



HM Crown Prosecution
Service Inspectorate

Review of the performance of the former Areas of CPS Merseyside and CPS Cheshire

Follow-up inspection (Mersey-Cheshire)

February 2013



Chief Inspector's foreword

HMCPIS is committed to promoting improvement, and this principle is embedded in all our work. I am particularly aware that a follow-up inspection has a key role in helping the CPS focus on our recommendations, and I am pleased that Mersey-Cheshire has responded to this approach.

In April 2011 as part of the national restructure the former CPS Areas of Merseyside and Cheshire were combined to form a new CPS Mersey-Cheshire Area. This has resulted in alterations to the management team and structures as shared functions were amalgamated. I am pleased that, even throughout this period of significant change, the newly formed Area has been able to focus on the issues identified in our previous inspection in November 2010. The senior management team used the findings of our inspection report and the recommendations made to direct action to improve performance. An action plan to address the weaknesses we identified was swiftly prepared and implemented.

In 2010 some aspects of delivery were rated as poor. Significant changes were needed to address some performance and cultural issues. The change in management structure, together with the combining of the two former Areas into one and bringing most staff from both Merseyside and Cheshire into one geographical location, has acted as a catalyst for change. There is clear evidence that the new structure has resulted in significant progress in addressing the concerns we had.

All staff are to be congratulated on the progress to date particularly when taking into consideration the extent and speed of change since our last inspection. The senior management team will need to address the uncertainty this change has created if CPS Mersey-Cheshire is to continue to improve its performance and get the best from staff.



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Her Majesty's Chief Inspector

Contents

Chief Inspector's foreword

1	Follow-up inspection context	1
2	Executive summary	3
	The development of CPS Mersey-Cheshire	3
	Governance and leadership	3
	Managing performance	4
	Decision-making and casework performance	4
	Direction of travel	5
3	Mersey-Cheshire: Progress against recommendations	7
	Annexes	21
A	Progress against recommendations	21
B	Key performance outcomes	22
C	File examination findings	23
D	Methodology	28
E	Inspection survey results	29
F	Glossary	30

1 Follow-up inspection context

1.1 This report details the findings of Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) following on from a previous inspection of CPS Merseyside and CPS Cheshire and shared functions of both Areas at Group level, conducted in November 2010. The follow-up visit was conducted in late August and early September 2012.

1.2 Following on from the inspection in late 2010 HMCPPI published its findings in March 2011. Because of the new restructuring of the CPS into Groups (combining Merseyside and Cheshire Areas into one Group), the inspection took a different approach and assessed Group and Area based functions separately. Our assessments of these were:

Group based functions	
Governance	Fair
Pre-charge decision-making	Poor

Area based functions	Merseyside	Cheshire
	Casework quality	Poor
Efficiency	Fair	Good

No overall score was given of combined Group functions or for each Area. Inspectors made three, very broad, recommendations¹ which addressed weaknesses in both Area and Group functions.

¹ See annex A.

1.3 The aim of the follow-up inspection is to provide an objective view on progress made against the recommendations, the direction of travel and current performance. The inspection also takes into account the capacity and capability of the newly formed Area to address our findings following on from the significant structural changes that have been made.

1.4 We have rated the Area's response to each recommendation using the following measures and the results appear in the table at annex A:

- **Achieved** – the Area has accomplished what was required
- **Substantial progress** – the Area has made real headway in taking forward its planned actions in relation to the recommendation
- **Limited progress** – the Area has done something to address the recommendation
- **Not progressed** – the Area cannot demonstrate any progress
- **No longer applicable** – where there has been a change in circumstance such as Area restructuring or the implementation of a national initiative

1.5 Since the last inspection there have been significant changes nationally for the CPS. The 42 CPS Areas have reduced to 13. The former Chief Crown Prosecutor (CCP) for Merseyside (and former Group Chair) has become the Area CCP and the former CCP for Cheshire has become the Deputy CCP (DCCP) for the newly formed Mersey-Cheshire Area.

1.6 A detailed account of the methodology used to gather evidence and data can be found at annex D.



2 Executive summary

The development of CPS Mersey-Cheshire

2.1 At the time of the last inspection Merseyside and Cheshire were two separate Areas sharing Group functions. We assessed both Areas individually and the Group functions separately. CPS nationally have restructured former areas that made up a group into one larger area, headed by one Chief Crown Prosecutor. The former Mersey-Cheshire Group is now known as Mersey-Cheshire Area.

2.2 The Area has undergone a very significant period of change since our last inspection and most of the original operational and management structure no longer exists. Much of the change was required as a result of the reduced budget allocation under the Government's 2010 Comprehensive Spending Review, to increase efficiency savings and a requirement by the national CPS Board for the Area to reduce senior management posts by 25 per cent. A significant and continuing reduction in caseload has also meant that the Area's ABC share² has also reduced. The combination of reducing the management structure and the need to reduce staff numbers within new budgetary limits, has meant that the Area has needed to take a root and branch examination of how to provide the public with an efficient and effective service for the future.

² The central CPS ABC share is an activity based costing model, which allocates central funding and is mainly based on the number and type of caseload the Area handles over a period of time.

2.3 The decisions made by the senior management team, in consultation with unions and staff, have been robust and while not unanimously popular are generally regarded as necessary. The changes have been made in a step-change process over a period of 18 months. These changes include subsuming all of the former Merseyside CPS offices into one location (at the Royal Liver Building in Liverpool), and moving all the Cheshire staff from the Chester CPS office either into the Liverpool or the CPS office at Warrington. The Warrington office is all that remains of the former Cheshire Area functions and this deals with progression of cases in the Magistrates' Court only. All other functions (apart from one of the two RASSO³ teams) are now based in Liverpool.

Governance and leadership

2.4 Concerns identified during the 2010 inspection included; a lack of clear direction at all levels; poor strategic vision; and ineffective engagement and communication with staff. There were also cultural issues between the two former Areas with staff at all levels lacking Group identity.

2.5 The bringing together of two areas with different cultures and ways of working has not been without significant challenges for management. However the necessity for change has given the senior management team the opportunity to also address the leadership, cultural challenges and performance issues we identified during our 2010 inspection. The radical refocusing of management and operations, combined with better quality and performance measures has improved the lines of accountability and understanding of personal responsibility at all management levels.

³ Rape and serious sexual offences (RASSO).

2.6 In general, the changes have provided the Area with the potential for more resilience and there has been a concerted effort to address some of the cultural issues that existed between Cheshire and Merseyside staff and the lack of an Area identity previously expressed by staff and managers. However the new management structure will need to be kept under review to ensure workloads and management responsibilities are balanced.

2.7 The scale of change has coincided with a reducing caseload which has meant a readjustment of staff numbers in order to meet budgetary allocation. Reduction in staff numbers has been achieved mainly through voluntary exit schemes. This process has had to be carefully and sensitively managed and has meant very uncertain times for staff at all levels.

2.8 Weaknesses have been exposed by such significant change including the difficulty of amalgamating different systems, processes and working practices, exposing low staff morale and the need to address expectations of partner agencies. Despite improved outcome results, there is still much work to be done to find the optimum operational structure for the new Area as well as addressing staff and partner agency concerns.

Managing performance

2.9 The 2010 inspection highlighted weaknesses in both the performance regime and Area and Group culture. Staff at all levels, were unclear about management expectations and standards and there was evidence that feedback on performance was weak.

2.10 The senior management team have taken the opportunity provided by the significant restructure of operations and functions to embed a more robust performance culture and improve quality assurance measures. These measures have contributed to noteworthy improvements in performance across nearly all key performance measures, with Area performance for the rolling year to June 2012 being better than most national measures. The performance framework is generally robust and managers are held to account through the submission and receipt of performance information reports made in a timely fashion. Staff also express that they are much more aware of their own performance and how it affects overall Area performance.

