

# CPS NORTHAMPTONSHIRE

THE INSPECTORATE'S REPORT ON  
CPS NORTHAMPTONSHIRE

APRIL 2007





# CPS NORTHAMPTONSHIRE

THE INSPECTORATE'S REPORT ON  
CPS NORTHAMPTONSHIRE

APRIL 2007

Area Office  
Northampton

Other Offices  
Weston Favell

Magistrates' Courts  
Corby, Daventry, Kettering, Northampton, Towcester, Wellingborough

Crown Court  
Area Office  
Northampton

## CONTENTS

## PREFACE

1	INTRODUCTION .....	1
	The report, methodology and nature of the inspection .....	2
2	SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS .....	5
	Overview .....	5
	Pre-charge advice and decisions .....	6
	Casework in the magistrates' courts .....	6
	Casework in the Crown Court .....	6
	Presenting and progressing cases at court .....	7
	Sensitive cases and hate crime .....	7
	Disclosure of unused material .....	7
	Custody time limits .....	7
	The service to victims and witnesses .....	7
	Delivering change .....	8
	Managing resources .....	8
	Managing performance to improve .....	8
	Leadership .....	8
	Community confidence .....	8
	Added value of the CPS locally .....	8
	Equality and diversity issues .....	9
	Follow-up from previous report .....	9
	Recommendations and aspects for improvement .....	9
	Good practice and strengths .....	11
3	PRE-CHARGE ADVICE AND DECISIONS .....	13
	Quality of advice and decisions .....	13
	<i>Bail/custody decisions</i> .....	15
	Operation of the charging scheme .....	15
	Realising the benefits of pre-charge decision-making .....	17
4	CASEWORK IN THE MAGISTRATES' COURTS .....	19
	Quality of case decisions and continuing review .....	19
	<i>Successful outcomes</i> .....	21
	<i>Offences brought to justice</i> .....	22
	<i>Discontinuances in the magistrates' courts</i> .....	23
	<i>Committal preparation and discharged committals</i> .....	23
	<i>Youth cases</i> .....	23
	<i>Persistent young offenders</i> .....	24
	Case progression and effective hearings .....	24
	<i>Case preparation</i> .....	25
	Effective, ineffective and cracked trials .....	26
	Use of the case management system - Compass CMS .....	27

5	CASEWORK IN THE CROWN COURT .....	29
	The quality of case decisions and continuing review .....	29
6	PRESENTING AND PROGRESSING CASES AT COURT .....	31
	Advocates ensure cases progress and hearings are effective .....	31
	The standard of advocacy .....	32
7	SENSITIVE CASES AND HATE CRIMES .....	35
	Specialists and experts .....	35
	Quality of advice and decisions .....	35
8	DISCLOSURE OF UNUSED MATERIAL .....	37
	Decision-making and compliance with the duties of disclosure .....	37
9	CUSTODY TIME LIMITS .....	39
	Adherence to custody time limits .....	39
10	THE SERVICE TO VICTIMS AND WITNESSES .....	41
	Meeting the needs of victims and witnesses .....	41
	Case decision-making .....	41
	Special measures .....	41
	Witness Care Units .....	42
	The care and treatment of victims and witnesses at court .....	43
	Direct Communication with Victims .....	43
	No Witness, No Justice .....	44
11	DELIVERING CHANGE .....	45
	Purpose and planning .....	45
	Change management .....	46
	Staff skills and training .....	48
12	MANAGING RESOURCES .....	49
13	MANAGING PERFORMANCE TO IMPROVE .....	51
	Overview of current position .....	51
14	LEADERSHIP .....	53
	Vision and management .....	53
	Governance .....	54
	Ethics, behaviours and the approach to equality and diversity .....	54
15	SECURING COMMUNITY CONFIDENCE .....	57

**Annexes**

A	Area Effectiveness Inspection Framework .....	59
B	Organisation chart .....	62
C	Casework performance data .....	63
D	Resources and caseloads .....	64
E	Implementation of aspects for improvement from report published in March 2006 .....	65
F	Total number of files examined for CPS Northamptonshire .....	73
G	Local representatives of criminal justice agencies and organisations who assisted in our inspection .....	74
H	HMCPSI Vision, Mission and Values .....	76
I	Glossary .....	77





## PREFACE

Her Majesty's Crown Prosecution Service Inspectorate (HMCPISI) 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.

HMCPISI'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 HMCPISI work programme is the inspection of business units within the CPS – the 42 Areas and Headquarters Directorates. HMCPISI has now undertaken two cycles of inspection, and an overall performance assessment of CPS Areas. We are now undertaking a programme of risk-based Area effectiveness inspections during 2006-07. The Areas to be inspected include the four assessed as "Poor" in the overall performance assessments and those which had Poor aspects of performance within their assessment. A risk model has been developed and updated performance information has been used to identify the Areas to be the subject of inspection. Our new Area Effectiveness Inspection Framework is designed primarily to stimulate improvement in performance; and also enable assurance to be provided as to whether performance has improved since Areas were last assessed. We have incorporated requirements to ensure that our inspection process covers matters contained in the inspection template promulgated by the Commission for Racial Equality.

In 2005-06 we undertook the overall performance assessment (OPA) of all 42 CPS Areas and published a summative report examining the performance across the CPS as a whole. In those reports we assessed the individual CPS Areas as "Excellent", "Good", "Fair" or "Poor". We will seek to assess improvement in performance achieved by them. However, as our evidence base will be wider than in those assessments, and as our risk-based inspections will not cover the whole range of performance in those Areas, we will not draw direct comparisons or rate Areas in these terms. We propose to undertake a second programme of overall performance assessments in 2007-08 which will include transparent ratings.

This series of inspections will not cover all CPS Areas, in particular we will not be inspecting those assessed as Good or Excellent in our OPAs. Those Areas may nevertheless be visited in the course of a rolling programme of casework quality assessment or as part of thematic reviews.

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. However, it is our experience that the targets can frequently be achieved notwithstanding significant inefficiencies in the processes and without work necessarily being of a suitable standard. HMCPISI does not therefore necessarily accept that simply meeting the targets is indicative of satisfactory performance and we have made clear in our Framework the standards which we consider are applicable. The point also needs to be made that comparisons with the

national average do not necessarily mean that the national average is considered an acceptable standard. If a particular aspect of performance represents a weakness across CPS Areas generally, it would be possible for an Area to meet or exceed the national average without attaining the appropriate standard.

The framework within which the criminal justice system (CJS) is managed nationally is reflected in each of the 42 criminal justice areas by a Local Criminal Justice Board. HMCPSI places great emphasis on the effectiveness of CPS relationships with other criminal justice agencies and its contribution to the work of these Boards. For this purpose, HMCPSI will work closely with other criminal justice inspectorates and conducts a number of joint inspections of CJS areas during each year.

The inspection process will focus heavily on the quality of casework decision-making and casework handling that leads to successful outcomes in individual cases. 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. Inspection teams comprise legal and business management 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 engagement with the community including minority groups, 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 houses the Southern Group and the Northern and Wales Group is based in York. Both Groups undertake thematic reviews and joint inspections with other criminal justice inspectorates. At any given time, HMCPSI is likely to be conducting up to six geographically-based or Directorate inspections and two thematic reviews, as well as joint inspections.

The Inspection Framework we have developed can be found summarised at Annex A. The chapter headings in this report relate to the standards and the sub-headings relate to the criteria against which we measure CPS Areas.

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 I.

## I INTRODUCTION

- I.1 This is Her Majesty's Crown Prosecution Service Inspectorate's (HMCPIS) report about CPS Northamptonshire (the Area) which serves the area covered by the Northamptonshire Police. It has two offices - one in Northampton, where the Area Headquarters is based, and the other in Weston Favell, which is co-located with the police.
- I.2 Area business is divided on geographical lines with two combined units, each handling magistrates' courts and Crown Court work.
- I.3 At the time of the inspection in December 2006, the Area employed the equivalent of 68.6 full-time staff. The Area Secretariat comprises the Chief Crown Prosecutor (CCP), Area Business Manager (ABM) and the full-time equivalent of six other staff. Details of staffing in the other units is set out below:

Grade	North Unit	South Unit	Witness Care Unit
Level D	1	1	-
Level C lawyers	9.8	10.2	-
Designated caseworkers	2	2	-
Level B3 and B2 caseworkers	2	2.6	-
Level B1 caseworkers	4.2	4	1
Level A caseworkers	8.4	11.4	1
<b>TOTAL</b>	<b>27.4</b>	<b>31.2</b>	<b>2</b>

I.4 A detailed breakdown of staffing and structure can be found at Annex B.

I.5 Details of the Area's caseload in the year to December 2006 are as follows:

Category	Area numbers	Area % of total caseload	National % of total caseload
Pre-charge decisions	5,713	32.8	34.3
Advice	0	0	0.1
Summary	7,565	43.4	40.6
Either way and indictable only	4,097	23.5	24.8
Other proceedings	47	0.3	0.2
<b>TOTAL</b>	<b>17,422</b>	<b>100%</b>	<b>100%</b>

1.6 These figures include the cases set out in the next table, as all Crown Court cases commence in the magistrates' courts. In 2,009 of the 5,052 Area pre-charge decisions (39.8%) the decision was that there should be no prosecution. Overall, decisions not to prosecute account for 13.8% of the Area's caseload. Where pre-charge advice results in the institution of proceedings, the case will also be counted under the relevant category of summary or either way/indictable in the caseload numbers.

1.7 Details of the Area's Crown Court caseload in the year to December 2006 are:

Crown Court cases	Area numbers	Area % of total caseload	National % of total caseload
Indictable only	354	33.1	28.6
Either way offences	392	36.7	43.1
Appeals against conviction or sentence	128	12.0	10.8
Committals for sentence	195	18.2	17.5
<b>TOTAL</b>	<b>1,069</b>	<b>100%</b>	<b>100%</b>

1.8 A more detailed table of caseloads and case outcomes compared to the national average is attached at Annex C and a table of caseload in relation to Area resources at Annex D. The Area has benefited from an increase of 14.7% in its budget since our last inspection (September 2003) from £2,517,400 to £2,886,248. Overall staff numbers have increased from 59.8 to 68.6, and the number of lawyers in post has increased from 20.8 to 22. This has resulted in an increase in the number of contested magistrates' courts' trials per lawyer from 37.6 to 41.5 and a decrease in the number of committals or "sent" cases from 43.2 to 33.9.

#### The report, methodology and nature of the inspection

- 1.9 The inspection process is based on the Framework summarised at Annex A. The chapter headings in this report relate to the standards and the section-headings relate to the criteria against which we measure CPS Areas. The italicised sub-headings identify particular issues within those criteria.
- 1.10 There are two types of inspection. A full one considers each aspect of Area performance within the Framework, while a risk-based inspection considers in detail only those aspects assessed as requiring scrutiny. This is based on our overall performance assessment (OPA) and other key data.
- 1.11 The OPA of CPS Northamptonshire, undertaken in October 2005, assessed it as "Fair". As a result of this, and recent performance data, it was determined that the inspection should be a tailored one. In the light of that, the inspection did not include detailed consideration of casework in the Crown Court, disclosure of unused material, custody time limits, managing performance to improve, managing resources and securing public confidence.

- I.12 Our OPA report identified a total of 47 aspects for improvement. In the course of this inspection, we have assessed the extent to which these have been addressed, and a synopsis is included at Annex E.
- I.13 Our methodology combined examination of 74 cases finalised between June-October 2006, and 15 additional cases, including 'live' ones and some which had been subject to discharged committals and no further action at the pre-charge decision stage. We conducted 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 pre-charge decision cases, magistrates' courts' trials (whether acquittals or convictions) and some specific types of cases, including a small number of Crown Court cases. A detailed breakdown of our file sample is shown at Annex F.
- I.14 We make a number of assessments about the quality of decision-making and case handling in the course of the file examination. Key assessments are shown in tables at the start of Chapters 3, 4 and 5.
- I.15 A list of individuals we met or from whom we received comments is at Annex G. The team carried out observations of the performance of advocates and the delivery of service at court in both the magistrates' and the Crown Court. We also carried out observations at charging centres.
- I.16 Inspectors visited the Area between 4-15 December 2006. The lay inspector was Shirley Ford, 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 particular public interest considerations or complaints from members of the public, and considered letters written by CPS staff to victims following the reduction or discontinuance of a charge. She also visited some courts and had the opportunity to speak to some of the witnesses after they had given evidence. 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.
- I.17 The purpose and aims of the Inspectorate are set out in Annex H and a glossary of the terms used in this report is contained in Annex I.



## 2 SUMMARY OF INSPECTION FINDINGS AND RECOMMENDATIONS

2.1 This summary provides an overview of the inspection findings as a whole. It includes sub-headings that mirror the chapters in the report based upon our Inspection Framework, which has been developed taking into account key issues across the criminal justice system and CPS initiatives (see Annex A). Other sub-headings deal with the extent to which the CPS adds value within the local criminal justice system and equality and diversity issues.

2.2 Taking account of the findings of the Overall Performance Assessment (OPA) in October 2005 and more recent performance data, it was decided that this inspection would focus on six of the 13 criteria in the Inspection Framework, so the other seven have only been assessed with a light touch. It should be borne in mind when reading this report that the subjects covered in greater detail are those aspects of work that were considered weakest through our risk-assessment process.

### Overview

2.3 The Area has made good progress at a strategic level since the OPA. Leadership has improved and a clearly defined governance structure is in place, with improved corporacy. Senior managers have worked hard to develop open and constructive relationships with criminal justice partners, particularly the police. Improved relationships are beginning to bring about the desired benefits: a 'prosecution team' ethos has been established with the police; changes in court scheduling and listing arrangements in the magistrates' courts have been made - which benefit both the CPS and the Courts Service; and an effective and open working relationship has been established with the Crown Court. Overall a good professional environment is now in place, which should assist the achievement of improved performance in the future.

2.4 Prior to October 2005, at an operational level Area business was divided on functional lines between magistrates' courts and Crown Court work. In October 2005 the Area re-structured on a geographical basis in line with the Police Basic Command Units. Each unit has a Unit Head and a Unit Business Manager. The South Unit covers Northampton, Daventry and Towcester and the North Unit covers Wellingborough, Corby and Kettering. Re-structuring facilitated the units' ownership of cases from 'cradle to the grave'. However, more needs to be done to ensure they function effectively. Progress has been hampered to some extent by staff turnover and high sickness levels, but there is also a need for a more robust approach to management within the units, and support for staff.

2.5 The quality of decision-making and case handling in the Area was mixed. While some cases were handled well, in others there was evidence of delay and an absence of pro-active case management. Driving up the quality of casework should now be a prime aim of CPS Northamptonshire. Monitoring and quality assurance of casework needs to be established to drive up standards and deliver consistently good levels of service across the Area, including to victims and witnesses.

2.6 We comment in further detail on the specific aspects of performance in the following sections.

### **Pre-charge advice and decisions**

- 2.7 The Area went 'live' with statutory charging in February 2006 and progress is being made on the realisation of the anticipated key benefits against the indicators, with four of the six Area targets currently being met. A strong prosecution team approach has developed between the CPS and police, although significant operational details still need to be addressed. Effective 'gatekeeping' has yet to be introduced and the proportion of cases on which no further action is advised remains high. Although pre-charge decisions were sound in the majority of cases, in others they did not always reflect the seriousness of the case. Monitoring systems for ongoing cases and timeliness of pre-charge decisions made within the office need to be improved.

### **Casework in the magistrates' courts**

- 2.8 The quality of review and case handling in magistrates' courts' cases is variable. Initial, ad hoc and trial reviews are not always recorded either in the paper file or on the case management system (CMS). Prosecutors are treating the charging decision in contested cases as the full file review. Separate summary trial reviews and review decisions to discontinue or alter the charges were therefore absent in the majority of files examined. Initial and full file reviews, when completed, were often a summary of facts with no or limited analysis of relevant issues. The Casework Quality Assurance (CQA) scheme, which if carried out regularly should alert managers to shortcomings in case handling so that they can be addressed, has not been operated effectively, with around half of the required number of cases being monitored for quality.
- 2.9 The number of discharged committals remains relatively high; for the year ending December 2006, 5.7% of cases destined for prepared committal to the Crown Court were discharged, compared to the national average of 2.6%. The rate of effective trials is good, but there are cases which have multiple pre-trial reviews. The average time taken to deal with persistent young offenders from arrest to sentence remains significantly above the 71 day target, at 101 days for the three month period ending November 2006.
- 2.10 The level of wasted cost orders in the magistrates' courts remains high; 14 have been made for the year-to-date, totalling £2,648.26.

### **Casework in the Crown Court**

- 2.11 Decision-making was of good quality overall at committal review or when the case was sent to the Crown Court. As in magistrates' courts' cases the recording of full file and ad hoc reviews is poor. There remains no formal or structured case progression liaison with criminal justice partners in all cases.
- 2.12 The Area is performing better than nationally on the rates of judge ordered acquittals, judge directed acquittals, acquittals after trial and the overall conviction rate. The cracked trial rate is slightly worse than the national average, the main reason for cracked trials being acceptable guilty pleas offered late for the first time. The ineffective trial rate remains significantly better than the national average.



