

**THE INSPECTORATE'S REPORT
ON
CPS GLOUCESTERSHIRE**

REPORT 2/04

FEBRUARY 2004

CPS GLOUCESTERSHIRE



AREA OFFICE

Gloucester

MAGISTRATES' COURTS

Cheltenham, Coleford (Forest of Dean), Gloucester, Stroud

CROWN COURTS

Bristol, Gloucester

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PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPsi) was established by the Crown Prosecution Service Inspectorate Act 2000 as an independent statutory body. The Chief Inspector is appointed by, and reports to, the Attorney General.

HMCPsi's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system, through a process of inspection and evaluation; the provision of advice; and the identification of good practice. It works in partnership with other criminal justice inspectorates and agencies, including the Crown Prosecution Service (CPS) itself, but without compromising its robust independence.

The main focus of the HMCPsi work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. In 2002 it completed its first cycle of inspections during which it visited and published reports on each of the CPS Areas as well as the Casework and Policy Directorates within CPS Headquarters. A limited amount of re-inspection was also undertaken. For the second cycle, some significant changes have been made in methodology in order to enhance the efficiency of HMCPsi itself and adapt its processes to developments both within the CPS and the wider criminal justice system. The four main changes are: the adoption of a four year cycle with each Area now receiving two visits during that period, one of which may be an intermediate (as opposed to full) inspection; a risk assessment technique has been developed to determine the appropriate type of inspection and the issues which should be covered; an inspection framework has been developed founded on the EFQM (Business Excellence Model); and we have incorporated requirements to ensure that our inspection process covers all matters contained in the inspection template promulgated by the Commission for Racial Equality. HMCPsi will also be using a wider range of techniques for gathering evidence.

The Government has initiated a range of measures to develop cohesion and better co-ordinated working arrangements amongst the criminal justice agencies so that the system overall can operate in a more holistic manner. Public Service Agreements between HM Treasury and the relevant Departments set out the expectations which the Government has of the criminal justice system at national level. The framework within which the system is managed nationally has been substantially revised and that is reflected by the establishment in each of the 42 criminal justice areas of a Local Criminal Justice Board. During the second cycle of inspection, HMCPsi will place even greater emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these new Boards. In furtherance of this aim, this inspection formed part of an exercise in which the criminal justice inspectorates have looked jointly at the criminal justice system in Gloucestershire as a whole.

Although the inspection process will continue to focus heavily on the quality of casework decision-making and casework handling, it will continue to extend to overall CPS performance. Consistently good casework is invariably underpinned by sound systems, good management and structured monitoring of performance. Although reports in our first cycle tended to address management and operational issues separately from casework, that fundamental linkage will now be reflected more fully through the EFQM based inspection framework. Inspection teams comprise legal inspectors, business management inspectors and casework inspectors working closely together. HMCPsi also invites suitably informed

members of the public nominated by national organisations to join the process as lay inspectors. These inspectors are unpaid volunteers who examine the way in which the CPS relates to the public, through its dealings with witnesses and victims, its external communication and liaison, its handling of complaints and the application of the public interest test contained in the Code for Crown Prosecutors.

HMCPSI has offices in London and York. The London office has two Groups which undertake inspections in the Midlands and Wales, and in Southern England. The Group based in York carries out inspections in Northern England. Both offices undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPSI is likely to be conducting six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The Inspectorate's reports identify strengths and aspects for improvement, draw attention to good practice and make recommendations in respect of those aspects of the performance which most need to be improved. The definitions of these terms may be found in the glossary at Annex 9.

During the second cycle of inspections, a database will be built up enabling comparisons to be drawn between performances of CPS Areas. The table of key performance indicators within this report makes such comparison with the aggregate data gathered from the first six inspections. HMCPSI points out the care which must still be undertaken if readers are minded to compare performance described in this report with the overall CPS performance in the *first* cycle. Although many of the key requirements remain and are tested by the same standard, the composition of the file sample has altered and this may make such comparisons unreliable. For that reason, no comparisons are made in this report with the first cycle.

1 INTRODUCTION

- 1.1 This is Her Majesty's Crown Prosecution Service Inspectorate's report about CPS Gloucestershire (the Area), which serves the area covered by the Gloucestershire Constabulary. It has one office, at Gloucester. The Area Headquarters (Secretariat) is based at this office.
- 1.2 At the same time that this inspection was carried out, a pilot joint inspection of the Gloucestershire criminal justice area was also undertaken. This involved HMCPSI, Her Majesty's Inspectorate of Constabulary, Her Majesty's Magistrates' Courts Service Inspectorate, Her Majesty's Inspectorate of Prisons and Her Majesty's Inspectorate of Probation. The pilot joint inspection looked in detail at the effectiveness of the interfaces between the criminal justice agencies in Gloucestershire. We refer at various parts of our report to where more detailed comment is made in the joint report about the Area's contribution to partnership working.

Background

- 1.3 Area business is divided on functional lines between magistrates' courts and Crown Court work. The Criminal Justice Unit (CJU) is responsible for the conduct of all cases dealt with in the magistrates' courts. The Trial Unit (TU) reviews and handles cases dealt with in the Crown Court.
- 1.4 The Senior Management Team (SMT) consists of the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the Unit Heads. It meets monthly to consider Area business. Additionally there is an Area Management Team (AMT), which comprises the members of the SMT plus the Level B managers within the Area.
- 1.5 At the time of the inspection in September 2003, the Area employed the equivalent of 45.2 full-time staff. The Area Secretariat comprises the CCP, ABM and the full-time equivalent of 6.2 other staff. Details of staffing of the units is set out below:

Grade	TU	CJU
Level D	2	1
Level C lawyers	4.8	8.8
Level B2 caseworkers	1	1.8
Level B1 caseworkers	5.6	1
Level A caseworkers	4	9
TOTAL	17.4	21.6

A detailed breakdown of staffing and structure can be found at Annex 2.

1.6 The Area's caseload in the year to June 2003 was as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge advice to police	447	3.4%	4.9%
Summary motoring	6,519	49.2%	36.1%
Other summary	1,813	13.7%	19.1%
Either way and indictable only	4,430	33.4%	39.3%
Other proceedings	46	0.3%	0.6%
TOTAL	13,255	100%	100%

1.7 The Area's Crown Court finalised cases in the year to June 2003 were:

Crown Court finalised cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	231	29.1%	31.6%
Either way offences	236	29.7%	43.9%
Appeals against conviction or sentence	75	9.4%	8.9%
Committals for sentence	252	31.7%	15.5%
TOTAL	794	100%	100%

1.8 A more detailed table of caseload and case outcomes compared with the national average is attached at Annex 3 and a table of caseload in relation to Area resources at Annex 4. CPS Gloucestershire (in common with other CPS Areas) has benefited from a significant increase in its budget since our last inspection in order to drive up performance. As a result, the Area has been able to recruit more staff and reduce generally the average numbers of cases dealt with per lawyer and caseworker.

Methodology and nature of the inspection

1.9 The inspection process is based on the inspection framework summarised at Annex 1. There are two types of inspection. A full inspection considers each aspect of Area performance within the framework. An intermediate inspection considers only those aspects which a risk assessment against the key elements of the inspection framework, and in particular the key performance results, indicates require attention. These key results are drawn from the Area's own performance data, and other performance data gathered within the local criminal justice area.

1.10 The scope of the inspection is also influenced by the length of time since performance was previously inspected. The assessment in respect of CPS Gloucestershire also drew on findings from the previous inspection and re-inspection of the Area, reports of which were published in July 2000 and June 2001. As a result of this risk assessment, it was determined that the inspection of CPS Gloucestershire should be a full one.

- 1.11 Our previous re-inspection report made a total of 14 recommendations. In the course of this inspection, we have assessed the extent to which the recommendations have been implemented, and a synopsis is included at Annex 5.
- 1.12 Our methodology combined examination of 98 cases finalised between March and May 2003 and interviews with members of CPS staff at all levels, criminal law practitioners and local representatives of criminal justice agencies. Our file sample was made up of magistrates' courts and Crown Court trials (whether acquittals or convictions), cracked and ineffective trials and some specific types of cases. A detailed breakdown of our file sample is shown at Annex 6. A list of individuals from whom we received comments is at Annex 7. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' courts and the Crown Court.
- 1.13 Inspectors visited the Area between 15 and 26 September 2003. The lay inspector for this inspection was Leslie Daniels, who was nominated by Victim Support. The role of the lay inspector is described in the Preface. She examined files that had been the subject of complaints from members of the public and also considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. This was a valuable contribution to the inspection process. The views and findings of the lay inspector have been included in the report as a whole, rather than separately reported. She gave her time on a purely voluntary basis, and the Chief Inspector is grateful for her effort and assistance.
- 1.14 The purpose and aims of the Inspectorate are set out in Annex 8. A glossary of the terms used in this report is contained in Annex 9.

2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

- 2.1 The quality of decision-making is good in most cases, but we had concerns about how the Area applies the Code public interest test in determining whether a case should be discontinued. Whilst the timeliness of summary trial preparation is good, the continuing review of contested cases could be improved, and in some cases is hampered by the late receipt of the evidence and information from the police. The CPS itself could assist in overcoming that by establishing improved processes to increase the timeliness of requests to the police for additional information.
- 2.2 Disclosure of unused material is generally dealt with well, although timeliness could be improved. There is also a need to regulate the procedure for dealing with issues of third party disclosure. The quality of indictments is satisfactory, but there needs to be an improvement in the quality of instructions to counsel. File housekeeping in Crown Court cases was particularly good. Sensitive cases were generally handled well, although prosecutors need to be more alert to the possibility of using special measures in cases involving vulnerable adult witnesses.
- 2.3 The quality of advocacy is satisfactory, although agents could be better prepared. Monitoring of magistrates' courts advocates is undertaken, but there is a need to undertake more frequent monitoring of agent's performance.
- 2.4 The Area has a good working relationship with the Witness Service, but could improve the timeliness of notification of witnesses attending court, especially in youth court cases. Witness care is hindered by the poor quality of facilities for witnesses at some court centres.
- 2.5 Overall there is a need to improve the effectiveness of the Direct Communication with Victims initiative. Letters are frequently late, although the quality of most letters is now to an acceptable standard.

Bringing offenders to justice

- 2.6 The Area and its CJS partners, under the auspices of the Local Criminal Justice Board (LCJB), have developed detailed action plans for dealing with persistent offender cases. However, the Area has dealt with few cases in this category. The Area is on target to increase the overall number of offences brought to justice, but at the time of our inspection was unlikely to meet the specific target for persistent offenders.
- 2.7 Area performance in the processing of persistent young offenders (PYOs) is particularly good. The average time from arrest to sentence of PYOs is one of the best in the country.

Reducing ineffective trials

- 2.8 The Narrowing the Justice Gap (NJG) plan identifies the need for remedial work to be undertaken in reducing the number of cracked and ineffective trials, but progress against the action plan had slipped. In the light of this the CCP had personally undertaken to examine the causes of cracked and ineffective trials and identify remedial action. Work was on going at the time this report was being drafted.

Improving public confidence

- 2.9 The Area has been pro-active in developing its work in relation to cases of domestic violence, including involvement in a local domestic violence intervention project and training the police on evidence gathering techniques. The CJU Head chairs the local Gloucester Racist Incident Group and the Area has established strong contacts with the Race Equality Council.

Value for money

- 2.10 The recording and prosecuting of specified offences is diverting resources that could be used more effectively elsewhere. In addition, there was a backlog of counsel's fees awaiting payment.

Equality and diversity issues

- 2.11 Cases involving racial incidents are dealt with well, and we found no evidence of bias or discrimination. The Area had drawn up a detailed race action plan in response to the HMCPSI report on casework having an ethnic minority dimension. There have been some concerns about inappropriate behaviour within the office. The recent appointment of an Equality and Communication Officer may help to develop the Area's approach to these issues.

Management issues

- 2.12 The Area is at a critical stage in its development. It has in the past adopted a cautious approach to change. The implementation of the charging scheme, Glidewell phase two and Compass CMS, allied to the advent of the new LCJB, are all challenges and opportunities to the Area.
- 2.13 Whilst some progress has been made since the last inspection, important work remains to be done. The senior managers need to develop a greater degree of trust, respect and the confidence of both staff and CJS partner agencies, which is absolutely essential if the Area is to move forward in line with senior management's vision.
- 2.14 There are still indications of frustration and negativity among a wide cross section of staff. This is in part replicated in how the criminal justice agencies approach inter-agency co-operation across a range of issues.
- 2.15 There was a surprising level of discontent among staff with lower morale than normally encountered in a provincial Area. This may be symptomatic of the low level of trust and understanding between some managers and some staff.

Performance management

- 2.16 Performance management needs strengthening, although it is recognised that there are widespread problems with the accuracy of performance data across the CJS, particularly in the Magistrates' Courts Service. However, the CPS could be more informed about key aspects of performance, which in turn would help them in discussions and negotiations with partner agencies. The foundations of a performance management system are in place, but it needs to be developed and used more effectively.

Financial management

- 2.17 Financial management and related controls are quite basic in Gloucestershire. We were disappointed to discover that the Area was wrongly including specified offences in its performance indicators, particularly as this was the subject of a recommendation in the previous inspection. There was also a large backlog of unpaid counsel fees going back many months. This was attributed to the reluctance on the part of some level B caseworkers in the TU to undertake this aspect of work, and also to the loss of a member of staff experienced in this work. However, we consider that the backlog cannot be wholly explained by these factors.

Recommendations

- 2.18 We make recommendations about the steps necessary to address significant weaknesses relevant to important aspects of performance, which we consider to merit the highest priority.
- 2.19 We have made six recommendations to help improve the Area's performance.
1. The CCP gives guidance about the handling of outstanding cases in the magistrates' courts following the sentencing of the defendant at the Crown Court, so that the current approach towards discontinuance does not prevail (paragraph 4.18).
 2. To improve summary trial preparation and increase the effective summary trial rate, the CCP and CJU Head should:
 - * appoint a magistrates' courts case progression officer;
 - * agree with the Justices' Chief Executive the criteria for holding a PTR; and
 - * ensure cases are reviewed fully before the PTR (paragraph 4.25).
 3. The CJU and TU Heads take steps to improve the identification of cases with a notifiable victim, and the timeliness of DCV letters to meet the national target of an average of five days (paragraph 6.9).
 4. The Area stops including specified offences in its PIs (paragraph 9.5).
 5. The ABM and TU Head introduce appropriate systems and controls to ensure that prosecution costs are managed properly. Current backlogs should be cleared as a matter of urgency (paragraph 9.11).
 6. The CCP should initiate a programme of team building and coaching to assist the Senior Management Team in developing greater cohesiveness at corporacy, and to project a positive image of the SMT (paragraph 13.7).

3 KEY PERFORMANCE RESULTS

Target 1: To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005-06; with an improvement in all CJS areas, a greater increase in the worst performing areas, and a reduction in the proportion of ineffective trials.