Decision-making and casework performance

2.11 The 2010 inspection was critical of the standards of casework and decision-making in both former Areas including at the charging stage, file review and handling of disclosure.

2.12 There have been improvements in all key measures in the Magistrates and Crown Court, including pre-charge decision (PCD) outcomes. All key outcomes are better than those measured in 2010-11 and most notably are currently better than the national average (see annex B). The management and structure of Daytime Direct has improved including the introduction of better performance, processes and qualitative measures, although the standard of Area charging decisions is still a significant weakness. Efforts to improve the handling of disclosure have resulted in much better compliance. The Area needs to continue to focus efforts on improving the standard of decision-making and improve Code for Crown Prosecutors' (the Code) test compliance on cases where advice is provided on the telephone by Area lawyers.

2.13 Core quality standards monitoring (CQSM) is now embedded and better structured, although the Area needs to continue to improve the understanding and consistency of those responsible for assessing CQSM. There is also concern about the case management progress and the adverse effect that electronic working is having on the efficient provision of good and timely files for prosecutors at court.

Direction of travel

2.14 Overall, there is a much improved picture in Mersey-Cheshire. Most recommendations have been substantially progressed (see table below). The focus and work put in by all staff have realised benefits in terms of outcomes, despite the huge upheavals and changes in management, processes, staff moves and other structural change. This change has also been embedded in uncertain times of reducing staff numbers. Although progress has been good, there are significant issues of staff morale and communication with external partners that need to be urgently addressed to enable the Area to achieve consistent improvement.

Mersey-Cheshire: Progress against recommendations		Position as at September 2012
1	<p>Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers (1A). This vision needs to be supported by an effective quality management regime and regular reporting to the Group strategy board (1B).</p> <p>Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:</p> <ul style="list-style-type: none"> Decision-making at the charging stage (1C) Decision-making at file review (1D) The handling of disclosure (1E) 	<p>1A Substantial progress</p> <p>1B Substantial progress</p> <p>1C Limited progress</p> <p>1D Limited progress</p> <p>1E Achieved</p>
2	<p>The Group needs to establish formal performance management arrangements for the Complex Casework Unit (CCU) that offer the relevant levels of assurance on the handling of the complex casework. More effective systems and processes need to be introduced to ensure that the CCU is dealing with the correct level of cases from across the Group.</p>	<p>Substantial progress</p>
3	<p>The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.</p>	<p>Limited progress</p>



3 Mersey-Cheshire: Progress against recommendations

3.1 After the 2010 inspection the Area developed an action plan to address our recommendations and other aspects which required improvement. A summary of progress against each recommendation can be found at annex A.

3.2 Recommendation 1 is broad and covers several distinct aspects. We have therefore divided these aspects into five elements (1 A-E) and address them separately:

Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers (1A). This vision needs to be supported by an effective quality management regime and regular reporting to the Group Strategy Board (1B).

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- *Decision-making at the charging stage (1C)*
- *Decision-making at file review (1D)*
- *The handling of disclosure (1E)*

Recommendation 1A: Substantial progress

Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers.

3.3 Many of the concerns that were identified during the 2010 inspection were as a direct result of a lack of clear direction, inconsistent and ineffective leadership at all levels, poor strategic vision and ineffective engagement and communication with staff. These problems were responsible for a lack of cohesiveness, corporacy or common goals. These concerns were compounded by some cultural issues between the two former Areas and the bringing together different ways of working has presented significant challenges for management and staff.

3.4 The Area responded swiftly to these concerns and produced a Strategic Vision and Communications Approach document, which contained eight key principles or objectives which were then embedded in the 2012-13 Area Business Plan. Four objectives specifically relate to quality issues. The vision statement was accompanied by a plan to effectively communicate the vision and other important messages to staff.

3.5 During the organisational and structural changes, the Area set up local implementation teams, introduced floor meetings where the CCP, DCCP and Area Business Manager (ABM) explained key changes directly to staff, and held focus groups with a cross section of staff to listen to their concerns and provide key messages. These face to face engagements were

supplemented by an Area KIM⁴ communications portal available to all staff, an Area newsletter and a programme of communications awareness supported by training for managers as well as day to day email communication to staff.

3.6 Despite these efforts there is still concern, highlighted by our staff survey results⁵, that key messages are either not getting through or not being understood by staff. Whilst the survey indicated that 57 per cent of staff felt there was a clear vision, 70 per cent of staff stated that there are unclear lines of communication, and 70 per cent indicated they were unable to contribute to Area change. Some of the main themes emerging from the staff survey include low morale, lack of trust and poor leadership.

3.7 It is important for the senior management team to understand that some of their key messages over the past 12 months have failed to be acknowledged and/or understood by staff. The improving performance outcomes may have masked some of the underlining morale and communication issues. Whilst the communication lines seem comprehensive and robust, senior managers should consider introducing a monitoring system to evaluate how effective the communications are and perhaps develop more innovative methods of staff engagement. The national staff survey which will be completed by Mersey-Cheshire staff by the end of October 2012 will also enable the Area to build upon the findings of our survey and inspection so that senior management are better placed to address the totality of issues and concerns.

3.8 Some breakdown in communication is also evident with members of the local judiciary in Merseyside Magistrates' Courts and the Crown Court sitting in Cheshire, concerning the delivery of an efficient prosecution service at court. The meeting regime with the courts does not seem to be robust or regular and more needs to be done by the CPS to engage with and understand where points of friction exist and set about addressing these.

3.9 Overall, whilst there are significant issues still to address, the Area has made substantial progress thus far.

⁴ Knowledge Information Management. KIM is an online tool that allows the CPS to gather, categorise, share and update non-casework documents and material in one central location.

⁵ See annexes D and E.

Recommendation 1B: Substantial progress

This vision needs to be supported by an effective quality management regime and regular reporting to the Group Strategy Board.

3.10 The 2010 inspection report indicated that performance management was weak and that a culture of individual performance management was not consistent. Staff at all levels, were unclear about management expectations and standards and there was evidence that feedback on performance was lacking.

3.11 The senior management team has acted promptly on our recommendation and has taken the opportunity during the significant period of restructure of operations and functions to adapt and reinvigorate the performance framework, which includes the reporting of qualitative measures. The performance framework is comprehensive and the reporting structure (requiring line managers to provide information or comment on their unit's performance) is robust with variable timescales set for reporting. It is clear that performance and qualitative issues are discussed at team meetings and unit level as well as at the Area Management Board meetings.

3.12 The quality of Area casework is assessed under the CQSM scheme. Any deficiencies in casework are reported in a team action plan, which sets out issues to be raised with individuals or at team meetings. Findings are peer-reviewed quarterly and a CQSM dashboard is produced to show how scores across units and counties compare to the national scores. These findings are considered at Area Board level but are also available to staff on KIM.

3.13 The CQSM structure is also better embedded now than at the time of the last inspection and new 'real time' dip checking

is conducted by the Daytime Direct Charging Manager of pre-charge decision-making.

3.14 As part of the file examination of completed cases, inspectors carried out CQSM checks equivalent to those completed by Area reviewers on a sample of 24 cases. The difference between the Area and our overall assessment was less than that found nationally in the HMCPSI thematic review of the CQSM scheme⁶. The main difference identified by inspectors was that the Area assessment was slightly more lenient. Area managers gave the CQSM files reviewed an overall weighted score of 93.0 per cent, whilst inspectors scored the same files at 88.3, a difference of 4.7 per cent. The difference varied from 7.9 per cent in Merseyside to 2.2 in Cheshire.