**Presenting and progressing cases at court**

- 2.13 Overall, standards at court need to be raised. Prosecutors are not always pro-active or sufficiently robust in progressing cases at court and the quality of advocacy, both of in-house prosecutors and agents, varies considerably. Although most of the advocacy we observed was competent in all respects, with some in-house prosecutors above average, some lacked presence and were lacklustre. This concurs with feedback we received from other court users. However, we received positive feedback concerning the performance of the designated caseworkers (DCWs). Systematic monitoring of CPS prosecutors, agents and counsel needs to be introduced.

**Sensitive cases and hate crime**

- 2.14 Most sensitive cases are handled well, although work on domestic violence cases needs attention to ensure CPS policy is complied with. The unsuccessful outcomes rate in cases of hate crimes in both the magistrates' courts and Crown Court has improved since last year to 37.4%, but compares unfavourably to the national average of 33.2%. The attrition rate in domestic violence cases, predominantly owing to witness issues, is also high.

**Disclosure of unused material**

- 2.15 This aspect was not fully examined, but we assessed performance as part of our analysis of the file sample. This indicated that it remains much the same as at the time of the OPA, when it was assessed as "Fair". Compliance with disclosure was inconsistent. Non-compliance included failures to disclose material that undermined the prosecution or assisted the defence, no separate endorsement of each item on the MG6C schedule, delay in the service of initial disclosure, items not being disclosed as continuing disclosure, and no evidence of the reviewing lawyer considering the defence statement.

**Custody time limits**

- 2.16 There were no reported custody time limit (CTL) failures in 2005-06 or in the first half of 2006-07. However, our file examination revealed two CTL failures in a magistrates' court case. Poor file endorsements, administrative delays, mistakes in up-dating and incorrect calculations of the CTLs all contributed to these failures. These shortcomings had not been picked up in Area monitoring and the failures had not been reported to CPS Headquarters as required.

**The service to victims and witnesses**

- 2.17 There is evidence of commitment to improve the service to victims and witnesses, but delivery is variable. The flow of information to the Witness Care Unit (WCU) needs to improve to enable it to deliver obligations under the *Victims' Code*. Special measures applications are not being dealt with efficiently or expeditiously; recording of whether witnesses' needs have been considered and whether special measures are appropriate is inconsistent, both at the pre-charge stage and thereafter, and applications are invariably late.
- 2.18 Performance in terms of Direct Communication with Victims (DCV) remains poor. In only 33.3% of relevant cases in our sample had the victim been sent a letter which complied with DCV. The Area acknowledges that its performance in this regard has been poor. In September 2006, responsibility for DCV passed from a specified member of staff to become part of the general administrative responsibilities of the units. Systems were being introduced at the time of this inspection to ensure that DCV letters are being captured and monitored, including dip-sampling letters for quality.

### **Delivering change**

- 2.19 The Area has outlined at a high level what it needs to achieve within plans, but greater detail in relation to objectives and milestones would provide the sort of focus which increases the likelihood of it being met. In addition, a more systematic approach to the review of Area plans and risks is required. Planning for improvement with CJS partners is becoming more successful. The more systematic approach to change management applied by the Area through its 'Way forward' programme has ceased due to staff shortages, and current change management is weaker.

### **Managing resources**

- 2.20 There have been some improvements in the Area's ability to manage resources. There continues to be a sound understanding of the administrative budget position, and performance in respect of non-ring fenced running costs was good for the last financial year.
- 2.21 The Area is attempting to make progress on the effective deployment of in-house prosecutors at both magistrates' and Crown Court. In 2005-06, performance in deploying DCWs in the magistrates' courts was better than the national average. The Area is struggling to reduce agent usage and current rates are higher than the national average (29.3% up to December 2006, against 20.4%). Higher Court Advocate (HCA) deployment continues to be low. Sickness levels are higher than the national average.

### **Managing performance to improve**

- 2.22 At the time of the OPA Northamptonshire showed a committed approach to performance management and this has continued. The re-structure has facilitated the increased use of comparative data and there is continuing good use of the Management Information System (MIS). The Area has not made progress on all aspects. Remedial actions were not consistently identified and reviewed.

### **Leadership**

- 2.23 Leadership has improved since the OPA. The Area's vision and values are set out clearly in its business plan and managers and the majority of staff understand what is expected of them to deliver these. There have been substantial improvements in the relationships with other criminal justice agencies, in particular the police, and the CPS is now a key player within the Local Criminal Justice Board. A clearly defined governance structure is in place, with improved corporacy, although a pro-active approach is needed from senior managers to drive up standards in casework and case management and to ensure effective administrative systems. Improvements are also needed in management and support of staff.

### **Community confidence**

- 2.24 The Area continues to show a clear commitment to community engagement and is beginning to implement a more structured approach. The level of public confidence in the criminal justice agencies in Northamptonshire is improving, but still worse than national averages.

### **Added value of the CPS locally**

- 2.25 There are some individual aspects of good work being carried out by the CPS in Northamptonshire. The Chief Crown Prosecutor has made good progress in restoring the confidence of criminal justice agencies in the organisation and there are good examples of participation by the CPS in local activities.

- 2.26 The Area needs to ensure that all its prosecutors add value to cases by fully identifying weaknesses, strengthening them where possible, considering alternative disposals and ancillary orders, and actively managing cases through the prosecution process. Although there were examples of very effective casework, currently prosecutors are not consistently adding value to the cases they handle.

#### Equality and diversity issues

- 2.27 The Area has demonstrated commitment to equality and diversity issues and has included equality and diversity aims within its business plan. It also has a Race Equality Scheme. The workforce is representative of the local community and there is a workforce representation plan in place. After some clarification from CPS Headquarters as to their requirements, further work on the plan is being undertaken.

#### Follow-up from previous report

- 2.28 There were 47 aspects for improvement (AFIs) identified at the time of the OPA, of which five are no longer relevant. Only three have been fully achieved, with substantial progress made in another 14. Whilst some action may have taken place on others, we consider that this has resulted in limited or no progress being made against the aim of the individual AFIs. We have not repeated these within the text of this report, and Area managers will need to continue to monitor their progress.

#### Recommendations and aspects for improvement

- 2.29 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.
- 2.30 We have made eight recommendations to help improve the Area's performance:

- 
- 1 Senior managers should take steps to ensure that lawyers record decisions on MG3s fully, including the analysis of issues, consideration of ancillary orders and comprehensive consideration of victim and witness issues (paragraph 3.7).
- 
- 2 Area managers should ensure that the Casework Quality Assurance scheme is carried out fully to provide effective assurance of casework standards and that there is regular examination of no further action cases (paragraph 3.11).
- 
- 3 Area managers should ensure that all files receive a thorough and timely review before the first hearing and full file reviews are completed on all contested cases, separate from pre-charge decisions as set out on the MG3 forms.

Review endorsements should clearly set out the decisions made and reasoning behind them, with a comprehensive analysis of all relevant issues where appropriate. A more vigorous approach to continuous review is also required, which should be endorsed on the file and on the case management system (paragraph 4.6).

---

---

4 Area managers should develop the role of the Case Progression Officers to include closer liaison with the police and courts on individual cases, to improve case progression overall (paragraph 4.23).

---

5 Area managers should ensure that the volume, timeliness and quality of Direct Communication with Victims letters are improved (paragraph 10.16).

---

6 Area managers should ensure:

- Clear planning is in place that fully support delivery of the Area business.
- Plans are effectively reviewed.
- Remedial actions are identified, progressed and reviewed (paragraph 11.8).

---

7 Area managers should:

- review the current structure needs, including the allocation of staff and the consistency and effectiveness of processes and systems; and
- adopt a structured approach to change management (paragraph 11.15).

---

8 Managers need to ensure they are confident in tackling individual performance matters and adopt a pro-active approach to managing and ensuring staff are supported (paragraph 14.9).

---

2.31 We additionally identified nine aspects for improvement within the Area's performance.

---

1 Systems to ensure cases requiring further action are actively managed and finalised should be fully established (paragraph 3.24).

---

2 Systems for ensuring that case progression forms are completed need to be strengthened and monitored (paragraph 4.29).

---

3 Case management system usage needs to be more effective and timely, and monitoring needs to be strengthened in order to achieve this (paragraph 4.37).

---

4 The clear and completed endorsements of court proceedings and outcomes (paragraph 6.7).

---

5 Area managers should increase the level of in-house lawyer deployment, thereby reducing its reliance on agents in the magistrates' courts (paragraph 6.11).

---

6 Area managers should carry out systematic advocacy monitoring to ensure that the standard of advocacy is raised in all courts (paragraph 6.13).

- 
- 7 Ensuring that the witnesses' views have been obtained in appropriate cases and that they have been made fully aware of the available options as to how they could best give their evidence.

Appropriate and timely special measures applications in all relevant cases (paragraph 10.4).

---

- 8 Greater awareness amongst staff within the Area of necessary improvements to the No Witness, No Justice scheme (paragraph 10.20).
- 

- 9 The introduction of structured evaluation of training (paragraph 11.19).
- 

#### Good practice and strengths

- 2.32 We identified two strengths within the Area's performance.
- 

- 1 Meetings between the Witness Care Unit, CPS, police and the Witness Service are constructive and encourage good inter-agency working (paragraph 10.6).
- 

- 2 The development of the prosecution team ethos with the police (paragraph 14.5).
-



### 3 PRE-CHARGE ADVICE AND DECISIONS

*The Area went live with statutory charging in February 2006 and progress is being made on the realisation of the anticipated benefits against key indicators, with four of the six currently being met. A strong prosecution team approach has developed between the CPS and police, although significant operational details still need to be addressed. Effective gatekeeping has yet to be introduced and the proportion of cases on which no further action is advised remains high. Monitoring systems for ongoing cases and timeliness of pre-charge decisions made within the office were not sufficiently effective or embedded. Pre-charge decisions were sound in the majority of cases, but in others did not always reflect the seriousness of the case. Threshold test cases were not followed up with a full Code for Crown Prosecutors' review in the majority of cases seen.*

#### Quality of advice and decisions

- 3.1 We examined a sample of case files from the Area and our findings on the quality of pre-charge advice and decisions and initial reviews are set out in the table below.

Pre-charge and initial review	Performance in the inspection Area programme to date	performance
Advice and decisions complying with evidential test in the Code	96.2%	97.1%
Advice and decisions complying with public interest test in the Code	98.3%	100%
Appropriate alternative disposals and ancillary orders were considered and acted upon	65.9%	50%
Prosecutor was active in identifying and remedying evidential defects	74.5%	89.2%

- 3.2 In two of the cases we examined the evidential test in the *Code for Crown Prosecutors* (the *Code*) was incorrectly applied; one of these was the subject of a pre-charge decision.
- 3.3 The purpose of pre-charge decision-making (PCD) is to ensure that a case proceeds on the right charge(s) with the evidence available and, whilst there are cases in which circumstances might affect the charge(s) originally chosen, the Area should try to keep these cases to as few as possible.
- 3.4 We found that the choice of charge selected did not always reflect the seriousness of the case; this occurred in five out of 72 cases (7%) and, in addition, 9% of cases (5 out of 55) had significant amendments to the charge.

- 3.5 Lawyers should be pro-active at the PCD stage, adding value by detailing what further evidence or information is needed to build a case and ensure a realistic prospect of conviction. We found that records of charging decisions (MG3s) varied in quality. The reviews recorded did not consistently provide a full analysis of issues which included identification of the weaknesses in the case, and more could have been done to strengthen some of the cases. However, from the files examined overall, in 89% of cases the prosecutor, whether at PCD or initial review stage, was active in identifying and remedying evidential defects, which is a good performance. Action plans setting out the further evidence to be obtained were generally comprehensive and of a good quality. The majority of Area lawyers have received the Pro-active Prosecutor training and this should encourage the consistent application of a more robust approach to PCD cases. The quality of pre-charge decision-making will, however, need to continue to be monitored carefully.
- 3.6 Full consideration of victim and witness issues was not always evident from the MG3s and case progression forms, which include a section on special measures applications, and consequently support consideration of victim and witness issues and case progression overall were not consistently completed by charging lawyers.
- 3.7 In four out of eight cases (50%) appropriate alternative disposals and ancillary orders were not considered and acted upon; these related to anti-social behaviour orders (ASBOs) and confiscation orders under the Proceeds of Crime Act (POCA).

---

#### RECOMMENDATION

Senior managers should take steps to ensure that lawyers record decisions on MG3s fully, including the analysis of issues, consideration of ancillary orders and comprehensive consideration of victim and witness issues.

---

- 3.8 In only one out of six cases was the threshold test correctly applied and followed up with a full *Code* review. In one case a full *Code* review was not conducted until after the committal had been discharged. This is consistent with the lack of ongoing review found within the magistrates' courts' work generally and the absence of pro-active case management, which has resulted in sometimes poor case preparation and case 'drift', and is referred to more fully in Chapter 4. In addition, it was not always recorded if the threshold or full *Code* test had been applied.
- 3.9 The quality of pre-charge advice and decision-making is assessed through the ad hoc monitoring of individual cases coming to the attention of Unit Heads, adverse outcome analysis and through the Casework Quality Assurance (CQA) scheme. However, the volume of cases examined under CQA has traditionally been low. In the third quarter of 2006-07, Northamptonshire was one of the poorest performing Areas in terms of completion rates (54% against a national average of 90%). The Area needs to ensure more robust monitoring of PCD to assure itself of the overall quality of its casework.



- 3.10 Quality assurance of cases resulting in no further action (NFA) occurs through monitoring of the volume and reason codes using Prosecution Team Performance Management (PTPM) reports, and discussed at prosecution team meetings attended by Unit Heads and police Area Commanders. There are fluctuating and at times high NFA rates. For the year to December 2006, performance was 38% against the national rate of 35%, suggesting that current gatekeeping processes are ineffective (see paragraph 3.17 below). Individual cases are not regularly examined; further detailed analysis needs to be undertaken and discussed at PTPM meetings to identify the true reasons for current rates.

#### *Bail/custody decisions*

- 3.11 From our file examination we had no concerns about the appropriateness of bail or custody decisions made by charging lawyers.

---

### RECOMMENDATION

Area managers should ensure that the Casework Quality Assurance scheme is carried out fully to provide effective assurance of casework standards and that there is regular examination of no further action cases.

---

#### Operation of the charging scheme

- 3.12 In the August-October 2006 period of the statutory scheme the Area made pre-charge decisions in 1,283 cases. The split of work between the two CPS charging centres is illustrated in the following table:

Charging centre	CPS office	Daily prosecutor coverage	Caseload
Corby	North Unit	1	572
Campbell Square	South Unit	1	711
<b>Total</b>	-	<b>2</b>	<b>1,283</b>

- 3.13 Both charging centres operate 9am to 5pm with lunch breaks. Appointments are usually scheduled into 30 minute slots, with some reserved every day for urgent cases. The majority of advice is face-to-face, however at Corby a proportion of pre-charge appointments are via fax and telephone due to the location of the police stations served by the centre, as over 40% of police officers in the northern part of the county work out of the Wellingborough Police Station, some distance away. The location of the Corby charging centre and the police serviced by it provides a challenge and we observed a number of cancelled appointments. Current coverage of the charging centres needs to be kept under review, in particular for the North of the county to ensure a proper service is provided to the police.

- 3.14 Cases for pre-charge decision that are likely to take longer than 30 minutes are generally submitted by paper to the relevant CPS unit. This applies in particular to cases requiring advice from specialist prosecutors, such as child abuse cases - which generally involve videos of some length - indecent images cases and murders, which are initially advised upon by Unit Heads. CPS Northamptonshire expects all duty prosecutors to have sufficient expertise to deal with most offences. However, for more sensitive cases papers are submitted to the units and/or supervised by someone with the relevant expertise.
- 3.15 Out-of-office hours advice is provided by CPS Direct (CPSD) and liaison arrangements are in place between CPS Northamptonshire and CPSD to ensure appropriate use of the out-of-hours scheme. During the inspection we found a misconception by some police officers that CPSD could only be used for threshold cases where a remand in custody was required. Although presentations have been given to police staff in the past about the operation of CPSD, CPS senior managers should take immediate steps to eliminate any remaining misconceptions among police at all levels.
- 3.16 Following the migration to statutory charging, a number of paper files - within the Director of Public Prosecution's guidance and suitable for pre-charge decision-making at a charging centre - continued to be submitted direct to the CPS in paper format, in particular to the North Unit. This resulted in a backlog of cases at that unit which has only recently been addressed.
- 3.17 Effective gatekeeping has yet to be introduced. Police Officers who partially perform this function are not consistently available during office hours, although the police are seeking to improve the position. There is good use of the Charging Administrator role to assist the charging lawyers and manage the centres on a daily basis.
- 3.18 A constructive and open relationship has developed between the CPS and police. This should enable challenges to be raised when appropriate to progress performance.
- 3.19 Cases not requiring a custody decision are generally bailed for six weeks and pre-charge decision-making should be sought within three days of arrest, although in the files examined there was some evidence of delay and repeat bail by police before referral to the scheme. Through system checks we found live cases that dated back to March 2006 where further action had been required following PCD, with no evidence of the current status of the case. In the past cases have not been appropriately tracked which has resulted in backlogs of cases not finalised and the necessity for 'clear up' operations. More active management of ongoing cases is being undertaken with the police, through better use of CMS ongoing case reports. However, processes have yet to be embedded to ensure cases requiring further action are actively managed and finalised. The number of outstanding inactive files could result in an increase in the NFA rates.
- 3.20 Northamptonshire is seeking to establish continuing ownership by lawyers in cases which are subject to PCD. Those where further work is required are returned to the charging lawyer, or occasionally another lawyer, for a decision in the office. As a result delays have occurred with suspects sometimes having to be re-bailed, which can unnecessarily prolong the life of a case. Systems need to be adopted to monitor the timeliness of pre-charge decision-making in cases which are returned to the office.