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Advice				
Decisions complying with evidential test in the Code ¹	-	98.3%	-	100%
Decisions complying with public interest test in the Code ¹	-	95.2%	-	100%
First Review				
Decisions to proceed at first review complying with the evidential test ¹	-	98.2%	-	98.5%
Decisions to proceed at first review complying with public interest test ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at first review ¹	-	78.2%	-	72.2%
Discontinuance				
Discontinuance rate of completed cases (CPS figure)	-	12.6%	-	15.9%
Discontinued cases with timely discontinuances ¹	-	73.7%	-	69%
Decisions to discontinue complying with the evidential test ¹	-	92%	-	89.5%
Decisions to discontinue complying with the public interest test ¹	-	98.3%	-	60%
Discontinued cases where all reasonable steps had been taken to request additional evidence/information ¹	-	87.1%	-	80%
Level of charge				
Charges that required amendment and were amended in a timely manner ¹	-	72.7%	-	50% 1 out of 2 cases
Cases that proceeded to trial or guilty plea on the correct level of charge ¹	-	96.8%	-	94.1%
Cracked and ineffective summary trials				
Cracked trials as recorded by CPS and magistrates' courts JPM	-	(Oct - Mar 03) 37.9%	-	(Oct - Mar 03) 40%
Cracked trials in file sample that could have been avoided by CPS action ¹	-	20.7%	-	30% 3 out of 7
Ineffective trials as recorded by CPS and magistrates' courts JPM	-	(Oct - Mar 03) 30.4%	-	(Oct - Mar 03) 24.7%
Ineffective trials in the file sample that could have been avoided by CPS action	-	- ⁴	-	-
Summary trial				
Acquittal rate in magistrates' courts (% of finalisations) – CPS figure	-	1.8%	-	1.3%
Decisions to proceed to trial complying with the evidential test ¹	-	94.8%	-	100%
Decisions to proceed to summary trial complying with the public interest test ¹	-	99.5%	-	100%
Cases with timely summary trial review ¹	-	77.3%	-	93.3%
Requests for additional evidence/information made appropriately at summary trial review ¹	-	72.5%	-	90%
No case to answers where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	51.3%	-	None in file sample

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
CROWN COURT CASEWORK				
Committal and service of prosecution papers				
Cases with timely review before committal, or service of prosecution case in "sent" cases ¹	-	80.3%	-	76.5%
Decisions to proceed at committal/service of prosecution papers stage complying with evidential test in the Code for Crown Prosecutors ¹	-	96.3%	-	100%
Decisions to proceed at committal/service of prosecution papers stage complying with public interest test in the Code for Crown Prosecutors ¹	-	99.8%	-	100%
Requests for additional evidence/information made appropriately at committal/service of prosecution case review ¹	-	87.9%	-	100%
Timely and correct continuing review after committal	-	83.4%	-	100%
Cases with timely service of committal papers on defence	80%	79.2% ¹ 86.7% ³	%	79% ¹ 84.9% ²
Cases with timely delivery of instructions to counsel	84%	84.3% ¹ 86.6% ³	%	100% ¹ 81.1% ²
Instructions to counsel that were satisfactory ¹	-	62.7%	%	55%
Cracked and ineffective trials				
Cracked trials as recorded by CPS and Crown Court JPM		(Apr-Jun 03) 37.3%		(Apr-Aug 03) 40.8%
Cracked trials that could have been avoided by CPS action ¹	-	19.3%	-	10% 1 out of 10
Ineffective trials as recorded by CPS and Crown Court JPM		(Apr-Jun 03) 23.4%		(Apr-Aug 03) 19.7%
Ineffective trials where action by CPS could have avoided an adjournment ¹	-	- ⁴	-	-
Level of charge				
Charges that required amendment & were amended in a timely manner ¹		85.6%		100%
Indictments that required amendment ¹		27.9%		35%
Cases that proceeded to trial or guilty plea on the correct level of charge ¹		97.9%		100%
Judge ordered and judge directed acquittals				
JOA/JDAs where outcome was foreseeable, and CPS could have done more to avoid outcome ¹	-	20.7%	-	0%
Trials				
Acquittal rate in Crown Court (% of all finalisations excluding JOA, appeals/committals for sentence and warrant write-offs) ²	-	10.1%	-	8.7%
NARROWING THE JUSTICE GAP				
Percentage brought to justice against the baseline for 01/2002 as recorded by JPIT		4.5%		- 2.5%

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

³ nationally collated figure based on Area self-assessment returns

⁴ insufficient numbers of files to provide reliable data

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [quarter ending September 2003]

Target 2: To improve the level of public confidence in the criminal justice system, including increasing that of ethnic minority communities, and increasing year on year, the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

CPS PERFORMANCE	National Target 2002-2003	National Performance Cycle to date*	Area Target 2002-2003	Area Performance
MAGISTRATES' AND YOUTH COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		72.8%		73.3%
Cases where secondary disclosure properly handled ¹		60%		No cases in file sample
Witness care				
Trials where appropriate use made of S9 CJA 1967 ¹		97.7%		66.7%
Trials where appropriate use made of the witness care measures ¹		83.3%		67% 2 out of 3 cases
CROWN COURT CASEWORK				
Disclosure				
Cases where primary disclosure properly handled ¹		85.9%		94.7%
Cases where secondary disclosure properly handled ¹		59.8%		50%
Witness care				
Trials where appropriate use made of witness phasing/standby ¹		85%		75%
Trials where appropriate use made of the witness care measures ¹		91%		100%
MAGISTRATES' COURTS AND CROWN COURT				
Custody time limits				
Cases in sample where expiry dates accurately calculated	-	92.5%	-	100%
OTHER ISSUES				
Payment of witness expenses				
Payment of witness expenses within 10 days of receipt of claim ²	100%	99.8%	100%	99.8%
Handling of complaints				
Complaints replied to within 10 days ²	94%	88.6%	96%	92.9%
Citizens charter commitment				
MPs correspondence replied to within 15 days ²	100%	91.8%	N/A	100%
Improving productivity				
Reduce sick absence rate per member of staff	10.6 days (2001)	8.5 days (2001)	9.6 days (2001)	No data (2001)
OTHER ASPECTS OF CPS PERFORMANCE				
CJS Youth Justice Performance Measures (shared between Home Office, Department of Constitutional Affairs (formerly LCD) and CPS)				
To halve time from arrest to sentence for persistent young offenders from 142 to 71 days by 31 March 2002	71 days	68 days (Jan-Dec 02)	71 days	56 days

¹ as assessed by HMCPSI from examination of the file sample during inspection

² self-assessment by Area

* average performance of Areas inspected in inspection cycle 2002-2004 based on a sample of cases examined and observations at court [quarter ending September 2003]

Commentary

Advice to police

- 3.1 We examined nine cases where advice was given to the police. We agreed with the advice in each case. The Area had done a lot of work to improve timeliness, but progress had slipped at the time of our inspection. The advice was given within the 14-day target in six of the nine cases (66.7%).
- 3.2 At the time of our inspection the Area had just started its charging pilot. Early indications are that this service has been well received by the police.

Quality of decision-making

- 3.3 The quality of decision-making needs to be improved in respect of some cases which are discontinued. In all other case categories in our file sample both Code tests were applied correctly at initial review, committal review or summary trial review.

Continuing review

- 3.4 The timeliness of continuing review could be improved, but the Area is hindered by the piecemeal, and sometimes late, provision of evidence from the police.

Discontinuance

- 3.5 The discontinuance rate (15.9%) is the third highest in the country. We considered that the timeliness of discontinuance could be improved in 31% of cases. In these cases there was unnecessary delay after the prosecutor had sufficient information to decide whether to discontinue.
- 3.6 We considered that some cases in the magistrates' courts were being dropped inappropriately, following the imposition of a custodial sentence on unrelated matters at the Crown Court. We also found that the Area's counting of specified cases contributed to the high discontinuance figure.

Discharged committals

- 3.7 There were no cases in our file sample which were discharged because the prosecution had failed to prepare the case for committal by the due date.

Level of charge

- 3.8 The relevant charging standard was applied in all appropriate cases. The level of charge was correct in all Crown Court cases and all but one of the magistrates' court cases. In one magistrates' court case the charge was amended incorrectly. In the Crown Court, the indictment had to be amended in 35% of cases, compared with 27.9% in the cycle to date.

Ineffective trials

- 3.9 The Area's ineffective trial rate in the magistrates' court is low at 24.7%, compared with 30% nationally. However, further work needs to be done to meet the local target of 20%. The cracked trial rate at 40% (against a local target of 35%) is higher than the national figure (37.9%).
- 3.10 In the Crown Court the ineffective trial rate was 19.7% (against a local target of 17%) for the period April to August 2003. The cracked trial rate was 40.8% (against a local target of 35%).

Persistent young offenders

- 3.11 Area performance in processing PYOs has been consistently better than the national average. In 2002, the average processing period was 56 days against a national average of 68 days. The three-month rolling average for June to August 2003 (the latest published figures) was 37 days against a national average of 65 days.

Persistent offenders

- 3.12 The Area has dealt with few persistent offenders since the start of the scheme. Figures produced by the Gloucestershire LCJB show that, to September 2003, 75 offences committed by persistent offenders had been brought to justice against a straight-line target of 744. The Board has expressed serious concerns over how the target was calculated, and is raising this issue at a national level.

Sensitive cases

- 3.13 Overall the Area handles its sensitive casework well. In 13 out of 15 domestic violence cases the national CPS policy was applied correctly. There is a need to strengthen liaison with the police child protection team and also to ensure that the video of the child's evidence is viewed and a record of the reviewing lawyer's assessment of the evidence recorded on the file.

Adverse outcomes

- 3.14 The Area has a lower rate of judge ordered acquittals (9.9%) than the national average (14.4%), but a higher rate of judge directed acquittals (2.7% compared to 1.9%). The rate of judge directed acquittals is, however, based on a very small case number (ten cases). Three judge ordered acquittals were reasonably foreseeable, but the Area could not have done more to avoid them, either by seeking more evidence or discontinuing at an earlier stage.

Narrowing the justice gap

- 3.15 Delay by the magistrates' courts in providing the police with details of finalised cases suggests that locally produced data may not be accurate. The Area appears on target to increase the overall number of offences brought to justice.

Disclosure

- 3.16 The Area's performance in respect of primary disclosure was good, but secondary disclosure needs improving. The lack of a police response to defence statements is impacting on this aspect of performance.
- 3.17 Primary disclosure was dealt with correctly in 11 of the 15 (73.3%) relevant magistrates' court cases and 18 of the 19 (94.7%) relevant Crown Court cases. Timeliness of primary disclosure in the magistrates' courts needs to be improved.
- 3.18 Secondary disclosure was dealt with correctly in only five of the ten relevant cases (all in the Crown Court). This poor performance is attributable in part to the low response rate by the police to requests to consider the issues of secondary disclosure. Sensitive material was considered correctly in all relevant cases.

4 CASEWORK

KEY REQUIREMENT: THE AREA DESIGNS, MANAGES AND IMPROVES ITS CASEWORK PROCESSES IN ORDER TO DELIVER KEY PERFORMANCE, CUSTOMER AND SOCIETY RESULTS, TO ENSURE THAT ALL PROCESSES ARE FREE FROM BIAS AND DISCRIMINATION, AND TO SUPPORT POLICY AND STRATEGY

Overview

- 4.1 Late receipt of information and evidence from the police is impacting on the Area's performance, but the process of summary trial preparation could be improved. In particular the lack of clarity over when to hold a pre-trial review (PTR), or merely to adjourn to a listing date is delaying effective review.
- 4.2 Committal preparation is satisfactory, but there is a need to introduce robust systems for ensuring compliance with directions given at plea and direction hearings (PDH). Magistrates' courts and Crown Court casework would benefit from the appointment of case progression officers.

Advice to police

STANDARD: REQUESTS FOR ADVICE ARE APPROPRIATE, AND DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ADVICE IS FREE FROM BIAS AND DISCRIMINATION

- 4.3 The Area advice rate, at 3.1% of its overall casework, is lower than the national average (4.1%).
- 4.4 The Area started its shadow scheme for pre-charge advice in police stations on 15 September 2003. This gives effect to the recommendation of the Review of Criminal Courts in England and Wales (the Auld report) that the CPS should assume responsibility for the initial decision whether to charge; the legislation for a statutory scheme is currently before Parliament.
- 4.5 Initially the scheme is operating out of Gloucester Police Station, covering one police division. The early indications are that the scheme has been well received by the police. Management action may be needed to ensure that such advice cases are also included as part of the Area's caseload.
- 4.6 We examined nine cases where the police had sought pre-charge advice from the CPS. All advice was correct and well presented. The Area had undertaken work since our earlier inspection to improve the timeliness of advice, but progress had slipped at the time of this inspection. The advice was timely in six of the nine cases. The Area uses its case tracking system to flag and subsequently chase outstanding advices, but our findings indicate a need for management to address the issue of timeliness.

Cases ready to proceed at first date of hearing

STANDARD: JOINT CPS/POLICE PROCESSES ENSURE CASES READY TO PROCEED AT FIRST DATE OF HEARING AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME (I.E. TO ELIMINATE UNLAWFUL DISCRIMINATION, PROMOTE EQUALITY OF OPPORTUNITY AND PROMOTE GOOD RELATIONS BETWEEN PERSONS OF DIFFERENT RACIAL GROUPS)

- 4.7 In the course of our joint inspection we found that there was disagreement between the police and the magistrates' courts over the availability of slots to which offenders in early administrative hearings (EAH) could be bailed. In essence, the capacity provided by the magistrates' courts should have accommodated much earlier hearing dates; no party could adequately explain the position. The fact is that some defendants were being bailed up to six weeks before their first date of hearing. This resulted in cases being submitted by the police to the Area for initial review substantially in advance of the first hearing date. However, prosecutors were not reviewing these cases until the day before the hearing. The opportunity to identify at an early stage what additional evidence was required was being missed.
- 4.8 The provision of advance information was satisfactory. A note of the documents that were served as advance information was made in only 12 of the relevant 24 cases.
- 4.9 The evidential and public interest tests were applied correctly in 65 of the 66 relevant cases. In one case we disagreed with the application of the Code evidential test. The proceedings had clearly been started outside the statutory time limit and the case should have been rejected at initial review. We found no evidence of bias or discrimination in the application of the Code tests.
- 4.10 Recording of review could be better. Evidential and public interest factors were satisfactorily recorded in 28 of the 37 relevant cases (75.7%).

Bail/custody applications

STANDARD: JOINT CPS/POLICE PROCESSES ENSURE APPROPRIATELY INFORMED BAIL/CUSTODY APPLICATIONS ARE MADE AND THAT CASEWORK DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME

- 4.11 There is a perception that prosecutors, in dealing with the question of bail at court, give too much weight to the initial grant of bail by the custody sergeant. Whilst it is appropriate for there to be a presumption in favour of preserving the status quo, prosecutors must consider each case on its merits and be prepared to oppose the grant of bail by the court (which is a fresh matter) if the initial decision seems flawed or circumstances have changed. Whilst we did not see any examples during our court observations where that would have been appropriate, it was clear from the evidence as a whole that such circumstances do occasionally arise.