3.15 Some of the most significant differences between Area and inspector ratings were in the questions about the quality and completeness of charging advice (as assessed by unit managers), the completion of proper reviews, the recording of actions, the quality of communication with victims and the appropriate handling of sensitive material.

3.16 In addition to CQSM, the Area has recently introduced a performance and development scheme for all staff. Managers are encouraged to report good performance and highlight areas for improvement with their staff. This is recorded on a form to provide evidence for the individual's personal development record objectives. The scheme has not won unanimous approval from staff or managers but it is generally accepted that it is an additional measure that could improve quality and evidence hard work

⁶ HMCPSI's Thematic review of the CPS core quality standards monitoring scheme (March 2012) found a difference of 10.5 per cent from an examination of 861 files.

throughout the Area. The benefits of the scheme will need to be assessed by Area management and publicised to ensure staff become engaged with the process and prevent perceptions that they are being micromanaged⁷.

3.17 Most performance outcomes are available to access on KIM for all staff with a dedicated link for managers for more specific information and data. The substantial progress made in the robustness and communication of performance results are also reflected in our staff survey which indicated that 70 per cent of staff received regular information about Area performance, 76 per cent felt that they understood how the Area was performing in comparison to other Areas, and 85 per cent felt that they understood how their work impacted on performance. The overall awareness and accessibility of performance measures and outcomes is much improved since our last inspection⁸.

3.18 Whilst many of the decisions to change the operational and management structure have been driven by the necessity to make savings, it also allowed the senior management team the opportunity to address the leadership and cultural challenges that our last inspection identified. These changes have included, choosing the most appropriate managers for the positions available in the new structure, and bringing together some former Cheshire staff and Merseyside staff into unified teams. The Area is also fully engaged with the national management and development programme which aims to raise levels of management capability.

3.19 The improved performance framework coupled with more robust qualitative system checks has highlighted areas (and individuals) where issues need to be addressed. The totality of these changes has resulted in a management structure which has improved the lines of accountability and understanding of personal responsibility at all levels.

3.20 Some of our survey results will also need to be examined and addressed by the Area, particularly when survey responses can often look contradictory (for example many staff felt that a culture of micromanagement had emerged whereas 80 per cent of staff believed that poor performance was not effectively managed). In addition some of the qualitative issues within the Magistrates' Court optimum business model⁹ (OBM) (Liverpool) and subsequent case progression at court should immediately be addressed, including problems with electronic working and the court's concern over the lack of readiness and lenient charging.

3.21 Overall, the creation of an improved performance framework, robust quality measures and a tighter management structure have brought about noteworthy improvements in performance across nearly all key performance measures, with performance for the rolling year to June 2012 being better than most national measures (see annex B). Achieving consistently improving outcomes for the public remains the highest challenge for the Area and unless genuine concerns by staff are addressed, there is a risk that sustained performance improvements could be jeopardised.

7 Our staff survey indicated that there was strong feeling among staff that they were being micromanaged and that there was a lack of trust by management.

8 In addition to our assessments, a previous HMCPSI survey in 2010 indicated that only 41 per cent of staff were aware of Area performance, however these results are not directly comparable due to a smaller number and selection of staff surveyed in 2010.

9 Optimum business model (OBM) sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

Recommendation 1C: Limited progress

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- Decision-making at the charging stage

Recommendation 3: Limited progress

The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.

3.22 Recommendation 1C and recommendation 3 are addressed together as they are intrinsically linked now that the two former Areas have restructured into one Area.

3.23 The 2010 report assessed the pre-charge decision-making by the Area as poor. We found the Code test failure rate to be high and performance outcomes particularly in the Magistrates' Court were below national average and declining. Our file sample at that time rated two thirds of MG3s¹⁰ as fair or poor and action plans weak. We also identified a lack of clarity about management responsibilities and processes that were unco-ordinated.

3.24 Overall, our follow-up inspection has found that the structure and outcomes have improved but that more could be done. The Area's Daytime Direct team handled approximately 37.3 per cent of the pre-charge decisions that made up our file sample, with a further 12.6 per cent of decisions being made face to face by Area lawyers:

¹⁰ The form MG3 is used to record the written advice from the lawyer to the investigating officer, which is also used by the prosecutor at court and other CPS staff dealing with the case.

Charging delivery method	Files not subject to CQSM	Files subject to CQSM	Total
Police charge	25	7	32
Area Daytime Direct	46	10	56
Area face to face or written advice	17	2	19
CPS Direct	38	5	43
Total number of cases in our file examination	126	24	150

3.25 Overall inspectors assessed that the Code test was applied correctly by the CPS in 92.4 per cent of the 118 files we examined where the CPS made the charging decision. This is an improvement on our previous assessment when only 88.0 per cent of cases were Code compliant.

3.26 There is a significant variance in compliance with the Code test depending on who made the charging decision. CPS Direct (CPSD) charging decisions were fully Code test compliant in 94.7 per cent of cases examined, whereas for the Area Daytime Direct this figure was 87.0 per cent. This is a significant variation and indicates that although the Area have made improvements in the overall compliance with the Code test since the 2010 inspection, there is further work to be done.

3.27 In the files we examined where the charging decision was made by Area lawyers either face to face with the police officer or a written charging decision was made, the Code test was applied correctly in 100% of the 17 cases. This may be explained in part by the fact that these tend to be the more serious cases which have been investigated by specialist police units and are usually dealt with by more experienced and specialised lawyers who are able to spend more time making their decisions.

3.28 Outcomes for all pre-charge decisions have also improved:

Pre-charge decisions	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Magistrates' Court			
Discontinuance	18.3%	13.1%	16.0%
Guilty plea	71.2%	75.8%	71.3%
Attrition	23.2%	17.8%	21.8%
Crown Court			
Discontinuance	11.3%	9.5%	11.3%
Guilty plea	78.5%	79.3%	72.4%
Attrition	17.1%	15.5%	19.1%

3.29 We assessed the quality of MG3s as fair or poor in 52 per cent of all charging decisions made by the Area Daytime Direct, which is an improvement from our previous assessment of 60 per cent, but is significantly worse than the CPSD files where only 34 per cent were rated as fair or poor. Only 62 per cent of Daytime Direct charged cases included all appropriate instructions to the court prosecutor compared to 84.2 per cent of CPSD charged cases. Weak instructions may mean that prosecutors do not have relevant information in court, or have to do extra preparatory work before a hearing which inevitably takes additional time. MG3 assessment indicated that relevant applications and ancillary matters were identified in 73.2 per cent of Daytime Direct charged cases, compared to 89.2 per cent of CPSD charged cases. This creates the risk that matters may be overlooked or alternatively this may lead to extra work at file review stage when preparing for trial.

3.30 In all key performance measures, the Area's outcomes are better than the national average and all measures have improved since the last inspection in 2010. These improvements have been as a result of better management, improved quality controls, tighter processes and clearer performance information (as set out in paragraph 3.31). However, our file examination reveals there is still further improvement that needs to be made on the quality of charging decisions.

3.31 Charging decisions form part of the CQSM process and the Charging Manager undertakes six CQSM file reviews per month. Charging decisions are also reviewed by Unit Heads as part of their monthly CQSM file reviews. CQSM results are collated and a monthly summary and analysis is prepared which is circulated to the Area management team. Positive and negative trends are assessed with feedback given to the

charging team and to individuals as appropriate. In addition, the Charging Manager also dip samples pre-charge decisions made on the same day so that immediate feedback can be given and quality control maintained. Nevertheless whilst there has been progress since our last inspection, quality and care in the Area's assessment of casework and charging decisions could be improved.