- 3.21 CPS Northamptonshire, in agreement with the police, adopted a fuller approach to file building before charge. Management attention now needs to be given to ensure the continuing suitability of this approach, particularly when requests are made for further evidence to complete the evidential report prior to charge (code H files).
- 3.22 Instances of non-compliance by police bypassing the scheme and charging inappropriately are brought to the attention of Unit Heads and raised with the police. There was evidence from our file sample - in particular in domestic violence cases - and from other sources, that there was some police non-compliance.
- 3.23 A tiered conflict resolution procedure is in place for instances when police do not agree with the charging lawyer's decision and disagreements occasionally progress to Unit Head level.
- 3.24 The introduction of the Police case preparation system (NSPIS) has resulted in some duplication of unique reference numbers (URNs) and consequently problems in the accuracy of finalisations; this is being looked at by the police.

---

#### ASPECTS FOR IMPROVEMENT

Systems to ensure cases requiring further action are actively managed and finalised should be fully established.

---

#### Realising the benefits of pre-charge decision-making

- 3.25 Some of the benefits of the charging scheme are being realised. The most recent key outcomes against which the CPS measures performance are shown in the table below.

	Magistrates' courts' cases				Crown Court cases			
	National target March 07	National performance Q3 06-07	Area target March 07	Area performance Q3 06-07	National target March 07	National performance Q3 06-07	Area target March 07	Area performance Q3 06-07
Discontinuance rate	11%	15.6%	10.6%	13.4%	11%	12.7%	11.8%	8.6%
Guilty plea rate	52%	68.7%	79.6%	67.5%	68%	66.8%	73%	74.2%
Attrition rate	31%	22.4%	31%	24.4%	23%	21.7%	23%	18.5%

- 3.26 Performance in the Crown Court is better than national averages and exceeds the national and Area targets. Performance in the magistrates' courts is mixed, with local targets not being met for the guilty plea and discontinuance rates, although the latter performance is better than the national average.
- 3.27 The target for magistrates' courts' discontinuance and guilty plea rates remains challenging and performance for all the key indicators is variable, particularly in the Crown Court due to the relatively small caseload.

3.28 A joined-up approach to performance management of the charging scheme has been established with the police through PTPM and other joint performance meetings, although more work remains to be done. The meetings should be used to progress and review effectively the outstanding operational matters discussed in this chapter; including drilling down to analyse performance at an individual case level where necessary.

## 4 CASEWORK IN THE MAGISTRATES' COURTS

*The quality of decision-making in cases that go through statutory charging is generally satisfactory, but in many cases this is not matched by thoroughness in addressing outstanding issues through continuous review. The quality of review and case handling in magistrates' courts' cases is variable and in need of improvement. The recording of initial, ad hoc and trial reviews and the use of the case management system also needs to be improved. Some aspects of case preparation need attention, in particular, the timely completion of case progression forms. The number of discharged committals remains high. The rate of effective trials is good, but there are cases which have multiple pre-trial reviews. Although performance has improved, the average time taken to deal with persistent young offenders from arrest to sentence remains significantly above target.*

### Quality of case decisions and continuing review

4.1 We examined 66 magistrates' courts' case files from the Area and our findings are set out in the following table.

#### Magistrates' courts and youth court casework

	Performance in the inspection programme to date	Area Performance
<b>Case preparation</b>		
Cases ready for pre-trial review (PTR/CMH)	79.1%	81.3%
Court orders complied with on time, or application made to court	86%	81.3%
Correspondence from the defence dealt with appropriately	78.5%	68.3%
Instructions to agents were satisfactory	77.8%	40%
<b>Level of charge</b>		
Charges that were determined by the prosecutor and proceeded without amendment	89%	95.7%
Cases that proceeded to trial or guilty plea on the correct level of charge	98.2%	93.8%
<b>Discontinuance</b>		
Discontinuance was timely	78.6%	90.5%
Decisions to discontinue complying with Code test	94.1%	90.9%
Discontinued cases where the prosecutor properly sought additional evidence/information before discontinuing the case	77.3%	77.8%
<b>Cracked and ineffective summary trials</b>		
Cracked or ineffective trials that were foreseeable and the CPS took action to avoid the outcome	68.8%	75%

<b>Summary trial</b>		
Decisions to proceed to trial complying with the evidential test	95.2%	98.3%
Decisions to proceed to trial complying with the public interest test	100%	100%
Cases with timely summary trial review and properly recorded	61.5%	44.1%
No case to answers that were foreseeable, and the CPS took action to avoid the outcome	42.9%	50%

- 4.2 We assessed the application of the *Code* tests (sufficiency of evidence and public interest) at the initial review or charging decision stage, when the file was reviewed for trial, and when a case was discontinued. The majority of cases were therefore assessed twice on the application of the *Code* tests. The evidential test was not applied appropriately in two cases; one was the subject of pre-charge advice only and was terminated at that stage (paragraph 3.2), and in the other, the need for corrective action was not identified at the initial review.
- 4.3 The selection of charge was appropriate in the large majority of cases, with only 4% requiring significant amendment.
- 4.4 Completion of initial reviews where the police have charged need improving, they were completed and properly recorded in only 45% of the police charged cases that we examined. Cases that have been through statutory charging will generally require a simple check to ensure that the pre-charge decision is still appropriate and that the charge is correct. We found that in these cases, the completion of reviews for first hearings was variable and the review box on the front of files indicating that an initial review had been undertaken was rarely completed.
- 4.5 As mentioned in the previous chapter, in cases that have been subject to a pre-charge decision, initial and full file reviews - when completed - were often a summary of facts with no or limited analysis of relevant issues. Furthermore, prosecutors are treating the charging decision in contested cases as the full file review. Separate summary trial reviews and review decisions to discontinue or alter the charges were therefore absent in the majority of files examined. As a result, the recording of full file reviews was poor. In only 44% of cases in our file sample were such reviews timely and properly recorded.
- 4.6 Evidence of continuing review was frequently lacking both on files and CMS. Overall, it was difficult to see how, following pre-charge decisions, prosecutors added value to cases through continuing review, and identifying further lines of enquiry or requesting additional evidence where appropriate.

---

## RECOMMENDATION

Area managers should ensure that all files receive a thorough and timely review before the first hearing and full file reviews are completed on all contested cases, separate from pre-charge decisions as set out on the MG3 forms.

Review endorsements should clearly set out the decisions made and reasoning behind them, with a comprehensive analysis of all relevant issues where appropriate. A more vigorous approach to continuous review is also required, which should be endorsed on the file and on the case management system.

---

### *Successful outcomes*

4.7 The Area's overall conviction rate in the magistrates' courts has improved over the last two years but it remains, at 80.4%, below the national average.

4.8 Key outcomes are shown in the following table:

---

#### *Case outcomes in the magistrates' courts*

---

	National performance year to December 2006	Area performance year to December 2006
Discontinuance and bindovers	11.0%	14.2%
No case to answer	0.3%	0.2%
Dismissed after trial	1.9%	3.0%
Discharged committals	0.2%	0.4%
Overall conviction rate	83.9%	80.4%

---

4.9 The Area's performance is identical to the national average on cases that were dismissed as no case to answer. However, performance is below the national average on discontinuances, discharged committals and cases dismissed after trial. While the discharged committal and discontinuance rates have reduced throughout the year ending December 2006, more needs to be done to sustain and improve performance.

4.10 The CPS has set itself a combined target for reducing the rate of unsuccessful outcomes in magistrates' courts and Crown Court cases. We have transposed this in the table below to show the proportion of successful outcomes - that is, the overall conviction rate.

---

#### *Successful outcomes (as a % of completed magistrates' courts and Crown Court cases)*

---

National target 2006-07	National performance Sep-Dec 2006-07	Area performance Sep-Dec 2006-07
83%	83.5%	81.5%

---

- 4.11 Performance in achieving successful outcomes in Crown Court cases is better than in magistrates' courts' cases, and above the national average, and there is a perception amongst other criminal justice agencies that the Area concentrates more on the preparation of Crown Court cases. The introduction in spring 2006 of a traffic court sitting at Daventry has helped to reduce the number of unsuccessful outcomes in the magistrates' courts. Traffic cases previously constituted a significant proportion of unsuccessful outcomes overall and the separate court has led to the improved file quality and handling of these cases. However, whilst there has been some improvement since 2005-06 in successful outcomes in magistrates' courts' cases, more needs to be done to meet the national target.
- 4.12 The Casework Quality Assurance scheme has not been operated effectively, with around half of the required number of cases being monitored for quality. Cases with unsuccessful or adverse outcomes are reviewed by managers on a monthly basis and performance is discussed at joint meetings with criminal justice partners. Learning points that are identified from the analysis of these cases are disseminated to staff. However, a closer monitoring of casework quality in general is needed as a means of driving up standards (see Recommendation above at paragraph 4.6.). Senior managers are aware of the need to improve casework quality standards overall and this is addressed at management meetings.

#### *Offences brought to justice*

- 4.13 The target for increasing the number of offences brought to justice is shared with criminal justice partners. The performance is largely driven by the police, although there is scope for the CPS to influence it.

#### *Offences brought to justice*

	CJS Area performance rolling annual Sep 2006	
Against 2001-02 baseline	+15.5%	
Number	15,051	
Offences Brought to Justice made up of	National average September 2006	Area figure
Convictions	49%	40.4%
Taken into consideration	10%	14.8%
Cautions	26%	33.3%
Fixed penalty notice	9%	9.7%
Formal warnings for drugs	6%	1.8%

- 4.14 The criminal justice area was not performing well in 2004-05 and the Offences Brought to Justice (OBTJ) targets were not met, achieving 12,790 offences brought to justice against a target of 14,016. As a result, the Office of Criminal Justice Reform intervened and deployed a performance team to establish best practice and identify areas where improvement was needed. A Delivery Action Plan was devised and performance has since improved, with the area achieving 15,051 offences brought to justice, thereby exceeding its target of 14,130. Increased joint working with the police has assisted in the improved performance. However, convictions as a percentage of OBTJ remain low at 40.4%, compared to the national average of 49%.



*Discontinuances in the magistrates' courts*

- 4.15 Discontinuances in the magistrates' courts have been reducing, from 16.2% in the financial year 2005-06 to 14.2% for the year ending December 2006. In our OPA, we suggested that the discontinuance rate for the first half of 2005-06 was artificially high owing to a significant number of old cases being discontinued during this period that should have been actioned in 2004-05, and which therefore distorted the figures. However, the discontinuance rate still remains above the national average of 11%. We considered that six decisions to discontinue were either premature or too late, all of which related to domestic violence cases, which we discuss in Chapter 5. In our file examination, we assessed that CPS action could have avoided discontinuance in 38% of cases and police action could have avoided discontinuance in 33% of them.

*Committal preparation and discharged committals*

- 4.16 The rate of discharged committals in CPS Northamptonshire is relatively high. For the year ending December 2006, in cases where committal to the Crown Court was envisaged, 5.7% were discharged compared to the national average of 2.6%. Between April-December 2006, most discharged committals related to the CPS not being ready to serve the committal papers on time, but some also related to the police not providing the CPS with the committal bundle on time. Committals are rarely ready at the first committal hearing. Lawyers are responsible for preparing the committal papers, which can lead to delays if the lawyer has other work commitments. The Area may benefit from transferring this role to caseworkers under the supervision of lawyers in appropriate circumstances.

*Youth cases*

- 4.17 HM Courts Service data on the timeliness of youth trials for October-December 2006 shows that the Area performance, at 95% of trials within 176 days, is better than the national average of 90%. The introduction of double listing of contested trials in October 2006, which is discussed in more detail at paragraph 4.28, should help to improve performance with cases involving a youth defendant being a priority. However, the timeliness of youth initial guilty pleas from October-December 2006 is worse than national performance: 80% were within the target of 59 days, as opposed to 89% nationally.
- 4.18 Decision-making was good in the majority of cases which involved a young defendant. There was only one youth case which did not pass the Code tests, as mentioned at paragraph 4.2. Delay at the pre-charge stage was evident in some cases - the police were not always timely in seeking pre-charge advice and completing actions thereafter, and in one case, there was delay by the prosecution in making a charging decision where the file had been returned to the office for a decision to be made. The proper and timely recording of trial reviews was not good in the majority of cases, nor was there evidence of continuous review, which led to delays in case progression. Dealing with defence correspondence and readiness for pre-trial reviews was variable. Although there were some youth cases that had clearly been handled well, the quality of youth casework was inconsistent and often suffered from the same issues apparent in other casework, in particular, the absence of full file reviews and continuous and timely review.

*Persistent young offenders*

- 4.19 The Government pledged to halve the time taken in 1996 to deal with cases involving persistent young offenders to 71 days from arrest to sentence. This was achieved nationally in 2001. The table below shows recent Area performance.

*Overall persistent young offender performance (arrest to sentence)*

National target	National performance (3 month rolling average to November 2006)	Area performance (3 month rolling average to November 2006)
71 days	73 days	101 days

- 4.20 There have been fluctuations but Area performance has consistently remained above target. The rolling three month average slipped to 102 days by July 2006, but improved to 82 days by August, only to slip to 84 days by October and 101 days by November. Unsatisfactory identification of persistent young offenders (PYOs), potential PYOs at the point of arrest and lengthy disposal times have contributed to poor performance. In June 2006, the Attorney General requested that a report be delivered by the Local Criminal Justice Board explaining why the target had not been met. As a result, a Delivery Plan has been devised which has enabled the criminal justice area to focus on this issue. Whilst there has been some improvement in performance and the CPS has worked well with criminal justice partners to reduce the number of days taken, the Area acknowledges that it needs to do more to meet the target. The police are also aware of their own shortcomings in this respect.

*Case progression and effective hearings*

- 4.21 HM Courts Service collects data on time intervals for initial guilty pleas, trials and committals, but there is limited information available for Northamptonshire. It shows that for criminal proceedings in charged magistrates' courts' cases, between October-December 2006 73% of cases were within the initial guilty plea target of 59 days, which is below the national figure of 85%. In addition, only 22.6% of cases were within the timeliness target of 143 days for adult trials between July-September 2006, compared to the national figure of 66%. There is no data available for the period October-December 2006 due to the trial sample being too small. The timeliness of adult trials in the magistrates' courts has declined over the year. The evidence from our file sample and that gathered on-site indicates that in terms of timeliness, case preparation and case progression, the Area's performance is variable.
- 4.22 We found some evidence of delays in all aspects of administration, including updating files back from court, linking post, locating files for court lists, and passing files to lawyers where action is needed. It has been suggested that the main cause of administrative shortcomings was staff shortages, particularly in the South Unit. However, administrative arrangements and systems need to be reviewed, and thereafter pro-actively managed to ensure they are efficient and continue to meet the needs of the organisation (see Recommendation at paragraph 11.15).

- 4.23 In March 2006, the Area had two Case Progression Officers (CPOs) in each unit. However, the CPO in the South Unit left the organisation shortly afterwards and the unit only managed to find a replacement in September 2006. The CPOs' responsibilities include carrying out pre-trial checks a month before the hearing date, monitoring court directions and orders, and following up any outstanding actions. They also liaise with the Witness Care Unit to confirm witness attendance. However, there remains no formal case progression liaison with criminal justice partners, other than the case progression meetings for PYO cases. The CPOs contact with the court and the police is therefore limited and more joint working is needed to drive up standards.

---

## RECOMMENDATION

Area managers should develop the role of the Case Progression Officers to include closer liaison with the police and courts on individual cases, to improve case progression overall.

---

### *Case preparation*

- 4.24 Whilst some of the adjournments at first appearance currently relate to legal aid matters, which is a feature in courts across the country, there was also evidence in Northamptonshire that adjournments at first appearance are a result of the prosecution not being ready rather than legal aid matters. This is clearly an urgent matter which should be resolved by managers so that it does not have a detrimental effect on CPS performance.
- 4.25 There was some evidence of cases being adjourned on several occasions for the prosecution to review the case or obtain further evidence. In several cases, a number of pre-trial review hearings had been fixed, with little or no evidence of any progress being made by the prosecution in the interim. Of cases dropped, those that are dropped after the third or subsequent hearing account for 67.7%, which compares unfavourably with the national average of 60.6%. Area managers have taken steps to encourage prosecutors to take a robust approach to case progression and this should be monitored through the CQA process and advocacy monitoring, which we discuss in Chapter 6.
- 4.26 In our sample, files were not ready for pre-trial review in 19% of cases, court orders were not complied with in good time in 19% of cases and correspondence from the defence was not dealt with properly in 32% of cases - all high proportions. Reports and additional evidence from the police was, however, actioned appropriately in most cases. Discontinuance was timely in a large proportion of the cases we examined, however, as mentioned in paragraph 4.15, six cases were discontinued either too early or too late. The CPS could also have done more to avoid discontinuance, either evidentially or in terms of other general case-handling issues, in eight out of the 21 relevant cases that we examined.
- 4.27 The level of wasted cost orders in the magistrates' courts remains high, 14 have been made for the year-to-date totalling £2,648.26. We received feedback that these are made often because the prosecution are either not ready to proceed or have failed to progress the case.

