the clerk's sentence breakdown is confirmed by the Judge in the Crown Court.

2. There may be exceptional cases where it takes longer than an hour for a case to be completed. Should this happen the court is to communicate with the prison and PECS, via email, with either a holding document that shows the total length of imprisonment (Libra & Xhibit) or information of the outcome with **one hour** of completion of the case⁷.
3. The court will notify the prison of **all** offences before it in respect of the person, including any bail conditions and non-custodial matters. This will be done through a Common Platform prison court register (PCR), Libra register or manual email of results including bail orders (Xhibit). The registers will also include details of any ancillary orders and are considered as official court documents.
4. Supporting documents that are also required to be shared via email with the prison (same establishment as the warrant) and PECS are:
 - a. A pre-sentence report.
 - b. A psychiatric, psychological or other medical report shared with the court for the purposes of the proceedings.
 - c. Any live ancillary protective order (whether imposed at the same time as the custodial sentence or not) made by the Court that prison staff would need to consider - including, but not limited to: a restraining order, a sexual harm prevention order, a criminal behaviour order, and a notification of a requirement to register on the sex offenders' register⁸.

For Crown Court XHIBIT cases, the following additional supporting documents are to be shared:

- d. The Indictment, in cases sent for trial from the magistrates' court.
- e. The Crown Court Details - Sentence case (CCDDDES) document in cases committed for sentence from the magistrates' court.
- f. A certificate of conviction or finding whereby operation of law registration on the sex offenders' register is triggered, with the registration period clearly stated.

³ An Xhibit sentence breakdown, to be shown in the additional notes on the Imprisonment Order. This can be copied and pasted from the XHIBIT log. It will allow the total sentence breakdown to travel with the defendant if moved to another prison.

⁴ The supplement to the warrant will include any additional information provided during the hearing including risk of vulnerability factors.

⁶ If the court site is an occasional court where the IT infrastructure has been decommissioned, email will instead be sent to the central GEOAmey mailbox specified in the annex.

⁷ Examples of this include complex results, multiple defendant or high number of offences.

⁸ The most obvious example would be a defendant imprisoned for the offence of breaching a restraining order, where that order remains in place post sentence.

5. Every effort should be made to share the supporting documents **within one hour**. However, in some circumstances if this is not possible, supporting documents can be shared **by the end of the day**.
6. Where the defendant appears from custody having been produced in person or appears via live link from a police station; or having been produced in person or appears via Prison Court Video Link (PCVL)⁹; and there are offences not covered by the custody order, the court must share non-custodial elements with the prison via a register (Libra & Common Platform)¹⁰, sentence breakdown, notice or confirmation email (XHIBIT) within **one hour**. Where emailed, a delivery receipt should be saved as part of the digital file.
7. Any emails sent from HMCTS to the Prison and PECS will be from a monitored generic email box to the named Prison's Reception and Offender Management Unit (OMU), the PECS contractor's e-mail address. Where the defendant has appeared from a police station for a video-enabled remand hearing, the court must copy the email to the police custody suite email address.

The email subject field should contain the following:

name of court; first and surname of defendant; date of birth; case number.

8. HMCTS will ensure that changes to Common Platform prison data is amended as soon as practicable so that communications are sent to the correct email address.
9. HMCTS will ensure that all efforts are made to send information/documents that needs to be emailed in a single email to reduce traffic and risk.
10. For instances where obligations have not been met and there is a risk that the prisoner could held unlawfully or released in error, including where information is missing, HMPPS will escalate issues using the following approach:
 - Level 1 – An email to the generic admin email inbox should be contacted to resolve the issue. *If this is not resolved within **one** hour of sending the email, proceed to level 2.*
 - Level 2 – A follow up email to the generic admin email inbox and CC the message to the Court Delivery Manager. *If this is not resolved within **one** hour of sending the level 2 email, proceed to level 3.*
 - Level 3 – An email directly to the Court Operations Manager and Crime Live Services.

If there is no concern of unlawful detention or early release, escalate at 1 working day increments.

The emails are to include the following subject line to highlight the urgency of the issue:

Urgent – Prison Immediate Release / Unlawful Detention Issue

⁹ It is expected that because of real time resulting the sharing of information will take place soon after the PCVL has concluded.

¹⁰ Notification is automatically sent via electronic data transfer (EDT) for cases dealt with through Libra and email through common platform, informing the prison of the outcome of the hearing once the case has been completed or shared.