3.32 Call volumes and the amount of time needed to make a decision are analysed and a monthly performance report is produced. The number of calls to Daytime Direct can fluctuate by as much as 30 per cent month to month which makes it difficult to predict capacity peaks, although lawyers are utilised to cover Magistrates' Court duties where appropriate and police are encouraged to utilise Daytime Direct for certain cases (for example bailed back cases) in less busy periods. The Area is currently below the national averages for calls answered in less than three minutes, queue time and time for a decision.

3.33 During the inspection we received feedback from stakeholders in the Magistrates' Court that they felt that the CPS were under charging some cases. This was a cause of frustration. We were also informed of several examples of cases being referred back to the CPS from the court and the charges changed to more accurately reflect the seriousness of the circumstances but we did not see any evidence of this during our observations. Whilst there was no direct evidence in our file examination of under charging, there were a number of instances where the CPS selection of charges was poor. Some of the courts' frustration may be as a result of different interpretation of the charging standards and it would be appropriate for the CPS to increase liaison with the Magistrates' Court to ensure a better understanding of the CPS's approach.

Recommendation 1D – Limited progress

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- *Decision-making at file review*

Overview

3.34 The 2010 inspection identified a number of weaknesses in decision-making after charge in both former Areas. The newly formed Area has sought to secure increased quality by centralising its key prosecution business units in Liverpool, improving performance information and embedding better quality assurance measures. Changes to lawyer and business managers' posts were designed to increase real time monitoring of casework decisions and encourage direct and prompt feedback on performance to the individual. It is clear that standards have improved since our last inspection but our examination of files and CQSM indicate that there is significant room for improvement, despite better performance outcomes.

Crown Court

3.35 It is likely that the above stated organisational factors have contributed to improved outcomes although the Crown Court Unit finally merged only at the end of April 2012. The merger of the Crown Court Units in both former Areas has created a number of organisational and procedural problems¹¹ adversely affecting the delivery of service at the Crown Court sitting at Chester and Warrington. This situation has attracted adverse comments

from the judiciary particularly around case progression and other procedural issues. Some of the more significant issues were not identified prior to the merger and senior managers are now working to resolve these.

3.36 Additionally the organisational restructure has resulted in a realignment of responsibilities within the Area's Crown Court Unit. The Senior District Crown Prosecutor (SDCP) is now supported by four District Crown Prosecutor (DCP) managers who have defined roles comprising; the performance and deployment of Crown Advocates; oversight of the Early Guilty Plea (EGP) scheme and its associated casework; oversight of the Area's two remote RASSO Units in Liverpool and Winsford; and management of the Area's Contested Cases Team.

3.37 These roles and units are newly created and will need time to become established but there are already some imbalances in the distribution of casework and staff so that further adjustments should be made in order to maximise the effectiveness of the whole Crown Court Unit. For example, it is proposed that the EGP team will retain a greater proportion of cases that are not resolved at the EGP hearing instead of passing them onto the Contested Cases Team. Senior managers are aware of the need to show flexibility and should keep this structure under close review¹². Some advantages in efficiency have already been realised since the abolition of committal proceedings in Liverpool in April 2012, although in Cheshire this procedural change has yet to be rolled out.

¹¹ These included an inconsistent understanding of what constituted adequate paperwork for preliminary hearings in the different courts and availability and speed of access to files, particularly in Chester due to distance between the CPS office and Crown Court.

¹² Since our visit to the Area these proposals have been implemented.

3.38 Code test compliance at full file review¹³ for the Area is now 94.1 per cent compared to 88.8 per cent¹⁴ in 2010-11. Of the eight cases identified as Code test failures at full file review, half of them were also Code test failures at the PCD stage but had not been corrected despite several opportunities to do so. Despite improvements the Code test failure rate could

be improved. It is however worthy of note that of the relevant cases reviewed by the Inspectorate, all decisions to discontinue (or otherwise stop) cases were considered to be compliant with the Code. This compares favourably with the 2010 report where only 87.5 per cent of discontinuance decisions were correct.

3.39 Successful outcome rates in Crown Court cases as at the end of June 2012 were recorded at 84.8 per cent compared to 82.9 per cent for the year 2010-11 and is better than the CPS national average rate of 81.1. Other outcomes have also improved:

¹³ These are reviews carried out as the case was being prepared either for Crown Court or Magistrates' Court trial.
¹⁴ HMCPSI has amended its database of questions since the previous report therefore direct performance comparisons cannot always be achieved.

Crown Court			
	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Successful outcomes	82.9%	84.8%	81.1%
Cracked trials	49.3%	46.1%	38.6%
Effective trials	42.4%	43.8%	47.0%
Ineffective trials	8.3%	10.1%	14.4%
Judge ordered acquittals	11.0%	9.3%	11.4%

3.40 Inspectors concluded that in just over three quarters of Crown Court cases it could be said that the allocated lawyer or team had a “grip”¹⁵ on the case and progressed it efficiently and effectively, and demonstrates improvement is needed. The

Area’s management team should address how effective the OBM style of working can be in the enlarged Contested Cases Team to ensure that those cases which merit individual allocation to prosecutors and paralegal officers can derive the maximum benefit from specialist attention.

¹⁵ Grip is the term used to assess the extent to which the lawyer applies the principles of proactive case ownership when planning and taking a case to prosecution. The assessment of grip includes, compliance with court directions, quality of written applications, correctly drafted indictments, written instructions to counsel, and case progression.

Magistrates' Court

3.41 Whereas the Crown Court Unit has one geographical location, the Area's Magistrates' Court Units are based in two locations, albeit they are managed as one unit. One is based in Liverpool covering the Mersey Magistrates' Courts and the other in Warrington covering the Cheshire Magistrates' Courts.

3.42 Overall, successful outcomes in the Magistrates' Courts are improving and are above the national average at 87.2 per cent (nationally 86.7) in the rolling year to June 2012. The proportion of ineffective trials is better than the national average at 12.5 per cent (nationally 17.2). In other key measures performance has improved since our last inspection and is better than the national average:

Magistrates' Court	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Successful outcomes	84.5%	87.2%	86.7%
Cracked trials	46.0%	43.1%	39.2%
Effective trials	40.4%	44.4%	43.5%
Ineffective trials	13.6%	12.5%	17.2%

3.43 Although these headline figures show a much improved picture, there are a number of matters causing concern. In addition to issues of under charging (see paragraph 3.33), another concern is the application of T3¹⁶ (electronic working). The Area is a national pilot site for the implementation of T3 which envisages that all paper files will be stored and used digitally both for case progression and presentation in court. This requires all the criminal justice partners to produce or accept cases electronically.

3.44 However, the practical application of electronic working is causing substantial technical and operational difficulties which is hampering the efficient operation of the Magistrates' Court OBM. These difficulties include: recognition of documents from police which often have to be read and re-named; the unsuitability of the CPS case management system (CMS) as a document handling system which requires time to ensure presentation of cases in court is correct; and limited storage capacity, connectivity and speed of devices which limits versatility, particularly at court.

¹⁶ Transforming through technology (T3).

3.45 Whilst it is understandable that teething problems will be present with a project of such complexity, these problems are a source of constant frustration to staff in the unit who feel their job is being made harder and that the new technology is counter-productive. The additional time needed to ensure both the paper system and the electronic system are fit for purpose, has added to a lack of case progression and readiness of cases at court.

3.46 Apart from the cases before St Helen's Magistrates' Court, all files are still reviewed in paper format, although received electronically from police and sorted into CMS. This entails the administrative staff printing out all the documents that they consider the lawyer will need to see to undertake a full review of the case. This is obviously time consuming and represents a duplication of effort.