- 4.28 As a result of effective liaison with the magistrates' courts, double listing was introduced to reduce the lead times for trials. The full impact of the double listing of trials is not yet clear, but early indications suggest that lead times have been significantly reduced. There is evidence of trials going part-heard as a result of insufficient court time, but this has so far been minimal. Lawyers must prepare up to four trials or two all-day trials where the trials have been double listed and, although this is adding to their workload in the short-term, most lawyers see the long-term benefits.
- 4.29 Criminal Procedure Rule forms (also known as case progression forms) are not being consistently completed, either at the pre-charge advice stage, or following a plea of not guilty. This can cause delay, leading to adjournments, particularly in designated caseworker (DCW) courts, and has the potential for incorrect listing of trials if the witnesses have not been correctly identified.

---

#### ASPECTS FOR IMPROVEMENT

Systems for ensuring that case progression forms are completed need to be strengthened and monitored.

---

#### Effective, ineffective and cracked trials

- 4.30 There is a shared target to reduce the rate of ineffective trials. These adversely affect victims and witnesses if they have attended court, and delay the conclusion of the individual cases. We consider it important to raise the rate of effective trials and reduce the rate of cracked trials.

---

#### *Trial rates in the magistrates' courts*

	National target 2006-07	National performance year ending Dec 2006	Area target 2006-07	Area performance year ending Dec 2006
Effective	N/A	43.7%	N/A	50.8%
Ineffective	19.4%	19.4%	16%	12.2%
Cracked	N/A	37%	N/A	37%

- 4.31 The Area's performance on ineffective trials has been better than the national one for the year to December 2006. The level of effective trials is good compared with national performance, although it has fluctuated throughout the year. The cracked trial rate is currently around the national average and has fallen, albeit erratically, from 51.7% in January 2006. The advent of the CPOs and of double listing should sustain and hopefully improve the Area's effective trial rate and reduce the ineffective trial rate. Previously, poor witness attendance at summary trials - mainly because of the long lead times of between six to 12 months - is now improving, as is the performance of the Witness Care Unit. It is anticipated that the introduction of fast-tracking domestic violence trials will also help to improve attendance at court.

- 4.32 The prosecution is responsible for ineffective trials more in Northamptonshire than nationally in a number of key aspects: because of outstanding problems with disclosure, failure to serve additional evidence on the defence and, in particular, the absence of witnesses, including professional and expert witnesses. The attendance of police witnesses, however, is better than the national average. The absence of the defendant is a particularly high cause of ineffective trials compared to the national figure, as is the defendant not being produced by PECS (Prison Escort Contracting Service), which is at least three and a half times higher than the national average and ought to be of concern to the Area.
- 4.33 Prosecution responsibility for cracked trials is above the national average in several aspects, in particular the prosecution ending the case because of the absence and/or withdrawal of witnesses, insufficient evidence, and the acceptability of guilty pleas entered late or guilty pleas to new alternative charges previously rejected by the prosecution. Such reasons are indicative of a lack of continuous review of cases.
- 4.34 There is regular and formal analysis of cracked and ineffective trial rates with criminal justice partners. There is evidence of joint analysis and discussion of how to remedy defects at local and Area performance meetings. Data is fed back to staff, although evidence of the reasons, or steps needed to improve was limited in this respect.

#### Use of the case management system - Compass CMS

- 4.35 There is evidence of backlogs in administration on the case management system (Compass CMS). Finalisation or updating of cases should be undertaken swiftly. However, the percentage of cases finalised more than six days after the hearing has concluded increased from 47.4% in the North Unit in April 2006 and 24.8% in the South, to 49.3% and 43.2% in September 2006, respectively. The number of all hearings updated more than six days later has also increased substantially throughout this period in both units (25.4% to 32.6% in the North and 29.4% to 41.7% in the South). The backlogs have impacted on the effective use of task lists.
- 4.36 There has been an improvement in the use of CMS for reviews (including pre-charge decisions, initial reviews and full file reviews) from 23.6% in April 2006 to 69.8% that August, however, there was a decline to 57.9% in September. In our file sample, CMS was used properly in 70.3% of cases. With the exception of pre-charge decisions, initial, full file and ad hoc reviews were often missing and there were instances of information on court hearings not being updated correctly or at all. In one case, which is discussed in more detail in Chapter 9, details of the custody time limits had been entered incorrectly. We also found cases on CMS which indicated that an initial review could be found on the paper file, but where no review had, in fact, been carried out.
- 4.37 There is some monitoring of CMS usage. Unit Business Managers check task lists in relation to administrative functions. Performance of CMS usage is also monitored at senior management meetings. However, Unit Heads do not monitor tasks lists overall and rely on the CQA process to ensure that lawyers are using CMS; we have already commented on the poor return rate of CQA forms.

---

ASPECTS FOR IMPROVEMENT

Case management system usage needs to be more effective and timely, and monitoring needs to be strengthened in order to achieve this.

---

## 5 CASEWORK IN THE CROWN COURT

*Casework in the Crown Court was not assessed as a specific topic as part of this AEI. In the OPA carried out in October 2005, the handling of Crown Court cases was assessed as being "Fair". We identified four aspects for improvement and progress against them is outlined in Annex E.*

### The quality of case decisions and continuing review

- 5.1 We examined a sample of Crown Court case files from the Area, which included ones that had been discontinued, judge ordered acquittals and one case where guilty pleas were entered. Decision-making was of good quality overall at committal review or when the case was sent to the Crown Court. Appropriate action was taken to avoid a judge-ordered acquittal in all appropriate cases, although in one, the prosecutor could have sought further information before discontinuing the case.
- 5.2 While correspondence from the defence was dealt with properly in all cases, court orders were complied with on time in only four out of seven cases where these applied. The recording of full file and ad hoc reviews was not good, with these being completed in only two of the relevant cases that we examined. Failure to record reviews was also apparent in magistrates' courts' cases and is the subject of a recommendation in Chapter 4. Instructions to counsel and guidance on the acceptability of pleas was satisfactory, with the exception of one case.
- 5.3 The Area is performing better than nationally on their rates of judge ordered acquittals, judge directed acquittals, acquittals after trial and on their overall conviction rate.

### Case outcomes in the Crown Court

	National performance December 2006	Area performance December 2006
Judge ordered acquittals	13.2%	8.1%
Judge directed acquittals	1.5%	0.5%
Acquittals after trial	6.5%	5.7%
Overall conviction rate	77.3%	84.6%

- 5.4 Caseworkers perform case progression tasks, but there remains no formal or structured case progression liaison with criminal justice partners in all cases. The cracked trial rate is slightly higher than the national rate, the main reason for cracked trials being acceptable guilty pleas offered late for the first time. The ineffective trial rate remains below the national average.

### Trial rates in the Crown Court

	National target 2006-07	National performance year ending Dec 2006	Area target 2006-07	Area performance year ending Dec 2006
Effective	N/A	48.3%	N/A	55.8%
Ineffective	14.2%	12.5%	10%	4.3%
Cracked	N/A	39.2%	N/A	39.9%





## 6 PRESENTING AND PROGRESSING CASES AT COURT

*The quality of advocacy, both of in-house prosecutors and agents, varies considerably. Prosecutors are not always pro-active or sufficiently robust in progressing cases at court and systematic monitoring of CPS prosecutors, agents and counsel should be introduced. The use of agents in the magistrates' courts remains relatively high and Higher Court Advocate usage remains low, although the Area is seeking to address these issues. The recording of the outcome of proceedings at court needs to be improved.*

- 6.1 The CPS has set standards for its advocates, internal or external. These National Standards of Advocacy were updated in August 2003 and contain standards, guidance and prompts. Paramount is that prosecution advocates act - and are seen to act - in the public interest, independently of all other interests, fairly, fearlessly, and in a manner that supports a transparent system that brings offenders to justice, respects the rights of the defendant and protects the innocent. We assess advocates against these standards, bearing in mind that the court sessions will vary from trials to bail applications to pleas of guilty and remand courts.

### **Advocates ensure cases progress and hearings are effective**

- 6.2 Feedback from other court users about case progression at court by prosecution advocates was not good, and was borne out by some of our own observations. Prosecutors were generally not pro-active or sufficiently robust in progressing cases, making little contribution in relation to the outcome of the hearing, for example, the length of the adjournment or indeed whether it was necessary. There was evidence that cases were not being progressed in accordance with the Area's guidance *Prosecutor's Guide to Case Progression*. We observed one case which was adjourned for six weeks for committal as opposed to 21 days set out in the guidance, and another where a case management hearing could have been conducted but was adjourned to another day owing to the absence of the dates when prosecution witnesses were not available, even though attempts could have been made to obtain these at court. The prosecution advocates in both cases were unaware that the Area's guidance existed. The Area has taken steps to address the lack of robustness of in-house prosecutors at court. However, more needs to be done to ensure to improve standards and to complement the improvement in case management which managers wish to bring about.
- 6.3 The lack of completion of case progression forms is hindering case progression. Designated caseworkers (DCWs) rely on the lawyers to complete these forms to enable them to deal with mode of trial, acceptability of pleas and identifying witnesses in order to fix trial dates. We received feedback that DCWs often have to apply for adjournments or try to get cases moved to another court covered by a lawyer where the case progression forms have not been completed.
- 6.4 Papers are provided to agents, counsel and in-house prosecutors promptly. In complex cases, counsel is instructed sufficiently in advance of the hearing or trial. The rota for in-house prosecutors is drafted with preparation time in mind as far as possible.

- 6.5 There was evidence of in-house prosecutors and agents not being fully prepared or able to advise the court on relevant issues, including sentencing and ancillary orders. At times, this was reported to be exacerbated by missing files from the police at first appearances, correspondence or additional evidence not being linked to the files prior to court, and work not being done on files before they are next listed; these issues have been discussed in Chapter 4. While some staff shortages occurred in 2006 and new members of staff, including additional lawyers, have recently been recruited, work is also needed to streamline office processes as part of the review of the new organisation structure (see Chapter 11).
- 6.6 If in-house prosecutors' casework in the office is suffering, they are sometimes taken out of court and agents are deployed in their place. In particular, lawyers have felt the impact of the double listing of trials introduced in the magistrates' courts in October 2006; they now have to prepare up to four trials or two all-day trials for any double listed trial day. This has increased their workloads in the short-term and has placed different pressures on prosecution advocates at court, including dealing with additional witnesses. However, the practice of double listing trials is not unusual and should not cause undue difficulties for prosecutors, with appropriate support from senior managers.
- 6.7 The standard of court endorsements varied considerably. There were instances of clear and comprehensive endorsements of court appearances, however; there were more examples of poor endorsements, some of which were illegible. In several cases in our file sample, the outcomes of hearings were not endorsed on the file at all. In one case, poor file endorsements contributed to custody time limit failures. We comment on the adverse impact of poor quality of court endorsements on the custody time limit system in Chapter 9.

---

#### ASPECTS FOR IMPROVEMENT

The clear and completed endorsements of court proceedings and outcomes.

---

#### The standard of advocacy

- 6.8 We observed a number of advocates in different courts. Our findings are set out below.

Advocacy standards	Level	CPS advocates/ designated caseworkers in the magistrates' courts	Counsel/solicitor agents in the magistrates' courts	Higher Court Advocates and other CPS advocates in the Crown Court	Counsel in the Crown Court
		Number	Number	Number	Number
Assessed as above	1	-	None	None-	
normal requirements	2	1	observed	observed	-
Against CPS	3+	1	None	None-	
National Standards	3	5	observed	observed	3
of Advocacy	3-	2			-
And those assessed as	4	-	None	None-	
less than competent	5	-	observed	observed	-

## Assessment:

- 1 = Outstanding; 2 = Very good, above average in many respects  
 3+ = Above average in some respects; 3 = Competent in all respects  
 3- = Technically competent, but lacking in presence or lacklustre  
 4 = Less than competent in many respects; 5 = Very poor indeed, entirely unacceptable

- 6.9 Most of the advocacy we observed was competent in all respects, with two in-house prosecutors above average. Two advocates, however, lacked presence and were lacklustre. We received reports from other court users about the variable quality of prosecution advocates in all courts. We were given a number of examples of weak prosecution advocates, both in-house and agents, but were also given examples of advocates who were considered to be good. We were unable to see either of the Higher Court Advocates (HCAs). We received positive feedback concerning the performance of the designated caseworkers.
- 6.10 HCA usage is low; the Area currently has three, but only two are regularly deployed each week, one of whom is part-time. They cover preliminary hearings, plea and case management hearings and committals for sentence, but not trials. Northamptonshire has also recently gained two additional HCAs, but they have yet to receive training. Managers are taking steps to address the low usage and the Area has recently tried recruiting two external HCAs from the Bar, although this has so far been unsuccessful.
- 6.11 There has been a high rate of agent usage at 29.3% for the year to December 2006, compared to the national average of 20.4%, which represents an increase on agent usage levels in 2005-06. The rise has been caused partly by staff turnover and sickness. The Area has sought to address this by recruiting additional lawyers and DCWs and by liaising with the magistrates' courts to reduce the number of court sessions. A new listing protocol is also due to come into effect in January 2007. Notwithstanding this, given the high rates and the impact it has on confidence, we consider agent usage an aspect for improvement.

---

 ASPECTS FOR IMPROVEMENT

Area managers should increase the level of in-house lawyer deployment, thereby reducing its reliance on agents in the magistrates' courts.

---

- 6.12 There is evidence of many trials involving vulnerable and/or intimidated witnesses being prosecuted by agents rather than in-house prosecutors. The Area is aware of this and is seeking to address this issue.
- 6.13 There is irregular monitoring of advocacy standards in both the magistrates' courts and Crown Court. An aspect for improvement in the OPA undertaken in October 2005 was that counsel was monitored by caseworkers for re-grading purposes only, and the situation remains the same. There are plans to introduce advocacy monitoring, but the Area needs to make a sustained effort to implement this if advocacy standards are to improve.

---

ASPECTS FOR IMPROVEMENT

Area managers should carry out systematic advocacy monitoring to ensure that the standard of advocacy is raised in all courts.

---

- 6.14 The facilities in most CPS rooms at the various magistrates' courts visited were limited - almost all of the rooms were fairly small and the equipment, when provided, did not often operate properly. The facilities at the Crown Court were better and fit for purpose. All CPS rooms were secure and had IT facilities.

## 7 SENSITIVE CASES AND HATE CRIMES

*Sensitive cases and hate crimes were not assessed as a specific topic as part of this inspection. In the OPA, the handling of these cases was assessed as "Fair". We identified two aspects for improvement and progress against these is outlined in Annex E.*

### *Specialists and experts*

- 7.1 The Area has dedicated specialists on each unit for domestic violence, hate crime, rape, and anti-social behaviour orders (ASBOs). There is also a specialist lawyer dealing with cases involving animal rights and indecent images of children. The Area specialists attend conferences and courses and cascade this information to other members of staff. A Serious and Sensitive Casework Panel, which is chaired by the Chief Crown Prosecutor and includes Unit Heads and police representatives, convenes each month to discuss live cases and case progression issues.

### **Quality of advice and decisions**

- 7.2 Sensitive cases include offences of homicide, rape, child abuse and domestic violence; hate crime includes racially aggravated and homophobic offences.
- 7.3 Sensitive cases and hate crimes within our file sample were, overall, dealt with satisfactorily, although the handling of domestic violence cases requires attention. In some cases, CPS policy on domestic violence had been incorrectly applied. These included some where there had been significant and avoidable delay in properly reviewing and progressing the case; failures to consider properly the needs and views of the victims; and failures to apply the public interest test properly in decisions to discontinue cases following the receipt of withdrawal statements.
- 7.4 As part of its drive to improve casework standards the Area should ensure that there is full understanding of prosecution policies on domestic violence and other sensitive cases and hate crime by all its prosecutors, and that their application of is properly monitored during examinations of casework quality.
- 7.5 The unsuccessful outcomes rate in cases of hate crimes in the magistrates' courts and Crown Court is better than last year at 37.4%, but compares unfavourably to the national average of 33.2%. The attrition rate in domestic violence cases, predominantly owing to witness issues, is also high. The Area hopes to improve performance in relation to these cases through improved witness care (the Witness Care Unit now manages all of these cases) and the fast-tracking of domestic violence trials in the magistrates' courts.