Discontinuances in magistrates' courts

STANDARD: AREA PROCESSES ENSURE DISCONTINUANCES IN MAGISTRATES' COURTS OR CROWN COURT ARE BASED ON ALL AVAILABLE MATERIAL AND ARE TIMELY

- 4.12 The Area's discontinuance rate (15.9%) is significantly higher than the national average (12.6%). In the year ending March 2003 it was the third highest in the country. The rate has shown only marginal improvement from the previous year (16%), where again the Area had the third highest rate in the country.
- 4.13 We examined 29 cases which had been discontinued, five of which were dropped on the day of trial. The decision to drop the case on evidential grounds was correctly made in 17 of the 19 relevant cases (89.5%). In six of the ten (60%) relevant cases the decision to drop the case was correctly made on public interest grounds. This finding was substantially lower than found in our cycle to date (98.3%).
- 4.14 Our primary concern is the approach adopted by the Area when the defendant has matters before the Crown Court and outstanding matters in the magistrates' court. We noted that, in all the relevant cases in our file sample, if the defendant received a custodial sentence in the Crown Court, outstanding offences in the magistrates' court would always be dropped. The reason given for this approach was that any conviction in the magistrates' court would not affect the defendant's overall sentence.
- 4.15 Whilst we accept that in many cases this assumption would be correct, it is not always so. Moreover, the approach fails to consider the impact on public confidence or the need to narrow the justice gap. Clearly there will be occasions when the Area's approach is justified, for example when the outstanding offences are very minor. However, the examples in our file sample included theft from motor vehicles and offences of dishonestly obtaining property by deception involving high value goods. Additionally, while on-site we were made aware of a further case, which had been dropped in these circumstances, which involved a very high number of offences that could have been taken into consideration by the defendant.
- 4.16 The police liaison officer in the TU collates cases which are discontinued and there is some joint analysis, on an exception basis, with the police of the reasons why cases are dropped, and what lessons can be learnt for the future.
- 4.17 A further reason for the high level of discontinuance is the impact of wrongly recording some categories of traffic case, which should be prosecuted by the police. We discuss the implications of this practice in greater detail later in this report. Many of these cases are dropped because the summons cannot be served, as the defendant is untraceable. Removing this category of case (which must be done) from the Area's caseload figures will affect the discontinuance rate. In our earlier re-inspection report (based on a larger sample of 105 cases) we found that 26% of discontinued cases fell into this category.
- 4.18 Discontinuance was timely in 20 of the 29 cases (69%). This is lower than our findings in our inspection cycle to date (73.7%). We found that the prosecutor awaiting a response from the police to the proposed discontinuance was one of the causes of delay. We also observed cases in court being adjourned to await a response from the police. In our joint report we raise concerns about the effectiveness of internal police communications.

RECOMMENDATION

The CCP gives guidance about the handling of outstanding cases in the magistrates' courts following the sentencing of the defendant at the Crown Court, so that the current approach towards discontinuance does not prevail.

Summary trial preparation

STANDARD: AREA SUMMARY TRIAL PROCESS ENSURES THAT THE PTR (IF THERE IS ONE) AND THE TRIAL DATE ARE EFFECTIVE HEARINGS, AND ANY DECISIONS ON ACCEPTABILITY OF PLEAS OR ALTERNATIVE CHARGES ARE MADE IN ACCORDANCE WITH CODE TESTS AND CPS POLICY, AND ARE FREE FROM BIAS AND DISCRIMINATION

- 4.19 The preparation of cases for summary trial could be improved. In particular the use of PTRs could be more effective, which would assist in increasing the effective trial rate. We recognise, however, that delay in receipt of the full file from the police impacts on the ability of the prosecutor to prepare the case fully in a timely manner. Data produced by the LCJB indicates that, for the quarter ending June 2003, the provision by the police of the full file was timely in only 58.5% of cases.
- 4.20 Witness availability is not included on the EAH file. Therefore a trial date cannot be fixed at the first hearing. With the introduction of the charging pilot, a full file should be available before the first hearing in those cases where it is anticipated that the defendant will plead not guilty. It should therefore be possible, in those cases covered by the charging pilot, to list for trial at the first hearing.
- 4.21 Currently, if a defendant enters or indicates a not guilty plea, the case is adjourned for 28 days (21 days in youth and custody cases) to a listing date. We found that, even though the full file might be received by the listing date, no substantive work, other than identifying the required witnesses, took place before this hearing. At the listing date a decision would be made whether to hold a PTR. The criteria for determining whether a case should have a PTR were unclear.
- 4.22 Joint performance management (JPM) data indicates that for the quarter ending June 2003, a PTR was held in only 17.7% of cases. In our file sample a PTR was held in only four of the 17 relevant cases (23.5%). Of those four cases, only one contained a clear record of what was agreed at the PTR. We have proposed in our joint report that all parties to the proceedings would benefit from a standardised form to record decisions made at the PTR.
- 4.23 The infrequency of PTRs is illustrated by the fact that there are only two PTR courts a month in the Area. We were pleased to note that prosecutors scheduled to conduct these hearings were allocated time to prepare, although the late receipt of evidence from the police could frustrate the effectiveness of these hearings.

- 4.24 A substantive review of the summary trial file took place after the listing date in all relevant cases, but none had been subject to a pre-trial readiness check. This is leading to late decisions about the appropriate level of charge or whether the case can proceed. JPM data for the quarter ending June 2003 indicates that 21.7% of trials cracked because the prosecution dropped the case through lack of evidence. In our file sample five of the 29 discontinued cases were dropped on the day of trial. In a further three cases in our file sample the defendant was bound over on the day of trial. In each of the three cases more could have been done to agree this outcome before the trial date. Late decision-making not only inconveniences victims and witnesses who have to attend court unnecessarily, but also wastes available court hearing time.
- 4.25 In view of the recognised difficulties in receiving the full file from the police, we consider that the Area would benefit from appointing a case progression officer who could check regularly whether necessary evidence or information had been received from the police and undertake remedial action where necessary.

Aspects for improvement

- * Analysis of cracked and ineffective trials.

RECOMMENDATION

To improve summary trial preparation and increase the effective summary trial rate, the CCP and CJU Head should:

- * **appoint a magistrates' courts case progression officer;**
- * **agree with the Justices' Chief Executive the criteria for holding a PTR; and**
- * **ensure cases are reviewed fully before the PTR.**

Committal and Crown Court case preparation

STANDARD: AREA PROCESSES FOR CASES "SENT" OR COMMITTED FOR TRIAL TO THE CROWN COURT ENSURE THAT:

- A) SERVICE OF THE PROSECUTION CASE ON THE DEFENCE TAKES PLACE WITHIN AGREED TIME PERIODS BEFORE COMMITTAL/PDH;**
- B) PROSECUTION HAS TAKEN ALL NECESSARY STEPS TO MAKE THE PDH AND TRIAL DATE EFFECTIVE; AND**
- C) PROSECUTOR IS FULLY INSTRUCTED**

- 4.26 We examined 20 cases, which had been committed or sent for trial. The Code tests were applied correctly in each case. Charges were amended appropriately and, where relevant, charging standards applied correctly. Committal preparation or service of the prosecution case was timely in 15 of the 19 relevant cases (79%).

- 4.27 Prosecutors prepare committal papers and the prosecution case. Caseworkers have no involvement in the case until after committal or the service of the prosecution case. Management action may be needed to develop the role of the caseworkers to include involvement in pre-committal preparation. This would assist them in getting a feel for cases at an early stage and also free up prosecutor time to deal with issues that arise subsequently.
- 4.28 Directions given at the PDH were complied with in a timely manner in seven of the ten relevant cases. In two of the three cases which were not timely, we considered that the Area could have done more to ensure compliance within the timescale set down. There is no effective action dating system to check on compliance with orders.
- 4.29 The quality of file housekeeping in Crown Court cases is very good. Paperwork is sorted into appropriate folders, making it easy to find information.
- 4.30 The resident judge takes a pro-active role in case management, insisting that the officer in charge of the case attends the preliminary hearing or PDH, and fixing the trial date at the preliminary hearing. Whilst this speeds up communication to the officer of what is required, management action may be needed to prevent the CPS becoming sidelined in this process. Additionally, the court now sets very tight timescales for compliance with orders, often giving no more than seven days. In some cases the timescales appear too tight, putting additional pressures on the caseworkers and leading to criticism of the CPS. Whilst the Head of the TU has raised with the resident judge the need for timescales to be realistic (but without causing unnecessary delay), in the light of our findings management will wish to consider a further approach.
- 4.31 We have recommended the appointment of a case progression officer for summary trial cases. In view of our comments about Crown Court case progression, we also consider that a similar role should be created in the TU.
- 4.32 The quality of instructions to counsel is variable. In 18 of the 20 relevant cases we considered that there was a meaningful case analysis. However only three of the 11 relevant cases addressed adequately the issues of the acceptability of alternative pleas. Overall instructions to counsel were satisfactory in 11 of the 20 cases (55%). This is lower than our findings in our inspection cycle to date (62.7%). The Head of the TU recognises that more needs to be done to address the issues of acceptable pleas, which would push up the overall quality considerably.

Strengths

- * Crown Court file housekeeping.

Aspects for improvement

- * Implementation of an effective action dating system to check compliance with court directions.
- * The quality of instructions to counsel.

Disclosure of unused material

STANDARD: AREA PROCESSES FOR DISCLOSURE ENSURE FULL AND TIMELY COMPLIANCE WITH CPIA AND CPS POLICY/OPERATIONAL INSTRUCTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT

- 4.33 Primary disclosure in the magistrates' court was dealt with properly in 11 of the 15 relevant cases (73.3%), which is higher than found in our inspection cycle to date (72.8%). However, primary disclosure was only timely in three of the 15 cases (20%). In part this is due to the late receipt of the relevant schedules from the police, leading to the issues of primary disclosure not being addressed as part of the main summary trial review. However, from an Area perspective the process could be improved by the use of a case progression officer. Consideration of secondary disclosure was not required in any case.
- 4.34 In the Crown Court, primary disclosure was dealt with properly in 18 of the 19 relevant cases (94.7%), which is significantly higher than our overall findings in our inspection cycle to date (85.9%). The position with regard to secondary disclosure is less satisfactory, with only five of the ten relevant cases being dealt with properly. Our primary concern was that prosecutors were dealing with secondary disclosure without receiving a response from the police to the defence statement. Again, we recognise that delay in receiving information is impacting on performance, but prosecutors must ensure that their decisions are fully and properly informed. At the time of our inspection the Area was about to start joint training with the police on disclosure, and this aspect should be included.
- 4.35 Timeliness was satisfactory at the primary disclosure stage (89.5% timely) but could be improved in respect of secondary disclosure (50% timely).
- 4.36 Sensitive material was dealt with correctly in all relevant cases, with appropriate applications to withhold being made to the court where necessary.
- 4.37 At the time of our inspection there was no agreed process for dealing with the disclosure of third party material, particularly that held by Social Services. We saw during our court observations an example of where this caused delay and an ineffective trial. The resident judge and the CPS recognise this deficiency and at the time of our inspection an appropriate protocol was being drafted.

Strengths

- * The handling of sensitive material.

Aspects for improvement

- * The handling of secondary disclosure and third party unused material.

Sensitive cases

STANDARD: SENSITIVE CASES (RACE CRIME, DOMESTIC VIOLENCE, CHILD ABUSE/ CHILD WITNESS, RAPE, FATAL ROAD TRAFFIC OFFENCES, HOMOPHOBIC ATTACKS) ARE DEALT WITH IN A TIMELY WAY IN ACCORDANCE WITH CPS POLICY AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION

- 4.38 Overall, sensitive cases are handled well, although prosecutors need to be alert to cases involving vulnerable and intimidated adult witnesses, to ensure they receive the protection of special measures.
- 4.39 There were 13 domestic violence cases in our file sample. In two cases we considered that, in accordance with CPS policy, more enquiries should have been made before the proceedings were dropped. The Area has trained the police on enhanced evidence gathering in domestic violence cases (leading to a higher guilty plea rate), and assisted in the setting up of a domestic violence intervention project. There has also been, with the Gloucestershire Probation Service, joint training of magistrates. We also observed prosecutors at court dealing sensitively with the victims of domestic violence.
- 4.40 Whilst overall child abuse cases are handled correctly, we found that in four of the six relevant cases there was no evidence that the prosecutor had watched the video recording of the child's evidence. We also found that liaison arrangements between the Area and the police child protection unit could be strengthened. The CCP will wish to develop these links.
- 4.41 Applications for special measures hearings are made appropriately for children, although we noted that in some cases they were late. There is a need for prosecutors to be alert to the availability of the measures for adults. There was a case in our file sample where consideration should have been given to whether to apply for special measures. In the course of our joint inspection we found that there was a lack of awareness by the police of the relevant provisions, which may be resulting in them not alerting the CPS. The CCP will wish to consider whether joint training could lead to improvements.

- 4.42 Cases arising from racist incidents are handled correctly, reflecting the Area's pro-active approach within the community. There are appropriate systems for identifying and recording this type of case. There were two such cases in our file sample. One was discontinued correctly because the victim could not be found, and the other was a guilty plea at the Crown Court. In the latter case, the CPS correctly proceeded with the racially aggravated offence.

Strengths

- * The Area's approach to the issue of domestic violence.

Aspects for improvement

- * Reviewing the video recording (and endorsing the file accordingly) of the child's evidence in child abuse cases.

File/message handling

STANDARD: FILE/MESSAGE HANDLING PROCEDURES SUPPORT TIMELY CASEWORK DECISIONS AND ACTIONS IN BOTH MAGISTRATES' COURTS AND CROWN COURT

- 4.43 Guidelines for file construction and handling are covered in the Area's 'Best Practice Standard' and 'Standard Operating Instructions'. Whilst these documents were useful, staff would benefit from one integrated handbook dealing with all casework issues. Some of the instructions appeared to be out of date and some standard forms had fallen into disuse. The Area had drafted some operating instructions to cover the single file system introduced in the Gloucester and Forest Division. These will need to be kept under review while the co-located CJU develops and an agreed change mechanism is introduced.
- 4.44 The TU has a stand-alone computerised case management system, which produces a variety of useful management reports. However, due to software problems and a reluctance by some staff to update case details, some of the information had become unreliable. It is hoped that the introduction of the Compass case management system will assist, but staff were concerned that it will not have the same functionality as the existing system. Databases had been created for the tracking and logging of child abuse tapes (with a facility to transfer information to standard forms for transcripts and undertakings) and domestic violence cases.
- 4.45 There were no backlogs of post either to be dealt with or to be sent out. However, more effective use of e-mail and facsimile transfer facilities could speed up some tasks, for example, requests for full files or further information or evidence to comply with PDH orders. Any such requests should be diarised and chased before the order expires and any difficulties with service and the reasons why communicated to the court. In the TU we found that post was not always linked to the file but passed directly to the allocated caseworker. There is a danger that if urgent matters arise while the caseworker is absent, those dealing with the file may not appreciate the up to date position if they are not in possession of all relevant information.

Custody time limits

STANDARD: SYSTEMS ARE IN PLACE TO ENSURE COMPLIANCE WITH TIME LIMITS/TARGETS IN BOTH MAGISTRATES' COURT AND CROWN COURT

- 4.46 We examined ten custody time limit cases while on site - five magistrates' and five Crown Court cases including the magistrates' court file where appropriate. The expiry dates were recorded correctly in all of the cases. In the CJU, it was not obvious from the front of the file whether the 56 or 70 day expiry date applied. This should be made clear in either way cases once mode of trial has been dealt with.
- 4.47 The Area has had one custody time limit failure in the last 12 months, which occurred due to confusion over the operation of the limits following the defendant's arrest for breach of bail conditions. Management action may be needed to make relevant staff aware of the current guidance on the application of custody time limits (CTLs).
- 4.48 There are appropriate systems for identifying cases where application needs to be made to extend the CTLs, but some of the applications were lacking in detail, particularly in demonstrating that the prosecution had acted with due expedition.