3.47 The Area is currently piloting the reviewing of St Helen's files electronically. This is proving to be a slower process for lawyers than the traditional paper file review as lawyers get used to the technology and also because on occasions the documents transmitted electronically from the police do not come with the correct descriptors or name. In addition the electronic file is not always ordered in the way lawyers wish to view them.

3.48 These issues are known to Area management who are also frustrated that they are unable to directly address the technical difficulties encountered by their staff. As a consequence progress is slow when new problems are encountered and reported through to the T3 project team. In the meantime, the

extra time taken for review work means that the OBM's are now not working more than one-two weeks in advance of trials. In many cases this is insufficient time to correct any deficiencies before the file goes to court and can result in cases not being trial ready.

3.49 Criminal justice partners informed us that in too many cases the CPS was not ready in court to make the expected progress. Our file reading revealed that in only 75 per cent of cases (42 out of 56) did the Area lawyers have a proper grip on cases. We also found that in 75 per cent of the unsuccessful cases examined (six out of eight) the Area had not done everything practicable to prevent them from failing.

3.50 In contested cases in the first quarter of 2012-13, there was an average of 4.12 hearings per case compared to the national average of 3.88 hearings. The number is worse in Mersey (4.35) than in Cheshire (3.57). Our file examination also revealed that case progression was carried out in accordance with the Criminal Procedure Rules in only 80.4 per cent of cases (45 out of 56). Failings included late applications for special measures, bad character and ancillary matters.

3.51 Whilst the Area has shown progress in all key performance measures, significant issues still need to be addressed and there are real risks that performance could decline despite the advantages the Area has gained through restructure and better resilience. It is accepted that some of these risks are outside the Area's complete control although many issues could be addressed through better management.

Recommendation 1E – Achieved

Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:

- *The handling of disclosure*

3.52 Our previous report highlighted the unacceptable standards of disclosure in a significant number of cases handled by prosecutors in both the former CPS Areas. Compliance with the duty of initial disclosure was evident in less than 60 per cent of cases whereas continuing disclosure compliance fared only marginally better at just over 60 per cent. In less than a third of cases sensitive unused material was dealt with properly and the handling of disclosure duties was timely in just over half of the cases we examined.

3.53 The Area was quick to react to these findings. Internal audits and reviews have supplemented the required CQSM checks which has allowed managers to identify and then focus on the necessary improvements that needed to be made. The opportunity to deliver specific disclosure training to lawyers was seized as part of a larger programme of Criminal Procedure Rules training early in 2011. More recently the Area has appointed an Area Disclosure Champion and individual lawyers have been identified and given delegated responsibility in both the Crown Court and Magistrates' Court teams to advise on disclosure matters.

3.54 The results of our file examination have demonstrated significant improvements in performance of the prosecution's disclosure duties. For example, we found that prosecutors had complied fully with the duty of initial disclosure in 87.9 per cent of cases (previously 57.7 per cent) and continuing disclosure in 88.0 per cent (previously 62.3). Sensitive unused material was being handled appropriately in 81.3 per cent of relevant cases (previously 30.2) and an appropriately completed audit trail (a disclosure record sheet) was attached to the file in 72.8 per cent of cases. Timeliness of the discharge of the duties of disclosure by the prosecution had also shown marked improvement so that initial disclosure was timely in 92.5 per cent of cases (previously 83.6) and continuing disclosure was timely in 76.9 per cent of cases (previously 40.0). Overall, the quality of the unused material handling by the prosecution was rated as poor in fewer than 6.0 per cent of cases.

Recommendation 2 – Substantial progress

The Group needs to establish formal performance management arrangements for the Complex Casework Unit (CCU) that offer the relevant levels of assurance on the handling of the complex casework. More effective systems and processes need to be introduced to ensure that the CCU is dealing with the correct level of cases from across the Group.

3.55 At the time of the last inspection in November 2010 the Group CCU was dealing with its casework effectively and delivering high quality outcomes but was still operating with poor or unrecorded systems and processes. Moreover, there was a preference on the part of Cheshire Police to refer appropriate cases to the former Cheshire Crown Court Unit, rather than the Group CCU. This situation resulted in a disproportionate number of Merseyside cases being handled by the CCU which was a Group resource. Inspectors found that national CPS operating models designed for CCUs were not being applied with the result that performance data and value for money could not easily be demonstrated.

3.56 After senior staffing changes and retirements during 2011 and 2012, the Area appointed a new Unit Head and new Unit Business Manager for the Area CCU, although these arrangements had only been implemented for less than six months at the time of our follow-up inspection. The CCP now takes personal responsibility for line managing the performance of the CCU. Additionally, because the former Cheshire Crown Court Unit has been co-joined with the former Merseyside Crown Court Unit, all CCU type casework for both police forces is now referred to the Area CCU. However, the majority of the CCU casework is still referred from the Merseyside Police.

3.57 Notwithstanding the comparatively recent nature of these structural and leadership changes, the early indications are that more robust systems have been introduced governing the acceptance of appropriate cases from both police forces. An improved quality assurance regime also offers a much greater level of oversight to the CCP.

3.58 The CCU has now moved much closer to the national “blueprint” designed in 2007 as a model for defining the type of case it will accept from the police although the majority of its cases comprise complex homicide, economic crime and drugs investigations with links to guns and gangs. A bespoke time recording system has been implemented so that more accurate data can be gathered to inform the Area of the resources needed to conduct its casework and cost each case if required.

3.59 Since the previous inspection, the CCU’s accommodation has also been reorganised so that adequate storage and security is enhanced. International work such as European Arrest Warrants and Letters of Request are adequately covered by lawyers with the appropriate skills and prosecutors’ security clearance levels are now at the right level. The handling of unused material is accorded a high priority by the Unit Head who is also the Area Disclosure Champion. The unit also has a nominated Custody Time Limit (CTL) Champion who ensures compliance with national minimum standards.

3.60 Arrangements for the performance management of CCU staff and oversight of the unit's casework have improved since the previous inspection. The Unit Head has introduced new procedures including the limited use of case management panels which inform regular discussions with the CCP at the Area Management Board (of which the CCU Head is a member). CQSM reviews within the unit have been introduced and these are supplemented by occasional "peer review" checks conducted in collaboration with the CPS North West CCU Head. A new suite of performance measures has been developed to demonstrate the unit's work and monthly reports are produced for internal team meetings and the Area Management Board (AMB).

3.61 Some challenges still remain to be met and overcome. A revised protocol governing the allocation of cases from Merseyside Police was signed in May 2012 but a corresponding agreement with Cheshire Police remains to be agreed and signed. This requires urgent attention to avoid perceptions that the two police forces are receiving a different level of service from the CCU.

3.62 Overall, substantial progress has been made in addressing our concerns but, because these changes are relatively new, it is important that all these processes are maintained and strengthened where necessary to provide the appropriate levels of assurance to the AMB.

Recommendation 3 – Limited progress

The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.