## 8 DISCLOSURE OF UNUSED MATERIAL

*Disclosure was not assessed as a specific topic as part of this inspection. In the OPA, the quality of decision-making and compliance with the duties of disclosure was assessed as being "Fair". We identified two aspects for improvement and progress against those is outlined in Annex E.*

### Decision-making and compliance with the duties of disclosure

- 8.1 Initial disclosure was properly complied with in only 68% of cases in our file sample. Failings included items which clearly undermined and assisted being missed off the police schedule of non-sensitive unused material (MG6C); items not being disclosed when they should have been; items being disclosed which neither undermined nor assisted; no separate endorsement of each item on the MG6C schedule; and delay in the service of initial disclosure. Incorrect disclosure letters referring to primary disclosure were also served in several cases.
- 8.2 Continuing disclosure was properly complied with in 63% of cases. In those where it was not properly complied with, failures included items not being disclosed as continuing disclosure and no evidence of the reviewing lawyer considering the defence statement. Continuing disclosure also appeared to be handled by the caseworkers in some cases, with little input from the reviewing lawyer.
- 8.3 The rate of ineffective trials due to disclosure issues in the magistrates' courts is marginally above the national average. A 'reality' check conducted on-site showed that there was separation of unused material from other parts of the file in most cases. The disclosure record sheet was properly completed in 84% of cases in our file sample. The Area Disclosure Champion last delivered training on disclosure to lawyers and caseworkers in April 2005. Further work is needed to improve performance and this remains an aspect for improvement.





## 9 CUSTODY TIME LIMITS

*The OPA rated performance in relation to managing custody time limits as "Good", therefore we have only inspected this with a light touch. The Area's documented systems complied with the national guidance and there had been no reported custody time limit failures in 2004-05. No aspects for improvement were identified.*

### Adherence to custody time limits

- 9.1 There have been no reported custody time limit (CTL) failures in 2005-06 or in the first half of 2006-07, and court representatives did not raise any concerns about the CPS handling of CTLs. However, there is evidence that prosecution advocates are not pro-active in ensuring that CTLs are agreed with legal advisors in the magistrates' courts.
  
- 9.2 We examined five files and found that the expiry dates had been correctly calculated in four of them. In the one case where they were not, there appeared to have been two CTL failures. This was a magistrates' court case involving two co-defendants. Poor file endorsements, administrative delays, mistakes in up-dating and incorrect calculations of the CTLs all contributed to the CTL failures. The Area's desk instructions on CTLs in magistrates' courts' cases were not complied with and there was no evidence that a lawyer had considered whether the CTLs should be extended. These shortcomings had not been picked up in Area monitoring and the failures had not been reported to CPS Headquarters as required.
  
- 9.3 The Area's Unit Business Managers (level B2 managers) are solely responsible for monitoring all CTLs in magistrates' courts' cases, including logging them into the CTL diaries when the files return from court and sending out CTL extension notices to defence solicitors and the courts. However, there is no system in place to double check their work to ensure that all the CTL calculations and information is accurate and properly recorded. In Crown Court cases, caseworkers are also responsible for checking CTLs and the Area would benefit from a similar system which involves additional checks in magistrates' courts' cases.



## 10 THE SERVICE TO VICTIMS AND WITNESSES

*There is evidence of commitment to improve the service to victims and witnesses, but delivery is variable. The flow of information to the Witness Care Unit needs to improve to enable it to deliver obligations under the Victims' Code. Special measures applications are not being dealt with efficiently or expeditiously. Recording of whether witnesses' needs have been considered and if special measures are appropriate is inconsistent, both at the pre-charge stage and thereafter, and applications are invariably late. The quantity and timeliness of Direct Communication with Victims letters has deteriorated.*

### Meeting the needs of victims and witnesses

#### *Case decision-making*

- 10.1 When applying the public interest test, lawyers should ensure that they have taken into account the consequences for the victim of prosecuting or not, and the views expressed by the victim or their family, and that that fact is recorded. In the majority of the cases examined, this information was not recorded, nor was it in several domestic violence cases that were discontinued owing to the victim's retraction.
- 10.2 In one case involving child witnesses, there was evidence of the views of the victim and their family being taken into account when considering whether to proceed to a retrial when the jury had failed to reach a verdict. However, the endorsement to this effect could have been better recorded as it was handwritten on a piece of paper amongst other documents in the file, which is not good practice and has the potential for being mislaid.

#### *Special measures*

- 10.3 The early identification by prosecutors of witnesses as being vulnerable and intimidated does not always occur. Evidential reports (MG3s) completed by the police do not always contain sufficient information as to witnesses' needs or other relevant details about how best they could give their evidence. There is also little evidence of lawyers recording victim and witness considerations on the MG3s other than for potential special measures applications. Lawyers need to be more alert to the issue at the pre-charge stage and pro-active in obtaining relevant details if they are missing. In some cases it is only when the Witness Care Unit Officer makes contact with the victim or witness that their needs are identified. The No Witness, No Justice (NWNJ) action plan (see paragraph 10.18) identified these as issues requiring remedial action.
- 10.4 Special measures applications in both the magistrates' courts and Crown Court are generally made in appropriate cases, although there were examples in our file examination and reports by others where this had not been the case. Applications are, however, late in most cases involving vulnerable and intimidated adult witnesses, owing either to late identification of their needs or the lawyer failing to make them on time because of a failure to review the file. We identified several cases where applications were made out of time when this could have been avoided and, as a consequence, the applications were refused by the courts. The Area has tried to address this through the Casework Quality Assurance process and by introducing a system of requiring lawyers to complete case progression forms and special measures applications at the pre-charge stage. However, some prosecutors were of the view that there is insufficient time for them to be able to comply with these measures and the system is not embedded.

---

#### ASPECTS FOR IMPROVEMENT

Ensuring that the witnesses' views have been obtained in appropriate cases and that they have been made fully aware of the available options as to how they could best give their evidence.

Appropriate and timely special measures applications in all relevant cases.

---

#### *Witness Care Units*

- 10.5 Northamptonshire has one centralised Witness Care Unit (WCU) which covers witness care in cases across the county. Since its implementation on 31 March 2005, substantial improvement has been made in the delivery of witness care. Although there is more work to be done, the unit is making a positive difference to preparing witnesses for court. We spoke to a small number of witnesses at court and they all felt that they had been kept well informed by the WCU.
- 10.6 Monthly meetings are held between managers from the CPS, WCU, police and the Witness Service. At these meetings, the NWNJ action plan and related issues are discussed. The meetings are considered to be constructive and an effective forum for identifying aspects of work that require attention.

---

#### STRENGTHS

Meetings between the Witness Care Unit, CPS, police and the Witness Service are constructive and encourage good inter-agency working.

---

- 10.7 The WCU's delivery of its obligations under the *Victims' Code* is hampered by difficulties in the provision of information from the CPS. Processes are not embedded and information is being obtained from a variety of sources. As a result, Witness Care Officers (WCOs) spend a large amount of time chasing other agencies to obtain information. These issues were raised in the NWNJ action plan of June 2006. Lawyers are not consistently informing the WCU of the results of cases from court. The agreed seven day turnaround of witness queries from the WCU is also not being met. CPS Case Progression Officers often have difficulties in obtaining the requested information within the timescale, particularly when the reviewing lawyer is out of the office. This has resulted in non-compliance with time limits for contact with and supply of information to witnesses.
- 10.8 The double listing of trials in the magistrates' courts is impacting on the performance of the WCU - with trials being listed at short notice, there is limited time for WCOs to carry out full needs assessments, warn witnesses and arrange pre-court visits. Some Lists of Witnesses Attending Court (LWACs) provided by the CPS to the WCU and Witness Service have been received late, as have some witness warnings. The WCU has also been under-resourced to deal with the impact of double listing, however, temporary staff have been recruited to deal with the increase in the unit's workload in the short-term.
- 10.9 The attrition rate in domestic violence cases has been high. From January-April 2006 it was 50.8%, however, this has reduced and for the year to December 2006 stands at 39.4%. The main reason for unsuccessful outcomes in these cases has been the victim refusing to give evidence

or retracting. As a result, the WCU took over the witness care in all domestic violence cases, which makes up 28% of the unit's caseload. This includes cases likely to result in a guilty plea or a bindover. This has therefore increased the unit's workload significantly and resources are stretched.

- 10.10 There has been a delay in the roll-out of the Witness Management System (WMS), which was implemented on 16 October 2006. The delay was caused by staffing and training issues, however, in the six months prior to its implementation, two temporary staff were employed to ensure that all victim and witness information was entered onto CMS in preparation for the new arrangements.

*The care and treatment of victims and witnesses at court*

- 10.11 There was evidence that in-house prosecutors and agents inform victims who are present at court about the progress of their case and consult them on issues that may arise during the trial. However, we received feedback that the engagement with witnesses by agents is variable. We observed one case at the Crown Court involving a vulnerable victim who had attended court for the trial, where counsel failed to introduce himself and speak with the witness, although there was ample time to do so during a break in proceedings. We received feedback that in-house prosecutors were in general much better at engaging with victims and witnesses at court. We observed one case at the magistrates' court, involving a vulnerable and intimidated victim, where the level of engagement with the witness by the in-house prosecutor was exemplary.
- 10.12 The average waiting time for witnesses in the magistrates' courts is 94 minutes for the year ending September 2006, which is equal to the national average. In the Crown Court, the average waiting time is better than nationally, at 115 minutes compared to 145. In both the magistrates' and Crown Court, the percentages of witnesses waiting either one or two hours or less were better than the national averages. In cases involving multiple witnesses, there was evidence of prosecutors not phasing witnesses' attendance for trial in their instructions to the WCU for the warning of witnesses. Prosecutors fixing trials and passing on instructions for the warning of witnesses should provide realistic times, especially in light of the *Victims' Code* which directs that two hours is the maximum any witness should wait.

*Direct Communication with Victims*

- 10.13 Performance in respect of compliance with, and timeliness of, Direct Communication with Victims (DCV) when a charge is dropped or significantly reduced has deteriorated over the last year. Data for September 2006 shows that the Area sent letters in only 42.3% of the proxy target number of cases. This compares unfavourably with the national average of 73% and the Area's figure of 109.5% in September 2005. In only 33% of relevant cases in our sample had the victim been sent a letter which complied with DCV. Whilst some were satisfactory, others were over-complicated, including jargon that might not be easily understood. Some letters did not contain sufficient detail and showed little consideration for the recipient.
- 10.14 Timeliness of DCV letters is erratic. In December 2006, 62% of letters were sent within five days, however, in September 2006 68% had been sent within the required timescale, whilst that June only 30.8% had been sent. The average rolling quarter performance is 57.3%, compared to a national average of 71.8%.
- 10.15 The flagging of cases with identified victims is not satisfactory; out of 25 relevant cases checked on CMS only 18 (72%) had been flagged as such. DCV stamps were also present on relevant files.

10.16 The Area acknowledges that its performance in relation to DCV has been poor. In September 2006, responsibility for DCV passed from a specified member of staff to become part of the general administrative responsibilities of the units. The Area has identified that a lack of recording of the completion of DCV letters has affected its performance figures; it has been suggested that some lawyers have been sending DCV letters without recording that they have done so. While this may have been the case in some circumstances, our file examination and overall levels of non-compliance suggest that these letters have simply not been done. Systems were being introduced at the time of the inspection to ensure that DCV letters are being captured and monitored, including dip-sampling letters for quality.

---

### RECOMMENDATION

Area managers should ensure that the volume, timeliness and quality of Direct Communication with Victims letters are improved.

---

#### No Witness, No Justice

10.17 At a strategic level, the Area demonstrates a level of commitment to victim and witness issues and contributes to joint analysis of the NWNJ scheme. Monthly NWNJ meetings are held, as mentioned at paragraph 10.6 above, and the Chief Crown Prosecutor (CCP) or the Area Business Manager (ABM) attend the Local Criminal Justice Board sub-group which has a strategic overview of NWNJ. The ABM also attends the Victims' Code of Practice Implementation Group, however, there has so far been a lack of engagement by the WCU.

10.18 The NWNJ sign-over report for the Area was positive overall, although further action is required in relation to some NWNJ minimum requirements. These are being addressed through the joint agency NWNJ action plan, which is reviewed and updated at the monthly NWNJ meetings. Performance data including primary and secondary measures, such as the number of ineffective and cracked trials due to witness issues and late guilty pleas, and special measures applications, is collected and analysed. This data is used constructively.

10.19 Cracked trials due to witness issues in the magistrates' courts increased in August 2006 to above the national average, but decreased in the Crown Court. Ineffective trials due to witness issues in the magistrates' courts decreased, but increased above the national average in the Crown Court. As a result, the WCU Manager is to provide a monthly report to the Senior Management Team highlighting where further action should have been taken by either the police or the CPS.

10.20 The WCU holds regular team meetings at which changes and issues are discussed. However, we found little evidence of the implications of changes to NWNJ being communicated to other CPS staff, for example, information concerning WMS.

---

### ASPECTS FOR IMPROVEMENT

Greater awareness amongst staff within the Area of necessary improvements to the No Witness, No Justice scheme.

---

## 11 DELIVERING CHANGE

*The Area has outlined at a high level what it needs to achieve within plans, but greater detail in relation to objectives and milestones would provide the sort of focus which increases the likelihood of them being met.*

*In addition, a more systematic approach to the review of Area plans and risks is required. Northamptonshire has now introduced the statutory charging scheme and No Witness, No Justice, and some of the key performance indicators are being realised, although further work remains to be done to ensure both are operating effectively. Planning for improvement with CJS partners is becoming more successful. The more systematic approach to change management applied by the Area through its 'Way forward' programme has ceased due to staff shortages, and current change management is weaker. A comprehensive skills audit, and learning and development plan is in place.*

### Purpose and planning

- 11.1 The Area has outlined what it needs to achieve at a high level in the Area Business Plan (ABP) and its aims accord with the Director of Public Prosecution's vision for the Service and link to the CPS national, and wider CJS Public Service Agreement (PSA), targets. Objectives, accountabilities and milestones, with the use of quantifiable targets are in place.
- 11.2 Underpinning unit plans and plans for some of the major change initiatives are also in place. Accountability for delivery is monitored using the governance arrangements of monthly Senior Management Team (SMT) meetings and Operational Management Team (OMT) meetings. Unit Heads are also held to account by the CCP and ABM. Operational objectives have been translated into personal job plans. At the time of our inspection the majority of staff had Forward Job Plans.
- 11.3 Although objectives, accountabilities and milestones with quantifiable targets are in place there is an absence of underlying detail to address fully how the Area intends to achieve its objectives. The Area would benefit from a more visible steer with clear articulation of how it will achieve its priorities. The Area Advocacy Strategy is an example of an initiative where CPS Northamptonshire is struggling to meet the quantifiable targets it set itself and more detailed planning, including milestones and remedial targets, may provide renewed impetus and assist the change.
- 11.4 The Area needs to develop and embed a culture of pro-activity in casework throughout the life of the case; we discuss the lack of pro-active case management in Chapter 4. All staff need to adopt this approach, with managers supporting change through managing performance at an individual staff level. Future business planning should reiterate and support implementation of the cultural change that is also necessary to bring about improvement.
- 11.5 The nature of the ABP means that progress is mainly evidenced through the monthly updating of the quantifiable targets. There is good use of risk ratings against the likelihood of delivery for this purpose. A review of the ABP is conducted on a quarterly basis and, whilst there was some evidence of actions being prioritised as a result, reviews are not fully comprehensive with some milestones being missed and remedial actions or targets not being set, for example implementation of the *Victims' Code of Practice*. Reviews of the supporting unit plans were not regularly or systematically conducted.

- 11.6 Risk management processes could be more effective. Risks relevant to CPS business are identified within the ABP and at unit plan level, and risks linking to the ABP are reviewed on a quarterly basis. Although there is regular review of all existing risks, their continuing status and relevant counter-measures are not comprehensively considered. This is recognised by the Area and a more systematic approach to risk is being implemented, including clearer linkage with unit Risk Registers.
- 11.7 Joint planning takes place through the Local Criminal Justice Board (LCJB) and supporting groups but performance has been mixed. The delivery of some improvements across the criminal justice system has been problematic. Failing Offences Brought to Justice (OBTJ) performance resulted in the Performance Action team from Office for Criminal Justice Reform assisting in devising an action plan and performance has now improved. A further action plan has been devised by the LCJB partners to address jointly poor persistent young offender performance, with responsibilities allocated to individual agencies.
- 11.8 Joint working through the Effective Trial Management Programme (ETMP) sub-group has resulted in the introduction of double listing in October 2006 to reduce considerably the lead times for trials in the magistrates' courts, which then stood at seven months. Early indications at the time of the inspection were that double listing was proving successful in reducing lead times and that of 692 trials listed in the first months of the scheme, 687 had gone ahead on the day as planned.