Aspects for improvement

- * Including evidence to demonstrate that the prosecution have acted with due expedition in applications to extend CTLs.

Joint action to improve casework

STANDARD: AREA HAS EFFECTIVE PROCESSES AND PARTNERSHIPS WITH OTHER AGENCIES TO IMPROVE TIMELINESS AND QUALITY OF CASEWORK REVIEW AND PREPARATION FOR BOTH MAGISTRATES' COURT AND CROWN COURT AND THAT PARTNERSHIP DECISIONS REFLECT THE GENERAL DUTY UNDER THE RACE EQUALITY SCHEME

- 4.49 We have acknowledged at appropriate parts of this report where Area performance is affected by late delivery of information by the police. However, there is a lack of concerted effort by the Area to work jointly with the police to drive up performance. There needs to be effective joint performance monitoring of file quality and timeliness. We have identified this as an aspect for improvement in the chapter on Performance Management.
- 4.50 Acknowledged difficulties in the magistrates' court have also led to inaccurate court lists which have hampered the preparation of court bundles. The Area had offered to take over the arranging of the courtroom split of cases, but this was declined. At the time of our inspection the magistrates' court was planning remedial action, which included shutting most courts for a period of time. We discuss this in detail in our joint report, and management action may be needed to assist constructively in resolving these issues.

- 4.51 The handling of youth cases, and PYO cases in particular, is good. The work of the CPS in partnership with the other agencies has ensured that Area performance is one of the best in the country. In 2002, the average processing period was 56 days against a national average of 68 days. For the rolling quarter June - August 2003 (the latest published figures), overall Area performance was 37 days against a national average of 65 days.

Strengths

- * PYO performance.

National Probation Service and Youth Offending Teams

STANDARD: AREA HAS SYSTEMS TO ENSURE COMPLIANCE WITH PROVISION OF INFORMATION TO PROBATION SERVICE TO ENABLE THE PRODUCTION OF ACCURATE REPORTS FREE FROM DISCRIMINATION AND BIAS

- 4.52 The Probation Service monitors the timeliness of the provision of pre-sentence report packages by the Area. Their findings indicate that up to 30% of packages are not, applying the national standards, received by the Probation Service on time. Whilst they share this information with the Area, we consider that the issue would benefit from a joint monitoring exercise, which would strengthen ownership of the findings, particularly as the CPS has previously doubted the provenance of some of the data. We discuss in our joint report the wider issue of the timeliness of the provision of pre-sentence reports by the Probation Service.

Appeals against unduly lenient sentences

STANDARD: SUBMISSIONS TO THE ATTORNEY GENERAL OF POTENTIAL REFERENCES TO THE COURT OF APPEAL AGAINST UNDULY LENIENT SENTENCES ARE MADE IN ACCORDANCE WITH CPS POLICY AND CURRENT SENTENCING GUIDELINES, AND ARE FREE FROM BIAS AND DISCRIMINATION

- 4.53 While on site we examined one case where the Area was asked to consider whether the sentence passed by the court was unduly lenient. This was a particularly sensitive case, which the Area dealt with correctly. We were also impressed with the quality of the letter written to the wife of the deceased explaining why the prosecution would not appeal the sentence.

Recording of case outcomes

STANDARD: RECORDING OF CASE OUTCOMES AND ARCHIVING SYSTEMS ARE EFFICIENT AND ACCURATE

- 4.54 The use of the exception reporting system, which identifies outstanding cases awaiting finalisation, has slipped. This is leading to a backlog of cases awaiting finalisation in the CJU. The Area does not appear to be recording informal advice cases and at the time of our inspection had not implemented a system to ensure that advice cases dealt with as part of the charging pilot are included in the performance indicators (PIs).

- 4.55 We were concerned to find that the Area, despite assurances given to senior management, was wrongly recording specified proceedings, thereby inflating its caseload. We commented on this in our earlier report. We estimate that at least 75 cases a month fell into this category.
- 4.56 Additionally, the police were not using the specified proceedings procedure for motoring offences captured on static cameras, thereby compounding the problem. The police are now aware of the correct procedure, which should increase significantly the number of specified proceedings. In addition, the magistrates' court has recently changed its sentencing policy for offences of using a motor vehicle with no insurance, which will also increase the number of specified proceedings. This will result in a significant fall in the Area's caseload. We discuss the financial implications of this, and make a recommendation, later in the report.

Information on operational and legal issues

STANDARD: INFORMATION ON OPERATIONAL AND LEGAL ISSUES IS EFFICIENTLY AND EFFECTIVELY DISSEMINATED

- 4.57 The Area's Special Casework Lawyer sends out guidance on significant casework issues. In addition, the Area makes good use of the shared drive facility on Connect 42 to disseminate information to staff, although this was not always the most effective form of communication.

Readiness for court

STANDARD: JOINT CPS, POLICE AND COURT SYSTEMS ENSURE FILES ARE DELIVERED TO THE CORRECT COURT IN A TIMELY MANNER AND ARE READY TO PROCEED

- 4.58 The Area has experienced difficulty in obtaining accurate court lists, due to a backlog in the magistrates' courts. This has caused difficulty in determining which cases are listed in which courtroom. We noted that the position was improving, but the Area will wish to work constructively with the court in ensuring the accuracy of court lists.

Learning points

STANDARD: AREA HAS EFFECTIVE SYSTEMS IN PLACE TO IDENTIFY LEARNING POINTS FROM CASEWORK AND IMPLEMENT IMPROVEMENTS

- 4.59 The Area has ceased compiling adverse case reports. At the time of our inspection there was no structured system for learning from experience. The CCP provides detailed reports to the Head of the CJU about issues he identifies when taking cases to court. However, this does not assist in identifying general issues.
- 4.60 Whilst informal communication may be appropriate in a comparatively small office, the effectiveness of this approach will be reduced with the move to co-location. There is a need to introduce a structured approach to learning from experience.

5 ADVOCACY AND QUALITY OF SERVICE DELIVERY

KEY REQUIREMENT: THE AREA DELIVERS A HIGH QUALITY OF SERVICE, INCLUDING ADVOCACY, TO THE COURT, OTHER COURT USERS, AND VICTIMS AND WITNESSES, WHICH CONTRIBUTES TO THE EFFECTIVENESS OF COURT HEARINGS

Overview

- 5.1 The overall quality of prosecution advocacy is variable with a need for improvement on the part of some advocates observed. In particular some agents were unprepared. Monitoring of in-house prosecutors in the magistrates' courts is undertaken, but there is a need to extend the monitoring of agents.

Advocacy standards and monitoring

STANDARD: SELECTION AND MONITORING OF ADVOCATES IN MAGISTRATES' COURTS AND THE CROWN COURT ENSURES CASES ARE PRESENTED TO A HIGH STANDARD AND IN A MANNER WHICH IS FREE FROM BIAS AND DISCRIMINATION, AND THAT SELECTION OF ADVOCATES COMPLIES WITH CPS GENERAL DUTY UNDER THE RACE RELATIONS (AMENDMENT) ACT 2000

- 5.2 We observed a total of 13 advocates in the Crown Court, magistrates' courts and youth court, including in-house lawyers, agents, a designated caseworker (DCW) and counsel. Of the eight CPS advocates we saw, the performance of all but two was at least competent in all respects and one was above average.
- 5.3 The Area's risk assessment identifies a need to undertake more monitoring of counsel agents. We observed two agents, one of whom was less than competent, reflecting a lack of case preparation. We were not made aware of any monitoring of agents, and in view of our findings and the Area's own risk assessment, this should be undertaken.
- 5.4 Generally, the CPS advocates observed were well prepared and able to supply the relevant information. The two CPS advocates whose performance was below average appeared to lack confidence, which was reflected in the manner of their case presentation.
- 5.5 In order to utilise fully the Area's pool of experienced prosecutors, efforts should be made to ensure that sensitive and complex summary trials are kept in-house.
- 5.6 We were able to observe three barristers prosecuting at the Crown Court sitting at Gloucester. All were competent in all respects and two were above average. This is particularly pleasing, as the Area has historically suffered from a high rate of returns by the local Bar at Bristol. There is an expectation by the court that all counsel will be fully prepared for every hearing, whether or not they are trial counsel.
- 5.7 The Area has four Higher Court Advocates (HCAs) (including the CCP). However, one is off on long term sick and another has recently transferred to the CJU. This has reduced considerably the Area's capacity to develop the HCA role. In the year ending March 2003, the Area undertook only 32 HCA sessions. The quality of CPS advocacy in the Crown Court was praised, and it is therefore unfortunate that the use of this resource is limited. There is a need for the Area to develop a strategy to increase the role of its HCAs. It has applied recently for more HCAs to be trained, which should assist in developing a deployment strategy.

Aspects for improvement

- * Monitoring of agents in the magistrates' courts.
- * Retaining sensitive and complex trials in-house.
- * Development of an HCA deployment strategy.

Court endorsements

STANDARD: COURT ENDORSEMENTS ARE ACCURATE AND THOROUGH AND TIMELY ACTIONS ARE TAKEN AS A RESULT

- 5.8 Magistrates' court endorsements were to an acceptable standard in 14 of the 17 relevant cases (82.4%), but there was a satisfactory endorsement of the PTR hearing in only one of the four relevant cases. It is important that a clear endorsement is made of decisions taken at PTR, to ensure both consistency and that the necessary actions are carried out.
- 5.9 The quality of court endorsements in the Crown Court was particularly high with only one of the 20 relevant cases being less than satisfactory. The standard of recording of decisions made at the PDH was particularly good.

Strengths

- * The quality of court endorsements in Crown Court cases.

Aspects for improvement

- * Endorsement of the result of PTR hearings.

Court preparation

STANDARD: PREPARATION FOR COURT IS EFFICIENT AND ENABLES BUSINESS TO PROCEED AND PROGRESS

- 5.10 Key papers are often facsimile transferred to agents the day before the hearing, with the full file being collected on the day. This is unsatisfactory and contributes clearly to the lack of preparation. Management action may be needed to strengthen the procedures for instructing agents to enable them to be prepared fully.
- 5.11 Agent deployment can also have an impact on other aspects of the Area's work. At some courts the use of an agent is viewed as prohibiting the use of a DCW in an adjoining courtroom, if there is no crown prosecutor in the building. We are aware that court listing practices can frustrate the effective use of DCWs, but the Area should ensure that its decision-making maximises their potential.

Aspects for improvement

- * Procedures for instructing and deploying agents.

Attendance at court

STANDARD: STAFF ATTENDANCE AT COURT IS TIMELY AND PROFESSIONAL, AND THE CORRECT LEVELS OF SUPPORT ARE PROVIDED

- 5.12 The magistrates' courts in the Area start at 10 am. We observed that some prosecutors did not arrive sufficiently early to deal with issues that needed resolving before court started. This, and the late arrival of some defence practitioners, led to delays in the court proceedings.
- 5.13 Caseworker coverage at the Crown Court sitting at Gloucester is on a 1:1 ratio, but the Area's resources do not always permit this level of coverage in respect of cases transferred to Bristol, or those occasionally moved to Swindon.
- 5.14 Whilst it is highly desirable to maintain the present ratio at Gloucester, there are aspects of performance in the TU which need to be improved (for example compliance with court directions), and therefore some compromises may have to be made.

Accommodation

STANDARD: THE CPS HAS ADEQUATE ACCOMMODATION AT COURT AND THERE ARE SUFFICIENT FACILITIES TO ENABLE BUSINESS TO BE CONDUCTED EFFICIENTLY

- 5.15 Facilities at all court centres are poor. There is no dedicated CPS room at any of the magistrates' courts, and the one at the Crown Court is less than satisfactory, although the Area is looking to improve facilities at that venue.

6 VICTIMS AND WITNESSES

KEY REQUIREMENTS:

- * THE NEEDS OF VICTIMS AND WITNESSES ARE MET
 - * DECISIONS TO DISCONTINUE, OR SUBSTANTIALLY ALTER A CHARGE ARE PROMPTLY AND APPROPRIATELY COMMUNICATED TO VICTIMS IN ACCORDANCE WITH CPS POLICY, AND IN WAY WHICH MEETS THE NEEDS OF INDIVIDUAL VICTIMS
-

Overview

- 6.1 There is a good working relationship with the Witness Service, although all agencies are hampered by the inadequacy of facilities for victims and witnesses.
- 6.2 There is an urgent need to improve the timeliness of letters sent out under the Direct Communications with Victims (DCV) scheme.

Witnesses at court

STANDARD: WITNESSES ARE TREATED WITH CONSIDERATION AT COURT AND RECEIVE APPROPRIATE SUPPORT AND INFORMATION

- 6.3 Facilities for victims and witnesses are poor at most court centres, particularly at the Crown Court. This is recognised by the Area and the other agencies, but they are constrained by the fabric of the buildings from making substantive improvements.
- 6.4 There is a good working relationship with the Witness Service, although the notification to them of witnesses attending court could be improved, particularly in the Crown and Youth Court. Additionally, there is a need to ensure that when a case is dropped before the trial date, the Witness Service is informed, to stop them allocating resources unnecessarily.
- 6.5 We found that there was a lack of clarity between the police and the Area over who was responsible for liaising with Victim Support or the Witness Service to arrange transport for victims and witnesses who had difficulty getting to court. This was a particular problem in a rural Area with limited public transport. This lack of clarity was leading to delay in making the necessary arrangements and increasing victims and witnesses levels of concern.

Aspects for improvement

- * Clarifying with the police responsibility for liaison with Victim Support/ Witness Service in cases where the victim or witness had difficulty getting to court.

Direct Communication with Victims

STANDARD: VICTIMS ARE INFORMED OF DECISIONS TO DISCONTINUE OR CHANGE CHARGES IN ACCORDANCE WITH CPS POLICY ON DIRECT COMMUNICATION TO VICTIMS

- 6.6 The Area has introduced the standard model for DCV where the lawyers prepare the letters to victims and arrange meetings where appropriate. However, due to resource constraints, and in an effort to improve timeliness, DCWs were drafting many of the letters. Whilst this will assist with timeliness, lawyers should still be carrying out a qualitative check of these drafts. At the time of our inspection some caseworkers had still to receive the necessary training.
- 6.7 As part of our file examination we looked at a number of letters that had been written to victims. Whilst some were clear and full, many were formulaic and did not give a meaningful explanation of why the Area had taken a certain course of action. In one we considered the explanation about why the case had to be dropped was at the least disingenuous.
- 6.8 However, we also, in conjunction with our lay inspector, looked at a number of letters while on site. We were pleased to note that there had been a substantial improvement, which the Area will wish to maintain. We had some concerns that, in order to improve timeliness, lawyers were being instructed to take standard form letters to court and draft one freestyle paragraph. It is important that these letters are given the consideration the victim deserves, and this approach needs to be monitored carefully.
- 6.9 Timeliness is extremely poor. We noted examples where letters had been outstanding for up to two months. In some cases, the letter is only written when the case is finalised, although the circumstances generating the need for the letter may have arisen substantially before this time. It is imperative that DCV letters are timely, to ensure that victims are kept informed, and do not hear unwelcome news through less official channels. We also identified relevant cases which had slipped through the net and had not been subject to a DCV letter.