3.63 This recommendation is addressed alongside recommendation 1C above.

Annexes

A Progress against recommendations

Mersey-Cheshire: Progress against recommendations		Position as at September 2012
1	<p>Senior managers need to articulate a clear vision and strategy which includes quality as core to all it delivers (1A). This vision needs to be supported by an effective quality management regime and regular reporting to the Group strategy board (1B).</p> <p>Senior managers need to take action to improve the standards of casework and decision-making in both Areas, including:</p> <ul style="list-style-type: none"> Decision-making at the charging stage (1C) Decision-making at file review (1D) The handling of disclosure (1E) 	<p>1A Substantial progress</p> <p>1B Substantial progress</p> <p>1C Limited progress</p> <p>1D Limited progress</p> <p>1E Achieved</p>
2	<p>The Group needs to establish formal performance management arrangements for the Complex Casework Unit (CCU) that offer the relevant levels of assurance on the handling of the complex casework. More effective systems and processes need to be introduced to ensure that the CCU is dealing with the correct level of cases from across the Group.</p>	Substantial progress
3	<p>The Group needs to strengthen its charging performance management regime to ensure there is significant improvement in decision-making.</p>	Limited progress

B Key performance outcomes

Pre-charge decisions			
	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Magistrates' Court			
Discontinuance	18.3%	13.1%	16.0%
Guilty plea	71.2%	75.8%	71.3%
Attrition	23.2%	17.8%	21.8%
Crown Court			
Discontinuance	11.3%	9.5%	11.3%
Guilty plea	78.5%	79.3%	72.4%
Attrition	17.1%	15.5%	19.1%

Magistrates' Court			
	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Successful outcomes	84.5%	87.2%	86.7%
Cracked trials	46.0%	43.1%	39.2%
Effective trials	40.4%	44.4%	43.5%
Ineffective trials	13.6%	12.5%	17.2%

Crown Court			
	Area 2010-11	Area rolling year to June 2012	National rolling year to June 2012
Successful outcomes	82.9%	84.8%	81.1%
Cracked trials	49.3%	46.1%	38.6%
Effective trials	42.4%	43.8%	47.0%
Ineffective trials	8.3%	10.1%	14.4%
Judge ordered acquittals	11.0%	9.3%	11.4%

C File examination findings

A total of 150 finalised cases were examined comprising of 50 Cheshire cases and 100 from Mersey. Of these, 24 had been quality assured by the Area through the CQSM process. We assessed these CQSM files using the same criteria as the

CPS which is not as comprehensive as our own assessment criteria, therefore the results from these 24 files are not included in the file examination findings that follow. Additionally a further ten out of court disposal decision cases were selected.

Pre-charge decisions

Overall charging decision complied with the Code			
	Area	Mersey	Cheshire
	94.1%	93.7%	92.1%

Charging delivery method			
	Total	Mersey	Cheshire
Police charge	32	20	12
Area Daytime Direct	56	34	22
Area face to face or written advice	19	15	4
CPS Direct	43	31	12
Total number of cases	150	100	50

Quality of MG3s				
	Excellent	Good	Fair	Poor
Daytime Direct	1 (2%)	21 (46%)	14 (30%)	10 (22%)
CPS Direct	3 (8%)	22 (58%)	10 (26%)	3 (8%)
Mersey face to face	0 (0%)	7 (54%)	5 (38%)	1 (8%)
Cheshire face to face	0 (0%)	1 (25%)	3 (75%)	0 (0%)

File examination findings	Face to face (17 files)		CPS Direct (38 files)		Daytime Direct (46 files)		Overall (101 files)	
	FM	PM	FM	PM	FM	PM	FM	PM
	The charging decision was compliant with the Code	100%	0%	94.7%	2.76%	87%	2.0%	92.1%
All relevant CPS policies were applied	93.7%	6.3%	90.3%	6.5%	87.8%	9.8%	89.8%	7.9%
The MG3 included proper case analysis and strategy	58.8%	41.2%	71%	21%	73%	20%	62.3%	26.7%
The MG3 made reference to all relevant applications and ancillary matters	76.5%	5.9%	89.2%	8.1%	73.2%	19.5%	80%	12.6%
The MG3 included appropriate instructions and guidance to the court prosecutor	58.8%	17.6%	84.2%	13.2%	63%	26.1%	70.3%	19.8%
The most appropriate charges were advised	100%	0%	94.6%	5.4%	88.4%	11.6%	92.8%	7.2%
The action plan met a satisfactory standard	85.7%	14.3%	94.1%	5.9%	83.7%	16.3%	87.9%	12.1%

FM = fully met; PM = partially met

Case category	Area	Mersey	Cheshire
Homicide	2	1	1
Other serious assault	4	1	3
Child abuse	6	3	3
Rape and other serious sexual assault	8	6	2
Sexual assault (other than rape)	5	4	1
Other violence against women	22	16	6
Racially/religiously aggravated	12	10	2
Homophobic	5	4	1
Disability	2	2	-
Elder abuse	4	3	1
Non-sensitive	80	50	30
Total number of cases	150	100	50

Area decision-making and file review quality

File examination findings	Area (FM)			Mersey (FM)			Cheshire (FM)		
	FM	PM	Total FM + PM	FM	PM	Total FM + PM	FM	PM	Total FM + PM
The case was reviewed properly in the Magistrates' Court	80.7%	11.0%	91.7%	79.5%	11.5%	89.9%	83.9%	9.7%	93.5%
The case was reviewed properly while in the Crown Court	71.9%	18.8%	90.7%	77.3%	15.9%	93.2%	60%	25%	85%
The duty of continuous review was carried out in compliance with the Code	91.8%	NA	91.8%	90.7%	NA	90.7%	94.3%	NA	94.3%
The case proceeded to trial on the most appropriate charges	97.8%	NA	97.8%	100%	NA	100%	92.6%	NA	92.6%
A decision to discontinue was compliant with the Code	100%	NA	100%	100%	NA	100%	100%	NA	100%
There had been a material change in circumstances in unsuccessful outcomes since charging (yes/no)	42.6%	57.4%	100%	46.9%	53.1%	100%	33.3%	66.7%	100%

FM = fully met; PM = partially met; NA = not applicable

Area case progression

File examination findings	Area (FM)			Mersey (FM)			Cheshire (FM)		
	FM	PM	Total FM + PM	FM	PM	Total FM + PM	FM	PM	Total FM + PM
There was timely compliance with court directions (yes/no)	87.3%	12.7%	100%	91.7%	8.3%	100%	76.7%	23.3%	100%
Case progression was carried out in accordance with the Criminal Procedure Rules	72.6%	25.6%	98.2%	85.9%	11.8%	97.6%	37.5%	62.5%	100%
The lawyer or team exercised sound judgement, had a grip on the case, and progressed it efficiently and effectively	71.5%	17.5%	89%	78.8%	15.3%	94.1%	68.6%	22.9%	91.5%
The indictment was correctly drafted	92.2%	6.3%	98.5%	95.6%	2.2%	97.8%	84.2%	15.8%	100%
There was compliance with initial disclosure duties	87.9%	9.3%	97.2%	75%	25%	100%	56.3%	43.8%	100%
Initial disclosure was timely (yes/no)	92.5%	7.5%	100%	91.8%	8.2%	100%	93.9%	6.1%	96.9%
There was compliance with continuing disclosure duties	88.0%	8.0%	96.0%	94.1%	2.9%	97.0%	75.0%	18.8%	93.8%
Continuing disclosure was timely (yes/no)	76.9%	23.1%	100%	91.7%	8.3%	100%	43.8%	56.3%	100%
Non-compliance was a failure to disclose undermining or assisting material	9.5%	76.2%	85.7%	20%	20%	40%	6.3%	93.7%	100%
Sensitive material was dealt with properly	81.3%	5.6%	86.9%	95.9%	1.4%	97.3%	48.5%	15.2%	63.7%
Correct use of disclosure record sheet	72.0%	12.1%	84.1%	67.6%	13.5%	81.1%	81.8%	9.1%	9.1%