---

## RECOMMENDATION

Area managers should ensure:

- Clear planning is in place that fully support delivery of the Area business.
  - Plans are effectively reviewed.
  - Remedial actions are identified, progressed and reviewed.
- 

### Change management

- 11.9 During 2005, CPS Northamptonshire introduced a structured change management programme known as the 'Way forward' programme, however, the Area no longer has the resources for dedicated personnel for change management. Current initiatives are allocated to the individual members of SMT who are responsible for implementing and overseeing the change. Some of these initiatives formed part of the Way forward programme but are no longer progressed through this format. There was a lack of clarity amongst staff as to whether these plans were still relevant.
- 11.10 The demise of the programme has resulted in a more 'informal' approach to change management. This has meant that arrangements for implementing change are less comprehensive, formalised and cohesive. Consideration is not always given at an early stage to project inter-dependencies and the subsequent impact, resulting in re-active measures. Links are made between initiatives, processes and training, but this is not always consistent and timely. The implementation of the *Victim's Code of Practice* within the units has been slow, including establishing processes and supporting training, consideration of its impact on the already poorly performing Direct



Communication with Victims scheme and the ability of the Witness Care Unit to deliver its obligations on communication of information (mentioned in paragraph 10.7). In addition, staff participation in overall planning, change processes and identification of best practice could be built upon. The Area is seeking to improve its management of change by re-introducing more structured project management.

- 11.11 Northamptonshire was one of the last CPS Areas to implement statutory charging (February 2006) and the No Witness, No Justice initiative, where a phased approach was adopted with coverage of the full county implemented in December 2005. For both projects progress has been made on the achievement of key performance indicators, although there remain a number of outstanding issues that need to be addressed. A number of the minimum requirements for NWNJ are not being achieved and improvements are required in the operational systems for statutory charging.
- 11.12 Formal reviews have taken place of statutory charging and NWNJ. Action plans from the reviews are being used to progress deficiencies through joint police and CPS steering groups. Historically NWNJ meetings have not been documented, and this has recently been introduced.
- 11.13 Effective case progression has still to be embedded within the Area. Case Progression Officers for both units have recently been employed, but multi-agency case progression meetings for all trial cases are not yet in place.
- 11.14 Whilst there is an advocacy strategy there are no up-to-date formalised plans and deployment targets are not currently being achieved. The SMT know what needs to be achieved but it needs to be clear how this will be done, which is discussed at paragraph 11.3. However, there have been successful negotiations with the magistrates' courts for more resource effective listing patterns. The Pro-active Prosecutor Programme has been rolled-out with the majority of staff having been trained.
- 11.15 In October 2005, Northamptonshire re-structured into two combined units facilitating the ownership of cases by the units from 'cradle to grave'. Allocation of staffing numbers was mainly determined on caseloads but also included staff preference and skills. The Area has experienced some staffing shortages, however, evidence of backlogs in pre-charge decision-making, administration support and case preparation suggests that the allocation of staff and the effectiveness of processes and systems needs to be reviewed. Currently staff are adopting a 'fire fighting' approach to some aspects of administration and case handling and senior managers need to review operation of the units regularly and be pro-active in managing and finding solutions.

---

## RECOMMENDATION

Area managers should:

- review the current structure needs, including the allocation of staff and the consistency and effectiveness of processes and systems; and
  - adopt a structured approach to change management.
-

### Staff skills and training

- 11.16 The Area has a good learning and development plan which has clear links to its business objectives and identifies both mandatory and development training needs. The plan is based upon the comprehensive skills audit completed by staff in 2005 prior to the re-structure and was updated this year. However, not all staff completed the recent skills audit.
- 11.17 The plan identifies training for legal and administrative staff. The 2006 Staff Survey results for learning and development, with the exception of induction training, were better than national averages; 82% of Area staff stated that the CPS provided them with the opportunity for learning and development to help do their job effectively against the CPS average of 62%.
- 11.18 An induction pack is in place for new starters and staff are expected to complete the on-line e-learning packages including equality and diversity training. Induction training for staff taking on new roles within the organisation was less comprehensive and in the recent survey 37%, against the national average of 41%, stated they had received effective induction training on starting their new role.
- 11.19 Structured evaluation of training, which had been identified as an aspect for improvement during the OPA, has not been introduced. The evaluation of training is on an informal basis and dependent on the individual practice of managers.

---

### ASPECTS FOR IMPROVEMENT

The introduction of structured evaluation of training.

---

## 12 MANAGING RESOURCES

*Managing resources was not assessed as a specific topic as part of this inspection. In the OPA, performance in respect of managing resources was rated as "Fair" and we identified four aspects for improvement. Progression against these aspects is detailed in Annex E.*

- 12.1 There have been some improvements in the ability to manage resources. The Area continues to have a sound understanding of its administrative budget position and performance in respect of non-ring fenced running costs was good for the last financial year, when Northamptonshire reduced its overspend to 0.1%, in comparison with 1.7% in 2004-05, and 4% in 2003-04. Profiled spend indicates a likely underspend for 2006-07. The budget remains centrally controlled with expenditure on agents devolved to the Unit Heads.
- 12.2 The prosecution costs budget was significantly underspent, by 13.9%, in 2005-06 which equated, using OPA values, to a "Fair" performance. Headquarters' profiling for 2006-07 is indicating another underspend.
- 12.3 Following the introduction of a dedicated fees clerk, performance in the timeliness of payment of counsel fees has been good and better than national averages. In the second quarter of 2006-07 performance dropped significantly from the first quarter performance of 96% to 39%; however performance for the third quarter has improved to 94% (against a national average of 90%).
- 12.4 Following the re-structure into combined units in October 2005, there has been some consideration of staffing structures and numbers. In paragraph 11.15 we discuss the necessity of a full review of staff distribution and processes.
- 12.5 The Area is attempting to make progress on the effective deployment of in-house prosecutors at both magistrates' and Crown Court. In 2005-06, performance in deploying designated caseworkers in the magistrates' courts was better than the national average, with 16.2% of sessions covered by DCWs against 10.7%, but this did not meet the Area target of 20.9%.
- 12.6 At the time of the inspection there were four DCWs. At an expected court coverage for each of them of six sessions per week, for the year up to December 2006 this equates to 189 sessions per DCW. The Area covered 573 sessions which equates to 75.8% of available DCW time. There has been successful negotiation with the magistrates' courts to maximise DCW listing arrangements and two further DCWs have been recruited.
- 12.7 DCW usage for 2006-07, up to December, as a percentage of all magistrates' courts' sessions is 13.5%, just below the national average of 13.7%. The Area target of 18% and national target of 17.2% is not yet being met. Performance for the third quarter only is set out overleaf.

Designated caseworker deployment (as % of magistrates' courts' sessions)			Higher Court Advocate savings (per session)	
National target 2006-07	National performance Q3 2006-07	Area performance Q3 2006-07	National performance Q3 2006-07	Area performance Q3 2006-07
17.2%	16%	12.5%	£346	£335

12.8 The Area has set clear expectations for lawyer usage and has a target to employ no agents in the magistrates' courts by March 2007. However, it is struggling to reduce agent usage and current rates are higher than the national average (29.3% up to December 2006 against 20.4%). HCA deployment continues to be low. The Area's performance in relation to actual counsel fees savings against target up to the end of the third quarter of 2006-07, at 47.6%, was the third poorest of all CPS Areas, with an average saving per session of £335 against a national average of £346. This is further discussed at paragraph 6.10.

12.9 In 2005-06, sickness absence was worse than the national average and the previous year's performance of eight days.

<i>Sickness absence (per employee per year)</i>		
National target 2006	National performance 2006	Area performance 2006
7.5 days	8.8 days	9.7 days

### 13 MANAGING PERFORMANCE TO IMPROVE

*At the time of the OPA the Area showed a committed approach to performance management and this has continued. The re-structure has facilitated the increased use of comparative data and there is continuing good use of the Management Information System. Progress has not been made on all aspects. Remedial actions were not consistently identified and reviewed, and the number of cases examined under Casework Quality Assurance continues to be low.*

#### Overview of current position

- 13.1 The Area's committed approach to performance management has continued. Comprehensive performance data is available and following the re-structure provided for Area, unit and, where applicable, Basic Command Unit level, allowing for a direct comparison of performance.
- 13.2 Quarterly performance meetings continue between the CCP and ABM, and Unit Heads and Unit Business Managers, but the consistent monitoring of performance and identification of remedial actions and review could be improved upon. For example, compliance with the Direct Communication with Victims scheme identified in the OPA remains weak and, whilst some improvements have been made in unsuccessful outcomes, for other aspects of performance such as discharged committals rates remain higher than national averages. Northamptonshire would benefit from increased use of benchmarking with other CPS Areas of a similar size.
- 13.3 The volume of cases examined under the Casework Quality Assurance scheme remains low. This hinders improvement in ensuring a consistent and satisfactory standard of casework and a recommendation is made in Chapter 3.



## 14 LEADERSHIP

*Leadership has improved since the OPA. The Area's vision and values are set out clearly in its business plan and managers and the majority of staff understand what is expected of them to deliver these. There have been substantial improvements in the relationships with other criminal justice agencies, in particular the police, and the CPS is a key player within the Local Criminal Justice Board. A clearly defined governance structure is in place, with improved corporacy, although a pro-active approach is needed from senior managers to drive up standards in casework and case management and to ensure effective administrative systems. Improvements are also needed in management and support of staff. Communication with staff is satisfactory. The Area is generally representative of the community it serves.*

### Vision and management

- 14.1 Area vision and values are promoted through the use of the national vision, which is incorporated into the Area Business Plan (ABP) and some of the supporting plans. The Director's vision was promoted at an Area training day where the draft business plan was discussed.
- 14.2 Managers understand what is expected of them to deliver the Area vision, but this was sometimes undermined by competing work demands, which meant that staff and performance were not consistently managed in a way to ensure delivery of the vision. Staff Survey results for 2006 indicated that a greater proportion of staff in Northamptonshire understood how their job contributed to team, Area and CPS objectives than was the case nationally, although we found variable levels of understanding amongst staff.
- 14.3 At a strategic level a clear commitment and an open and honest approach to partnership working has been adopted by senior management, particularly by the CCP, who has been pro-active in developing a prosecution team ethos with the police. The approach has been welcomed and relationships with all other criminal justice agencies are improving, with constructive partnerships being developed. There has been sound work with the magistrates' courts to increase the effectiveness of court listing.
- 14.4 The CPS is engaged in the delivery of joint initiatives at the Local Criminal Justice Board and its sub-group levels and plays a significant role in driving performance improvements to deliver key initiatives.
- 14.5 Objectives in personal and development reviews (PDRs) reflect the Area's aims and objectives. At the time of the inspection some staff had no PDRs and Forward Job Plans for 2006-07. Subsequently the Area has said that, whilst there had been a delay, this is no longer the case.

---

### STRENGTHS

The development of the prosecution team ethos with the police.

---

### Governance

- 14.6 There is now a clearly defined governance structure. There are regular meetings of the Senior Management Team where core business and performance is discussed, underpinned by Operational Management Team meetings attended by Unit Business Managers and the ABM. Corporacy within the Area has improved.
- 14.7 Accountability for performance at unit level has been strengthened through the quarterly performance meetings between the Unit Heads and Unit Business Managers with the CCP and ABM. Monthly Area performance reports and the quarterly performance regime highlight performance of the Area overall and individual units. More remains to be done to drive up casework standards and ensure consistent performance.
- 14.8 A number of staff appeared to be 'fire fighting'. This showed itself in work being delayed, systems being bypassed, and ad hoc systems being developed to deal with difficulties. Managers need to be confident in tackling individual performance matters and be pro-active in managing and ensuring staff are supported. The review of the Area structure and processes should also examine arrangements for monitoring by management in order to bring about individual and office-wide performance improvements.
- 14.9 A dialogue occurs with staff through regular team meetings, the Whitley Council and, overall, through an increased engagement by SMT with staff. The CCP and ABM have visited the units and attended some team meetings, which staff appreciated, although views on the general availability of senior staff were mixed. The Area would benefit from greater involvement by staff in improvement activity and in the identification of best practice. An Area newsletter is to be re-introduced and an Area infonet will be piloted.

---

### RECOMMENDATION

Managers need to ensure they are confident in tackling individual performance matters and adopt a pro-active approach to managing and ensuring staff are supported.

---

### Ethics, behaviours and the approach to equality and diversity

- 14.10 The Area has included equality and diversity aims within the ABP. However, this is undermined by the lack of detail within the plan and timely progress not always being made against milestones (see paragraphs 11.3 and 11.4).
- 14.11 The recent Staff Survey results on perceptions concerning dignity and fair treatment at work were positive in comparison with the 2004 Area results and CPS performance overall. There was an improvement in the percentage of staff who felt they were treated with fairness and respect from 61% in 2004 to 79% in 2006, against average satisfaction levels of 64% across the CPS.
- 14.12 Although we recognise the findings of the 2006 Staff Survey we received contradictory anecdotal evidence that staff still perceived some unfair treatment, particularly in relation to the distribution of work between the sites. The recent Staff Survey also revealed that 21% of Area staff felt within their teams they had a correct amount of people to cope with their usual workload, lower than the CPS national average of 24%.



- I4.13 The changes within the culture of CPS Northamptonshire and increased emphasis on performance and higher expectations of staff, can lead to people feeling pressurised and unfairly treated, however the validity of staff perceptions should be addressed by the comprehensive review of the operation of the new structure (see paragraph I1.15).
- I4.14 The make up of staff within the Area generally reflects the community served by the offices, and there is a work force representation plan in place. After advice from CPS Headquarters about a need for more detailed targets linking to actions, further work on the plan is being undertaken.
- I4.15 Minutes of meetings showed that senior managers praise staff for their performance and this was confirmed by anecdotal evidence. A reward scheme was about to be introduced at the time of the inspection.



## 15 SECURING COMMUNITY CONFIDENCE

*The OPA rated this aspect as "Fair". It was found that the Area had established a solid foundation on which to build an effective approach to securing community confidence and therefore we only inspected this aspect with a light touch. The Area continues to show a clear commitment to community engagement and is beginning to implement a more structured approach. The level of public confidence in the criminal justice agencies bringing offenders to justice in Northamptonshire is improving, but still worse than national averages.*

- 15.1 There is a clear commitment to engagement with the community, and the Area has a comprehensive community engagement strategy for 2006-07. Although in its early phase, the plan details who the Area will engage with and how, and provides a staged approach to the evaluation and targeting of community engagement, and the identification of relevant performance indicators.
- 15.2 The CCP and ABM share lead responsibility for community engagement. The Area participates in relevant Local Criminal Justice Board groups and community engagement through this forum, for instance the 'Inside Justice Week'. Activity continues to be focused on some schools and groups connected with sensitive cases, and includes Hate Crime Panels with the Race Equality Council, which are attended by Unit Heads, and the County Domestic Violence forum. A joint media approach has been developed with the police through the Serious and Sensitive Case Panel which identifies cases of potential media interest, as well as learning lessons from cases. A log of community engagement activity is kept.
- 15.3 There is no measure of public confidence specific to the CPS and consequently the measure used is the level of public confidence in the effectiveness of criminal justice agencies in bringing offenders to justice. The CPS contributes to this through undertaking its prosecution functions and by engaging with the public directly and through the media. The level of public confidence in Northamptonshire has been low. However there has been a significant improvement from the baseline figure of 37% to 42%, although this is still lower than the national average at 44% and the Area target of 43%.

---

*Public confidence in effectiveness of criminal justice agencies in bringing offenders to justice (British Crime Survey)*

---

<b>CJS area baseline 2002-03</b>	<b>Most recent CJS area figures in 2005-06</b>
37%	42%

---



## ANNEX A: AREA EFFECTIVENESS INSPECTION FRAMEWORK

### Standards and Criteria

#### 1 Pre-charge advice and decisions

**Standard:** *Pre-charge advice and decisions are of high quality; an effective pre-charge decision scheme has been fully implemented and resourced within the Area; and benefits are being realised.*

**Criteria 1A:** Pre-charge advice and decisions are of high quality, in accordance with the Director's Guidance, the Code, charging standards and policy guidelines.

**Criteria 1B:** Pre-charge decision-making operates effectively at police charging centres and is accurately documented and recorded.

**Criteria 1C:** The Area is realising the benefits of the charging scheme.

#### 2 Case decision-making and handling to ensure successful outcomes in the magistrates' courts

**Standard:** *Magistrates' courts' cases are reviewed, prepared and managed to high standards so that the proportion of successful outcomes increases, and hearings are effective.*

**Criteria 2A:** Case decisions are of high quality and successful outcomes are increasing.

**Criteria 2B:** Cases progress at each court appearance.

**Criteria 2C:** The Area contributes effectively to reducing cracked and ineffective trials and increasing the proportion of effective trials.

**Criteria 2D:** The Area uses CMS to contribute to the effective management of cases.

#### 3 Case decision-making and handling to ensure successful outcomes in the crown court

**Standard:** *Crown Court cases are continuously reviewed, prepared and managed to high standards, so that the proportion of successful outcomes increases, and hearings are effective.*

**Criteria 3A:** Case decisions are of high quality and successful outcomes are increasing.

**Criteria 3B:** Cases progress at each court appearance.

**Criteria 3C:** The Area contributes effectively to reducing cracked and ineffective trials, and increasing the proportion of effective trials.