RECOMMENDATION

The CJU and TU Heads take steps to improve the identification of cases with a notifiable victim, and the timeliness of DCV letters to meet the national target of an average of five days.

Meetings with victims and relatives of victims

STANDARD: MEETINGS ARE OFFERED TO VICTIMS AND RELATIVES OF VICTIMS IN APPROPRIATE CIRCUMSTANCES, STAFF ARE ADEQUATELY PREPARED AND FULL NOTES ARE TAKEN

- 6.10 A number of meetings have been held with victims and relatives. On some occasions, to put the victim at ease, these have been held at the local offices of the Racial Equality Council.
- 6.11 The Area has a room set aside for meetings with victims and relatives. We were concerned that this room, which is next to the kitchen, is not well soundproofed, and does not provide the appropriate level of confidentiality. Management action will be needed to rectify this deficiency.

Victims' Charter

STANDARD: RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES ARE CONSISTENTLY MET IN ACCORDANCE WITH VICTIMS' CHARTER

- 6.12 In our file sample, witness warnings were sent to the police in good time in all trials in the magistrates' court and the Crown Court. However, appropriate arrangements to phase the attendance of witnesses in the Crown Court were only made in nine of the relevant 12 cases. The Crown Court has recently introduced a pager system for young and vulnerable witnesses, to enable them to be released from the court precincts until they are required to give evidence. However, at the time of our inspection, the initiative was yet to be used.
- 6.13 Victims and witnesses are informed in open court if their case has to be adjourned, and prosecutors and caseworkers generally keep them informed of proceedings. We also observed prosecutors speaking appropriately with the victims of domestic violence who had indicated a reluctance to continue with the proceedings.

7 PERFORMANCE MANAGEMENT

KEY REQUIREMENT: PERFORMANCE AND RISK ARE SYSTEMATICALLY MONITORED AND EVALUATED, AND USED TO INFORM FUTURE DECISIONS

Overview

- 7.1 While some progress has been made, overall performance management needs strengthening in Gloucestershire. It is recognised, however, that there are widespread problems with the accuracy of performance data across the CJS, particularly in the magistrates' courts service. However the CPS could be more informed about key aspects of performance, which in turn could help them in discussions and negotiations with partner agencies. The foundations of a performance management system are in place, but it needs to be developed and used more effectively.
- 7.2 Unit Heads complete quarterly reports on casework performance and some positive action has been carried out on advice work. The Area also encourages feedback from others within the CJS on some aspects of performance. However, on the whole, inter-agency work has not been very effective.

Performance monitoring

STANDARD: PERFORMANCE IS REGULARLY MONITORED BY SENIOR AND MIDDLE MANAGEMENT AGAINST PLANS AND OBJECTIVES, TARGETS AND STANDARDS ARE EVALUATED, AND ACTION TAKEN AS A RESULT

- 7.3 Unit Heads issue a quarterly 'Strategy for Excellence' report, which includes the findings of the formal file monitoring through the Casework Quality Assurance scheme and some general text on miscellaneous issues. Managers believe that this system, allied to informal feedback from other agencies, gives them a good understanding of performance. The findings of the Area's own casework monitoring systems (100% compliance in most categories over six months) were not consistent with those of the Inspectorate's examination of the file sample. This suggests that a greater degree of objectivity is needed in this self-assessment process. Unless there is willingness for all concerned to be self critical, the Casework Quality Assurance scheme cannot succeed.
- 7.4 There has been some good work undertaken in monitoring advice in the past and this will become increasingly important as the charging scheme is fully implemented.
- 7.5 Area performance in terms of casework outcomes is generally at, or close to, national averages and/or targets, with the notable exception of the discontinuance rate, which is among the highest in the country. However, this and other CJU outcomes are being distorted by the inclusion of specified offences in the performance indicators and the true picture is not clear.
- 7.6 The lack of information on key issues such as discontinuance, adverse cases and cracked trials in the magistrates' courts, coupled with the non-compliance with accepted procedures was unsatisfactory. Whilst some performance outcomes are satisfactory, they could and should be better; also, performance levels cannot be accurately assessed due to doubts about the accuracy of both CPS and LCJB information.

- 7.7 There are a number of actions and objectives in the Business Plan with regard to performance management, most of which were still overdue at the time of the inspection.
- 7.8 The Area had formed a Best Practice Working Group, but it had not made any positive contribution to Area performance in the recent past.

Aspects for improvement

- * Better focus on key issues and more effective analysis of information.

Joint performance management

STANDARD: SYSTEMS ARE IN PLACE FOR THE MANAGEMENT OF PERFORMANCE JOINTLY WITH CJS PARTNERS

- 7.9 Joint performance management with the police to assess the quality and timeliness of files has historically not worked well. Efforts to revitalise the system have been made this year, but completion of TQ1s was still generally accepted to be patchy at the time of the inspection. As a result, the Area now uses a form of exception reporting, which assumes that non-return of the TQ1 equates to a fully satisfactory file. There is clearly still some work to be done to ensure that there is a mutually agreed evaluation of the level of performance.
- 7.10 However, both organisations were optimistic that the recently implemented charging scheme will deliver benefits in terms of providing early assistance to the police in building the file. The system had only just been implemented and so it was not possible to assess the impact or success of the scheme.
- 7.11 Cracked and ineffective trials are regularly evaluated between the CPS and Crown Court staff. No such arrangement was yet in place for magistrates' court cases despite the fact that this was an objective in the LCJB Delivery Plan and the CPS Business Plan. There is regular liaison with the magistrates' courts representatives on listing, but as yet this forum has not found a mutually acceptable pattern of court sessions, particularly for enabling effective deployment of DCWs in the Area.
- 7.12 Work in improving performance across the CJS agencies is hampered by the large backlog of case updates and finalisations by the magistrates' court staff.
- 7.13 Overall there is a need for a much more rigorous and focused approach to joint performance issues, which we discuss in more detail in the joint inspection report.

Accounting for performance

STANDARD: THE AREA IS ABLE TO ACCOUNT FOR PERFORMANCE

- 7.14 The Area cannot accurately appraise its performance due to significant problems with the accuracy and completeness of both LCJB and CPS internal data. Internally, this is particularly true with respect to the discontinuance rate, which is extremely likely to have been affected by the inclusion of specified offences in the PIs. Without more detailed work it is not possible to say whether this would be to the benefit or detriment of the Area.
- 7.15 The aspect for improvement earlier in this section, and the recommendations in the Financial Management chapter, and in the pilot joint inspection report, are designed to address this issue.

8 PEOPLE MANAGEMENT AND RESULTS

KEY REQUIREMENTS:

- * HUMAN RESOURCES ARE PLANNED TO ENSURE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT THE AREA CARRIES OUT ITS WORK COST-EFFECTIVELY AND THAT THE AREA MEETS ITS STATUTORY DUTIES AS AN EMPLOYER, AND THOSE THAT ARISE FROM INTERNAL POLICIES
 - * RESULTS INDICATE THAT STAFF ARE DEPLOYED EFFICIENTLY, THAT WORK IS CARRIED OUT COST-EFFECTIVELY, AND THAT THE AREA MEETS ITS RESPONSIBILITIES, BOTH STATUTORY AND THOSE THAT ARISE FROM INTERNAL POLICIES, IN SUCH A WAY THAT ENSURES THE DEVELOPMENT OF A MODERN, DIVERSE ORGANISATION WHICH STAFF CAN TAKE PRIDE IN
-

Overview

- 8.1 There are many experienced staff in Gloucestershire who have given long service. Whilst this brings some positive impacts, it seems that this has, in part, contributed to the slow rate of progress in developing the Area.
- 8.2 There was a surprising level of discontent among staff, with lower morale than normally encountered in a small rural Area. This may be partly attributable to a recent acceleration in the rate of change in Gloucestershire. It is also symptomatic of the low level of trust and understanding between some managers and some staff.
- 8.3 The Area deploys its prosecutors strongly in the magistrates' courts with a lower than average usage of agents. There is still scope for improvement in the deployment of DCWs and HCAs.
- 8.4 There has been comparatively little in the way of staff training, although a lot of effort has gone into training external agencies. Significant efforts to communicate are not yet successful in meeting staff expectations.

Human resource planning

STANDARD: HUMAN RESOURCE NEEDS ARE SYSTEMATICALLY AND CONTINUOUSLY PLANNED

- 8.5 Staff turnover has been traditionally low in the Area, particularly at lawyer and B1 caseworker level, and therefore most activity has surrounded how to utilise budget increases. The Area has decided to use its additional funds to increase permanent staffing by two extra lawyers and a new post of Communications Manager. They understand that there is some danger in this approach, but consider it to be an acceptable risk.
- 8.6 Rotation between the TU and CJU has taken place. There is, however, no real clarity as to the optimum staffing level for the TU. It is accepted that there are some unresolved issues, which may have an impact, but a more pro-active approach is desirable.

Staff structure

STANDARD: STAFF STRUCTURE AND NUMBERS ENABLE WORK TO BE CARRIED OUT COST EFFECTIVELY

- 8.7 The Area has covered a higher than average ratio of magistrates' courts sessions with CPS lawyers. Some support from TU lawyers has assisted, but the primary reason is the robust deployment of CJU lawyers – we support this positive approach. There was a period of time when the availability of lawyers resulted in staff feeling under considerable pressure. This has eased somewhat, and should improve further with the additional lawyers, although we understand that this may be partly counter-acted by forthcoming maternity leave.
- 8.8 The Area has not been able to deploy its DCWs to greatest effect. This has not been helped by court listing practices, but we consider that greater flexibility of approach by the CPS staff could have helped. This will have had a knock on effect with lawyers covering early first hearing (EFH) courts. The joint inspection report tackles the issues of listing and the handling of traffic cases, both of which could assist the CPS. In the meantime, DCWs have assisted with other duties such as Crown Court coverage.
- 8.9 The Area has yet to realise any major benefits from Glidewell implementation, which should offer efficiencies for the CPS and police when the two form an integrated unit. There are no firm plans for this yet, although CPS managers believe that the new phase two is beginning to show some advantages.
- 8.10 Statistically the TU appears generously staffed with lawyers, although less so at the present time with sickness levels, and the provision of charging and CJU support. We discuss in chapter five our findings in respect of HCA usage.
- 8.11 There have been changes at B1 caseworker level, which will lead to a temporary reduction in experience levels. The role of the caseworkers is focused extensively on post committal and court work – they are struggling to cope with the payment of counsel's fees. The lawyers are doing some tasks more usually carried out by caseworkers and vice versa.
- 8.12 The decision to release two members of the Secretariat for the summer holiday (unpaid leave) did not work as well as hoped and caused some problems with typing backlogs. On the other hand, the Area has made sensible use of casual staff to cover for peaks and short-term absences.

Aspects for improvement

- * Role of Level B1 caseworkers in the TU.

Staff development

STANDARD: STAFF CAPABILITIES ARE IDENTIFIED, SUSTAINED AND DEVELOPED

- 8.13 Due to the experience of most staff, training has not been seen as a priority for the majority, although the Area has developed a good induction package. There is no training plan or training committee in the Area at the moment, although some staff were content that they had access to regional facilities if needed. There is no system for analysing Personal Development Plans to identify common training needs. This lack of formal internal training processes causes more concern for junior staff than lawyers.
- 8.14 Training tends to focus on national imperatives and even with those there have been a few problems. DCV training for some caseworkers was still outstanding at the time of the inspection, although preparation for Compass CMS training was well underway.
- 8.15 While accepting that other priorities may have taken temporary precedence over training, it is important that the Area re-establishes a more pro-active approach to internal training.

Aspects for improvement

- * More formalised approach to training.

Performance review

STANDARD: STAFF PERFORMANCE AND DEVELOPMENT IS CONTINUOUSLY REVIEWED AND TARGETS AGREED

- 8.16 Results from the staff survey were not particularly positive in this category: 4% believe progression/promotion is fair, 38% believe appraisal is an accurate reflection of performance, and 15% were positive about receiving constructive feedback on performance.
- 8.17 Area managers have considered for some time that there are performance issues in the Area. To their credit they have used formal processes to try and tackle some of the issues, although they acknowledge that further work is likely to be required.
- 8.18 Managers have made it clear to staff that failure to comply with agreed practices and standards is a performance issue. Attempts to put a formal objective on accountability into staff appraisals have not yet been finalised.
- 8.19 Efforts have been made to increase the number of specific personal objectives in Forward Job Plans. Due to staff absences the timeliness of appraisal completion has not been good - until recently there were five outstanding from the previous reporting year. We were pleased to see the positive approach being taken towards interim reviews, with a target that they should all be completed by the end of October.

Management involvement

STANDARD: MANAGEMENT HAS AN EFFECTIVE DIALOGUE WITH STAFF AND FOSTERS A CLIMATE OF INVOLVEMENT

- 8.20 The Area has a formal communications strategy, but it was not being strictly adhered to. However, there are a number of ways in which communication is handled in Gloucestershire. Use of electronic communication via e-mail and the shared drive is prominent. There are also occasional Area-wide staff meetings and CCP/ABM surgeries. Team meetings are held, but vary in frequency – regularly in the CJU, but until recently less so in the TU and Secretariat. There are regular Whitley Council meetings, which are considered effective.
- 8.21 Notwithstanding the obvious efforts made, there was a widespread feeling among staff that communication was not good. This tended to focus on the view of an over-reliance on written/electronic communication and a lack of regular face-to-face discussions, together with specific concerns on issues, which were considered very important. We received considerable negative feedback with regard to communication about the recent phase two Glidewell relocation.
- 8.22 It is unfortunate that the efforts made have not had the desired results and managers need to work with staff to establish how their needs can be met. It may be partly attributable to the wider issue of the comparatively poor relationship between staff and managers.
- 8.23 The Area had recently appointed a new Communications Manager, although we understood that her role is to be primarily externally focussed.

Aspects for improvement

- * More effective communication systems.

Equality and diversity

STANDARD: ACTION HAS BEEN TAKEN TO IMPLEMENT CPS EQUALITY AND DIVERSITY INITIATIVES AND ALL STAFF ARE TREATED EQUALLY AND FAIRLY

- 8.24 The Area exceeds the benchmark for the local population in terms of female and minority ethnic staff.
- 8.25 As with many other Areas, Gloucestershire has found that the concept of a regional Equality and Diversity Officer (EDO) has been of limited benefit - they have therefore taken the positive step of recently recruiting their own. Equality and diversity are treated seriously in the Area, and significant work is planned to develop relationships with minority ethnic communities.

- 8.26 The Area developed an action plan in response to the last staff survey, but it was difficult to ascertain that any significant progress had been made. They are also working with the regional EDO on an Equality and Diversity Plan. The Area positively supports family friendly policies.
- 8.27 We encountered some concerns over behaviour and perceptions of favouritism. These were considered to be isolated incidents, which managers attributed to the result of increased stress due to staff shortages. Some internal staff movements could have been handled more sensitively.