Overall quality of handling of unused material	Excellent	Good	Fair	Poor	Not known
Area	0%	52.8%	40.6%	4.7%	1.9%
Mersey	0%	57.5%	38.4%	1.4%	2.7%
Cheshire	0%	42.4%	45.5%	12.1%	0%

Victim and witness issues

File examination findings	Area (FM)			Mersey (FM)			Cheshire (FM)		
	FM	PM	Total FM + PM	FM	PM	Total FM + PM	FM	PM	Total FM + PM
The Victims' Code and other policy guidance was complied with	98.1%	0%	98.1%	97.4%	0%	97.4%	100%	0%	100%
The right type of special measure was sought	92.5%	2.5%	95%	92.6%	3.7%	96.3%	92.3%	0%	92.3%
The police were consulted before stopping the case or substantially altering a charge	80.8%	7.7%	88.5%	85.7%	0%	85.7%	75.0%	16.7%	91.7%
There was timely compliance with the direct communication with victims initiative where required	76.2%	0%	76.2%	69.2%	0%	69.2%	87.5%	0%	87.5%

Out of court disposals

A sample of ten out of court disposals (cautions, conditional cautions, youth diversions and decisions not to charge) was reviewed. In all

these cases, the charging advice had been given by Area Daytime Direct lawyers between July and mid-August 2012.

Out of court disposals findings (10 files)	
The charging decision was compliant with the Code	8 (80%)
Type of OOCDD decided by prosecutor	
No further action	6
Conditional caution	3
Final warning	1

Quality of MG3s	Excellent	Good	Fair	Poor
Out of court disposals (10 cases)	0 (0%)	6 (60%)	1 (10%)	3 (30%)

D Methodology

Before visiting the Area we requested management information and performance data to provide evidence of the progress made against recommendations, including actions taken by the Area against their action plan which was implemented shortly after our 2010 inspection.

Before the on-site phase, inspectors examined 150 files to assess the quality of legal decision-making, casework preparation and progression. A range of Magistrates' Court and Crown Court finalised cases were assessed covering a wide range of categories. One hundred Mersey cases and 50 from Cheshire were evaluated. This included 24 files that had already undergone quality assurance by the Area through the CQSM process. Annex C details our findings of the file examination.

Detailed process checks were carried out in all of the Magistrates' Court and Crown Court case progression units at each site visited. These checks included assessments of the effectiveness of each key stage in the trial preparation process.

Interviews were conducted internally with:

- the Chief Crown Prosecutor
- the Deputy Chief Crown Prosecutor
- the Area Business Manager
- Senior District Crown Prosecutors responsible for the Area's Crown Court, Magistrates' Court and Complex Casework Units
- the Daytime Direct Charging Manager
- the Finance Manager
- the Performance Manager
- the Communications Manager
- T3 Project Manager
- Case Progression Managers
- the Advocacy Unit Manager
- Operational managers that cover case progression, paralegals and administrators

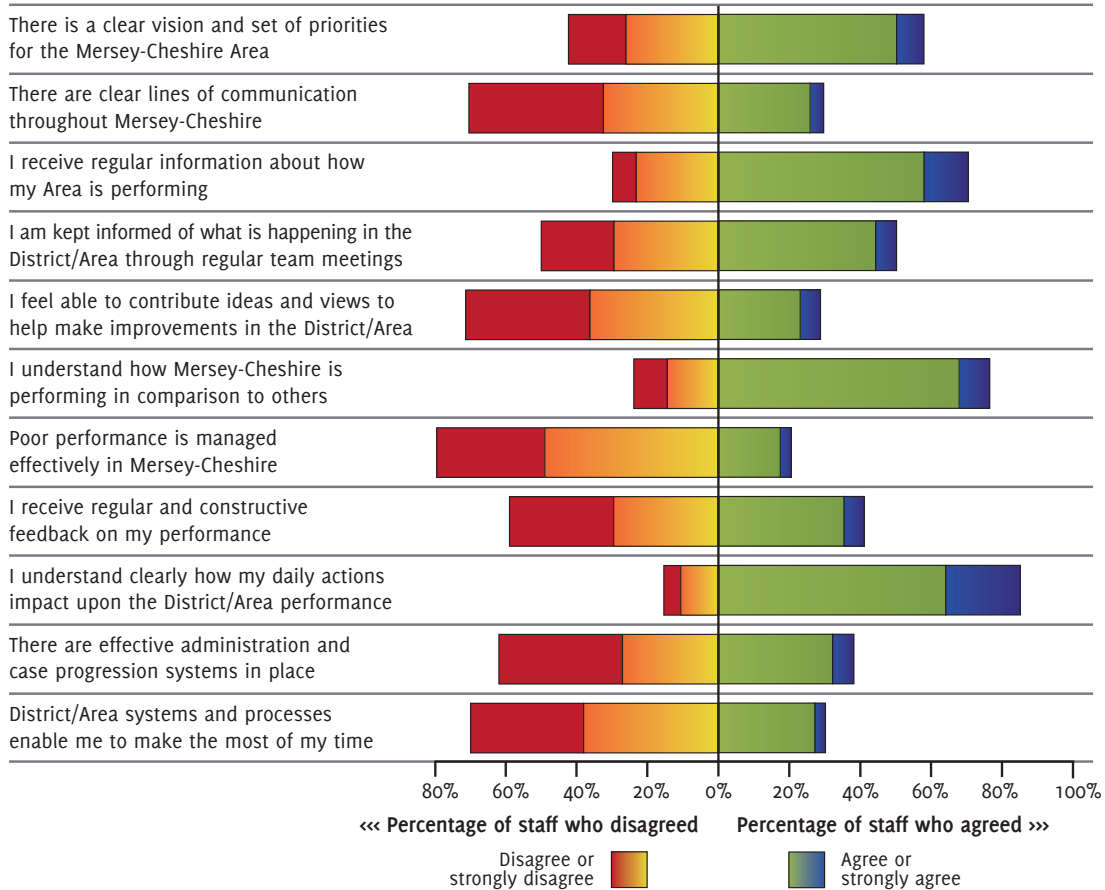
External interviews were also undertaken with:

- Senior police managers in criminal justice roles in both police forces
- District Judges
- HHJ Elgan Edwards QC, the Recorder of Chester

A bespoke staff survey was sent out to all staff. Annex E details the results of this survey.

E Inspection survey results

HMCPSP questionnaire responses



F Glossary

Area Business Manager

The most senior non-legal manager at CPS area level.

Associate Prosecutor

A CPS employee who is trained to present cases in the Magistrates' Court on pleas of guilty, to prove them where the defendant does not attend or to conduct trials of non-imprisonable offences.

Case management system (CMS)

IT system for case management used by the CPS. Through links with police systems CMS receives electronic case material. Such material is intended to progressively replace paper files as part of the T3 implementation. *See also transforming through technology (T3).*

Case progression manager (CPM)

An administrative member of CPS staff who manages the progression of cases through the optimum business model system. They oversee and manage the prioritisation of OBM cases; ensuring cases are ready for trial on their trial date. *See also optimum business model (OBM).*

Code for Crown Prosecutors (the Code)

The public document that sets out the framework for prosecution decision-making. Crown prosecutors have the Director of Public Prosecutions' power to determine cases delegated to them, but must exercise them in accordance with the Code and its two stage test - the evidential and the public interest stages. Cases should only proceed if, firstly, there is sufficient evidence to provide a realistic prospect of conviction and, secondly, if the prosecution is required in the public interest. *See also threshold test.*

Committal

Procedure whereby a defendant in an either way case is moved from the Magistrates' Court to the Crown Court for trial, usually upon service of the prosecution evidence on the defence, but occasionally after consideration of the evidence by the magistrates. *See also either way offences.*

Complex Casework Unit (CCU)

A unit set up within each CPS area which handles the most serious cases, such as organised crime, people or drug trafficking, and complex frauds.