**Criteria 3D:** The Area uses CMS to contribute to the effective management of cases.

#### 4 Presenting and progressing cases at court

**Standard:** *Prosecution advocates ensure that every hearing is effective, and that cases are presented fairly, thoroughly and firmly, and defence cases are rigorously tested.*

**Criteria 4A:** Advocates are active at court in ensuring cases progress and hearings are effective.

**Criteria 4B:** The standard of advocacy is of high quality and in accordance with national standards.

5 Sensitive cases and hate crimes

**Standard:** *The Area makes high quality decisions and deals with specialised and sensitive cases, and hate crimes effectively.*

**Criteria 5A:** Area advice and decisions in specialised and sensitive cases, and hate crimes are of high quality, in accordance with the Code and policy guidance.

**Criteria 5B:** The Area identifies and manages sensitive cases effectively.

6 Disclosure

**Standard:** *The Area complies with the prosecution's duties of disclosure of unused material and disclosure is handled scrupulously.*

**Criteria 6A:** The Area's decision-making and handling of unused material complies with the prosecution's duties of disclosure.

7 Custody time limits

**Standard:** *In all cases, custody time limits are adhered to.*

**Criteria 7A:** Custody time limits are adhered to in all relevant cases.

**Criteria 7B:** Area custody time limit systems comply with current CPS guidance and case law.

8 The service to victims and witnesses

**Standard:** *The Area considers victims' and witnesses' needs throughout the entirety of the prosecution process and appropriate liaison, information and support is provided at the right time.*

**Criteria 8A:** The Area ensures timely and effective consideration and progression of victim and witness needs.

**Criteria 8B:** The Area, with its criminal justice partners, has implemented the "No Witness No Justice" scheme effectively.

9 Delivering change

**Standard:** *The Area plans effectively, and manages change, to ensure business is well delivered to meet CPS and CJS priorities.*

**Criteria 9A:** The Area has a clear sense of purpose supported by relevant plans.

**Criteria 9B:** A coherent and co-ordinated change management strategy exists.

**Criteria 9C:** Area staff have the skills, knowledge and competences to meet the business need.

10 Managing resources

**Standard:** *The Area allocates and manages resources to deliver effective performance and provide value for money.*

**Criteria 10A:** The Area seeks to achieve value for money, and operates within budget.

**Criteria 10B:** All Area staff are deployed efficiently.

## 11 Managing performance to improve

**Standard:** *The Area systematically monitors, analyses and reports on performance, and uses performance information to promote continuous improvement and inform future decisions.*

**Criteria 11A:** Managers are held accountable for performance.

**Criteria 11B:** The Area is committed to managing performance jointly with CJS partners.

**Criteria 11C:** Performance management arrangements enable a complete assessment of Area performance, and information is accurate, timely, concise and user-friendly.

**Criteria 11D:** Internal systems for improving/raising the quality of casework are robust and founded on reliable and accurate analysis.

## 12 Leadership

**Standard:** *The behaviour and actions of senior managers promote and inspire CPS staff and CJS partners to achieve Area and national objectives.*

**Criteria 12A:** The management team communicates the vision, values and direction of the Area well.

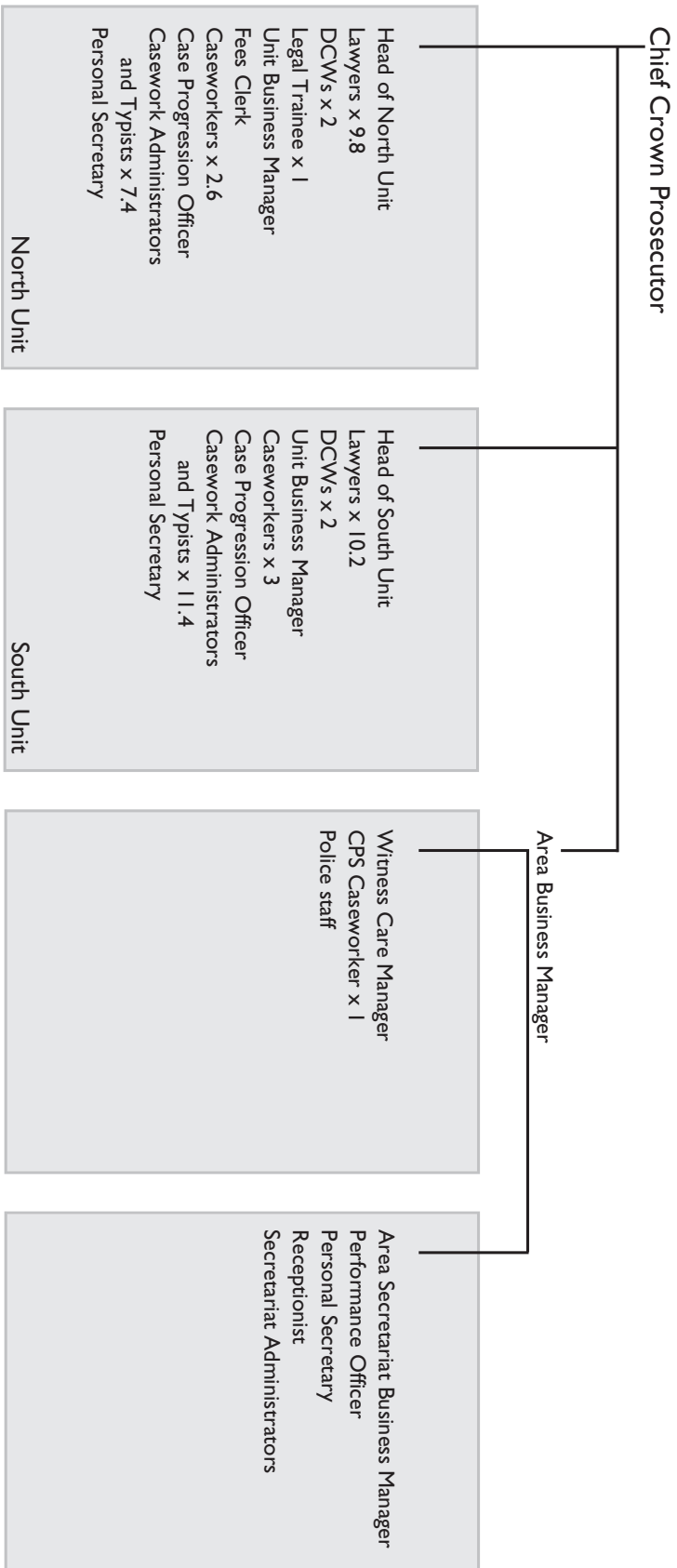
**Criteria 12B:** Senior managers act as role models for the ethics, values and aims of the Area and the CPS, and demonstrate a commitment to equality and diversity policies.

## 13 Securing community confidence

**Standard:** *The CPS is engaging positively and effectively with the communities it serves, and public confidence in the criminal justice system is improving.*

**Criteria 13A:** The Area is working pro-actively to secure the confidence of the community.

## ANNEX B: ORGANISATION CHART





## ANNEX C: CASEWORK PERFORMANCE DATA

*Caseloads and outcomes for the 12 months ending December 2006*

	Northamptonshire		National	
	Number	Percentage	Number	Percentage
<b>1. Magistrates' Courts - Types of case</b>				
Pre-charge decision	5,713	32.8	577,254	34.3
Advice	0	0	1,795	0.1
Summary	7,565	43.4	683,435	40.6
Either way and indictable	4,097	23.5	417,113	24.8
Other proceedings	47	0.3	4,019	0.2
<b>Total</b>	<b>17,422</b>	<b>100.0</b>	<b>1,615,841</b>	<b>100.0</b>
<b>2. Magistrates' Courts - Completed cases</b>				
Discontinuances and bind overs	1,574	14.2	112,571	11.0
Warrants	204	1.8	28,031	2.7
Dismissed no case to answer	22	0.2	2,568	0.3
Acquittals after trial	333	3.0	18,972	1.9
Discharged	41	0.4	2,400	0.2
<b>Total Unsuccessful Outcomes</b>	<b>2,174</b>	<b>19.6</b>	<b>164,542</b>	<b>16.1</b>
Convictions	8,935	80.4	856,739	83.9
<b>Total</b>	<b>11,109</b>	<b>100.0</b>	<b>1,021,281</b>	<b>100.0</b>
<b>Committed for Trial In the Crown Court</b>	<b>673</b>		<b>91,329</b>	
<b>3. Magistrates' Courts - Case results</b>				
Guilty pleas	5,974	64.3	654,026	74.4
Proofs in absence	2,403	25.9	155,473	17.7
Convictions after trial	558	6.0	47,240	5.4
Acquittals after trial	333	3.6	18,972	2.2
Acquittals no case to answer	22	0.2	2,568	0.3
<b>Total</b>	<b>9,290</b>	<b>100.0</b>	<b>878,279</b>	<b>100.0</b>
<b>4. Crown Court -Types of case</b>				
Indictable only	354	33.1	35,696	28.6
Either way defence election	19	1.8	5,291	4.2
Either way magistrates' direction	373	34.9	48,629	38.9
Summary appeals; committals for sentence	323	30.2	35,277	28.3
<b>Total</b>	<b>1,069</b>	<b>100.0</b>	<b>124,893</b>	<b>100.0</b>
<b>5. Crown Court - Completed cases</b>				
Judge ordered acquittals and bind overs	62	8.1	12,288	13.2
Warrants	8	1.0	1,290	1.4
Judge directed acquittals	4	0.5	1,366	1.5
Acquittals after trial	44	5.7	6,066	6.5
<b>Total unsuccessful outcomes</b>	<b>118</b>	<b>15.4</b>	<b>21,010</b>	<b>22.7</b>
Convictions	649	84.6	71,749	77.3
<b>Total</b>	<b>767</b>	<b>100.0</b>	<b>92,759</b>	<b>100.0</b>
<b>6. Crown Court – Case results</b>				
Guilty pleas	579	83.1	60,558	76.5
Convictions after trial	70	10.0	11,191	14.1
Acquittals after trial	44	6.3	6,066	7.7
Judge directed acquittals	4	0.6	1,366	1.7
<b>Total</b>	<b>697</b>	<b>100.0</b>	<b>79,181</b>	<b>100.0</b>

## ANNEX D: RESOURCES AND CASELOADS

<i>Area caseload/staffing CPS Northamptonshire</i>		
	<b>December 2006</b>	<b>September 2003</b>
Staff in post	68.6	59.8
Lawyers in post (excluding CCP)	22	20.8
Pre-charge decisions/advices per lawyer (excluding CCP)	259.7	N/A
DCWs in post	4	2
Magistrates' courts' cases per lawyer and DCW (excluding CCP)	450.3	1,090.9
Magistrates' courts' contested trials per lawyer (excluding CCP)	41.5	37.6
Committals for trial and "sent" cases per lawyer (excluding CCP)	33.9	43.2
Crown Court contested trials per lawyer (excluding CCP)	5.4	7.1
Level B1, B2, B3 caseworkers in post (excluding DCWs)	15.8	15
Committals for trial and "sent" cases per level B caseworker	47.2	59.9
Crown Court contested trials per level B caseworker	7.5	9.9
Level A1 and A2 staff in post	24.8	22
Cases per level A staff	702.5	1,031.4
Running costs (non-ring fenced)	£2,886,248	£2,517,400

The number of magistrates' courts' cases has dropped considerably from 22,690 to 11,709 (not including PCD), which has significantly affected the staff caseload figures; this may also relate to a change in recording practices for specified offences as the number of summary offences has dropped from 16,704 to 7,565.

NB: Caseload data represents an annual figure for each relevant member of staff. Crown Court cases are counted within the magistrates' courts' cases total. Where pre-charge advice is that proceedings should be instituted, that case will also be included as a summary/either way/indictable case in the statistics relating to the magistrates' courts or the Crown Court as appropriate.

[Cases = magistrates' courts' cases excluding pre-charge decisions and advices].

## ANNEX E: IMPLEMENTATION OF ASPECTS FOR IMPROVEMENT FROM REPORT PUBLISHED IN MARCH 2006

Aspects for improvement	Position in December 2006
IA The Area has taken some steps to ensure police compliance with CPS advice to charge or obtain further evidence, and to ensure that all cases that should be sent via the charging scheme are sent and that those that should not, are not. However, these issues have recurred and there is a lack of effective joint working.	Limited progress - A closer working relationship has developed with the police, however there is still some non-compliance with cases bypassing the scheme and systems to monitor police compliance with advice to charge or obtain further evidence are not embedded.
IA There was no police gatekeeper in place during 2004-05. Charging administrators were introduced by the CPS after the end of the year, with a limited gatekeeper function. The police are now introducing a more robust system.	Limited progress - An effective gatekeeping system has not yet been introduced, although police are seeking to improve upon this.
IB The Area's analysis of adverse cases does not distinguish between cases which have been subject to pre-charge advice and those that have not.	Achieved - PCD cases are identified.
IC Liaison with the police has not always involved the appropriate level of staff and a number of issues with the operation of the shadow scheme and with the implementation of the statutory scheme have yet to be addressed in an effective manner.	Substantial progress - A joined-up approach to management of the statutory scheme has been established, but there are still operational difficulties to be addressed.
2A Case Progression Officers have yet to be introduced. There is no formal case progression liaison with criminal justice partners.  Cases dropped after the third or subsequent hearing account for 64.2% of dropped cases, which compares unfavourably with the national average of 54.9%.	Limited progress - CPOs are now in each unit but there is still no formal case progression liaison with criminal justice partners.  Cases dropped after the third or subsequent hearing, at 67.7%, remain higher than the national average of 60.6%.
2A No structured analysis of file quality with the police.	Limited progress - Some analysis of file quality takes place at Prosecution Team Performance Meetings, although there is a need for this to be more structured.

<b>Aspects for improvement</b>	<b>Position in December 2006</b>
2A The persistent young offender target was not met for the relevant period. Timeliness in youth cases was also worse than the national average.	Limited progress - PYO performance is consistently worse than the national target, although there is some improvement. Timeliness for youth cases remains worse than the national average.
2A The Area had 11 wasted cost orders (total value of £1,504) made against it in the magistrates' courts in 2004-05.	No progress - For the financial year up to December 2006 the Area had 14 wasted cost orders (total value £2,648).
2C The overall rate for completion of full file reviews on CMS is significantly under the national average.	Limited progress - The overall rate for completion of full file reviews on CMS has improved from 17.5% since the time of the last report to 71% in September 2006, but is below the Area target.
3A The Effective Trial Management Programme has not yet been implemented. There is no formal or structured case progression liaison with partners as yet.	Limited progress - ETMP has been implemented but there is still no formal or structured case progression liaison with CJS partners.
3A There were two wasted cost orders in the Crown Court in 2004-05.	Achieved - There have been no wasted cost orders for this financial year up to December 2006.
3B There is room to improve the timeliness of some aspects of committal preparation. Not all instructions to counsel include an analysis of the issues and acceptability of pleas, nor are they always delivered to counsel promptly.	No progress - Timeliness of committal preparation has not improved and, as a result, the level of discharged committals remains high. The quality of instructions to counsel was satisfactory overall, but did not always include an analysis of the issues or acceptability of pleas. No issues were raised as to the timeliness of briefs to counsel.
3C The average for completion of indictments on CMS was 70.7% for the year, as compared with a national rate of 81.5%. However, there was significant improvement across the year, with a rate of 30% in April 2004, rising to 86% by March 2005. The improvements have continued in the current year.	The completion of indictments on CMS is no longer a CMS performance measure. The overall usage of CMS has improved, at 84.9%, although it remains below the national average of 89.7%.
4A Joint work with the police on analysing unsuccessful outcomes and identifying areas for improvement was not consistent.	Substantial progress - analysis of unsuccessful outcomes/identification of areas of improvement takes place with the police on a regular basis.

<b>Aspects for improvement</b>	<b>Position in December 2006</b>
4A The national and Area OBJ targets have not been met and performance is not improving.	Substantial progress - the national and Area OBJ targets have been met and performance is improving. However, convictions as a percentage of OBJ remain below the national average.
5A The Area does not undertake an analysis of hate crimes in which a reduction or change of charge, or an agreed basis for plea, reduces or removes the 'hate element' from the offence. Whilst all adverse cases are assessed, there is no specific analysis for hate crimes and, therefore, no trending done of recurring issues or lessons to be learned. Although there is some evidence that the review and handling of other sensitive cases - such as domestic violence or child abuse - is assessed, this is not undertaken systematically, but is done only as part of the adverse case outcome analysis.	Limited progress - There is still no specific analysis of hate crimes other than in adverse outcomes analysis.
5A Training on the CPS guidelines for the prosecution of homophobic offences has yet to be given to staff in the Area.	No progress - Lawyers have not received training on homophobic crime, although this is planned and incorporated into the Area Training Plan 2006-07.
7A A 'reality' check conducted on-site showed that there is very little separation of unused material from other parts of the file. Whilst the disclosure record sheet was properly endorsed in all cases and the primary disclosure letters were in one instance stored in a separate folder; the correspondence relating to disclosure and the material itself were not kept separate, which hampers file preparation and checking.	Limited progress - Improvement on separation of unused material from other parts of the file. DRS not consistently completed.
7A The Area's performance at the time of the last inspection was significantly below the national average, with an overall compliance rating of 42.5% as compared to the national rate of 70.3%.	Limited progress - Initial disclosure was properly complied with in 67.9% of cases in our file sample. Continuing disclosure was properly complied with in 60% of cases.