Health and safety

STANDARD: MECHANISMS ARE IN PLACE TO ADDRESS REQUIREMENTS UNDER HEALTH AND SAFETY LEGISLATION

- 8.28 There are no formal health and safety checks being undertaken. The Area recognises that these are outstanding, but they were not considered a priority in light of other issues such as relocation, Compass CMS and the inspection. They have not been assisted by the long-term absence of the Secretariat Manager who is the trained health and safety representative.
- 8.29 Managers believe that staff would not be slow to raise any concerns over health and safety and issues, which are discussed at the Whitley Council meetings.

9 MANAGEMENT OF FINANCIAL RESOURCES

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS FINANCES EFFECTIVELY, ENSURING PROBITY AND THE DELIVERY OF A VALUE FOR MONEY APPROACH TAKING INTO ACCOUNT THE NEEDS OF STAKEHOLDERS

Overview

- 9.1 Financial management and related controls are quite basic in Gloucestershire. We were disappointed to discover that the Area was wrongly including specified offences in the PIs, particularly as this was the subject of a recommendation in the previous inspection.
- 9.2 There has been a large backlog of unpaid counsel fees for many months.

Staff financial skills

STANDARD: THE AREA HAS THE APPROPRIATE STRUCTURE AND STAFF WITH THE NECESSARY SKILLS TO PLAN AND MANAGE FINANCE

- 9.3 The ABM is responsible for most of the financial management and control. The absence of the B1 Secretariat Manager, through illness, has reduced the support available to him in the short term.

Adherence to financial guidelines

STANDARD: THE AREA COMPLIES WITH CPS RULES AND GUIDELINES FOR FINANCIAL MANAGEMENT

- 9.4 The Area has prosecuted a large number of specified proceedings, and has included them in the PIs contrary to CPS rules. The Area will therefore have claimed a significant amount of funding to which it is not entitled. A spot check of some cases finalised in August identified 75 that should not have been included in the PIs, including withdrawing cases for the police when the summons had not been served. The handling of traffic cases across the CJS agencies is inefficient in Gloucestershire, the implications of which are discussed fully in the joint inspection report.
- 9.5 The Area is applying appropriate standards to the use of account 3010 to cover the costs of using counsel for complex cases in the magistrates' courts. There are, however, delays in completing the appropriate paperwork and processing payments; there is no substantive reason why these should be processed by the TU as is currently the case.

RECOMMENDATION

The Area stops including specified offences in its PIs.

Budgetary controls

STANDARD: THE AREA HAS EFFECTIVE CONTROLS TO FACILITATE AN ACCURATE APPRECIATION OF ITS BUDGETARY POSITION FOR RUNNING COSTS

- 9.6 The Area was marginally (0.98%) over budget in the last financial year. They have received significant additional funding since April, although some of this has been provided to fund the implementation of new initiatives such as the charging scheme.
- 9.7 The Area has not followed the more traditional route of converting non-baseline money into funding for agent's, deciding instead to increase the number of permanent staff. We were told that this had been discussed with Headquarters as it was acknowledged that there is some risk to this approach. This may be particularly relevant in light of our findings with regard to the handling of specified cases.
- 9.8 The ABM monitors payroll by reconciling CIS figures against the actual staff in post. The Area does not currently use any formal resource accounting package and has only limited systems to monitor committed expenditure, as they consider them unnecessary for their comparatively low non-payroll costs. Agent spend is controlled primarily by adopting a quota system of four sessions per week.

Management of prosecution costs

STANDARD: PROSECUTION COSTS ARE EFFECTIVELY MANAGED AND REPRESENT VALUE FOR MONEY

- 9.9 The management of prosecution costs is poor. It has been widely acknowledged for some time that the backlog in the payment of counsel's fees needs addressing, and yet little progress has been made. The Area has comparatively recently appointed a new full time level B2 manager in the TU, and managers are hopeful that he will be able to progress matters.
- 9.10 The involvement and experience of caseworkers in managing fees is lower in Gloucestershire than in most CPS Areas. The processing of fees has traditionally been a low priority for them and this mindset needs to be changed. They need to become more pro-active, both in seeking agreement with counsel at an early stage, and in processing the appropriate paperwork
- 9.11 While some record is kept of the volume of outstanding payments, there is very little information as to the amounts, which will not have assisted the Area in compiling the mid-year review of Prosecution Costs recently requested by CPS Headquarters.

RECOMMENDATION

The ABM and TU Head introduce appropriate systems and controls to ensure that prosecution costs are managed properly. Current backlogs should be cleared as a matter of urgency.

10 PARTNERSHIPS AND RESOURCES

KEY REQUIREMENT: THE AREA PLANS AND MANAGES ITS EXTERNAL AND INTERNAL PARTNERSHIPS AND RESOURCES IN WAYS THAT SUPPORT ITS POLICY AND STRATEGY AND THE EFFICIENT OPERATION OF ITS PROCESSES

Overview

- 10.1 The issue of inter-agency relationships and co-operation forms a significant part of the joint inspection report and, as such, is not repeated in detail in this section.
- 10.2 Overall it is clear that there is significant room for improvement in joint working to drive forward performance in Gloucestershire. Although there are a number of cordial relationships, there is a need to improve significantly the co-operation between the agencies, and the effectiveness of inter agency work.
- 10.3 Some of the senior officers in the criminal justice agencies are only in their second year in the Area, and considerable efforts in the past year will have gone into settling in and the establishment of the LCJB. However, this phase should now be complete and there is a need to accelerate delivery of positive joined-up solutions to some of the Area's bigger problems.
- 10.4 There were a few more positive signs in recent weeks as Glidewell phase two and the charging initiative were launched. While some staff were still uncertain about these issues, the majority expressed optimism that these would bring significant benefits to the police and CPS, and ultimately to other stakeholders of the criminal justice system in Gloucestershire.

Information technology

STANDARD: INFORMATION TECHNOLOGY IS DEPLOYED AND USED EFFECTIVELY

- 10.5 The Area was one of the few to be equipped with technology prior to the national implementation of the Connect 42 system, and is therefore more comfortable than many in respect of issues involving electronic communication. There is widespread use of the shared drive for communicating and sharing information. As with all Areas, some staff are more confident than others and those who are not need to be encouraged to make better use of IT, including more effective use of e-mail to the police. This applies particularly to a small number of lawyers.
- 10.6 The CPS CATS system did not provide an effective system for monitoring Crown Court cases. Therefore, the Area, to its credit, developed its own database to monitor and control cases. The system has a flexible report writing capability, which has proved useful to staff and managers. Some staff are a little concerned that the Compass CMS system, which is about to be deployed in Gloucestershire, will be less helpful. This perception may be changed once the staff have received their training on the new system.

Strengths

- * The TU database for monitoring Crown Court cases.

Buildings, equipment and security

STANDARD: THE AREA MANAGES ITS BUILDINGS, EQUIPMENT AND SECURITY EFFECTIVELY

- 10.7 The Area has one office in Gloucester, which is conveniently situated close to the police and courts. They had just relocated some CJU staff to the police station in Gloucester to accommodate the charging pilot and to move closer to the Glidewell concept of joined up working between CPS and police - there is, however, still more work to be done to achieve fully this goal.
- 10.8 Some staff felt that this move had been rushed through and would have benefited from better planning and communication. At the time of our inspection some staff did not have telephones or computers at the co-located site. It is anticipated that there will be a co-located TU in the CPS premises in 2004, which we were assured would be controlled by formal project plans.

11 POLICY AND STRATEGY

KEY REQUIREMENT: THE AREA HAS A CLEAR SENSE OF PURPOSE AND MANAGERS HAVE ESTABLISHED A RELEVANT DIRECTION FOR THE AREA, COMPLEMENTED BY RELEVANT POLICIES AND SUPPORTED BY PLANS, OBJECTIVES, TARGETS AND PROCESSES, AND MECHANISMS FOR REVIEW

Overview

- 11.1 We have dealt with aspects of policy and strategy in other sections of this report and also in the joint inspection report. We summarise here the key points.
- 11.2 The Area has not been receptive to change in the past and has adopted a cautious approach to implementing new initiatives. It has had more direction in recent times as they implement the charging scheme and Glidewell phase two of co-location, although we consider that the Area missed opportunities with the latter. The CCP has a clear vision as to how the Area's TU should be developed, but feels unable to proceed with the plan at the current time.
- 11.3 Planning, and the review of plans does happen, but could be improved. There is also scope for improvement in communication of plans and the implementation of action points.
- 11.4 There are problems with the accuracy of some performance data which restricts its usefulness in informing strategy decisions - this includes data from other agencies.

12 PUBLIC CONFIDENCE

KEY REQUIREMENTS:

- * THE AREA IS PROACTIVELY TAKING ACTION TO IMPROVE PUBLIC CONFIDENCE IN THE CJS AND CPS, AND MEASURES THE RESULTS OF ITS ACTIVITY
 - * RESULTS INDICATE THAT THE NEEDS OF VICTIMS AND WITNESSES, AND CJS PARTNERS ARE MET, AND THE RIGHTS OF DEFENDANTS RESPECTED
-

Overview

- 12.1 The handling of complaints is generally timely. The service provided when victims and witnesses telephone the Area could be improved.
- 12.2 The Area has developed good contacts with local minority groups and plays a significant part in addressing racist incidents in the community.

Complaints

STANDARD: COMPLAINTS ARE EFFECTIVELY MANAGED TO INCREASE SATISFACTION AND CONFIDENCE

- 12.3 In the year ending March 2003, 92.9% of complaints were dealt with in ten days or less. All correspondence from local members of Parliament was dealt with in a timely manner. Overall the quality of letters was satisfactory, although some could have been more sympathetically worded.
- 12.4 We noted that some telephone calls from members of the public could have been better handled. Management action may be needed to determine whether staff who deal initially with telephone calls would benefit from appropriate training.

Minority ethnic communities

STANDARD: THE AREA ENSURES THAT HIGH CASEWORK STANDARDS ARE MAINTAINED IN CASES WITH A MINORITY ETHNIC DIMENSION IN ORDER TO INCREASE THE LEVEL OF CONFIDENCE FELT BY MINORITY ETHNIC COMMUNITIES IN THE CJS

- 12.5 The Head of the CJU chairs the Gloucester Racist Incident Group (where almost all Gloucestershire's minority ethnic community lives), which feeds into the County Racist Incident Group. These groups tackle a wide range of racist issues in the local community. Additionally, the Area has a constructive relationship with the local Racial Equality Council, and as we have mentioned, their premises have been used to hold meetings with some witnesses.
- 12.6 The Area has recently appointed an Equality and Communications Officer, part of whose remit will be to develop relationships with the local lesbian and gay community.

Strengths

- * The Area's work with the local minority ethnic community.

Safeguarding children

STANDARD: THE AREA SAFEGUARDS CHILDREN THROUGH ITS CASEWORK PERFORMANCE AND WORK WITH OTHER AGENCIES, INCLUDING THE AREA CHILD PROTECTION COMMITTEE(S)

- 12.7 We have already commented in our casework section on the need to strengthen links with the police child protection team. We discuss in detail, in our joint report, our overarching concerns about some aspects of child protection.

Media engagement

STANDARD: THE AREA ENGAGES WITH THE MEDIA

- 12.10 The Area has established good links with the local media, and has issued guidance to staff on the level of information that can be given to the press. It recently dealt effectively with a high media profile case. The appointment of an Equality and Communications Officer should build on this work.

Public confidence

STANDARD: PUBLIC CONFIDENCE IN THE CJS IS MEASURED, EVALUATED AND ACTION TAKEN AS A RESULT

- 12.11 The Area has no system for measuring victim and witness satisfaction. However, at the time of our inspection, the Local Criminal Justice Board was developing its Public Confidence Delivery Plan to support the national target of improving public confidence in the criminal justice system.

13 LEADERSHIP AND GOVERNANCE

KEY REQUIREMENT: LEADERS DEVELOP VISION AND VALUES THAT LEAD TO LONG TERM SUCCESS AND IMPLEMENT THESE VIA APPROPRIATE ACTIONS AND BEHAVIOURS. IN PARTICULAR, WORKING ARRANGEMENTS ARE IN PLACE, WHICH ENSURE THAT THE AREA IS CONTROLLED AND DIRECTED TO ACHIEVE ITS AIMS AND OBJECTIVES CONSISTENTLY AND WITH PROPRIETY

Overview

- 13.1 The Area is at a critical stage in its development. It has in the past adopted a cautious approach to change. The implementation of the charging scheme, Glidewell phase two and Compass CMS, allied to the advent of the new LCJB, are all challenges and opportunities for the Area.
- 13.2 While some progress has been made since the last inspection, important work remains to be done. The senior managers need to develop a greater degree of trust, respect and the confidence of both staff and CJS partner agencies - this is absolutely essential if the Area is to move forward.
- 13.3 There are still indications of frustration and negativity among a wide cross section of staff. This is in part replicated in the need to develop inter-agency co-operation across a range of issues.

Vision and values

STANDARD: VISION AND VALUES ARE DEVELOPED AND SUPPORT A CULTURE OF CONTINUOUS IMPROVEMENT

- 13.4 The senior managers believe that the charging scheme and Glidewell phase two are the first steps in their vision of the future. However, there was a lack of consistency as to what this might entail or achieve, and little evidence of a consistent vision beyond these two centrally driven initiatives, although there were some individual views as to how the TU might develop.
- 13.5 Some managers believe that there is now a more cohesive team, although there is recognition that individual differences still, on occasions, inhibit progress. Others, including external representatives and the inspection team, consider that there is room for considerable improvement in the effectiveness of the management team. Regrettably, there is a perception of a lack of corporate responsibility in respect of the Senior Management Team.
- 13.6 This has led to a lack of trust and respect, which must be urgently addressed. There is little likelihood of developing a culture of continuous improvement in the Area until the behaviour and values of managers are consistent with such an approach. On the other hand, some staff are 'set in their ways' and conservative by nature and, therefore, unconvinced that change is either necessary or desirable.

- 13.7 Managers should lead by example, but regrettably this is not always the case in Gloucestershire. We are aware of instances whereby a more appropriate or supportive response from CPS managers might have produced a more favourable result.

RECOMMENDATION

The CCP should initiate a programme of team building and coaching to assist the Senior Management Team in developing greater cohesiveness at corporacy, and to project a positive image of the SMT.

Management structure

STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE MANAGEMENT STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES

- 13.8 The Area has a standard management structure for a small CPS Area, although the appointment of a full time B2 manager in the TU is comparatively recent.
- 13.9 The management team has improved the frequency of management meetings, and the involvement of level B managers, albeit only once a quarter, is welcomed.

Organisational structure

STANDARD: THE AREA HAS DEVELOPED AN EFFECTIVE ORGANISATIONAL STRUCTURE TO DELIVER AREA STRATEGY AND OBJECTIVES

- 13.10 The Area has one TU and a CJU that is split over two locations; a small unit in Gloucester Police Station handles cases from one of the three police divisions, a slightly larger team in CPS premises handles the rest. There was still some uncertainty as to the final structure of the CJU, although the consensus is that the only likely change in the near future is a charging unit in Cheltenham.
- 13.11 The TU has a small caseload and on paper looks to be generously staffed with lawyers. However, the recent move of the Special Casework Lawyer to run the charging scheme and the sickness levels in the Unit paint a somewhat different picture in the short term. A recent rotation has slightly increased the lawyer level in the Unit. There was no clarity as to the optimum number of lawyers for the TU. It is envisaged that the police Crown Court unit will relocate to the CPS premises in the first half of 2004.
- 13.12 The Area is about to increase its staffing levels and will need to consider carefully how they can be most effectively deployed. At the present time the emphasis is on additional lawyers; this may need to be reviewed once the impact of new initiatives and the removal of specified offences is clearer.