Conditional caution

A caution which is given in respect of an offence committed by the offender and which has conditions attached to it (Criminal Justice Act 2003).

Contested case

A case where the defendant elects to plead not guilty, or declines to enter a plea, thereby requiring the case to go to trial.

CPS core quality standards (CQS)

Standards which set out the quality of service that the public are entitled to expect. The standards reflect legal and professional obligations.

CPS Direct (CPSD)

This is a scheme to support areas' decision-making under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all areas.

Core quality standards monitoring (CQSM)

A system of internal monitoring against the standards, whereby each area undertakes an examination of a sample of completed cases to assess compliance.

Court orders/directions

An order or direction made by the court at a case progression hearing requiring the prosecution to comply with a timetable of preparatory work for a trial. These orders are often made under the Criminal Procedure Rules.

Cracked trial

A case listed for a contested trial which does not proceed, either because the defendant changes his plea to guilty, or pleads to an alternative charge, or because the prosecution offer no evidence.

Criminal Justice: Simple, Speedy, Summary (CJSSS)

An initiative introducing more efficient ways of working by all parts of the criminal justice system, working together with the judiciary, so that cases brought to the Magistrates' Courts are dealt with more quickly. In particular it aims to reduce the number of hearings in a case and the time from charge to case completion.

Criminal Procedure Rules (CPR)

Criminal Procedure Rules determine the way a case is managed as it progresses through the criminal courts in England and Wales. The rules apply in all Magistrates' Courts, the Crown Court and the Court of Appeal (Criminal Division).

Crown Advocate (CA)

A lawyer employed by the CPS who has a right of audience in the Crown Court.

Custody time limits (CTLs)

The statutory time limit for keeping a defendant in custody awaiting trial. May be extended by the court in certain circumstances.

Direct communication with victims (DCV)

A CPS scheme requiring that victims be informed of decisions to discontinue or alter substantially any charges. In some case categories a meeting will be offered to the victim or their family to explain these decisions.

Discharged committal

A case where the prosecution is not ready to commit the defendant to the Crown Court, but the Magistrates' Court refuses to adjourn the case.

Discontinuance

The formal dropping of a case by the CPS through written notice (under section 23 Prosecution of Offences Act 1985).

Early Guilty Plea Scheme (EGP)

A scheme introduced by the Senior Presiding Judge in a number of Crown Court centres which aims to identify cases where a guilty plea is likely. The aim is to separate these cases into EGP courts which expedite the plea and sentence thereby avoiding unnecessary preparation work.

Either way offences

Offences of middle range seriousness which can be heard either in the Magistrates or Crown Court. The defendant retains a right to choose jury trial at Crown Court but otherwise the venue for trial is determined by the magistrates.

File endorsements

Notes on a case file that either explain events or decisions in court or that provide a written record of out of court activity.

Indictable only, indictment

Cases involving offences which can be heard only at the Crown Court (e.g. rape, murder, serious assaults). The details of the charge(s) are set out in a formal document called the “indictment”.

Ineffective trial

A case listed for a contested trial that is unable to proceed as expected and which is adjourned to a later date.

Instructions to counsel

The papers which go to counsel setting out the history of a case and how it should be dealt with at court, together with case reports. These are sometimes referred to as the “brief to counsel”.

Judge directed acquittal (JDA)

Where the judge directs a jury to find a defendant not guilty after the trial has started.

Judge ordered acquittal (JOA)

Where the judge dismisses a case as a result of the prosecution offering no evidence before a jury is empanelled.

No case to answer (NCTA)

Where magistrates dismiss a case at the close of the prosecution evidence because they do not consider that the prosecution have made out a case for the defendant to answer.

Optimum business model (OBM)

A CPS initiative for handling its casework. The model sets out a framework of structures, roles and processes, and aims to standardise these across different units and areas to improve efficiency and effectiveness.

Paralegal Career Family Structure

A new CPS career structure which defines the roles and responsibilities for non-legal staff from paralegal assistant to Associate Prosecutor.

Paralegal officer (PO)

A member of CPS Crown Court staff who deals with, or manages, day-to-day conduct of prosecution cases under the supervision of a CPS lawyer. The PO often attends court to assist the advocate.

Plea and case management hearing (PCMH)

A plea and case management hearing takes place in every case in the Crown Court and is often the first hearing after committal or sending in indictable only cases. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

Pre-charge decision (PCD)

Since the Criminal Justice Act 2003, this is the process by which the police and CPS decide whether there is sufficient evidence for a suspect to be prosecuted. The process is governed by the Director’s guidance, the latest edition of which came into effect in early 2011.

Pre-trial application

An application usually made by the prosecution to the court to introduce certain forms of evidence in a trial (e.g. bad character, hearsay etc).

Proceeds of Crime Act 2002 (POCA)

Contains forfeiture and confiscation provisions and money laundering offences, which facilitate the recovery of assets from criminals.

Prosecution Team Performance Management (PTPM)

Joint analysis of performance by the CPS and police locally, used to consider the outcomes of charging and other joint processes.

Prosecutor's duty of disclosure

The prosecution has a duty to disclose to the defence material gathered during the investigation of a criminal offence, which is not intended to be used as evidence against the defendant, but which may undermine the prosecution case or assist the defence case. Initial (formerly known as "primary") disclosure is supplied routinely in all contested cases. Continuing (formerly "secondary") disclosure is supplied after service of a defence statement. Timeliness of the provision of disclosure is covered in the Criminal Procedure Rules. *See also unused material.*

Review, (initial, continuing, summary trial, full file etc)

The process whereby a crown prosecutor determines that a case received from the police satisfies and continues to satisfy the legal test for prosecution in the Code for Crown Prosecutors. One of the most important functions of the CPS.

Section 51 Crime and Disorder Act 1998

A procedure for fast-tracking indictable only cases to the Crown Court, which now deals with such cases from a very early stage - the defendant is sent to the Crown Court by the magistrates.

Sensitive material

Any relevant material in a police investigative file not forming part of the case against the defendant, the disclosure of which may not be in the public interest.

Special measures applications

The Youth Justice and Criminal Evidence Act 1999 provides for a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. Measures include giving evidence through a live TV link, screens around the witness box and intermediaries. A special measures application is made to the court within set time limits and can be made by the prosecution or defence.

Streamlined process (Director's guidance)

Procedures agreed between the CPS and police to streamline the content of prosecution case files; a restricted amount of information and evidence is initially included where there is an expectation that the defendant will plead guilty.

Summary offences

Offences which can only be dealt with in the Magistrates' Courts, e.g. most motoring offences, minor public order and assault offences.

Threshold test

The Code for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full Code test is not yet available, the threshold test should be applied.

Transforming through technology (T3)

A national CPS programme introducing electronic working and aiming to provide, through the use of enhanced technology, a more efficient Service. The CPS proposes to change its business processes by moving to full digital working by April 2013.

It involves electronic files being put together by the police and being sent digitally to the CPS. Cases will then be prepared electronically and prosecuted from laptops or tablets in court.

Unused material

Material collected by the police during an investigation but which is not being used as evidence in any prosecution. The prosecutor must consider whether or not to disclose it to the defendant.

Upgraded file

The full case file provided by the police for a contested hearing.

Witness care unit (WCU)

Unit responsible for managing the care of victims and prosecution witnesses from a point of charge to the conclusion of a case. Staffed by witness care officers and other support workers whose role it is to keep witnesses informed of progress during the course of their case. Units have often a combination of police and CPS staff (joint units).



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