<b>Aspects for improvement</b>	<b>Position in December 2006</b>
8A Area systems to ensure compliance with the DCV scheme were not effective in 2004-05. The level of compliance in terms of volume and timeliness of letters to victims was poor throughout much of the year.	Limited progress - DCV compliance is poor. DCV has since been handed back to the units and new systems are in place to capture and monitor DCV letters.
8A CPS Northamptonshire did not have processes in place in 2004-05 to ensure that victims and witnesses were kept informed of the progress of their case.	Substantial progress - The WCU has made a positive difference to preparing witnesses for court. WCOs are now responsible for warning all witnesses and maintaining contact with them.
8A Performance in relation to Speaking Up For Justice and special measures has been inconsistent, with late and missing applications identified.	No progress - Performance in relation to timely applications for special measures is poor.
8A Overall implementation of NWNJ has been problematic with some milestones being missed.	Substantial progress - The NWNJ sign-over report in June 2006 was positive overall, although further action is required in relation to some NWNJ minimum requirements.
9A The introduction of case progression and effective trial management is yet to be embedded. Work remains to be done with the court to ensure that pre-trial review listings support case progression effectively and that transfers between courts supports the efficient handling of cases.	Limited progress - Prosecution advocates are not pro-active or sufficiently robust in progressing cases at court. However, the introduction of case management hearings and the double listing of trials will ensure that cases progress more rapidly.
9A Counsel are monitored only for re-grading purposes.	No progress - Counsel are still only monitored for re-grading purposes.
10A The Area struggled to translate its plans into reality. This was particularly true of inter-agency plans, but also applied to some internal initiatives. Whilst reviews of the ABP took place, there was limited evidence that the process identified remedial actions where necessary.	Limited progress - Fully addressed in Chapter 11.
10A Some plans have not been systematically managed with partners, with the result that important milestones have been missed, sometimes by months. Some important initiatives were rated as 'red' or 'amber' on the Area Risk Register with deadlines approaching.	No longer relevant.

<b>Aspects for improvement</b>	<b>Position in December 2006</b>
<p>I0B While some changes have been implemented, they have not always been as successful as planned, particularly in the case of charging and the WCU. Whilst both initiatives are showing signs of progress, there are still issues outstanding. The Area can improve the measures of success that it sets for objectives and initiatives to enable easier evaluation of progress.</p>	<p>Substantial progress - NWNJ and statutory charging have been implemented. Progress is monitored against the post-implementation reviews, although some issues remain.</p>
<p>I0B There was limited evidence of linkage between plans in the early part of 2004-05. Some improvements were made in the latter half of the year, but a more systematic approach is likely to be needed as the number of projects and initiatives grows.</p>	<p>Limited progress - As a result of staff shortages the Area moved away from the more structured approach to change management that was adopted, however it is looking to introduce a more systematic approach to change.</p>
<p>I0B Review and evaluation needs to be more dynamic and effective in ensuring that milestones and objectives are achieved.</p>	<p>Limited progress - Addressed fully in Chapter 11.</p>
<p>I0C Training in respect of the Criminal Justice Act 2003 was less advanced than desirable, although information on the changes brought about by the Act had been circulated to lawyers. Plans had recently been put in place to deliver the training in 2005-06.</p>	<p>Achieved - Training delivered.</p>
<p>I0C There is little by way of structured evaluation of training. Managers tend to use the outcomes of dip-sampling and the analysis of unsuccessful outcomes as proxy measures for the effectiveness of training.</p>	<p>No progress - Structured evaluation of training not undertaken.</p>
<p>I1A The Area has overspent its non-ring fenced running costs budget in each of the last two financial years, by 4% in 2003-04 and by 1.7% in 2004-05. Unanticipated changes to the funding of the CCP post contributed to the overspend last year.</p>	<p>Substantial progress - The Area reduced its overspend in 2005-06 to 0.1%.</p>

### Aspects for improvement

### Position in December 2006

- |  |   |
|--|---|
| <p>I 1A The timeliness of payment of counsel fees was erratic, but mainly poor, in 2004-05. Backlogs developed which were then cleared, only for the problem to recur.</p>   | <p>Substantial progress - Area performance in the timeliness of payment of counsel fees from the third quarter of 2005-06 to the first quarter of 2006-07 has been better than the national average, but there has been a significant dip in performance in the second quarter.</p> |
| <p>I 1B The structure and governance of the Area were unusual, primarily as a result of the temporary arrangements to backfill for the CCP's absence. This, coupled with reaction to the staff feedback exercise, contributed to a somewhat convoluted and expensive management structure in the short-term. This situation has been reviewed and improved for the current year.</p>   | <p>No longer relevant.</p>  |
| <p>I 1B HCA deployment was lower than desirable in 2004-05. The Area has four HCAs, although two of them were on secondment for much of the year. They covered 29 sessions during the year, generating savings in counsel fees of £4,950. This equates to an average saving per session of £171 which is some way below the national average of £224 and, with only one session covered during the final quarter of 2004-05, this dropped to £100 per session.</p> | <p>Limited progress - Continuing low HCA deployment, the average saving per session for the first two quarters of 2006-07 was £251 (against a national average of £324).</p>  |
| <p>I 2A The system of monitoring performance in 2004-05 was such that it was difficult to identify what remedial actions needed to be, and were, taken. More importantly, the process for ensuring the improvements were made was inconsistent.</p>  | <p>Limited progress - Despite the more structured approach to performance monitoring there continues to be aspects of performance not addressed.</p>  |
| <p>I 2B Not all groups have been effective in delivering actions and results with outcomes, in regard to three of the four major targets, being in the lower quartile of national performance.</p>   | <p>Substantial progress - OBTJ performance and the level of public confidence have improved. However, PYO performance remains challenging.</p>  |



<b>Aspects for improvement</b>	<b>Position in December 2006</b>
I2C A significant number of cases from 2004-05 were allowed to drift and were consequently not finalised until the current financial year.	No longer relevant.
I2D The number of cases examined under CQA needs to be increased.	Limited progress - There has been some improvement, however return rates remain low. (The second quarter of 2006-07 had a return rate of 55%.)
I3A Senior managers did not consistently act in a corporate manner; leading to staff dissatisfaction. There were also examples of managers failing to implement agreed decisions or behaving in ways that were inconsistent with the expectations of staff. Governance documents issued later in the year made specific reference to the expected behaviour of managers.	Substantial progress - Governance arrangements and corporacy have greatly improved. Fully addressed in Chapter 14.
I3A Other issues identified during the consultancy period included concerns that, although the process for informing staff of decisions was positive, there was a lack of consultation taking place. Staff, including some managers, did not feel engaged or able to contribute to Area policy and strategy. The changes to governance that took place in October 2004 led to some improvements.	Substantial progress - Communication and consultation with staff has improved overall, although more remains to be done.
I3A Feedback from the Staff Survey and 'Taking a view' workshops indicates a low level of confidence in the ability of the CPS to influence the actions and performance of other agencies. Some progress has been made more recently in addressing issues regarding listing and the late arrival of prisoners at court.	Substantial progress - The Area is building open and constructive relationships with other criminal justice agencies.
I4A A number of planned actions from CPS and LCJB plans were not completed in 2004-05.	No longer relevant.

**Aspects for improvement**

**Position in December 2006**

- |     |  |  |
|-----|--|--|
| I4A | There was little engagement with the relevant Crime and Disorder Reduction Partnerships in 2004-05.  | Substantial progress - The Area has engaged with a number of CDRPs.  |
| I4A | There is limited evidence that improvements have been made as a direct result of consultation with the community. There is a need to evaluate the impact and effectiveness of the community engagement activity being undertaken.  | Limited progress - A comprehensive community engagement strategy is in place and evaluation of the effectiveness of community engagement activity is planned.  |
| I4A | Despite the work undertaken in community engagement and some positive performance results, the level of public confidence is low in Northamptonshire. The data from March 2005 indicates that confidence in bringing offenders to justice in Northamptonshire is at 35%. This is lower than the Area's baseline figure (37%) and among the lowest of the 42 CJS Areas. | Substantial progress - British Crime Survey data for 2005-06 indicates that the level of public confidence has improved significantly to 42%, although this is still lower than the national average of 44%. |

## ANNEX F: TOTAL NUMBER OF FILES EXAMINED FOR CPS NORTHAMPTONSHIRE

Number of files examined	
<b>Magistrates' courts' cases:</b>	
Pre-charge advice/decision - no further action	5
No case to answer	3
Trials	30
Youth trials	4
Discontinued cases	18
Discharged committals	5
Race crime	3
Domestic violence cases	5
Fatal road traffic offences	0
Cases subject to custody time limits	5
<b>Crown Court cases:</b>	
Discontinued (sent cases dropped before service of case)	4
Judge ordered acquittals	3
Judge directed acquittals	0
Trials	1
Other files examined on-site	3
<b>TOTAL</b>	<b>89</b>

## ANNEX G: LOCAL REPRESENTATIVES OF CRIMINAL JUSTICE AGENCIES AND ORGANISATIONS WHO ASSISTED IN OUR INSPECTION

### **Crown Court**

His Honour Judge Wide

Mr R Lovell Area Director, HM Courts Service

### **Magistrates' Courts**

Mr N Clarke, Chief Clerk to the Justices

Mrs H Bland JP, Chairman of Corby Bench

Mr J Snape JP, Chairman of Kettering Bench

Mrs W Lovell JP, Chairman of Northampton Bench

Mr J Woollet JP, Chairman of Towcester Bench

Mrs L Middleton JP, Chairman of Daventry Bench

Mrs J Green JP, Chairman of Wellingborough Bench

Mr R Jeffrey JP, Chairman of the Youth Panel

Mr H Taylor Bench Legal Advisor, Towcester

Mr A Ray Bench Legal Advisor, Wellingborough

### **Police**

Mr P Maddison, Chief Constable

Superintendent M Avil

Superintendent G Shipman, Operations Commander

Chief Superintendent D Smith, Area Commander West Division

Detective Chief Inspector I Balhachet

G Bradbury, Performance Officer

### **Defence Solicitors**

Mr C Donnellan

Miss P Willis

### **Probation Service**

Assistant Chief Officer A Pemberton

### **Witness Service**

L Smith, County Witness Support Manager

Mrs J Matthews, Manager of the Witness Service

**Victim Support**

Mrs S Wheeler-Price, County Victim Support Manager

**Local Crime and Disorder Reduction Partnerships**

Mr B Edwards

Mrs N Hicks

Mrs P Halls

Mr J Nichols

Mr P Kay

**Northamptonshire Criminal Justice Board**

P Wightman, Performance Officer

**Community Groups**

Ms A Roy, Chief Executive Northamptonshire Racial Equality Council

Mrs J Frost

**Members of Parliament**

Mr T Boswell MP

## ANNEX H: HMCPSI VISION, MISSION AND VALUES

### Vision

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. 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

HMCPSI 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.

## ANNEX I: GLOSSARY

### **Adverse Case**

A *NCTA*, *JOA*, *JDA* (see separate definitions) or one where magistrates decide there is insufficient evidence for an *either way* 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 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).

### **Compass CMS**

IT system for case tracking and case management used by the CPS. Compass is the new comprehensive system used in 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.

### **Charging Scheme**

The Criminal Justice Act 2003 took forward the recommendations of Lord Justice Auld in his Review of the Criminal Courts, so that the CPS will determine the decision to charge offenders in the more serious cases. Shadow charging arrangements were put in place in Areas; and the statutory scheme had a phased roll-out across priority Areas and subsequently all 42 Areas, the last being in April 2006.

### **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 the 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 (see also "Threshold test").

### **Co-location**

CPS and police staff working together in a single operational unit (*TU* or *CJU*), whether in CPS or police premises – one of the recommendations of the *Glidewell* report.

### **Committal**

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

### **Court Session**

There are two sessions each day in the magistrates' courts, morning and afternoon.

### **CPS Direct**

This is a scheme to supplement the advice given in Areas to the police and the decision-making as to charge under the charging scheme. Lawyers are available on a single national telephone number out of normal office hours so that advice can be obtained at any time. It is available to all Areas.

### **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 Case Management Framework**

The Framework provides practitioners with a consistent guide to their own, and their partners' roles and responsibilities, together with operational guidance on case management.

### **Criminal Justice Unit (CJU)**

Operational unit of the CPS that handles the preparation and presentation of magistrates' courts' prosecutions. The *Glidewell* 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 *caseworker* who is trained to present straightforward cases on pleas of guilty, or to prove them where the defendant does not attend the magistrates' court. Their remit is being expanded.

### **Direct Communication with Victims (DCV)**

The CPS writes directly to a victim of crime if a case is dropped or the charges reduced in all seriousness. In some instances a meeting will be offered to explain this.

### **Disclosure, *Initial and continuing***

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. Initial disclosure is given where an item may undermine the prosecution case or assist the defence case. In the magistrates' courts

the defence may serve a defence statement and this must be done in the Crown Court. The prosecution has a continuing duty of disclosure in the light of this and developments in the trials. (Duties of primary and secondary disclosure apply to cases investigated before 4 April 2005.)

### **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 *Narey* procedures, one of the two classes into which all *summary* and *either way* cases are divided. EAHs are for cases where a not guilty plea is anticipated.

### **Early First Hearing (EFH)**

Under *Narey* one of the two classes into which all *summary* and *either way* cases are divided. EFHs are for straightforward cases where a guilty plea is anticipated.

### **Effective Trial Management Programme (ETMP)**

This initiative, involving all criminal justice agencies working together, aims to reduce the number of ineffective trials by improving case preparation and progression from the point of charge through to the conclusion of a case.

### **Either way offences**

Those triable in either the magistrates' court or the Crown Court, e.g. theft.

### **Evidential test**

The initial test under *the Code* – 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 - *CJUs* and *TUs*.



**Good practice**

An aspect of performance upon which the Inspectorate not only comments favourably, but considers that it reflects a 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 the CPS, aimed at securing improvements in performance. Now used more often generically to relate to wider aspects of performance involving two or more criminal justice agencies.

**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, and the CPS, a local prison governor and the Youth Offending Team manager in each criminal justice area who are accountable to the National Criminal Justice Board for the delivery of PSA targets.

**MG6C, MG6D etc**

Forms completed by police relating to unused material. MG is the national Manual of Guidance used by police and the CPS.

**Narey courts, reviews etc**

A reformed procedure for handling cases in the magistrates' court, designed to produce greater speed and efficiency.

**Narrowing the Justice Gap (NTJG)**

It is a Government Criminal Justice Public Service Agreement target to increase the number of offences for which an offender is brought to justice; that is offences which result in a conviction, a caution or which are taken into consideration when an offender is sentenced for another matter, a fixed penalty notice, or a formal warning for possession of drugs. The difference between these offences and the overall number of recorded offences is known as the justice gap.

**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.

**“No Witness no Justice” (NWNJ):Victim and Witness care project**

This is a project to improve witness care: to give them support and the information that they need from the inception of an incident through to the conclusion of a criminal prosecution. It is a partnership of the CPS and the Association of Chief Police Officers (ACPO) and also involves Victim Support and the Witness Service. Jointly staffed Witness Care Units were introduced into all CPS Areas by December 2005.

**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.

### **Proceeds of Crime Act 2002 (POCA)**

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

### **Prosecution Team Performance Management**

Joint analysis of performance by the CPS and police that has largely replaced the system of *JPM*.

### **Public Interest test**

The second test under *the Code* - 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, reducing ineffective trials 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 *indictable only* cases to the Crown Court, which now deals with such cases from a very early stage – the defendant is sent to the Crown Court by the magistrates.

### **Sensitive material**

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

### **Specified proceedings**

Minor offences which are dealt with by the police and the magistrates' courts 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 i.e. consistently good work.

### **Summary offences**

Those triable only in the magistrates' courts, e.g. most motoring offences, common assault etc.

### **Threshold test**

*The Code* for Crown Prosecutors provides that where it is not appropriate to release a defendant on bail after charge, but the evidence to apply the full *Code* test is not yet available, the Threshold Test should be applied. There must be at least a reasonable suspicion that the suspect has committed an offence, and it is in the public interest to charge the suspect, to meet the test. A number of factors, including the likelihood and nature of further evidence to be obtained must be considered.

### **TQI**

A monitoring form on which both the police and the CPS assess the timeliness and quality of the police file as part of *joint performance monitoring* (largely superseded by *PTPM*).

### **Trial Unit (TU)**

Operational unit of the CPS which prepares cases for the Crown Court.



HM Crown Prosecution Service Inspectorate

London Office:

26 – 28 Old Queen Street

London SW1H 9HP

Tel. 020 7210 1197

Fax. 020 7210 1195

York Office:

United House, Piccadilly

York, North Yorkshire, YO1 9PQ

Tel. 01904 54 5490

Fax. 01904 54 5492

Website:

[www.hmcpsi.gov.uk](http://www.hmcpsi.gov.uk)

© Crown copyright 2007