Action plans

STANDARD: EFFECTIVE PLANS OF ACTION, WHICH IDENTIFY KEY ISSUES, AND WHICH REFLECT CPS AND CJS STRATEGIC PRIORITIES, AND LOCAL NEEDS, ARE IN PLACE

- 13.13 The Area has a fairly standard high-level Business Plan using the national template. Staff are invited to become involved in the formulation of the Plan, although the uptake has been comparatively low.
- 13.14 As with a number of other CPS Areas, there is room to improve the planning and implementation of actions to deliver the high-level objectives. Some actions have clear responsibilities and timescales, whereas others have less clarity. The Area approach to planning is somewhat casual. For example the 'relocation' of the CJU was handled on an informal basis, with no formal documented plans as to what needed to be done, by whom, and when. Clearly, some good work was carried out in preparation for the move, but a number of issues were missed or not fully addressed. This has resulted in some inconvenience (lack of telephones and computers), missing procedures and missed opportunities to streamline and improve processes. Unusually, the CJU Head was not involved in the detailed planning.
- 13.15 Whilst there is a system for reviewing the Plan itself and associated action points, the effectiveness of the review process is variable. We checked progress against both CPS and LCJB plans and, in most instances, appropriate actions had not been carried out despite the delivery date having passed. In one case (DCV training) an action was closed out as complete in May when in fact it was partially outstanding in September.

Aspects for improvement

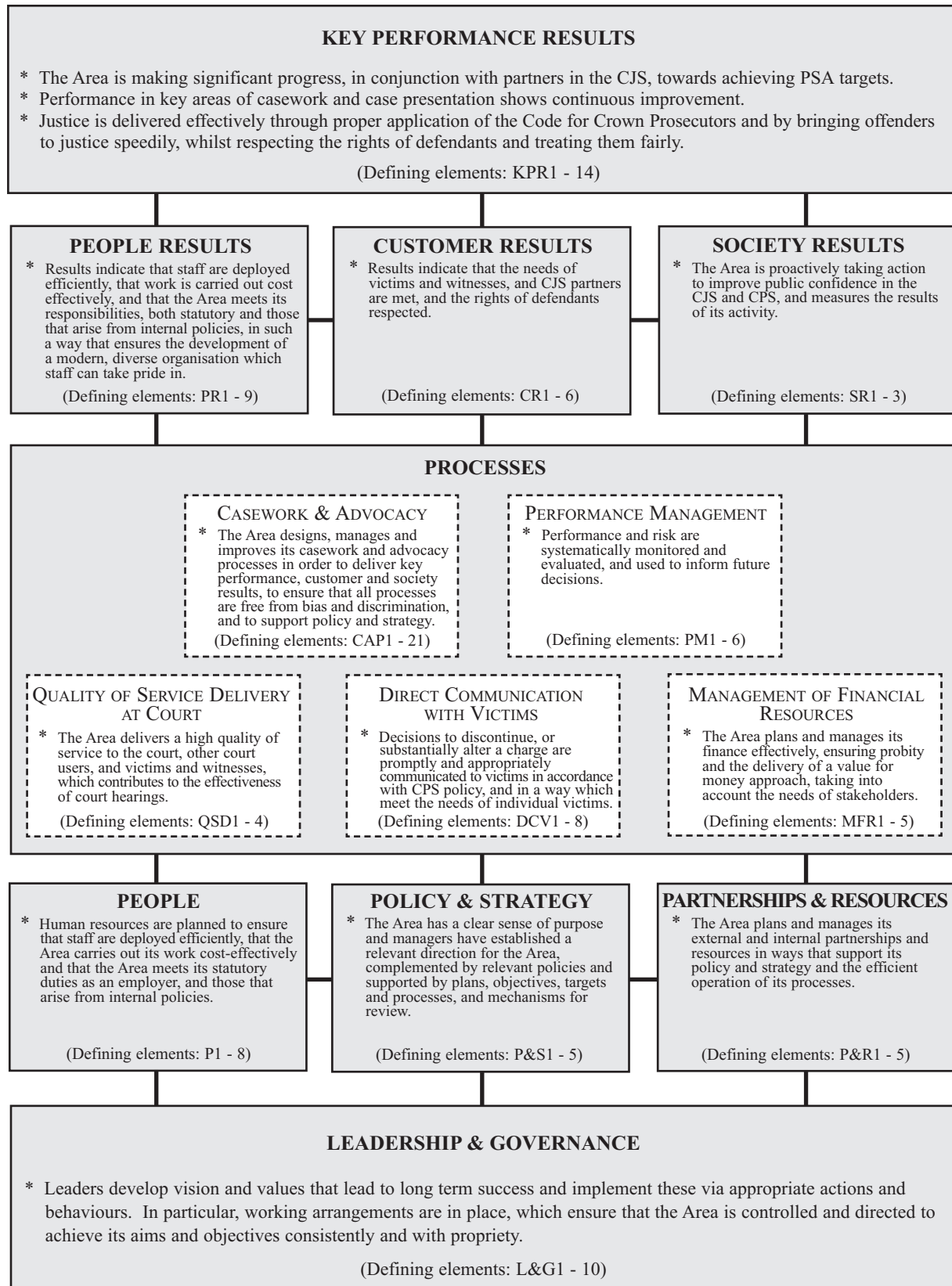
- * Planning and implementation of ideas and strategies, supported by more effective reviews of progress.

Criminal justice system co-operation

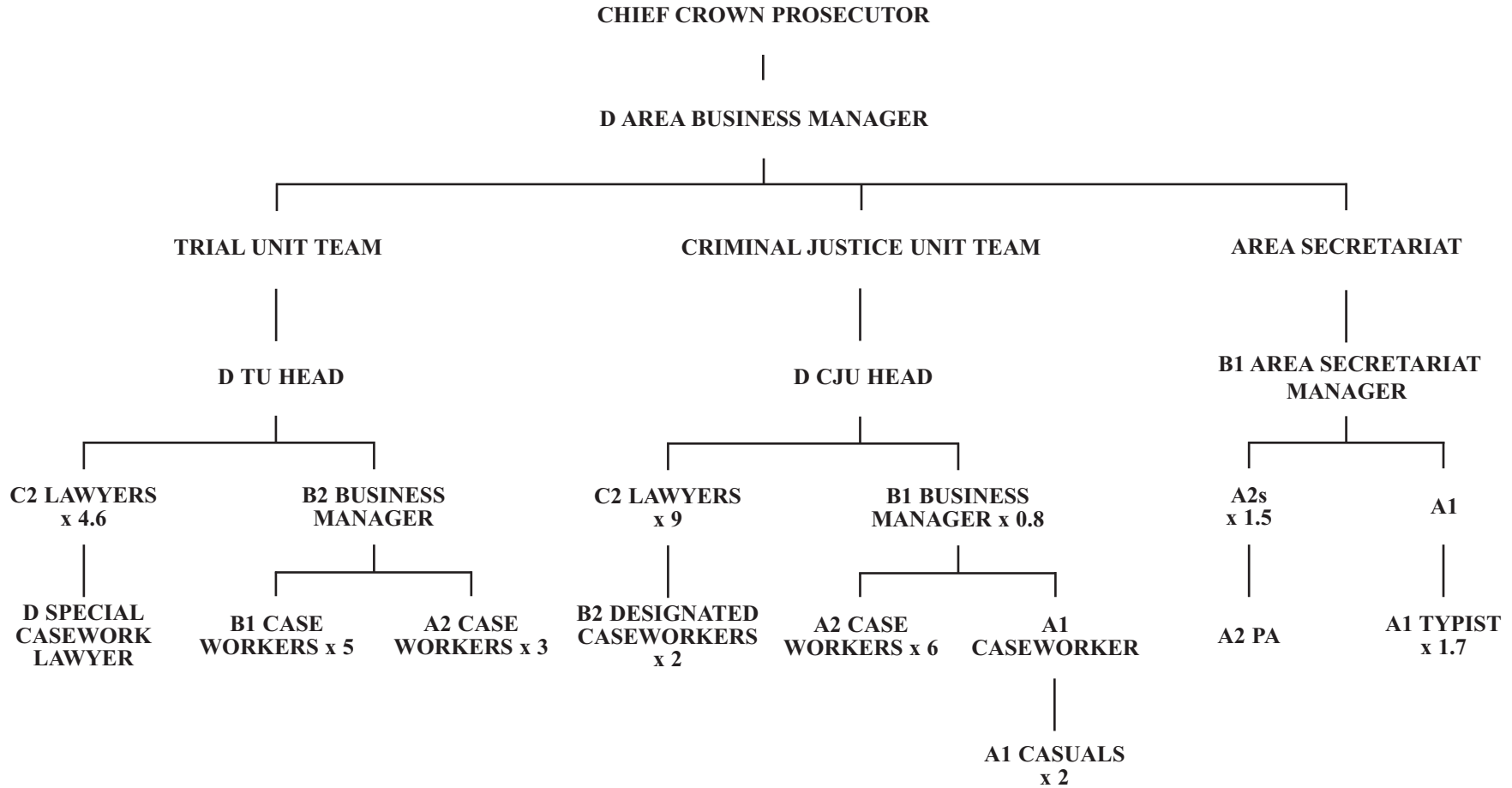
STANDARD: THE AREA CO-OPERATES WITH OTHERS IN ACHIEVING AIMS SET FOR THE CRIMINAL JUSTICE SYSTEM

- 13.16 We have dealt in detail with the broader issue of inter agency co-operation in the joint inspection report, and therefore in this section we focus on the key interfaces where the CPS have a major role.
- 13.17 The Area has undertaken a significant amount of training for other CJS agencies, albeit some has happened later than planned - usually due to circumstances beyond the control of the CPS.
- 13.18 The CPS had just implemented a charging pilot in Gloucester Police Station. Whilst it is too early to make any assessment of the impact of the initiative, both the police and CPS have high hopes for the scheme and this was an aspect over which there was optimism in the Area. There are plans to extend the scheme to Cheltenham in 2004. Some police staff consider that the process should include the charging centre at Stroud, but current CPS thinking is that such a unit would not be viable.

BUSINESS EXCELLENCE MODEL INSPECTION MAP



CPS GLOUCESTERSHIRE STAFF STRUCTURE



AREA CASELOAD FOR YEAR TO JUNE 2003

1. Magistrates' Court - Types of case	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Advice	447	3.4	69,712	4.8
Summary motoring	6,519	49.2	520,589	36.1
Summary non-motoring	1,813	13.7	275,620	19.1
Either way & indictable	4,430	33.4	567,055	39.3
Other proceedings	46	0.3	8,747	0.6
Total	13,255	100	1,441,723	100

2. Magistrates' Court - Completed cases	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Hearings	9,061	71.0	996,773	73.1
Discontinuances	2,106	16.5	171,066	12.5
Committals	559	4.4	90,844	6.7
Other disposals	1,036	8.1	104,581	7.7
Total	12,762	100	1,363,264	100

3. Magistrates' Court - Case results	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	8,248	90.9	811,960	80.9
Proofs in absence	487	5.4	131,992	13.2
Convictions after trial	217	2.4	41,686	4.2
Acquittals: after trial	112	1.2	15,575	1.6
Acquittals: no case to answer	6	0.1	1,849	0.2
Total	9,070	100	1,003,062	100

4. Crown Court - Types of case	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Indictable only	231	29.1	40,310	31.6
Either way: defence election	30	3.8	15,195	11.9
Either way: magistrates' direction	206	25.9	40,863	32.0
Summary: appeals; committals for sentence	327	41.2	31,174	24.4
Total	794	100	127,542	100

5. Crown Court - Completed cases	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Trials (including guilty pleas)	418	89.5	79,613	82.6
Cases not proceeded with	43	9.2	13,651	14.2
Bind overs	6	1.3	1,210	1.3
Other disposals	0	0.0	1,894	2.0
Total	467	100	96,368	100

6. Crown Court - Case results	Gloucestershire		National	
	Number	Percentage	Number	Percentage
Guilty pleas	339	80.0	59,889	73.6
Convictions after trial	48	11.3	13,338	16.4
Jury acquittals	29	6.8	6,698	8.2
Judge directed acquittals	8	1.9	1,488	1.8
Total	424	100	81,413	100

TABLE OF RESOURCES AND CASELOADS

AREA CASELOAD/STAFFING CPS GLOUCESTERSHIRE		
	June 2003	June 2000
Lawyers in post (excluding CCP)	16.6	16.4
Cases per lawyer (excluding CCP) per year	846.3	961.7
Magistrates' courts contested trials per lawyer (excluding CCP)	20.1	29.6
Committals and "sent" cases per lawyer (excluding CCP)	33.6	33.5
Crown Court contested trials per lawyer (excluding CCP)	5.1	6.8
Level B1, B2, B3 caseworkers in post (excluding ABM)	9.4	9.7
Committals and "sent" cases per caseworker (B1, B2)	59.4	56.6
Crown Court contested trials per caseworker (B1, B2)	9	11.4
Running Costs (non ring fenced)	£1,909,800	£1,438,839*

NB: Caseload data represents an annual figure for each relevant member of staff.

* This is the actual Area spend for 2000-01.