HMPPS obligations

1. Authorised prison staff to ensure e-mailed documents are opened and assessed whether immediate action is required within one hour of receipt.
2. In exceptional circumstances where the warrant is not available at the point of reception into a prison, the Person Escort Record annotated with the outcome of the court hearing, becomes the authority to detain. See PSI 07/2015, Para 2.7.
3. In the event of a lockout or re-direction, the sending prison will forward all documentation from the court to the receiving prison as soon as possible and in any event within 1 working day.
4. If the defendant is not allocated to the site calendar prison¹¹, HMPPS or Private prison staff will contact the PECS contractor (for Serco the OCC and for GEOAmev the relevant local vehicle base) to establish the defendant's destination and forward (via e-mail) all documentation to the revised prison or police station lockout destination.
5. If the defendant is later placed in another prison it is the responsibility of the prison that transfers them to ensure all relevant paperwork is transferred to the receiving prison. It is not the responsibility of HMCTS or PECS contractors to provide duplicate documentation.
6. Where Prisons are not able to access required documents, in exceptional circumstances holding Prisons can request information from Courts.¹²
7. In any of the scenarios described in items 3, 4 or 5 above, and where a defendant is remanded in custody with a direction to appear via PCVL for the next hearing, the sending prison will ensure that the receiving prison is informed of that listing and direction. In addition, it will inform the Court where the defendant is due to appear of any change of prisoner location, to facilitate the administration of the next PCVL hearing.
8. Prisons can process a release on information held on the PCR, Libra register or Xhibit order and can provide the person with a copy of either of the registers if so required.
9. HMPPS will give HMCTS an initial list of secure email addresses for all HMPPS and privately-run prisons. Thereafter, prisons will review and maintain their own details, and ensure that any changes to these details are communicated with HMCTS so the central **address directory** can be updated. **Note:** As Common Platform uses this information as the addresses for forwarding Court documentation it is essential that this list is kept up to date. Courts should be notified as soon as practicable but minimum 2 weeks before changes are made to mailbox addresses to allow Common Platform to be updated.
10. PECS will via their contractors maintain a list of secure e-mail addresses and ensure that any changes to this list are communicated with HMCTS and prisons so the central **address directory** can be updated.
11. For instances where obligations have not been met, and there is a risk that the prisoner could be held unlawfully or released in error, including where information is missing, issues will be escalated using the following approach:
 - Level 1 – The Hub Manager email inbox should be contacted to resolve the issue. *If this is not resolved within **one** hour of sending, proceed to level 2.*
 - Level 2 - Follow up with the Hub Manager email inbox and CC the message to the Head of OMU. *If this is not resolved within **one** hour of sending escalation, proceed to level 3.*
 - Level 3 - Email directly to the Governor and the Deputy Governor.

If there is no concern of unlawful detention or early release, escalate at 1 working day increments.

¹¹ The site calendar Prison is the local prison that is the default receiving HMPPS Prison for the court.

¹² Option to be used when all internal and external systems checks have been unsuccessful in locating the required documents.

Police obligations (in a video-enabled remand hearing only)

1. At the end of the hearing, annotate the police custody record with its outcome.
2. Complete the Prisoner Transfer Request (PTR) form and send (via secure email) it to the PECS contractor as soon as practicable, and in any event within 30 minutes of the end of the hearing.
3. Open and annotate the Person Escort Record (PER) with the hearing outcome and detention arrangements at Part B, before the PECS contractor collects the prisoner.
4. Ensure that any changes to police custody email addresses are communicated to the local courts and PECS contractors who are affected by them.
5. If, for operational reasons:
 - a. A defendant is locked out in a police station without the police receiving the warrant; or
 - b. After a video-enabled remand hearing it has not been possible to send the remand warrant to the police custody suite within the 1-hour period; then the PER and the police custody record taken together become the default authority for the police to detain the defendant as an interim measure; and

The PER Part B, when annotated with the court outcome by:

 - a. The Police for any Video Enabled Remand Hearing; or
 - b. The PECS contractor in any other case becomes the default authority for any prison to detain the defendant in the absence of the warrant.


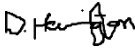
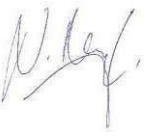
Standard Operating Procedures & Process Maps

To supplement and support this agreement, HMCTS, HMPPS Police and PECS have SOPs or Process Maps / guidance in place we will provide links to these within the annex B. Each agency agrees to promote these documents to further the aims and objectives of this agreement.

Review and Improvements

1. This will be done through the creation of a multi-agency Performance Improvement Working Group whose purpose is to measure, monitor and improve accuracy and timeliness of information between all parties to ensure delivery of an effective and efficient service.
2. Representatives from PECS, Police and Probation will be included on an invite basis where actions will require their input or will have an impact on their processes or delivery.
3. The working group will meet to investigate issues, ideas for service improvements and service level agreement amendments.
4. The working group will look to develop service level metrics to allow it to measure system level performance and delivery.

SIGNATORIES

Agency	Name	Date
Signed for and on behalf of HMCTS	 Jason Latham (Development Director)	01/06/2023
Signed for and on behalf of HMPPS & PECS	 Dominic Herrington	26/05/2023
Signed for and on behalf of National Police Chief's Council	 ACC Nev Kemp	