**IMPLEMENTATION OF RECOMMENDATIONS FROM RE-INSPECTION
REPORT PUBLISHED IN JUNE 2001**

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2003
R1	The CCP and PTLs should effectively monitor the advice given by prosecutors to the police to ensure that the quality of advice is maintained at a high level.	Achieved. All advice cases in our file sample met the required standard.
R2	The PTLs should implement an effective system to ensure that advice is provided to the police within 14 days (in all save the most substantial cases).	Partially achieved. The Area had worked to improve timeliness, but progress had slipped at the time of our inspection. Three of the nine advice cases examined were outside the 14-day target. The position should improve with the introduction of the charging pilot.
R3	Prosecutors should review cases effectively and expeditiously; and that the CCP and PTLs should effectively monitor initial and continuing review decisions.	Partially achieved. Outstanding concerns over some aspects of summary trial review. The Area operates the Casework Quality Assurance process.
R4	The CCP and PTLs should introduce a system to ensure (i) that files relating to persistent young offenders are specifically identified; and (ii) that they are given appropriate priority.	Achieved. The Area's PYO performance is one of the best in the country.
R5	The CCP should monitor discontinued cases, to ensure that reasons for discontinuance are recorded on files; reasons for discontinuance are analysed; the quality of decision-making is monitored; and such cases are finalised correctly in the Area's performance indicators.	Partially achieved. The CCP undertook monitoring. However discontinuance rate remains high and there are outstanding concerns over some aspects of discontinuance.
R6	The PTL should ensure cases are allocated promptly, in order to allow prosecutors adequate time to review cases effectively.	Achieved. Prosecutors were reviewing cases appropriately under the Narey system.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2003
R7	The CCP and PTLs should ensure that accurate adverse case reports are completed in all appropriate cases, and that they are used in order that lessons can be learned.	Partially achieved. The Area had ceased to use adverse case reports with the introduction of Compass, but then put in alternative arrangements.
R8	The CCP ensures that prosecutors and caseworkers receive information about finalised cases and that up-to-date information about developments in the criminal law is available to prosecutors.	Partially achieved. The SCL provides legal updates, but information on finalised cases is not disseminated.
R9	Prosecutors and caseworkers should make full records on the file of initial and continuing reviews, decisions and reasons for those decisions.	Achieved. Review notes in Crown Court cases were good.
R10	The AMT introduces the use of an unused material record sheet, prosecutors at each relevant stage record the reasons for their decisions on disclosure upon the sheet; and that all material relating to disclosure is kept in a separate unused material folder.	Partially achieved. Unused material record sheets were not being used consistently. However, disclosure material was kept in a separate folder.
R11	The CCP and PTLs be rigorous in requiring prosecutors to comply with their duty to make primary and secondary disclosure in all appropriate cases.	Partially achieved. The duty to make primary disclosure was undertaken well. Performance in respect of secondary disclosure was less satisfactory, although hindered by poor police response to defence statements.
R12	The CCP should take steps to ensure that prosecutors record that they have considered sensitive material, their decisions and the reasons for those decisions.	Achieved. Sensitive material was handled correctly.
R13	The CCP and PTL should ensure that summary trials are reviewed appropriately and prepared expeditiously, with a view to reducing the number of cracked trials.	Partially achieved. Summary trial preparation was timely, but the effectiveness of preparation was not assisted by a lack of clarity about the court's policy of when to hold a PTR.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2003
R14	The CCP and PTL monitor the content of instructions to counsel to ensure that they contain an accurate summary of the case, identify and address the issues and, where applicable, address the acceptability of pleas.	Partially achieved. Overall, summaries were to an acceptable standard, but the acceptability of pleas was still not being addressed in relevant cases.
R15	The CCP reviews the custody time limit systems used in the Area and ensures that the overall system is reliable, properly understood and administered, and that all staff are properly trained in its use.	Achieved. We were satisfied that the system for recording and monitoring custody time limits was effective.
R16	The CCP urgently enters into discussion about court listing with the Justices' Chief Executive, Justices' Clerks and Chairmen of the Bench with a view to reaching listing practices which reflect the true spirit of Glidewell, Recommendations 21 and 22.	Partially achieved. Listing arrangements did not facilitate fully the effective use of DCWs, which was likely to be further frustrated by the court schedule for 2003-04.
R17	The AMT should hold meetings at a minimum every month, with the expectation that all members will make it a top priority, with a view to ensuring that the Area is managed effectively and efficiently and that objectives within the Area Business Plan are achieved.	Partially achieved. Senior Management Team meetings are held regularly with requisite attendance. The Area Business Plan and related actions still need to be managed more effectively.
R18	Team meetings and/or staff sounding or consultative meetings should be held in order to ensure that there is more effective communication between all members of staff.	Partially achieved. The CCP has put considerable effort into developing Area communications. However some important aspects of Area working, for example the Glidewell move, were not communicated effectively.
R19	The AMT ensures that all key logs are accurately maintained and used effectively to assist in case management and the prevention of delays.	Achieved – the Area has introduced specific databases to assist in case management.

	RECOMMENDATIONS	POSITION IN SEPTEMBER 2003
R20	The CCP should liaise with representatives of other criminal justice agencies with a view to ensuring that the SLA dealing with all aspects of the treatment of victims and witnesses is implemented.	Partially achieved. The LCJB is reviewing all existing SLAs and protocols.
R21	The CCP adopts a clearer strategy on the focus of external working relations and liaison.	Achieved. The CPS is represented on all relevant CJS groups.
R22	The AMT implements a rigorous approach to missing files, for instance maintaining a missing files log.	Achieved. The Area has reduced significantly the number of missing files, but is hindered by the inaccuracy of court produced lists.
R23	The AMT should ensure that all appropriate staff receive training in the recording of PIs, to ensure that accurate information is available to assist in the management of the Area.	Not achieved. We found that specified offences were still being recorded.
R24	The CCP should liaise with the police and the Magistrates' Courts Service with a view to ensuring that the provisions of the Magistrates' Courts (Procedure) Act 1998 are implemented in a properly structured manner.	Not achieved. The Area was recording and prosecuting specified offences. Additionally the police were not using the procedure correctly, thereby increasing the Area's workload.
R25	The CCP and ABM should devise and implement a fully effective system of dealing with complaints, and the concluded complaints should be analysed, and action taken to avoid recurrence.	Achieved. We were satisfied that complaints were handled correctly.

**TOTAL NUMBER OF FILES EXAMINED FOR
CPS GLOUCESTERSHIRE**

	Number of files examined
Magistrates' courts cases/CJUs:	
Advice	4
No case to answer	0
Trials	17
Discontinued cases	29
Race crime	0
Domestic violence cases	(4)
Youth trials	(3)
Cracked trials	7
Ineffective trials	0
Cases subject to custody time limits	5
Crown Court cases/TU:	
Advice	5
Committals discharged after evidence tendered/sent cases dismissed after consideration of case	0
Judge ordered acquittals	5
Judge directed acquittals	1
Trials	20
Child abuse cases	(10)
Race crime	(1)
Cracked trials	10
Ineffective trials	0
Rape cases	(5)
Cases subject to custody time limits	5
TOTAL	108

When figures are in brackets, this indicates that the cases have been counted within their generic category e.g. Trials.

LIST OF LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

Crown Court

HHJ Tabor QC
Ms C Banks, Court Manager
Ms H Andrews, Crown Court Listing Officer

Magistrates' Courts

Mr C Freshney, Chairman of Gloucestershire Magistrates' Court Committee
Mr Dew, Chairman of Cirencester Bench
Mrs M Garstang, Chairman of Gloucester Bench
Mrs M Imlah, Chairman of the Cheltenham Bench
Mrs G Lunn, Chairman of the South Gloucestershire Bench
Mr T Fitzgibbon, Chairman of Youth Panel
Mr A Davies, Justices' Chief Executive
Mr M Pink, Clerk to the Justices

Police

Dr T Brain QPM, Chief Constable
Chief Superintendent J Henry
Chief Superintendent K Lambert
Chief Superintendent C Merrick
Superintendent A Green

Defence Solicitors

Mr G Daniel
Mrs G Ogden, Public Defender Service
Ms C Malvern-White
Mr S Young

Counsel

Mr P Blair
Mr S Morgan
Mr D Tait

Probation Service

Mr J Carter, Chief Probation Officer

Witness Service

Ms L Harper, Witness Service Co-ordinator, Gloucester Crown and Magistrates' Court

Victim Support

Mr B Farmer, Gloucestershire Victim Support

Mr R Lacey, Victim Support, Stroud

Local Crime and Disorder Reduction Partnerships

Ms P Dabb, Crime and Disorder Partnership, Gloucester City Council

Mr T Gladding, Crime and Disorder Partnership, Cheltenham Borough Council

Youth Offending Teams

Mr P Kendrick, Youth Offending Team Manager

Community Groups

Ms S MacRae, Race Equality Council for Gloucestershire

Ms L Burns, Gloucestershire Domestic Violence Intervention Project

N.B. In addition, during the course of our joint inspection, a number of other representatives of the criminal justice agencies, together with victims and witnesses, assisted this inspection either through interview or attending focus groups.

HMCPST VISION, MISSION AND VALUES

Vision

HMCPST's purpose is to promote continuous improvement in the efficiency, effectiveness and fairness of the prosecution services within a joined-up criminal justice system through a process of inspection and evaluation; the provision of advice; and the identification of good practice. In order to achieve this we want to be an organisation which:

- performs to the highest possible standards;
- inspires pride;
- commands respect;
- works in partnership with other criminal justice inspectorates and agencies but without compromising its robust independence;
- values all its staff; and
- seeks continuous improvement.

Mission

HMCPST strives to achieve excellence in all aspects of its activities and in particular to provide customers and stakeholders with consistent and professional inspection and evaluation processes together with advice and guidance, all measured against recognised quality standards and defined performance levels.

Values

We endeavour to be true to our values, as defined below, in all that we do:

- | | |
|------------------------|---|
| consistency | Adopting the same principles and core procedures for each inspection, and apply the same standards and criteria to the evidence we collect. |
| thoroughness | Ensuring that our decisions and findings are based on information that has been thoroughly researched and verified, with an appropriate audit trail. |
| integrity | Demonstrating integrity in all that we do through the application of our other values. |
| professionalism | Demonstrating the highest standards of professional competence, courtesy and consideration in all our behaviours. |
| objectivity | Approaching every inspection with an open mind. We will not allow personal opinions to influence our findings. We will report things as we find them. |

Taken together, these mean:

We demonstrate integrity, objectivity and professionalism at all times and in all aspects of our work and that our findings are based on information that has been thoroughly researched, verified and evaluated according to consistent standards and criteria.

GLOSSARY

ADVERSE CASE	A <i>NCTA</i> , <i>JOA</i> , <i>JDA</i> (see separate definitions) or one where magistrates decide there is insufficient evidence for an <i>either way</i> case to be committed to the Crown Court
AGENT	Solicitor or barrister not directly employed by the CPS who is instructed by them, usually on a sessional basis, to represent the prosecution in the magistrates' court
AREA BUSINESS MANAGER (ABM)	Senior business manager, not legally qualified, but responsible for finance, personnel, business planning and other operational matters
AREA MANAGEMENT TEAM (AMT)	The senior legal and non-legal managers of an Area
ASPECT FOR IMPROVEMENT	A significant weakness relevant to an important aspect of performance (sometimes including the steps necessary to address this)
CATS - COMPASS, SCOPE, SYSTEM 36	IT systems for case tracking used by the CPS. Compass is the new comprehensive system in the course of being rolled out to all Areas
CASEWORKER	A member of CPS staff who deals with, or manages, day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate
CHIEF CROWN PROSECUTOR (CCP)	One of 42 chief officers heading the local CPS in each Area, is a barrister or solicitor. Has a degree of autonomy but is accountable to Director of Public Prosecutions for the performance of the Area
CODE FOR CROWN PROSECUTORS (THE CODE)	The public document that sets out the framework for prosecution decision-making. Crown Prosecutors have the DPP's power to determine cases delegated, but must exercise them in accordance with the Code and its two tests – the evidential test and the public interest test. 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
CO-LOCATION	CPS and police staff working together in a single operational unit (<i>TU</i> or <i>CJU</i>), whether in CPS or police premises – one of the recommendations of the <i>Glidewell</i> report
COMMITTAL	Procedure whereby a defendant in an <i>either way</i> 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

COURT SESSION	There are two sessions each day in the magistrates' court, morning and afternoon
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 the prosecution offer no evidence
CRIMINAL JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The <i>Glidewell</i> report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
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
DESIGNATED CASEWORKER (DCW)	A senior <i>caseworker</i> who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A new procedure whereby CPS consults directly with victims of crime and provides them with information about the progress of their case
DISCLOSURE, Primary and Secondary	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 be relevant to an issue in the case. Primary disclosure is given where an item may undermine the prosecution case; secondary is given where, after service of a defence statement, any item may assist that defence
DISCONTINUANCE	The dropping of a case by the CPS in the magistrates' court, whether by written notice, withdrawal, or offer of no evidence at court
EARLY ADMINISTRATIVE HEARING (EAH)	Under <i>Narey</i> procedures, one of the two classes into which all summary and <i>either way</i> cases are divided. EAHs are for cases where a not guilty plea is anticipated
EARLY FIRST HEARING (EFH)	Under <i>Narey</i> one of the two classes into which all summary and <i>either way</i> cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated
EITHER WAY OFFENCES	Those triable in either the magistrates' court or the Crown Court, e.g. theft
EUROPEAN FOUNDATION FOR QUALITY MODEL (EFQM)	A framework for continuous self-assessment and self-improvement against whose criteria HMCSI conducts its inspections

EVIDENTIAL TEST	The initial test under <i>the Code</i> – is there sufficient evidence to provide a realistic prospect of conviction on the evidence?
GLIDEWELL	A far-reaching review of CPS operations and policy dating from 1998 which made important restructuring recommendations e.g. the split into 42 local Areas and the further split into functional units - <i>CJUs</i> and <i>TUs</i>
GOOD PRACTICE	An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects in manner of handling work developed by an Area which, with appropriate adaptations to local needs, might warrant being commended as national practice
HIGHER COURT ADVOCATE (HCA)	In this context, a lawyer employed by the CPS who has a right of audience in the Crown Court
JOINT PERFORMANCE MONITORING (JPM)	A management system which collects and analyses information about aspects of activity undertaken by the police and/or the CPS, aimed at securing improvements in performance
INDICTABLE ONLY OFFENCES	Offences triable only in the Crown Court, e.g. murder, rape, robbery
INEFFECTIVE TRIAL	A case listed for a contested trial that is unable to proceed when it was scheduled to start, for a variety of possible reasons, and is adjourned to a later date
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
LEVEL A, B, C, D, E STAFF	CPS grades below the Senior Civil Service, from A (administrative staff) to E (senior lawyers or administrators)
LOCAL CRIMINAL JUSTICE BOARD	The Chief Officers of police, probation, the courts, the CPS and the Youth Offending Team in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of <i>PSA</i> targets
MG6C, MG6D ETC	Forms completed by police relating to unused material
NAREY COURTS, REVIEWS ETC	A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency
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
PERSISTENT YOUNG OFFENDER	A youth previously sentenced on at least three occasions
PRE-TRIAL REVIEW	A hearing in the magistrates' court designed to define the issues for trial and deal with any other outstanding pre-trial issues

PUBLIC INTEREST TEST	The second test under <i>the Code</i> - is it in the public interest to prosecute this defendant on this charge?
PUBLIC SERVICE AGREEMENT (PSA) TARGETS	Targets set by the Government for the criminal justice system (CJS), relating to bringing offenders to justice and raising public confidence in the CJS
RECOMMENDATION	This is normally directed towards an individual or body and sets out steps necessary to address a significant weakness relevant to an important aspect of performance (i.e. an aspect for improvement) that, in the view of the Inspectorate, should attract highest priority
REVIEW, initial, continuing, summary trial etc	The process whereby a Crown Prosecutor determines that a case received from the police satisfies and continues to satisfy the legal tests for prosecution in the Code. One of the most important functions of the CPS
SECTION 9 CRIMINAL JUSTICE ACT 1967	A procedure for serving statements of witnesses so that the evidence can be read, rather than the witness attend in person
SECTION 51 CRIME AND DISORDER ACT 1998	A procedure for fast-tracking <i>indictable only</i> 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 <i>disclosure</i> of which may not be in the public interest
SPECIFIED PROCEEDINGS	Minor offences which are dealt with by the police and the magistrates' court and do not require review or prosecution by the CPS, unless a not guilty plea is entered
STRENGTHS	Work undertaken properly to appropriate professional standards ie consistently good work
SUMMARY OFFENCES	Those triable only in the magistrates' courts, e.g. most motoring offences
TQ1	A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of <i>joint performance monitoring</i>
TRIAL UNIT (TU)	Operational unit of the CPS which prepares cases for the Crown Court